

**Pakistan CSOs Coalition contribution  
to the second Universal Periodic Review of Pakistan  
by the UN Human Rights Council**

**This report is submitted on behalf of the following CSOs:**

- Audio Visual Center
- AURTAZAAD: Women's Research & Publications
- Bright Education Society
- Christian Study Centre
- CLAAS
- CWS-P/A
- Dar –ul-Mussarat –Raiwind Diocese
- Data Line Service
- Diocese of Raiwind – Church of Pakistan
- Executive Board of Methodist Church in Pakistan
- Films d'Art
- Interactive Resource Centre
- Justitia et Pax Netherlands
- National Organization for Working Communities
- Nritaal
- Pakistan Ecumenical Network
- Pakistan Fisher Folk Forum
- Punjab Lok Rahat
- Punjab Lok Sujag
- PVDP
- The DOER Trust

**This report is endorsed by the following CSOs:**

- Chnnan Theatre Group
- Irtiqa
- JAAG
- JIRC
- Mensen met een Missie
- Multan Theatre Group
- National Students Federation
- Open Theological Seminary, Lahore
- Pax Christi International
- SAP-PK
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- Sujhaj Sunsar Johi
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## **I. Methodology and Consultations**

1. The present Stakeholders Report has been prepared following two national level consultations with more than 30 local, state-level and national movements, journalists, and other like-minded CSOs conducted by Justitia et Pax Netherlands and facilitated by Pakistani CSOs.

2. This report is a compilation of primary and secondary sources collected from various organizations, and experts working in the human rights field. Information was also obtained from different credible sources including the UN Treaty Bodies, UN Special Procedures, and Government Reports. This report reviews the implementation of recommendations given to Pakistan during the first cycle of the UPR, and is based on evidences of the violation of human rights in Pakistan. Following these meetings we came to the following overall recommendation regarding human rights in Pakistan.

The proper implementation and enforcement of international human rights conventions and treaties, as well as national laws is the main prerequisite for good governance and human rights in Pakistan.

## **II. Freedom of Opinion and Expression**

3. In 2009, the interior ministry through a decree banned all jokes about the president Asif Ali Zardari. The country's interior minister, Rehman Malik, announced that the Federal Investigation Agency (FIA) had been requested to trace electronically-transmitted jokes which slandered the political leadership of the country under the new Cyber Crimes Act. In 2009 Pakistan renewed the ban on Baloch political, cultural and musical websites. It is widely believed that the Pakistani authorities have blocked Baloch websites in an attempt to hide gross human rights violations which have been carried out in Balochistan. In May 2010, the Pakistani government shut down Facebook and banned YouTube over its sacrilegious content in what would continue to be a wider internet crackdown. In November 2011, moves towards censoring mobile text traffic were in the pipeline however, this was never followed through. In November 2011, Pakistani cable television operators began blocking the BBC World News. Thus Pakistan's claim on the freedom of expression remains problematic.

### **Human Rights Defenders**

4. Pakistan has made no progress on the development of a national policy on the protection of human rights defenders, nor has it made serious efforts to structurally investigate the attacks on human rights defenders. In 2011 alone, a total of 16 journalists were killed and none of the cases were brought to court, highlighting the impunity experienced by human rights defenders and members of the press. Furthermore three activists of the Human Rights Commission of Pakistan were killed, two in Baluchistan and one in FATA.

### **Counter Terrorism Laws**

5. Consecutive governments have used anti-terrorism laws to further their own interests, suppress political opponents and prolong their rule. The anti-terrorism laws arm the government with effective tools of deterrence to maintain law and order, but if the will to implement the law is lacking, then peace and security will remain elusive, irrespective of legislation. If the present government wants to create a secure and peaceful environment and destroy existing networks of terrorists, then it must adopt a long-term strategy instead of looking for quick fixes.

- Establish a Media Ombudsman that monitors sensationalism in the media and additionally monitors hate speeches delivered in the media by members of particular sects/religions against members of other sects/religions.
- The government should develop a Freedom of Information act that allows for the full disclosure of previously unreleased information and documents controlled by the Pakistani government.

- Legislation to protect human rights defenders should be developed and properly implemented to address impunity, as well as provide protection to those journalists critical of the government and security services.
- The Pakistani government should refrain from using its anti-terrorism legislation to stymie freedom of speech and rather focus on changing the mindsets of people by allocating increased resources on the education and social development of its citizens. Achieving that would deal terrorism the fatal blow that anti-terrorism laws have failed to deliver.

### **III. Freedom of Thought, Conscience and Religion**

6. The Pakistan Penal Code (PPC) of the Islamic Republic of Pakistan interdicts and punishes blasphemy. The Blasphemy Laws remain an issue of contention, as the recommendations in the first cycle to review the legislation on blasphemy and to align it with the principles of freedom of thought, conscience and religion and inter alia relevant obligations under the ICCPR, remain unheeded by Pakistan. Thus, despite claims of a strong and rewarding record and performance in regard to freedom of expression, this freedom does not go as far so as to preclude the abolishment of the Blasphemy Laws<sup>1</sup>.

