

Pakistan



Easier Said
than Done

1. Background

1.1. Context

The Constitution of Pakistan, adopted in 1973, envisioned a federal republic in which Islam was the state religion. Several constitutional and ordinary laws were enacted with the ostensible aim to make Pakistan an Islamic state.

Repeated long periods of military rule characterised Pakistan's political history. The institutions of the army and its intelligence agencies continue to play a dominant role in key areas, including internal security and foreign affairs. While Martial Law was not declared, Pakistan was most recently under military rule from October 1999, when General Pervez Musharraf seized power from Nawaz Sharif, to November 2007, when Musharraf resigned from his post as Army Chief of Staff but stayed on as President. On 18 August 2008, Musharraf resigned as President after being threatened with impeachment. Asif Ali Zardari, the widower of assassinated Pakistan People's Party (PPP) leader Benazir Bhutto, became President and Head of State on September 6, 2008. A constitutional amendment in May 2010, which will be elaborated on later in this chapter, drastically altered both the power dynamics between the President and the Prime Minister, and the Federal Government and the provinces.

1.2 UN Treaties

Pakistan is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of the Child (CRC). It has signed the two Optional Protocols of the CRC and the Convention on the Rights of Persons with Disabilities.

Pakistan is not a party to the Optional Protocol to CAT, the two Optional Protocols to the ICCPR, the Optional Protocol to the ICESCR, the Optional Protocol to the CEDAW, the Convention for the Protection of All Persons from Enforced Disappearance (CED), or the Convention on the Protection of the Rights of All Migrants Workers (CMW).

1.3 UN Reporting History

Pakistan has completed most reporting requirements due under international treaties, but has failed to satisfy all its requirements.

Pakistan failed to submit one report under CEDAW in 2009. As of the end of the reporting period, Pakistan did not have any reports overdue under ICESCR, but a deadline for a report due in June 2010 was not met. The country has completed all 19 rounds of reporting under ICERD and has completed its reporting requirements under CRC.

Pakistan has not extended an open invitation to the Special Procedures of the UN Human Rights Council.

1.4 UN Voting Patterns and Performance at the Council

Eighth Session of the UN Human Rights Council

On 2 June 2008, Pakistan expressed dissatisfaction with the wording of a draft resolution on the Optional Protocol to the International Convention on Economic, Social and Civil Rights which it viewed as selective for its non-inclusion of the right to self-determination as a basis for complaints. Pakistan felt that consensus had not been achieved, and that further consideration was necessary. However, it suggested the addition of a preambular paragraph reaffirming the right to self-determination as a solution.

On 3 June 2008, Pakistan responded to the report of the Special Rapporteur on extrajudicial killings by asserting its position that the death penalty did not infringe any universally-recognised human right.

On 3 June 2008, Pakistan expressed support for the mandate of the Special Representative of the Secretary-General on business and human rights and for the creation of mandatory minimum corporate social responsibility standards.

On 6 June 2008, Pakistan questioned the decision to extend the mandate of the Special Representative of the Secretary-General on business and human rights for two years, rather than the conventional three years.

On 18 June 2008, Pakistan, on behalf of the OIC, criticised the resolution on the human rights situation in Myanmar as being politicised, as it failed to recognise the positive development made by Myanmar.

On 18 June 2008, Pakistan voted in favour of a resolution on the promotion on the right of peoples to peace. Slovenia called for a vote on behalf of the EU, on the basis that the issues contained in the resolution were best dealt with in other fora and that the resolution failed to state that the absence of peace did not justify breaches of human rights.

On 18 June 2008, Pakistan voted in favour of a resolution on the promotion of a democratic and equitable international order. The resolution rejected a unilateral approach in favour of a multilateral one when addressing international issues. Slovenia called for a vote on behalf of the EU, on the basis that the resolution addressed issues that were beyond the mandate of the Council. For example, it focused on relations between States rather than relations between States and their citizens.

On 18 June 2008, Pakistan disagreed with the inclusion of a reference to the death penalty within the resolution extending the mandate of the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions.

Ninth Session of the Human Rights Council

On 15 September 2008, Pakistan, on behalf of the OIC, criticised the criteria developed by the High-Level Task Force on the right to development, for the purpose of evaluating the implementation of the Millennium Development Goals. Pakistan felt that the criteria focused too heavily on the national dimension, and should have taken into account the impact of international trading systems and financial regimes.

On 15 September 2008, Pakistan, on behalf of the OIC, commented that the institution-building text on Universal Periodic Review was clear and that no further layers of procedure were necessary.

On 18 September 2008, in connection with the report of the High-Level Fact-Finding Mission to Beit Hanoun, Pakistan, on behalf of the OIC, criticised Israel for not allowing the fact-finding mission access for several months. It also observed that legitimate concerns of war crimes had been raised, and agreed that occupation was the root cause of suffering in the area, and that the international community failed to fulfil its obligations.

On 19 September 2008, during an interactive dialogue with the Special Rapporteur on racism, Pakistan, on behalf of the OIC, expressed its hope that the Special Rapporteur's work would reinforce the importance of development of international norms to combat defamation of religions.

On 19 September 2008, during an informal consultation on a resolution on advisory services and technical assistance for Cambodia, Pakistan objected to the reinsertion of a paragraph expressing concern regarding continuing human rights violations on the basis that it would cause difficulties for the Government of Cambodia.

On 24 September 2008, Pakistan voted in favour of a resolution on human rights and international solidarity. The resolution emphasised the need for international cooperation to tackle human rights issues in a manner that distributes costs and burdens fairly. France called for a vote on behalf of the EU, on the basis that international solidarity was a moral principle and not a human right defined in legal terms.

On 24 September 2008, Pakistan voted in favour of a resolution on human rights and unilateral coercive measures. The resolution requested States to stop using or implementing unilateral, coercive measures not in accordance with international law, in particular those creating obstacles to trade relations between States. It also condemned the use of unilateral coercive measures to assert political or economic pressures, especially on developing countries.

On 24 September 2008, Pakistan voted in favour of a resolution on the follow-up to Resolution S-3/1 on the Assault on Beit Hanoun. The resolution welcomed the report of the High-Level Fact-Finding Mission dispatched to assess the situation in Beit Hanoun. It called for full implementation of all the recommendations made in the report and expressed regret for the delay caused by Israel's non-cooperation.

On 24 September 2008, Pakistan, on behalf of the OIC, commented on the positive human rights efforts made by Sudan. It also reiterated its opposition to country-specific mandates, although it expressed support for efforts to reach a consensual outcome.

