

**Opening Statement by H.E. Ms. Hina Rabbani Khar, Minister of State for Foreign Affairs of Pakistan, at the 4th UPR of Pakistan**

**(30th January 2023, Geneva)**

Bismmillah-ir-Rahman-ir-Rahim

**Mr. President,**

**Excellencies,**

**Distinguished delegates,**

**Assalaam o alaikum and very good morning to all of you,**

 I am honored here today to present Pakistan’s 4th national report under the Universal Periodic Review.

Thank you for your presence today. I look forward to your constructive engagement and feedback. I would also like to thank the Troika members-Argentina, The Gambia, Nepal-for facilitating our review.

Since its establishment 15 years ago, **the UPR mechanism has served as a solid platform for engagement and dialogue. It has stimulated concrete progress in promoting human rights** based on time-tested principles of sovereign equality, universality, non-selectivity and indivisibility of all rights. It represents an excellent global best practice to deliberate and develop recommendations to advance universal respect for rights, freedoms and dignity for all. Therefore, preserving this cooperative mechanism as an enabler of dialogue among States must remain a shared priority.

**Mr. President,**

**Pakistan has remained steadfast in promoting respect for human rights at home and abroad**. Human rights lay deep in the foundations of our nationhood. At its heart, Pakistan’s movement for independence was a constitutional struggle to secure basic human rights, self-determination and fundamental freedoms for the people. This historical experience informed the process of shaping Pakistan’s constitution and our legal and judicial systems. Islamic teachings of equality, human dignity and the right to choose one’s way of life have guided our worldview on human rights. Our contributions to international human rights norms and institution-building is also inspired by these ideals. From drafting the Universal Declaration on Human Rights and the International Convention on Racial Discrimination to establishing the Human Rights Council, Pakistan has remained and will continue to be a leading voice of the vulnerable and the oppressed.

As an ardent supporter of multilateralism, Pakistan has consistently advocated dialogue, consensus, cooperation and mutual respect as preferred vehicles to advance the global human rights agenda. We have always endeavored to build bridges across diverse perspectives and varied interests. As a member of the Human Rights Council and the OIC Coordinator for Human Rights in Geneva, we have played a vital role in forging political consensus on several human rights issues and situations of common concern. We will I assure you continue to do so in advancing shared human rights causes.

**Mr. President, Excellencies and Distinguished delegates,**

**Pakistan’s 4th national UPR report was prepared through an inclusive, consultative process** involving all national stakeholders.

Critically, this report is an outcome of our extensive efforts during the last five years to implement the recommendations emanating from our 2017 UPR.

To implement these recommendations, the Federal Government closely consulted with all provincial stakeholders, civil society and academia. We also benefitted from international best practices in certain areas. I thank all those who contributed to this national endeavor.

**Mr. President,**

Today, I am pleased to report that **my country’s human rights progress is overall on an upward trajectory.**

We continue to aspire for a progressive and pluralistic society, which puts a high premium on respect for the human rights of everyone. In the words of our founding father Muhammad Ali Jinnah and I quote “as equal citizens of the State” unquote.

**In line with the constitutional framework, our democratic governance structures, as protectors of human rights, have grown from strength to strength.** This is visible in the shape of an independent judiciary, robust parliamentary traditions and a free media.

We are also proud of our vibrant civil society. With our independent judiciary and legal community, civil society has played a vital role in public awareness-raising and advocacy about inclusivity, accountability and transparency.

**Mr. President,**

Each country has unique challenges and environment that it must deal with while pursuing the cause of human rights. Therefore, **the human rights record of any State must be considered by understanding the broader social, economic and regional context and not in isolation.**

In the past three years, like many other developing countries, Pakistan has been adversely affected by the cascading crises of the COVID pandemic, the global financial crunch, and the fallout of longstanding conflicts in our region and beyond.

On top of it, last summer as we all know we were also hit by the most unprecedented climate calamity of this century. The human cost of this catastrophe, not of our own making, is enormous: 33 million people were affected; thousands were injured or dead; 8 million were displaced; 2 million homes, 1.8 million hectares of crops, 14,000 km of roads, 18,000 schools, and 5,000 clinics were damaged or destroyed.

