



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Pakistan and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in November 2017.

As the final outcome report on the review of Pakistan was recently adopted by the Human Rights Council at its 37th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 111 countries, Pakistan's presentation and responses, and the action taken by the Government to implement the 126 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight one issue that was raised during the review of Pakistan and which I am particularly encouraged by, namely the establishment of comprehensive national institutional mechanisms for the promotion and protection of human rights and fundamental freedoms, including the Ministry of Human Rights with its regional offices, provincial human rights departments, parliamentary committees on human rights which provide oversight on public policies, as well as operationalization of the National Commission for Human Rights in 2015.

I also welcome the launching of the Action Plan for Human Rights in line with two recommendations (122.66 and 122.73) made during the second cycle of the UPR and encourage Pakistan to strengthen the plan by integrating the areas contained in the annex, in order to achieve concrete results and facilitate Pakistan's preparations for the fourth cycle of the UPR. Such efforts should involve consultations with all stakeholders, in particular, the National Commission for Human Rights, and civil society organisations, and where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the UN Resident Coordinator.

H E. Mr. Khawaja Muhammad Asif
Minister of Foreign Affairs
Pakistan



I encourage Pakistan to establish a national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Pakistan the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Pakistan to submit such a report, for the third cycle, by 2020.

As many of the recommendations from the UPR reiterate recommendations made by various treaty bodies, I also encourage Pakistan to take a comprehensive and coordinated approach to implementation. I understand that my staff have engaged with national and provincial officials on the development of implementation plans. I encourage Pakistan to continue these efforts while my Office stands ready to provide additional assistance.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Pakistan to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratify the remaining core international human rights instruments, including ICCPR-OP1; ICCPR-OP2; OP-ICESCR; OP-CAT; OP-CEDAW; OP-CRC-IC OP-CRPD; ICRMW; ICPPED; Rome Statute of the International Criminal Court; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the 1954 and 1961 statelessness conventions; ILO Conventions Nos. 169 and 189; and UNESCO Convention against Discrimination in Education.
- Accept pending requests for visits by mandate holders of the special procedures of the Human Rights Council. Extend a standing invitation to the special procedures and grant access to OHCHR and other stakeholders to Jammu and Kashmir with a view to monitoring the human rights situation.

National Human Rights Framework

- Ensure that the mandate and responsibilities of the National Commission for Human Rights are in line with the Paris Principles; provide it with sufficient funding to enable it to function in an effective and independent manner.
- Continue efforts to implement the Action Plan on Human Rights and finalize National Policy Framework on Human Rights.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adopt comprehensive anti-discrimination legislation with a view to ensuring prohibition of discrimination on all grounds, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status.
- Take effective measures to fight hate crimes against persons belonging to ethnic and religious minorities; investigate all reported cases of hate crimes; prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences; and provide the victims with effective remedies.
- Decriminalize same-sex relations between consenting adults and take effective measures to prevent and punish discrimination based on sexual orientation and gender identity.



Human rights and counter terrorism

- Review counter-terrorism measures, including the Anti-terrorism Act of 1997, to bring it in line with Pakistan's human rights obligations. Ensure that the definition of "terrorism" in the Act is not overly broad; that legal safeguards are guaranteed to prevent detention of a person suspected of committing an offence under the Act without the possibility of lodging a habeas petition; and that proceedings at Anti-Terrorism Courts uphold the right to a fair trial.
- Abrogate the jurisdiction of military courts to try civilians for terrorism-related offences and impose the death penalty.

B. Civil and political rights

Right to life, liberty and security of person

- Re-impose the moratorium on the death penalty and consider abolishing it. Should it be maintained, it may be applied only to the "most serious crimes". It should never be imposed in the absence of fair trials, by military courts over civilians, and on persons who suffer from mental disabilities or who were minor at the time of the commission of an offence.
- Criminalize enforced disappearance; investigate cases of enforced disappearances; and hold perpetrators accountable.
- Incorporate into legislation a definition of torture in accordance with the Convention against Torture; investigate all allegations of torture promptly and thoroughly; and bring to justice all perpetrators.

Administration of justice, including impunity and the rule of law

- Strengthen the independence and effectiveness of the judiciary. Address, in particular, the lack of transparency of judicial appointment procedures; shortage of judges; insufficient budget allocation; backlog of cases; and the lack of quality training for legal professionals.
- Continue with the reform process of the criminal justice system, including through improving the formal justice system and banning the informal justice system in the form of *jirgas* and *panchayats*.
- Combat impunity for crimes against journalists and human rights defenders.
- Continue efforts to combat the prevalence of corruption involving high-level officials.

Fundamental freedoms and the right to participate in public and political life

- Guarantee freedom of religion or belief for all. Ensure the protection of religious minorities, including through repealing or amending blasphemy laws and anti-Ahmadi laws; and preventing forced marriages and conversions of religious minority women.

- Take effective measures to protect freedom of opinion and expression, both online and offline, including through decriminalizing defamation.
- Strengthen further the participation of minorities in public affairs.

Prohibition of all forms of slavery

- Eliminate the practice of bonded labour, especially among minorities, and combat trafficking and forced labour of women and children.

Right to privacy and family life

- Respect the right to privacy by ensuring that interception activities by the security and intelligence agencies comply with the principles of legality, proportionality and necessity.
- Ensure the effective implementation of the Hindu Marriage Act of 2017 and finalize the adoption of the Christian Marriage Amendment Bill and the Divorce Amendment Bill (for Christians) so as to protect marriages and family rights of religious minorities.
- Set the legal age of marriage to 18 for both men and women in all provinces.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Continue efforts to combat social inequality and ensure the right to an adequate standard of living for all, including the most vulnerable and marginalized, by alleviating poverty; addressing hunger and malnutrition; and increasing access to safe drinking water and sanitation.

Right to health

- Strengthen the public health system and provide free, quality, and basic healthcare services to all and reduce the maternal, infant and child mortality rates.

Right to education

- Continue efforts to ensure the right to education of all children without discrimination, especially girls and children living in rural areas, by providing them with free primary education; and combat illiteracy.

D. Rights of specific persons or groups

Women

- Eliminate all forms of discrimination against women, including through repealing all discriminatory laws against women; improve the participation of women in public and political life; address gender disparity in infant mortality rates and school



enrolment rates; and guarantee the principle of equal pay for work of equal value and equal opportunities at work for both men and women.

- Combat violence against women by ensuring the full implementation of the anti-rape laws, anti-honour killing laws and other laws criminalizing violence against women, including domestic violence.
- Abolish traditional harmful practices against women and girls, including early marriage and infanticide targeting girls.

Children

- Ensure the birth registration of all children without discrimination.
- Protect children from sexual abuse and exploitation in all provinces by taking effective measures and adopting appropriate laws prohibiting such acts against children.
- Protect children from recruitment and training by non-State armed groups for military activities and ensure rehabilitation and reintegration of child victims.

Persons with disabilities

- Bring the definition of disability in the legislation in line with the Convention on the Rights of Persons with Disabilities and integrate their rights when formulating policies and plans.

Refugees and asylum seekers

- Adopt a national refugee law. Ensure that refugees and asylum seekers are not subject to arbitrary arrests and threat of deportation.
- Ensure access to education and other public services to refugee children, regardless of their registration status.