7. The Pakistani state is not seriously looking into the constitutional reforms that generate violence as carried out as a consequence of the Blasphemy Laws. Furthermore the institutionalization of the Blasphemy Laws is further witness to deep-seated discrimination found in the mindsets and attitudes of Pakistani society. The inherent discriminatory nature of the Pakistani Constitution in this regard sets the tone and fuels the proliferation of such ideals.

8. Around half of the blasphemy cases that were brought to court have been against Muslims. However, the number of individuals from minority groups, particularly the Ahmedis, Christians and Hindus, who were charged with blasphemy, is highly disproportionate considering that they constitute around merely 4% of the population. This supports the argument that the Blasphemy Laws are often used to target minority groups.

9. At least 64 people were charged under the Blasphemy Laws in 2010. In the most horrific acts of violence against the Ahmedis in recent history, as many as 99 Ahmedis were killed in a single incident, when their place of worship was attacked in May 2010. Some of the most recent highlighted cases include the case of a Christian mother, Aasia Bibi.

10. The Governor of Punjab, Mr. Salman Taseer was shot dead by his own security guards in January 2011, when he raised his voice in support of Aasia Bibi's case. Taseer's assassin was hailed as a hero by many fundamentalists. Two months later, unknown gunmen killed the Minister for Minorities, Mr. Shahbaz Bhatti. Bhatti was a strong supporter of fighting for minority rights and was additionally in favour of, if not repealing, then at least modifying the Blasphemy Laws.

11. A death sentence was given to Wajihul Hasan who was convicted of writing blasphemous letters. Two Muslim men, a father and son, were sentenced to forty years in prison after being convicted of tearing a poster bearing the name of the Holy Prophet. Three men were sentenced to life imprisonment for desecrating the Qu'ran and making derogatory comments about the Holy Prophet. Seven Ahmedis were convicted for calling themselves Muslims and received sentences between two and four years of imprisonment. In 2011, one person was sentenced to death and three were sentenced to life imprisonment for blasphemy charges. Between January and July 2011, eighteen new cases had been brought to court.

- Repeal the Blasphemy Law. In the event that the government is unable to repeal the law, it must begin by taking all appropriate measures, including administrative, procedural and legislative, to prevent misuse of the law.

<sup>1</sup> A/HRC/8/42/Add.1 25 August 2008

- Add a section in the Pakistan Penal Code that makes advocacy of religious hatred or incitement to discrimination or violence a punishable offence.
- Take steps to encourage religious tolerance within Pakistani society through public information campaigns and by sending a clear unequivocal message to the institutions of the state that state institutions and actors engaging in bigotry, intolerance, discrimination and abuse will be held accountable.

#### **IV. Bonded Labour and Caste System**

12. The Pakistani Constitution guarantees “just and humane conditions of work”<sup>2</sup>. Despite having signed thirty four International Labour Conventions, including the eight Core Labour Standards, the practice of Bonded Labour remains rife in Pakistan. Although there are national anti-bonded labour laws, the problem lies in the lack of implementation of the laws, which has resulted in an increase in human rights violations. The laws are not implemented for a number of reasons, namely that: Bonded labour is seen as a source of very cheap labour; the existence of a feudalist culture prevents the implementation of anti-bonded labour laws; and the majority of bonded labour is carried out by minorities. Bonded labour therefore is seen to transcend caste and creed, however relates directly to issues of poverty and social and economic bondage. Due to scheduled castes’ traditional societal position as the socially and economically marginalized, bonded labour evidently affects scheduled castes and Dalits more readily.

#### **International Labour Organization Conventions**

13. In 2011, under the New Labour Policy (2010), Prime Minister Gilani announced Rs 7 000 as the minimum wage for labourers – an increase of Rs 1 000 from Rs 6 000. According to the new policy, under law all industrial, commercial and other registered establishments are obliged to pay wages to employees through cheques and/or bank transfers, and all contract employees in the public sector would be regularized within the ‘shortest possible time.’

14. Long working hours, low wages, poor health and safety conditions, rising contractual work, and increasing restrictions on freedom of association and collective bargaining characterize the transforming nature of work relations in Pakistan. The elimination of protective clauses and the introduction of restrictive labour legislation which override the constitutional framework are on the rise. Violations of basic labour rights are on the increase across the board. Moreover, the state has withdrawn itself from monitoring the implementation of labour laws through the suspension of labour inspection. This has resulted in the erosion of the capacity of the labour judiciary to provide justice and oversight in these matters. Resultantly, labour organizations that are seen as legally empowered collective bargaining agencies have shrunk in power and size. The position of home based workers and domestics labourers is also particularly worrying.

- It is recommended that International Labour Organization Laws need proper implementation and that bonded labour as a practice must be completely abolished.
- The Pakistani government should undertake a review of the Bonded Labour System (Abolition) Act, 1992, and the Bonded Labour System (Abolition) Rules, 1995, which prohibit and punish bonded labour and develop an action plan for if they are not implemented and enforced.
- Precautions should be made to support organised labour and unionisations of labourers in order for them to ensure their interests are met. Labour inspections need to be reinstated to ensure the proper implementation of laws and that abuse of labour is punished.

