

**(Periodic State Reports on Compliance of CERD)  
PAKISTAN**

**CERD 26<sup>th</sup> No. 18 (A/8418) (1971)**

28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were "satisfactory", in the sense that they furnished all or most of the required information, and which reports were "unsatisfactory" or "incomplete" and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party's report (or reports) was "satisfactory" or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

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30. On the other hand, the reports submitted by the following 17 States Parties were considered by the Committee "incomplete" or "unsatisfactory", in the sense that significant categories of information were either totally lacking or insufficiently provided in them: ... Pakistan ... At its 58<sup>th</sup> meeting, held on 23 April 1971, the Committee adopted the text of a communication which it decided to request the Secretary-General to submit to the aforementioned States Parties, in accordance with rule 65 of its provisional rules of procedure. (The text of this communication is reproduced in annex V.)

**CERD 28<sup>TH</sup> No. 18 (A/9018) (1973)**

162. The initial report of Pakistan, submitted on 24 February 1970, and a supplementary report dated 8 April 1971, were considered by the Committee at its third session. They were considered unsatisfactory and additional information was requested. No such information was received by the Committee. The second periodic report of Pakistan, dated 18 February 1972, was considered at the seventh session (134<sup>th</sup> meeting).

163. Several members expressed the view that the report was comprehensive, and noted with satisfaction that it was organized in conformity with the guidelines laid down by the Committee, and that it provided the texts of the legal provisions to which it made reference. It was observed that, rather than attempting to conceal the fact that certain

problems which might have some racial connotations existed, the report described the efforts made to solve those problems. In the opinion of some members, the provisions of the Constitution and other legislation which were cited in the report appeared to satisfy the requirements of articles 3, 5 and 6 of the Convention and, at least in part, articles 4 and 7 as well. Special note was taken of the legal provisions designed to encourage the harmonious integration of people of different regions and classes and to ensure fair treatment of minorities, of the existence of a special ministry for minorities affairs, and of the abolition of untouchability. Since the report was prepared before the adoption by the Committee of general recommendation III, it did not provide information on the status of the reporting State's relations with the racist regimes in southern Africa; however, cognizance was taken of the comments of the Government of Pakistan on that recommendation, submitted on 12 January 1973, which stated that Pakistan maintained no diplomatic, economic or other relations with the racist regime in South Africa and did not recognize the illegal racist minority regime in Southern Rhodesia, and that it had always condemned apartheid and had constantly provided moral and material support to the peoples struggling against racial discrimination.

164. Divergent views were expressed in the Committee with regard to some statements contained in paragraphs 4 and 5 of the report, which referred to "the recent tragic events in East Pakistan" and "the political and economic grievances" which formed the "proximate cause thereof. The report asserted that "at no time was the imputation of racial discrimination or differentiation a component of these grievances or a cause of friction between the regions of Pakistan" and that "even the widest interpretation of the Convention on the Elimination of Racial Discrimination, and the Committee's functions under it, would exclude its competence to consider these issues". While all members agreed that the Committee should not consider the political events under reference, some members stated that they did not fully agree with those statements. It was pointed out that the Committee had not at any stage in its deliberations considered the political events in question; that economic and political issues could involve racial discrimination and would, to that extent, fall within the Committee's competence; that certain ethnic questions were involved in the conflict under reference, even though they were less important than other issues; and that therefore the Committee should avoid giving the impression that, in considering the report as a whole satisfactory, it also endorsed the statements contained in paragraphs 4 and 5. Furthermore, one member drew attention to the fact that one area mentioned in the report had ceased to be within the jurisdiction of the Pakistan Government before the report was submitted, and expressed the hope that no reference would be made in future reports submitted by the Government to areas outside its jurisdiction.

165. Questions were asked about the new Constitution which had come into effect since the report was submitted, and specifically whether it contained any changes with respect to the relevant provisions cited in the report; whether any administrative and other measures were adopted in order to give effect to the terms of the legislation in force or to the corresponding terms of the Convention; and whether provisions in which the term "citizen" was used referred merely to "citizens" or applied also to other "nationals" and to aliens, particularly where the reference was to some of the civil rights mentioned in

article 5 of the Convention. It was asked whether any legislation was in force, other than the provisions cited in the report, to satisfy those requirements of articles 4, 5 and 7 which did not appear to be sufficiently covered by the information contained in the report. Some members sought clarification as to whether the provisions of Section 1 of Martial Law Regulation No. 77 superseded the relevant provisions of the Constitution.

166. The representative of Pakistan informed the Committee that the new Constitution adopted by the National Assembly on 15 April 1973 included or updated some of the legal provisions contained in the report. While the difference between a "citizen" and a "national" was a technical point which he would refer to the authorities in his country, every provision concerning fundamental rights should - unless it was specifically provided otherwise - be interpreted in the light of paragraph 4 (1), which declared: "To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being in Pakistan". Regarding article 7 of the Convention, he cited the provisions of article 22 of the Constitution, which dealt to some extent with discrimination in the field of education. The provisions imposing some constraint on freedom of speech were included in the Constitutions of many countries and in Pakistan were interpreted very flexibly by the Government. Although it was felt that there was no need for legislative or other measures to eliminate racial discrimination, because that evil was not known in Pakistan, there were a number of legislative provisions which penalized acts of racial discrimination, as the report indicated. With regard to paragraphs 4 and 5 of the report, he assured the Committee that his Government had no intention whatever of withholding from the Committee's consideration any matter which was its concern, and would gladly bring any cases of racial discrimination to the Committee's attention; however, the Government of Pakistan was entitled to state its view that the Committee should exercise caution in respect of turbulent events on the subcontinent. As that Government saw it, the process of reconciliation and healing had already been set in motion, and acrimonious discussion would only retard the healing process.

167. The Committee decided to consider the report satisfactory and to express the hope that information on the points raised in the discussion would be included in future reports.

#### **CERD 29<sup>TH</sup> No. 18 (A/9618) (1974)**

156. The third periodic report of Pakistan was considered in conjunction with the information submitted by the Government of the State in response to decision 3 (VII) of the Committee. The Committee noted with satisfaction that Act VI of 1973 had been promulgated in order to implement the provisions of the Convention. That Act, which amends the Penal Code makes its provisions specifically applicable to racial discrimination, appeared to fulfil the requirements of article 4 of the Convention. The new Constitution of 1973 contained provisions which recognized the rights enumerated in articles 5 and 6 of the Convention. On the other hand, no information was furnished concerning the implementation of article 7 of the Convention; and the report as a whole was seen as focussing more on what had occurred in the public sector than on

developments in the private sector. The lack of information on the ethnic composition of the population was regretted.

157. The representative of the Government of Pakistan replied to some of the specific questions put to him by members of the Committee during the discussion. He referred to some measures adopted to give effect to article 7 of the Convention, and assured the Committee that more information would be supplied in future reports on such measures.

