



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies

- Universal Periodic Review:

PAKISTAN

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations, relating to issues of interest and concern to UNHCR with regards to Pakistan.

1. Treaty Body Concluding Observations

CRC/C/PAK/CO/3-4

**COMMITTEE ON THE RIGHTS OF THE CHILD, 52nd Session
15 October 2009**

Non-discrimination

30. The Committee is concerned at the persistence of discriminatory societal attitudes and discrimination against children belonging to a religious or other minority group, children with disabilities, children living in poverty and children living in rural and remote areas.

31. **The Committee recommends that the State party take all appropriate measures, such as comprehensive public education programmes, to combat and prevent discrimination and negative societal attitudes and mobilize political, religious and community leaders to support efforts to eradicate traditional practices and attitudes which discriminate against children belonging to religious or other minority groups, children with disabilities, and children living in poverty and in rural and remote areas.**

Right to life, survival and development

35. The Committee is deeply concerned at the violations of the right to life, survival and development as a result of the prevailing internal armed conflict, population displacements, poor health and sanitation facilities, severe malnutrition and related illnesses.

36. **The Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children within the State party through policies, programmes and services that target and guarantee implementation of this right.**

Birth registration

41. While noting the many efforts made by the State party to promote timely birth registration, the Committee is concerned that more than 70 per cent of children are not registered at birth, especially girls, children belonging to a religious or minority group,

refugee children and children living in rural areas. The Committee is further concerned at the practice of denying birth registration when parents cannot prove their citizenship.

42. The Committee recommends that the State party ensure the full implementation of measures taken to remove structural obstacles to birth registration, launch a mass cost-free birth registration campaign and simplify the procedures for birth registration in order to cover all persons in the country, regardless of sex, religion, status or nationality, in accordance with article 7 of the Convention. The Committee recommends that the State party harmonize birth registration systems across the country and consider linking the system with the National Registration Act 1973.

Standard of living

76. The Committee takes note of the Poverty Reduction Strategy Paper II (2008–2012), the Medium Term Development Framework (2005–2010) and the commitment of the State party to achieve Millennium Development Goal 1 of halving poverty by 2015 and of increasing pro-poor spending. Nonetheless, the Committee is concerned that the rates of relative and extreme poverty remain very high, particularly among children, and that indicators on adequate housing, nutrition, water and sanitation, and sewage remain alarming. The Committee is also concerned at the impact of the global economic crisis, natural disasters and conflicts on the standard of living of Pakistani children, in particular internally displaced and refugee children. It notes with concern that a high percentage of the population currently faces severe food shortages and that half of the population lives below or just at the poverty line.

77. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) Strengthen its efforts to reduce the rates of poverty and extreme poverty among the population, in particular with regard to alleviating the effects of the food and energy crisis, and to invest in a social protection system that would prevent people from falling back into poverty;**
- (b) Pay special attention to families and children in the development of its poverty reduction strategies, which should include targeted measures protecting children from the harmful impact of poverty on their development, health and education;**
- (c) Provide, with the assistance of UNHCR, access to clean water, adequate sanitation, food and shelter in all regions and communities of the country, including to the internally displaced and the refugee population;**
- (d) Assist children in acquiring vocational skills and finding occupations respecting the age limits set by ILO Convention No. 138;**
- (e) Encourage participation of parents and children in the development of poverty-alleviation strategies; and**
- (f) Seek international cooperation and assistance from UNICEF and the World Bank.**

Refugee children

82. The Committee welcomes the generosity of the State party in hosting the world's largest and longest-lasting refugee population over the past three decades and takes note

of the repatriation since March 2002 of more than 3.4 million Afghans refugees. The Committee remains concerned, however, at the harsh living conditions in refugee camps, where a large number of children live, and at the lack of access to health services, education and basic services such as water and sanitation. The Committee also expresses concern that the internal armed conflict is turning political and public opinion against the non-citizens, particularly Afghans, leading to discrimination and abuse by local communities. The Committee is concerned at reports of harassment and extortion of refugees by the police.

83. The Committee recommends that the State party:

- (a) Pursue its policy of generous hosting of refugees and not force Afghan refugees to return to areas of conflict in Afghanistan;**
- (b) Make all appropriate efforts to improve the living conditions of refugee families and children in refugee camps and elsewhere within the country and ensure that refugee children have access to basic services without discrimination, including health care and education;**
- (c) Continue and strengthen the Programme for Refugee Affected and Hosting Areas (2009–2014) aimed at reducing “asylum fatigue” and promoting peaceful coexistence between the host community and the refugee population;**
- (d) Ensure that refugee children are registered at birth and receive appropriate protection, including unaccompanied and separated children, and in this regard, pursue cooperation with relevant United Nations agencies, including UNHCR, UNDP and UNICEF, as well as with NGOs; and**
- (e) Taking into account the UNHCR Guidelines on Protection and Care of Refugee Children, develop national legislation on refugee protection and asylum-seekers, including on refugee status determination in accordance with international refugee law and standards, and consider ratifying international instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the Convention relating to the Status of Stateless Persons of 1954.**

Internally displaced children

84. While welcoming the rapid return of internally displaced families to areas of origin, the Committee is deeply concerned at the very high number of internally displaced persons in Pakistan in recent years, culminating at approximately 2 million in June 2009, due to military operations and to floods and earthquakes. The Committee notes with concern that internally displaced children in the State party are facing serious socio-economic deprivation, especially limited access to shelter, sanitation, health care and education. Furthermore, the Committee is concerned about the vulnerability of displaced children to malnutrition, diseases and harsh weather threatening their health and survival. It also noted with concern reports of displaced people complaining about non-State actors' atrocities and civilian casualties in the course of military operations.