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<sup>2</sup> Article 37(e) of the Pakistani Constitution, further provisions regarding labour right can be found in Article 11, Article 17, Article 18 and Article 25.

## **V. Judiciary and rule of law**

15. Problematic is the existence of two parallel justice systems at the state level in Pakistan. One is the more prevalent English and secular judicial system, and the other is more commonly known as the Federal Sharia Court system. The latter justice system requires judges to be Muslim by faith, and thus is discriminatory towards non-Muslims. These multiple and parallel judicial systems as well as apparent discrepancies between local and national judicial systems are all hindrances to the proper administration of justice in Pakistan.

16. The 18th Amendment in the Constitution of Pakistan entitles provinces to create their own Penal Codes, making Penal Codes a provincial matter. Furthermore it still provides it as an obligation for both the president and prime minister of the country to be of the Muslim faith. It remains to be seen if the provinces are able to uphold a minimum human rights standard as has been committed to by the federal government through international conventions and treaties.

### **Independence of Judiciary<sup>3</sup>**

17. Judicial activism plays a significant role in the implementation of the PPC, while personal and political considerations often have a bearing on court rulings. Furthermore the judiciary taking up cases is heavily dependent on media reporting. Despite various cases of human rights violations being brought to the Supreme Court such as Sharfaraz Case (2011); Police Torture in public by Chiniot Police Case (2010); Women Torture Case (2010); Sialkot Brother Lynching Case (2010); Public Flogging in Swat Case (2009); Gilgit Balistsiatn Gang Rape Case (2011), there exists an obvious gap in action being taken against perpetrators with regards to cases involving minorities such as the Shazia Case (2001); Text Book Issue (2011); Minorities' Temples (2010); and Sectarian Killings (2010). This remains an issue of a discriminatory nature and highlights existing biases within the Judiciary. In particular there has been an alarming rise of attacks against religious minorities since the change in government in 2008.

### **Pakistan Penal Code<sup>4</sup>**

18. Abuse of the PPC remains rife. Court rulings are frequently overturned by popular demand and/or the support of political parties. For example the judge who convicted Qadri, the murderer of former governor Taseer, had to flee the country as he himself became the victim of death threats. Noteworthy is the frequency of so-called Suo motu actions being taken in cases which were not of particular national significance. These highlight the centrality of personal enmity and vendetta as motivators as in the Zarina Marri Case (2009), while other cases in point have displayed attempts at glorifying the judiciary's public image, such as the Acid Attack Case (2011).

19. The judiciary is reluctant to take up cases when it comes to injustices towards minorities. Despite many people being sent to jail or murdered on false pretexts of blasphemy, the judiciary has not stood up in their support. Forced proselytizing has also emerged as one of the many problems faced by minorities, while rape has become common practice and accusers have walked off scot-free. The lack of provisions in the law to give suitable punishments to offenders is glaringly apparent. Many cases further highlight the reluctance of victims in bringing forth their cases due to warranted reservations regarding the provisions of justice. Difficulties are also apparent in cases where the accuser has a particular political affiliation. One can conclude that despite the restoration of the judiciary it remains to be seen how public confidence in the judicial system will be restored.

- Parallel judicial systems should be completely abolished and a uniform judicial system should be put in place.

<sup>3</sup> A comprehensive and elaborated list of all the cases mentioned here can be found in Annex I.

<sup>4</sup> A comprehensive and elaborated list of all the cases mentioned here can be found in Annex I.

- Clarify and resolve the status of state bodies such as the Federal Shariat Court and the Council of Islamic Ideology that have been used by extremist actors within the Pakistani state system to provide legal cover to discrimination and abuse. Ensure that these bodies are unable to act as instruments of discrimination through a clear delineation of powers or abolition as appropriate.
- Ensure minimum standard on human rights, as committed to by the Federal government are also implemented on the provincial level.
- Engage in judicial reform and training to ensure that the judiciary, particularly at the district level, addresses bigotry within its ranks and seeks to dispense rights-respecting justice.

## **VI. Ethnic and Religious Minorities**

20. Persecution, cleansing, discrimination and forced conversions are the four main issues that the minorities of the Ahmedis, Christians, Sikh and Hindus are subject to by state institutions and non-state actors in Pakistan. Discrimination of minorities, both ethnic and religious, can be seen to permeate all aspects mentioned in this report and is an underlying common denominator throughout the various issues pertaining to human rights in Pakistan. As such the issue of ethnic and religious minorities is one of paramount importance and addressing it will have knock-on effects with regards to the broader aspects of human rights in Pakistan.

