

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	632
Land:	Pakistan
Kilde:	UN Human Rights Council
Titel:	Pakistan; Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights
Udgivet:	15. november 2022
Optaget på baggrundsmaterialet:	24. januar 2023



General Assembly

Distr.: General
15 November 2022

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
23 January–3 February 2023

Pakistan

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Discrimination against Women expressed concern about the reluctance of Pakistan to withdraw its declaration made upon accession to the Convention on the Elimination of All Forms of Discrimination against Women that “The accession by the Government of the Islamic Republic of Pakistan to the Convention is subject to the provisions of the Constitution of the Islamic Republic of Pakistan.” It urged Pakistan to strengthen its efforts towards the expeditious withdrawal of that declaration.²

3. The same Committee and the United Nations country team encouraged Pakistan to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.³ The Committee also encouraged Pakistan to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance.⁴

4. The same Committee invited Pakistan to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁵ The United Nations country team encouraged Pakistan to ratify the same two conventions, and to consider ratifying the Convention relating to the Status of Refugees and its Protocol.⁶

III. National human rights framework

Institutional infrastructure and policy measures

5. The Committee on the Elimination of Discrimination against Women expressed concern that the National Commission for Human Rights was not yet compliant with the



principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee recommended that Pakistan ensure that the Commission was in full conformity with the Paris Principles, strengthen the mandate of the Commission and enable it to investigate complaints about violations of women's rights, provide it with adequate resources to carry out its mandate, and encourage it to apply for accreditation by the Global Alliance of National Human Rights Institutions.⁷ The United Nations country team welcomed the reinstitution of the Commission and encouraged Pakistan to assist the Commission in overcoming its capacity, staffing and institutional knowledge management challenges.⁸

6. The Committee on the Elimination of Discrimination against Women expressed concern that, since the devolution of powers in the area of women's rights, governance challenges had continued to exist in the integration and coordination of policies for the advancement of women. It also expressed concern about the lack of resources allocated to the provincial commissions and women's development departments and about the limited resources available to the National Commission on the Status of Women. The Committee recommended that Pakistan ensure that federal institutions were equipped to coordinate and oversee gender equality policies and programmes, amend the Code of Civil Procedure (Act V, 1908) to ensure that recommendations made by the Commission were taken into consideration in the formulation of relevant legislation, policies and programmes, institutionalize an interprovincial coordination mechanism and allocate adequate resources to the provincial commissions and the women's development departments, and ensure that the Commission had adequate resources to fulfil its mandate.⁹

7. The United Nations country team urged Pakistan to strengthen national human rights institutions such as the National Commission for the Status of Women and the National Commission on the Rights of Child.¹⁰

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

8. Three special rapporteurs raised concern about the decision of the High Court in Islamabad ordering the obligatory declaration of religion or belief in all official documents. They urged review of that decision in the light of the international legal obligations of Pakistan under the International Covenant on Civil and Political Rights and stressed that, if the court order was complied with, it would lead to direct and indirect discrimination and the increased vulnerability of religious minorities, who were already facing discrimination and acts of intolerance and social hostility.¹¹

2. Right to life, liberty and security of person, and freedom from torture

9. Four special procedure mandate holders addressed issues related to arbitrary and summary executions, safeguards pertaining to fair trial and due process, the prohibition of torture and other cruel, inhuman or degrading treatment and the protection of the rights of juvenile offenders by the Government under the application of the Anti-Terrorism Act, 1997. The apparent pattern had been illustrated in 11 cases. The mandate holders reiterated their call to Pakistan to reinstate the moratorium on executions, with a view to abolishing the death penalty, and review the current anti-terrorism legislation, in particular with regard to children, and the provisions providing for the death penalty, with a view to bringing it into compliance with international human rights law.¹²

10. The United Nations country team raised the issue of the execution of juveniles and persons with mental illness in Pakistan.¹³

11. The Human Rights Committee noted that the military courts had expired in March 2019, but expressed regret that 59 prisoners had been executed on the basis of sentences given by military courts.¹⁴

