



# PAKISTAN

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**OPENING STATEMENT**

**BY**

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**ON THE UNIVERSAL PERIODIC REVIEW (UPR)  
OF PAKISTAN**

**AT**

**THE HUMAN RIGHTS COUNCIL WORKING GROUP  
ON THE UPR**

**Geneva, 30 October 2012**

Madam President,  
Excellencies,  
Distinguished delegates,

Assalaam o alaikum and good morning,

It is indeed a privilege and honour for me to lead the Pakistan delegation to the Universal Periodic Review (UPR) of Pakistan.

2. At the outset, I would like to congratulate all States and the Secretariat for the successful conclusion of the first cycle of the UPR with 100% participation. We believe that the UPR mechanism has been a great success since it has contributed significantly in improving the human rights situation on the ground. At the same time, it has been instrumental in reducing selectivity and discrimination by extending equal treatment for all States. We must continue working together to preserve this cooperative mechanism with the sole purpose of promoting and protecting human rights in the world.

Madam President,

3. Pakistan is a strong proponent of an effective and robust human rights machinery for the United Nations. As a founding member of the Human Rights Council and during its prior tenure on the Council from 2006-2011, Pakistan has played an active role in the work of the Council. We strongly support the promotion and application of universally agreed human rights based on the principles of cooperation, non-discrimination, impartiality and genuine dialogue. We believe that cooperative approaches at the international level help in making tangible progress in the promotion and protection of human rights.

4. Pakistan is also honored to serve as the Chair of the OIC Group on Human Rights and Humanitarian Affairs in Geneva. In this respect, Pakistan has played a constructive role in building convergences between West and Islamic world on a number of issues. I am glad to recall that Pakistan has endeavored with success to promote consensus on the most contentious and challenging issues in the Human Rights Council.

Madam President,

5. Pakistan welcomes this engagement with the international community through an open and constructive dialogue on its human rights record in line with the provisions identified in the Institution Building Package. We take this review exercise as an important opportunity to share with the international community the efforts the Government and people of Pakistan are making for the promotion and protection of human rights.

6. My delegation wishes to thank all those countries that are going to participate in our review this morning. I would also like to take this opportunity to thank the "Troika", comprised of Chile, China and Congo, for facilitating our review.

7. Like other countries, the UPR has been a catalyst for Pakistan to bring positive changes in legislation, policy and practice. This morning, we wish to share with you the efforts made by the government to implement the recommendations which we accepted

during our 2008 UPR, as well as developments in the field of human rights. This exercise will guide us in introducing necessary changes, and improvements where required.

8. Following the completion of our first UPR, a process of consultation and dissemination of information was launched. Recommendations that we accepted in 2008 were shared with the relevant government departments for follow-up.

9. I am pleased to report that an extensive and inclusive process involving all relevant stakeholders including a range of civil society organizations was followed to prepare the national report.

Ladies and Gentlemen,

10. In line with the vision of our founding father Quaid-i-Azam Muhammad Ali Jinnah, Pakistan is a democratic, pluralistic and progressive State in the comity of nations. Pakistanis aspire for a society that is based on equality, the rule of law, respect for diversity, and justice. Pakistan's Constitution reflects all these aspirations and we are committed to fulfilling these aspirations despite numerous challenges and setbacks that we have faced in our 65 year history.

11. Following restoration of democracy in 2008, Pakistan has taken a number of steps to restore the democratic nature of state institutions. Members of the superior judiciary, who had been in custody and were made dysfunctional by the military government, were freed and reinstated. All political prisoners were released, civil liberties were restored, curbs against the media were lifted and legal proceedings against lawyers and human rights defenders were dropped.

12. Today Pakistan is a functional democracy with an elected and sovereign parliament, an independent judiciary, a free media and a vibrant and robust civil society. The media, besides aggressively monitoring government policies, works zealously to raise awareness among the people of their human rights and fundamental freedoms. Our civil society too is playing a key role in fostering a culture of accountability and transparency and assisting in changing societal attitudes. Similarly our independent 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. Together, these provide safeguards for the protection of human rights and fundamental freedoms of all citizens of Pakistan.

