



General Assembly

Distr.
GENERAL

A/HRC/WG.6/2/PAK/3
3 April 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Second session
Geneva, 5-16 May 2008

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Pakistan*

The present report is a summary of 21 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. The Asian Centre for Human Rights (ACHR) noted that despite Pakistan's pre-election pledge to the Council to ratify ICCPR, ICESR and CAT, to date, this pledge has not been fulfilled. In addition, considering that international laws are not self-executing, the Government has failed to bring conformity with the ratified treaties at domestic level.²

B. Constitutional and legislative framework

2. The International Federation for Human Rights (FIDH) reported that on 3 November 2007 General Musharraf proclaimed a state of emergency in the country, under the justification of the fight against terrorism. The emergency rule lasted until 15 December 2007.³ Amnesty International (AI) noted that the Constitution was suspended and replaced by the Provisional Constitution Order (PCO) which empowered the President to amend the Constitution. The PCO suspended fundamental human rights, including the rights to life or liberty; to fair trial, including *habeas corpus*; to freedom of movement; to peaceful assembly; to form associations and unions; to freedom of speech and expression; and to equality before the law. The President, noted AI, made several amendments to the Constitution which placed legislative, administrative and other actions taken during the period of emergency outside the scope of judicial review, even after lifting the state of emergency.⁴

C. Institutional and human rights infrastructure

3. A joint submission of eight NGOs (JS1) noted that national human rights institutions do not exist in the sense of the Paris Principles.⁵ AI recalled that in early 2006, the Government announced plans to set up an independent National Human Rights Commission; this pledge was repeated in April 2006 when Pakistan presented its candidature to the Human Rights Council. However, the Government's pledge has so far not been taken forward.⁶

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

4. FIDH noted Pakistan's lack of cooperation with UN special procedures. Seven Special procedures have requested to visit Pakistan following repeated allegations of human right violations. None have obtained satisfaction since 1999. Moreover, the responses to the letters of allegations are scarce, if not insufficient, according to FIDH.⁷ The Commonwealth Human Rights Initiative (CHRI) noted that Pakistan kept the UN Special Rapporteur on freedom of religion or belief under house arrest for around two weeks.⁸ JS1 recommended the Government to invite the High Commissioner for Human Rights to carry out a fact finding visit to assess the human rights situation and give recommendations.⁹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

5. According to Human Rights Watch (HRW), the Women's Protection Act, adopted in December 2006, brings rape under the Pakistan Penal Code. This eliminates the previous requirement for four male witnesses to validate a woman's claim of being raped, and allows convictions to be made on the basis of forensic and circumstantial evidence. Despite its positive

provisions, the Women's Protection Act fails to comply with many of Pakistan's obligations under CEDAW. The amendments do not address fundamental problems with the *Hudood* Ordinance, such as the discriminatory provisions that criminalize non-marital consensual sex and fail to recognize marital rape.¹⁰

6. AI stated that in November 2006, the *zina* law, according to which men or women commit a *zina* offence if they have consensual sex outside of marriage, was amended. The amendment banned charging a woman with fornication if she had complained of having been raped, but was unable to prove this allegation. AI highlighted that the national statutory Commission on the Status of Women and women's rights groups had called for the *zina* law's abolition because it is discriminatory and facilitates abuse. The amended law continues to criminalize heterosexual consensual sex outside marriage and imposes cruel, inhuman or degrading punishments on convicted offenders. Before the law was amended police frequently arrested couples who had married partners of their own choice, and were therefore not deemed lawfully married by their relatives, who then charged them with fornication.¹¹

7. HRW noted that Pakistan has no specific domestic violence legislation and has failed to repeal the repressive *Hudood* Ordinances. HRW noted that this set of laws, enacted in 1979, has led to thousands of women being imprisoned for so-called "honour" crimes and has rendered most sexual assault victims unable to seek redress through the criminal justice system, deeming them guilty of illegal sex rather than victims of unlawful violence or abuse.¹² The Unrepresented Nations and Peoples Organization (UNPO) further noted that an estimated 70% of women in jails are awaiting trials for adultery-related *Hudood* offences. While most of the women tried under the ordinance are acquitted, the stigma of adultery often ruins their lives, and leads to cases of honor killings.¹³ FIDH added that women have to face much worse treatment than men in court, as they have to face massive cultural prejudice. The cultural prejudice against women is an aggravating factor in cases of "honour" killings, where it appears that judges often take a lenient view of the murderer(s), especially when they come from the woman's family.¹⁴

8. A joint submission of three NGOs (JS2) explained that although the Constitution of Pakistan generally prohibits discrimination, there is hardly any affirmative action aimed at uplifting Scheduled Castes from their present backward situation. Scheduled Castes in Pakistan are victims of discrimination on the basis of caste, descent and occupation and are in a dually disadvantageous position as they are Hindu (minorities in a Muslim majority country), and also "lower castes". They are socially and physically excluded from the mainstream as they are compelled to segregated housing and are denied social, political and economic rights. Apart from being treated as "untouchables" and humiliated in public, Scheduled Castes live in separate colonies, they are served in separate crockery, and they cannot sit inside with upper castes. According to JS2, women in Pakistan are considered extremely vulnerable to discrimination and social exclusion.¹⁵