12. Various special procedure mandate holders raised concern about the steady increase in the number of enforced disappearances of persons belonging to minorities, in particular Sindhi minorities, political activists, journalists and human rights defenders, in the Province of Sindh. They stated that there appeared to be an apparent pattern of impunity. The persistence and widespread character of those practices raised the concern that they might reflect a policy, or at least a tolerance, on the part of the authorities, which could amount to a policy. They reiterated their recommendation that Pakistan criminalize enforced disappearance.¹⁵

13. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment expressed grave concern regarding the lack of legislation for the prevention and punishment of torture. He welcomed the forthcoming discussion by the National Assembly of the draft torture and custodial death (prevention and punishment) bill and urged the Government to ensure that its adoption brought Pakistan into full compliance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights.¹⁶

14. The United Nations country team encouraged Pakistan to enact legislation defining and criminalizing torture, in compliance with international law.¹⁷

15. The United Nations country team noted with concern that the application of human rights safeguards in prisons remained marginal, with most legislation related to prisons being inconsistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It encouraged Pakistan to address the issue of overcrowded prisons and limited numbers of prison management staff.¹⁸

3. International humanitarian law

16. A number of special procedure mandate holders noted concerns about human rights violations in relation to humanitarian access, the collection of biometric data, non-discrimination and the impact on women and children owing to their alleged association with terrorists. They highlighted the duty to act with due diligence to protect the rights of nationals deprived of their liberty and outlined measures that could be taken to protect the rights of the individuals held in the camps, including returning them to their country of origin.¹⁹

4. Human rights and counter-terrorism

17. Various special procedure mandate holders reiterated their concerns that the Anti-Terrorism Act and the Pakistan Protection Ordinance seemed to allow forms of arbitrary detention conducive to the occurrence of prolonged incommunicado detention, torture and enforced disappearances often resulting in the extrajudicial execution of the victim, and their reported use as a legal basis to abduct and arbitrarily detain individuals deemed to have been or suspected of being involved in dissenting activities in the Province of Sindh. The mandate holders reiterated their call to the Government to examine the compatibility of that legislation with the international human rights obligations of Pakistan and to thoroughly review its policy and existing practices.²⁰

5. Administration of justice, including impunity, and the rule of law

18. The Committee on the Elimination of Discrimination against Women noted that, in the Alternate Dispute Resolution Act, 2017, parallel legal systems and informal dispute resolution mechanisms were formally recognized, incorporated into the mainstream judicial system and subjected to judicial and administrative oversight. It expressed concern that those systems might discriminate against women and girls.²¹

19. The same Committee recommended that Pakistan ensure that parallel justice systems and informal dispute resolution mechanisms were consistent with the Convention on the Elimination of All Forms of Discrimination against Women and did not discriminate against women, raise awareness among the general public to give preference to judicial remedies over informal dispute resolution mechanisms when denouncing violations of women's rights, eliminate physical, communication and economic barriers to access to justice for women and girls by ensuring the availability of modern information and communications technologies and by using the media to raise awareness among women and girls of their rights and

available remedies, and strengthen the judicial system, including through allocating sufficient resources and through capacity-building.²²

6. Fundamental freedoms and the right to participate in public and political life

20. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Pakistan amend existing laws such as the Prevention of Electronic Crimes Act, 2016, and the Citizen Protection (Against Online Harm) Rules, 2020, taking into consideration international human rights standards and clarifying ambiguities in the laws. UNESCO also recommended that Pakistan pay special attention to judicial oversight in the implementation of existing laws, in particular the Prevention of Electronic Crimes Act, and that it strengthen accountability measures under the law.²³

21. UNESCO urged Pakistan to continue to investigate cases of the killing of journalists and to voluntarily report to UNESCO on the status of judicial follow-up thereto.²⁴

22. The Committee on the Elimination of Discrimination against Women expressed concern about reports that women human rights defenders and political activists were frequently subjected to reprisals, harassment and threats, and that the procedure for non-governmental organizations to obtain foreign funding lacked transparency, was cumbersome and was applied in a discriminatory manner. The Committee recommended that Pakistan ensure that women human rights defenders and political activists were able to exercise their political rights and receive adequate protection from intimidation, reprisals and violence and that perpetrators of such acts were prosecuted and punished. It also recommended that Pakistan review the procedure for non-governmental organizations to obtain foreign funding and ensure that they could carry out their advocacy work freely.²⁵

