

COMMITTEE ON ELIMINATION OF RACIAL DISCRIMINATION CONSIDERS REPORT OF PAKISTAN

20 February 2009

The Committee on the Elimination of Racial Discrimination has considered the combined fifteenth to twentieth periodic report of Pakistan on its implementation of the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination.

Presenting the report, Zamir Akram, Permanent Representative of Pakistan to the United Nations Office at Geneva, began by observing that Pakistan was a large, multi-ethnic and multi-cultural society. Being a frontline State in the fight against terrorism, the recent transition from a quasi-military to a democratic Government and the impact of the global financial crisis were some of the challenges that Pakistan continued to face today. The newly elected Government was strenuously working to overcome these challenges and strengthen peace, prosperity and progress in the country. The elections had brought forward moderate and liberal political forces that augured well for overcoming extremism. The election manifesto of the Pakistan People's Party had special provisions on women's empowerment, promotion and protection of human rights, rights of minorities, police, prison and judicial reforms.

With regard to minority issues, about 5 per cent of the seats in Parliament were reserved for minorities – including Christians, Hindus, and Sikhs – which was above the 3 per cent minority population in Pakistan, Mr. Akram observed. In response to the longstanding demand of minorities, in 2002, the Government restored as a special measure the joint electorate system for national as well as provincial assemblies. That meant that, since 2002, minority candidates had been given the same right to contest in the general elections as any other citizen. In addition, they had been provided with 10 reserved seats in the National Assembly. Minorities also had 23 seats reserved in each of the four provincial assemblies and were adequately represented in all three tiers of local bodies.

In preliminary concluding observations, Chris Maina Peter, the Committee Expert serving as country Rapporteur for the report of Pakistan, highlighted various issues raised by Experts, including the need for scientifically approved data. The Federally Administered Tribal Areas had been discussed at length, and while it was recognized that this was a very sensitive area, Committee members had indicated that it was no longer good for these areas to be governed as they were under the 1947 agreement. They were part of Pakistan and should benefit from the financial and other advances made since that time. People should also be able to have control over their natural wealth and resources, and that was especially true with regard to the Balochi and Saraiki peoples. The issue of Scheduled Castes had also come up prominently in the discussion. Members had particularly called for statistics and studies on the problems faced by such persons, including bonded labour. While noting the delegation's position, that it was a matter of poverty, not one of caste-discrimination, the Committee nevertheless felt that it was an issue that was seen in the region and one that had to be addressed.

Other Committee Experts raised questions and asked for further information on subjects pertaining to, among other things, the definition of minorities in the Constitution of Pakistan; the rights of ethnic groups; the status of the Shariah law; whether modern legislation was applied to the Federally Administered Tribal Areas; and the difference between a Madrassah and State-run school. An Expert pointed out that the difficulty in the conversation today was that the whole report of Pakistan started off on the

wrong foot: focusing on religious minorities. The Convention looked at discrimination on the basis of race, descent, colour and ethnic origin. It had nothing to do with religious minorities. They might overlap, but they were not the focus.

The delegation of Pakistan also included other members from the Permanent Mission of Pakistan to the United Nations Office at Geneva.

The Committee will present its written observations and recommendations on the fifteenth to twentieth periodic reports of Pakistan, which were presented in one document, at the end of its session, which concludes on 6 March.

When the Committee reconvenes at 3 p.m. this afternoon, it will hold a thematic discussion with a number of stakeholders, including representatives of States parties and non-governmental organizations, on its draft general recommendation on special measures (i.e. measures to secure adequate advancement of certain racial or ethnic groups or individuals to ensure their equal enjoyment or exercise of human rights and fundamental freedoms; sometimes known as "affirmative action").

Report of Pakistan

Pakistan has consistently condemned racial discrimination and rights and interests of minorities are protected in Pakistan. According to the combined fifteenth to twentieth periodic report of Pakistan (CERD/C/PAK/20), minorities constitute about 3.72 per cent of the total population and consist of Christians, Hindus, Ahmadis, Parsis, Buddhists and Sikhs. Special welfare schemes have been in place for uplifting and bringing minorities into the national mainstream. The joint electoral system has been restored to fulfil a longstanding demand of the minorities. Under the Devolution of Power Plan 2000, minorities have been represented in all the three tiers of the local bodies. They are also represented in the national and provincial assemblies. Ten seats are reserved in the National Assembly and 23 in the four provincial assemblies. These seats are in addition to the seats they win in direct elections. Representatives of minorities are actively participating in all walks of life in the country including in the legislative, judiciary and the executive. Minorities are also members of civil bureaucracy, the military, the business sector and education.