### **CERD A/32/18 (1977)**

97. The fourth periodic report of Pakistan was considered by the Committee together with the supplementary information supplied by the representative of the Government of the reporting State in his introductory statement. Members of the Committee considered the new information bearing in mind that, at its ninth session, the Committee had found that the Constitution of 1973 and Act VI of the same year, amending the Penal Code, fulfilled the requirements of article 4 of the Convention and recognized the rights enumerated in articles 5 and 6. The discussion at the fifteenth session therefore dealt mainly with two subjects: the implementation of article 7 of the Convention and the demographic composition of Pakistan.

98. Some members of the Committee noted the measures taken to keep public opinion informed about the struggle against racism, observing that that evil could most effectively be eliminated by education and information. They took note also of the teaching of principles of Islam, which condemned all discrimination, and of the observance of the International Day for the Elimination of Racial Discrimination in Pakistan. However, it was observed that religious teaching was not enough to draw attention to the dangers of racial discrimination. The wide scope of the measures envisaged in article 7 of the Convention was emphasized; and it was thought that additional efforts should be made to carry out Pakistan's full obligations under the article.

99. The statement that Pakistan did not have any minorities but only religious minorities was questioned by several members of the Committee: some doubted that the entire population of Pakistan was ethnically and racially homogenous; others wondered whether differences, which may have been in their origin purely religious, had not given rise over the centuries to ethnic diversity as well.

100. Some members drew attention to the obligations arising under article 5 of the Convention. They took note of the celebration in Pakistan of Minorities Week, which in their view helped to improve the position of the non-Muslim minorities. That measure followed on those mentioned in the second periodic report of Pakistan and provided an indispensable foundation for a reduction in the inequalities between the various population groups; and that was viewed as an important aspect of the application of article 5 of the Convention.

101. Recalling the information previously received by the Committee regarding the attitude of the reporting State towards the racist regimes in southern Africa, some members wanted to know what attitude Pakistan had adopted towards the International Convention on the Suppression and Punishment of the Crime of Apartheid.

102. The representative of the Government of Pakistan assured the Committee that he would inform his Government of the importance attached by the Committee to the implementation of the provisions of article 7 of the Convention. He said that religious differences in Pakistan had not led to ethnic distinctions, and it was difficult to identify religious groups on a racial basis. He was certain that the matters which aroused the Committee's concern would be taken into account by his Government when the next periodic report was prepared.

### **CERD A/33/18 (1978)**

252. The Committee considered the fifth periodic report of Pakistan together with the introductory statement of Pakistan's representative, who supplemented the information given in the report and commented on the observations and inquiries made during the consideration of Pakistan's fourth periodic report.

253. Several members of the Committee commented on the opening paragraph of the report under consideration, which stated: "The people of Pakistan, being composed of a relatively homogenic racial group and following the precepts of Islam, which is a universal religion advocating tolerance for people belonging to every race, have not faced the problem of racial discrimination. It has, therefore, not been necessary to enact any new laws or administrative measures to deal specifically with racial discrimination other than those already existing in the country." Referring to that statement, a member of the Committee noted that "legislative bases for the implementation of the Convention already existed in Pakistan", while another member observed that "Pakistan's recognition of the need to take additional measures struck a positive note". Another Committee member commented that "if all States parties to the Convention adopted the same criterion to decide whether it was necessary to enact new laws or measures designed to prevent racial discrimination, they would be practically exempt from discharging their obligations under the Convention", since "almost all the religions of the world preached equality and tolerance"; he added, however, that "Pakistan's report itself described a series of legislative and administrative provisions which had been adopted" and observed that "to some extent disproved the statement made in paragraph 1" of the report. In the same vein, a fourth member of the Committee pointed out that the report under consideration gave the impression that the Government of Pakistan "was making great efforts to comply to an even greater degree with the obligations it had assumed under the Convention", notwithstanding the statement contained in the opening paragraph of that report. In her reply, the representative of Pakistan emphasized "that the function attributed to the precepts of Islam in paragraph 1 of the report was fully justified since in Pakistan society religion was the basis of culture and the system of values, and Islam was totally incompatible with any type of racial discrimination".

254. It was noted that, although the information contained in the report concerning articles 25(1) and 199 (1) (c) of the Constitution appeared to guarantee the protection of everyone against racial discrimination, whether practised by public authorities or by private persons or groups, most of the information given in the report dealt only with the prohibition of discrimination by public servants; and it was asked whether any legislative provisions existed in Pakistan to give effect to the provisions of the Constitution and of article 2, paragraph 1 (d), of the Convention, relating to "racial discrimination by any persons, group or organization". The representative of Pakistan asserted that "any person, whether an individual or a public servant, was subject to judicial proceedings, if he engaged in discriminatory activities".

255. Although at its previous sessions the Committee had found that the Constitution of 1973 and Act VI of the same year, amending the Penal Code, fulfilled the requirements of article 4 of the Convention (A/9618, Para. 156 and A/32/18, para. 97 ) members of the Committee raised, during the eighteenth session, some specific questions about the provision of the legislation in question. These questions referred to: (a) the explanation attached to section 505 of the Penal Code, to the effect that when a person has reasonable grounds for believing that a statement, rumour or report is true, and makes, publishes or circulates it in good faith and without any such intent as is described in that section, his act does not amount to an offence within the meaning of that section; (b) the provisions of that section which make an act described therein an offence not only when it is done with "intent" to produce certain results but also when it is "likely to produce those results; (c) the provisions of that section, as well as of section 99-A of the Code of Criminal Procedure, which apply to incitement to violence against, or hatred of, any "class" of citizens; and (d) the disparity between the penalties for the same acts provided in sections 153-A (A) and 505 (2) of the Penal Code. Concerning the first two questions, the representative of Pakistan stated that "intent was the determining factor"; accordingly, if through ignorance or unawareness a person committed acts without any intent to promote interracial discord, such acts were not punishable by law. With reference to the third question, the representative of Pakistan said that, in interpreting the provisions under consideration, the Pakistan authorities gave them a breadth and scope which fully accorded with the provisions of the Convention. With regard to the fourth question, she stated that the next report would include data to clarify the discrepancies concerned.

256. A request was made, in connection with the provisions of article 4 subparagraph (a), of the Convention, for the text of the relevant provisions of the Security of Pakistan Act of 1952, which the report described as providing grounds for the prohibition and punishment of the "dissemination of ideas which encourage racial discrimination". The representative of Pakistan assured the Committee that the text of the Act in question would be included in her Government's next report.

257. It was observed that - although the report referred to the Political Parties Act 1962 in connection with the requirements of article 4, subparagraph (b), of the Convention, and asserted that, under that Act, the "formation of a party which propagates superiority of one race over another, or which tries to ensure domination of one race by another" would

be prohibited as "contrary to Islamic ideology" - the extracts from that Act annexed to the report appeared to have no direct relevance to racial discrimination.