2. Right to life, liberty and security of the person

9. FIDH reported that while at the time of independence only two charges carried the death penalty, at the time of writing, 27 different charges do so, including blasphemy, stripping a woman of her clothes in public and sabotage of the railway system. FIDH added that this goes far beyond the scope of the expression "*most serious crimes*" for which the death penalty should be reserved under international law.¹⁶ AI informed that at present there are some 7,500 persons under sentence of death, mostly for murder. Every year several hundred persons are sentenced to death and in 2007 at least 100 were executed.¹⁷ FIDH further noted that given the very serious defects of the law itself, of the administration of justice, of the police service, the chronic corruption and the cultural prejudices affecting women and religious minorities, capital punishment in Pakistan is

discriminatory and unjust, and allows for a high probability of miscarriages of justice.¹⁸ AI stressed that the Government should join the worldwide trends towards the abolition of the death penalty, including by declaring an immediate moratorium on all executions, with a view to the eventual abolition of the death penalty.¹⁹

10. According to ACHR, the security forces are responsible for systematic and widespread human rights violations including massive illegal arbitrary arrest, enforced disappearance, extrajudicial killings, illegal detention and torture and these violations are perpetrated with impunity.²⁰ The International Displacement Monitoring Centre of the Norwegian Refugee Council (IDMC) noted that in Balochistan, the attacks by the army and paramilitary forces are not precision-guided or accurate, and have claimed scores of civilian casualties in the two hardest-hit districts, Dera Bugti and Kohlu. According to IDMC, security forces and intelligence agencies in Balochistan have been accused of intimidation, arbitrary arrests, torture, disappearances and extrajudicial killings of civilians. IDMC further noted that the insurgents have also been accused of torture, the deliberate killing of civilians and indiscriminate attacks. The use of landmines by the insurgents, in particular, has resulted in numerous casualties. In October 2007, over a week of fierce fighting in North Waziristan's Mirali area forced 80,000 people from their homes. The army's bombing of villages where they suspected militants were hiding led to many civilian casualties and the destruction of homes and shops. IDMC noted that the Pakistani army's use of fighter planes in the recent fighting in Waziristan has particularly impacted the civilian population.²¹

11. According to the Asian Legal Resource Centre (ALRC), enforced disappearances have increased dramatically since the military Government took power in 1999 and even more since attacks of September 11, 2001.²² FIDH highlighted that the pattern of those who have disappeared shows that this illegal practice is systematic and being patronized by the federal and provincial Governments. FIDH noted that the victims documented by the Human Rights Commission of Pakistan have usually been abducted by men in civilian clothes, suspected to be members of intelligence agencies. Some that have been released alleged that they were tortured and threatened in order to remain silent.²³

12. JS1 noted that in late 2007 the secret agencies continued to illegally pick up individuals days after the Supreme Court urged locating the missing people; with the judicial purge accompanying the declaration of a state of emergency in November 2007, the Supreme Court simply stopped hearing the petitions against enforced disappearances.²⁴ According to AI, the fate and whereabouts of hundreds of persons remain unknown. Relatives who pursue their cases have been harassed and intimidated.²⁵ The International Commission of Jurists (ICJ) recommended that Pakistan accede to the ICCPR and to the International Convention for the Protection of All Persons from Enforced Disappearance, both of which would help clarify Pakistan's legal obligations on the issue, although the UDHR precludes arbitrary detention and under customary international law, the practice of enforced disappearance is absolutely prohibited.²⁶

13. According to ALRC, torture is widespread and persons in detention even for common crimes run a high risk of being subjected to such treatment. It may be thought that in Pakistan torture is used predominantly in counter-terrorism activities.²⁷ ALRC added that during 2007, the practice of torture in custody had again risen mainly in conjunction with mass arbitrary arrests carried out during protests held around the country, with professionals such as lawyers and journalists also being subjected to torture by the police and army intelligence agencies.²⁸ AI recommended that all torture and other ill-treatment must cease and the perpetrators brought to justice in accordance with international standards for fair trial.²⁹

14. HRW noted that violence against women and girls, including domestic violence, rape, “honor killings”, acid attacks, and forced marriages, remain serious problems in Pakistan. Precise figures on gender-based violence are difficult to obtain, but estimates range from 50-90 percent of women experiencing some form of violence.³⁰ HRW added that according to Pakistan’s Interior Ministry, there have been more than 4,100 “honour killings” since 2001.³¹

15. According to AI, the punishment of 100 lashes is provided for sex committed by unmarried persons when proved through the testimony of four male adult Muslim witnesses or through confession of the accused. AI noted that flogging can also be inflicted as the maximum punishment for making a false accusation of extra-marital sex, or for alcohol consumption; and that limb amputation is the maximum Islamic punishment for theft or robbery and can also be inflicted for physical injury under the principle of *qisas* (retribution). AI highlighted that all such corporal punishment amounts to torture or other cruel, inhuman or degrading punishment, which are prohibited under international human rights law.³² The Global Initiative to End All Corporal Punishment of Children (GIECP) informed that the National Child Policy, adopted in May 2006, recognises the right of the child to protection from corporal punishment (article 9), and at a meeting of the South Asia Forum in July 2006, the Government made a commitment to its prohibition in all settings, including the home. According to GIECP, as at June 2007, this prohibition is stated in the draft Protection of Children Act (2005), which has been presented to the Cabinet and is under scrutiny by the committee responsible for its implementation strategy.³³