Ninth Special Session of the UN Human Rights Council

On 12 January 2009, Pakistan voted in favour of a resolution on the grave violations of human rights in the OPT. The resolution strongly condemned the Israeli military operation in the OPT, stating that this had caused grave violations of the human rights of Palestinian civilians. It accused Israel of collective punishment of the Palestinian people and called on the international community to act.

Tenth Special Session of the UN Human Rights Council

On 23 February 2009, Pakistan voted in favour of a resolution on the impact of the global economic and financial crisis on the universal realisation and effective enjoyment of human rights. The resolution expressed deep concern on the effect of the economic and financial crisis on human rights and called for an increased participation by developing countries in international decision-making.

Tenth Session of the UN Human Rights Council

On 6 March 2009, Pakistan, on behalf of the OIC, expressed support for greater regulation of private military and security companies.

On 26 March 2009, Pakistan abstained from voting on a resolution expressing serious concern over the human rights situation in DPRK and extending the mandate of the Special Rapporteur on DPRK for a further year.

On 26 March 2009, Pakistan voted in favour of a resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.

On 26 March 2009, Pakistan voted in favour of a resolution on human rights in the occupied Syrian Golan, which expressed deep concern for the suffering of the Syrian civilian population and referred to the systematic and continuous violations of fundamental and human rights by Israel.

On 26 March 2009, Pakistan voted in favour of a resolution on Israeli settlements in the OPT, including East Jerusalem, and the occupied Syrian Golan. The resolution strongly condemned the Israeli announcement that it would build further settlements in the OPT.

On 26 March 2009, Pakistan voted in favour of a resolution on the human rights violations emanating from the Israeli military attacks and operations in the OPT.

On 26 March 2009, Pakistan voted in favour of a resolution on the follow-up to Council Resolution S-9/1 on the grave violations of human rights in the OPT, particularly due to the then recent Israeli military attacks against the Occupied Gaza Strip. The resolution regretted that Resolution S-9/1 had not been fully implemented yet and demanded that Israel cooperate with the international community.

On 26 March 2009, Pakistan voted in favour of a resolution on combating defamation of religions.

On 26 March 2009, Pakistan voted in favour of a resolution calling for better geographical representation and gender balance in the staff of the OHCHR.

On 26 March 2009, Pakistan, on behalf of the OIC, criticised the calling of a special session on the human rights situation in Sri Lanka.

On 27 March 2009, Pakistan voted in favour of a resolution on the elaboration of complementary standards to

the International Convention on the Elimination of All Forms of Racial Discrimination.

On 27 March 2009, Pakistan abstained from voting on a resolution on torture and the role and responsibility of medical and other health personnel. In an additional vote, Pakistan voted against including a paragraph in the resolution which took note of the report of the Special Rapporteur on torture. On 10 March 2009, the Special Rapporteur on torture presented his report in which he considered whether the death penalty amounted to cruel, inhuman or degrading treatment or punishment. Pakistan accused the Special Rapporteur of going beyond his mandate and noted that there was no international consensus on the status of the death penalty as a breach of human rights.

On 27 March 2009, Pakistan voted in favour of a decision on the publication of reports completed by the Sub-Commission on the Promotion and Protection of Human Rights. The resolution provided for all reports by the Sub-Commission that had previously been mandated by the Commission on Human Rights and submitted to the OHCHR, to be published as UN documents. Pakistan agreed with a statement by Bangladesh that it was regrettable that a vote was due on a procedural matter. It further stated that insufficient time had been given for consultations on the matter, but that it would vote in favour of the resolution so that the important work of the Sub-Commission would not be wasted.

On 27 March 2009, Pakistan abstained from voting on a resolution on discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights. The resolution was introduced by the EU. The Czech Republic, on behalf of the EU, explained that the resolution was in response to the report of the Special Rapporteur on Freedom of Expression and that this was an important, sensitive issue. The resolution was criticised by some other States for failing to adequately address contemporary forms of religious discrimination.

During the Tenth Session, two draft resolutions on the human rights situation in DRC were tabled, one by the EU and the other by the African Group. The resolution drafted by the EU expressed serious concerns regarding the human rights situation there, while the African Group's draft was less critical of the issue and called on OHCHR to enhance its technical assistance activities in the country. Following the adoption of the African Group's resolution by vote, the EU proposed amendments to the resolution reflecting serious concerns. Pakistan voted in favour of the original resolution drafted by the African Group and voted against the amendments proposed by the EU.

Eleventh Special Session of the UN Human Rights Council

On 27 May 2009, Pakistan voted in favour of a resolution on assistance to Sri Lanka in the promotion and protection of human rights. Before the vote, Germany, on behalf of the EU, proposed oral amendments to the draft resolution, as it made no mention of the need to conduct investigations into alleged violations of international human rights law or the need to prosecute perpetrators. Cuba, on behalf of a number of countries, requested that no action be taken on Germany's proposed oral amendments. The request was put to a vote and the Pakistan voted in favour of it.

Eleventh Session of the UN Human Rights Council

On 2 June 2009, Pakistan, on behalf of the OIC, emphasised the need to continue focusing on corporate responsibility during the current economic crisis.

On 2 June 2009, Pakistan, on behalf of the OIC, conveyed its strong reservations on the report of the Special Rapporteur on freedom of expression. Pakistan observed that the report did not comment on the misuse and abuse of freedom of opinion and expression and therefore was not in conformity with the Special Rapporteur's mandate or Resolution 7/36.⁴⁸⁸ Pakistan further stated that freedom of expression was not absolute and had its limitations. It advised the Special Rapporteur to adhere to the mandate and the Code of Conduct in future.

On 3 June 2009, Pakistan expressed support for the content of the report of the Special Rapporteur on the Independence of Judges and Lawyers.

On 3 June 2009, in response to the report of the Special Rapporteur on health, Pakistan identified affordability of medicines as the main obstacle to realising the right to health.

On 3 June 2009, Pakistan, on behalf of the OIC, described the proposal of the Special Rapporteur on extrajudicial killings to undertake a study to identify best practice in policing public assemblies, as interesting.

On 3 June 2009, a resolution on preventable maternal mortality and morbidity and human rights was adopted. In informal consultations before its adoption, Pakistan raised concerns on the grounds that maternal morbidity and mortality was a developmental issue rather than a human rights one. The text was amended to state that it was a health, development and human rights challenge rather than a potential human rights violation.

On 3 June 2009, Pakistan, on behalf of the OIC, in response to a 15-year review of the work of the Special Rapporteur on violence against women, argued that she had exceeded her mandate by addressing same sex relations, safe abortions and extending the definition of family.