To protect and safeguard their religious, social and cultural rights, the Government has set up a high powered National Commission for Minorities (in 1993) under the chairmanship of Minister for Minorities. Between 1997 and 2006, the National Commission held five meetings and, on the recommendation of the National Commission, several important decisions were taken as follows: in 2001, minorities were allowed to vote in the Joint Electorates; in 2001, 15 million rupees were distributed to natural disaster affected Hindu families in Sindh province; and the sale of communal properties of minority communities for communal work, without no objection "Certificates" from the Federal Government has been banned. To protect the rights of minorities as envisaged in the Constitution, a full fledged Ministry of Minorities was established in 2004 entrusted with safeguarding the rights of minorities; protection of minorities against discrimination; implementation of Pakistan's obligations in respect of minorities under various international agreements; and developing policy and legislation with regard to the Evacuee Trust Property Board. In addition, a non-lapsable Special Fund for the Uplift of Minorities is operative in the Ministry of Minorities since 1985 for financial assistance to needy individuals from minority communities as well as the implementation of small development schemes for minorities.

In 2002, the Government introduced a new police law, which contains special provisions to ensure protection of the rights of vulnerable sections of society. The new law has established a code of conduct for law enforcement

officials with a view to depoliticizing and transforming it into a people-friendly public service. Article 3 of the new Order makes a Police Officer duty-bound to behave in public and all sections of society with equal decorum and courtesy and assist public without discrimination, particularly the poor, disabled or individuals in danger of physical harm. Article 4 makes special provisions to protect women and children. Moreover, Police Order 2002 provides for establishment of Public Safety Commission at federal level and Public Safety and Public Complaints Commissions at provincial and district level to insulate the police from extraneous interference and ensure that complaints against police are handled promptly at local level. This constitutes a democratic system of public oversight of law enforcement agencies. At least, one third of total membership of Public Safety Commissions at all levels consist of women and half of the total membership goes to civil society.

Presentation of Report

ZAMIR AKRAM, Permanent Representative of Pakistan to the United Nations Office at Geneva, said that the report was prepared through an inclusive exercise, involving several Government departments and consultations with civil society. This preparatory process for the report helped intensify the dialogue between Government departments and civil society to implement Pakistan's constitutional and international obligations relating to non-discrimination.

Numerous far-reaching developments had taken place since the presentation of Pakistan's last report in 1997, noted Mr. Akram. Pakistan was a large multi-ethnic and multi-cultural society of 165 million people. Being a frontline State in the fight against terrorism, the recent transition from a quasi-military to a democratic Government, and the impact of the global financial crisis, were some of the challenges that Pakistan continued to face today. The newly elected Government was strenuously working to overcome these challenges and strengthen peace, prosperity and progress in the country. The Parliament was vibrant and active. Pakistan had an independent judiciary and a free media. The economy was improving and Pakistan had been cooperating with the international community to defeat terrorism and extremism. The elections brought forward moderate and liberal political forces which auger well for overcoming extremism. The election manifesto of the Pakistan People's Party, which was currently in power in Pakistan, demonstrated its liberal credentials. The manifesto had special provisions being pursued by the Government on women's empowerment, promotion and protection of human rights, rights of minorities, police, prison and judicial reforms.

The completion of the democratic process with the February 2008 elections was a positive step towards better protections of human rights and compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. Pakistan's commitment to the elimination of racial discrimination in all its forms and manifestations had been unquestionable and unflinching, stressed Mr. Akram. This was reflected in Pakistan's policies. The early ratification of the Convention in September 1966 was a clear reflection of this commitment. In addition, Pakistan was a State party to several human rights instruments. Pakistan was moving forward with determination to implement its international commitments in the field of human rights.

Pakistan was an Islamic State, which closely adhered to Islamic values, especially the equality of all human beings, underscored Mr. Akram. The Government did not distinguish between the citizens of the country on the basis of their social origins. Islam insisted on equal treatment without distinction on the basis of cast, creed or colour. Further, the present Government aimed to eliminate discrimination wherever it may exist.

