

If **Pakistan** is serious about becoming a member of the Human Rights Council, Pakistan should demonstrate its commitment to promote and protect human rights **by pledging to:**

- 1. Ratify all core international human rights treaties, in particular those that provide for individual communications. Pakistan should make the necessary declaration to accept individual communications.**

In particular, we call upon the Government of Pakistan to:

- 1. Consider reinstating the Juvenile Justice System Ordinance (JJSO) or introduce new legislation to protect children in criminal justice system in line with Pakistan's obligations under Convention on the Rights of the Child (CRC)**
 - The Government must promptly reinstate the Juvenile Justice System Ordinance (JJSO) of 2000, which was revoked by the Lahore High Court on 6 December 2004, with effect for the whole country
 - In the case that the Supreme Court decides to uphold the Lahore High Court judgement, we urge the Government of Pakistan to consider new legislation to protect children in the criminal justice system in line with Pakistan's commitments under the CRC.
- 2. Ratify the Optional Protocol to Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**
 - In the name of culture and tradition, thousands of women continue to be discriminated against and even murdered in Pakistan, while the majority of perpetrators go by unpunished.
 - It is therefore essential that victims of human rights violations have an international avenue for redress and recourse to justice.
- 3. Ratify the Convention Against Torture (CAT), given the high level of acts of torture committed by the police and other law enforcement agencies.**

Current ratification status:

	International Covenant on Civil and Political Rights (ICCPR)
	First Optional Protocol to the ICCPR (individual communications)
	Second Optional Protocol to the ICCPR (abolishing the death penalty)
✓	International Covenant on Economic, Social and Cultural Rights (ICESCR)
✓	Convention on the Elimination of All Forms of Racial Discrimination (CERD)
	Declaration under Article 14 of CERD (individual communications)
✓	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
	Optional Protocol to CEDAW (individual communications)
	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
	Declaration under Article 22 of CAT (individual communications)
✓	Convention on the Rights of the Child (CRC)
	Optional Protocol to CRC on the involvement of children in armed conflict
	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
	Migrant Workers Convention
	Article 77 of the Migrant Workers Convention (individual communications)
	1951 Convention on the Status of Refugees and its 1967 Protocol
	Rome Statute of the International Criminal Court

- 2. Ratify all 8 core International Labour Organisation (ILO) Conventions on fundamental human rights. We note that Bangladesh has yet to ratify Convention 138 (Minimum Age Convention).**
- 3. In addition, ratify ILO Conventions on migrant workers (Conventions 97 and 143)**

Current ratification status:

Freedom of association and collective bargaining

✓	Convention 87	
✓	Convention 98	
Elimination of forced and compulsory labour		
✓	Convention 29	
✓	Convention 105	
Elimination of discrimination in respect of employment and occupation		
✓	Convention 100	
✓	Convention 111	
Abolition of child labour		
	Convention 138	
✓	Convention 182	
<p>4. Remove all reservations. We strongly urge the Government to demonstrate its commitment to the promotion and protection of human rights by removing the following reservations that hamper the effective implementation of the provisions in the treaties.</p>		
Total number of reservations currently in place: 1		
Reservation	No. of years it has been in place	Text of the reservation
Article 29, CEDAW (dispute between States Parties may be submitted to arbitration by the International Court of Justice)	10	"The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention."
<p>5. Support the speedy approval of the draft Convention for the Protection of all Persons from Enforced or Involuntary Disappearances and the draft Declaration on the Rights of Indigenous Peoples</p>		
<p>6. Fulfil the obligation to submit reports to the Treaty Bodies by the specified deadline. We note with concern the following reports that are overdue, and strongly encourage the Government to submit these reports as soon as possible.</p>		
Total number of overdue reports: 6		
Treaty	Type of report	Number of years overdue
ICERD	15 th periodic report	8 years (due January 1998)
	16 th periodic report	6 years (due January 2000)
	17 th periodic report	4 years (due January 2002)
	18 th periodic report	2 years (due January 2004)
CEDAW	Initial report	9 years (due April 1997)
	2 nd periodic report	5 years (due April 2001)
<p>7. Implement the Concluding Observations of the Treaty Bodies and facilitate any follow-up procedures</p>		
<p>8. Improve cooperation with the Special Procedures of the Council by:</p> <ul style="list-style-type: none"> ○ Responding quickly and in full to their communications ○ Acting upon their recommendations ○ Issuing a standing invitation and facilitating visits as requested ○ Accepting outstanding requests for country visits, as identified below 		