23. Three special procedure mandate holders provided information about alleged charges brought against a number of independent journalists and human rights defenders that appeared to show a pattern of restrictions to the right of freedom of expression of journalists in Pakistan.²⁶ The Government, in its response, stated that it continued to undertake measures aimed at protecting and promoting freedom of expression and opinion, in particular by journalists and human rights defenders, including through the protection of journalists and media professionals bill, 2020.²⁷

24. The United Nations country team urged Pakistan to act against all forms of violence against journalists and allow them to exercise their legitimate and fundamental freedoms.²⁸

25. The Human Rights Committee noted with concern that 75 persons had reportedly been killed with impunity following allegations of blasphemy. It reiterated its recommendations that Pakistan take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers and witnesses involved in blasphemy cases, and to fully implement the judgment of the Supreme Court of 19 June 2014.²⁹

26. The United Nations country team noted that no law had been enacted to penalize forced conversions and that cases submitted to court gained legal validation. That trend needed to be addressed through legislative and law enforcement measures and enhanced awareness-raising in society.³⁰

7. Right to privacy

27. Several special procedure mandate holders highlighted the importance of examining the compatibility of the Citizen Protection (Against Online Harm) Rules with the obligations of Pakistan to respect, protect and fulfil the rights to freedom of opinion and expression and to privacy under international human rights law, including regarding the competence given to the national coordinator to instruct social media companies to remove content, the vague terms used and the surveillance of online communications.³¹ The Government, in its response, stated that, in response to concerns raised by the media and civil society, the Federal Cabinet had suspended and asked for a review of the Rules in order to further streamline them and bring them into line with international best practices. The views of the special rapporteurs had been noted and would be given due consideration during the review process.³²

8. Right to marriage and family life

28. The Committee on the Elimination of Discrimination against Women remained concerned about the existence of multiple legal systems regarding marriage and family relations and noted delays in the adoption of a bill to amend the Christian Marriage Act and the Christian Divorce Act. The Committee recommended expediting the adoption of that bill and of the marriage bill for Sikhs.³³ The United Nations country team encouraged Pakistan to ensure the implementation of the Hindu marriages bill, 2014, the Christian marriages amendment bill, 2014, and the Christian divorce amendment bill, 2014.³⁴

29. The Committee on the Elimination of Discrimination against Women noted that polygamy was permitted by law under certain circumstances, that in cases of non-consensual divorce only women petitioners were required to prove grounds for divorce in court, that the support to be provided in the event of divorce was not harmonized for the different religious groups and that women were still required to apply for guardianship of their children in the event of the death of the father. The Committee recommended that Pakistan amend the Muslim Family Laws Ordinance and take measures to discourage and prohibit polygamy and ensure the protection of the economic rights of women in polygamous marriages, ensure that the family laws of the different religious communities provided for financial protection for women upon divorce and amend or repeal all discriminatory provisions in laws that provided for unequal rights of women regarding marriage, divorce, guardianship, inheritance and property.³⁵

9. Prohibition of all forms of slavery, including trafficking in persons

30. The Committee on the Elimination of Discrimination against Women noted with concern the high incidence of trafficking in women and girls for sexual exploitation and forced or bonded labour, the fact that Pakistan remained a country of origin, transit and destination for trafficking for the purpose of forced marriage, the absence of an interministerial mechanism to coordinate action against trafficking at the national level, the absence of a national action plan to combat trafficking, the insecure funding for non-governmental organizations running shelters and the vulnerability of women to trafficking.³⁶