On 4 June 2009, Pakistan, on behalf of the OIC, expressed regret about a statement made by the High Commissioner in her official capacity at a meeting of lesbian, gay, bisexual and transgender groups, owing to the fact that this issue had not been universally recognised.

On 4 June 2009, Pakistan on behalf of the OIC, referred to the need to support the fact-finding mission in the OPT. It characterised the situation there as one of repression and occupation rather than conflict.

On 4 June 2009, Pakistan, on behalf of the OIC, welcomed the High Commissioner's decision to prioritise the issue of migrant rights.

On 4 June 2009, during a panel discussion on women's rights, Pakistan, on behalf of the OIC, was among the States that rejected the proposal for a new special procedure regarding laws that discriminate against women. The justifications provided for this were that it could be viewed as an attack on specific cultures and would infringe on the mandate of CEDAW. A member of the Expert Panel responded by stressing that targeting

specific countries would be unacceptable, but pointed out that the CEDAW Committee met States only once every five years and urged that a new Special Representative could be used to draw a distinction between formal and substantive rights.

On 4 June 2009, the High Commissioner raised concerns regarding people in north-west Pakistan who had fled their homes. Pakistan replied that security forces were engaged in law enforcement operations in the area to provide protection. It added that it was “deeply conscious” of its responsibilities and referred to the need for humanitarian assistance.

On 12 June 2009, during a discussion on the functions and modalities for future panel discussions, Pakistan focused on the need for transparency during the appointment of panellists.

On 16 June 2009, Pakistan, on behalf of the OIC, reiterated support for complementary standards to fight racism and related intolerance.

On 17 June 2009, Pakistan voted in favour of a resolution for the promotion of the right of peoples to peace. The resolution recognised States’ obligations to improve the protection of human rights by ensuring peace. Germany, on behalf of the EU, stated that while it recognised some of the principles set out in the resolution, the issues set out in the draft were more comprehensively dealt with in other fora. Furthermore, Germany, on behalf of the EU, noted that the resolution dealt with relationships between States, not the relationship between States and their citizens.

On 17 June 2009, Pakistan voted in favour of a resolution on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

On 18 June 2009, Egypt on behalf of the African Group, and the Czech Republic, on behalf of the EU, introduced competing draft resolutions on the mandate on Sudan. The draft proposed by the African Group did not renew the mandate of the Special Rapporteur or create a mandate for any international monitoring. It referred positively to the efforts of the government. The EU resolution replaced the mandate of the Special Rapporteur with that of an Independent Expert with some monitoring and reporting functions. The EU later accepted the African Group’s draft but with proposed amendments providing for the mandate of an Independent Expert. Pakistan voted against these amendments, and after they were accepted, against the entire text as amended.

Twelfth Session of the UN Human Rights Council

On 1 October 2009, Pakistan voted in favour of a resolution on human rights and international solidarity.

On 2 October 2009, Pakistan voted in favour of a resolution on human rights and unilateral coercive force.

On 2 October 2009, Pakistan voted in favour of a decision on the effect of foreign debt on the enjoyment of human rights.

On 2 October 2009, Pakistan, on behalf of the OIC, expressed regret that the resolution on freedom of opinion and expression did not explicitly refer to the obligation to combat incitement to hatred. Pakistan also emphasised the importance of the concept of defamation of religions.

On 2 October 2009, Pakistan opposed the adoption of a draft resolution on Aung San Sui Kyi and other political prisoners in Myanmar on the grounds that country-specific resolutions should not be adopted. Pakistan was concerned that the resolution would impinge on the sovereignty of Myanmar.

On 2 October 2009, Pakistan voted in favour of a resolution on the right to development.

On 2 October 2009, Pakistan voted in favour of a resolution on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind. Pakistan, on behalf of the OIC, called for holding a special session on the human rights situation in the OPT, to be held on 15 and 16 October 2009.

Twelfth Special Session of the UN Human Rights Council

On 16 October 2009, Pakistan, on behalf of the OIC, described the Goldstone Report on the UN Fact-Finding Mission on the Gaza Conflict, as balanced and fair, and suggested that it be considered seriously.

On 16 October 2009, Pakistan voted in favour of a resolution that focused on continuing violations of human rights by Israel in the OPT, particularly in East Jerusalem. It endorsed the recommendations set out in the reports of the Fact-Finding Mission to Gaza led by Justice Goldstone and by the High Commissioner for Human Rights, and called for their implementation.

Thirteenth Session of the UN Human Rights Council

On 4 March 2010, Pakistan, on behalf of the OIC, welcomed the report of the High Commissioner and especially her call for additional budget allocation to allow the office to be truly independent. Pakistan also noted that the independence of Special Rapporteurs was not an absolute right, and that they must respect their mandates and the Code of Conduct. Pakistan regretted that no mention was made in the High Commissioner's statement on the incidents related to defamation of religions and discrimination based on religion.

On 5 March 2010, Pakistan, on behalf of the OIC, criticised a report by the High Commissioner on the defamation of religions for being late and stated that the phenomena of defamation of religions needed to be squarely addressed. Pakistan also stated that it was important that the geographical imbalance in the staff of the OHCHR be reversed.

On 5 March 2010, Pakistan, on behalf of the OIC, noted that it appreciated the recommendations of the Special Rapporteurs on the right to food and the right to adequate housing. Concerning the report of the Special Rapporteur on the right to food, Pakistan welcomed the assertion that the private sector and States needed to adopt policies to protect the right to food. On the report of the Special Rapporteur on the right to adequate housing, Pakistan, on behalf of the OIC, agreed with the recommendations concerning the different consequences of mega-events on the right to adequate housing.

On 5 March 2010, Pakistan, on behalf of the OIC, said that the OIC placed immense importance on the protection of the rights of persons with disabilities and invited governments to establish national human rights institutions, laws and policies to ensure the implementation of the Convention on the Rights of Persons with Disabilities. Pakistan also noted that most countries had not yet established national human rights institutions in line with the Paris Principles.

On 8 March 2010, Pakistan welcomed a report by the Special Rapporteur on human rights while countering terrorism and put an emphasis on its mention of the right to privacy and data protection. Pakistan, on behalf of the OIC, agreed that adequate legal safeguards should be put in place to minimise the infringement of the right to privacy. Pakistan, on behalf of the OIC, suggested to the Special Rapporteur on torture that he focus more on issues related to targeting racial and religious communities.

On 9 March 2010, Pakistan, on behalf of the OIC, stated that the Working Group on enforced disappearances should adhere strictly to its mandated tasks and that its limited monitoring role did not give it the right to act as a monitoring body for a Convention which had not yet come into force.

