

UNITED NATIONS HUMAN RIGHTS COUNCIL

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COMPARISON OF ICJ SECOND CYCLE RECOMMENDATIONS FOR THE UPR OF PAKISTAN
WITH CORRESPONDING FIRST CYCLE RECOMMENDATIONS AND COMMITMENTS

<p>Concerning independence of the judiciary</p> <ul style="list-style-type: none"> First cycle UPR Working Group report, UN Doc A/HRC/8/42 (2008): see Summary of Proceedings at paras 23(e), 74, 61 and 92 (Canada, Romania, Netherlands and Albania), and responses/commitments by the Government of Pakistan at paras: 101, 53 and 7. First cycle UPR response of the Government of Pakistan, UN Doc A/HRC/8/42/Add.1 (2008) at paras 22 and 49. The government of Pakistan accepted 44 of the recommendations, see para 7. Second cycle ICJ submission (April 2012): see paras 2-4. 		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding recommendations in the first cycle</i>	<i>Corresponding first cycle voluntary commitments</i>
<p>i) Respect the independence of the judiciary and implement the Supreme Court's judgment in Mubashir Hasan v Federation of Pakistan.</p>	<p>No recommendation was made concerning the case Mubashir Hasan v Federation of Pakistan.</p> <p>Recommendations regarding the judiciary:</p> <p>106(14) and 23(e). (Canada) Re-instate the dismissed members of the judiciary and take measures to re-establish an independent judiciary. - <i>Accepted</i></p> <p>106(14) and 74. (Romania) Noting reports of growing pressure from the Executive over the Judiciary, recommended Pakistan to ensure the independence of the judiciary, including through the establishment of strict rules and through a clear mechanism concerning the appointment and dismissal of judges. - <i>Accepted</i></p> <p>106(16) and 61. (Netherlands) To restore as soon as possible all fundamental freedoms – as guaranteed by Pakistan's Constitution – that were suspended at the imposition of the state of emergency in November and December last year. Reconfirm the independence of the judiciary. - <i>Accepted</i></p> <p>106(20) and 92. (Albania) Strengthen the capacities of its law enforcement agencies to meet the challenges of its societies connected with crimes</p>	<p>No voluntary commitment concerning the case Mubashir Hasan v Federation of Pakistan.</p> <p>Voluntary commitments regarding the judiciary:</p> <p>Doc 8/42, 101. It again committed itself to the concept and implementation of the independence of judiciary and to settle the issue of judges as soon as possible.</p> <p>Doc 8/42/Add.1, 22. With the withdrawal of the Emergency Order of November 2007, all fundamental freedoms have been restored. A constitutional package, which will, inter alia, address the issues of reinstatement of judges, independence of the judiciary and appointment of judges, is being negotiated by Coalition partners for presentation to the Parliament. Rules on fair trial are provided by Pakistan's legal and judicial system.</p> <p>Doc 8/42, 53. Regarding the issue of the independence of the judiciary and access to justice, the Representative highlighted the importance of a vibrant civil society and political parties in the March 2007 lawyers' movement. She noted a few problems, including that of the restoration of the lawyers and judges, already released from</p>

