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**STATEMENT BY**

**H.E. MR. KAMRAN MICHAEL  
MINISTER FOR HUMAN RIGHTS**

**AT THE**

**REVIEW OF PAKISTAN'S 21<sup>ST</sup> TO 23<sup>RD</sup> PERIODIC REPORT  
ON THE IMPLEMENTATION OF THE  
INTERNATIONAL CONVENTION ON THE ELIMINATION OF  
ALL FORMS OF RACIAL DISCRIMINATION (ICERD)**

**Geneva, 16 August 2016**



Statement by Mr. Kamran Michael,  
Pakistan Minister for Human Rights,  
Review of Pakistan's 21st to 23rd Periodic Report on the  
Implementation of International Convention on the Elimination of  
All Forms of Racial Discrimination, (16 August 2016)

Distinguished Chairperson of the Committee, Country-Rapporteur for Pakistan and Experts of the Committee.

I have the honour to present Pakistan's 21st to 23rd Periodic Report on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Pakistan has a long association with this Committee and looks forward to today's dialogue.

We thank the Country-Rapporteur, Mr. Khalaf Melhem, for identifying the list of themes in relation to our three reports. I will try to address some of these themes in my opening statement and the remaining ones in the interactive discussion.

I would like to inform the Committee that a series of consultative meetings at the Provincial and Federal levels were held followed by the National Consultative meeting led by the Ministry of Human Rights for the preparation of these reports. More than two dozen Civil Society Organizations and NGOs participated in this consultative process.

Pakistan is fully committed to the elimination of racial discrimination in all its forms and manifestations. Pakistan was one of the first ICERD signatories, followed by a quick ratification

of the Convention. This was just a reflection of our commitment towards non-discrimination in any form.

As a State Party, Pakistan continues to uphold and implement the provisions of the Convention.

Distinguished Experts of the Committee,

We firmly believe that racism, racial discrimination, xenophobia and related forms of intolerance negate the core human rights principles of equality, non-discrimination, human dignity as well as cultural and religious diversity.

In Pakistan, there is no distinction based on race. The area now comprising Pakistan has historically been the path to the South Asian Sub-Continent. We are a country constituted from the interaction between these successive waves of migration and local inhabitants. The consequence is that the racial milieu of the Pakistani society is highly mixed and complex. It does not lend itself to easy interpretations and does not break down into identifiable and easily discernible racial categories. The entire mix of our population cuts across linguistic, ethnic and religious lines. For example, Urdu speaking Pakistanis live in all provinces hence their origins are from widely ranging ethnic groups, and belong to various religious denominations. Hence, the concept of race in Pakistan has to be addressed with a great degree of nuance. Simplistic categorizations of race are not applicable to Pakistan, and do not enhance our understanding of the social context in the country.

Occasionally, there may be instances of some linguistic or ethnic groups lobbying for greater participation in the national mainstream. But, these occurrences can largely be attributed to perceived levels of differential development in various parts of the country. In a market based economy, some degree of uneven development in a given period of time is, perhaps, unavoidable. However, the Government is extremely sensitive to any such concerns, and is making strenuous efforts to ensure that the benefits of development reach all its citizens. To this end, major structural initiatives have been taken in recent years. These include the institution of a formula of the equitable sharing of resources between different provinces which is endorsed by the Provinces; the devolution of major subjects from the Federation to the Provinces; and the progressive strengthening of local government institutions. In addition, conscious efforts are being made to channel major development projects and investment to all parts of the country.

Madam Chairperson,

According to the last census, the population of the country comprises several ethnic groups including Punjabis, Pashtuns, Sindhis, Seraikis, Balochis, and other smaller groups. Smaller ethnic groups, such as, Kalash, and Kashmiris are mainly found in the northern parts of the country. We have been pleased to report to CERD that these ethnic groups have been living harmoniously. We respect and cherish our cultural diversity.

An overall view emerged from the consultations held with CSO, NGOs and Government representatives, prior to the preparation of our reports that there are clear constitutional and penal provisions that strictly prohibit and criminalize the offense of discrimination and its propagation. Also, that any “Discrimination” is adequately understood and considered within the legal and administrative frameworks of Pakistan.

Chapter 1 of the Constitution of Pakistan lays down the framework for the protection of the Fundamental Rights of all its citizens “without any discrimination”. Several Articles of the Constitution, including, Articles 25, 27 and 9 again underscore these protections.

Domestic laws such as, the Pakistan Penal Code, which is based on English Common Law, proscribes constitutional violations, and defines penalties against perpetrators of discrimination. For example, Section 153(A) of the Pakistan Penal Code criminalizes promotion of enmity between different groups on the basis of race, religion, language, caste or community or any other ground. Anyone found promoting such differences, is liable to imprisonment and heavy fines. Section 505 (2) of the Pakistan Penal Code criminalizes publication of any material that may incite group differences, leading to discrimination and/or violence.

Distinguished Experts of the Committee,

Pakistan is a multi-cultural and multi-religious society and people have lived here in peace and harmony. However, decades of conflict and instability in Afghanistan have undoubtedly had an adverse effect on our society. Terrorists and extremists have

targeted all Pakistanis regardless of ethnic origins or religion, to generate fear and destabilize the society. This challenge is being resolutely addressed by the Government.