258. It was recalled that, during the consideration of the third and fourth periodic reports of Pakistan, the Committee had found the information given in those reports regarding the implementation of article 7 of the Convention insufficient, and that the representatives of Pakistan had assured the Committee that more detailed information would be provided in the next reports (A/9618, paras. 156 and 157 and A/32/18, paras. 98 and 102). The information on that subject given in the fifth periodic report of Pakistan was again found to be insufficient, and more detailed information was requested, particularly with regard to measures taken in the field of teaching, education and culture. The representative of Pakistan pointed out that "such measures were unnecessary since the curricula used in Pakistan had always instilled in pupils the principle of the absolute equality of all persons and condemned any difference in treatment on racial grounds".

259. Information, already requested by the Committee but not yet provided by the reporting State, on the demographic composition of Pakistan, was asked for once more. The representative of Pakistan informed the Committee that "the censuses taken in Pakistan did not classify the population on the basis of race or ethnic origin".

#### **CERD A/35/18 (1980)**

335. The sixth periodic report of Pakistan (CERD/C/66/Add.10) was introduced by the representative of the reporting State who pointed out that the report included information in response to questions raised during the discussion by the Committee of Pakistan's previous periodic report, the constitutional provisions prohibiting racial discrimination in the field of political, civil, economic, social and cultural rights and measures taken in the implementation of the provisions of the Convention, with particular reference to amendments to certain provisions of the Penal Code.

336. Members of the Committee praised the thoroughness of the report which showed the continued efforts of the Government of Pakistan to maintain a fruitful dialogue with the Committee. One member however, noted that the legislation mentioned in the report had been drafted at least two years previously and in view of the magnitude of the changes that had taken place in the country since then, he wished to know to what extent the report reflected the current situation with respect to constitutional measures and the implementation of the various rights mentioned therein.

337. With reference to the demographic structure of the population, members of the Committee noted that information had been provided only on the languages spoken and religions practised in Pakistan, and expressed the hope that the information on the ethnic composition of the population requested previously would be supplied in the future. Referring to the information provided, one member requested clarification on the statement that Urdu was the national language of Pakistan and inquired about the official language policy pursued, the relationship between Urdu and the regional languages

within the educational system and the level at which Urdu was introduced. The member also asked whether public service examinations were given in the regional languages as well as in Urdu and whether scripts other than Arabic were recognized. Furthermore the member asked whether figures on the Moslem sects living in Pakistan could be provided, what percentage of the population were Shiites, and whether the Sikhs had been included among the caste Hindus or in the "others" category. Another member wished to receive information on the Ahmadi minority on the measures for the implementation of the right of minorities to preserve their culture, script and language and on the work of the Ministry of Minority Affairs and other public institutions, referred to in previous periodic reports of Pakistan.

338. The Committee drew particular attention to the penal provisions which gave effect in Pakistan to the provisions of article 4 of the Convention, in particular the amended section 505 of the Penal Code, which made punishable by law circulation of any information or rumour or news likely to create enmity or hatred between different races or castes, and which contained an exception relating to access which did not constitute an offence. Members of the Committee asked, in this connection what authority judged cases involving the exception and what criteria were used in such decisions, whether the amended provisions of section 505 had ever been applied and, if so, how the courts had interpreted the words, "reasonable grounds" and "without any such intent", as used in the exception to those provisions. One member expressed the opinion that the question of good faith and intent did not enter into consideration in the implementation of article 4 of the Convention, and recalled in this connection that, in the sixth preambular paragraph of the Convention, States parties declared that they were convinced that there was no justification for racial discrimination, in theory or in practice, anywhere. Another member, noting that ordinary courts had the discretion to inflict higher penalties than those provided under sections 505 (2) and 153 (a) of the Penal Code, asked what was the legal ground for such discretion. In connection with the review of national legislations referred to in the report, it was asked whether the provisions in question applied only to Moslems or whether they had an impact on other religious communities; what was the relationship between the Government and religious law; whether Islamic or modern law was applied to repress crimes; whether all laws came within the purview of the Permanent Law Reform Commission; and whether there was incompatibility between the functions of the Council of Islamic Ideology and those of the Permanent Law Reforms Commission. With reference to the clarification provided in the report concerning the security of Pakistan Act of 1952, some members noted that the Act did not contain any definition of security, and expressed doubt that it could be interpreted as covering threats that included acts of racial discrimination. The members were of the view that it would be of interest to the Committee to have details of any court decision which provided an instance of the use of the Act in a case involving discrimination.

339. The Committee requested further information concerning measures and legislative provisions adopted in Pakistan for the effective implementation of the various rights mentioned in article 5 of the Convention, with particular reference to political rights, the participation of the various religious or linguistic groups in public affairs, the right to freedom of thought, conscience and religion, the right to equal access to employment and



the right to form and join trade unions. In this connection, clarification was requested about the restrictions to the enjoyment of certain rights mentioned in articles 17 and 28 of the Constitution of Pakistan.

340. As regards article 6 of the Convention, members of the Committee asked for clarification on what remedy was available to an individual victim of a discriminatory act, in particular to redress a wrong and, where appropriate, to obtain damages. It was noted in this connection that the provisions of article 24 (4) of the Constitution, quoted in the report, were not in conformity with article 6 of the Convention, because no provision was made to enable an individual to seek redress if he did not consider the compensation to be adequate. Furthermore, the penal sanctions referred to in the report appeared to apply only in the case of incitement against groups, but not to any defamation or slander of an individual on the basis of racial or ethnic origin.

341. With regard to measures taken to implement article 7 of the Convention, additional information was requested on teaching and religious education, on measures taken in particular to disseminate information about the objectives of the Convention and the work of the Committee among all groups of the population. It was also asked whether there were any provisions for exchanges of information among the various religious groups in order to familiarize them with each other.

342. Replying to questions raised by members of the Committee, the representative of Pakistan stated that the changes in Pakistan in the last two years had been mainly political and in no way affected the extent or availability of constitutional guarantees of the fundamental rights of the citizens. He also explained that the national language of Pakistan was Urdu and that the regional languages were, however, spoken and maintained; local languages were used as the medium of instruction in schools, but Urdu was a compulsory subject. The Sikh population was included under "others" in the population breakdown given in the report and the members of the Shiah sect, who were Moslems, were included under such heading. The status of minority groups continued to be defined by legislative measures and remained under the supervision and protection of the Ministry of Minorities Affairs; new information as to the size of the minorities would be available when the next census was completed.

343. With reference to questions raised in connection with article 4 of the Convention, the representative stated that exceptions to the Penal Code were to be determined by the courts. Further information would be provided about the role and functions of the Council of Islamic Ideology, but there was no conflict between that Council and the Permanent Law Reform Commission. As for the Security of Pakistan Act, the representative agreed that it did not contain a specific definition of the term "security"; he assured the Committee, however, that the Act was applied in a way that was fully consistent with the aims of the Convention.

344. The representative stated that the rights referred to in article 5 of the Convention were guaranteed under the Constitution with certain justifiable limits or restrictions which were not motivated by factors relating to racial discrimination.