21. Broadly speaking, the Pakistani Constitution and laws remain discriminatory towards minorities. Article 2 of the constitution for example denotes the right to freedom of religion, however article 20 states that all law is to be defined and seen in relation to Islam, which subsequently negates the aforementioned freedoms. Importantly too is that the Federal Shari'a court overrides all other judicial systems, highlighting the inherent problems of parallel and multiple judicial systems as well as problems relating to the dominance of one 'governing' religion. A further issue is the mandatory declaration of religious identity in all official documentation of Pakistani citizens which can easily expose minorities.

### **Representation of Minorities**

22. The number of seats in the Upper House has been increased for minorities, from two to four. However political representation is based on censuses, which determine the political representation of communities. The last but dated authentic source is the 1998 Census, according to which religious minorities make up 4% of the total population. Additionally minorities are banned from becoming either the prime-minister or president of Pakistan as the constitution stipulates these positions to be held only by Muslims.

23. Pakistan still maintains separate electoral rolls and lists for Ahmedis, which exposes them to violence and discrimination. It remains to be seen that minorities be truly main-streamed into politics as they are still discriminated against. The reserved seats system and present party-list system do not necessarily work to the advantage of the non-Muslim Pakistani population.

24. Furthermore the position of LGBT is undermined because of discriminatory legislation. Openly declaring one's sexuality is still considered a crime under the PPC and is punishable by a prison sentence.

### **Minority Women**

25. Approximately 80% of minority women live in poverty, with education status' relating to minority women being virtually non-existent. Pakistan has not achieved a single goal when it comes to minority women as stipulated in the goals of the Education for All Global Movement. Many of the minority women additionally belong to scheduled castes, further lowering their social positions. With regards to the gender gap index Pakistan rates very low, at number 133 out of a total of 135 countries.<sup>5</sup>

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<sup>5</sup> Global Gender Gap Report, 2011. World Economic Forum.

26. The Ministry of Minorities in Pakistan remains a very tenuous and experimental body. This ministry is anything but stable, and is constantly changing in status and importance. Furthermore it is not agreed upon as to the role and status which minorities should have within this body.

27. In 2011 alone, 39 cases of blasphemy have been registered against women of which, 23 were Muslim, 14 Christian, 1 Hindu and 1 'other.' At first glance this seems quite balanced if one looks at it as 23 Muslims versus 16 non-Muslims. However, when viewed as a proportional percentage of the overall population, 16 non-Muslims is in fact a disproportionately high number.

28. Forced conversions and marriages are still commonplace, and the number of cases continues to rise. This is particularly apparent in minority communities where Hindu and Christian girls and women are especially vulnerable because of their marginalized position in society.

- The implementation of the laws should be given preference above prevailing customs and traditions.
- The Government of Pakistan should undertake a new census that should include segregated data on the number of minorities and ethnic groups in Pakistan and ensure their representation accordingly.
- It is recommended that there be a revision of voters' lists after the inclusion of ethnic and religious minorities.
- Enact legislation that brings the power of the federal government to bear on over-riding any provincial legislation that disallows any proposed changes that downgrades the status of minorities in the provinces or restricts their empowerment or admission to educational institutions and employment at the provincial level.
- Ensure main-streaming of minorities, including LBGTs in politics education and employment.
- Opportunities for quality education for minority women in order to facilitate empowerment and upward mobility.
- Mandatory declaration of religion on official government documentation should be abolished.
- The Pakistani government should undertake a review of the 1929 Child Marriage Restraint Act and develop an action plan if it is not implemented and enforced to prevent child marriages and accordingly amend the law to raise the minimum age of a female to be legally allowed to marry to 18 years of age.

## **VI. Public Security and Lack of Accountability**

29. Pakistan claims to not condone impunity and/or abuses by law enforcement agencies (including security forces), however reality presents a different picture – one where the implementation of these ideals appears to be hampered. The supposed training of security forces in International Human Rights Law does not seem to have had any significant effects on the realities faced by Pakistani society.

### **Irresponsibility of Security Agencies**

30. Police often fail to provide protection to all members of society from victimization. Furthermore the police only register and pursue cases after extensive media coverage and public outcry. Police training and capacity building on democracy and human rights has been taken up by civil society in Pakistan, but no efforts have been made to structurally include these in the curriculum at the National Police Academy by the national government.<sup>6</sup>

### **Enforced disappearances**

31. Despite Supreme Court actions and Government's vows of investigation with regards to cases of enforced disappearances, no action has been taken in this regard. Furthermore, intelligence agencies hamper the proper investigation of cases. Additionally lawyers that take up cases of enforced disappearances are threatened to death or gunned down as happened with a Sindh High Court Lawyer Maqboolur Rehman.

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<sup>6</sup> See annex I for examples of misconduct of security services

- The police should properly register and investigation criminal cases, as this is often refused due to a lack of knowledge of laws.
- Efforts need to be made by the government to ensure proper sensitisation of security and police forces on matters of human rights, democracy and women's rights.
- The government needs to investigate the non-implementation of laws on misconduct of the enforcement agencies and punish those responsible for misconduct accordingly.

