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Committee on the Elimination of Racial Discrimination**Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of Pakistan***

1. The Committee considered the combined 24th to 26th periodic reports of Pakistan (CERD/C/PAK/24-26), submitted in one document, at its 3085th and 3086th meetings (see CERD/C/SR.3085 and 3086), held on 8 August and 9 August 2024. At its 3099th meeting, held on 18 August 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined 24th to 26th periodic reports of the State party. The Committee also welcomes the constructive dialogue with the high-level delegation and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's:

(a) Accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 4 November 2022;

(b) Ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, on 4 April 2022;

(c) Human Rights 75 Initiative pledges, including to reinforce social safety nets for poor and marginalized communities, build climate resilience and rehabilitate flood-affected populations, and counter religious intolerance, hatred, and Islamophobia, on 10 December 2023.

4. The Committee further welcomes the State party's adoption of its National Action Plan on Human Rights.

C. Concerns and recommendations**Data collection**

5. The Committee notes the collection and publication of the 2023 Population Census, disaggregated by nationality and languages spoken, and the 2021 Social Indicators of Pakistan, disaggregated by rural and urban areas. The Committee regrets the lack of statistics and socioeconomic indicators, disaggregated by the grounds enumerated under article 1(1) of the Convention, namely, race, colour, descent or national or ethnic origin, required to

* Adopted by the Committee at its 113th session (05-23 August 2024).

properly assess the situation of different groups and to comprehend the degree to which these groups enjoy the rights enshrined in the Convention. The Committee regrets the lack of information on steps taken to ensure self-identification and anonymity of participants (arts. 1 and 2).

6. Recalling its previous concluding observations, the Committee recommends that the State party produce statistics on the socioeconomic situation of ethnic groups and non-nationals, including migrants, refugees, asylum-seekers and stateless persons, in particular on the enjoyment of economic, social and cultural rights, disaggregated by sex and age, with a view to creating an empirical basis for assessing the enjoyment of the rights enshrined in the Convention. It also recommends that the State party improve and diversify the collection of data on the ethnic composition and national origin of its population on the basis of self-identification and anonymity. The Committee draws the attention of the State party to its general recommendations No. 4 (1973) concerning reporting by State parties under article 1 of the Convention and No. 24 (1999) concerning article 1 of the Convention.

The Convention in domestic law and the institutional and policy framework for its adoption

7. The Committee welcomes the information provided on the three cases in which the Convention was invoked before the courts and applied by the judges. While taking note of the Constitutional provisions that guarantee equality and prohibit discrimination, the Committee regrets the overall lack of information provided on cases concerning racial discrimination. The Committee is concerned that application of these Constitutional provisions has been low and limited to cases concerning discrimination based on religion. While noting the merger of the Federally Administered Tribal Areas, which extended the applicability of the Constitution and jurisdiction of the superior courts, the Committee remains concerned about the lack of uniformity in domestic law giving effect to the rights enumerated under the Convention across the full territory of the State party. While recognizing the positive efforts of the Sindh, Khyber Pakhtunkhwa, and Baluchistan provincial assemblies to enact the Protection of Communal Properties of Minorities Act in 2013, 2014, and 2018 respectively, the Committee regrets the apparent lack of equivalent legislation in the remaining province of Punjab, the Islamabad Capital Territory or Pakistan Administered Kashmir. The Committee is concerned that this lack of uniformity will result in disparate protections of rights of groups across the provinces (arts. 1 and 2).

8. The Committee recommends that the State party:

(a) Establish comprehensive mechanisms for collecting statistical data on the number of cases concerning discrimination at the district, territorial, provincial and federal levels, disaggregated by factors such as ethnicity and nationality;

(b) Publish and analyse data to develop targeted policies to eliminate discrimination and to monitor the effectiveness of these measures over time;

(c) Adopt comprehensive anti-discrimination law at the federal level, including a definition of racial discrimination that explicitly includes all grounds specified in article 1 of the Convention and prohibits direct, indirect and intersecting forms of discrimination in both the public and private spheres;

(d) Conduct trainings among lawyers, prosecutors, and judges on the rights under the Convention at the district, provincial and federal levels;

(e) Conduct awareness-raising among the general public on the rights under the Convention;

(f) Undertake a federal initiative to harmonise provincial laws that give effect to the rights enshrined under the Convention.