31. The same Committee recommended that Pakistan ensure the enforcement of the Prevention of Trafficking in Persons Act, 2018, and the Prevention of Smuggling of Migrants Act, 2018, including through training for law enforcement officials, and strengthen labour inspections, ensure that victims had access to shelters, support services and effective redress, strengthen collaboration with the forced marriage units of the countries from and to which girls and women were trafficked, and ensure their prompt return, ensure that trafficking cases were investigated and prosecuted and that those found guilty were punished, expedite the establishment of an interinstitutional mechanism coordinating action against trafficking at the national level, accelerate the adoption of a national action plan to combat trafficking, increase funding for non-governmental organizations running shelters, raise awareness about the criminal nature and risks of trafficking, provide training on the early identification of trafficking victims, and ensure that victims were referred to appropriate services.³⁷

32. The United Nations country team urged Pakistan to implement the Prevention of Trafficking in Persons Act, 2018, and establish a national referral mechanism.³⁸

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

33. The United Nations country team acknowledged that the governments of Punjab, Sindh and Khyber Pakhtunkhwa had developed labour policies, and that the government of Khyber Pakhtunkhwa also had a child labour policy. It encouraged the effective implementation of those policies.³⁹

11. Right to an adequate standard of living

34. Several special procedure mandate holders addressed the alleged forced evictions and demolitions of as many as 12,000 homes, affecting up to 96,000 people, carried out in an untransparent manner without any consultations with the affected populations, with little to no notice to the affected residents, with no regard for different degrees of tenure that they might have held and with disparate provisions for redress and compensation. They noted

information received that gentrification, market forces and real estate speculation had driven the cost of housing in Karachi prohibitively high, to the extent that affordable housing was not available to low-income families.⁴⁰

35. The United Nations country team called upon the Government to urgently improve access to subsidized housing, streamline operational issues and expand the scope of the regularization and improvement of slum areas.⁴¹

36. The United Nations country team urged the Government to improve the sustainable management of resources and access to water services and reduce the vulnerability of the population to the impacts of floods and droughts.⁴²

12. Right to health

37. The Committee on the Elimination of Discrimination against Women noted with concern the high maternal mortality rate, women's limited access to family planning services, restrictive abortion laws and the large number of women resorting to unsafe abortions, and the lack of adequate post-abortion care services, the high incidence of obstetric and iatrogenic fistula, the subjection of women with disabilities to forced sterilization, and the performance of gender reassignment surgery on intersex persons for legal gender recognition and victims' limited access to justice.⁴³

38. The same Committee recommended that Pakistan ensure the implementation of the National Vision 2016–2025 for Coordinated Priority Actions to Address Challenges of Reproductive, Maternal, Newborn, Child, Adolescent Health and Nutrition and its action plan, with clear, time-bound targets, and establish a permanent body to coordinate their achievement. It also recommended that Pakistan improve women's access to health-care facilities and medical assistance provided by trained personnel, ensure the adequate allocation of resources to the health sector in all provinces, strengthen efforts to reduce the rate of maternal mortality and ensure access to modern contraceptive methods, review its abortion legislation with a view to legalizing abortion in cases of rape, incest, threat to the life or health of the pregnant woman or severe fetal impairment and to decriminalizing it in all other cases, prepare guidelines to ensure access to post-abortion care, address the high incidence of obstetric fistula and the barriers resulting in limited access to antenatal, delivery and postnatal care, ensure that perpetrators of forced sterilizations were prosecuted and adequately punished, prevent unnecessary gender reassignment surgery, eliminate barriers to access to justice and ensure that victims had access to reparation.⁴⁴

39. The United Nations country team encouraged Pakistan to strengthen health systems by ensuring effective implementation of plans such as the National Vision and integrated reproductive, maternal, neonatal, child, adolescent health and nutrition action plans.⁴⁵

40. The United Nations country team called for an end to stigma and discrimination against key populations through partnerships for HIV awareness-raising.⁴⁶

41. The United Nations country team called upon Pakistan to ensure that all persons living in the country, irrespective of their citizenship status, were given access to State health facilities and hospitals.⁴⁷

13. Right to education

42. UNESCO recommended that Pakistan ratify the Convention against Discrimination in Education and reformulate the provision of the Constitution to provide explicitly that education was a right for everyone within the territory. It encouraged Pakistan to pursue its work on strengthening the education system, in particular in rural areas, and to implement laws and policies to ensure universal access to education, in particular to strengthen efforts to keep boys and girls in education after primary education.⁴⁸