About 97 per cent of Pakistanis were Muslim. The remaining 3 per cent of the population was divided among Christians, Hindus, and other religions. The rights of minorities were given special consideration in the Constitution. Religious demographics on the basis of the last census (1998) were as follows: 96.28 percent Muslim, 1.58 per cent Christian, 1.85 per cent Hindu, 0.22 percent Ahmadis (Qadianis), and 0.07 per cent others. Ethnic demographics on the basis of the last census (1998) were as follows: 44.15 per cent Punjabis, 15.42 per cent Pashtuns, 14.1 per cent Sindhis, 10.53 per cent Saraikis, 7.57 per cent Muhajirs, 3.57 per cent Balochis, and 4.66 per cent others (which included displaced Kashmiris from Indian-held Kashmir), noted Mr. Akram.

About 5 per cent of the seats in the Parliament of Pakistan were reserved for minorities, including Christians, Hindus, and Sikhs, which was above the 3 per cent minority population in Pakistan, said Mr. Akram. In response to the longstanding demand of minorities, in 2002, the Government restored as a special measure, the joint electorate system for national as well as provincial assemblies. Since 2002, minority candidates had been given the right to contest in the general elections as any other citizen. In addition, they had also been provided with 10 reserved seats in the National Assembly. The four provinces of Pakistan enjoyed considerable autonomy. Members of the Provincial Assemblies were elected by universal adult suffrage. Minorities had 23 seats reserved in each of the four provincial assemblies. Minorities had also been adequately represented in the local bodies, where they had representation in all the three tiers of local bodies.

The existence of poor detention facilities was not specific to minorities, and was a consequence of a lack of resources and funds, stressed Mr. Akram. In general terms, prisons in Pakistan did need reforms. The Ministry of Human Rights was actively engaged in this respect. In May 2008, the Prime Minister put together a Committee to prepare recommendations for prison reform.

The National Commission for Child Welfare and Development had developed training manuals for use by the judiciary, prison staff, and police officials with regard to treatment of juvenile detainees in accordance with Pakistan's international obligations, said Mr. Akram. The Government established in 1983 the Office of the Federal Ombudsman to deal with mal-administration and corruption. The Office was independent, established under law, to provide speedy relief to the general public, including minorities. The Ombudsman was appointed for a term of five years by the President and his/her role was to diagnose, investigate, redress and rectify injustice done to a person through maladministration. Further, as of November 2008, the Ministry of Human Rights was separated from the Ministry of Law and Justice. In 2004, the Government established the Ministry of Minorities which was responsible for monitoring and addressing human rights violations and trends.

The groundwork had been completed for the establishment of an independent Human Rights Commission. In this regard, the bill for the National Human Rights Commission was tabled in the National Assembly of Pakistan on 17 December 2008. The bill aimed to establish a human rights institution with broad powers to promote and protect human rights in the country, said Mr. Akram. Many stakeholders were consulted throughout the process, which included among others, representatives of the Office of the High Commissioner for Human Rights. Legislation was expected in the next couple months and the Commission was likely to be established by July 2009. An important development in 2002 was the introduction of the New Police Order. The Government introduced the new police law replacing the Police Act of 1861. The Police Order contained special provisions to ensure the protection of the rights of vulnerable sections of society. The new law established a code of conduct for law enforcement officials with a view to depoliticizing and transforming them into a people-friendly public service.

To sensitize the police and to further improve law enforcement agencies' response on issues concerning human rights, a comprehensive programme of human rights and gender sensitization had been included in the curricula of police training schools, colleges and the National Police Academy, said Mr. Akram. The Ministry of Education recently tabled a National Education Policy 2009, which among other reforms, stressed that minorities should be provided with facilities to receive education on their own religion. In cooperation with Norway and Switzerland, the Government of Pakistan launched a project titled "Human Rights Mass Awareness for Education", which incorporated child rights into the curriculum and teachers training materials. The Government was also pursuing the reform of Madrassahs.

