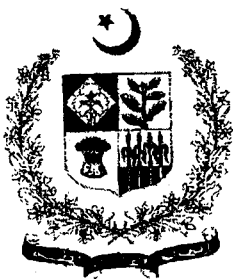


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**PERMANENT MISSION OF PAKISTAN
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No.Pol/CERD/2011

29 January 2013

The Permanent Mission of the Islamic Republic of Pakistan accredited to United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to latter's Note Verbale No.YB/GN/TT dated 3 December 2012, forwarding a set of questionnaire to gather information on the three topics discussed by the Ad Hoc Committee at its 4th Session and covered in its report (xenophobia, national mechanism and procedural gaps), including legal and judicial frameworks and practices, substantive and procedural measures in line with the mandate of the Ad Hoc Committee, has the honour to attach the duly filled-in questionnaire.

The Permanent Mission of the Islamic Republic of Pakistan avails itself of the opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



The Office of the High Commissioner for Human Rights,
Geneva

OHCHR REGISTRY

29 JAN 2013

Recipients: **ADD**
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**Questionnaire on the International Convention on the
Elimination of All Forms of Racial Discrimination**

1. **Kindly provide information of the phenomena of xenophobia in your national context, including any general trends.**

Pakistan has never engaged in any deliberate act or practice of racial discrimination against individuals, groups or institutions. Actions of public authorities and public institutions, national and local are normally in consonance with the obligations of the Convention.

- 2 **How is xenophobia addressed in your country (including any legal and judicial framework and practices, substantive and procedural measures)?**

The State continues to improve its existing legal and administrative structures to build checks against all forms of discrimination including racial discrimination. Police Order 2002 has helped improve surveillance of the Police and eliminate the possibility of discrimination by law enforcement agencies. The Constitution of Pakistan declares that all citizens are equal before law and are entitled to equal protection of law. Article 3 of the Constitution provides for the elimination of exploitation and the gradual fulfillment of the principle of equality based on merit. Specific forms of discrimination are addressed by the Constitution.

Pakistan has never sponsored, defended or supported racial discrimination by any person or organization. Article 33 of the Constitution demands that the State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among citizens. Policies, law or regulations that would undermine the effective participation by all segments of the society in the polity of the nation are deliberately set aside.

3. **Which national mechanism(s) with competences to protect against and prevent all forms and manifestation of racism, racial discrimination, xenophobia and related intolerance does your country have in place? Kindly indicate the(ir) mandate(s) and powers, including any proposals for improvement on the basis of national experience.**

To protect safeguard their religious, social and cultural rights, the Government has set up a high powered National Commission for Minorities under the Chairpersonship of Minister for National Harmony. The Commission has representatives from all minority communities in the country. The Terms of Reference of the Commission are :

- i. to consider such laws, executive instructions, orders or procedural practices of the government and semi-autonomous bodies and agencies, which are, reported to be discriminatory towards the minorities :

- ii. to consider such steps as shall ensure fuller and effective participation by the members of minority communities in all aspects of national life;
- iii. to ensure their full and effective participation and association with their religious and cultural festivals and celebrations;
- iv. to look into the grievances and representations made by the members of any minorities communities and to make suitable recommendations in this regard;
- v. to ensure that the places of worship of the minority communities are preserved and kept in a functional condition.

Established in 1993, the National Commission is composed of five official members and eight non-official members. The ex-officio members of the Commission are as follows :

- Minister of State for National Harmony.
- Secretary, Ministry of Interior
- Secretary, Ministry of Education and Training
- Secretary, Ministry of National Heritage
- Secretary, Ministry of Human Rights

The non-official part is composed of six members from minorities and two Muslim members.

4. **Kindly provide information or any comments your country might have on the issue of procedural gaps to the International Convention on the Elimination of All forms of Racial Discrimination (ICERD), including any legal and judicial frameworks and practices, substantive and procedural measures.**

The Constitution of Pakistan provides a clear framework for elimination of all types of discrimination. The Government is continuing efforts to further improve and refine various political strategies and administrative structures to ensure implementation of the legal framework.

5. **Would your country have any comments on the issue of the impact of reservations on the implementation to the ICERD? Is there a need for reservations and why?**

The Government of Pakistan does not have any reservation on the Convention.

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6. **Would your country have any comments concerning Article 14 of the ICERD (declaration by State Party recognizing the competency of the Committee to receive/consider individual complaints?)**

Nil

7. **Which CERD recommendations has your country implemented with regard to national mechanisms and xenophobia, including any legal and judicial frameworks and practices, substantive and procedural measures? What has been your national experience (including challenges) in this regard?**

Pakistan has taken effective measures to prevent incitement to or acts of discrimination based on theories of superiority of race, colour or ethnic origin. Section 153-A of the Pakistan Penal Code primarily creates comprehensive criminal liability on any conduct constituting "incitement" including or racial grounds.

Anti Terrorism Act, 1997 (Act xxvii of 1997) criminalizes acts intended or likely to stir up sectarian hatred (section 8). It also provides for proscription of such organizations which patronize and assist in the incitement of hatred and conscript on religious, sectarian or ethnic lines that strip up disorder (section 11A, 11B).

The parameters set by the Constitution of Pakistan in Para 9 Chapter I coincide with the Committee's opinion that "prohibition of the discrimination of all ideas based on social superiority or hatred are incompatible with the right to freedom of opinion and expression".

8. **How is assistance provided to victims and/or affected communities of racism, racial discrimination, xenophobia and related intolerance at the domestic level? How do victims and/or affected communities participate fully and effectively in relevant processes and national mechanisms?**

A non-lapsable Special Fund for the Uplift of Minorities is operative in the Ministry of National Harmony since 1985. The fund utilized for financial assistance to needy individuals from minority communities as well as the implementation of small development schemes for minorities.

The fund is utilized through an active participation of the elders of minority communities and on the recommendation of Parliamentarians. A detailed accounting procedure authorizes a Development Committee to approve the schemes received from community leaders, minority member of the Parliament and provincial governments. The Development Committee is composed of seven ex-officio members

and headed by the Minister for National Harmony. The ex-officio members include Secretary, Ministry of National Harmony, Joint Secretary (National Harmony) Financial Advisor to the M/o National Harmony, Representative of Pakistan PWD (Public Works Department), Chief/Deputy (Planning and Development), Deputy Secretary, M/o National Harmony.

9. **With regard to the topics of this questionnaire:**
- a. **Kindly indicate any possible recommendations your country would wish to provide; and,**
 - b. **Are there any additional comments or information your country wish to provide in relation to xenophobia, national mechanisms or procedural gaps?**

Irrespective of race, colour, creed or sex every citizen of Pakistan is equal before the law and enjoys protection provided under various legal provisions. The Judiciary is independent and fully competent to enforce the constitutional rights and those provided under the law that do not discriminate between the citizens of Pakistan. Pakistan has repeatedly stressed that the policies of apartheid, racial segregation and discrimination are not only repugnant to the ideals of any human society but also socially unjust, morally condemnable and legally untenable. Any concept of racial superiority is contrary to the teachings of Islam.