The vision of our founding father, Quaid-e-Azam Muhammad Ali Jinnah, has laid the basis of Pakistan's efforts to have a harmonious, tolerant and inclusive society. The Government has taken a number of administrative and policy measures to ensure that all our people enjoy equal rights as citizens of Pakistan. We have been reporting to the CERD on these measures, which include:

- i. After extensive consultations with all stakeholders, especially civil society organizations, we have launched in February 2016, a National Action Plan on Human Rights. The Plan includes six broad areas of intervention: (i) Policy, Legal Reforms; (ii) Access to Justice; (iii) Implement Key Human Rights priorities; (iv) International/UN Treaty implementation; (v) Establish and strengthen national human rights institutions; and (vi) Implement and Monitor mechanism for the Action Plan. An amount of Rs. 750.00 million has been set aside to put in place institutional mechanisms for realizing the rights proposed in the Action Plan which include Rs. 400.00 million for human rights education, sensitization, awareness raising, research and communication, Rs. 250.0 million for establishment of a human rights institute and Rs. 100.0 million endowment fund for free legal assistance for poor victims of human rights



violations. A National Task Force under my Chairmanship, with representation of Federal Ministries and Provincial Law/Human Rights Departments for implementation of the Action Plan has oversight and monitoring function. This Plan will play a central role in setting our strategic direction and key priorities, and will align our interventions with our national and international obligations.

- ii. Human Rights Education and training have been made an integral part of the implementation of NAP. Human Rights education therefore has been made a part of the school curricula, is also an integral part of training of law enforcement personnel and the judiciary. The education curricula is being revised in order to address social and cultural attitudes, and promote tolerance, mutual respect and harmony.
- iii. A National Commission on Human Rights (NCHR) has been established by an act of the Parliament and made functional since May 2015. It includes a Chairperson, who is a former Judge of the Superior Judiciary, and consists of nine members, one from each province one from FATA, one from the Islamabad Capital Territory (ICT), and one from the Minority Communities. The Chairperson of the National Commission on the Status of Women (NCSW) is also its ex-officio member. The Commission has been given suo moto powers to take action against cases of human rights violations in the country. The Act gives the Commission powers to hold inquiries and investigations with regard to violation of human rights anywhere in Pakistan. In



accordance with the Paris Principles, the Commission has been made financially independent.

- iv. Also, the National Commission on the Status of Women has been further strengthened by giving it financial autonomy and the suo-moto powers of a court to take action in case of violations of the rights of women. Special measures have been instituted for women to ensure their full participation in all walks of life. In addition, the Parliament has been very active in adopting legislation to address issues of violence and discrimination against women. The Government has taken several policy and administrative measures to implement these laws, which we would be pleased to share with the Committee.
- v. In December 2014, a National Action Plan to Combat terrorism was devised which included steps, among others, for countering hate speech and extremist material, ensuring against re-emergence of proscribed organization, ban on propaganda by terrorist/extremist organizations through print and electronic media and dealing firmly with sectarian terrorists.
- vi. The Government has also taken action against those individuals and organizations which spread hatred. Hate speech and incitement to hatred which leads to violence has been criminalized. For instance, In Punjab a new ordinance has been passed (the Punjab Sound Systems Regulation Ordinance 2015) under which authorities are taking action against the violators and misuse of loudspeakers and related equipment. Since 2015, more than 1,777 cases have so far been registered across the

country as part of the efforts against publication of hate material and 1,799 arrests have been made.

- vii. Pakistan's judiciary and the legal community have taken wide ranging steps for upholding the rule of law and ensuring the protection of constitutional rights of all citizens. In this regard, it is also pertinent to mention that Human Rights Cells in the Supreme Court and the High Courts have been established for redressal of human rights complaints.
- viii. The Supreme Court, in a landmark judgment in its suo moto action on 19 June 2014, stated that every citizen of Pakistan is free to exercise the right to profess, practice or propagate his or her religious views, even against the prevailing or dominant views of his or her own religious denomination or sect.
- ix. The National Heritage Wing of the Ministry of Information and Broadcasting promotes harmony in the society by organizing a wide range of programs, number of events such as cultural festivals, musical programs, and cultural exchange programs with the view to promoting awareness and understanding about different cultures across the country.
- x. The free and very vibrant media in Pakistan continues to help to counter the extremist narrative and foster respect for religious and ethnic diversity. More than 100 T.V. channels and Radio stations are operating in Pakistan. Around 1500 newspapers and periodicals in over a dozen languages are published. A number of channels focus on

human rights, including minority rights, through discussions on religious, social and cultural issues.

Distinguish Experts of the Committee,

At the international level, Pakistan remained in the forefront of struggle against apartheid and continues to play an active role in the elimination of new and contemporary forms of racism and xenophobia. Pakistan actively participated in the Durban World Conference and Durban Review Conference held in 2001 and 2009 respectively. Ever since, we have been actively participating in the deliberations of all Durban mechanisms. Besides, we have been cosponsors of resolutions in the General Assembly and Human Rights Council regarding global efforts to combat racism.

Distinguished Experts of the Committee,

The implementation of any Convention is an ongoing process. In the context of Pakistan, the Government has made sincere endeavours to implement the Convention as well as report to the Committee.

For Pakistan the commitment to promote and protect human rights in accordance with our international obligations is a national priority. As a progressive, free and democratic country, we openly acknowledge the human rights challenges we face. However, the Government of Pakistan remains fully committed to promote and protect the rights of its citizens without any discrimination. We are

committed to continue to build an inclusive and tolerant society, in accordance with the vision of our founding fathers.

My delegation would be pleased to respond to the questions and observations of distinguished Experts of the Committee and looks forward to a constructive and meaningful dialogue.

I thank you.

Finally, I would like to introduce my delegation, comprising:

1. Ambassador Tehmina Janjua,  
Permanent Representative of Pakistan to the United Nations and  
Other International Organizations in Geneva
2. Mr. Aamar Aftab Qureshi,  
Deputy Permanent Representative
3. Ms. Mariam Saeed,  
First Secretary
4. Ms. Saima Saleem,  
First Secretary