345. Furthermore, the right to redress referred to in article 6 of the Convention was inherent in the judicial system of Pakistan, with no substantive differences from the systems prevailing in most other countries.

346. Referring to questions raised in connection with article 7 of the Convention, the representative informed the Committee that Islamic studies were compulsory for all Moslem students, and stated that the teaching of Islam itself embodied respect for other religions. He finally mentioned some initiatives taken in Pakistan for the dissemination of information on the purposes and objectives of the Convention, and assured the Committee that his Government would provide more specific replies and further information in response to the Committee's requests in the next periodic report.

### **CERD A/38/18 (1983)**

359. The seventh periodic report of Pakistan (CERD/C/91/Add.33) was considered by the Committee together with the introductory statement of the representative of the reporting State, who provided additional information relating to questions raised during the Committee's consideration of the previous periodic report of his Government. He explained that the people of Pakistan constituted a relatively homogenous racial group and that the teaching of Islam, the Constitution and legislation of Pakistan, including a 1973 act amending certain provisions of the penal Code, contained guarantees against any form of racial discrimination. At the international level, Pakistan had participated in events aimed at mobilizing the international community to eliminate racial discrimination and, in particular, the policy of apartheid; it had called for the imposition of mandatory sanctions against South Africa and had provided material assistance to the peoples of southern Africa.

360. The representative also informed the Committee that no data regarding the ethnic origin of the population of his country had been collected during the 1981 census, although a breakdown of the population according to province or on the basis of religion was available. The minorities in Pakistan consisted of groups which did not profess the Muslim religion, such as Christians, which constituted the most numerous minority, Sikhs, Hindus, schedule castes, Buddhists, Parsees, etc. Local languages were used as a medium of instruction in schools; the national language, Urdu was taught as a compulsory subject in all the educational institutions and Public Service Commission examinations were given in English. The representative then referred to the guarantees for the protection of the rights of all minorities which were contained in the Constitution and other legislation of his country and applied by the Ministry of Religious and Minority Affairs and related institutions.

361. Members of the Committee expressed appreciation for the additional information provided by the representative of Pakistan in his introductory remarks. It was observed, however, that the report of his Government contained information previously provided to the Committee and it was suggested that answers to questions asked by members of the

Committee should be incorporated in the report. Further information was requested on the status of the 1973 Constitution under martial law.

362. The Committee drew particular attention to questions relating to the various minorities existing in Pakistan and it regretted that detailed data on the ethnic composition of the country were not available. The view was expressed that it would be useful for the Committee to receive information enabling it to compare the economic, social and cultural conditions under which the various population groups of Pakistan lived, in order to establish whether special measures needed to be adopted under article 2, paragraph 2, of the Convention. Members of the Committee wished to know what was the present situation concerning the representation of minorities in the National Assembly and the provincial assemblies of Pakistan, how the national interests of the minorities living in the north-western part of the country were guaranteed, especially after recent events that brought a great influx of refugees in the region, and how it was possible that a language such as Urdu, which was the native language of only 8 per cent of the population, was established as Pakistan's national language. They wished to know also in which regions or provinces the various tribal groups were concentrated, what the reasons were for the decrease in the population of those groups in the period 1972-1981; what action had been taken to promote the interests of such groups under article 2, paragraph 2 of the Convention and article 38 of the Constitution of Pakistan; how the Government of Pakistan had responded to the situation created by recent sectarian clashes that had taken place at Karachi, what specific measures it had taken to bring about reconciliation and to deal with the grievances of the religious minority group concerned; whether that minority group was adequately represented in public services, including the police force, and whether free interpretation was made available in judicial proceedings for persons speaking minority languages. In addition, information was requested on the number and status of persons of Bangladesh origin still residing in Pakistan, particularly those who might apply for Bangladesh citizenship, and on any agreement entered into by Pakistan with Bangladesh in an attempt to solve such problems as those relating to the property of persons who had left Bangladesh between 1965 and 1971.

363. With regard to the province of Baluchistan, one member asked to what extent the Government of Pakistan accepted the concept of the right to be different culturally, what steps were being taken to involve Baluchis in public service, whether there were any traditional systems at the village level being used for self-management, what the level of literacy was in Baluchistan, whether there were life expectancy statistics for that province, what special measures were being taken to improve the physical quality of life of people living there and what the priorities were for the special Baluchistan integrated development plan. Information was also requested on measures being adopted in an effort to strike a balance between the demands of the provinces and the metropolis on the Federal Government's financial allocations and on special plans to accelerate the development and industrialization of backward regions and to increase the representation of Punjabis, Sindhis, Pathans and Baluchis at the national level in the administration. The armed forces and the police. With reference to Pakistan's Declaration on Minorities which was annexed to Pakistan's fourth periodic report, information was requested on how paragraphs 2 to 4 of that Declaration had been implemented, what remedies were

available to members of minorities whose rights might be infringed, what concrete penal and other legal provisions protected the members of minority groups against racism and racial discrimination and what was the participation of the various linguistic, cultural and ethnic minorities in the decision-making process at all levels throughout the country.

364. With regard to article 4 of the Convention, reference was made to the sixth periodic report of Pakistan, in which information had been provided on sections 153 A and 505 (2) of the Pakistan Penal Code. It was stated in that report that those provisions went a long way in fulfilling the requirements of article 4, paragraphs (a) and (b), of the Convention. Some members of the Committee observed, however, that neither section 153 A nor section 505 (2) of the Penal code declared incitement to racial discrimination an offence punishable by law. Furthermore, section 153 A limited the application of article 4 of the Convention to acts which disturbed or were likely to disturb public tranquillity or cause alarm and the hope was expressed that the Government of Pakistan would take the necessary measures to give full effect to article 4 of the Convention. As regards the exceptions to section 505 of the Penal Code, the interpretation of which rested with the courts, it was asked whether there were any legal precedents concerning that matter, as well as concerning restrictions of human rights.

365. In connection with article 5 of the Convention, it was asked whether the press censorship imposed in Pakistan in 1979 had been lifted to any extent, whether there were any restrictions on the movement of persons from one province to another, whether there was any national legislation to control migratory movements, whether there were any bilateral agreements to deal with such problems amicably and in a humane manner, whether the interests of migrant workers from Pakistan were protected on the basis of agreements with host countries, and what Pakistan's policy was with respect to refugees requesting political asylum.

366. With reference to article 6 of the Convention, it was asked whether under military rule a civil lawyer was permitted to defend the accused, whether the accused had access to counsel at State expense, how the members of the martial court were selected and whether they had legal qualifications.

367. With respect to article 7 of the Convention, information was requested on the policy of the Government of Pakistan concerning the preservation of the cultural heritage of the various pre-Islamic civilizations represented in Pakistan. It was also asked what activities and programmes were involved in the celebration of Minorities Weeks, whether there were any special academies for the Pushto, Sindhi and Baluchi literatures and cultures and whether there were any national institutions that could inform the general public of the nature of their rights provided for in the Convention or to assist them in upholding their rights. In addition, further clarification was requested of the activities of the Ministry of Religious and Minority Affairs.