On 9 March 2010, Pakistan, in response to the report of the Working Group on enforced disappearances, said that it was investigating the six cases of alleged enforced disappearances as mentioned in the report. Pakistan also noted that while it took the issue seriously, many allegations of disappearances did not fall into the category of forced or involuntary disappearances as recognised by the United Nations.

On 10 March 2010, Pakistan, speaking on behalf of the OIC, put emphasis on the importance of the promotion and protection of the rights of the child as an investment in the future of humanity. Pakistan, on behalf of the OIC, argued that stringent action should be taken on curbing sexual violence against children, and that the root causes of sexual violence should be addressed in combating the issue.

On 10 March 2010, Pakistan informed the Council of its efforts to stop child abuse and exploitation and said that there was an urgent need for the international community to act collectively on violence against children. Pakistan pledged to undertake and galvanise global efforts on the issue.

On 11 March 2010, Pakistan, on behalf of the OIC, supported many of the views expressed in the reports of the Special Rapporteurs on freedom of religion or belief and on human rights defenders. Referring to the work of the Special Rapporteur on human rights defenders, the OIC emphasised the importance of protection mechanisms for human rights defenders and the need for a good relationship between States and their civil societies.

On 11 March 2010, Pakistan, on behalf of the OIC, made a note of the remarks of the Special Representative of the Secretary-General on violence against children and to the priorities given in her report. Pakistan asked for more information concerning the integration of the Special Representative's mandate into relevant and effective existing mechanisms to ensure that there was no duplication.

On 12 March 2010, Pakistan stated that the right to self-determination continued to be denied to certain people, as in the OPT and Jammu and Kashmir, and that the fulfilment of this right was integral to fully enjoying one's human rights.

On 12 March 2010, Pakistan, on behalf of the OIC, said that it appreciated the work of the Working Group on the Optional Protocol to the Convention on the Rights of the Child for its relevance and transparency. Even though it stated that the session in December 2009 to elaborate on a potential Optional Protocol was efficient, Pakistan, on behalf of the OIC, asked for discussions on several issues which remained unaddressed.

On 15 March 2010, Pakistan, on behalf of the OIC, stated its opposition to all country-specific mandates during an interactive dialogue with the Special Rapporteur on the Human Rights Situation in DPRK. Mechanisms such as the Universal Periodic Review encouraged cooperation and Pakistan stated that the acceptance of some recommendations by DPRK during its review showed that the best approach to discuss human rights concerns was “one of engagement rather than one of estrangement”.

On 16 March 2010, Pakistan, on behalf of the OIC, agreed with a report of the Independent Expert on minority issues stating that the issue of the participation of minorities in a public democracy was important. The OIC raised the issue of the stigmatisation and negative profiling of Muslims in some Western countries and asked the Independent Expert for possible ways that these minorities could enter the political setting in those countries.

On 16 March 2010, on behalf of the OIC, Pakistan commended the conduct of the Council’s Social Forum and supported the recommendations which resulted from this event. Pakistan expressed hope for further work in the next Social Forum concerning poverty eradication.

On 17 March 2010, Pakistan strongly commended the frank and elaborate manner with which Norway approached its Universal Periodic Review.

On 18 March 2010, Pakistan congratulated Bhutan for accepting most of the recommendations which came out of its Universal Periodic Review.

On 18 March 2010, Pakistan thanked DPRK for its frank position on a large number of recommendations made during its Universal Periodic Review and noted that it was encouraging that the country was considering taking further steps to implement some of the recommendations. Pakistan expressed confidence that efforts to improve the human rights situation in the country would be undertaken by the government.

On 19 March 2010, Pakistan stated that it valued the efforts of Brunei Darussalam to promote and protect human rights and was pleased that some of the recommendations of the Universal Periodic Review were implemented.

On 19 March 2010, Pakistan thanked Ethiopia for its frank and comprehensive presentation on the occasion of its UPR and expressed confidence that the country would continue its efforts to promote and protect human rights.

On 22 March 2010, Pakistan, on behalf of the OIC, noted what it deemed to be deliberate and pre-meditated violations of human rights in the OPT by Israel. It further stated that Israel was obstructing an impartial and independent investigation into its repressive policies; a view which Pakistan said was corroborated by the reports of the Secretary-General and the High Commissioner. Pakistan urged the adoption by consensus of a follow-

up resolution tabled by the OIC and asked for the implementation of the recommendations from the reports of Justice Goldstone and the High Commissioner.

On 22 March 2010, Pakistan, on behalf of the OIC, stated its rejection of Israeli pronouncements and called on Israel to stop illegal activities to ensure a successful peace process in the Middle East. Pakistan, on behalf of the OIC, hoped for the support of the Council towards the resolutions presented by the OIC.

On 23 March 2010, on behalf of the OIC, Pakistan expressed satisfaction with the Vienna Declaration and Programme of Action but stated that implementation would be an uphill struggle.

On 23 March 2010, on behalf of the OIC, Pakistan welcomed the report by Intergovernmental Working Group on Effective Implementation of the Durban Declaration and looked forward to the adoption of a resolution in the session by consensus. Pakistan stated its belief that an additional protocol on this subject was needed and reminded the Council of the OIC proposed resolution on combating defamation of religions.

On 24 March 2010, Pakistan noted Afghanistan's progress concerning the promotion and the protection of human rights and urged the international community to cooperate and support the government. On Afghanistan, Pakistan regretted the focus on security and counter-insurgency operations by the international community, as it felt the focus should be on development. Furthermore, Pakistan noted the failure of the international community to combat the problems caused by poppy cultivation and the drug trade in Afghanistan.

On 24 March 2010, Pakistan voted in favour of a resolution on the composition of the OHCHR that asked for the implementation of measures to ensure a better representation of geographic diversity among staff.

On 24 March 2010, Pakistan voted in favour of a resolution on human rights in the occupied Syrian Golan. The resolution strongly condemned the occupation of Syrian Golan by Israel. Pakistan, on behalf of the OIC, which introduced the draft resolution, expressed disappointment that during the negotiations some groups held "traditional views" that made the text ineffective in ensuring the promotion and the protection of human rights in the occupied Syrian Golan. Pakistan asked for the full support of the Council and hoped that the resolution would be adopted by consensus.

On 24 March 2010, Pakistan voted in favour of a resolution on the right of the Palestinian people to self-determination. The resolution emphasised the value of self-determination and supported Palestine and Israel in their process towards peace and security. It encouraged the international community to aid the Palestinians in their right to self-determination. Pakistan, on behalf of the OIC and the Arab Group, had introduced the draft resolution. It reiterated the importance of the "unqualifiable" right to self-determination and hoped the resolution would be adopted by consensus.