## **VII. Education and Curriculum**

32. The lack of attention for objective curricula in schools has resulted in the proliferation of discriminatory frameworks in the Pakistani education system. Systematic and institutional forms of discriminatory teachings in education have been the result. The present curriculum can be seen to be a medium through which hatred is being inculcated into the minds of future generations. Discriminatory teachings relating to other religions and gender in particular are apparent in the education system. In order to prevent discriminatory attitudes from developing in the early years of childhood, education reform must take place. Presently, the subject Islamyat is a compulsory subject for Muslims in the education system of Pakistan. However, minority students are often forced to study Islamyat either because the school offers no alternative subject or because of the fear being discriminated against in terms of grading, if students study alternative subjects.

33. In tribal areas only 17 per cent of the overall population is literate. Among women, meanwhile, literacy is as low as 3 per cent. FATA has a large number of small schools, some accommodating as few as 65 students, and most with an average of between one and three teachers. Official data is suspect, as many school buildings are used for other purposes, including the running of businesses. Additionally many teachers collect their salaries but do not report to work. Teaching techniques are traditional and corporal punishment is common. Less than 40 per cent of all children are enrolled in education from primary to higher-secondary level with just 21 per cent of all girls enrolled in school. While overall enrolment is low, drop-out rates are high, with more than half of all children who begin primary school leaving before they complete Class V.

- It is recommended that peace education be made part of national curricula in Pakistan and that reforms in curricula that address teachings of a discriminatory nature related to religion, ethnicity and/or gender be implemented.
- Develop national guidelines for a minimum standard for education that is valid in all provinces and in all types of educational institutions in (public, private, Madrassahs) Pakistan. A regulatory body that oversees and monitors these minimum standards needs to be instituted.
- Pakistan should make efforts to achieve the MDG goals on education and decrease illiteracy.

## **VIII. Women's Rights**

34. Pakistan's constitution emphasizes the equality of all citizens without distinction, and in particular guarantees and contains provisions for the representation and participation of women. The priority areas addressing the mainstreaming of political and economic empowerment of women, and national employment policies geared towards women do not depict the realities of women's rights in Pakistan.

### **Affirmative Action and political representation**

35. An example of the lack of representation of women is demonstrated in the case of a polling station in Kohistan in 2011. It was noted that a large number of women were reported to have cast their votes, however due to traditional customs, men polled on 'behalf' of the women as they were restricted from polling independently. On inquiry, the Election Commission of Pakistan replied that the local culture could not be challenged. A positive development is the Benazir Income Support Program, which offers



cash support and easy micro-credit facilities to women entrepreneurs; entitlement of land in the name of flood affected women; and mark up free loans- post graduate bright students.

36. In terms of governance structures and systems, despite having representation on a governmental level, women still remain outside of central governing and decision making bodies. Women are still excluded from decision making and managerial/influential positions which remains problematic. No women are in the high court or Supreme Court and very few are represented in the judiciary, which are all male dominated environments.

### **Working Women**

37. Women represent disproportionate percentages of the Pakistan poor and a clear development towards the feminization of poverty is taking place. With regards to the employment sector, women dominate the agricultural sector comprising of 73%. Their work however is not recognized and they are unpaid. Instead they are categorized as a domestic worker, which is not considered a formal category and are not considered in censuses as formal workers. As a result they are not covered by any proper law which would for example give them the benefits of even minimum wage. The position of female domestic workers, 64% of them between the age of 8 and 12 is also an issue and is a growing concern as they are poorly protected and often sexually abused.

38. A major hurdle for the empowerment of women is the lack of funding and resources for the National Commission on the Status of Women. It additionally does not receive the recognition it deserves with regards to its centrality and importance overall.

### **Violence against Women and Honour Killings**

39. In 2011, the Pakistan Senate unanimously passed two bills that impose strict punishments on those who attack women with acid. The Acid Control and Acid Crime Prevention Bill calls for prison terms ranging from 14 years to life, and levies fines of up to \$11,160 (Rs.1 million) for the perpetrator(s) of the crime. Legislation however remains to be formally formulated and adopted.

40. In efforts to emphasize the successes in the field of women's rights, anti sexual harassment laws have been stated as examples. Inquiry committees have been formed for the implementation of the law, and increases in complaints launched by survivors of sexual harassment are witness to the successful implementation of the law. Nevertheless, it was informed that the domestic violence bill lapsed and because of the 18<sup>th</sup> Amendment, the bill now falls under the Provincial governments' domain.

41. Acid cases attacks have been on the rise as well as honor killings. The persistence of patriarchal social structures is a large culprit of this practice. Women like land and livestock are used as a commodity, to be owned and exchanged, to forge alliances and to settle tribal disputes. Provision in the law itself leaves a window open for parallel mediation: Section 309 & 310 of the P.P.C and Section 345 of the Criminal Procedure Code allow furthermore for these practices to exist. Positive steps have been made in relation to discriminatory laws against women, however gaps remain when it comes to laws in relation to violence against women. These laws prove to remain a major hurdle for the equal treatment of women in Pakistani society<sup>7</sup>

- Section 309 & 310 of the P.P.C and Section 345 of the Criminal Procedure Code that allow for the existence of honour killings need to be abolished.  
- Ensure that laws that protect the rights of women to be implemented on the provincial level and provide an action plan for their implementation.

