

## Responses to Recommendations

### PAKISTAN

Review in the Working Group: 8 May 2008

Adoption in the Plenary: 12 June 2008

#### Pakistan's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
0 REC accepted; 8 rejected, 43 pending	43 REC accepted	No additional information provided	None	Accepted: 43 Rejected: 8 No clear position: 0 Pending: 0

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/8/42:

“106. In the course of the discussion, the following recommendations were made to Pakistan:

- 1. To remove restrictions on freedom of religion or belief and amend legislation that discriminates against persons belonging to minorities (Canada) and effectively protect and satisfy the unimpeded exercise of freedom of religion of non-Muslim citizens (Greece) and the repeal of laws discriminating against non-Muslims, if any (Denmark);
- 2. To maintain its commitment to overcome barriers associated with deep-rooted tribal and traditional mindsets with regards to women's rights, (Portugal) that further measures be adopted to overcome stereotypes and to reinforce the implementation of constitutional and legal guarantees with a view to ensuring that all human rights of women are safeguarded throughout its territory, (Austria) and ensure punishment for perpetrators of all violence against women and also thoroughly investigate and punish members and leaders of illegal jirgas for their calls to violence against women (Czech Republic);
- 3. To continue to spearhead progress toward gender equality and development for women in areas of education and employment (Algeria);
- 4. To take concrete steps to align the prohibition of discrimination with the prohibition contained in the Convention on the Elimination of all forms of Discrimination against Women (Slovenia), to follow up on the recommendation of the Committee on the Elimination of Discrimination against Women to withdraw its declaration to the effect that obligations pursuant to CEDAW are subject to the Constitution (Portugal); and undertake a comprehensive review and revision of all discriminatory

legislation in order to achieve compliance with its obligations under CEDAW (Germany, United Kingdom);

- 5. Continue with appropriate measures to eradicate discrimination and violence against women (Mexico, the Philippines, Czech Republic, New Zealand) including domestic violence and to strengthen existing measures to thoroughly investigate crimes related to violence against women (Mexico);

- 6. To put an end to inequalities between men and women, including with respect to access to property (Luxembourg);

- 7. To do everything possible to prevent early and forced marriage and to recognize in its legislation rape within marriage (Switzerland), and take measures to provide redress for crimes of honour killings, acid attacks and forced marriages (Sweden);

- 8. To adopt as a matter of priority further legislative as well as practical measures to raise public awareness about the laws, better train police and other authorities to deal appropriately and effectively with victims of sexual assault and other violence against women, ensure victims' access to justice and improve support services such as shelters and burn units for women (Czech Republic);

- 9. To continue improving the situation of women through "pro-women" policies (Bangladesh);

- 10. To systematically and continuously integrate a gender perspective in the follow-up process to the Universal Periodic Review (Slovenia);

- 11. To more effectively address the issues of child abuse, child trafficking, sexual exploitation and involuntary servitude by strict enforcement of national legislation adopted in conformity with relevant international instruments, and through adoption and implementation of a comprehensive action plan to combat these issues, including awareness-raising and education of parents, law enforcement staff and members of the judiciary (Belgium);

- 12. Continue to promote the rights of children, with the hope that the pending Child Protection Bill in Parliament and the Child protection policy being formulated will soon be adopted, (the Philippines), rapidly implement the draft law on the protection of children and speed up the implementation of the 2000 edict for justice for minors (Switzerland);

- 13. To implement international human rights obligations within Federally Administered Tribal Areas and refrain from detention that contravenes international standards of due process (Canada);

- 14. To re-instate the dismissed members of the judiciary (Canada) and take measures to re-establish an independent judiciary (Canada, Romania), including by establishing strict rules as well as through a clear mechanism of appointment and dismissal of judges (Romania);

- 15. To respect the rules on fair trial as diligently as possible (Switzerland);

- 16. To restore as soon as possible all fundamental freedoms – as guaranteed by Pakistan's Constitution – that were suspended at the imposition of the state of emergency in November and December last year. This implies reconfirming the independence of the judiciary and cancelling all remaining charges to human rights defenders (Netherlands);

- 17. To adopt measures to ensure that victims have access to protection and redress, that perpetrators are prosecuted and punished, and that gender sensitivity training be provided to relevant officials (Canada);

- 18. To take measures to punish reported cases of abuses by national security forces (Sweden);

- 19. To combat impunity for attacks on human rights defenders by effectively investigating allegations and by prosecuting those responsible (Ireland);