On 24 March 2010, Pakistan voted in favour of a resolution on Israeli Settlements in the OPT, including East Jerusalem, and the occupied Syrian Golan. The resolution asked the Government of Israel to reverse controversial announcements about new settlements and to respect legal obligations concerning access to food and supplies, the halting of impunity, prevention of violence, etc. Pakistan, on behalf of the OIC and the Arab Group, had introduced the draft resolution.

On 24 March 2010, Pakistan voted in favour of a resolution on grave human rights violations by Israel in the OPT, including East Jerusalem. The resolution strongly condemned the military attacks and operations in the OPT, which it said caused grave violations of human rights. It asked for the end of the occupation and for the establishment of an independent sovereign state through a peace process. Pakistan, on behalf of the Arab Group and the OIC, had introduced the draft resolution and encouraged the Council to adopt it by consensus.

On 24 March 2010, Pakistan introduced a resolution on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, and voted in favour of it on 25 March 2010. The resolution asked for independent and credible investigations regarding the violations of international humanitarian and international human rights law during the Gaza Conflict.

On 25 March 2010, Pakistan abstained from voting on a resolution on the situation of human rights in DPRK. The resolution asked for the mandate of the Special Rapporteur on DPRK to be extended and for the government's participation in addressing human rights violations.

On 25 March 2010, Pakistan voted in favour of a resolution on combating defamation of religions. The resolution urged the international community to promote a culture of tolerance and peace, especially concerning the wrongful association of Islam with human rights violations and terrorism. Introducing the resolution, Pakistan said that the resolution presented the Council with a choice for civilisations to either clash or cooperate with one another.

On 25 March 2010, Pakistan thanked the African Group for its work on a draft resolution on the elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination. Pakistan also reminded the Council that once a resolution was approved, its mandate had to conform to the terms of the resolution.

On 26 March 2010, explaining its vote on behalf of the OIC, before a vote on a resolution on the protection of human rights and fundamental freedoms while countering terrorism, Pakistan emphasised the importance of the right to privacy. Furthermore, Pakistan, on behalf of the OIC, urged that Special Procedure mandate holders comply with and respect the Code of Conduct that binds them.

2. Pledge

2.1 Election to the Council

Pakistan was one of 18 Asian candidates that contested the May 2006 election at the Council for the 13 seats reserved for Asia. Pakistan came sixth in the Asian Group with 149 votes. Thailand, Kyrgyzstan, Lebanon, Iran and Iraq were unsuccessful in securing a seat.

On 21 May 2008, the number of candidates was the same as the number of seats reserved for Asia, meaning that the results of the election were pre-determined. In the election, Pakistan came fourth among the Asian Group with 114 votes, the lowest score in this group.

2.2 Pledge Made

In its pre-election pledge in 2006, Pakistan committed itself to supporting the universal ratification of core human rights treaties and working towards an early ratification of ICCPR, ICESR and CAT. The country pledged active participation in the UN Human Rights Council and to assist in the implementation of its mandate. Pakistan also stressed that its contribution to the promotion of human rights included the protection of the rights of women and religious minorities, as well as the promotion of human dignity and fundamental freedoms. It promised to establish an independent national human rights institution and to introduce a human rights curriculum into its educational system. Finally, Pakistan indicated that it had contributed considerably to the promotion of human rights nationally and internationally.

Pakistan's pre-election pledge in 2008 stated that it had fulfilled most of the pledges it made in 2006. It included in that statement, the fact that the creation of a National Human Rights Commission was "on the anvil". Pakistan again pledged to support the Council's work to ensure that it was empowered to use its full potential. Pakistan also affirmed the importance of the human rights Special Procedures system and said that it supported the active role of civil society in the Council's work. Pakistan noted that special attention was given in the country to the social and economic emancipation of women and protection of the rights of other vulnerable groups including children and minorities. Finally, Pakistan pledged that, if elected, it would support activities aimed at promoting the highest standards of human rights in other fora.

3. Compliance

3.1 Human Rights During the Reporting Period

Pakistan experienced significant levels of conflict throughout the reporting period. Various insurgent groups under the banner of the Tehrik-i-Taliban Pakistan (TTP) were engaged in fighting in the recently-renamed Khyber Pakhtunkhwa Province, the Federally Administered Tribal Areas (FATA) and the Provincially Administered Tribal Areas (PATA). It was a protracted insurgency which resulted in hundreds of casualties and significant civilian displacement. A ceasefire in February 2009 was agreed by the Taliban in exchange for the imposition of Sharia law and de-facto administrative control of the Swat valley in Pakistan's tribal areas to the Taliban and affiliated groups. Within months, the Taliban exceeded the territorial limits set out in the ceasefire leading to a major offensive by the Pakistan Army and an increased outpouring of internally displaced persons.⁴⁸⁹

The army was accused of using excessive force during its surge against militants in the Swat valley. The army stated that certain mass graves were filled by militants with the bodies of militants killed in army operations. However, the non-governmental Human Rights Commission of Pakistan (HRCP) and other human rights groups alleged that the graves were in fact filled by the army with suspected Taliban fighters who were victims of extrajudicial killings.⁴⁹⁰ Eyewitnesses reported observing the arrest of at least one militant commander who was later found in a mass grave. Police allege he was killed in an encounter.⁴⁹¹ Many of the bodies recovered from mass graves reportedly showed signs of torture.⁴⁹² In April 2010, an international human rights organisation accused Pakistan of carrying out over 200 summary executions in the previous eight months.⁴⁹³ A video posted in October 2009 on the social networking website Facebook, allegedly showed Pakistani soldiers beating up suspected Taliban sympathisers.⁴⁹⁴

Police and intelligence agencies were also accused of using torture in non-insurgency affected areas. In June 2009, the Asian Human Rights Commission (AHRC) alleged in a press release that intelligence and security-related agencies such as the Inter Services Intelligence (ISI), the Military Intelligence (MI), the Federal Investigation Agency (FIA), the Pakistan Navy and the Frontier Constabulary (FC) routinely engaged in torture and ran torture cells in different cities.⁴⁹⁵ In December 2009, at a civil society workshop on torture, the Secretary General of HCRP said that torture was increasing in Pakistan and that it fuelled violence in society. A human rights activist at the workshop called the practice of torture “immensely prevalent” in the police.⁴⁹⁶ In March 2010, the Supreme Court (SC) ordered the government of Punjab to close police torture cells, which it said played host to “rampant” police torture. All provinces were asked to submit comprehensive reports to the SC on incidents of torture, including affidavits from police officers that there were no private torture cells in their jurisdictions.⁴⁹⁷ Later in March 2010, it was revealed that police in Sindh had tortured a vegetable vendor by dragging him around a market behind a donkey cart.⁴⁹⁸