In order to promote employment opportunities, especially for disadvantaged groups, the Government was focusing on vocational and technical training. The growth of schools and colleges run by Churches and religious Trusts was another valuable source of education for minority groups. This was encouraged by the Government, said Mr. Akram. The Government had recently announced a number of holidays for non-Muslim communities.

Pakistan's media was one of the freest and most vibrant in the world, stressed Mr. Akram. Around 96 television and 94 independent radio channels were operating in Pakistan. Similarly, around 1,500 newspapers and periodicals, in more than a dozen local and regional languages, were published. A number of channels focused on human rights, including minority rights, through discussions on controversial social and cultural issues.

In addressing the Federal Administered Tribal Areas it was pertinent to recall that this was a legacy of the British colonial rule. The Pashtun tribes in this region were granted autonomy under certain conditions that incorporated their customs and traditions, balanced with the need for maintaining public order, known as the Frontier Crimes Regulation, based on collective and territorial responsibility. This arrangement was and remained the result of a compromise between the federal Government and the Frontier tribes, said Mr. Akram. The people in the tribal areas of Pakistan had a historic tradition of political autonomy. Under this tradition, the Jirga System, or an assembly of elders, decided all matters in a democratic and egalitarian manner. The present Government had given priority to reforms in tribal areas. There was currently strong debate in political circles on replacing the Frontier Crimes Regulation with a new arrangement, which had to be accepted by all the tribes. The position taken by some was that amendments should only be introduced after the crisis in the Tribal Areas relating to the war on terror was over.

The Prime Minister formed a nine-member Ministerial Committee which was responsible for reviewing the Frontier Crimes Regulation. A policy of economic and social development known as the Federal Administered Tribal Areas Development Plan, and constructive dialogue with the tribes were also being pursued by the Government, which they were expected to bear results in coming years, said Mr. Akram. In August 2008, the Government established a seven-member committee comprising National Assembly and Senate members to ascertain the situation in Balochistan and recommend ways to resolve issues amicably. Further, the National Finance Committee was expected to meet in March 2009 to consider the issue of the distribution of resources. In addition the Government was also focusing on improving the socio-economic conditions of the people of Balochistan. With respect to water management in the region, two new dams had become operational.

Pakistan was greatly affected by the increase in prices of oil and commodities, last year. It was the Government's endeavour to reduce poverty and expand the middle class, said Mr. Akram. With the restoration of full democracy in Pakistan, the focus had been to uphold all aspects of the Constitution and ensure respect for the rule of law. There was conscious

effort to ensure protection of minorities and enhance their rights. However, Pakistan did recognize more needed to be done. The Government of Pakistan was committed to doing so, despite the lack of resources or capacity at present to fully ensure this.

Oral Questions Raised by the Rapporteur and Experts

CHRIS MAINA PETER, the Committee Expert serving as country Rapporteur for the report of Pakistan, said that it was important to look at the history of the country in considering the country report. Pakistan shared borders with India, China, Afghanistan and Iran. The capital was Islamabad, and Karachi was the commercial centre of the country. Approximately 165 million people lived in Pakistan, as the delegation mentioned. As Pakistan had been approaching independence from Great Britain, a lot of uncertainty had remained about its future, including the question of how the population of Muslims would be integrated into India. As a result the Muslim population settled and thus Pakistan was created. In addressing the issue of nationality, citizenship and foreigners, it was necessary to discuss this in the historical context. The Constitution of 12 April 1973 of Pakistan was very instable, which was important to the Committee, because members of the judiciary were removed during periods of suspension. In addition, some fundamental principles, among others, pertaining to the independence of the judiciary for instance, were worrisome.

Mr. Peter was concerned that many issues were combined together, and as such some issues were not adequately addressed. For the benefit of the delegation, he reiterated that a number of the issues that had not been addressed included among others, issue number one, which required recent data on ethnic composition; issue two on the recent estimates on asylum seekers and refugees; issue four on previous recommendations by the Committee, was not answered; issue six on religion; and issue eleven on public participation in political life.

Pakistan's membership to international agreements, in particular those related to human rights, was alarming, underscored Mr. Peter. There were over 20 instruments which Pakistan was member to. This was distressing and cast doubt on the State's ability to address this issue adequately, said Mr. Peter.