	and instances that could arise as a result of traditional mentalities. – <i>Accepted</i>	detention, which is currently being examined. Doc 8/42, 7. Regarding the judges of the higher judiciary who have been released from detention, Pakistan noted that a committee of experts was looking into the question of their restoration. Doc 8/42/Add.1, 49. The new government is determined to ensure that the supremacy of the Constitution is upheld and the writ of the rule of law is established without any exceptions.
Concerning business and human rights <ul style="list-style-type: none"> First cycle UPR Working Group report, UN Doc A/HRC/8/42 (2008): see Summary of Proceedings at paras 27(a), 23(a), 64 and 25 (Belgium, Canada Brazil and Slovenia), and responses/commitments by the Government of Pakistan at paras 54 and 12. First cycle UPR response of the Government of Pakistan, UN Doc A/HRC/8/42/Add.1 (2008) at paras 24 and 32. The government of Pakistan accepted 44 of the recommendations, see para 7. Second cycle ICJ submission (April 2012): see paras 5-7. 		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding recommendations in the first cycle</i>	<i>Corresponding first cycle voluntary commitments</i>
ii) Enact laws to hold business enterprises, whether private or publicly owned, liable for human rights abuses and to provide for effective redress for victims.	<p>No corresponding recommendation.</p> <p>Related recommendations:</p> <p>106(11) and 27(a). (Belgium) Address more effectively the issues of child abuse, child trafficking, sexual exploitation and involuntary servitude by strict enforcement of national legislation adopted in conformity with relevant international instruments, and through the adoption and implementation of a comprehensive action plan to combat these issues, including awareness- raising and education of parents, law enforcement staff and members of the judiciary. – <i>Accepted</i></p> <p>106(17) and 23(a). (Canada) To adopt measures to ensure that victims have access to protection and redress, that perpetrators are prosecuted and punished, and that gender sensitivity training be provided to relevant officials. – <i>Accepted</i></p> <p>106(22) and 64. (Brazil) Consider establishing a national policy of protection of human rights defenders, which could focus on a national system for protection of witnesses and human rights</p>	<p>Doc 8/42, 54. On the issue of child labour, Pakistan re-stated that it was aware of the problem, the reason for which lies mainly in poverty, and added that this problem exists mainly in the informal sector, its incidence in the formal sector being negligible. The Representative noted a number of measures taken to eliminate this issue, including its elimination from hazardous industries i.e. surgical, tanneries, football and carpets.</p> <p><i>On 64:</i> Doc 8/42/Add.1, 24. Pakistan attaches importance to ensuring security, safety and freedom of human rights defenders. The Government has benefited from the active advocacy and substantial work of NGOs in promoting the rights of women, minorities and marginalized segments of society. We have taken note of the suggestions to consider formulating a national policy on protection of human rights defenders, which would focus on a national system for enhanced protection of witnesses and human rights defenders.</p>

	defenders. – <i>Accepted</i>	
iii) Enact laws to ensure that miners are adequately trained, and that mine owners, operators and contractors are penalized for engaging under-qualified staff.	No recommendations were made relating to the mining industry.	No corresponding voluntary commitment.
iv) Enact laws to oversee the appointment and operation of mine regulators and hold them accountable if they are negligent in carrying out their duties.	No recommendations were made relating to the mining industry.	<p>No corresponding voluntary commitment.</p> <p>Related statement:</p> <p>Doc 8/42, 54. On the issue of child labour, Pakistan re-stated that it was aware of the problem, the reason for which lies mainly in poverty, and added that this problem exists mainly in the informal sector, its incidence in the formal sector being negligible. The Representative noted a number of measures taken to eliminate this issue (child labour), including its elimination from hazardous industries i.e. surgical, tanneries, football and carpets.</p>
v) Implement existing laws for the protection of labour rights.	106(37) and 25. (Slovenia) To adapt labour legislation and align it with the provisions of ILO conventions. – <i>Accepted</i>	<p>Doc 8/42, 12. In relation to labour, Pakistan noted that it had announced the restoration of labour unions and was examining any laws that undermine the interest of labour, to bring them in line with the ILO legal framework. It also referred to the recent increase in the basic pay scales.</p> <p>Doc 8/42/Add.1, 32. Pakistan has signed thirty-four ILO conventions, including eight Core Labour Standards Conventions. In order to streamline the implementation and follow up of labour standards, the Labour Ministry is working to consolidate all labour laws into five main laws. The Prime Minister also announced repeal of the 2002 'Industrial Relations Ordinance' that had curbed trade union activities. Minimum wages have been set at Rs. 6,000 per month.</p>

Concerning protection of the rights of the child

- First cycle UPR Working Group report, UN Doc A/HRC/8/42 (2008): see Summary of Proceedings at para 43(b), 27(a), 39, 88, 41 and 23(a). (Switzerland, Belgium, Philippines, Italy and Turkey), and responses/commitments by the Government of Pakistan at para 11.
- First cycle UPR response of the Government of Pakistan, UN Doc A/HRC/8/42/Add.1 (2008) at paras 29, 27 and 28. The government of Pakistan accepted 44 of the recommendations, see para 7.
- Second cycle ICJ submission (April 2012): see paras 8-10.