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<sup>7</sup> See Annex I for an overview of legislation relating to the position of women in Pakistan

- Safeguards must be introduced in all workplaces, domestic, professional to prevent exploitation of women.
- Laws that allow for the discrimination of women should be abolished and legislation that has been introduced for the protection of women should be properly implemented and enforced.
- Education and training programmes, in particular for judges, lawyers and law enforcement personnel, on legislative reforms aimed at eliminating discrimination against women and the promotion of gender equality would improve the accountability of the government institutions and better the position of women in Pakistani society.
- Economic Empowerment by ensuring access of most marginalized women to the resources i.e. social protection and entitlement to land.
- Women firstly need to be made aware of their rights. Not only does awareness need to be raised for the minority women themselves, but also at the broader societal level.

### **IX Women Health**

42. Women's access to health and awareness of their reproductive rights is low. Discrimination of women is rampant and women are excluded from the health sector. Health indicators for FATA are equally disappointing, with just one health facility for every 50 square kilometers of area serving a large clientele which, in the porous border regions, also includes those who reside on the Afghan side of the Durand Line. Although there are no private hospitals, services are offered by private practitioners including unregistered doctors, local prayer leaders and faith healers. Communicable diseases are prevalent, with the added risk of widespread HIV infection and a growing problem with drug addiction. Keeping in view the above situation and the recent political developments, the government of NWFP has chalked out a detailed plan for the promotion of health and education in a 5-year plan, starting from 2017.

- Discrimination of access to health for women should be addressed and an action plan should be drafted for those women, such as minorities and the poor to provide them with access to proper health services.
- Female sex workers should be given access to the public health providers.
- Women should be made aware of their sexual and reproductive health rights and be provided access accordingly; furthermore female doctors should be made available to ensure proper health care is administered.

### **X. Implementation of international treaties**

43. With regard to implementation in CAT ratified in Pakistan in 2010, the Ministry of Human Rights was to initiate a consultative process with all concerned stakeholders at national and provincial levels to implement the provision of these treaties. It is further desired that Pakistan's obligations, to submit initial reports on the status of implementation of the above mentioned treaties, should be started immediately. Furthermore ICCPR is not properly implemented and the PPC still counters freedom of religion as stipulated in the ICCPR.

44. A National Human Rights Institute does not exist as stipulated in the Paris Principles in Pakistan. A promise was made in a Presidential speech at the National Human Rights Conference in April 2000 to create a National Human Rights Institute which has remained unfulfilled. A bill for the founding of the National Human Rights institutions has been approved by the Senate. With regards to CEDAW no efforts have been made to its proper implementation in the PPC and within this framework, forced conversions have not been addressed. A further issue is the implementation of these international treaties and conventions on the provincial levels after the 18<sup>th</sup> amendment.

- Pakistan should properly implement the international treaties and conventions which it has signed and ratified and ensure that they are in line with national legislation and furthermore ensure that provisions are made for their implementation on the provincial level.

## **Annex I**

### **I. Cases of misconduct of the police and security forces.**

The following cases have been brought to the Pakistani Supreme Court for their sheer violation of the constitutional rights of the citizens of Pakistan:

#### **Sarfaraz Shah Case (2011)**

The chief justice of Pakistan has taken *suo motu* notice of an incident in which an unarmed man, suspected of stealing a mobile phone at gunpoint, was shot by a Rangers' personnel inside a public park in full view of passers-by. Later in 2011, an anti-Terrorism Court in Karachi issued the death penalty to a Ranger accused of extrajudicial murder of a 22-year-old boy in Karachi in June.

#### **Police torture in public by Chiniot police Case (2010)**

Chief of Justice of Pakistan Justice, Iftikhar Mohammed Chaudhry has taken *suo motu* notice of a public police torture incident at the Chiniot police station. Advocate General Punjab was subsequently summoned on March 11 to the Supreme Court. The Chief of Justice in his remarks noted that the report presented by the Punjab Government should be reviewed and action should be taken against those involved in the incident. He said that the responsible persons have been suspended but that suspension alone would not be the solution of all problems. He followed strict action should be taken against the responsible officials. He felt that the coverage of the flogging by electronic and print media alluded to a state of lawlessness in Pakistan.

#### **Women torture Case (2010)**

Chief Justice of Pakistan Justice Iftikhar Muhammad Chaudhry ordered the arrest of the police officials involved in the torture of Dr Abida Hameed in Faisalabad, including City Police Officer (CPO) Faisalabad, Rao Sardar, as well as other officials. He further directed the PPO Punjab, Tariq Saleem Dogar to take stern action against the culprits. In a brief order the court took *suo motu* notice of the issue, and stated *prima facie*, that upon having seen the footage which was televised on all private channels, it indicated that Dr Abida Hameed had been subject to torture in the presence of police officials. The court held that Articles 4 and 14 of the Constitution - that confer inviolable rights to all citizens - have been violated. Dogar told the apex court that it was not a recent incident but that it had taken place as early as August 26, 2008.

