

**Universal Periodic Review for the Islamic Republic of Pakistan:  
Interim Follow-up Report**

**Marist International Solidarity Foundation Onlus (FMSI)**

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**(The adoption of the report on Pakistan's UPR will occur during the 22<sup>nd</sup> Session  
of the HRC on 14<sup>th</sup> March, 2013)**

This document provides an overview of the recommendations concerning the issues of children's and women's rights addressed to the Islamic Republic of Pakistan during the Universal Periodic Review (UPR) process on the 30 October 2012. The summary of this review is presented in the Report of the Working Group on the Universal Periodic Review (A/HRC/22/12).

In its opening address, the delegation of Pakistan<sup>1</sup> reaffirmed Pakistan's commitment to the advancement and protection of human rights, in particular, through open and constructive dialogues with the international community. The delegate stated that the reporting period (2008-2012) had been one of the most challenging periods for Pakistan. The longstanding threats of terrorism, natural disasters and the efforts taken to host over 3 million refugees have dampened Pakistan's ability towards achieving the Millennium Development Goals (MDGs). However, despite these constraints, the delegate stated that this period has been one of the most active periods Pakistan has had legislating human rights.

On the international level, Pakistan has ratified a number of international instruments, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT) and the Convention on the Rights of Persons with Disabilities (CRPD). The Pakistani government has also opened its doors to various special procedures of the Human Rights Council, allowing them to observe first-hand the measures taken by the Pakistani government to advance and protect human rights in the country.

On the national level, the Pakistani government has passed a number of bills aimed at strengthening human rights in Pakistan. The delegate of Pakistan highlighted that more than half a dozen laws had been created to enable the formation of a number of legal, institutional and administrative initiatives aimed at promoting the rights of women. The delegated also pointed out that the government ensured that political and economic empowerment of women was among the top priorities on their agenda. Another notable amendment to Pakistan's constitutional and legislative framework is the constitutionalising of the right to education, the right to information and the right to a fair trial.

The delegate also recognised the importance of harmony in a multireligious society such as Pakistan. Without it, Pakistan would never be able to achieve development, peace and prosperity. She assured the international community that the right to

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<sup>1</sup> The Pakistani delegation was headed by Hina Rabbini Khar, Minister for Foreign Affairs.

worship and the freedom of minorities to profess his religion or belief and visit their places of worship is entrenched in Pakistan's constitution.

The Pakistani government also acknowledged the importance of developing and protecting the right to freedom of opinion and expression. Since 2008, the government claimed that it has lifted all restrictions on the media. Together with the implementation of the federal system, this has ensured the participation of the grassroots and has encouraged national debate on economic, social and human rights issues.

Despite its budgetary constraints, Pakistan states that it has revamped its budget and has reallocated 57% of federal resources to provinces to be used to improve the socio-economic conditions of Pakistani citizens. Additionally, programmes such as the Benazir Income Support Programme (BISP) subsidises food and fuel as well as provide education and health insurance for low-income families.

91 states participated in the interactive dialogue with Pakistan.

### **Recommendations**

Total recommendations: 166

Under consideration: 165

Rejected: 1

Taking into consideration the UPR submission made by FMSI, FI, Dominicans for Justice and Peace: Order of Preachers and VIVAT International, this report comments on the recommendations made by the States involved in the UPR process to the Islamic Republic of Pakistan.

The issues raised in the submission fall into two broad categories:

1. The Rights of the Child, with special emphasis on
  - The Right to Education
  - Child Labour
  - Children in Armed Conflict
2. Women's Rights

### **The Rights of the Child**

#### **The Right to Education**

The recommendations made by States on the issue of education in Pakistan are:

- Continue adopting its social policies of access to services on education and health, in particular for women and girls (Venezuela (Bolivarian Republic of)): 122.68
- Continue strengthening its efforts to improve the socio-economic conditions of its people especially on promoting the rights to education for all its young citizens (Brunei Darussalam): 122.140

- Strengthen its efforts to combine social security and poverty alleviation measures with the free and compulsory education programme that will enable the provision of the free education for all children (Indonesia): 122.141
- Formulate executive plans for attaining the MDG on primary and free education by 2015 (Libyan Arab Jamahiriya): 122.142
- Increase its allocation of resources devoted to education (Netherlands): 122.143
- Continue current efforts to increase the literacy rate and promote universal access to education (Cuba): 122.144
- Continue its efforts to ensure the enrolment of all segments of society in education (Oman): 122.145
- Consider providing universal free primary education to all children, regardless of their sex, nationality, race or ethnic origin (Thailand): 122.146
- Continue to make efforts to expand access to education, especially for girls (Japan): 122.147
- Ensure and allocate sufficient resources for girls' education in all provinces (Namibia): 122.148
- Review public school curricula in order to eliminate prejudice against religious and other minorities (Germany): 122.149
- Improve the education system and school textbooks and promote the full safeguarding of religious freedom and other human rights by programmes which, beginning in primary school and within the context of religious instruction, will educate everyone to respect their brothers in humanity (Holy See): 122.150
- Take all appropriate measures to combat and prevent discrimination against children belonging to religious or other minority groups, including by removing educational material which could serve to perpetuate discrimination (Ireland): 122.151
- Include human rights education in school curricular (Palestine): 122.152
- Continue with its measures to protect children and improve their access to education (Senegal): 122. 153