16. AI reported that arbitrary detention is widespread, often intended to punish or intimidate people, and often at the behest of powerful persons. An unknown number of individuals, including children, in the tribal areas are being held under the collective responsibility clause of the Frontier Crimes Regulation, which allows the detention of relatives of suspects for up to three years. According to AI, it is believed to be widely used to punish tribal people for allegedly accommodating or collaborating with terrorist suspects. During demonstrations, mass arrests are frequently carried out.³⁴ ACHR added that, following the imposition of the state of emergency in November 2007, hundreds of opposition leaders and activists have been arrested or put under house arrest. In Balochistan, the Baloch nationalist leaders have faced arbitrary arrest and detention. Many have been disappeared.³⁵

17. AI further noted that Government opponents are subjected to preventive detention, including under the vaguely worded Maintenance of Public Order Ordinance, 1960 (MPO), which allows detention without trial for up to six months for different suspected offences “with a view to preventing any person from acting in any manner prejudicial to public safety or the maintenance of public order”.³⁶ JS1 added that thousands of persons were arrested under preventive detentions, including political workers and human rights defenders, without a formal charge and having to prove any offense; in some cases, the detention was prolonged without showing a sufficient cause of detention in a competent court.³⁷ HRW recommended that the Government should provide immediate access by the International Committee of the Red Cross to all detainees the organization seeks to visit; charge detainees with a recognizable criminal offense and promptly bring them to trial before a court that meets international fair trial standards or release them; and allow detainees access to lawyers and to communicate with family members.³⁸ ACHR described prison conditions as deplorable. Most jails in Pakistan are overcrowded. The majority of the prisoners are pre-trial detainees. It noted that in April 2006, the Interior Ministry stated that there were about 90,258 prisoners in the 90 jails of the country against the sanctioned capacity of 41,365 prisoners leading to 118 percent overcrowding as of March 2006. Juvenile offenders are routinely detained with adults placing them at high risk of abuse.³⁹

18. UNPO reported that bonded labor figures have reached as high as 1.8 million people across Pakistan.⁴⁰ Anti-Slavery International (ASI) indicated that rapid assessment studies to establish the extent of bonded labour in nine industries, recently commissioned by the Ministry of Labour in collaboration with the ILO, found that advances are used to trap workers and retain a cheap and constant supply of labour that employers can use as they wish. Many workers are unable to repay the debt as it tends to increase due to low wages, high interest payments, inflated charges for other goods or services, delays in payments of wages or the need to take further loans to meet emergency expenditure or daily subsistence needs. However, bonded labourers cannot leave their employer until their debt is paid and thus are forced to work for little or no pay in extremely harsh conditions, often for many years, according to ASI. Those who try to challenge the situation are subjected to intimidation, threats, physical violence and restrictions on their freedom of movement.⁴¹

3. Administration of justice and the rule of law

19. According to ACHR, impunity is a primary cause of Pakistan's downward human rights cycle and contributes to increasing instability. ACHR noted that the Government of Pakistan has provided absolute impunity for the abuses committed by the security forces including extrajudicial killings, illegal detention, torture and enforced disappearances. On 4 September 2007, a bench of the Supreme Court headed by Chief Justice Iftikhar Mohammad Chaudhry ordered the Government to release all missing persons stating that there were strong reasons to believe that they were in the custody of intelligence agencies. ACHR further noted that on 21 September 2007, the Deputy Attorney-General submitted a report to the Supreme Court reportedly stating that 145 missing persons out of a total of 416 persons had been traced and efforts were being made to trace the others. No action has been taken to establish accountability by punishing those found guilty. The culture of impunity has been strengthened by the subsequent attacks on the judiciary.⁴² In addition, AI noted that the possibility of legally securing immunity under the *qisas* and *diyat* concepts (retribution and "blood money" in the form of financial compensation) has enabled most perpetrators to go unpunished.⁴³

20. JS1 reported that the judiciary remained under attack, physically and by way of interference on the part of the executive.⁴⁴ ALRC explained that these attacks stem in part from the fact that the judiciary was increasingly putting pressure on the military Government and the army concerning arbitrary arrest, torture and disappearance of individuals.⁴⁵ ICJ expressed concern about the Pakistani military and civilian authorities' attacks on the rule of law and judicial independence since March 2007, which included President Musharraf's suspension of Supreme Court Chief Justice Iftikhar Muhammad Chaudhry in March 2007 and his subsequent dismissal and arrest of the majority of Supreme Court justices.⁴⁶ AI added that under the state of emergency in November 2007 senior judges who had not taken the oath of office to an illegal order replacing the Constitution were unlawfully dismissed. According to AI, the judges were placed under de facto house arrest and denied access to family and lawyers though no charges were brought against them. Others were detained for alleged breach of Section 144 Code of Criminal Procedure which prohibits the gathering of more than four persons in public without police authorization, in violation of their rights to freedom of expression, association and assembly.⁴⁷ CHRI noted that the executive thereafter handpicked a set of judges who could pledge to subordinate the role of the judiciary vis-à-vis the executive.⁴⁸ ALRC added that more than 3500 lawyers were arrested and many lawyers including retired judges and office bearers of bar associations were tortured in custody.⁴⁹ AI called on the Government to fully secure the independence of the judiciary, which is a key guarantor of human rights protection. Procedural guarantees, including strict rules for the appointment and removal of judges, should be put in place, including through constitutional amendments or other legislation. AI asked those judges who were extra-constitutionally removed from their offices

during the recent emergency rule to be reinstated.⁵⁰ Human Rights First (HRF) called on the Government to take all necessary measures to restore the judiciary as an independent branch with power to review executive action.⁵¹