<i>Second cycle ICJ recommendations</i>	<i>Corresponding recommendations in the first cycle</i>	<i>Corresponding first cycle voluntary commitments</i>
<p>viii) Adopt a National Child Protection Policy to more effectively address the issues of child abuse, child trafficking, sexual exploitation and involuntary servitude.</p>	<p>106(12) and 43(b). (Switzerland) Implement the draft law on the protection of children rapidly and to speed up the implementation of the 2000 edict for justice for minors. – <i>Accepted</i></p> <p>106(11) and 27(a). (Belgium) Address more effectively the issues of child abuse, child trafficking, sexual exploitation and involuntary servitude by strict enforcement of national legislation adopted in conformity with relevant international instruments, and through the adoption and implementation of a comprehensive action plan to combat these issues, including awareness- raising and education of parents, law enforcement staff and members of the judiciary. – <i>Accepted</i></p> <p>106(12) and 39 (Philippines) Continue to promote the rights of children, with the hope that the pending Child Protection Bill in Parliament and the Child protection policy being formulated will soon be adopted. – <i>Accepted</i></p> <p>Not taken up as recommendations:</p> <p>88. (Italy) Urgently adopt effective measures to address violation of children’s rights, in particular child labour, prostitution and trafficking and to consider increasing the legal age for criminal responsibility.</p> <p>41. (Turkey) Pursue the reforms on the Child Protection Bill and the Child Protection Policy, including provisions for abolishing harmful traditional practice, revising the definition of the child and amending the minimum age of criminal</p>	<p>Doc 8/42/Add.1, 29. A comprehensive National Child Protection Policy, being drafted in consultation with UNICEF and other stakeholders, will be shortly submitted to the Cabinet for approval. This policy will be further developed into a bill for consideration by the Parliament.</p> <p>Doc 8/42/Add.1, 27. Our commitment to promote children’s rights, especially of the girl child, remains strong and unwavering. Several measures have already been taken to protect children against violence, abuse, neglect, discrimination and exploitation.</p> <p>Doc 8/42/Add.1, 28. For instance, a National Child Protection Centre in Islamabad provides shelter for runaways as well as street, lost and kidnapped children. A Child Protection and Welfare Bureau in the Government of Punjab takes measures to prevent child abuse, to eliminate child beggary, to rehabilitate street children, and to give family support for the destitute and neglected children. A National Media Campaign, with the help of UNICEF, will mobilize media networks to focus on child protection issues. A National Workshop on Commercial Sexual Exploitation of Children, in collaboration with the Working Group on Child Sexual Abuse and Exploitation, recently adopted an Action Plan.</p> <p>Doc 8/42, 11. Pakistan noted its strong focus on the protection of the rights of children. It’s National Commission for Child Welfare and Development together with the ILO and UNICEF has taken a number of steps for the progressive elimination of child labour and their rehabilitation.</p>

	responsibility.	
iv) Enact legislation to prohibit the employment of children as domestic workers.	27(a). (Belgium) Address more effectively the issues of (...) involuntary servitude by strict enforcement of national legislation adopted in conformity with relevant international instruments, and through the adoption and implementation of a comprehensive action plan to combat these issues, including awareness- raising and education of parents, law enforcement staff and members of the judiciary. - <i>Accepted</i>	No exactly corresponding voluntary commitment. Generally covered by: Doc 8/42, 11. Pakistan's National Commission for Child Welfare and Development together with the ILO and UNICEF has taken a number of steps for the progressive elimination of child labour and their rehabilitation.
v) Promptly and effectively investigate, and where appropriate prosecute, employers alleged to be responsible for deaths and injuries caused to domestic labourers in their care.	No exactly corresponding recommendation. Generally covered by: 23(a). (Canada) The adoption of measures to ensure that victims have access to protection and redress, that perpetrators are prosecuted and punished. - <i>Accepted</i>	No corresponding voluntary commitment.