#### **Sialkot Brother lynching Case (2010)**

The Supreme Court took *suo moto* notice of the public lynching of two brothers in Sialkot. Recently the accused of that incident have been awarded the death penalty and imprisonment

#### **Public Flogging in Swat Case (2009)**

The Supreme Court hearing of the Swat girls in public flogging case *suo motto* began this morning here in Islamabad. The Supreme Court eight-member bench headed by Chief Justice, Iftikhar Muhammad Chaudhry is hearing the case, while NWFP IG, Malik Naveed, Attorney General, Latif Khosa and the Interior Secretary, Kamal Shah have appeared in the apex court. The victim girl could not be presented as the Supreme Court requested. The Interior Secretary stated that an FIR of the incident had been registered.

### **Gilgit Baltistan Gang-rape Case (2011)**

Justice Nawaz Abbasi of the Supreme Appellate Court of Gilgit – Baltistan has taken *suo-moto* notice of the alleged gang-rape of a girl in Skardu, Baltistan. Four culprits, including the main accused, have been arrested by the police. The victim has also been taken into protective custody. According to details, a government employee, identified as Macha Hassan, deceived a girl from a far-flung village, named Lashithang, and took her to Skardu, where she was handed over to some ‘influential’ people, who allegedly gang-raped the girl for more than five days. When her condition deteriorated she was handed over to her brother who had also come to Skardu along with his wife. Apparently, the entire family of the girl had been deceived by the main accused.

### **Uzma Ayub Gang-rape case (2010)**

Uzma Ayub who was allegedly kidnapped a year ago, held captive and repeatedly raped by several persons, including policemen escaped from her captors on September 19 when she was six-month pregnant. She has vowed to seek justice come what may. Her case was high profile due to involvement of police officials in the kidnapping and repeatedly raping her for one year and later the case became more serious when Alamzeb, not only her brother but also her lone supporter was shot dead on December 9, 2011 in the court premises in Karak in the presence of police officials.

To the best of the knowledge of the respondents, no action has been taken by the Supreme Court in the following cases of basic human rights violations. Conspicuous is the absence of any action against perpetrators by the Supreme Court in cases involving minorities. The following are such cases in point:

### **Shazia Masih Case (2011)**

Shazia Masih, 12-13 years of age was employed at the residence of the former president of the Lahore Bar Association - Advocate Chaudhry Muhammad Naeem - as a full-time maid at a monthly stipend of anywhere between Rs. 1,000 to Rs. 5,000-6,000<sup>8</sup>. Shazia’s family resided in a slum situated in the Lahore’s Samanabad area and was barely able to make ends meet. On 22 January, 2010, Shazia Masih was admitted to Lahore’s Jinnah hospital where she was declared dead at 2:15 pm. The diagnosis stated on her death certificate was: “Mental retardation drug reaction, septicemia.” Resultantly her death became the subject of fervent speculation. An FIR was registered against Advocate Naeem and his family for ‘murder’ (with common intention) under the Children Employment Act, 1991.

### **Text Book Issue (2011)**

The biased textbooks prevalent in the country’s public schools are at best, ‘mis-educating’ the millions of students who study them. Yet the judiciary chooses to stay silent.

### **Minority’s Temples (2010)**

Two Hindu Temples in Lahore are on the verge of being targeted by commercialization with the permission of the Evacuee Trust Property Board, which is supposed to look after the city’s shrines.

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<sup>8</sup> This information varied depending on who provided the information.

Though the Sikh community has been relatively successful in protecting its shrines and lands, EPTB sold two gurdwara properties to the Lahore Defence Authority in the past year alone.

Dr. Manwar Chaand, general secretary of the Krishna Mandir Management Committee stated in an interview that, “the Hindus of Lahore have no say in their religious properties.” Sardar Sham Singh, head of the Pakistan Sikh Gurdawara Parbandhak Committee also stated in an interview that, “the Pakistani authorities are shrinking the Sikh holy site.”

Rawalpindi’s small Hindu community battles social discrimination and internal class divides.

### **Sectarian Killings (2010)**

Twenty-two-year-old Hassan Zahid and his younger brother, Hussain Ali, were among the 12 Shia mourners who were killed in Karachi on February 5, when a road side bomb ripped through a bus carrying passengers to a Moharram congregation. Sectarian terrorists struck, killing five doctors.

There has also been a noted alarming rise in attacks against religious minorities since the change in government in February 2008. State inaction and failure to protect minorities has emboldened extremists, with police failing to target anyone involved in such activities in the past several years.

### **JPMC Nurse Case (2010)**

A 22 year old third-year Christian trainee nurse of JPMC was raped on July 13, 2010. The political clout of the accused doctor is well on its way to push the case under the carpet as mixed details about the case emerge.