21. AI noted that the state has consistently failed to exercise due diligence to prevent and prosecute violence against women perpetrated by non-state actors. Furthermore domestic violence, including murder, maiming, rape and harmful traditional practices, continues virtually uncurbed as the state has failed to prevent and prosecute such offences.⁵² Courts have begun to take action in cases of *swara*, the handing over of girls and women to settle a dispute or as compensation for a murder, as reported by AI. The practice was made punishable by up to 10 years' imprisonment by a 2005 amendment to the Penal Code, but its scope was confined to compensation deals in murder cases, and the practice continues, according to AI. Criminal prosecution is rare, particularly if powerful individuals are implicated.⁵³ HRW recommended that the Government adopt rules of evidence that give equal weight to testimony given by men and women; and prohibit in all circumstances the use of the provisions of the *Qisas* and *Diyat* law which allow the next of kin to "forgive" the murderer in a so-called "honor killing".⁵⁴

22. ACHR indicated that the amendment of the Army Act of 1952 awards powers to military courts to try civilians on charges of terrorism, anti-national activities, sedition, attacks on army personnel and attacks on the President.⁵⁵ According to HRW these military courts are closed to the public, the investigations are conducted by military officers, and without the standard rules of evidence and procedures for criminal trials. HRW explained that the law takes effect retrospectively from January 2003, in effect sanctioning impunity to the army for detaining and "disappearing" people and allowing the military to detain opponents.⁵⁶

23. AI informed that in the designated tribal areas of Pakistan, Government-appointed political agents combine executive and judicial functions and try and sentence people, after perfunctory trials, to imprisonment, fines or house destruction. Most fair trial guarantees are absent, and the principle of collective responsibility is applied such that families or communities may be punished for offences committed by a single member.⁵⁷ AI further noted that the authorities have failed to curb informal bodies (e.g. *jirgas* or *panchayats*), which apply unfair and obscure procedures and cruel punishments, and in particular discriminating against women, from unlawfully assuming judicial functions. Though declared unlawful by the Sindh High Court in April 2004, such bodies continue to enjoy official patronage.⁵⁸ FIDH explained that so-called tribal "trials", called by the local *jirgas*, routinely provide for unlawful executions of defendants. Reports of public executions in tribal areas appear increasingly frequently in the press. The lack of judicial guarantees of defence and of appeals, combined with deep-rooted cultural prejudice, particularly on "honour", make such executions singularly inequitable.⁵⁹

24. According to AI, local and foreign Taleban supporters have consolidated their hold in the tribal areas and also in adjacent provincial territories, including Swat in the Northwest Frontier Province. AI added that they have set up quasi-judicial structures and have "tried", "convicted" and "punished" people according to their interpretation of Islamic law. Several people were publicly and unlawfully killed, for "un-Islamic" behaviour; others were unlawfully killed for allegedly cooperating with the Government or the security forces, as noted by AI.⁶⁰

4. Right to privacy, marriage and family life

25. The International Lesbian and Gay Association, in a joint submission with three NGOs, reported that Pakistan maintains criminal sanctions against sexual activity between consenting adults. The Penal Code in Section 377 provides: "Whoever voluntarily has carnal intercourse

against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to a fine.”⁶¹

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

26. The Becket Fund for Religious Liberty (BFRL) noted that although the Constitution of Pakistan guarantees the religious freedom of non-Muslims, the advantaged legal treatment given to Muslim citizens presents a major impediment to the human right of religious liberty.⁶² The Institute on Religion and Public Policy (IRPP) also noted that violations of religious freedom are rampant. Violence and discrimination by Islamic extremists and rival religious and ethnic groups regularly plague the country’s Shiite, Christian, Ahmadi, Hindu, and Sikh populations.⁶³ The Christian Solidarity Worldwide (CSW) added that Christians in some communities in 2007 have received threatening letters ordering them to convert to Islam or face death.⁶⁴ BFRL highlighted that the 2nd Amendment to the Pakistan Constitution officially outlaws the Qadiani (Ahmadi) religion. Police consistently arrest Ahmadis on charges of blasphemy and for “posing as Muslims”.⁶⁵ According to AI, the vaguely defined blasphemy laws have been consistently misused to persecute members of religious minorities and to prevent them from practicing or preaching their beliefs. AI noted that people continue to be sentenced to death under the blasphemy laws, which criminalize the insult of the name of the prophet Mohammad.⁶⁶ CSW added that lawyers defending those accused of blasphemy also are facing increasing death threats and physical assault⁶⁷ and urged the Government to repeal the blasphemy laws.⁶⁸

27. ACHR noted that journalists work under constant threat of attack both from the security forces and militants. Media offices were attacked and put under surveillance by the security forces, according to ACHR and journalists are regularly subjected to torture, kidnapping, illegal detention, beatings, and death threat from the state, insurgents and violent opposition political parties.⁶⁹ HRW added that journalists have been warned that if they record footage of arrests or police raids, they themselves will face arrest and incarceration. No security forces have been brought to justice for any of the attacks on journalists documented by the organisation.⁷⁰ HRW recommended that the Government should investigate and prosecute any Government officials perpetrating abuses against members of the media.⁷¹