National Human Rights Institution

9. The Committee welcomes the recent “A” status accreditation of the National Commission on Human Rights (NCHR) by the Global Alliance on National Human Rights

Institutions (GANHRI). The Committee also positively notes the NCHR's broad mandate, including the competence to receive, investigate and resolve complaints. The Committee is, however, concerned about the disparity in the allocation of financial resources to the National Commission on Human Rights and its low annual spending, which may indicate a greater need for human and technical resources. The Committee is also concerned about the lack of public participation or independent nomination or appointment procedure for the one representative of all minority groups (art. 2).

10. The Committee recommends that the State party guarantee the allocation of adequate financial, technical and human resources, at the provincial and federal levels, as required by the NCHR to fully and effectively implement its mandate, in particular with respect to steps to address the situation of ethnic minority groups. The Committee recommends taking all necessary measures to prevent reprisals against Commissioners or other NCHR officials, while guaranteeing independence and impartiality, by adopting a procedure for the nomination and appointment of the representative of ethnic minority groups, such as the composition of an independent oversight mechanism which is inclusive of all racial, ethnic, ethno-religious and national minority groups.

National Commission on Minorities

11. While noting the increased allocation of financial resources to the National Commission on Minorities, the Committee regrets the overall lack of information on the mandate, the procedures on the nomination, appointment and removal of members, or the decision-making processes. The Committee also regrets the lack of information on the coordination of the National Commission on Minorities with the National Commission on Human Rights (art. 2).

12. The Committee recommends that the State party take legislative measures to clarify the mandate of the National Commission on Minorities. The Committee also recommends that the State party guarantee the independence of the procedures on the nomination, appointment and removal of members and ensure that all decision-making is free from political interference and include participation from a diverse range of stakeholders, including civil society organisations and representatives from various ethnic-minority groups.

Racist hate speech, incitement to racial hatred and hate crimes

13. While noting the criminalisation of hate speech under sections 295A and 296 to 298 of the Pakistan Penal Code, the Committee reiterates its concern that the domestic criminal law does not fully incorporate all of the provisions of article 4 of the Convention, with regard to the declaring illegal and prohibiting of racist organisations or criminalization of the dissemination of ideas based on superiority or racial hatred. Additionally, the Committee is concerned about:

(a) Reports of incitement to violence and hate crimes against ethnic and ethno-religious minority groups, including physical attacks, riots and mob lynchings, which have resulted in killings, injuries and destruction of property;

(b) The low rate of conviction based on the number of cases concerning hate speech in which these provisions of the Pakistan Penal Code were applied;

(c) Reports of racist and xenophobic hate speech, including by public officials, political representatives and other individuals in positions of power, which contribute to a climate of impunity, intolerance and discrimination (arts. 2, 4 and 6).

14. Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:

(a) **Ensure that legislation prohibiting hate speech covers all forms of racist expression, including dissemination of ideas based on racial or ethnic superiority, incitement to hatred, and participation in organizations promoting racial discrimination while guaranteeing that they are consistent with international human**

rights standards, particularly with regard to the balance between freedom of expression and protection from hate speech;

(b) Establish systematic data collection and analysis mechanisms to monitor the prevalence and impact of hate speech;

(c) Enforce legislation that addresses all forms of racist hate speech and expression, including dissemination of ideas based on racial or ethnic superiority, incitement to hatred, and participation in organizations promoting racial discrimination;

(d) Take steps, including disciplinary measures, to ensure that public authorities, including high-level public officials, distance themselves from hate speech and formally and publicly reject and condemn hate speech and the dissemination of racist ideas;

(e) Establish standard operating procedures in line with international human rights standards for law enforcement agencies to monitor, promptly and thoroughly investigate, and respond to incidents of violence against ethnic minority groups, including riots and abductions;

(f) Conduct specialized training among prosecutors, lawyers and judges on effective prosecution of perpetrators of racist hate speech or violence and appropriate punishment for those found guilty;

(g) Establish mechanisms for victims to report incidents of hate speech or violence without fear of reprisal or further harm while providing adequate support and protection for victims of violence and their families, including medical care, psychological support and legal assistance;

(h) Bring into effect the Protection of Journalists and Media Professionals Act 2021 by establishing an independent safety commission and supporting media pluralism and professionalism to ensure that minority voices are heard and represented fairly, while working with media outlets to promote ethical journalism and responsible reporting.