It had been five years since Pakistan had promised to establish a National Commission on Human Rights. Pakistan set draft legislation in this aim back in December 2004, and now the delegation was promising that this would be completed in 2009, Mr. Peter noted with concern. He asked why with all the refugees in the country had the Government not found it necessary to ratify the 1951 Refugee Convention, and subsequently the 1960 protocol on refugees.

Caste-based discrimination, in particular among the Hindus in Pakistan, was of great concern to the Committee, and Experts had addressed this issue in 2002 in the Committee's general recommendations, said Mr. Peter. The research carried out in Pakistan showed 83 per cent of the Dalit people suffered double discrimination; they did not have access to land and were subjected to bonded labour, and 74 per cent were illiterate.

On the marginalization of certain groups in Pakistan, people in the country differed not only in culture but also in language, said Mr. Peter. Some groups had complained that they had been discriminated against. For instance, although the Seraikis were one of the major indigenous groups, they had been denied their own province and had not been provided with representation at the regional level. They had no seats at the national and provisional assemblies, despite the fact that they constituted the third largest minority in Pakistan. The same could be said for the Balochis. Unlike the Seraikis, they had some formal competences, but these were said to

only be in theory and not in practice. He asked the delegation to further comment on this issue.

Tribal areas had been neglected in the area of economic and social development, underscored Mr. Peter. Female literacy was as low as 3 per cent, and women suffered double discrimination in these tribal areas.

Pakistan had now prepared and presented reports to the Committee on the Elimination of Discrimination Against Women, which was a good step forward, and Mr. Peter said he looked forward to the dialogue with the delegation.

Other Committee Experts raised questions and asked for further information on subjects pertaining to, among other things, the outcome of the consultations with civil society; the work of the Ministry on Minorities and the Ministry of Human Rights; the definition of minorities in the Constitution of Pakistan; the procedures for electing senators from minority groups and their membership in both the federal and provincial assemblies; the rights of ethnic groups since the Constitution of Pakistan only recognized rights of religious minorities; the status of Sharia Courts, did they deal with criminal cases, and if so, were their decisions submitted to higher courts such as a civil court; whether no modern legislation was applied to the Federally Administered Tribal Areas, and as such did that also include the provisions of the Convention; steps taken by the Government of Pakistan to fully implement the provisions of the Convention; the difference between a Madrassah and State run religious school; was there a study of comparative religions, which was necessary for the stability of peace; Pakistan's position on the freedom of the media in the country, despite its current discussion taking place with other countries in preparation for the Durban Review Conference on the development of international legislation abolishing blasphemy; and to what extent was discrimination taking place in Pakistan, and in particular, which groups had been victim to such practices.

Experts raised concern, among other things, about the alarmingly high rate of illiteracy and lack of political representation for populations living in the tribal areas; the lack of specific data on the population; that Pakistan was not party to the International Labour Organization Convention 169, and the International Convention on Refugees; Islamic extremists; persistent cases of discrimination towards castes despite their being part of the Scheduled Castes; the applicability of Sharia law to members of other religious minorities; the laws on blasphemy; discrimination against specific castes; the agreement made with the Taliban which allowed them essentially full autonomy and sovereignty in the Tribal Areas, and subsequently Pakistan's ability to fully comply with its international obligations in those areas; and the role of the education system and its relationship with Sharia law.

Response by Delegation to Oral Questions

Addressing those questions, the delegation began by expressing concern at some the value judgements made by Experts on matters that were outside of the scope of this Convention. Pakistan would firmly oppose the injection of subjective political agendas into this review exercise.

With regard to the definition of minorities, the delegation reiterated that, based on the definition of equality in Islam, Pakistan did not distinguish between citizens on the basis of race, ethnicity or social standing. Only religious minorities were recognized as such by the Constitution, which, in its preamble, clearly set out specific protections for religious minorities and the need to develop special measures to safeguard minorities and other vulnerable groups.

The fabric of society in Pakistan was extremely complex, the delegation stressed. It was a situation where if one were to use language or ethnicity

as the basis for defining minorities, a Christian living in Punjab and speaking Punjabi would not be considered a minority, whereas Sindhis living in the province of Sindh would – although they were not minorities there. The delegation begged the Committee's indulgence that given the particularly complex situation in Pakistan, the definition of minorities on the basis of religion was the most logical one.