368. In reply to questions raised by members of the Committee, the representative of Pakistan explained that the seventh periodic report of his Government did not provide any new information because no substantive new developments having a bearing on the

implementation of the Convention had occurred in Pakistan since the submission of the sixth periodic report. The country continued to be governed by the Constitution and all constitutional provisions prohibiting racial discrimination, all measures taken to implement the Convention and all other safeguards made in the form of amendments to the Penal law remained in force.

369. As regards to questions relating to minorities and the protection of the interests of the various regions in the country, the representative explained that under the federal form of government in Pakistan there was a division of power between the central government and the provinces and this division applied also to the legislature. All provinces were represented in the central legislature on the basis of their population, and minority communities were represented in the Minority Affairs Division of the Ministry of Religious and Minority Affairs. Individuals belonging to minority groups who had grievances had an opportunity to see redress through the courts in accordance with article 199 (1) (c) of the Constitution. Arrangements were made in local courts to ensure that defendants had access to a lawyer provided by the State, and to interpretation when it was needed. As to specific measures taken in Pakistan to enforce article 2 of the Convention, the representative referred to article 33, 36 and 38 of the Constitution as well as the Council of Islamic Ideology which had been established to bring the laws of the country into line with the Koran and the Suma. He pointed out that since one of the fundamental principles of Islam was the prohibition of racial discrimination, the Council would naturally see to it that no law would in any way contravene the Convention. Urdu had been declared the official language of the country in accordance with the wishes of the people by article 251 of the Constitution. Even though it was not the mother tongue of the majority, most people in Pakistan spoke and understood it. With regard to special measures concerning Baluchistan, the representative pointed out that under the five-year plan established by his Government, which had begun on 1 July 1983, special efforts were being made and additional resources allocated for the accelerated development of that province. Referring to the implementation of Pakistan's Declaration on Minorities, he drew attention to relevant provisions contained in article 199 (1) (c) of the Constitution and section 166 of the Penal Code.

370. In connection with article 5 of the Convention, the representative pointed out that an entire chapter of the Constitution of Pakistan was devoted to fundamental rights, however some of them were subject to reasonable restrictions in the interest of decency, public morals and public order, as they were in many other countries. Referring to Pakistan's policy with respect to refugees, he recalled that his Government was providing temporary refuge to 3 million refugees from Afghanistan in co-operation with the Office of the United Nations High Commissioner for Refugees and other international agencies. Their return depended on the developments in their home country.

371. The representative finally stated that answers to other questions and comments made by the Committee would be included in his country's next periodic report.

**CERD A/40/18 (1985)**

237. The eighth periodic report of Pakistan (CERD/C/118/Add.15) was considered by the Committee at its 712<sup>th</sup> and 713<sup>th</sup> meetings, held on 13 March 1985 (CERD/CSR.712 and SR.713).

238. The report was introduced by the representative of Pakistan who said that the people of his country represented a relatively homogenous racial group consisting mostly of followers of Islam, which emphasized the principles of human brotherhood, equality and social justice, and advocated tolerance of different races and creeds. Racial discrimination was therefore unknown in Pakistan. He referred to relevant parts of the report and informed the Committee that in 1983 his Government had established the office of ombudsman to investigate and remedy injustices caused by maladministration - including cases which involved racial discrimination - on the part of federal agencies or their officials. For the period from August to December 1983, of 1,941 complaints registered, 334 had been redressed and 253 rejected; the remainder were under investigation. He indicated that elections had recently been held at the federal and provincial levels and martial law was to be terminated in stages within the following months, after which the 1973 Constitution, as amended, would again become fully effective. In the National Assembly, at the federal level, 206 of the 237 seats were allocated to various provinces in proportion to their respective population; 10 seats for minorities, 20 seats for women and one seat for the federal authority of Islamabad. Seats reserved for the minorities exceeded the number that could be justified by their provincial assemblies. The Government encouraged the use of the different languages spoken in Pakistan. The Declaration on Minorities reaffirmed the Government's commitment to safeguarding the rights of minorities and integrating them into society without loss of religious or cultural identity. Where necessary, minorities were given preferential treatment through the allocation of quotas.

239. The Committee thanked the representative of Pakistan for the additional information provided in his introductory statement, particularly with regard to the recent political developments in his country. The report provided substantive information and conformed to the Committee's general guidelines (CERD/C/70/Rev.1).

240. Members of the Committee requested clarification regarding the transition from martial law to civilian rules in Pakistan. They wished to know the extent to which the 1973 Constitution had remained in effect under martial law and how that situation might have affected the implementation of the Convention. They pointed out that amendments made to the 1973 Constitution having a bearing on Pakistan's implementation of the Convention should be included in the next periodic report. Further information was requested regarding the relationship between Islamic law and Common law in Pakistan.

241. With reference to article 2 of the Convention, the Committee took note of the valuable information in the report on languages and tribal areas. It inquired about the criteria used in defining tribal membership particularly since people of the tribal areas were given representation in the national and provincial assemblies on the basis of the size of their population. The Committee stressed the importance of being provided with information on the ethnic origin of the population in order to be able to assess the

situation of minorities. It congratulated the Government for its economic, social and educational policy on behalf of the tribal areas, but indicated that the next report should provide more information on the way in which that policy was being implemented and participation of tribesmen in the decision-making process was being encouraged. Members wished to know whether there were specific measures aimed at protecting the cultural identity of minorities living in a different province, and whether materials in different languages were printed to ensure wide readership. They were interested in receiving information on development activities in Baluchistan and in the federally administered tribal areas.

242. Information was requested concerning the resettlement of some 200,000 to 300,000 Urdu-speaking Biharis who claimed to be Pakistanis and were still living in Bangladesh. Members also wished to know which issues were actually dealt with by the bodies concerned with problems of minorities and what criteria were used to determine whether a tribal area was to be administered federally or provincially. Members requested information concerning complaints of discrimination by adherents of a branch of Islam called Ahmadiyah who frequently sought refuge abroad.

243. Members of the Committee praised Pakistan's consistent record of opposition to the racist policies of South Africa and its active support for the people of southern Africa.

244. With reference to article 4 of the Convention, the Committee pointed out that there were still deficiencies in the implementation of the provisions of that article. The amendments made to two sections of the Penal Code of Pakistan did not fully meet the requirements of article 4 of the Convention. Section 153 A of the Penal Code limited the application of article 4 of the Convention to acts which disturbed public tranquillity or caused alarm. In that connection, members asked for additional information on how incitement to racial discrimination was punished.

245. With regard to article 5 of the Convention, members of the Committee wished to know whether trade unions existed in Pakistan and asked for detailed information regarding the scope of their activities and the nature of their organization. They also requested further information about the re-introduction of press censorship in September 1984.