Number of outstanding requests for country visits:	
Year of request	Requested by
	Special Representative of the Secretary General on the situation of human rights defenders
2000, follow-up request in 2005	Special Rapporteur on summary executions
2006	Special Rapporteur on racism
<p>9. Establish a National Human Rights Commission (NHRC) in accordance with the Paris Principles, which includes:</p> <ul style="list-style-type: none"> ○ independence guaranteed by statute or constitution ○ autonomy from government ○ pluralism, including in membership ○ a broad mandate based on universal human rights standards ○ adequate powers of investigation ○ sufficient resources. 	
<p>We note with concern that although a bill “to provide for the setting up of the National Commission on Human Rights” has been drafted and presented to the National Assembly in February 2005, many of the provisions of this bill are not in accordance with the Paris Principles. These include, <i>inter alia</i>:</p> <p>1. Lack of independence and impartiality</p> <ul style="list-style-type: none"> ○ Section 11 (1)(m) of the bill requires the NHRC to pursue or defend matters relating to human rights in Pakistan in national and international fora. ○ This function is incompatible with the independence and impartiality which are core requirements of an effective NHRC. <p>2. Lack of pluralism in its membership/composition</p> <ul style="list-style-type: none"> ○ The composition of the NHRC as provided for in sections 3(2)(ii) and 3(2)(iii) does not ensure sufficient representation of all sections of society and does not sufficiently emphasise the human rights credentials of the members of the NHRC. ○ The Paris Principles require all NHRCs to ensure the “pluralist representation of the social forces (of civilian society) involved”. The NHRC should include women, ethnic and religious minorities, persons with disabilities and other representatives of vulnerable groups who may be underrepresented in other official bodies and may have particular problems having their concerns heard and attended to. ○ We would also like to highlight that the Chairperson of the NHRC <p>3. Limited scope of human rights issues to be addressed by the NHRC</p> <ul style="list-style-type: none"> ○ The scope of human rights within the jurisdiction of the NHRC is too limited. ○ Section 2(d) of the bill defines “human rights” as “the rights relating to life, liberty, equality and dignity of individuals guaranteed by the Constitution of Pakistan or embodied in the International Instruments on Human Rights which the Government of Pakistan has ratified and are enforceable by the courts in Pakistan”. ○ This definition lists some core civil and political rights, but it may be interpreted to exclude an entire range of economic, social and cultural rights. ○ Pakistan has only ratified four out of the seven “core” international human rights treaties, and thus the reference to human rights treaties ratified by Pakistan limits the range of human rights to be promoted and protected. <p>4. Inadequate powers of investigation</p> <ul style="list-style-type: none"> ○ For example, although section 11(c) of the bill gives power to the NHRC to undertake prison visits, it stipulates that the NHRC should inform the State authorities in advance regarding its intention to visit a place of detention. ○ This makes it possible for prison authorities to conceal conditions of detention or even detainees, thereby severely restricting the NHRC to come up with objective assessments. ○ This section should be revised to take into consideration the modalities of prison visits elaborated in the Optional Protocol to the Convention Against Torture. 	

5. Insufficient resources

- Sections 20-21 of the bill on “Finance, Account and Audit” may not secure sufficient funding for the NHRC as it does not provide for regular sources of funding, except for grants and donations towards a Fund.
- In addition, the bill grants too much control by the Government of the NHRC’s funding. The Government is given the power to establish a Fund for NHRC “in such manner as it may deem fit” (section 20(1)), approve “donations or contributions received from sources other than the Government” to be invested with the “financial institution approved by the Federal Government and may be withdrawn when required” (section 20(2)), and appoint officers who would do the administrative work (section 20(4)).
- The Paris Principles stipulate that the NHRC should be funded so as “to enable it to have its own staff and premises, in order to be independent of government and not be subject to financial control which might affect its independence”.

National Commission on the Status of Women

- Similarly, the criteria for the selection of the Chairperson of the National Commission on the Status of Women must be amended to include the eligibility of any person from the judiciary or the civil society based on merit to be elected.
- Currently, Ordinance 26 of 2000 establishing the Commission stipulates that the Chairperson and the members shall be appointed by the Federal Government (Section 3), which limits the independence of the Commission as well as the appointment of a Chairperson based on merit and experience.

Commission on Minorities

- Despite the Government’s claim that there was in existence a Commission on Minorities, it was an advisory council which hardly met or functioned.
- We urge the Government to take this opportunity as a potential member of the Human Rights Council to establish an effective and functional Commission on Minorities, mandated to protect and promote the rights of minorities as defined in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

10. Establish a fully functional regional human rights mechanism

As a member of the South Asian Association for Regional Cooperation (SAARC), Pakistan should take this opportunity to demonstrate its support to the promotion and protection of human rights not only through the mechanisms of the United Nations, but also at this immediate sub-regional level as well.

More specifically, Pakistan should commit through its national plan of action to operationalise and implement the SAARC members’ affirmation in the SAARC Social Charter to “promote universal respect for and observance and protection of human rights and fundamental freedoms for all...and strengthen civil society” (para xii).

11. Improve opportunities for contributions to the Council by NGOs, as well as enhancing cooperation with NGOs at the national, regional and international levels.

We would like to recall the acknowledgement by all States Parties who voted in favour of the General Assembly Resolution A/60/251 that “**NGOs play an important role at the national, regional and international levels, in the promotion and protection of human rights**”.