These interlocking crises have squeezed fiscal space and eroded development gains in many areas. We are, however, fully committed to rebuilding the lives and livelihoods of our people and resolve to pursue a resilient recovery on these fronts with the support of our international partners.

States, Mr. President, as duty bearers of rights and freedoms are increasingly facing the scourge of disinformation and hate speech spread through social media platforms. We are pleased to have pioneered an initiative in the UN General Assembly in shaping a consensus on countering disinformation. At home, we are working on laws and policies to deal with this contemporary phenomena of concern with an informed approach towards rights and responsibilities.

**Excellencies and distinguished participants,**

While we are proud of our progress and achievements, we are indeed mindful of the need to sustain the momentum to overcome these challenges. The Government has made utmost efforts to advance human rights through institutional, legal, and policy measures. Let me briefly touch upon some of the critical areas of this progress that align with several recommendations emanating from our last UPR.

To **strengthen institutional support**, the Government has enhanced the capacity of existing structures on human rights and established new ones in the last few years.

The Ministry of Human Rights has upgraded its Regional Human Rights Directorates for effective coordination with provincial stakeholders. Complaint cells have been established at the Federal and Provincial Directorates under the Human Rights Ministry for redressal and referral of human rights complaints.

We have further strengthened our domestic mechanisms to enhance the implementation of the international human rights conventions to which Pakistan is a State Party. In addition to the existing Treaty Implementation Cells (TIC) at the Federal and Provincial levels, the Government has launched the ‘National Mechanism for Reporting and Follow-up’ project based on the United Nations guidelines and best practices.

Likewise, the Human Rights Ministry has established a Human Rights Information Management System, which has institutionalized data collection and analysis about human rights trends in the country. This system has helped us craft evidence-based policy and administrative measures and prepare Pakistan’s periodic treaty bodies reports.

We are cognizant of the importance of National Human Rights Institutions (NHRIs) and have strengthened the capacities and autonomy of the National Commissions on human rights, women, and children. We are encouraging these commissions to expedite the process of accreditation with the Global Alliance of National Human Rights Institutions (GANHRIs).

Additionally, we have established Child Protection Institute, Transgender Protection Centre and a Council for Senior Citizens. These institutions have been fully equipped to provide shelter, medical care and psycho-social support to children, transgender persons and elderly individuals in vulnerable situations.

**Mr. President,**

In the last five years, Pakistan has enacted several **progressive legislations** in line with its international human rights obligations, focusing on the fundamental rights and freedoms of the vulnerable and the marginalized. Let me highlight a few of them for you today.

Pakistan has taken several steps for **women’s empowerment**. Last year, we amended the Protection against Harassment of Women at Workplace Act 2010 to broaden the definition of employees to include non-conventional workplaces and expand the definition of workplace harassment.

Our Parliament also **enacted the Anti-Rape Act 2021 and the Enforcement of Women's Property Rights Act 2020** to build legal deterrence against the menace of rape and deprivation of women in their property rights.

In a landmark move, all provincial High Courts have established **Gender Based Violence Courts**; helplines and women’s police stations have been set up across Pakistan. We have also conducted special training sessions for lawyers and judges in all provinces on inheritance, birth registration, and early and forced marriage laws.

Our Parliament enacted one of the most **progressive laws on transgender rights in 2018** to protect their fundamental rights like inheritance, education, decent work, property ownership and participation in public affairs.

Additionally, we passed a **law in 2020 to safeguard the rights of persons with disabilities** in line with the Convention on the Rights of Persons with Disabilities and in 2022, the ICT Senior Citizen Act to prevent discrimination against elderly citizens.

**The protection of child rights** has also remained high on our national agenda. In 2020, the Zainab Alert Response and Recovery Act were legislated. An alert system for reporting missing children has been launched in its follow-up.

Legislation prohibiting child labor is already in force in the country. The Ministry of Overseas Pakistanis & Human Resource Development has notified a Child Labour Cell to coordinate and devise a consensus-based National Action Plan with ILO’s technical assistance.

**We have recently ratified** the Optional Protocol to the UN Convention on Transnational Organized Crime on trafficking in persons (in November 2022). In line with best practices, we passed two separate laws on trafficking in persons and the smuggling of migrants in 2018. Since the enactment of these laws, there have been more than 1,000 human trafficking investigations and total of 161 convictions.