246. The Committee pointed out that the report of Pakistan did not contain information on articles 6 and 7 of the Convention. The gap had been filled to some extent by the representative of Pakistan in his introductory statement, especially with respect to the establishment of the office of ombudsman. However, questions that had arisen during the discussion of Pakistan's seventh periodic report had still not been answered. Information was requested on the efforts of the mass media to popularize the principles and objectives of the Convention. The Committee stressed the importance of receiving written information on the implementation of those two articles in the next periodic report.

247. In reply to questions raised by the members of the Committee regarding the transition from martial law to civilian representative government, the representative of

Pakistan said that martial law would be lifted in phases and the 1973 Constitution could then become fully effective. On 2 March 1985, the President had announced amendments to the Constitution that would ensure a more equitable division of power between the President and the Prime Minister. The Prime Minister would then be responsible to the National Assembly. The powers of the federal and provincial legislatures would be enhanced to some extent.

248. Turning to observations made and questions posed regarding the implementation of article 2 of the Convention, he said that 3.2 billion rupees had been earmarked for economic development under the sixth five-year national development plan. In addition, between 2 and 3 billion rupees would be spent under the special programme for tribal areas covering a wide range of projects in various fields. Special attention was being given to public sector development in Baluchistan and a programme of 21 billion rupees had been proposed for the sixth plan period. The public sector investment programme was expected to bring about a visible change in living standards in the short run and sustained growth in the long run. With regard to the non-Bengalis in Bangladesh, he indicated that Pakistan's obligations under the 1973-1974 agreements with Bangladesh had been fully met. Pakistan had received the number of returnees agreed upon in addition to 28,000 hardship cases. Those who did not fall into any of the three agreed categories of returnees were citizens of Bangladesh and had been there for 35 years. He pointed out that minorities in Pakistan were religious, not ethnic. The Constitution guaranteed all rights to minorities, and, where necessary, they had been given special treatment. Pakistan did not rely solely on the prohibition of racial discrimination by the Islamic faith, but had taken legal, judicial and administrative steps to ban racial discrimination and to ensure equality of all citizens. It had also enacted legislation for the punishment of persons who practised such discrimination. All citizens of Pakistan had equal rights to participate in the country's decision-making process, as well as the right to protect their culture. The latest population census, taken in 1981, had not compiled data relating to ethnic groups. He was not aware of any case of racial or ethnic discrimination. The rights of the Ahmadiyah, a religious minority, were guaranteed by an act of Parliament enacted in 1974. There was no basis for the reported complaints of discrimination against the Ahmadis. In fact, as they had been declared a minority, the Ahmadis were entitled to special representation in the national and provincial assemblies against the reserved seats.

249. With regard to implementation of the provisions of article 4 of the Convention, he said that the observations made by the Committee would be transmitted to his Government. Pakistan believed, however, that there was no need for additional legislation.

250. Regarding article 5 of the Convention, he indicated that censorship had been abolished in Pakistan. Trade unions in Pakistan functioned within the general guidelines of the International Labour Organization.

251. As for the implementation of article 7 of the Convention, he had stated in his introduction that educational programmes in Pakistan stressed the concept of mutual understanding and universal brotherhood. In education, there was no distinction on the



basis of caste, creed or religion. In addition, the media promoted the concept of equality of all citizens.

252. Finally, he assured the members of the Committee that their observations and questions would be conveyed to the relevant authorities, so long as they fell within the competence of the Committee.

### **CERD A/42/18 (1987)**

784. The ninth periodic report of Pakistan (CERD/C/149/Add.12 and Corr.1) was considered by the Committee at its 796<sup>th</sup> and 797<sup>th</sup> meetings on 16 March 1987 (CERD/C/SR.796-SR.797).

785. The report was introduced by the representative of Pakistan, who referred to relevant parts thereof, particularly to the legal recourse available to victims of injustice. He stressed that the 1985 elections had brought to power a representative Government which had lifted martial law and the state of emergency and had fully restored the powers of the courts. He said that the Government was giving high priority to the economic and social development of Baluchistan, to which increasingly substantial financial resources had been allocated in recent years. Pakistan considered apartheid a crime against humanity and the Government and people of Pakistan had always extended their full support to the people of southern Africa in its struggle for national liberation. His Government had imposed a complete ban on trade with South Africa and suspended all cultural, educational and sports exchanges.

786. Members of the Committee congratulated the Government of Pakistan on its report and welcomed the lifting of martial law, the full restoration of constitutional and fundamental rights and the fact that the judiciary had recovered its supremacy in Pakistan. Those were positive factors which would create favourable conditions for implementing the Convention. Members expressed satisfaction at the fruitful co-operation between the Government of Pakistan and the Committee, and at the fact that the report had been submitted in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and provided answers to some of the questions raised during consideration of the previous report.

787. Members asked whether there had been a full review of the legislation introduced during the period of martial law, whether the Constitution had been revised in the light of the Convention, and whether new legislation had been enacted to cover the measures that had been taken as result of the lifting of martial law and the full restoration of fundamental rights.

788. In relation to the implementation of article 2, paragraph 2 of the Convention, taken in conjunction with article 5, members of the Committee commended Pakistan on its policies concerning the tribal areas, which were designed to bring about real equality, and

the measures taken to protect the cultural identity of minorities. They also congratulated the Government on the increased development funds made available for Baluchistan.

789. Members expressed regret that the Government was unable to supply data on the ethnic composition of the population. Without such information, the Committee was unable to assess the situation of minorities and evaluate the impact and effectiveness of the measures described in the report. Paragraph 12 of the report indicated that minority populations constituted 3.32 per cent of the total population, but went on to indicate that data on ethnic origin were not collected in the country's decennial census or otherwise. The report also indicated, in paragraph 13, that there were no linguistic minorities in Pakistan, but that Urdu was the national language, Punjabi, Sindhi, Pashto, Baluchi and other languages being spoken in different parts of the country. Furthermore, the eighth periodic report gave the percentage of people who spoke eight different languages. It was also pointed out that, in paragraph 23, the report indicated that, under the Constitution, citizens having a distinct language, script or culture had the right to preserve and promote them and that the Government was committed to protecting the cultural identity of minorities. Members wished to know whether the criteria for defining minorities were religious or cultural, and whether language was not a compound of those criteria. They also asked what categories had been included in the census figures.

790. Members requested more information on the economic and social situation of minorities, as well as on measures taken to encourage their participation in economic, social and cultural activities, their literacy rates and their health situation. They wished to know how the rights of minorities were protected under Islamic law, how minorities were accorded representation in parliament, whether religious groups were regarded as part of the whole Islamic group, nation or people or whether particular groups were recognized and had any standing, whether the Government provided interpretation if the court language differed from the local language. It was asked whether herdsmen belonging to the tribal areas who travelled around the country had their own administrative system and, if so, how it related to the Government administration. Information was requested on the literacy rates among children in the tribal areas and how schools for those children were organized. Clarification was sought regarding the rights of minorities, as stated in the report, and about the meaning of "evacuee trust property" in connection with the functions of the Ministry of Minorities Affairs. It was also asked how the provision of the Constitution on the right to preserve and promote language, script or culture was being translated into action and whether that was an ongoing process, and whether Baluchistan contained minorities or tribal areas.