### Comments from FMSI

In his opening statement, the delegate of Pakistan highlighted that the right to free, universal and primary education is entrenched in the Constitution of Pakistan. FMSI is thus optimistic that the government of Pakistan will accept most of these recommendations pertaining to the right of the Pakistani children to education. It is noted here that Pakistan adopted a Bill in 2012 that guarantees free and universal education to all children between the ages of 5-16.

Some of the recommendations made by the States are quite general. This will make it difficult for Pakistan to determine what programmes or legislations to implement in order to effectively provide free primary education for children. It is, however, imperative that these programmes or legislations not discriminate between different religions, races, ethnicity or gender. Furthermore, such programmes/legislations should be implemented in both the cities and rural areas, providing all areas with the necessary resources needed to efficiently and effectively educate the children in Pakistan.

To achieve the above-mentioned, Pakistan will need to take up the recommendations made by the Netherlands (122.143) and Namibia (122.148) to allocate and invest more into education so as to be able to raise the standard of education. All teachers need to be well-trained and committed to improving the quality of education. It is therefore essential that the government cracks down on ghost schools and teachers. Most importantly, resources need to be allocated to ensure that primary education is free for all children. This will be a strong incentive for poor families to send their children to school and keep them there.

Moreover, education should be used as a tool to cultivate racial and religious harmony, and not drive a wedge between these sectors in society. A new curriculum should ensure that:

- Minority religious, races and girls are not discriminated against;
- Educational material used in schools should provide an accurate account of the past so as to eliminate prejudice of minority races, religions and girls;
- Children and youths will graduate with vocational skills that will enable them to enter into the workforce and contribute to the development of the country;
- Corporal punishment be eliminated in all educational settings;

Pakistan should implement these recommendations as soon as possible. Regular follow-up and monitoring programmes should also be established to assess and ensure the effectiveness of the curriculum.

### **Child Labour**

The recommendations made by States on child labour are:

- Enact efficient legislation to prohibit and prevent the employment of children as domestic workers (Slovakia): 122.39
- Strengthen measures aimed at providing protection and assistance to vulnerable segments of society, including those children affected by natural disasters to protect them from trafficking and exploitation at work (Libyan Arab Jamahiriya): 122.54
- Prohibit child labour of minors under the age of 14 (France): 122.106

### Comments from FMSI

Given the huge amount of under-aged children working in Pakistan, it is disappointing that only three States put forth recommendations aimed at eliminating child labour.

Pakistan's Constitution prohibits the employment of children below 14 years in any factory or mine or any hazardous employment. However, there has not been any creation or implementation of effective legislation targeted at reducing the number of children working on the streets or in factories in Pakistan. The best way to reduce these numbers is to get these children into schools. This would give the families little reason for under-aged children to work. Therefore, it is important that the government

directs more finances towards the education sector to build more schools, train more teachers and provide free education for children.

### **Children in Armed Conflict**

The recommendations made by States to Pakistan on the issue of children in armed conflict are:

- Continue to develop and enhance programmes to provide education and support to children who have been recovered from militants or extremists, and to help them reintegrate into society (Singapore): 122.72
- Adopt all possible measures to prevent and explicitly prohibit in its legal order the recruitment of children and their participation in armed actions and terrorist activities (Uruguay): 122.104

### **Comments by FMSI**

Children who are involved in armed conflict require long-term attention and care. These children are often separated from their families at a young age and may suffer from post traumatic stress disorder. Although Pakistan has signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2001, it still has not yet ratified it.

The recommendations made by Singapore (122.72) and Uruguay (122.104) are rather vague in that it only recommends for Pakistan to “develop and enhance programmes” and “take possible measures” to protect and care for children affected by armed conflict. Effective programmes that can be implemented are those targeted at providing social reintegration, psycho-social rehabilitation, counselling and family reunification.