Attacks and reprisals against persons accused of blasphemy

15. The Committee is deeply concerned about the increasing reports of violent attacks and reprisals of persons accused of blasphemy, who often belong to ethnic and ethno-religious minority groups, including physical attacks, mob lynchings and killings, including incidents between May and June 2024 in Punjab and Khyber Pakhtunkhwa provinces, resulting in injuries, killings, and destruction of property. While noting the information provided on steps taken by the State party to investigate, prosecute and convict individuals involved in the attacks that took place in Sialkot in 2021 and Jaranwala in 2023, the Committee is concerned that less than seven percent of suspects were arrested. The Committee regrets the lack of information on investigations, prosecutions, convictions and sentencing of suspects involved in the killing of a man accused of blasphemy while under police custody in Madyan, Khyber Pakhtunkhwa, in June 2024. Additionally, the Committee is concerned about reports that individuals accused of blasphemy often face prolonged detention, solitary confinement, and prolonged trials; risking their safety and undermining their right to a fair trial and freedom from torture or inhumane treatment. The Committee is alarmed by the total annual numbers of cases concerning blasphemy from 11 in 2020 to 213 in 2023, in particular those brought under sections 295 and 298 of the Pakistani Penal Code and the Prevention of Electronic Crimes Act. While noting the 2019 Supreme Court decision to acquit in *Asia Bibi v. The State* and the 2016 Supreme Court decision in *Mumtaz Qadri v. The State*, the Committee is concerned that the State party has taken insufficient measures to enforce the relevant domestic laws to guarantee the right to fair trial or to prevent reprisals. The Committee reiterates its concern about the broad and vague definitions of the crimes under sections 295, 295-A, 295-B, 295-C, 298-A, 298-B, and 298-C of the Pakistan Penal Code (arts. 2, 4 and 6).

16. The Committee recommends that the State party:

(a) Repeal or reform its blasphemy laws, in particular those that impose severe penalties such as life imprisonment or the death penalty, to ensure that the crimes under sections 295, 295-A, 295-B and 295-C are not broad and vague and are in accordance with international human rights standards;

(b) Ensure the full implementation of domestic law protecting the rights of persons accused of blasphemy, such as the Supreme Court decisions in Asia Bibi and Mumtaz Qadri, including their right to a fair trial and to judicial proceedings free from bias or external pressure;

(c) Take all necessary measures to prevent violent attacks and reprisals against persons accused of blasphemy, in particular those under police custody or in detention, such as the adoption of Standard Operating Procedures for police and law enforcement in cases concerning blasphemy;

(d) Maintain the burden of proof with the prosecution and enforce domestic laws requiring high evidentiary standards in cases concerning blasphemy;

(e) Investigate all violent attacks and reprisals, including mob lynchings and killings, against persons accused of blasphemy; ensuring that all perpetrators are prosecuted, convicted and appropriately sentenced.

Enforced disappearances of ethnic and ethno-religious leaders, politicians, public officials, and human rights defenders

17. The Committee is concerned about reports of enforced disappearances of ethnic and ethno-religious leaders, politicians, public officials, and human rights defenders, including over 10,000 cases registered in ten years since 2018 by the Commission of Inquiry on Enforced Disappearances. The Committee is particularly concerned about the increasing rate of enforced disappearances among persons belonging to ethnic-minority groups in Sindh and Balochistan. The Committee is also concerned that the lack of effective investigations, prosecutions, and accountability for those responsible for enforced disappearances; perpetuating a climate of impunity and fear within affected communities (arts. 2 and 6).