28. According to ALRC, severe restrictions have been imposed on the media through amendments to the Pakistan Electronic Media Regulatory Authority. The print media has been subjected to pre-censorship, the electronic media has been forbidden to discuss the emergency rule, and many media houses have been attacked and their equipment confiscated.⁷² FIDH added that the police, the army and the intelligence services, have used heavy handed tactics to intimidate journalists perceived to have gone “too far”; and informed about a prohibition for all journalists to report from parts of the tribal areas.⁷³

29. During protests, security forces often use unnecessary or excessive force against peaceful demonstrators, as noted by AI. Participants in protest rallies in 2007, including lawyers, journalists and other members of civil society, were injured, sometimes seriously, when police officers, many in plain clothes, beat them with batons. According to AI, in October 2007, the Supreme Court had ruled that the deployment of police officers in plain clothes to crowd control operations was illegal.⁷⁴ ACHR highlighted that human rights defenders work under very hostile conditions in Pakistan and are regularly subject to threat and violence from the state, insurgents and violent political opposition groups.⁷⁵

30. IRPP noted that the Joint Electoral System allowing non-Muslims to vote outside of their registered religion was introduced in 2002, however, in order to vote in national elections one must still declare his or her religion. Separate voting lists along religious lines create an easily available opportunity for religious discrimination and seriously degrade any claim of a free and fair election process.⁷⁶ According to ACHR, in July 2007, the All Pakistan Minorities Alliance claimed that 20 per cent of non-Muslim voters had been excluded from the new voters' list. About 18 per cent of eligible voters belonging to a minority group have been struck off the new voters' list in North West Frontier Province.⁷⁷

7. Right to work and to just and favourable conditions of work

31. ASI noted that bonded labour occurs within the general context of the labour market in Pakistan, where violations of labour rights are common. Piece-rates do not provide for paid holidays or sick leave which encourages and compounds indebtedness. The rapid assessment teams found widespread violation of the minimum wage legislation along with a variety of other labour laws. ASI called for these laws to be monitored and fully implemented across all provinces in Pakistan.⁷⁸

8. Right to education

32. According to JS1, nearly one third of the population is illiterate, noting that 2.42 per cent of the budget was allocated in 2007-08 on public education. JS1 noted that a huge disparity exists in the literacy ratio between men and women due to unequal access to education for girls and gender biases in education materials.⁷⁹

9. Minorities and indigenous people

33. AI noted that every year people of minority faiths are killed as police fail to prevent or to investigate such murders. Minority women are considered easy prey for exploitation, humiliation and sexual advances, often leading to rape and other forms of sexual violence.⁸⁰ ACHR reported that minorities are victims of systematic denial of their economic, social and cultural rights. Their lands and properties, including places of worship, have been forcibly taken by the State. ACHR added that religious minorities face systematic discrimination and persecution by the State. Many members of minority communities have been kidnapped and murdered because of their faith. There are regular credible reports of forcible conversion.⁸¹ UNPO noted that in the last half century since the creation of Pakistan, the Sindhi people have faced many hardships as a minority ethnic group. Over a third of the Sindhi population has been displaced, particularly those of Hindu faith, and more face such human rights abuses as forced bonded labor. According to UNPO, non-Muslims, such as Sindhi Sufis and Hindus have been targeted under heresy laws in Pakistan, and Hindus in particular are targets of discrimination, including bonded labor and disappearances. Sindhi language and culture has been suppressed in favor of Urdu and Islamic based culture.⁸²

10. Internally displaced persons

34. According to IDMC that there are at least 84,000 internally displaced people (IDPs) in Pakistan. The number of IDPs is probably much higher, but as very few non-military personnel are allowed access to the conflict-affected areas, such as Balochistan, Waziristan, and the North-West Frontier Province, it has been impossible to determine the number and needs of the displaced.⁸³ IDMC indicated that in October 2007 armed conflict broke out in the Swat valley of the NWFP of Pakistan. The conflict was characterised by violent clashes between Government forces and

pro-Taleban militants attempting to establish control over the area. During the combat, over 1,000 houses were damaged or destroyed and there were at least 400 civilian casualties. IDMC reported that according to estimates up to 60 per cent of the 1,500,000 people in the valley had fled.⁸⁴

35. IDMC added that local people in the areas of Balochistan where IDPs are living are not allowed by intelligence agencies of the Pakistani army to help the displaced. UN agencies and NGOs have been denied access to Balochistan. Under pressure from foreign diplomats and donor agencies, the Government finally gave the UN permission to deliver a million-dollar aid package to Baloch IDPs in December 2006. A few days later, however, the permission was abruptly revoked.⁸⁵ IDMC recommended to the Government to give adequate warning to civilians to allow them to leave areas of conflict prior to the start of military operations; to prevent the army from carrying out indiscriminate bombardment of villages; to provide adequate protection to IDP camps from threats by insurgents; and to ensure that all IDPs have access to shelter, food, water, education, medical care and livelihood opportunities.⁸⁶