**Mr. President,**

Pakistan’s social landscape represents a rich tapestry of diversity and pluralism. Given our geographic location, we have always been a land of many religions and beliefs, peacefully co-existing in harmony for many centuries.

Regarding **minority rights**, our founding father Quaid-e-Azam Muhammad Ali Jinnah categorically and famously said, Quote “You are free; you are free to go to your temples, you are free to go to your mosques or any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed — that has nothing to do with the business of the State” Unquote.

Pakistan’s Constitution, in its Articles 3 and 25, guarantees the right to equality for everyone without any distinction, including the fundamental freedom to profess religion and visit places of worship.

Individuals belonging to religious minorities are equal citizens of Pakistan, and as a responsible State, we are fully committed to protecting and promoting their fundamental rights and freedoms. That is why the Government has taken swift action against any reported incident.

It is a matter of public record that more Muslims have been charged under blasphemy law than non-Muslims. To curb the misuse of blasphemy laws, the Government has instituted several administrative safeguards. For example, Section 211 of the Pakistan Penal Code stipulates punishments against anyone who intentionally initiates false charges.

The Government has notified the National Commission of Minorities to protect and promote minority rights. We have established a Minorities Welfare Fund for development schemes and maintenance of minorities’ religious sites. We are providing financial assistance and scholarships to students from minority communities on merit. We also continue to undertake affirmative measures to improve the participation of minorities in all walks of public life, from employment to representation in the Parliament.

Our domestic law provides full legal coverage to customs and practices of minorities in personal and family matters. Appropriate checks and balances have been embedded in marriage registration to counter forced conversion and marriages. In a landmark decision, the Islamabad High Court has ruled that any marriage with an individual under 18 years old is void ab initio.

**Mr. President,**

 We remain convinced that a robust criminal justice system, responsive to national circumstances and aligned with civil and political rights, is central to strengthening human rights protection.

To curb **torture** and protect fair trial and due process rights, we have enacted the Torture and Custodial Death Act in 2022. In compliance with the UN Convention against Torture provisions, of which Pakistan is a State Party, the Act elaborates a comprehensive definition of ‘torture’; criminalizes torture, death, and rape in custody; and reinforces the right of the victims to legal remedy, as guaranteed in our Constitution.

To handle **juvenile cases** in a human rights-responsive manner, the Juvenile Justice System Act was enacted in 2018. This detailed legislation lays out a mechanism to verify the alleged offender’s age, stipulates the provision of legal assistance to juveniles at State expense, and encourages social rehabilitation and reintegration by establishing observation homes and rehabilitation centers.

**New jails are being constructed in many parts of the country to reduce prison overcrowding**. By encouraging alternatives to incarceration, provinces are also amending their parole laws for assessing offenders' risks and needs, ensuring that conditions of release or license are met and rehabilitation provided. The Government has also completed a detailed study about the situation of women prisoners in the country and advised all relevant authorities that international standards and best practices, as contained in the Nelson Mandela and Bangkok rules, are implemented during prison management.

Pursuant to the recommendations accepted during the last UPR, a draft bill that criminalizes **enforced disappearances** as a separate offense is undergoing parliamentary procedures as we speak.

We have a clear policy of zero tolerance against this heinous crime. The Commission of Inquiry on Enforced Disappearances expeditiously examines and addresses alleged cases of missing persons. The Commission continues to provide a free-of-cost legal remedial platform to affected families at the grass-root level. The Commission’s overall disposal rate of cases is more than 70 percent, which is very encouraging indeed.

Pakistan continues to face security threats due to very challenging regional environment. A direct consequence of protecting our citizens against this scourge is the **imposition of death penalty**. Pakistan had imposed a moratorium on the death penalty for several years now. However, the moratorium was lifted after the horrendous terrorist attack on Army Public School (Peshawar) in 2014.

 I want to highlight that the death penalty is only applied in the most serious crimes in full compliance with due process of law, under a final judgment rendered by a competent court, and with the right to seek pardon or appeal for commutation.