18. The Committee encourages the State party ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to recognize the competence of the Committee under articles 31 and 32. Additionally, the Committee recommends that the State party:

(a) Allocate adequate human, technical and financial resources to developing, adopting and implementing measures to prevent and end enforced disappearances among ethnic minority groups and ensure their safety and security;

(b) Adopt all measures necessary to investigate and prosecute all reports of enforced disappearances of ethnic and ethno-religious leaders, politicians, public officials, and human rights defenders; ensuring that those convicted are held accountable and receive penalties commensurate with the crime;

(c) Ensure victims and their families receive appropriate reparations, including cessation, guarantees of non-repetition, restitution, compensation, satisfaction and rehabilitation;

(d) Provide adequate support and protection for the families of disappeared persons, including medical care, psychological support, legal assistance, and measures to.

Equal public and political participation

19. The Committee is concerned that representation of ethnic minority groups in high-ranking political and public positions remains low and public officials belonging to ethnic minority groups account for less than three per cent according to the Annual Statistical Bulletin of Federal Government Employees. The Committee is concerned that the State party has taken insufficient measures to address the systemic and structural barriers to equal public

and political participation, such as the exclusion of ethno-religious minorities that are not recognised as Muslims, such as the Ahmadiyya, from the seats reserved for non-Muslim candidates in the National Assembly, Senate, and provincial assemblies (art. 5).

20. With reference to its General recommendation No. 32 on the meaning and scope of special measures, the Committee recommends that the State party adopt measures, including special measures, to address the systemic and structural barriers to the equal participation in public and political affairs by candidates and public officials belonging to ethnic minority groups, such as by reserving a proportionate number of seats for candidates belonging to ethnic minority groups.

Economic, social and cultural rights

21. The Committee is concerned about the persistent racial discrimination, in particular caste based, in the unequal enjoyment of economic, social, and cultural rights, including significant barriers in accessing fundamental rights and services, which exacerbates their marginalization and social exclusion. The Committee is also concerned about:

(a) High levels of poverty and unemployment among ethnic minority groups, including the Sheedi and the Baloch;

(b) Reports of inadequate living conditions and a lack of infrastructure in areas where ethnic minority groups reside;

(c) Discriminatory employment and advertisement practices based on racist stereotypes of certain ethnic minority groups or castes, such as those targeting non-Muslim minorities for sanitation work;

(d) Reports of harassment, intimidation, and excessive use of force by security and law enforcement officials deployed to checkpoints and public spaces, such as markets, against ethnic minority groups, including the Hazara and the Pashtuns;

(e) Higher rates of morbidity and mortality, among ethnic minority groups, particularly rural communities, including a high maternal mortality rate due to a lack of resources leading to post-partum haemorrhages;

(f) Higher rates of absences and dropouts among students and children belonging to ethnic minority groups and scheduled castes, in particular in rural communities (art. 5).

22. The Committee recommends that the State party:

(a) **Reduce poverty and unemployment among ethnic minority groups, including the Sheedi and Baloch, by facilitating equal access to employment opportunities and training and support for small business development, such as financial literacy programs and mentorship opportunities;**

(b) **Adopt institutional measures to increase reinvestment into local communities, including in Baloch, of revenues from the exploitation of natural resources and require thorough consultations of affected communities with a view to obtaining their free, prior, and informed consent before granting licenses;**

(c) **Improve housing and living conditions in areas where ethnic minority groups reside by improving their infrastructure and access to basic social welfare services, including clean water, sanitation, and electricity;**

(d) **Prevent and combat discriminatory employment and advertisement practices based on racist stereotypes, particularly those targeting non-Muslim ethnic minorities for sanitation work;**

(e) **Ensure that, prior to granting licenses for projects involving the development and exploitation of natural resources, the communities concerned are consulted and independent and impartial studies are conducted on the social, environmental and cultural impact that such projects may have on the traditional ways of life and livelihoods of the ethnic groups that are particularly affected;**

(f) Take effective measures to investigate all complaints of harassment, intimidation and excessive use of force by security and law enforcement officials deployed to checkpoints and public spaces and ensure accountability;

(g) Address the underlying socioeconomic determinants of health that contribute to higher morbidity and mortality rates among ethnic minority groups, in particular ethnic minority women and scheduled castes, such as poverty, lack of education, and inadequate living conditions;

(h) Invest in the infrastructure of health-care facilities in rural and ethnic minority communities to ensure they are equipped with the necessary medical equipment and trained health-care personnel, including midwives and obstetrician;

(i) Develop and implement effective measures to reduce school dropout rates among ethnic minority students, including targeted educational programs, maternal language instruction and testing, and support services.