791. Members observed that the report provided no information on the situation of Afghan refugees. They inquired about the Government's position with regard to refugees who might eventually decide to remain in Pakistan and how the Pakistani population felt about the possibility of a settlement of the Afghan question. It was asked whether the minority population of 2,803,587 included Afghan refugees and whether it included the tribal areas. Members also asked what effect the existence of a significant number of Afghan refugees had on relations between ethnic and national groups.

792. Members of the Committee wished to know whether, under Islamic law in Pakistan, a non-Muslim enjoyed equality with Muslims and whether religion was taught in schools. Clarification was sought on the statement in the report that the law provided trade-union leaders with immunity for punishment under the law of conspiracy, for the furtherance of genuine trade-union activities.

793. In relation to article 3 of the Convention, members of the Committee commended Pakistan's firm and consistent opposition to apartheid. They observed with interest that the Government had imposed a total prohibition on trade with South Africa. It was asked how strict the prohibition was and whether it was supervised and if any relations existed between Pakistan and South Africa in other fields.

794. With regard to the implementation of articles 4 and 6 of the Convention, members of the Committee pointed out that no response had been forthcoming regarding the criticisms expressed by the Committee during the consideration of the previous report concerning shortcomings in the application of article 4 of the Convention. In particular, section 153A of the Pakistan Penal Code, which was mentioned in the annex to the report, showed that certain aspects of article 4 (b) of the Convention had still not been incorporated in the domestic law of Pakistan. They wished to know whether the provisions of the Pakistan Penal Code concerning discrimination were frequently applied and asked to be provided with a few significant court decisions. Additional information was requested regarding the way in which freedom of the press was guaranteed in Pakistan, and how the statutes enacted in 1973 were applied by the courts. It was asked whether penalties of Islamic law, such as flogging and other extreme measures, were actually imposed in Pakistan. Members also wished to know whether an individual citizen could appeal directly to the courts, whether penal, civil or administrative, to seek redress.

795. In relation to article 7, members asked whether the television and film industry cooperated with the Pakistan authorities in promoting tolerance and friendship among ethnic groups and nations, whether members of the police force were given special training in human rights, whether they generally respected human rights, and whether pupils and students received civic education.

796. In reply to the questions raised and the observations made by members of the Committee, the representative of Pakistan stated that minorities denoted religious minorities; approximately 96.7 per cent of the population adhered to Islam, the remaining 3.3 per cent consisting of Christians, Hindus, Parsees, Buddhists, Sikhs and others. Minorities were represented in the national and provincial assemblies in proportion to their numbers. In the National Assembly, 10 seats had been reserved for them out of a total of 217, while in the four provincial assemblies the number of seats reserved for the minorities were: Baluchistan - 3 out of 43, North-West Frontier Province - 3 of 83, Punjab - 8 out of 248, and Sind - 9 out of 109. Seats were also reserved for the religious minorities in the local elective bodies, in proportion to their numbers.

797. Demographic data according to ethnic origin were not collected in the decennial census or by any other means. Ethnic origin was purely subjective criterion. However, information on the different languages usually spoken in households, was collected and approximately 48 per cent of the people spoke Punjabi, the most common language, 13 per cent Pashto, 12 per cent Sindhi, 10 per cent Siraiki, 8 per cent Urdu, 3 per cent Baluchi, 2 per cent Hindko and 1 per cent Brohi; the other languages were spoken by less than 3 per cent of the population. There was no simple linguistic majority, as the most common languages were spoken by less than half the population.

798. Not all people of the tribal areas were herdsmen, although there were herdsmen among them. Most lived a settled life. They had a long tradition of political autonomy, which the Government fully respected, the main feature being an assembly of elders who decided all questions in democratic way. Regarding court proceedings, full provision was made for the use of regional languages and interpretation facilities were available. Urdu, the national language, was also used.

799. Afghan refugees had been entering the country in large numbers since the foreign military intervention in Afghanistan in 1979 and there were now over 3 million registered refugees, as well as several hundred thousand not yet registered. The influx was continuing at an average rate of about 8,000 per month. Most of them lived in the 318 refugee villages in the North-West Frontier Province, Baluchistan and Punjab. In some districts they outnumbered or equalled the local population. Refugees were entitled to virtually all the rights enjoyed by Pakistanis - except the right to vote and to hold office and other political rights available only to citizens - and were not subject to any form of discrimination.

800. The question about the position of Afghan refugees choosing to remain in Pakistan was purely hypothetical, since they had taken refuge temporarily; they had not chosen to adopt Pakistan as their home and the Government was committed to facilitating their return to Afghanistan as soon as it could be arranged in conditions of safety and honour. Pakistan had always supported a political settlement of the Afghan problem and had been participating in indirect talks under the auspices of the personal representative of the Secretary-General of the United Nations. Some progress had been made in the latest round of talks in Geneva and it was hoped that further progress would be made when the talks resumed.

801. Islamic law formed part of the ordinary law of the land and the non-Muslim minorities enjoyed all the rights of other citizens. One such minority was the Ahmaddiya community. In addition to all the political rights of citizens. Such as the right to vote and to hold political office, minorities also enjoyed a number of special privileges, such as reservation of seats in elective bodies.

802. Pakistan did not maintain, and never had maintained diplomatic, trade or other relations with South Africa. It fully supported the struggle of the people of South Africa for national liberation.

803. Regarding Pakistan's obligations under article 4 of the Convention, amendments had been made to the Penal code and the Code of Criminal procedure in 1973 to bring them into conformity with the provisions of the Convention. The amendments included provisions penalizing incitement to disharmony or feelings of enmity, hatred or ill will between different communities and acts prejudicial to the maintenance of harmony between different communities and which disturbed public tranquillity. The word "disharmony" was considered broad enough to cover every conceivable act of racial incitement and no further legislation had been thought necessary.

804. The lifting of martial law and of the state of emergency had fully restored the powers of the courts to enforce the fundamental rights of citizens. The courts were now fully competent to issue orders to the executive authorities to enforce those rights.

805. Finally, the representative of Pakistan stated that those questions which had not been answered would be taken into account at the time of submission of Pakistan's tenth periodic report.

#### **CERD A/52/18 (1997)**

176. The Committee considered the tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Pakistan, submitted in one document (CERD/C/299/Add.6), at its 1198<sup>th</sup> and 1199<sup>th</sup> meetings (CERD/C/SR.1198 and 1199), held on 11 and 12 March 1997. At its 1210<sup>th</sup> meeting, on 19 March 1997, it adopted the following concluding observations.