There have been no executions in Pakistan since December 2019, and between 2010 and 2018. The Supreme Court overturned death sentences in 78% of the cases. In 2021 the Supreme Court of Pakistan, in a landmark ruling in *Safia Bano v. Home Department,* established critical safeguards and protections for defendants with psycho-social disabilities. In line with the ICCPR, the Court barred the execution of mentally challenged individuals.

Furthermore, we continue to internally review colonial-era laws to narrow the scope of capital punishment. As a result of this review, we amended the Railway Act in October 2022, reducing capital punishment to a life sentence for acts of sabotage targeting railway networks.

We attach high **importance to the freedom of opinion and expression**. To this end, the landmark Protection of Journalists and Media Professionals Act was enacted in 2021. In the follow-up to the Act, a Commission is being constituted, which will serve as a grievance redressal platform for journalists in cases of harassment, intimidation, and physical attack.

To meaningfully operationalize people’s constitutional **right to information**, we have significantly empowered Pakistan Information Commission as an autonomous body.

The constitution of Pakistan guarantees **freedom of peaceful assembly**, and the people have continued to enjoy this right throughout our history.

**Mr. President,**

The COVID pandemic has once again underscored the indivisibility of all human rights. One of the key takeaways from the fallout of this unprecedented pandemic is that all rights must be treated on an equal footing with equal emphasis and that realization and enjoyment of **social and economic rights** provide the best social protection and safety net.

Pakistan considers social and economic rights, including the right to development, as a rallying point of our national human rights and sustainable development priorities.

We have accordingly taken policy and institutional steps to alleviate poverty, reduce inequalities and provide an adequate standard of living. The Benazir Income Support Program (BISP) is a flagship initiative to promote and safeguard our citizens’ social and economic rights.

After the pandemic outbreak, the program provided an optimal delivery system to help the most vulnerable segment of the population with scale and speed. An amount of approximately PKR 180 billion to around 15 million beneficiaries was disbursed in emergency cash, focusing on minorities, women, and transgender persons.

We have also developed a National Population Action Plan to ensure universal access to sexual and reproductive health by taking multi-pronged measures, such as forging partnerships between public and private health facilities.

A new nationwide drive to fight child malnutrition has been in full swing since last year. We have extended coverage of our shelter program for the homeless. We have added food kitchens for the homeless and the poor.

A National Education Policy Framework 2018 has been formulated to accelerate the pace of universal and equal access to quality education by all. Its implementation is underway as we speak.

**Mr. President, Ladies and Gentlemen,**

As an active member of the Human Rights Council, Pakistan believes in constructive engagement and **cooperation with the UN Human Rights machinery**. Pakistan regularly reports to the relevant Treaty Bodies about the implementation status of the international human rights conventions to which it is a State Party.

In 2022 alone, we submitted our periodic reports under the international conventions on civil and political rights; torture; child rights; and elimination of racial discrimination. In 2020, during our systematic review, the Committee on the UN Convention on Elimination of Discrimination against Women recognized Pakistan’s domestic efforts in this area.

We have consistently extended political and financial support to the Office of the High Commissioner for Human Rights. Pakistan also has extended invitations for country visits to four Special Procedures on Foreign Debt, Extreme Poverty, Education, and Disabilities. We have also endeavored to respond regularly to the communications sent by the UN-independent human rights experts.

**Mr. President,**

We fully subscribe to the view that States are primarily responsible for promoting and protecting human rights. We also understand that advancing human rights is not a one-time exercise but a long-term commitment that entails sustained institution-building, legal reforms, and policy revamping.

We are mindful that while we have made progress, there is clearly room for further improvement. And to this end, our government is fully resolved to advance the human rights agenda, a vibrant democratic polity, and a peaceful and inclusive society. We are determined to leave no stone unturned to promote our citizens' welfare, well-being, dignity, freedoms, and rights. As a democratic representative, I fully believe that any government’s raison d’être is to improve people’s lives and livelihoods, which means realizing and enjoying their fundamental rights and needs.

At international human rights platforms, Pakistan will continue to endeavor to build bridges and promote consensus, constructive engagement, and dialogue.

Finally, I thank the delegations for their advance questions, which we will try to respond in the course of today’s dialogue. We look forward to a productive discussion to day and I thank you, Mr. President.

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