Freedom of religion or belief

23. While positively noting the Supreme Court decision in Order No. ii (SMC No. 1 of 2014) on the development of school curricula to promote a culture of religious and social tolerance and the formal recognition of religious festivals of ethno-religious minority groups, the Committee is concerned that the State party has taken insufficient measures, in law or in practice, to ensure the rights of persons belonging to ethno-religious minority groups, in particular non-Sunni ethno-religious minorities. The Committee regrets the lack of information on the development of an interfaith intolerance law. While acknowledging the steps taken by the State party to provide communities affected by religious intolerance with reparations, including the reconstruction of Churches and compensation of families, the Committee is concerned about the risks faced by persons belonging to religious minorities in freely exercising their right to freedom of religion or belief. In particular, the Committee is concerned about reports of physical attacks, desecration of religious or cultural symbols, and destruction of places of worship, including the thirty-six Ahmadiyya Baitul Zikr, twenty-six Christian churches, two Hindu temples, and one Sikh Gurdwara in 2023. Additionally, the Committee is deeply concerned about reports of harassment and intimidation of Muslim Ahmadiyya people in the period preceding and during Eid-ul-Adha, including judicial harassment by bar associations against public officials permitting Ahmadiyya ritual sacrifices and arbitrary arrests and detentions of Ahmadiyya people practicing Qurbani. The Committee is also concerned about the lack of accountability and impunity for harassment, intimidation, and attacks against ethno-religious communities, places of worship or property (art. 5).

24. The Committee recommends that the State party take all measures necessary as specified in article 5 of the Convention. It also recommends that the State party:

(a) Review its domestic legal framework to ensure the rights of persons belonging to ethno-religious minorities, including their right to freedom of religion or belief without any discrimination, in law or in effect;

(b) Renew or expedite steps towards the adoption of an interfaith intolerance law;

(c) Engage in regular inclusive and participatory consultations with representatives of ethno-religious minority communities to identify their concerns and develop policies, such as security and safety policies, that address their specific needs;

(d) Take steps to prevent physical attacks, desecration of religious or cultural symbols, and destruction of places of worship, including reprisals;

(e) Provide adequate reparations to affected communities, including guarantees of non-repetition, satisfaction and rehabilitation, in addition to restitution and compensation, such as by way of reconstruction of places of worship and compensation for families affected.

Forced conversions and marriages

25. While noting the steps taken to establish a legal framework to prevent forced conversions and marriages, including the enactment of provincial child marriage laws, the Committee is concerned that the State party has taken insufficient measures to consider or address the root causes of the crimes. The Committee is deeply concerned about the frequent reports that women and girls, in particular Hindu Dalit and Christian women and girls, face threats, harassment and intimidation, abductions, sexual violence, forced marriages and forced conversions. Additionally, the Committee notes with concern reports that law enforcement authorities often dismiss the complaints of victims' families, fail to promptly and effectively investigate abductions or determine the age of victims, and that investigators, prosecutors and judges fail to critically examine evidence presented by abductors, including coerced statements and fraudulent documents, with some cases resulting in court orders that effectively sanction forced marriages. The Committee is also concerned about the low rate of birth registration in the State party, on which preliminary age assessments are based under its current policy (art. 5).

26. The Committee recommends that the State party:

(a) Ensure effective implementation of its legal framework to prevent forced conversions and marriages, while considering the adoption of additional institutional and legislative measures, such as the adoption of laws criminalizing abductions, or attempted abductions, for the purpose of forced marriage or conversions;

(b) Conduct trainings among law enforcement authorities, prosecutors, lawyers and judges on due process and evidentiary standards, including those relating to signed confessions;

(c) Ensure that victims and their families have access to justice and effective remedies as well as support services such as shelters, legal aid, psychological counselling, and rehabilitation programs;

(d) Increase efforts to improve the birth registration system, including by addressing barriers to registration, such as a lack of resources or distrust among communities in public authorities.