43. The Committee on the Elimination of Discrimination against Women expressed concern that an estimated 22.8 million children aged between 5 and 16 were out of school, including 12.6 million girls; that girls with disabilities and girls living in rural areas had limited access to education owing to insufficient investment in education, lack of accessible facilities and parents' preference to enrol their daughters in girls-only schools; and that the primary-to-secondary retention rate of girls was 52 per cent.⁴⁹

44. The same Committee recommended that Pakistan enact legislation and take measures to increase school enrolment among girls and reduce their dropout rate, in particular at the secondary level, by, inter alia, holding parents responsible for school attendance, formulating policies to enable return after pregnancy and adopting programmes for the retention of girls in education. It also recommended that Pakistan integrate into school curricula content on gender equality and age-appropriate education on sexual and reproductive health and rights and strengthen measures to encourage girls' enrolment, attendance and retention in schools by eliminating the direct costs and reducing the indirect costs of education.⁵⁰

45. The United Nations country team recommended implementing the Constitutional right to free and compulsory education for all children, regardless of national identity.⁵¹

14. Development, the environment, and business and human rights

46. Various special procedure mandate holders stressed that it was critical that any reform to the investor-State dispute settlement system was consistent with the Guiding Principles on Business and Human Rights and other international human rights norms, including by maintaining adequate domestic policy space to meet human rights obligations.⁵²

47. The United Nations country team encouraged the Government to ensure the effective implementation of the National Action Plan on Business and Human Rights at the federal, provincial and local levels.⁵³

48. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes urged Pakistan to expedite the ratification of the Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, designed to prohibit hazardous waste exports to developing countries.⁵⁴

49. The United Nations country team encouraged Pakistan to adopt green energy projects to act against deforestation, carbon emissions and single-use plastic products, and to enforce initiatives to protect natural water sources from pollutants. It also encouraged the enhancement of the resilience of the most marginalized communities to the impact of climate change and natural disasters, and of their agency to hold public systems accountable.⁵⁵

B. Rights of specific persons or groups

1. Women

50. The Committee on the Elimination of Discrimination against Women noted with concern the fact that marital rape was not recognized as a criminal offence under the Criminal Law (Amendment) (Offences relating to Rape) Act, 2016, the high prevalence of gender-based violence against women and the social acceptance of domestic violence, the underreporting of gender-based violence against women and impunity for perpetrators, the lack of awareness and training, the insufficient capacity of shelters for victims of gender-based violence and the lack of rehabilitation services. The Committee recommended that Pakistan adopt legislation to criminalize all forms of gender-based violence against women, including domestic violence and marital rape, adopt a national plan of action to combat all forms of gender-based violence against women, introduce capacity-building for judges, prosecutors, police officers and other law enforcement officials, and training for medical personnel, and ensure the availability of shelters for women victims of violence and strengthen support services.⁵⁶

51. Various special procedure mandate holders referred to the domestic violence (prevention and protection) bill, 2021, that had been tabled before parliament. They recommended that amendments be made to ensure that it was fully aligned with the international human rights obligations of Pakistan, including regarding the definition of domestic violence, access to justice and services for victims, and reparations.⁵⁷

52. The United Nations country team urged federal and provincial governments to strengthen support structures to protect victims of domestic violence. It recommended defining domestic violence as a criminal offence.⁵⁸

53. The Committee on the Elimination of Discrimination against Women recommended that Pakistan adopt a comprehensive definition of discrimination against women in its Constitution, covering all internationally recognized prohibited grounds of discrimination, and ensure that legislation provided for appropriate enforcement mechanisms and sanctions.⁵⁹

54. The same Committee expressed concern about persistent discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, in particular harmful practices, such as child and forced marriage, and crimes committed in the name of so-called honour (“karo-kari”), which perpetuated women’s subordination to men. It recommended that Pakistan adopt a comprehensive strategy to eliminate discriminatory stereotypes and harmful practices, including through awareness-raising.⁶⁰