Beyond torture, police were accused of abusing power and acting with impunity throughout Pakistan. According to AHRC, police in Sindh province carried out a fake encounter killing in December 2008. This practice reportedly remains widespread in Pakistan owing to the fact that police enjoy impunity “because of the support they receive from provincial heads”.⁴⁹⁹ HRCP recorded 226 police encounter killings in 2009.⁵⁰⁰ According to AHRC, in August 2009 police in Punjab province picked up a woman who was waiting for a bus, took her to a hotel and gang-raped her.⁵⁰¹ Late in the reporting period, AHRC reported that a 13-year-old girl was brought into police custody and raped by police officers for 21 days. It was reported that the perpetrators were subsequently able to obtain a “stay order” from the Lahore High Court, which prevents any legal action being taken against them.⁵⁰² In March 2010, a video was leaked to Pakistani TV channels which showed five police officials beating suspects in custody. According to a media report, the beating of suspects in custody is “common practice” for Pakistani police, who allegedly have a long-standing reputation for brutality and torture.⁵⁰³

Pakistan passed a major constitutional amendment in April 2010. The Eighteenth Amendment introduced a wide slate of reforms which ranged from the transfer of major powers from the President to the Prime Minister, and from the federation to the provinces, to the renaming of the North West Frontier Province to Khyber Pakhtunkhwa. The Amendment was criticised by the Chairperson of HRCP for continuing to neglect the rights of ethnic and religious minorities and the status of the Tribal Areas, among other shortcomings.⁵⁰⁴ For instance, the Eighteenth Amendment prescribed that only a Muslim could become Prime Minister. Non-Muslims may contest elections to the National Assembly and command a majority of seats, but cannot lead parliament. A more positive amendment is the inclusion of Article 19A which makes the right to information a fundamental right. Previous legislation on RTI suffered from excessive listing of exceptions to the right.⁵⁰⁵

The judiciary in Pakistan remained backlogged and slow. An HRCP report put pending cases in the superior and lower courts at approximately 1.52 million at the end of 2009.⁵⁰⁶ Prisons remained significantly overcrowded. HCRP noted in a report released in 2008 that the province of Sindh held 20,000 prisoners in facilities meant for 9,000. Across the country it was reported that 59,000 prisoners were detained in 32 prisons meant for no more than 21,000.⁵⁰⁷ Generally, prison conditions were called “nightmarish” and “appalling”.⁵⁰⁸ One report attributed a riot in a Karachi prison as resulting from harsh treatment and overcrowding; four prisoners died during the riot.⁵⁰⁹ In January 2010, it was reported that President Zardari directed authorities to improve the poor conditions in jails throughout Sindh.⁵¹⁰

Pakistan continued to sentence convicted criminals to death despite the initiation of an unofficial moratorium on the death penalty.⁵¹¹ At least 36 people were executed in Pakistan in 2008.⁵¹² In June 2009, the government promised to commute 7,000 death sentences to life imprisonment, though the Interior Minister noted in September 2009 that terrorists would still receive the death penalty. Moreover, the Interior Minister's decree in November 2008 that cyber-terrorists would also face the death penalty if they caused loss of life, suggested that the government was not moving towards abolition.⁵¹³ An informal moratorium on executions, which began in November 2008, was not made official by the end of the reporting period, and death sentences continued to be handed out at a pre-moratorium rate, according to HCRP.⁵¹⁴ In 2009, 276 persons were reportedly awarded death penalties and 7,700 people were on death row.⁵¹⁵ In a 2009 report, the National Judicial Policy Making Committee noted that, in all provinces except Sindh, Pakistani prisoners who were sentenced to death were kept in death cells (or on death row) before their last appeal was decided on.⁵¹⁶ A Pakistani lawyer reported that prisoners could be on death row for years before their appeals were heard.⁵¹⁷

Demonstrations supported by the Federal Opposition were staged by lawyers' groups in March 2009. These led to the reinstatement to the Supreme Court of former Chief Justice Iftikhar Mohammad Chaudhry, who was ousted along with 60 other judges and put under house arrest by the Musharraf regime in 2007.⁵¹⁸ The reinstatement was preceded by the detention of 300 activists who were intending to march on the capital, Islamabad to secure Chaudhry's release. Many opposition leaders reportedly went into hiding to avoid being detained.⁵¹⁹

The issue of enforced disappearances in Pakistan, which gained notoriety in the aftermath of the US-led invasion of Afghanistan in 2001, was not satisfactorily resolved. New incidents of enforced disappearances continued to be recorded throughout the reporting period from across the country. It was hoped that with the end of military rule, the disappearances would stop and that the missing people could be traced. In February 2009, an international human rights organisation stated that despite several pledges by the Pakistan government that enforced disappearances would be investigated, no information was provided on those disappeared. A large proportion of the victims came from the province of Balochistan. According to one Baloch leader: "[t]here will never be a complete list as people are picked up on a daily basis."⁵²⁰ A Baloch separatist group, which claimed that 6,000 Baloch activists were missing, kidnapped an official from the UN High Commissioner for Refugees to facilitate an exchange for their release. The Pakistan government denied the allegations.⁵²¹ The reinstatement of Chief Justice Chaudhry in March 2009 spawned renewed hope that the disappearances would finally be addressed. Before being sacked by President Musharraf in 2007, Chaudhry had pursued cases of alleged enforced disappearance "with vigour".⁵²² In October 2009, the list of disappeared people maintained by HRCP reportedly had 198 names, of which 99 were located. However, Defence for Human Rights, Pakistan (DHRP), a campaign group, estimated the number of disappearances to be 8,000-10,000 people.⁵²³ In November 2009, the Supreme Court reopened hearings into cases of disappeared people, which were halted under the Musharraf regime in 2007. Despite this, a report released at the time noted that the government had still not revealed the detailed whereabouts of people who were presumed to be held in detention.⁵²⁴ In February 2010, the government reportedly said that 92 of 282 missing people were traced and that most of them were reportedly living at their addresses.⁵²⁵ In April 2010, the Pakistan Army revealed that thousands of suspected militants were held in indefinite detention. Most of the detainees were held for nearly a year and were not allowed any contact with family members, lawyers or humanitarian groups. Pakistani officials reportedly said that the detained would remain in detention as Pakistan did not have an applicable military court system through which to process detainees, nor was the "dysfunctional"

civilian court system trusted to keep suspected militants from walking free.⁵²⁶ A commission on missing persons was formed by the Federal Government on the instructions of the Supreme Court. The commission held its first meeting in May 2010, just as the reporting period ended.⁵²⁷