Pakistan had been unsuccessfully trying to set up a National Human Rights Commission since 2004. The newly elected Government was, however, committed to the establishment of such a Commission, and was backed in particular by the ruling party, the Pakistan People's Parties. As evidence of that, on 17 December 2008 a bill was submitted to Parliament on the establishment of the Commission, the delegation said.

Regarding the decision in the Swat Valley in the Malakand region to enforce the Shariah resolution, the delegation noted that that resolution had been welcomed by the populations who had complained of lawlessness and who had been demanding the return of the Qazi courts that had dispensed speedy justice. Such courts had existed in the past in the Swat Valley and the people there had requested a return to that practice. The Committee was asked to be patient and see the outcome before rushing to judgement on this issue.

That did not mean that the regular courts would cease to exist in the Swat Valley. It simply provided another alternative for the people living in the region, the delegation added.

On the Federally Administered Tribal Areas, the delegation said it had to be recognized that that region had a history and a unique situation in the country owing to the independence of the tribes there. Those Pashtun Tribes had been involved in the wars against the great colonial power at that time. When the war ended the British agreed to recognize the autonomy of those tribes and that they would be allowed to conduct their affairs according to their laws and traditions. Pakistan agreed with the Committee that this system was now archaic and out of date. But the question was what was to replace it? Any system, to be accepted, had to first be accepted by all of the Pashtun Tribes concerned. For the present, what had been done was to ensure the representation of this region in Parliament.

Moreover, as the Federally Administered Tribal Areas were an area that was closely linked with the war on terror, the Government wished to tread cautiously, working for a solution from the bottom up and not one that would be imposed from the top down. To do that, it had established a development programme, to implement human and economic development in the region. It also worked with civil society organizations to support rural development. Pakistan had also signed an agreement with the United States to implement a multimillion-dollar programme to support good governance, the building of civil society, media freedom, health and education in the region.

Regarding the Federal Shariat Court, that court had the competence to decide matters in its jurisdiction or on matters referred to it. As for its *sui moto* jurisdiction, the Court had the power to decide whether any law or decision was in accordance with Shariah law and had the power to review and examine any cases decided by any criminal court to verify the legality of any finding or sentence, and could order the suspension of any sentence. The Shariat Court was under the Supreme Court, which was the highest court of the land.

There were no religious schools run by the Government. Madrassah literally meant a place where learning was conducted. Madrassahs were private institutions, which imparted religious education, and were similar to Christian seminaries. Madrassahs provided an important service of educating

the poor free of charge. The Government had registered all the Madrassahs in the country and was working to provide them with capacity and to reorient them to include a wider educational curriculum to include non-religious education such as science teaching. Teaching at Madrassahs was conducted in the local languages.

Turning to the issue of blasphemy laws, there was an impression that Pakistan was trying to put in place an international anti-blasphemy provision in the context of the Durban Review Conference, which was totally incorrect. Pakistan remained fully committed to the freedom of opinion and expression. As to contentions that the anti-blasphemy law was putting a restriction on the freedom of the press, the delegation stressed that the protections on religion were for any religion, not just for Islam. The law was necessary to maintain religious harmony. The media was free to debate the merits and indeed there was an ongoing and vibrant debate ongoing in the media and civil society in Pakistan on this subject. Offenders had the right to appeal.

The delegation agreed that there was some potential for the blasphemy law to be abused. That was something the Government had tried to control by providing that any such actions had to be brought by senior ranking officials. Also, it should be stressed that no one had actually ever been punished under the blasphemy law.

Explaining the defamation of religions issue, which was before Durban Review Conference, the delegation said that Pakistan believed that defamation of religions could and had led to violence against the followers of that religion. They had seen instances of that in the context of incitement to violence as described in the International Convention on the Elimination of all Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. The end result was the creation of a kind of Islamophobia in which Muslims were typecast as terrorists. That did not mean that they opposed freedom of expression; it merely meant that there was a level at which such expression led to incitement. An example was the propaganda campaign that had been led by the Nazis in the Second World War against the Jews which had led to the Holocaust.

As to the 1951 Refugee Convention, the delegation noted that the Convention and its Protocols had been the product of their time. Moreover, while Pakistan was not a party to that Convention, it subscribed to most of its provisions and had done more than any signatory State in that regard, hosting for many years the largest refugee population of any country in the world. Pakistan hosted more than 3 million Afghan refugees on its territory today, 30 per cent [sic] of the world's refugee population, the delegation underscored.