11. Human rights and counter-terrorism

36. AI reported that thousands of people suspected of links to terrorist groups have been arbitrarily detained. Many of them have become victims of enforced disappearance. Domestic custodial safeguards have routinely been ignored as they have been arrested without warrant, detained without reference to any law, held in undeclared places of detention, denied access to lawyers, family and courts, and often subjected to torture and other ill-treatment.⁸⁷ AI indicated that the practice of subjecting suspected terrorists to enforced disappearance has been used by the Government against Baloch nationalists, Sindhi activists, journalists and others.⁸⁸ HRW further noted that though Pakistani authorities have presented figures suggesting that more than 1,000 terrorism suspects have been arrested since 2001, only a small fraction of such cases have passed through the legal system. Prior to the emergency, the Supreme Court maintained pressure on the Government, publicly stating that it had overwhelming evidence that Pakistan's intelligence agencies were detaining terror suspects and other opponents and repeatedly urging throughout 2007 that the authorities should free such individuals or process them through the legal system. According to HRW, in response to pressure from the Supreme Court, scores of those who "disappeared" were freed or charged, and some foreign or dual citizens have been deported to their countries of origin. Torture and ill-treatment of individuals remaining in custody remained a serious concern.⁸⁹ ALRC noted that hundreds of suspects have been handed over to foreign authorities, in violation of the Extradition Act of 1972 which provides detailed procedures to be followed before extradition of suspects including the holding of an inquiry by a judicial magistrate.⁹⁰

37. According to AI, special courts set up under the Anti-Terrorism Act, 1997, to try alleged terrorists often fail to provide a fair trial as the speedy trial procedures undermine the safeguards of fair trial provided in the Pakistan Criminal Procedure Code and Law of Evidence, as well as in international human rights law and standards.⁹¹ ICJ noted the increasing use of Anti-Terrorism Courts in non-terrorism-related cases such as those concerning peaceful opposition to the Government. ICJ also noted the use of laws, such as the Army Act and the Anti-National Activities Act, whose original purpose to combat terrorism has been changed through the addition of vague wording prohibiting activities such as "making statements conducive to public mischief".⁹² ICJ called on the Government to withdraw any charges made against peaceful protesters under the Anti-Terrorism Act, restrict the use of special counter-terrorism legal procedures to legitimate terrorism suspects only, and refrain from the use of counter-terrorism measures against the peaceful political opposition in order to suppress protests or dissenting opinions.⁹³

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

38. IRRP noted the recent enactment of the Women's Protection Act repealing many of the *Hudood* Ordinances while arguing that the reform did not go far enough, it still regarded it as a giant step forward for Pakistan.⁹⁴ AI welcomed, that during 2007, the higher judiciary, the country's four provincial High Courts and the Supreme Court, increasingly departed from their traditional subservience to the executive and adopted a human rights perspective on several issues. In particular, they dealt with hundreds of *habeas corpus* petitions with some vigour, giving the hundreds of relatives of disappeared persons hope that they might be traced.⁹⁵

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

n/a

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

n/a

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with "A" status).

Civil Society

| | |
|--------|---|
| ACHR | Asian Centre for Human Rights*, New Delhi, India. |
| AI | Amnesty International*, London, United Kingdom. |
| ASI | Anti-Slavery International*, London, United Kingdom. |
| ALRC | Asian Legal Resource Centre*, Hong Kong, China. |
| BFRL | The Becket Fund for Religious Liberty, Washington, D.C., USA. |
| CSW | Christian Solidarity Worldwide, New Malden, United Kingdom. |
| CHRI | Commonwealth Human Rights Initiative*, New Delhi, India. |
| FIDH | International Federation for Human Rights*, Geneva, Switzerland. |
| GIECP | Global Initiative to End All Corporal Punishment of Children, London, United Kingdom. |
| HRF | Human Rights First*, New York, NY, USA. |
| HRW | Human Rights Watch*, New York, NY, USA. |
| IGLHRC | International Gay and Lesbian Human Rights Commission, New York, NY, USA. |
| ILGA | International Lesbian and Gay Association, ILGA-Europe*, International Gay and Lesbian Human Rights Commission, ARC International, joint submission, Brussels, Belgium. |
| IRPP | Institute on Religion and Public Policy, Washington, D.C., USA. |
| ICJ | International Commission of Jurists*, Geneva, Switzerland. |
| IDMC | International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland. |
| JKCHR | Jammu and Kashmir Council for Human Rights, London, United Kingdom. |

| | |
|------|--|
| JS1 | Joint submission (1) of National Commission for Justice and Peace, Democratic Commission for Human Development, Supreme Court Bar Association of Pakistan, Aurat Foundation, Pakistan Federal Union Of Journalists, Lok Sangat, Pakistan Forum for Social Democracy, Strengthening Participatory Organization, Lahore, Pakistan. |
| JS2 | Joint submission (2) of Thardeep Rural Development Programme, Pakistan Institute of Labour Education and Research, International Dalit Solidarity Network, Mithi, Pakistan. |
| UNPO | Unrepresented Nations and Peoples Organization, The Hague, Netherlands. |

² Asian Centre for Human Rights, New Delhi, India, p. 6.

³ International Federation for Human Rights, Geneva, Switzerland, p. 1.

⁴ Amnesty International, London, United Kingdom, p. 1. See also Human Rights Watch, New York, NY, USA, pp. 1-2; Asian Legal Resource Centre, Hong Kong, China, pp. 3-4.

⁵ Joint submission (1), Lahore, Pakistan, p. 5.