During the reporting period, Pakistan continued to be one of the most dangerous countries in the world for journalists. In late August 2008, the Pakistan Army bombed a Taliban jail, killing a journalist who was abducted by the Taliban and was held there.⁵²⁸ In November 2008, Pakistani security forces killed a journalist who reportedly did not stop his car as a military convoy passed.⁵²⁹ In January 2009, a journalist was shot and killed in Rawalpindi and a private TV station was ransacked by a mob.⁵³⁰ February 2009 saw a journalist abducted for 30 hours and interrogated about a recent interview with a Taliban leader.⁵³¹ In that same month, a journalist was shot dead in the volatile Swat valley while covering a peace rally organised by a cleric who would be responsible for temporarily bringing Sharia law to the region.⁵³² The owner and editor of a Baloch publication, which had in the past supported Baloch nationalism, was seriously injured after being shot by members of a radical Sunni group. The group allegedly had the support of elements of the Pakistan intelligence agencies.⁵³³ In March 2009, another journalist was shot and killed in Rawalpindi by unknown assailants. The Pakistan Federal Union of Journalists was sceptical about assurances from authorities that there would be an investigation, given the government's exceptionally poor record of investigating murders of members of the media.⁵³⁴ In May 2009, a media organisation reported that 15 journalists were killed in Pakistan during the previous year and 248 cases of violations against the media were reported during the same period. These included arrests, kidnappings, assaults, injuries, intimidation, threats and attacks on media properties.⁵³⁵ In June 2009, a journalist was fired on at a checkpoint in the north-west and wounded, and on the same day local police baton-charged a group of journalists protesting the lack of security afforded to journalists in the country's war-torn regions.⁵³⁶ In August 2009, two journalists were shot and killed in Pakistan's war-torn north-west, in what appeared to be premeditated assassinations.⁵³⁷ Harassment of media persons continued throughout the country late into 2009. Media groups complained of a lack of access to the fighting in the Tribal Areas of the north-west in November 2009, three weeks after the Pakistan Army started a campaign to regain the territory it had conceded to militants earlier in the year.⁵³⁸ In December 2009, after a week of protests on the disappearance of a reporter with a Baloch nationalist newspaper, police finally admitted that they had arrested and held him. A radio presenter in a different part of the country also went missing around the same time, but the police did not confirm that any arrest had occurred.⁵³⁹ In January, the house of a television reporter for Dawn News was attacked, allegedly by personnel of one of Pakistan's intelligence agencies.⁵⁴⁰ In February 2010, a journalist who was covering a feud between two ethnic groups was shot dead while riding his motorcycle in Sindh province. A media organisation reported at the same time, that Pakistan was the fourth deadliest country in the world for journalists in 2009.⁵⁴¹ Finally, in early May 2010, a journalist was abducted, tortured and killed by unidentified assailants in Pakistan's Sindh province.⁵⁴²

Women were subjected to "constant violence" during the reporting period.⁵⁴³ In 2008, 612 women were killed in so-called "honour killings", in which a woman or girl is killed by her family for being perceived to have injured the honour of her family. This could sometimes happen if she has an extramarital affair, marries of her own will, or for merely exchanging an accidental glance with a man to whom she is not related.⁵⁴⁴ In 2009, the number rose to 647, according to HCRP.⁵⁴⁵ In an August 2008 case reported by AHRC, three teenage girls and two mothers (who tried to intervene) were shot and injured, then buried alive, reportedly because the girls wanted to make their own decision regarding marriage.⁵⁴⁶ In March 2010, four men were convicted of the killings and sentenced to death.⁵⁴⁷

According to a women's rights organisation, cases of violence against women increased by 13 per cent in 2009. In that year alone, 1,384 women were murdered, 928 were raped and 683 committed suicide.⁵⁴⁸ An Additional Police Surgeon in Karachi said in September 2008 that 100 women were raped in the city every day. Only 0.5 per cent of the cases were reported. The lack of reporting was attributed to a backlogged justice system, a lengthy and complicated medical process and a general lack of medical facilities. In Karachi, there were only six women medico-legal officers (WMLOs) for a population of 18 million.⁵⁴⁹

A news report in June 2009 alleged that while the Pakistan Peoples Party (PPP) government claimed to have prioritised women's rights, the medico-legal system was woefully inadequate to handle rape cases. Medical examination and record-keeping after a rape were found to be inadequate, and DNA tests were only done in "high profile cases", because of the high costs involved.⁵⁵⁰ In January 2010, AHRC released a statement saying that acid attacks continue to be serious concern, and included a series of disturbing pictures of victims of attacks.⁵⁵¹ Acid attacks were usually targeted at women who were perceived to be breaking a social code, who spurned the advances of a man or who had offended the "honour" of her family.⁵⁵² A Bill entitled the Acid Control and Burn Crime Prevention Bill had not been passed into law by the end of the reporting period.⁵⁵³ Forced marriages, a practice by which a young woman is forced to marry someone not of her own choosing, were also reportedly widespread.⁵⁵⁴

Two major bills designed to protect women – one relating to domestic violence and one to sexual harassment – were passed by the National Assembly in 2009, but only the bill on sexual harassment eventually became law.⁵⁵⁵ The Domestic Violence (Prevention and Protection) Bill was not passed by the Senate within the three-month time period mandated by the Constitution, meaning that it was allowed to lapse.⁵⁵⁶ Some politicians blamed the lapse on the negligence in the law ministry, which failed to bring it before the Senate.⁵⁵⁷ Additionally, politicians who were supposedly "anti-women" were promoted to the cabinet during the reporting period.⁵⁵⁸ In late 2008, a senator from Balochistan province defended honour killings as "part of our custom", in reference to the killing and live burial of five women (see above).⁵⁵⁹ The same senator was promoted to the cabinet a few months later. Another senator, who once headed an illegal tribunal which gave five girls between two and five years old as compensation to the family of a murdered man, was also appointed to the cabinet at the same time.⁵⁶⁰

A significant portion of Pakistan's child population continued to face hardship. One civil society organisation estimated that 11-12 million children were employed as labourers.⁵⁶¹ About 20.3 million children did not go to school.⁵⁶² According to a report by the Committee on the Rights of the Child, Pakistan lacks a comprehensive child protection mechanism, and the mechanism that does exist is highly inefficient.⁵⁶³ According to an NGO working on children's rights, Pakistani jails held at least 1,300 juvenile prisoners. Furthermore, up to 10,000 juveniles were allegedly facing criminal litigation at the end of the reporting period.⁵⁶⁴