### **Women’s Rights**

The recommendations made by States on women’s human rights are:

- Ratify the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women (Uruguay): 122.3
- Consider removing the reservations made to ICCPR to ensure gender equality and women’s empowerment (Maldives): 122.13
- Enact a provincial legislation on domestic violence as well as an increased number of support structures for women on the provincial level (Sweden): 122.21
- Promote the repeal of all legal and administrative provisions remaining, which discriminate against women and girls (Mexico): 122.22
- Sustain the positive momentum in upgrading its lawn and institutions, in particular in the areas of the rights of women and children (Myanmar): 122.23
- Continue strengthening and enhancing women rights through the enactment of relevant necessary laws while providing the necessary administrative and institutional mechanisms (Palestine): 122.26
- Continue strengthening the legislation for the elimination of all forms of discrimination against women (Uruguay): 122.35

- Continue its ongoing efforts to advance the rights of women and make similar efforts in the protection and promotion of the rights of the children, especially by adopting the relevant legal instrument (Republic of Korea): 122.40
- Continue to enhance its efforts to protect women, children and other vulnerable groups against discrimination and violence (Singapore): 122.41
- Effectively implement the recent legislation on strengthening women rights and adequately fund the newly established National Commission on the Status of Women (Germany): 122.51
- Take steps to continue to strengthen the operation of domestic human rights institutions, including the Human Rights Ministry, National Human Rights Commission and the Commission of the Status of Women (Australia): 122.52
- Put in place effective monitoring and reporting mechanisms to ensure respect for women's rights and to address violence against women in all its forms (Slovenia): 122.53
- Ensure adequate resources in implementing MDGs with priority focus on vulnerable groups such as women and children (Vietnam): 122.57
- Adopt a national plan with provisions to implement the legislations on women's rights (Brazil): 122.66
- Continue advancing in the promotion and protection of women's rights, with the consolidation of all institutional mechanisms and the application of the laws being launched (Venezuela (Bolivarian Republic of)): 122.68
- Continue developing adequate measures to guarantee in law and practice the equality of women, particularly their right to education, and fight effectively discrimination against women and gender violence (Spain): 122.83
- Intensify its efforts to effectively implement the laws on discrimination against women, and the promotion and protection of children (Tunisia): 122.84
- Steadily implement as well as further enhance measures to address discrimination and violence against women (Japan): 122.85
- Continue with its work in the area of women's rights adopting a gender perspective in all public and private scenarios and encouraging the empowerment of women with a view to challenging the current inequality in the society (Bolivia (Plurinational State of)): 122.86
- Take deterrent measures to combat discrimination against women, girls and religious minorities and work towards eliminating poverty among those groups (Iraq): 122.87
- Continue to spearhead progress toward the promotion of gender equality and development for women, in particular in areas of education and employment (Cambodia): 122.88
- Maintain the momentum to protect the rights of women as well as to empower women in the area of economic development through various legislative measures and institutional mechanisms (Brunei Darussalam): 122.89
- Continue working for the welfare of children, women and persons with disabilities (Nepal): 122.91
- Continue its efforts for the improvement of the health system and the elimination of discrimination against women and discrimination on the basis of caste (Holy See): 122.92
- Increase its endeavours on promotion and protection of women's rights especially in rural areas (Islamic Republic of Iran): 122.93

- Continue organising awareness educational courses on human rights, including training on equality between women and men, and on women's rights (Libyan Arab Jamahiriya): 122.94
- Continue to work towards the empowerment of women and the promotion and protection of all their rights and intensify efforts and programmes to combat the phenomenon of trafficking of women and children (Qatar): 122.95
- Continue fighting against trafficking of children and violence against women (Djibouti): 122.105
- Ensure the reporting and investigation of cases of violence against women, effective awareness campaign against violence and consolidate measures to address sexual abuses and exploitation of children (Egypt): 122.107
- Ensure that women are not submitted to illegal parallel judicial system (Italy): 122.108
- Take additional measures to facilitate access to health services for all members of society, especially women (Oman): 122.139
- Ensure and allocate sufficient resources for girls' education in all provinces (Namibia): 122.148

#### Comments from FMSI

The long list of recommendations made by States during the UPR process is a reflection that many States recognise the importance of protecting and advancing the rights of women and children in Pakistan. In order for Pakistan to climb up the development ladder, it is crucial that women are given the same opportunities as their male counterparts at every level. Pakistan must protect a women's right to education, a women's right to equal opportunity in the workplace, a women's right to healthcare and other social services, her right to freedom of movement, freedom of expression and freedom of religion.

Although the Pakistani government has adopted a large number of legislation targeted at protecting and advancing women's rights, it has not yet disseminated and made them known to the public. It is necessary to raise awareness and educate people on the fundamental rights of women and the benefits that can be derived from protecting these rights. Therefore, Pakistan has to ensure that the national legislations it has passed in Parliament is effectively implemented at the provincial level and that there are adequate monitoring mechanisms established to inspect and report on the effectiveness of these legislations.