⁶ Amnesty International, London, United Kingdom, p. 3. See also Commonwealth Human Rights Initiative, New Delhi, India, pp. 4-5.

⁷ International Federation for Human Rights, Geneva, Switzerland, p. 1. See also Commonwealth Human Rights Initiative, New Delhi, India, pp. 4-5.

⁸ Commonwealth Human Rights Initiative, New Delhi, India, pp. 4-5.

⁹ Joint submission (1), Lahore, Pakistan, pp. 9-10.

¹⁰ Human Rights Watch, New York, NY, USA, pp. 5-6. See also Joint submission (1), Lahore, Pakistan, p. 2.

¹¹ Amnesty International, London, United Kingdom, p. 2.

¹² Human Rights Watch, New York, NY, USA, p. 5. See also Asian Centre for Human Rights, New Delhi, India, p. 3.

¹³ Unrepresented Nations and Peoples Organization, The Hague, Netherlands, p. 2.

¹⁴ International Federation for Human Rights, Geneva, Switzerland, pp. 4-5.

¹⁵ Joint submission (2), Mithi, Pakistan, pp. 3-4.

¹⁶ International Federation for Human Rights, Geneva, Switzerland, p. 5. See also Amnesty International, London, United Kingdom, p. 3.

¹⁷ Amnesty International, London, United Kingdom, p. 3.

¹⁸ International Federation for Human Rights, Geneva, Switzerland, p. 5.

¹⁹ Amnesty International, London, United Kingdom, p. 6.

²⁰ Asian Centre for Human Rights, New Delhi, India, p. 2.

²¹ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, pp. 2-3. See also Amnesty International, London, United Kingdom, p. 4; Commonwealth Human Rights Initiative, New Delhi, India, p. 3; International Commission of Jurists, Geneva, Switzerland, pp. 1-2.

²² Asian Legal Resource Centre, Hong Kong, China, pp. 2-3.

²³ International Federation for Human Rights, Geneva, Switzerland, pp. 2-3.

²⁴ Joint submission (1), Lahore, Pakistan, p. 6. See also Asian Legal Resource Centre, Hong Kong, China, pp. 2-3.

²⁵ Amnesty International, London, United Kingdom, pp. 4-5.

²⁶ International Commission of Jurists, Geneva, Switzerland, pp. 2-3.

²⁷ Asian Legal Resource Centre, Hong Kong, China, p. 2. See also Asian Centre for Human Rights, New Delhi, India, p. 2; International Federation for Human Rights, Geneva, Switzerland, p. 3.

- ²⁸ Asian Legal Resource Centre, Hong Kong, China, p. 2.
- ²⁹ Amnesty International, London, United Kingdom, p. 6.
- ³⁰ Human Rights Watch, New York, NY, USA, p. 5.
- ³¹ Human Rights Watch, New York, NY, USA, p. 5. See also Asian Centre for Human Rights, New Delhi, India, p. 3.
- ³² Amnesty International, London, United Kingdom, p. 3; see also Global Initiative to End All Corporal Punishment of Children, London, United Kingdom, p. 2.
- ³³ Global Initiative to End All Corporal Punishment of Children, London, United Kingdom, p. 2.
- ³⁴ Amnesty International, London, United Kingdom, p. 4.
- ³⁵ Asian Centre for Human Rights, New Delhi, India, p. 2, see also for information on individual cases. See also Asian Legal Resource Centre, Hong Kong, China, p. 3.
- ³⁶ Amnesty International, London, United Kingdom, p. 4.
- ³⁷ Joint submission (1), Lahore, Pakistan, p. 3.
- ³⁸ Human Rights Watch, New York, NY, USA, pp. 6-7.
- ³⁹ Asian Centre for Human Rights, New Delhi, India, p. 3.
- ⁴⁰ Unrepresented Nations and Peoples Organization, The Hague, Netherlands, p. 1.
- ⁴¹ Anti-Slavery International, London, United Kingdom, p. 1.
- ⁴² Asian Centre for Human Rights, New Delhi, India, p. 5. See also International Federation for Human Rights, Geneva, Switzerland, p. 2; International Commission of Jurists, Geneva, Switzerland, pp. 3-4.
- ⁴³ Amnesty International, London, United Kingdom, p. 5.
- ⁴⁴ Joint submission (1), Lahore, Pakistan, p. 3.
- ⁴⁵ Asian Legal Resource Centre, Hong Kong, China, p. 3.
- ⁴⁶ International Commission of Jurists, Geneva, Switzerland, pp. 3-4.
- ⁴⁷ Amnesty International, London, United Kingdom, pp. 2, 4. See also Asian Centre for Human Rights, New Delhi, India, p. 5; Asian Legal Resource Centre, Hong Kong, China, p. 3; Human Rights Watch, New York, NY, USA, p. 1; Human Rights First, New York, NY, USA, p. 1; Jammu and Kashmir Council for Human Rights, London, United Kingdom, p. 1.
- ⁴⁸ Commonwealth Human Rights Initiative, New Delhi, India, p. 2.
- ⁴⁹ Asian Legal Resource Centre, Hong Kong, China, p. 3. See also International Commission of Jurists, Geneva, Switzerland, pp. 3-4.
- ⁵⁰ Amnesty International, London, United Kingdom, p. 6.
- ⁵¹ Human Rights First, New York, NY, USA, p. 1.
- ⁵² Amnesty International, London, United Kingdom, pp. 3, 5. See also Unrepresented Nations and Peoples Organization, The Hague, Netherlands, p. 2; Christian Solidarity Worldwide, New Malden, United Kingdom, p. 5.
- ⁵³ Amnesty International, London, United Kingdom, p. 5.
- ⁵⁴ Human Rights Watch, New York, NY, USA, pp. 6-7.
- ⁵⁵ Asian Centre for Human Rights, New Delhi, India, p. 1. See also Amnesty International, London, United Kingdom, p. 2; Commonwealth Human Rights Initiative, New Delhi, India, p. 3.
- ⁵⁶ Human Rights Watch, New York, NY, USA, p. 2.
- ⁵⁷ Amnesty International, London, United Kingdom, p. 2.
- ⁵⁸ Amnesty International, London, United Kingdom, p. 2.

