



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

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## Committee on the Elimination of Racial Discrimination 113th session

Geneva, 5–23 August 2024

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

### List of themes in relation to the combined twenty-fourth to twenty-sixth periodic reports of Pakistan

#### Note by the Country Rapporteur\*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Statistics

2. Information on the establishment of a legal and institutional framework for the regular conduct of a national census by the Pakistan Bureau of Statistics. Statistics on the demographic composition of the population, disaggregated by ethnicity, national origin and languages spoken, including data on migrants, refugees, asylum-seekers and stateless persons. Updated economic and social indicators relating to the various groups living in the territory of the State party.<sup>2</sup>

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2 and 4–7)

3. Examples of cases in which a comprehensive definition of racial discrimination has been invoked or applied that encompasses both direct and indirect discrimination and incorporates all the grounds enumerated in article 1 (1), including race, colour, descent and national or ethnic origin.

4. Further information on the anti-discrimination provisions of the Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act 2014, the Punjab Security of Vulnerable Establishments Act 2015, the Sindh Security of Vulnerable Establishments Bill 2015 and the Sindh Minorities' Rights Commission Bill 2019. Further information on any additional provincial or territorial laws that include anti-discrimination provisions, including

\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

<sup>1</sup> [A/65/18](#), para. 85.

<sup>2</sup> [CERD/C/PAK/CO/21-23](#), paras. 11 and 12.



those adopted by the Azad Jammu and Kashmir Legislative Assembly and the Gilgit-Baltistan Assembly.

5. Examples of constitutional petitions or cases concerning racial discrimination in which articles 20 to 22, 25 to 28, 32 and 36 of the Constitution have been applied or invoked before the superior judiciary, and the number of cases, their nature and their outcomes.<sup>3</sup> Examples of cases concerning racial discrimination brought before the provincial judiciary, including the Khyber Pakhtunkhwa judiciary, in which the aforementioned constitutional provisions have been applied or invoked, including the number of cases, their nature and their outcomes.

6. In addition to the information provided on awareness-raising initiatives and training for judges, prosecutors and lawyers, led by the Ministry of Human Rights and the provincial judicial academies, specific information on training to improve awareness among judges, prosecutors and lawyers of the Convention, its application and racial discrimination as defined in accordance with article 1 (1) of the Convention.

7. In addition to the information provided on measures taken to improve the availability of legal aid services, including the promulgation of the Legal Aid and Justice Authority Ordinance 2019, information on measures taken to improve the accessibility of legal aid, such as the establishment of fair criteria, the clarification of procedures and the dissemination of information on its availability, and on the provision of support services, such as interpretation and counselling.<sup>4</sup>

#### **Independence of the judiciary (arts. 5 and 6)**

8. Information on measures taken to guarantee the full independence and impartiality of the judiciary, in line with the Basic Principles on the Independence of the Judiciary.

9. Information on the representation of persons from minority groups in both the provincial courts and the superior courts.

#### **National human rights institution (art. 2)**

10. Information on the process for the nomination and appointment of members of the National Commission for Human Rights, including the representative of minority groups. Information on complaints concerning racial discrimination received and investigated by the National Commission for Human Rights, including the number of cases, their nature and their outcomes.

#### **Racist hate speech, incitement to racial hatred and racist hate crimes (arts. 2, 4 and 6)**

11. Information on cases concerning racist hate speech or hate crimes in which section 153-A or section 505 (2) of the Penal Code have been invoked, including the number of cases, their nature and their outcomes. Information on cases concerning the declaration as illegal or prohibition of racist organizations, the criminalization of the dissemination of ideas based on superiority, hatred or incitement to racial discrimination and all acts of violence, or incitement to such acts, against persons or groups of persons on grounds of race, colour, descent or ethnic or national origin.<sup>5</sup> Updated information on the adoption by the Sindh Assembly of the Criminal Law (Protection of Minorities) Bill 2019.

12. In addition to the information provided on the total number of reports and arrests concerning cases of hate speech, information on cases concerning racist hate speech, including on the proportion of reported cases that are investigated and prosecuted, on their nature and their outcomes and on the penalties delivered.<sup>6</sup>

13. The number of complaints against media licensees received by the councils established under section 26 of the Pakistan Electronic Media Regulatory Authority Ordinance 2002, as amended by the Pakistan Electronic Media Regulatory Authority

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<sup>3</sup> Ibid., paras. 5 and 6.

<sup>4</sup> Ibid., paras. 23 and 24.

<sup>5</sup> Ibid., paras. 9 and 10.

<sup>6</sup> Ibid., paras. 15 and 16.

(Amendment) Act 2007, their nature and their outcomes, including information on the confiscation of equipment, the closure of print and online outlets and the revocation of licences by the Pakistan Electronic Media Regulatory Authority.

14. Information on cases concerning blasphemy brought before the domestic courts, including on the burden of proof, the requirement of proof of intent and the requirement of evidence against the accused. Information on effective remedies provided to victims falsely accused of blasphemy. Information in response to reports received concerning the harassment, intimidation and killing of, and physical attacks against, persons accused of blasphemy, including those acquitted.