85. The Committee recommends that the State party, with the assistance of the United Nations and NGOs:

- (a) Pursue efforts to address the immediate humanitarian needs and protect the human rights of the internally displaced persons in Pakistan;**

- (b) **Take all necessary precautions and adapt its military tactics to limit civilian casualties in military operations;**
- (c) **Ensure that displaced children are provided with shelter, nutrition, sanitation, health care and education, as well as with physical and psychological recovery, and pay special attention to particularly vulnerable groups, especially unaccompanied and separated children, children with disabilities, and children suffering from malnutrition and diseases.**

Sale and trafficking

95. The Committee welcomes the significant efforts made during the reporting period to combat trafficking in persons, such as the promulgation of the 2002 Prevention and Control of Human Trafficking Ordinance, the establishment of the special Anti-Trafficking Units and of the Inter-Agency Task Force on Human Trafficking. The Committee notes with concern, however, that the State party remains a significant source, destination and transit country for children trafficked for the purposes of commercial sexual exploitation and forced and bonded labour. It also expresses concern at the growing number of children trafficked internally, sometimes sold by their own parents or forced into marriage, sexual exploitation or domestic servitude.

96. The Committee urges the State party:

- (a) **To take all measures to ensure the protection of children from international and internal trafficking and sale;**
- (b) **To strengthen efforts to address the root causes of sale and trafficking, including gender-based discrimination, poverty, early marriages, and the lack of access to education and vocational training;**
- (c) **To provide comprehensive social and psychological assistance to child victims of sale and trafficking for their recovery and social reintegration;**
- (d) **To establish a system for collecting and disaggregating data on the sale and trafficking of children;**
- (e) **To carry out awareness-raising activities in order to make both parents and children aware of the dangers of sale and trafficking; and**
- (f) **To strengthen national and regional strategies and programmes on the prevention and suppression of sale and trafficking, and ensure that these strategies take into account the commitments made at the three World Congresses against Sexual Exploitation of Children in 1996, 2001 and 2008.**

CERD/C/PAK/CO/20

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, 74th Session

16 March 2009

10. While appreciating the State party's laws for the protection of recognized religious minorities, the Committee reiterates its concern about the absence of similar protection for relevant ethnic or linguistic groups. It welcomes the delegation's acknowledgment of the intersectionality, to a certain extent, of ethnicity and religion in the State party. (art. 1)

The Committee reiterates its recommendation that the State party broaden its understanding and constitutional definition regarding minorities, so as to take into account all the grounds of discrimination included in article 1, paragraph 1 of the Convention.

11. Notwithstanding the existing legislation aimed at ensuring the principle of nondiscrimination in the State party, the Committee reiterates its concern that no comprehensive anti-discrimination law has been adopted. It also expresses concern about the lack of information on concrete measures taken to implement the existing antidiscrimination laws and special measures, in spite of reports of persisting de facto discrimination against members of certain minority groups. (art. 2)

The Committee recommends that the State party adopt a comprehensive law on the elimination of discrimination on the grounds of race, colour, descent or national or ethnic origin, taking into consideration all elements of the Convention. It also wishes to receive detailed information on the measures taken to implement anti-discrimination legislation with a view to eliminating de facto discrimination.

15. While taking note of the strain imposed on the national and provincial resources by the mass influx of refugees in Pakistan, in particular large numbers of refugees from Afghanistan, and also noting the cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Committee is concerned that the State party has not acceded to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and that it has not yet adopted any specific refugee legislation. (art. 5 (b))

The Committee recommends that the State party consider acceding to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and enact a comprehensive legal framework governing the reception and treatment of refugees and related categories of persons.

CEDAW/C/PAK/CO/3

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 38th Session

11 June 2007

16. The Committee is concerned that the Convention has not yet been fully incorporated into the domestic law of the State party and that de jure discrimination against women still persists in a number of laws, including: the Citizenship Act, 1951, which does not allow Pakistani women to pass their nationality to a foreign spouse; the Law of Evidence, 1984 on the value of women's testimony; and the Hudood Ordinances, 1979, in particular those related to "Offences of Zina".

17. The Committee calls upon the State party to undertake a comprehensive and systematic review and revision of all discriminatory legislation, including the Citizenship Act of 1951, the Law of Evidence of 1984 and the Hudood Ordinances of 1979, without delay and with time-bound targets, in order to achieve full compliance with all the provisions of the Convention and the Committee's general

recommendations, in consultation with civil society, including women's organizations.

30. The Committee remains concerned that Pakistan is a country of origin, transit and destination for trafficked women and girls. The Committee is further concerned that the Prevention and Control of Human Trafficking Ordinance of 2002 does not adequately address the needs of women and girls who are victims of trafficking, nor does it shield them from prosecution for illegal migration.

31. The Committee calls upon the State party to amend the Prevention and Control of Human Trafficking Ordinance of 2002 in order to ensure that the human rights of women and girls who are victims of trafficking are protected. The Committee encourages the State party to ratify the United Nations Convention against Transnational Organized Crime and its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It urges the State party to collect and analyse data on trafficking and increase its efforts to prosecute and punish traffickers. It also recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of trafficking.

34. The Committee is concerned about the inadequacy of registration of birth and marriages. While noting the State party's efforts to address the fact that almost 50 per cent of women do not hold a national identity card, the Committee remains concerned that a high percentage of women may be prevented from exercising their right to vote and gain access to government assistance schemes.

35. The Committee urges the State party to step up its efforts to ensure universal registration of births and marriages and to ensure that all women have national identity cards. It calls on the State party to provide information, in its next periodic report, on the percentage of women, compared to men, who possess national identity cards.

- End of excerpts -

**Human Rights Liaison Unit
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February 2012**