- 20. To strengthen capacities of its law enforcement agencies in order to meet the challenges of society connected with crimes and incidents which could arise as a result of traditional mentalities (Albania);
- 21. To review laws and measures to ensure that restrictions imposed on freedom of expression are in conformity with the ICCPR to which Pakistan is signatory (Canada);
- 22. To effectively address the repressive effect of civil society monitoring procedures and anti-terrorism legislation on the operation of human rights defenders (Ireland), and consider establishing a national policy of protection of human rights defenders, which could focus on a national system for protection of witnesses and human rights defenders (Brazil);
- 23. That the Government investigate and prosecute both government officials and other perpetrators for acts against members of the media (Norway);
- 24. That Pakistan continue its important efforts in fighting terrorism, with adequate support and understanding of the country's constraints from the international community (Algeria);
- 25. To strictly adhere to international human rights law and international humanitarian law and international refugee law in its fight against terrorism (Mexico);
- 26. Pakistan's positive reaction in its efforts to confront the humanitarian problem related to the large number of refugees, which could be an example for other countries (Kuwait);
- 27. To adjust its national laws to the international obligations undertaken (Holy See, Norway, Netherlands, Brazil, Australia), speed up ratification of the ICCPR (Chile, Holy See, Mexico, Switzerland, Norway, Brazil, Denmark, Czech Republic), the Convention against Torture (Chile, Mexico, Switzerland, Czech Republic, Brazil, Denmark) and the OP-CAT (Czech Republic), ratify the Rome Statute of the International Criminal Court (Mexico), the International Convention for the Protection of All Persons from Enforced Disappearance (France, Brazil, Mexico) and the 1977 Additional Protocols to the Geneva Conventions (Mexico), and follow through by implementing the commitments and obligations of the ICESCR (Australia);
- 28. That Pakistan continue efforts to become a party to the seven core human rights treaties (Albania, Italy) and ratify other treaties and protocols which it has not yet ratified (Philippines);
- 29. That a national commission on human rights be established in accordance with the Paris Principles (United Kingdom, Ireland), in fulfilment of its voluntary pledges (Egypt);
- 30. To consider issuing a standing invitation to all special procedures of the Human Rights Council (Norway, Czech Republic, Latvia), enable those representatives of special procedures who already requested visits, to conduct them (Czech Republic, Portugal, Mexico, Australia) and step up cooperation with special procedures (Latvia), responding to communications and questionnaires of mandate holders (Mexico) and invite the Special Representative of the Secretary-General on the situation of human rights defenders to conduct an independent visit to Pakistan (Ireland);
- 31. To take measures to eliminate discrimination against castes and high degree of poverty suffered by castes (Luxembourg) and take specific and targeted measures to effectively prevent discrimination against Scheduled Castes (Denmark);
- 32. To enhance efforts in the provision of adequate housing and address the identified backlog in this regard (South Africa);
- 33. To continue to increase substantially spending on health in order to strengthen access to health services and, as such, effective enjoyment by all to the right to health (Luxembourg);
- 34. To take effective measures to allow women, particularly in rural areas, to have access to health services, education, clean water and sanitation (Luxembourg);

- 35. That Pakistan share its experience in poverty reduction and mitigation of effects of food inflation (Sudan);
- 36. To take urgent measures to ensure that adequate resources are allocated for education (Finland);
- 37. To adapt labour legislation and align it with the provisions of ILO conventions (Slovenia);
- 38. That specific measures be adopted by the Government to safeguard the promotion and protection of the human rights of IDPs (Austria);
- 39. That civil society be fully involved in the follow-up to the Universal Periodic Review process (United Kingdom);
- 40. To pursue its efforts in the promotion and enhancement of human rights by taking necessary measures to achieve this goal (Oman);
- 41. To continue active efforts to de-politicize human rights in the United Nations system, and create conditions for consideration of human rights on basis of equality, mutual respect and dialogue (Belarus);
- 42. To pursue this route of promoting and protecting human rights and to be encouraged by the international community, more particularly the Human Rights Council (Tunisia);
- 43. That achievements in reducing poverty and illiteracy be emulated by other countries (United Arab Emirates).

**107. Pakistan has noted these recommendations for consideration and response in due time. The response of Pakistan will be included in the outcome report to be adopted by the Human Rights Council at its eighth session.**

**108. Pakistan considers that recommendations contained in paragraphs 23(b) and (f), 27(b), 30(b) and (d), 43(c), and 62(b) and (e) in chapter II above are neither universally recognized human rights nor conform to its existing laws, pledges and commitments, and cannot accept them.”**

- Paragraph 23 (b) (Canada): “To repeal provisions of the Hadood Ordinances that criminalize non-marital consensual sex and fail to recognize marital rape “
- Paragraph 23 (f) (Canada): “Recommended the decriminalization of defamation “
- Paragraph 27 (b) (Belgium): “To review the legislation on blasphemy to align it with the principles of freedom of thought, conscience and religion and inter alia relevant obligations under the ICCPR.“
- Paragraph 30 (b) (United Kingdom): To review the death penalty with the intention of introducing a moratorium and abolishing it
- (d): “Recommended repealing Hadood and Zina Ordinances”
- Paragraph 43 (c) (Switzerland): “Encouraged declaring an immediate moratorium on all executions and wished Pakistan to move towards abolishing the death penalty“
- Paragraph 62 (b) (Czech Republic): “To decriminalize adultery and non-marital consensual sex”
- (e): “To prohibit in all circumstances the use of the provisions of the *Qisas* and *Diyat* law in cases of honour killings”

*Disclaimer: This classification is not official and is based on United Nations documents and webcast. For questions and/or comments, please write to [info@upr-info.org](mailto:info@upr-info.org)*