Jirgas

27. The Committee notes the Supreme Court decision on the unlawfulness of jirgas and the recent arrest of five individuals for arranging the settlement of a child rape case in May 2024. The Committee also notes the information provided that following the merger of the Federally Administered Territories and reform of the provincial court system of Khyber Pakhtunkhwa, decisions by jirgas on criminal acts or violations of social norms are no longer systematic. The Committee is, however, concerned about reports of decisions being taken by jirgas, particularly in Baluchistan and Khyber Pakhtunkhwa, including decisions on reconciliation agreements for the crimes of rape and marriage. The Committee is particularly concerned about reports of death penalties being delivered and executed (art. 6).

28. The Committee recommends that the State party enforce domestic law on the unlawfulness of jirgas; investigating and prosecuting those involved in the arrangement or participation in jirgas, applying appropriate penalties commensurate with the crime, and guaranteeing access to effective remedies for victims. Recognizing the disproportionate and discriminatory effect of jirgas on ethnic minority women, particularly in Baluchistan and Khyber Pakhtunkhwa, the Committee recommends the development of evidence-based policies and investigation procedures for law enforcement officials, prosecutors and other public authorities responsible for reports of jirgas delivering convictions, sentences and penalties. The Committee also recommends that the State party undertake awareness raising campaigns among communities that practice informal settlements on access to justice and the rights to a fair trial and effective remedies in line with international human rights standards.

Access to justice and effective remedies

29. Despite the steps taken by the State party to increase the number of prosecutors and lawyers, the Committee is concerned that the State party has taken insufficient measures to guarantee access to justice and the right to effective remedies, with particular concern about:

- (a) Frequent reports of arbitrary interference, harassment, or intimidation, including the reports by seven out of nine of the judges of the High Court of Islamabad presently under suo moto investigation by the Commission of Investigation;
- (b) The removal of judges, which may be recommended by the Supreme Judicial Council;
- (c) Reports of physical attacks and killings of lawyers defending individuals or communities belonging to ethnic or ethno-religious minority groups;
- (d) Reports of intimidation, harassment and physical attacks of lawyers belonging to ethnic minority groups, including the physical attack of Syed Ali Ahmed Tariq while appearing before court;
- (e) The significant backlog of 2.2 million cases and prolonged duration of court proceedings, in part as result of the high rate and fear of reprisals among lawyers defending the accused, in particular in cases concerning racist hate speech and blasphemy;
- (f) The limited proportionate representation of judges belonging to ethnic minority groups in the superior courts and high courts (art. 6).

30. The Committee recommends that the State party:

- (a) Promptly and effectively investigate all reports of arbitrary interference, harassment, or intimidation of lawyers and judges; guaranteeing adequate protection and preventing further reprisals;**
- (b) Ensure that all decisions on the nomination, appointment or removal of judges are free from political interference;**
- (c) Take all necessary measures at the district, provincial and federal levels to protect judges and lawyers defending individuals or communities belonging to ethnic or ethno-religious minority groups from physical attacks and killings;**
- (d) Take all necessary measures to address the significant backlog of cases and prolonged duration of court proceedings; allocating sufficient technical, human and financial resources;**
- (e) Improve the representation of judges belonging to ethnic-minority groups at the district, provincial and superior court levels.**