Despite pledges by the government to improve minority rights in Pakistan, the reporting period witnessed numerous incidents of violence and discrimination directed against minorities. In July 2009, a violent and allegedly pre-meditated massacre of Christians by hundreds of Muslims occurred in Punjab after a Qur'an was purportedly desecrated. News reports indicated that on the day before the attack, announcements were made in mosques to "make mincemeat of the Christians". Eight people were killed and a Christian neighbourhood was "burned down".⁵⁶⁵ While arrests were made and victims' families were offered compensation, there were protests and

accusations among the Christians that the police neglected to protect them.⁵⁶⁶ HRCP agreed that police did little to stop the violence.⁵⁶⁷ Christian groups criticised the government for blasphemy legislation which they claimed was used by extremists to falsely accuse Christians of desecrating the Qur'an, and this often led to violence against the minority group.⁵⁶⁸ Blasphemy was reportedly one of the 28 capital crimes in Pakistan.⁵⁶⁹ A Christian man was charged with desecrating a Qur'an in September 2009, and was imprisoned. He was found dead two days later. Police claimed that he committed suicide, but an alliance of over 30 human rights groups alleged that he was tortured and killed.⁵⁷⁰ A Christian group called the death an 'extrajudicial murder'.⁵⁷¹ In February 2010, the government stated that it would review and reform the blasphemy law, though it would not repeal it. "Hard-line Islamic groups" had reportedly blocked reform attempts in the past.⁵⁷² At the end of the reporting period, there was reportedly no movement toward reforming the blasphemy law.

Ahmadi Muslims, a minority sect declared by the government to be non-Muslim in 1974, were also the subjects of discrimination and violence. In September 2008, three Ahmadi Muslims were killed after the host of a religious TV talk show and a guest sanctioned the killing of people of the sect.⁵⁷³ Late in the reporting period, two Ahmadiyya mosques were attacked in Lahore and over 80 people were killed in suicide blasts and gunfire.⁵⁷⁴ Under the existing criminal law promulgated during the rule of the erstwhile Pakistani dictator General Zia ul Haq, the Ahmadiyya community is not allowed to refer to its prayer houses as "mosques".

Violence between the Sunni Muslim majority and the Shia Muslim minority was consistently reported by the media throughout the reporting period, as suicide bombings and other attacks carried out by militant groups caused massive civilian casualties. According to HRCP, in 2,586 incidents of terrorism, 3,021 people were killed and 7,334 were injured during 2009. Of these, 1,296 people were killed in 108 suicide bombings, 747 were killed in Karachi of which 291 were targeted killings. Of these, 209 were political activists.⁵⁷⁵ Attacks against Shias were carried out across the country and warranted specific inclusion in the HRCP 2009 report. At least 7 out of 108 suicide attacks targeted Shia congregations killing a minimum of 218 people and injuring hundreds of others.⁵⁷⁶

Members of the Mehsud tribe who fled violence in South Waziristan reportedly faced discrimination and violence once they reached other more secure parts of Pakistan. The leadership of the Pakistani Taliban partially comprised Mehsud tribesmen, and civilians fleeing violence were often harassed or discriminated against by the army and other Pakistanis, who suspected them of being Taliban fighters masquerading as victims.⁵⁷⁷

3.2 Compliance with the Pledge

In Pakistan's 2008 pre-election pledge, it stated that it had fulfilled most of the commitments it made in its first pre-election pledge in 2006. In that pledge document, Pakistan noted its national and international contribution to the promotion of human rights, human dignity and fundamental freedoms. The fulfilment of this pledge was belied by widespread and frequent allegations of excesses by the Pakistani security forces, which appeared to act with impunity while carrying out extrajudicial killings, torture, rape (including custodial rape), custodial abuse and enforced disappearances. Moreover, freedom of assembly and expression remained under threat as protestors and journalists continued to be suppressed, sometimes violently. Deteriorating prison conditions, ambivalence towards the death penalty and a slow judicial system further sullied the veracity of Pakistan's claims that it had fulfilled its previous human rights pledges. Pakistan was yet to establish an independent national human rights institution in spite of its pledge to do so and the positive stance it took at the Council sessions on this topic.

Pakistan made assurances that special attention was paid to the emancipation of women and the protection of the rights of vulnerable groups such as children and minorities. In spite of these commitments, women continued to be subjected to sexual and domestic violence, honour killings, and hate crimes. Child labour and detention also remained serious issues, and religious and ethnic minorities suffered from discrimination, some of which was even legally sanctioned.

Pakistan pledged to actively participate in the UN Human Rights Council, assist in the implementation of the Council's mandate, and support the work of the Council to ensure that it was empowered to fully realise its potential. While Pakistan was one of the most active participants at the Council, frequently, its participation neither contributed to the implementation of the Council's mandate nor empowered the Council to make use of its full potential.

On thematic resolutions, Pakistan voted in line with allied voting blocs such as OIC. Pakistan voted in favour of resolutions on the right of peoples to peace, the promotion of a democratic and equitable international order, human rights and international solidarity, unilateral coercive measures, defamation of religions, complementary standards to ICERD, the global economic and financial crises and foreign debt. Pakistan abstained on resolutions on discrimination based on religion or belief and torture and the role and responsibility of medical and other health personnel.

At the Council sessions Pakistan was a leading force of opposition to resolutions which increased scrutiny of individual country situations. It either declined to support or actively undermined various initiatives that could increase scrutiny on Cambodia, DRC, DPRK, Myanmar, Sri Lanka and Sudan. Such scrutiny is an important part of the Council's mandate, without which it cannot reach its full potential. In view of this, it is clear that Pakistan did not fulfil this aspect of its pledge.

Pakistan repeatedly acted to curtail the independence and scope of the Council's mechanisms, including the Special Procedures. Pakistan consistently lobbied for the restriction of the scope of Special Procedures through stricter enforcement of the Code of Conduct. At one point, Pakistan stated that the independence of the Special Rapporteurs was not an absolute right, as they must respect their mandates and the Code of Conduct.

Illustratively, Pakistan refused to extend the purview of the mandate of the Special Rapporteur on extrajudicial killings to include the death penalty, which Pakistan felt was not in contravention of any universal human right. In another instance, on behalf of the OIC, Pakistan expressed strong reservations regarding a report by the Special Rapporteur on freedom of expression, criticising it for failing to deal with the misuse and abuse of the freedom of opinion and expression. Similarly, Pakistan stated that the Working Group on enforced disappearances should strictly adhere to its mandate and limited monitoring role, and that it should not consider itself a monitoring body for the Convention on Enforced Disappearances, which had yet to come into force. On another occasion, Pakistan argued that the Special Rapporteur on violence against women had exceeded her mandate, by addressing same-sex relations and safe abortions and by extending the definition of family.

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