Regarding the situation of the Balochis, the Government had given high priority to dialogue with Balochi leaders and to finding common ground with them. Following the recent elections, the Government in Balochistan was now headed by ethnic Baloch leaders, who belonged to the Pakistan People's Party. In August 2008 a national committee had been established to dialogue with Balochi leaders and to reach an agreement with them. In addition to this, there were a number of huge infrastructure projects, in particular water and highway projects, that would improve conditions for those living in the province. Unfortunately, there were factions working against an agreement and for the separation of Balochistan. Examples of their activities included the recent kidnapping of a United Nations Refugee Agency (UNHCR) official in Quetta. Other examples were frequent suicide bombings and attacks on persons not of Balochi origin.

On the situation of the Dalits, the delegation noted that Islam strictly forbade discrimination based on caste. Unfortunately, Pakistan's colonial legacy, which enshrined Scheduled Castes in its legal system, required that

this issue be dealt with today. There were challenges faced by Dalits, such as bonded labour. But it had to be recognized that those challenges were the same as those faced by all those living in poverty. The solution lay in poverty alleviation and affirmative action. Therefore, efforts were being made to eliminate discrimination where it existed and to improve the situation of such vulnerable groups. Among actions taken were that age limits for Scheduled Castes to obtain government jobs had been relaxed; rural development programmes were being carried out in regions where such Castes lived; and non-governmental organizations were being encouraged to work with Scheduled Castes to seek redress for their grievances; among others.

To address specifically the issue of bonded labour, Pakistan was working with the International Labour Organization to implement a programme to combat that practice, the delegation noted.

With regard to the use of non-official languages, the Constitution provided that provincial assemblies might provide for the use of provincial languages in their areas. Under the Criminal Code, courts were expected to hear evidence in the language of choice of the defendant or witness.

As to whether members of the minority groups could hold senior positions in the judiciary today, the delegation said that that had always been the case. Only recently, a Hindu Supreme Court Judge had retired from the bench.

The delegation underscored the many, many challenges facing Pakistan, many of them stemming from its geographical situation, including the large number of Afghan refugees it hosted; a tense situation with its neighbour, India; the political turmoil it had undergone; the war on terror, in which Pakistan was front and centre because of its geography and through no fault of its own; the world food crisis; and now the world financial crisis. Now the recent election had brought into place moderate political forces that were contributing to democracy and reinforcing the independence of the judiciary and the media. In that context, it was regrettable that some comments had been made that did not have a relation to reality on the ground. It had been said that Pakistan did not have control over even 50 per cent of its territories; it had been claimed that chemical weapons had been used against Pakistan's own population. That had been shocking to the delegation. Those kinds of allegations would surely have surfaced in Pakistan's free media if they had any real basis. The delegation was puzzled as to where such information emanated from. They needed to work on the basis of reliable and verifiable information. In particular where allegations were not supported by secondary sources or facts on the ground. If not, this whole exercise would become a farce.

Further Oral Questions Posed by Experts

In a second round of questions Experts asked a number of questions and raised concerns, including whether there was a rapid response mechanism to address complaints of violations of human rights that were time-bound, such as land rights violations; how individuals reacted to Caste-based discrimination; and whether there were any economic and social indicators available by province, which might be some indication of whether there was discrimination against certain ethnic groups.

An Expert pointed out that the difficulty in the conversation today was that the whole report of Pakistan started off on the wrong foot: focusing on religious minorities. The Convention looked at discrimination on the basis of race, descent, colour and ethnic origin. It had nothing to do with religious minorities. They might overlap, but they were not the focus. Did ethnic groups have access to services, such as health and education, in their ethnic languages? Was there any data on that situation? Caste was much more than poverty. It was about freedom; about access to public places; access to

jobs; access to education. There were poor people who did not belong to the lower castes; however, the lower castes tended to be poor specifically because of the discrimination they faced and because they were kept in isolation from the rest of the society.