- ⁵⁹ International Federation for Human Rights, Geneva, Switzerland, p. 4.
- ⁶⁰ Amnesty International, London, United Kingdom, p. 4. See also Joint submission (1), Lahore, Pakistan, pp. 7-8.
- ⁶¹ International Lesbian and Gay Association, joint submission, Brussels, Belgium, p. 1. See also International Gay and Lesbian Human Rights Commission, New York, NY, USA, p. 1.
- ⁶² The Becket Fund for Religious Liberty, Washington, D.C., USA, p. 1.
- ⁶³ Institute on Religion and Public Policy, Washington, D.C., USA, pp. 1, 4.
- ⁶⁴ Christian Solidarity Worldwide, New Malden, United Kingdom, p. 5.
- ⁶⁵ The Becket Fund for Religious Liberty, Washington, D.C., USA, p. 4. See also Institute on Religion and Public Policy, Washington, D.C., USA, p. 3.
- ⁶⁶ Amnesty International, London, United Kingdom, pp. 5-6. See also Institute on Religion and Public Policy, Washington, D.C., USA, p. 1-2; Christian Solidarity Worldwide, New Malden, United Kingdom, p. 3; International Federation for Human Rights, Geneva, Switzerland, p. 3.
- ⁶⁷ Christian Solidarity Worldwide, New Malden, United Kingdom, p. 4.
- ⁶⁸ Christian Solidarity Worldwide, New Malden, United Kingdom, pp. 2-3.
- ⁶⁹ Asian Centre for Human Rights, New Delhi, India, p. 6. See also Human Rights Watch, New York, NY, USA, p. 2, see also for information on individual cases.
- ⁷⁰ Human Rights Watch, New York, NY, USA, pp. 3, 4.
- ⁷¹ Human Rights Watch, New York, NY, USA, pp. 6-7.
- ⁷² Asian Legal Resource Centre, Hong Kong, China, p. 5. See also Commonwealth Human Rights Initiative, New Delhi, India, p. 3; International Federation for Human Rights, Geneva, Switzerland, p. 4; Joint submission (1), Lahore, Pakistan, p. 7, also for information on individual cases.
- ⁷³ International Federation for Human Rights, Geneva, Switzerland, p. 4. See also Human Rights Watch, New York, NY, USA, p. 4; Amnesty International, London, United Kingdom, p. 6.
- ⁷⁴ Amnesty International, London, United Kingdom, p. 5.
- ⁷⁵ Asian Centre for Human Rights, New Delhi, India, p. 5.
- ⁷⁶ Institute on Religion and Public Policy, Washington, D.C., USA, p. 3. See also Joint submission (1), Lahore, Pakistan, p. 3.
- ⁷⁷ Asian Centre for Human Rights, New Delhi, India, pp. 3-4.
- ⁷⁸ AS, p. 4.
- ⁷⁹ Joint submission (1), Lahore, Pakistan, pp. 8-9.
- ⁸⁰ Amnesty International, London, United Kingdom, pp. 5-6.
- ⁸¹ Asian Centre for Human Rights, New Delhi, India, pp. 3-4.
- ⁸² Unrepresented Nations and Peoples Organization, The Hague, Netherlands, p. 1.
- ⁸³ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p. 1.
- ⁸⁴ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, pp. 2-3.
- ⁸⁵ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p. 5.
- ⁸⁶ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p. 6.
- ⁸⁷ Amnesty International, London, United Kingdom, pp. 4-5. See also Human Rights Watch, New York, NY, USA, p. 4; International Commission of Jurists, Geneva, Switzerland, pp. 2-3.

⁸⁸ Amnesty International, London, United Kingdom, pp. 4-5.

⁸⁹ Human Rights Watch, New York, NY, USA, pp. 4-5. See also Asian Legal Resource Centre, Hong Kong, China, p. 3; International Federation for Human Rights, Geneva, Switzerland, pp. 2-3.

⁹⁰ Asian Legal Resource Centre, Hong Kong, China, p. 3. See also Amnesty International, London, United Kingdom, pp. 4-5.

⁹¹ Amnesty International, London, United Kingdom, p. 2. See also International Commission of Jurists, Geneva, Switzerland, p. 4.

⁹² International Commission of Jurists, Geneva, Switzerland, p. 4.

⁹³ International Commission of Jurists, Geneva, Switzerland, p. 5.

⁹⁴ Institute on Religion and Public Policy, Washington, D.C., USA, p. 5.

⁹⁵ Amnesty International, London, United Kingdom, p. 2.