Non-citizens, including migrants, refugees and asylum seekers

31. While noting the steps taken by the State party to establish infrastructure and access to basic services for refugees and asylum seekers, including with technical assistance from IOM and UNCHR, the Committee is concerned that the State party has not established a legislative and institutional framework to respect and guarantee the rights of migrants, refugees and asylum seekers in the territory or effective control of the State party. The Committee is deeply concerned about reports that following the adoption of the Illegal Foreigners' Repatriation Plan on 26 September 2023, 700,000 individuals were deported or returned to Afghanistan as of 31 July 2024 and that recently 101,000 individuals were deported or returned to Afghanistan between April and June 2024. The Committee is concerned that the repatriation plan does not include provisions for individualized assessments of the risk of refoulement and persecution or to ensure the rights and best interests of children, particularly unaccompanied or separated children who are at high risk of trafficking and other forms of exploitation. Additionally, the Committee is deeply concerned about reports of harassment and intimidation faced by Afghan migrants, refugees and asylum seekers, noting that between 15 September to 31 December 2023, approximately 28,500 Afghans faced arrests or detention, contributing to a climate of fear that has led to an emergency exodus and instability in the region (arts. 5 and 6).

32. The Committee recommends that the State party continue to collaborate with and seek technical assistance from international partners, including UNHCR and IOM, in order to ensure access to basic services for all non-citizens, including migrants, refugees and asylum seekers. The Committee urges the State party establish a legislative and institutional framework, in accordance with the principle of non-refoulement under customary international law, to guarantee the rights of non-citizens within its territory or effective control; ensuring that all measures adopted are not discriminatory, either in law or in effect. The Committee also recommends that the State party:

(a) Adopt and implement legislative or institutional measures on individualized assessments, including for women, children, ethnic or ethno-religious minorities, and other vulnerable groups who may face persecution or serious harm upon return;

(b) Adopt measures to mitigate the risk of trafficking and exploitation of unaccompanied or separated children;

(c) Implement and enforce strict guidelines for law enforcement agencies to prevent harassment, intimidation, and excessive use of force against Afghan migrants, refugees or asylum seekers;

(d) Establish safe and accessible channels for migrants, refugees and asylum seekers to report harassment, intimidation, or excessive use of force without fear of reprisal;

(e) Ensure that detention of non-citizens complies with international human rights standards and is used only as a last resort;

(f) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol.

Education to combat prejudices and promote understanding

33. The Committee welcomes steps taken to promote inclusivity and multi-linguicism in education, including the issuance on 3 March 2023 by the National Curriculum Council of certificates for the first official publication of textbooks for students belonging to the Bahais, Buddhist, Christian, Hindu, Kalasha, Sikh and Zoroastrian ethno-religious minorities. Despite the steps taken to review the national curriculum, the Committee is concerned about the presence in educational materials and teaching practices, including in registered and unregistered madrasas, of hate speech and racist stereotypes, which perpetuate discrimination and prejudice while contributing to an environment conducive to radical intolerance (arts. 1, 2 and 6).

34. The Committee recommends that the State party ensure effective implementation of the national curriculum at the district, provincial, territorial and federal level while undertaking a comprehensive review of all educational materials and teaching practices to identify and eliminate content that perpetuates racist stereotypes, including those of unregistered and registered madrasas. The Committee recommends that the State party improve the promotion of tolerance, intercultural understanding, and respect for diversity among students and the wider public.

D. Other recommendations

Ratification of other treaties

35. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention for the Protection of All Persons from Enforced Disappearance, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on

Civil and Political Rights, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD).

Amendment to article 8 of the Convention

36. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

37. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

Follow-up to the Durban Declaration and Programme of Action

38. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

39. In light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is in its final year, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

40. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

41. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly [made available to all State bodies entrusted with the implementation of the Convention at the district, provincial and federal levels and publicized on the website of the National

Commission for Human Rights in the official and other commonly used languages, as appropriate.

Common core document

42. The Committee encourages the State party to submit its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

43. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 24(d) (Freedom of religion and belief), 28 (Jirgas) and 30(a) (Access to justice and effective remedies).

Paragraphs of particular importance

44. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in following paragraphs below and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations contained in paragraphs 16(a) (Attacks and reprisals against persons accused of blasphemy), 18 (Enforced disappearances of ethnic and ethno-religious leaders, politicians, public officials, and human rights defenders), 26(a) (Forced conversions and marriages) and paragraph 30 (d) (Access to justice and effective remedies).

Preparation of the next periodic report

45. The Committee recommends that the State party submit its 27th to 28th periodic reports, as a single document, by 4 January 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.