With regard to the critical information about Pakistan that had so shocked the delegation, a Committee Expert cited a shadow report provided by a non-governmental organization which set out that "well over half the territory under Pakistan's control had passed out of the control of the civil Government". It also contained information about Pakistan's use of chemical weapons, the burning of persons in hot coal tar and other torture practices. Those documents had come to the Committee via the regular channels and regular practice. It was not the Experts job to verify those facts.

An Expert said that with regard to the situation in Balochistan, the delegation had referred to enhanced legal protection of women in Pakistan, and the Government's commitment to look into disappearances and arbitrary detention. The delegation had also said that these issues would be addressed within the limits of national resources. He asked if there was a time frame to deal with these victims. The Expert asked if Pakistan had considered having any of the relevant Special Procedures look into this situation. Did the Government have sufficient resources?

Replies by the Delegation

Responding to those questions and others, the delegation understood the difficulty in the conversation, given that the Convention provided one definition of its target group, whereas the Constitution of Pakistan specifically only allowed for religious minorities. They would work harder in the future to try and bridge that gap by providing more statistics with regard to language.

Answering the question on how individuals perceived their minority status, the delegation agreed that individuals in the provinces felt the differences, and there was a recognition that more needed to be done for the more disadvantaged provinces, in particular for Balochistan, the Frontier Provinces and Sindh. A number of the measures the Government was taking to improve the situations in those areas had already been outlined. The real issue was not that the language groups were being undermined, but that they needed a greater share in the wealth of the country. The Government's solution was to make the size of the cake bigger. They were trying to do that through development projects in the provinces.

The answer as to the scope of Shariah law was clear: non-muslims were not bound by Shariah law, the delegation affirmed.

Isolated violence and disappearances against women from Balochistan had unfortunately taken place, but not happened with the consent or involvement of the Government. Rather, the Government was seeking to alleviate these problems, but the mentality of the tribes and the problems associated with the international war on terror were making results difficult to obtain.

There was discrimination in Pakistan, of course, as there was in every society, even in the most developed countries. There was discrimination against women; there was discrimination on the basis of religion and other forms of discrimination. The point was that the Government did not sanction such discrimination in any way and was working to prevent it. Pakistan might lack the capacity, but it did not lack the will to do so.

Preliminary Concluding Observations

In preliminary concluding observations, CHRIS MAINA PETER, the

Committee Expert serving as country Rapporteur for the report of Pakistan, thanked the delegation for their thorough answers and reiterated his request for the delegation to supply the data asked for yesterday.

Mr. Peter said the Committee understood Pakistan's precarious position, with the newly elected Government just coming to power. It also knew that Pakistan had inherited historical baggage from previous regimes, which had not supported democracy. However, Pakistan could not be permanently held down by that historical baggage.

Highlighting various issues that had been raised by Members, Mr. Peter said there was a need for scientifically approved data, as the data provided by Pakistan had not corresponded with that from other sources.

Committee Experts also wished to hold Pakistan to some of its publicly made commitments, including officially recognizing minorities and supporting them fully without discrimination. The Committee had been advised that they should not be detained between the difference between ethnic and religious minorities, Mr. Peter noted.

Concern had also been expressed that, in the context of the war on terror, fundamental rights and freedoms should not be shelved. There should be a balance between security and rights, Mr. Peter observed.

The Federally Administered Tribal Areas had been discussed at length, Mr. Peter continued. This was a very sensitive area. The Committee members had indicated that it was no longer good for these areas to be governed as they were under the 1947 agreement. They were part of Pakistan and should benefit from the financial and other advances made since that time.

People should also be able to have control over their natural wealth and resources, which had been the subject of a number of international conventions and declarations, Mr. Peter said. This was especially true with regard to the Balochi and Saraiki peoples. In that context, the information about the constitutional amendments and the fact that the people in those areas who had been incarcerated had been released were welcomed.

The issue of Schedule Castes came up prominently in the discussion. Members had particularly called for statistics and studies on the problems faced by such persons, including bonded labour. While noting the delegation's position, that it was a matter of poverty, not one of Caste-discrimination, the Committee nevertheless felt that it was an issue that was seen in the region and had to be addressed.

Other areas of concern included control over the Madrassahs and the need to use minority languages in State schools and courts of law, Mr. Peter said.

With regard to the 5 per cent quota for minorities in Government jobs, Mr. Peter hoped that that quota could be translated into legislation.

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