Madam President,

13. The human rights record of any country cannot be assessed in a vacuum. In order to assess the real commitment of any government for the cause of human rights, one needs to study the situation on the ground in its proper context.

14. The reporting period (2008 to 2012) has been one of the most challenging in recent years for Pakistan. Pakistan continued to face enormous challenges on different fronts, ranging from security and terrorism to the economy, apart from natural calamities. Despite these serious challenges, we remain steadfast in our commitment to the promotion and protection of human rights.

15. Since the last review in May 2008, Pakistan has made tangible and significant progress in the field of human rights. In this part of my presentation, I will not go over all the measures that are outlined in our national report submitted to the UPR Working Group. I will, however, briefly touch upon some of the key issues that have been elaborated in the national report. I will also try to address the advance questions sent by some States and we thank them for their engagement. During the course of our interactive dialogue, I will also invite members of my delegation to respond to your comments and questions.

16. During the last four years, there have been transformational changes in our constitutional and legislative framework. Parliament has passed three constitutional amendments as part of an overarching compact between the country's major political parties to engender long-term democratic values in the country, after the trauma of repeated military interventions. Perhaps most significantly, in April 2010, Parliament unanimously passed the 18<sup>th</sup> Amendment to the Constitution, addressing the many imbalances of power that had entered the legislative framework at the behest of military governments. Among the key features of the 18<sup>th</sup> Amendment is its strengthening of human rights guaranteed under the Constitution. The Right to Education (Article 25A), Right to Information (Article 19A) and Right to Fair Trial (Article 10A) are now recognized as fundamental rights, which cannot be suspended.

17. The most significant change that the 18<sup>th</sup> amendment brings however is the renewed confidence of the people of Pakistan in a federal system of governance. The restored federal system empowers the provinces, and invests much more richly in the notion of the democratic significance of the state's ability to engage with the grassroots. Concurrent to the 18<sup>th</sup> amendment's passage, we've witnessed an unprecedented array of measures that reflect greater interprovincial harmony and coherence, including a historic fiscal award and a much more functional set of inter-provincial coordination mechanism. Few measures speak to Pakistan's transition as a democratic society than the successful passage and subsequent administrative and legislative follow up to the 18<sup>th</sup> amendment.

18. 2008 – 2012 has been the most active period of legislation-making on human rights in the history of Pakistan. A number of bills were passed by the Parliament to strengthen human rights in the country including legislation to create a National Commission for Human Rights and more than half a dozen laws for the promotion of women's rights and protecting them against violence.

19. Moreover, some long overdue changes were made to administrative governance in the Federally Administered Tribal Areas (FATA). Following amendments to the colonial era Frontier Crimes Regulation (FCR) in 2011, the arbitrary powers of the local administration to make arrests and detain individuals were curtailed and prisoners given the right to bail. Furthermore, in 2011 the Political Parties Order 2002 was extended to Federally Administered Tribal Areas. Political parties can now open their offices and campaign there. This change fulfils a longstanding demand of the political parties and the people of FATA.

Madam President,

20. In May 2012, Pakistan enacted a new law creating an independent National Commission for Human Rights in accordance with Paris Principles. NCHR will monitor

the general human rights situation in the country; inquire into complaints of human rights violations; visit places of detention; review laws and recommend new legislation; and develop national plan of action for promotion and protection of human rights. The Commission will have the authority to summon witnesses and seek production of documents.

21. The Commission will be headed by a person who has been, or is qualified to be, a judge of the Supreme Court or a person having 'demonstrable knowledge of, or practical experience in, matters relating to human rights. One member of the Commission will be from minorities and at least two will be women. Members will be appointed by a bipartisan Parliamentary Committee. The nomination process for the members of the Commission is underway.

22. All these concrete measures reflect the deep commitment of the government to strengthen human rights related infrastructure in the country.