55. The same Committee expressed concern about the lack of a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, and that women remained underrepresented in conflict prevention, peacebuilding, transitional justice and national reconciliation processes. It recommended adopting a national action plan to implement the resolution.⁶¹

56. The same Committee reiterated its concern about the low level of participation of women in political and public life. It called upon Pakistan to amend its Electoral Law to increase the minimum quotas for the representation of women in the National Assembly, provincial assemblies and Senate to at least 30 per cent, establish a procedure for women to file complaints about forced disenfranchisement and adopt the draft bill requiring re-polling in elections in which women’s votes accounted for less than 10 per cent of votes cast, conduct awareness-raising activities on the importance of women in decision-making and take measures to increase the number of women judges in higher courts and ensure the appointment of women to the Supreme Court.⁶²

57. The same Committee noted the stark gender pay gap, the very low labour force participation rate for women, the high concentration of women in the informal economy, the very low level of women in senior and middle management positions and the very low percentage of women entrepreneurs. It recommended that Pakistan enforce the principle of equal pay for work of equal value, promote the equal sharing of family responsibilities between women and men, promote the transition of women from the informal to the formal economy and extend labour protection and social security coverage to women in the informal economy, reduce unemployment among women by promoting their entry into the formal economy and promote the participation of women in managerial and leadership positions.⁶³

58. The same Committee recommended that Pakistan effectively implement the Enforcement of Women’s Property Rights Act, 2019, increase women’s access to land through inheritance, purchase or distribution of State land, protect women’s land ownership and eliminate discriminatory practices preventing rural women from acquiring property.⁶⁴

59. The Working Group on the issue of discrimination against women in law and in practice expressed concerns regarding the criminalization of adultery under the Offence of Zina (Enforcement of *Hudood*) Ordinance, 1979. The group called upon the Government to review, inter alia, its provisions and to remove all those that discriminated against, or had a discriminatory impact, on women.⁶⁵

60. The United Nations country team encouraged Pakistan to expedite the process of gender-responsive budgeting and planning and to incorporate it into the planning and development process.⁶⁶

2. Children

61. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict reported that, since 2017, the number of grave violations against children in Pakistan had been decreasing each year (370 in 2017, 97 in 2018 and 26 in 2019), until a slight reported increase in 2020, with 40 grave violations affecting more than 30 children. Violations included the killing and maiming of children through explosive remnants of war, improvised explosive devices, crossfire between armed groups and crossfire and shelling across the Line of Control. The Office recommended that Pakistan strengthen child protection by implementing preventive measures, in particular around the Line of Control, continue its

constructive engagement with the United Nations on practical measures to strengthen existing child protection systems and endorse the Safe Schools Declaration and the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers.⁶⁷

62. The Committee on the Elimination of Discrimination against Women noted that child marriage and forced marriage persisted and that the minimum age of marriage for women was 16 and 18 for men. It recommended adopting a bill to amend the Child Marriage Restraint Act to set the minimum age of marriage at 18 for both sexes, amending the Penal Code to make offences related to forced marriage cognizable and continuing raising awareness about the criminal nature and harmful effects of child and forced marriage.⁶⁸ The United Nations country team urged Pakistan to enforce 18 as the minimum legal marriageable age in all provinces and encouraged the investigation and prosecution of persons endorsing child marriage.⁶⁹

63. The United Nations country team encouraged Pakistan to implement the provisions of the Juvenile Justice System Ordinance, 2000, including by establishing juvenile courts, training criminal justice officials, adopting detention as a last resort for juveniles and implementing a comprehensive juvenile justice policy.⁷⁰

64. The United Nations country team called upon Pakistan to eliminate child labour by 2025 and holistically combat all forms of violence against children.⁷¹

3. Persons with disabilities

65. The United Nations country team urged the Government to implement the Convention on the Rights of Persons with Disabilities, specifically ensuring that persons with disabilities had the right to acquire and change nationality and were not deprived of nationality arbitrarily or on the basis of their disability. It encouraged making the registration of all children with disabilities compulsory, imposing penalties on parents who failed to register children with disabilities at birth.⁷²