##### **A. Introduction**

177. The Committee welcomes the opportunity to resume the dialogue with Pakistan after a lapse of 10 years. The Committee notes with appreciation that the report submitted by the State party complies with the Committee's general guidelines and that it addresses the recommendations made during the discussion of the previous report. At the same time, the Committee is of the opinion that more specific information is needed on the implementation of the Convention and national laws in practice. The Committee welcomes the answers provided by the delegation in response to comments made by its members.

178. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention; some of its members requested that the possibility of such declaration be considered.

##### **B. Factors and difficulties impeding the implementation of the Convention**

179. It is noted that Pakistan has a large multi-ethnic and multicultural society. It is also noted that the extreme poverty of certain groups in the population, the presence of 1.2

million Afghan refugees and the climate of violence in certain parts of the country may affect the full implementation of the Convention by the State party.

### C. Positive aspects

180. The completion of the democratic process, with the regular holding of elections, is obviously a positive step towards better protection of human rights in general and full compliance with the Convention.

181. The information provided by the State party on minorities living in Pakistan, in response to questions asked during the consideration of the previous report, is welcomed by the Committee, which notes that the State party's definition of minorities is based on the religious affiliation of the persons concerned and not on ethnic, racial or linguistic grounds. Although the Committee is aware that religious minorities as such do not fall under the scope of the Convention, it notes that religious differences may coincide with ethnic differences, and it therefore welcomes the institutions and measures that have been established to promote and protect minority rights, such as the Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, the District Minority Committees, the National Committee on the Kalash People and the monthly holding of meetings with minority members of the National Assembly.

182. The establishment of a Ministry of Human Rights is welcomed. The active role played by the Commission on Human Rights in identifying and criticizing human rights violations, including those committed by the police and armed forces, is also welcomed by the Committee.

183. The repeal of the separate electoral system, which allowed members of minorities to vote only for certain reserved seats in elections, is welcomed. The fact that members of minorities are now entitled to participate directly in the general election process, in addition to electing their own representatives, is a positive development.

184. The direct participation in national elections, for the first time since Pakistan's independence, of the inhabitants of the Tribal Areas is also welcomed.

185. The extensive information in the report on the different languages spoken in Pakistan is welcomed by the Committee, all the more so since it may help in the gathering of future information on the ethnic composition of the population during the Fifth Population and Housing Census.

186. The detailed information on various measures taken and campaigns launched by Pakistan with a view to promoting human rights education and to raising people's awareness of their rights and obligations, including those under the Convention, as well as the envisaged incorporation of human rights education in the school curricula, are welcomed.

#### D. Principal subjects of concern

187. Concern is expressed that the policy of the State party to recognize only religious minorities excludes ethnic, linguistic or racial groups living in the country from any specific protection under the Convention that would derive from their official recognition as minorities.

188. The fact that the fundamental rights of citizens, irrespective of their race, religion, caste, sex, residence or place of birth, are guaranteed by the Constitution is welcomed, although it is stressed that article 1, paragraph 1, of the Convention is broader in that it prohibits discrimination "based on race, colour, descent, or national or ethnic origin".

189. It is noted with regret that the report does not respond to paragraph 8 of the Committee's general guidelines about the supply of information on ethnic or racial origin. The lack of such information makes it difficult to assess the situation of the various ethnic groups in Pakistan and to evaluate the practical impact and the effectiveness of the legislative and other measures adopted by the authorities to implement the provisions of the Convention.

190. It is noted with regret that no specific information is provided on the laws and regulations concerning the Federally Administered Tribal Areas and the North-West Frontier Province, as well as on the economic and social situation prevailing there.

191. The lack of information on the implementation of article 4 of the Convention is regretted. Moreover, it is noted that the State party's legislation does not fully comply with article 4 (b) of the Convention, which requires that "organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination" be declared illegal and that "the participation in such organizations" be declared an offence punishable by law.

192. There is insufficient information on article 5 (a) and (b) of the Convention, and in particular whether everyone enjoys the right to "equal treatment before the tribunals and all other organs administering justice" and to "security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution".

193. It is regretted that there is not sufficient disaggregated information on participation in public life, as well as economic and social indicators, especially in connection with access to employment, housing, education and health, of the various ethnic, racial or linguistic groups living in the country, including non-citizens; this hampers the assessment of the progress made in the implementation of article 5 of the Convention.

194. It is unclear whether the various languages spoken in the country can be used in the courts.

195. As there is no information on the legislative measures adopted to implement article 6 of the Convention, the absence of instances of judicial cases concerning acts of racial discrimination cannot be accepted as proof of the absence of such discrimination.

E. Suggestions and recommendations

196. The Committee recommends that, in the future, attention be paid to article 9, paragraph 1, of the Convention relating to the undertaking by States parties to submit periodic reports regularly.

197. The Committee recommends that the State party's prohibition of discrimination be brought into line with article 1, paragraph 1, of the Convention.

198. The Committee recommends that more information on the functions and powers of the Ministry of Human Rights and the Commission on Human Rights be provided in the State party's next periodic report.

199. The Committee recommends that specific information be provided on the Federally Administered Tribal Areas and the North-West Frontier Province.

200. The Committee, while appreciating the concern not to promote ethnic or group distinctions, suggests that the State party explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups, to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.

201. The Committee recommends that the State party include in its next report information as available on the ethnic and racial origin of the population in conformity with paragraph 8 of the Committee's general guidelines.

202. The Committee recommends that information on the implementation of article 4 of the Convention be provided in the next periodic report. It also recommends that the necessary steps be undertaken to give effect to article 4 (b) of the Convention in national legislation.

203. The Committee further recommends that comprehensive information be provided in the next periodic report on the implementation of article 5 of the Convention, with particular reference to paragraphs (a), (b), (c) and (e).

204. The Committee recommends that the next periodic report contain information on which of the main languages spoken in Pakistan may be used in the courts and in relations with the administration.

205. The Committee recommends that comprehensive information be provided on legislative and other measures adopted by the State party to comply with provisions of article 6 of the Convention and on the availability of the right to seek from the courts just



and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination. The Committee also recommends that instances of cases where reparation was sought from the courts, together with the courts' decisions thereon, be provided.

206. The Committee recommends that the State party, in its continuing efforts in the field of human rights education and awareness, continue to pay attention to the establishment of training programmes aimed at familiarizing law enforcement officials, judges, magistrates, teachers and social workers with the standards of the Convention. In this respect, the Committee draws the attention of the State party to its General Recommendations V (15), on reporting obligations in relation to article 7 of the Convention, and XIII (42), on the training of law enforcement officials in the protection of human rights.

207. The Committee further recommends that the tenth to fourteenth periodic reports of the State party, as well as the present concluding observations, be publicized and widely disseminated among the public at large.

208. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

209. The Committee recommends that the State party's next periodic report be an updating report taking into account all requests for specific information listed above and all points raised in consideration of the report.

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