Ladies and Gentlemen,

23. Consistent with its longstanding commitment to promote and protect human rights, Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture (CAT) in June 2010. In August 2011, Pakistan ratified the Convention on the Rights of Persons with Disabilities and the Option Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

24. Pakistan has now ratified seven out of nine core-international human rights treaties. Joining these international human rights instruments demonstrates Pakistan's commitment to international human rights standards. We are now focused on implementing these instruments at the national level. An inter-ministerial process has been set up to coordinate implementation and to prepare reports for the treaty bodies.

Madam President,

25. Pakistan attaches high importance to constructive engagement and dialogue with Human Rights Council Special Procedures and the Office of the High Commissioner for Human Rights. Pakistan recognizes the valuable contributions of the Special Procedures in the promotion and protection of universally agreed human rights. In the spirit of dialogue, we extended invitation to the UN High Commissioner for Human Rights and a number of special procedures of the Human Rights Council to visit Pakistan.

26. The High Commissioner for Human Rights visited Pakistan in June 2012 at the invitation of the Government. During her visit she met with the political leadership, Chief Justices of the Supreme Court and Lahore High Court, Parliamentarians and a broad range of civil society representatives. The visit provided her an opportunity to observe first-hand the wide-ranging measures taken by Pakistan in promotion and protection of human rights. Our national authorities had a constructive dialogue with the High Commissioner during the visit.

27. The Special Rapporteur on the Independence of Judges and Lawyers visited Pakistan from 19 to 29 May 2012, while the Working Group on Enforced or Involuntary Disappearances visited Pakistan from 10 to 20 September 2012. Both the special procedures acknowledged the will of the government for the promotion and protection of human rights. Pakistan has also extended an invitation to Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, who is expected to visit the country in the near future.

Madam President,

28. In the past ten years, terrorism and extremism have endangered national security and our social fabric and violated the human rights of our citizens. Our economy, our lives and our freedoms have been challenged. Extremists have targeted hospitals, schools, shrines, mosques, and other places of worship. This has created an environment of intimidation for law enforcements officials, members of judiciary, members of the media and civil society activists.

29. Pakistan has made extraordinary efforts and sacrifices to eradicate the scourge of terrorism and build a peaceful and stable region. No country and no people have suffered more in the epic struggle against terrorism, than Pakistan. As a nation, we continue to pay a heavy price for standing firm in the face of terrorists' efforts to undermine our way of life. To date we have lost nearly seven thousand Pakistani soldiers and policemen, and over 40,000 people in total. The total cost of this struggle to Pakistan's economy over the last decade has been nearly 70 billion dollars.

30. One clear indicator of Pakistan's clarity of purpose in fighting the scourge of terrorism is the reaction the world witnessed to the heinous attack on young Malala Yousufzai. Malala is one of the nearly 70 million Pakistani children of school-going age that will shape the destiny of Pakistan in the years to come. She was targeted for assassination because of her extraordinary courage and resolve as a young activist for education. However, instead of dimming this young light, the assassination attempt on Malala on the 9<sup>th</sup> of October 2012 only brightened it. It mobilized and inspired a steeling of Pakistan's resolve. We will not be intimidated by terrorists. We will not allow terrorists to define a future of darkness and ignorance. Instead, what Pakistanis demonstrated in the days following the attack on Malala was that our commitment to our daughters and sisters is unflinching, and stronger every day. InshaAllah, our future is what Malala represents: courageous, resilient, and full of an unquenchable thirst for knowledge. In rejecting the dark vision of the terrorists, we are simultaneously embracing the bright future that Malala represents.

31. Despite these barbaric acts and gigantic losses, our commitment and resolve to combat the scourge of terrorism remains unwavering. We will not become hostage to the terrorists and will continue our efforts to combat terrorism in all its forms and manifestations. We know that strong military action alone cannot win the war on terror. The solution lies in a multi-pronged approach that also includes the promotion of democratic values, expansion in political and economic opportunities, and strengthening the rule of law. We have no choice but to win hearts and minds of those segments of the local population who are most vulnerable to extremism.