This case indicates the biased attitude of the judiciary. There are already significant laws in Pakistan under which a member of a minority can very easily be implicated, but the apparent carelessness of the concerned authorities makes it even more cumbersome for minorities.

### **Hindus in Umerkot attacked (2009)**

The Hindu community faces increasing insecurity as religious organizations proliferate and consolidate their support base. Hindu as well as Muslims of Umerkot have celebrated Holi and Diwali with equal fervor however, on March 11, 2009 the celebrations took a tragic turn when an angry mob of Muslims attacked Hindus and destroyed their property to avenge what they claimed was a “blasphemous act” committed by Hindus. Ostensibly, they found the name of the Prophet (PBUH) scribbled on the road near Dr. Rab Nawaz Kunbher Chowk, and accused the Hindu community of committing this act of “mischief”.

### **Imposition of Jazia (2009)**

The imposition of Jazia by the militants in FATA is driving the Sikh community out of their homeland. As if the oppression, looting, plundering and confiscation of property of fellow Muslims in the NWFP were not enough, the militants struck again – this time, targeting non-Muslims in the Orakzai Agency of FATA. They ordered them to cough up a religious tax referred to as ‘Jazia’ – an illegal and unconstitutional demand, as no individual, only the Islamic state has the right to impose or withdraw taxes.

It is also noted that *suo moto* actions have been taken in cases which were not of national significance but rather alluded to personal enmities and vendettas. Many others were taken it seems, to glorify the image of the judiciary in the public domain.

### **Zarina Marri Case (2009)**

Zarina Marri, a resident of Balochistan has said to have been abducted by military agencies in January 2007 and has yet to be found. Munir Mengal, who had also been arrested on charges of working with underground nationalist Baloch organizations, has testified, claiming to have seen Zarina Marri in the same cell in which he was kept despite statements of the ISPR's Lt. Colonel Baseer Haider Malik that "Ms. Marri was never in the custody of the Pakistan Army...The allegation of Ms. Zarina Marri is part of a vilify [sic] campaign against the army by anti-state elements."

### **Acid Attack Case (2011)**

The victim of a horrific acid attack 11 years ago, Fakhra still awaits justice. Fakhra Younas is the victim of an acid attack, allegedly perpetrated by her husband, and ex-MPA of the Punjab Assembly and son of former Punjab Governor Malik Ghulam Mustafa Khar, the "Lion of Punjab."

## **II. Legislation relating to women**

Currently the following bills are being drafted; Acid Crime Prevention Bill, 2011 (full comprehensive law), Hindu Marriage Bill, Christian Marriage Bill, Christian Divorce Bill, Domestic Violence (Criminal Amendment) Bill.

The **Protection against Harassment of Women at the Workplace Act (2010)** gives protection to women against sexual harassment at the work place while describing the complaint mechanism, inquiry procedure and the penalties. It also lays down a code of conduct at the workplace.

The **Criminal Law (Amendment) Act 2010** introduced an amendment in s509 of the Pakistani Penal Code and lays down a punishment of three years along with a fine of Rs 5 000 for the offence of sexual harassment.

The **Prevention of Anti-Women Social Practices Act (2011)** provides amendments in the P.P.C for prohibition against forced marriages, marriages with Quaran, depriving a female from inheritance and giving away a female in vani or swara. Moreover, provincial government shall not suspend, remit or commute punishment awarded in rape cases.

The **Criminal Law (Amendment) Act 2011** makes amendments in s 332 and 336 of the P.P.C while making the act of acid throwing an offence punishable with life imprisonment, and a fine of one million rupees.

The **Women in Distress and Detention Fund (2011)** extends financial and legal assistance to the women languishing in jails on account of different allegations and those who are faced with extreme hardship.

The **National Commission on the Status of Women Bill, 2012** gives the right to initiate inquiry against violations of the rights of women and can summon anyone of the civil court. The NCSW can recommend the signing or ratification of international instruments, and the monitoring and implementation of national

and international commitments with the regards to women's empowerment. It also gives full administrative and financial autonomy.

The **Domestic Violence Bill, 2012** covers women, children and vulnerable persons and allows for a court protection order which gives women the right to live in the same house as well as restraining order against the perpetrator. The violation of the protection order results in a penalty of minimum Rs 50 000 and imprisonment of 6 months up to Rs 200 000 and 2 years of imprisonment.

### **III. Discriminatory laws towards Women**

#### **The Law of Evidence**

Along with Hudood laws, the value of a woman's court testimony was reduced to half of the man's witness with implications in criminal cases and civil suits.

#### **Qisas and Diyat Ordinance**

Qisas means causing similar damage to the offender as punishment. Diyat is compensation in cash or kind paid by offender. This law became an instrument for covering up honor killing cases.

#### **Pakistan Citizenship Act 1951**

Another form of discrimination that denies women equal rights. Under section 10 of this Act, Pakistani men can extend their nationality to their foreigner wives but a foreigner husband of a Pakistani woman cannot apply for Pakistani nationality.