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Ms Hina Rabbani Khar
Federal Minister for Foreign Affairs
Ministry of Foreign Affairs
Foreign Office Building (near Serena Hotel)
Constitution Avenue
G-5, Islamabad
Pakistan

19 October 2012

Dear Minister,

OPEN LETTER: PAKISTAN'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership to the UN Human Rights Council in the elections scheduled on 12 November 2012. We welcome your election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 28 September 2012 from the Permanent Mission of Pakistan to the United Nations addressed to the UN Secretariat.¹

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² Following your candidacy to the Human Rights Council, we take the opportunity to comment on Pakistan's election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.³

Commitments at the international level

Ratification of international human rights instruments

We welcome your commitment to continue to strengthen implementation of the international human rights instruments to which Pakistan is a party. In line with that commitment, we encourage you to withdraw the remaining reservations to the International Covenant on Civil and Political Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to take immediate steps to incorporate both treaties into domestic legislation, to remove or amend laws that do not accord with them, and to ensure that both treaties are implemented in law, policy and practice.

¹ A/67/486.

² A/RES/60/251, para 9.

³ Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

We also encourage you to ratify the international human rights instruments that are still outstanding, including the Optional Protocols to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In this regard, we note that Pakistan committed to acceding to the International Convention for the Protection of All Persons from Enforced Disappearance during its first Universal Periodic Review in 2008.⁴

Cooperation with the Special Procedures

We note your commitment to continue to engage constructively with the Special Procedures. In line with that commitment, we note that twelve Special Procedures are currently requesting permission to visit, including the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We request that your government facilitate these visits without delay.

We commend Pakistan's invitations for the UN High Commissioner for Human Rights and the Working Group on enforced or involuntary disappearances to visit Pakistan in 2012. We note that the courts have played a critical role in seeking to investigate cases of enforced disappearance and that Pakistan's intelligence services and security forces are believed to be widely implicated in these violations. In this regard, we regret that government representatives, including the Minister of Law, Justice and Parliamentary Affairs; the Minister of Defence; the Chief Justice of the Supreme Court; the Chief Justices of the High Courts of Balochistan, Lahore, Peshawar and Sindh; officials of the Directorate for Inter-Services Intelligence, the Intelligence Bureau and other intelligence services; and the Inspectors-General of the Frontier Corp in Baluchistan and Khyber Pakhtunkhwa provinces, all refused to meet with the Working Group during its visit. We call you to ensure that key officials such as these avail themselves for future meetings with UN delegates.

We also encourage you to implement the preliminary recommendations of the Working Group on enforced or involuntary disappearances, in particular to hold any person deprived of liberty in an officially recognized place of detention and bring him or her promptly before a judicial authority, as a preventive measure against enforced disappearance; to reinforce the Commission of Inquiry on Enforced Disappearances by extending its membership, strengthening its staff and resources, and giving it its own premises; to ensure that investigation and punishment of perpetrators is in accordance with the law and with all the guarantees of a fair trial; to ratify the International Convention for the Protection of All Persons from Enforced Disappearance; and to recognize the competence of the Committee on Enforced Disappearances to consider individual and inter-state complaints.⁵

⁴ Report of the Working Group on the Universal Periodic Review, Pakistan, 4 June 2008 (A/HRC/8/42), para 104.

⁵ Office of the High Commissioner of Human Rights, "The Working Group on Enforced or Involuntary Disappearances concludes its official visit to Pakistan," available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12549&LangID=E>.

Cooperation with the treaty monitoring bodies

We call on you to promptly submit the periodic reports that are due to the Committee against Torture; the Human Rights Committee; the Committee on Economic, Social and Cultural Rights; and the Committee on the Elimination of Racial Discrimination.

Engagement with the Universal Periodic Review

We welcome your pledge to continue promoting the potential of the Universal Periodic Review to examine the human rights situations around the globe with objectivity and without selectivity.

The second review of Pakistan is taking place on 30 October 2012. In our submission for the review, we have highlighted concerns regarding discrimination and violence against both religious minorities and women, targeted attacks on journalists, and serious human rights abuses by both state and non-state actors in Balochistan and the Federally Administered Tribal Areas. We call on you to address these issues in the course of the review and to be open to supporting and implementing recommendations pertaining to those concerns. We further encourage you to set specific timeframes and establish a monitoring mechanism for the implementation of the recommendations arising from this and the previous review.

Participation in the deliberations of the Human Rights Council

We note your commitments to continue playing an active role in the fulfilment of the objectives and principles of the Human Rights Council, including to promote dialogue, cooperation, capacity building and technical assistance for the promotion of human rights, and ensuring that it is fully empowered in line with those objectives and principles; to continue contributing actively to the normative and operational work of the Council; and to continue promoting dialogue and cooperation in addressing 'situations of concern' in the Council.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic human rights violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

Commitments at the national level

We welcome your commitment to enhance human rights education and training to further promote respect for and observance of human rights in society. We also welcome your commitment to regularly evaluate national capacities to undertake new international human rights obligations.

We are concerned about Pakistan's consistent failure to prevent discrimination, harassment and violence against religious minorities, such as Ahmadis, Hindus, Shi'as, and Christians, and to bring perpetrators to justice. We encourage you to review and improve "laws

detrimental to religious harmony,” including vaguely formulated blasphemy laws, as pledged by your government in 2009.

We note your government’s effort to establish the Commission of Enquiry on Enforced Disappearances in May 2010 to investigate cases of enforced disappearances. We regret, however, that, there appears to have been no attempt by the Commission to systematically interview traced individuals to determine any patterns of enforced disappearances; to facilitate assistance to those individuals or their families; to provide protection to witnesses who have testified before the Commission; or to investigate named organisations, such as the intelligence agencies or other security forces or individuals accused of enforced disappearances.

We welcome the pledges and commitments already made by Pakistan, and we call on your government to use this opportunity to further strengthen its election pledges by including the additional recommendations listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country’s permanent missions in Geneva and New York.

Yours sincerely,

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