32. Drone strikes and resulting civilian casualties on our territory undermine our battle for hearts and minds. Our position is very clear. Drone attacks are counter-productive, against international law and a violation of our sovereignty. Loss of precious human lives cannot be simply dismissed as "collateral damage". The High Commissioner for Human Rights has also raised this issue during her visit to Pakistan in June 2012. She expressed her concern over the use of armed drones for targeted attacks, in particular because it is unclear that all persons targeted are combatants or directly participating in hostilities. I have been told that a number of Special Procedures of the Human Rights Council have also spoken to the issue of drones strikes vis-à-vis human rights. I urge the Council, the main UN body on human rights, to discuss comprehensively the human rights challenges linked with the drone strikes.

33. Our counter-terrorism response is in compliance with our obligations under international law. Despite this extremely challenging environment, Pakistani law enforcement agencies have acted with restraint. They maintain high standards of professional conduct and uphold human rights in dealing with militants. Counter-terrorism operations are conducted on specific intelligence with all precautions to avoid civilian casualties. Any complaints against law enforcement officials are taken seriously by their respective departments, Parliament and the courts.

34. A wide range of deradicalization and skill development programs have been launched for the youth to keep them away from the influence of radical elements. Project Sabaoon was introduced in the Malakand district of Khyber Pakhtunkhwa in the wake of law enforcement operation in Swat. The Project is aimed at de-radicalizing teenage boys through education. Boys recovered from militants or extremists are provided secondary school education with residential facilities under supervision of psychologists and child specialists. Over 1150 young men have benefited from this programme and reintegrated into society. In 2010, a second similar facility was also opened for girls.

Madam President,

35. For centuries the land of Pakistan has been host to various religions whose followers have lived in peace and harmony. Our Constitution is crystal clear on the rights of minorities to freely profess their religion and visit their places of worship.

36. Certain extremist elements have cropped up in our society as a fall-out of the Afghan war against the Soviet Union in the 1980s and continue to pose a threat to Pakistan's peaceful and tolerant society. Extremists are targeting the vast majority of Muslims who are moderate and do not subscribe to their extremist agenda. In this connection, Pakistan has lost many bold voices advocating tolerance and respect.

37. The people of Pakistan have consistently and overwhelmingly backed democratic and progressive forces and policies and have repeatedly shunned the violent and extremist minority. We are committed to preserving our way of life, fighting against obscurantist forces.

38. Minorities are an integral part of Pakistani society and have an invaluable role in the development, peace and prosperity of the country. The Constitution of Pakistan guarantees equal rights and status to all citizens, irrespective of religion, gender, race, caste, color or

creed. In order to ensure adequate representation of minorities in central and provincial legislatures, seats have been reserved for minorities in the National Assembly, the Senate and the Provincial Assemblies. At the same time, the government has fixed a 5% quota for minorities in all federal services with a view to improve their representation in the government machinery.

Ladies and Gentleman,

39. Pakistan attaches importance to the promotion and protection of the right to freedom of opinion and expression. This is a hard fought right for which many sacrifices have been made. Following the restoration of democracy in 2008 all curbs against the media were lifted. The "Right to Information" is now guaranteed by the Constitution as a fundamental right.

40. Today, the media in Pakistan is completely free and thriving. Over a 100 television channels and many more radio stations and newspapers regularly highlight political, social and human rights issues and lead the national debate on issues of public importance. At the same time, social media has emerged in recent times as powerful and influential medium in Pakistan for sharing information and opinions. All this amounts to empowerment of the common citizen.

Madam President,

41. Pakistan has hosted one of the world's largest refugee populations of over 3 million for more than 30 years. 83,000 births every year is adding to the Afghan population. Despite drastic reduction in international assistance, we continue to host the refugees in the spirit of our traditional hospitality. Their treatment has been humane despite our limited capacity as well the social, economic and security problems caused by their continued presence in host communities.

42. The massive floods and rains of 2010 and 2011 caused dislocation of 2.6 million people. Extremist threat and the ensuing law enforcement action in Swat and parts of FATA also resulted in dislocation of a section of the local population.