4. Indigenous peoples and minorities

66. A number of special procedure mandate holders referred to the alleged enforced disappearances, arbitrary arrests, acts of torture and mistreatment of, and what appeared to be arbitrary legal proceedings against, individuals belonging to the Pashtun minority, including several human rights defenders. They expressed concern that the number of complaints received illustrated an alarming pattern of what appeared to be an arbitrary use of the legal system to harass, intimidate, threaten and retaliate against human rights defenders and members of the Pashtun minority seeking to expose alleged wrongdoing or human rights violations.⁷³

67. Two special rapporteurs brought to the attention of Pakistan provisions in domestic law that were discriminatory on the basis of religion or belief, and related acts of persecution against the Ahmadiyyah minority.⁷⁴ The Government, in its response, stated that the Constitution and the legal and administrative framework of Pakistan as a whole fully protected the rights of all its citizens, including minorities.⁷⁵

68. Two special rapporteurs mentioned that the Supreme Court decision of 19 June 2014, in which the Government had been requested to take concrete measures to protect members of religious minorities and their places of worship, had not been implemented. They called upon the Government to adopt and implement legal and practical measures that would effectively ensure the protection of religious communities and their places of worship.⁷⁶ In its response, the Government stated that the judgment was being implemented in true letter and spirit and that federal and provincial governments were taking all the necessary steps for the protection of minorities, including through the Penal Code, the Police Order, 2022, and the National Commission for Minorities.⁷⁷

69. Two special procedure mandate holders brought to the attention of Pakistan that the establishment of the National Commission for Minorities appeared to be inconsistent with standards in the Paris Principles and the above-mentioned Supreme Court decision.⁷⁸

5. Lesbian, gay, bisexual, transgender and intersex persons

70. Several special procedure mandate holders raised concerns about attacks on transgender rights defenders and the alleged lack of due diligence in response to the reported attacks.⁷⁹

71. The United Nations country team called upon the Government to ensure access to justice by transgender persons, and the prohibition of discrimination.⁸⁰

6. Migrants, refugees and asylum-seekers

72. The United Nations country team recommended that Pakistan enact national refugee legislation.⁸¹

73. The United Nations country team also recommended that the rights of refugees, asylum-seekers and stateless persons be mainstreamed into all national and provincial laws, policies and development plans.⁸²

7. Stateless persons

74. The Committee on the Elimination of Discrimination against Women expressed concern that the Citizenship Act, 1951, provided that the conditions for Pakistani women to transmit their nationality to foreign spouses were stricter than those for Pakistani men. It recommended amending the Act to bring it into full compliance with the Convention on the Elimination of All Forms of Discrimination against Women by enabling women to transmit their nationality to a foreign spouse on an equal footing with men.⁸³

75. The United Nations country team encouraged Pakistan to ensure that all children, including children of migrants and stateless persons, born in Pakistan, were issued birth certificates.⁸⁴

Notes

¹ [A/HRC/37/13](#), [A/HRC/37/13/Add.1](#) and [A/HRC/37/2](#).

² [CEDAW/C/PAK/CO/5](#), paras. 9–10.

³ *Ibid.*, para. 53; and United Nations country team submission for the universal periodic review of Pakistan, para. 40.

⁴ [CEDAW/C/PAK/CO/5](#), para. 57.

⁵ *Ibid.*, para. 38.

⁶ United Nations country team submission, paras. 6 and 52.

⁷ [CEDAW/C/PAK/CO/5](#), paras. 23 and 24.

⁸ United Nations country team submission, para. 8.

⁹ [CEDAW/C/PAK/CO/5](#), paras. 21 and 22 (b)–(e).

¹⁰ United Nations country team submission, para. 9.

¹¹ See communication PAK 1/2018. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

¹² See communication PAK 6/2018.

¹³ United Nations country team submission, para. 18.

¹⁴ [CCPR/C/127/2/Add.2](#), p. 3.

¹⁵ See communication PAK 3/2021.

¹⁶ See communication PAK 8/2021.