15. Information on cases concerning racist hate crimes, including on the proportion of reported cases that are investigated and prosecuted, on their nature and their outcomes and on the penalties delivered.

#### **Situation of ethnic minorities (arts. 2, 5 and 7)**

16. Steps taken to strengthen the National Commission for Minorities.

17. Information on the attainment of the 10-seat quota in the National Assembly, the 4-seat quota in the Senate and the quotas of 3 to 5 per cent for representatives belonging to minority groups within provincial governments.<sup>7</sup>

18. Measures taken to address the segregation of persons belonging to minority groups, including Ahmadis, Hazaras and Dalits, with reference to disaggregated data and social indicators relating to their access to employment, health care, education and other basic services. Information in response to reports of barriers to using and studying in minority languages, including Pashto, which may have a discriminatory impact on persons belonging to minority groups with respect to their enjoyment of economic, social and cultural rights.

19. In addition to the information provided on the safety and security efforts undertaken at the provincial level, including the deployment of security personnel and the establishment of checkpoints in Balochistan, Sindh and Punjab, information on measures taken, in law and in practice, to protect persons belonging to minority groups.

20. Information on the mandate and functions of the district and provincial vigilance committees. Information on the number of cases concerning bonded labour or the right to adequate working conditions of labourers belonging to minority groups, their nature and their outcomes.<sup>8</sup>

21. Information on steps taken to investigate, prosecute and, in cases resulting in convictions, deliver penalties for violence against persons belonging to minority groups.

22. Information on steps taken to guarantee effective remedies for victims of violence against minority groups and their families, including guarantees of non-repetition and measures of restitution, rehabilitation and satisfaction for the families of the 11 coal miners killed in Balochistan in addition to the compensation that they received in January 2021.

#### **Situation of people of East African descent (Sheedi) (arts. 2 and 5)**

23. Information on reports submitted to the relevant authorities, including the Sindh Human Rights Commission, concerning racial discrimination against the Sheedi, including the number of cases, their nature and their outcomes.<sup>9</sup>

24. In addition to the information provided on the annual ritual at the Mangho Pir shrine in Sindh, information on measures taken at the national, provincial and district levels to guarantee the rights and protection of the Sheedi people across the territory of the State party, including their right to manifest their religion or beliefs.

<sup>7</sup> Ibid., paras. 29 and 30.

<sup>8</sup> Ibid., paras. 27 and 28.

<sup>9</sup> Ibid., paras. 33 and 34.

**Situation of persons belonging to ethno-religious minority groups (arts. 2 and 5)**

25. Information on cases in which sections 298, 295-A, 296 or 297 of the Penal Code have been invoked, including the number of cases, their nature and their outcomes.

26. Information on steps taken to investigate, prosecute and, in cases resulting in convictions, deliver penalties in response to all reports of forced conversion or marriage, including abductions for the purpose of forced conversion or marriage. Measures taken to provide access to justice for victims of forced conversion or marriage, including abductions for the purpose of forced conversion or marriage, such as access to legal counsel belonging to their ethno-religious minority group and interpretation services. Measures taken to provide effective remedies to victims of forced conversion or marriage, including abductions for the purpose of forced conversion or marriage.

**Situation of children and students belonging to minority Muslim ethno-religious groups (arts. 2 and 5)**

27. Updated information on the implementation of the 2014 national action plan and the adoption of the current national action plan to reform madrasas.<sup>10</sup> Information on the allocation of public revenue to madrasas and primary and secondary schools that are inclusive of minority groups. Information on the impact of the implementation of the alternative learning programme centres established by the Secondary Education Department of Balochistan.

**Situation of non-citizens, including migrants, refugees and asylum-seekers (arts. 5 and 6)**

28. Information on guarantees of the principle of non-refoulement, in law and in practice. Information in response to reports that, since the adoption of the Illegal Foreigners' Repatriation Plan by the Ministry of the Interior on 26 September 2023, an estimated 9,000 to 10,000 persons originating from Afghanistan have been returned on a daily basis. Information in response to reports that an estimated 26,299 undocumented persons and 4,368 documented Afghan asylum-seekers were arrested and detained in 2023. Information in response to reports that 89 per cent of Afghan returnees cite "fear of arrest" as the reason for their return.

29. Information on guarantees, in law and in practice, of the rights of refugees and asylum-seekers to have access to basic services, including education and health-care services.

30. Information on steps taken towards the ratification of the Convention relating to the Status of Refugees and the Protocol thereto.

**Education to combat prejudices and promote understanding (arts. 1, 2 and 6)**

31. Information on the results of the review undertaken by the National Curriculum Council to remove all forms of hate speech or racist stereotypes from and to include human rights in the national curriculum.

32. Information on the outcomes of the public awareness campaign on human rights education implemented by the Ministry of Human Rights.

33. Information on the outcomes of the establishment of interfaith harmony committees by provincial governments.

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<sup>10</sup> Ibid., paras. 17 and 18.