43. Despite the unprecedented nature of these challenges, the relief efforts were swift and orderly. Early mobilization of resources, both human and financial, ensured timely assistance to affected communities in terms of shelter, food, health, water and sanitation. During the relief and recovery phase, an effective coordination between authorities at the federal and provincial level and the dynamic synergies between the Government, International Organizations, Civil Society organizations and local communities was realized.

44. The National Disaster Management Authority and the Provincial Disaster Management authorities established to provide emergency assistance and relief during natural calamities have fully integrated human rights and gender sensitive training in their activities.

Madam President,



45. We agree that all human rights are equal, indivisible, interdependent and mutually reinforcing. However, for a developing country like Pakistan, economic and social rights are of paramount importance. We are convinced that realization of these rights will help realize a whole range of human rights, including civil and political rights.

46. The meltdown of the global economy in 2008 has had a profound effect on Pakistan's economy. It increased inflation and made food commodities more expensive. The catastrophic floods of 2010 and 2011 affected around 20 million people and caused immense damage to infrastructure. Energy shortfall also increased exponentially in the last few years. These developments have adversely impacted the economic strength of the country, its ability to finance projects in the social sector and slowed Pakistan's progress in achieving Millennium Development Goals (MDGs).

47. Despite economic constraints, efforts have been made to improve social-economic conditions of the citizens. In the 18<sup>th</sup> Amendment, the subjects of health, education, housing, social welfare, women development, local government, water and sanitation have been devolved to the provinces. The aim is to improve efficiency and effectiveness by increasing local ownership. Our government also managed to evolve consensus on the National Finance Award, through which financial allocations to provinces have increased. Under the new formula, provinces will receive 57 percent of federal resources. This would support provincial investment in social sector and infrastructural / developmental projects.

48. Traditionally, a couple of social protection networks were in place at the federal level, which includes Central Zakat Fund and Pakistan Bait-ul Mal (PBM). These social security nets provide subsistence allowance to poor widows, orphans, disabled and the unemployed and supported their medical treatment.

49. In 2008, the Benazir Income Support Programme (BISP) was introduced to supplement the existing network and to provide immediate relief to low income families enabling them to absorb the shock of rising prices of food and fuel. Since then, BISP has evolved into the country's main social safety net. It benefits more than 6 million families and provides health and life insurance, micro-credit and technical and vocational training. Women are its prime beneficiaries.

Madam President,

50. Special attention is being given by the Government to the political, social and economic emancipation of women and protection of the rights of other vulnerable groups including children and minorities. Human rights mass awareness campaigns through media and education programmes have been launched to promote respect and observance of human rights in society, especially of all vulnerable groups.

51. The Government has taken a number of legal, institutional and administrative initiatives for the advancement of women in the country. A series of legislation include the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011, the Acid Control and Acid Crime Prevention Bill 2010, Domestic Violence (Prevention and Protection) Bill and laws on sexual harassment. Political and economic empowerment of women has been among the top priorities, with 33% seats reserved for women in Local Government, 17% in the National Assembly and Provincial Assemblies and 12% in the

Senate. The government has also reserved 10% quota for women in Central Superior Services (CSS) across the board in the public sector.

52. Fellow members of the delegation will explain, during an interactive dialogue, a range of measures that have been introduced by the government to protect these groups.

Madam President,

53. We are mindful that the promotion and protection of human rights is a continuous process that must be reinforced by strengthening democratic institutions with the support of civil society and media. At the same time, we are also aware of the challenges that we face in the realm of human rights. But these challenges are not due to discriminatory government policies or lack of commitment to protect and uphold human rights. The government and people of Pakistan remain committed to democracy, freedom, justice and the rule of law. We remain committed also to vigorously protecting and promoting human rights of our people as well as fulfilling our all international obligations including on human rights.

54. We wish to thank the delegations for their advanced questions, which the Pakistan delegation will try to respond during this interactive dialogue. We look forward to a productive and constructive discussion, which would help us to better promote and protect human rights in the country.

I thank you.

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