¹⁷ United Nations country team submission, para. 19.

¹⁸ *Ibid.*, para. 20.

¹⁹ See communication PAK 14/2020.

²⁰ See communication PAK 3/2021.

²¹ [CEDAW/C/PAK/CO/5](#), para. 19.

²² *Ibid.*, para. 20 (a)–(d).

²³ UNESCO submission for the universal periodic review of Pakistan, paras. 24 and 26.

²⁴ *Ibid.*, para. 27.

²⁵ [CEDAW/C/PAK/CO/5](#), paras. 25 and 26.

²⁶ See communication PAK 2/2021.

²⁷ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36182>.

²⁸ United Nations country team submission, para. 24.

²⁹ [CCPR/C/127/2/Add.2](#), pp. 4 and 6.

-
- ³⁰ United Nations country team submission, para. 17.
³¹ See communication PAK 3/2020.
³² See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35298>.
³³ [CEDAW/C/PAK/CO/5](#), paras. 49 and 50.
³⁴ United Nations country team submission, para. 16.
³⁵ [CEDAW/C/PAK/CO/5](#), paras. 49 (c)–(e) and 50 (c)–(e).
³⁶ *Ibid.*, para. 33 (a)–(f).
³⁷ *Ibid.*, para. 34 (a)–(h).
³⁸ United Nations country team submission, para. 21.
³⁹ *Ibid.*, para. 12.
⁴⁰ See communication PAK 6/2021.
⁴¹ United Nations country team submission, para. 33.
⁴² *Ibid.*, para. 34.
⁴³ [CEDAW/C/PAK/CO/5](#), para. 43.
⁴⁴ *Ibid.*, para. 44.
⁴⁵ United Nations country team submission, para. 36.
⁴⁶ *Ibid.*, para. 37.
⁴⁷ *Ibid.*, para. 38.
⁴⁸ UNESCO submission, para. 23.
⁴⁹ [CEDAW/C/PAK/CO/5](#), para. 39.
⁵⁰ *Ibid.*, para. 40.
⁵¹ United Nations country team submission, para. 54.
⁵² See communication PAK 1/2019.
⁵³ United Nations country team submission, para. 13.
⁵⁴ See communication PAK 3/2019.
⁵⁵ United Nations country team submission, paras. 58 and 59.
⁵⁶ [CEDAW/C/PAK/CO/5](#), paras. 31 (a)–(d) and 32 (a)–(d).
⁵⁷ See communication PAK 4/2022.
⁵⁸ United Nations country team submission, paras. 42 and 43.
⁵⁹ [CEDAW/C/PAK/CO/5](#), para. 16.
⁶⁰ *Ibid.*, paras. 29 and 30.
⁶¹ *Ibid.*, paras. 13 and 14.
⁶² *Ibid.*, paras. 35 and 36.
⁶³ *Ibid.*, paras. 41 (a)–(c) and (e)–(f) and 42 (a)–(c) and (f).
⁶⁴ *Ibid.*, para. 46 (a)–(b).
⁶⁵ See communication PAK 8/2017.
⁶⁶ United Nations country team submission, para. 26.
⁶⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of Pakistan.
⁶⁸ [CEDAW/C/PAK/CO/5](#), paras. 49 (a)–(b) and 50 (a)–(b).
⁶⁹ United Nations country team submission, para. 44.
⁷⁰ *Ibid.*, para. 29.
⁷¹ *Ibid.*, para. 45.
⁷² *Ibid.*, paras. 49 and 51.
⁷³ See communication PAK 4/2021.
⁷⁴ See communication PAK 5/2018.
⁷⁵ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34259>.
⁷⁶ See communication PAK 3/2018.
⁷⁷ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34424>.
⁷⁸ See communication PAK 10/2020.
⁷⁹ See communication PAK 1/2021.
⁸⁰ United Nations country team submission, para. 2.
⁸¹ *Ibid.*, para. 52.
⁸² *Ibid.*, para. 54.
⁸³ [CEDAW/C/PAK/CO/5](#), paras. 37 and 38.
⁸⁴ United Nations country team submission, para. 6.
-