

**Statement by**  
**Her Excellency Dr. Shireen M. Mazari, Federal Minister for Human Rights**  
**at the High Level Segment of the 40<sup>th</sup> Session of the Human Rights Council**  
**(Geneva – 26 February 2019)**

**Mr President,**  
**Excellencies,**  
**Distinguished delegates**

At the outset, let me congratulate you, Mr. President and the members of your Bureau, for assuming stewardship of the Human Rights Council.

As custodian of the third functional pillar of the United Nations, this Council is vested with both legislative and monitoring responsibilities of international human rights. Its resolutions on human rights have added to the progressive development of international law but at the end of the day the enduring strength of this development will depend upon our collective will to implement the Council's decisions in a non-discriminatory manner. To be effective the processes and procedures of the Human Rights Council must be transparent and impartial.

**Mr President,**

As a founding member of the Council, Pakistan has played an active role and will continue to do so by supporting and contributing to all its processes. We are committed to promoting and protecting human rights within our country and internationally. My government, under the leadership of Prime Minister Imran Khan has placed Human Rights as a central pillar of its agenda. Our Party, the Movement for Justice, has a 22 year struggle for justice and human rights and we won the last general election on a manifesto for rule of law, social welfare and upholding human rights and human dignity.

**Mr President,**

Despite suffering the scourge of terrorism and regional upheavals, Pakistan today has a stable parliamentary democracy, an independent judiciary, a vibrant civil society and an independent media. Our government's Human Rights architecture starts with our federal Ministry of Human Rights and goes down to provincial and district levels. Our Ministry has drafted some extremely progressive laws, including a Juvenile Justice Act and a Transgender law which

allows the mainstreaming of the Transgender community in keeping with the ideals of human dignity.

Both Houses of Parliament have dedicated Standing Committees on Human Rights with legislative and monitoring mandates. The National Commission of Human Rights functions independently within the framework of the Paris Principles. In addition, we have National and Provincial Commissions on Status of Women and presently we are in the process of setting up a National Commission on the Rights of the Child and strengthening the Commission on Minorities. Our government is now in the process of developing a Human Rights Curriculum for schools up to Secondary level.

**Mr President,**

As a nation Pakistan has suffered great human and material loss (70,000 lives lost) while combatting the scourge of terrorism. While we had put a moratorium on the death penalty, the devastating terrorist massacre of 149 people including 132 schoolchildren, ranging between 8-18 years in a school in Peshawar in 2014 led to Parliament's democratic decision to lift this moratorium. However, in line with our Constitution and in consonance with the ICCPR, the death penalty is imposed only for the most heinous of crimes.

**Mr. President,**

In order to achieve the goals of national development our Government is particularly focused on improving the lives of women, minorities and differently-abled persons through key legislation, awareness programmes and enforcement of existing laws.

We are focused on key gender aims such as a Financial Inclusion Strategy and an enhanced BISP social support programme for women alongside assuring that women are ensured all rights guaranteed under our laws including inheritance rights.

Measures to improve the status of women are listed in our 5<sup>th</sup> periodic report to CEDAW submitted four months ago, which is scheduled for review in October/November this year.

Our Minorities have the right to freedom of religion and the government is committed to ensuring their rights and their protection. Our Prophet Mohammad (PBUH) created the first Human Rights and protection of minorities Agreement in what was the Medina Charter. We have moved to

create special care and protection for places of worship of our religious minorities. Special access and ease of visa policies have recently been put in place for our Sikh and Hindu communities visiting their holy places in Pakistan, including pilgrims from India. Churches of different denominations abound across Pakistan. At the moment 11 denominations of Christian churches are present in Pakistan (Catholic, Methodist, Anglican, Lutheran, Baptist, Presbyterian, Pentecostal, Evangelical, Renewalist, Salvation Army and, as a separate entity, the Church of Pakistan directly linked to the Archbishop of Canterbury).

I would like to point out that unlike some European countries that do not allow mosques and minarets, or those that are closing down mosques, Pakistan has seen modernist churches built alongside historic churches. Religious minorities have the constitutional right to freely profess their religion and visit their places of worship. Therefore, the statement by the UK Minister yesterday was devoid of facts and hence unwarranted.

Again, unlike many democratic countries with diverse populations, Pakistan has also moved to allow its non-Muslim citizens their own personal laws of marriage and divorce. The Hindu Marriage Law was passed by the last Parliament and the Christian Marriage and Divorce Bill is in its final stages of preparation after consensus was finally achieved by the Christian community. We also continue to have a flourishing Christian Missionary Schools system in Pakistan and like many other Muslims I completed my secondary school education from a Jesuit Convent.

Important administrative and legislative measures have been taken against hate speech, which leads to instances of allegations of blasphemy and religious discrimination. The landmark judgement of the Supreme Court on the acquittal of Asiya Bibi offers important insights for the government and the judiciary.

**Mr President,**

Ministry of Human Rights has also moved on an anti-torture bill, which is now ready to be laid before Parliament. We are also moving to criminalise Enforced Disappearances through an amendment in the Pakistan Penal Code and a bill has been drafted on this.

**Mr President,**

Pakistan's progress in human rights in domestic affairs is matched by fulfilment of our international obligations on this subject.

Pakistan has ratified 7 of the 9 core Human Rights Conventions and the first 2 Optional Protocols of the UNCRC.

Pakistan continues to regularly report to the relevant Treaty Bodies on implementation of these conventions – So far we have presented 5 treaty body reports and our third UPR.

**Mr. President,**

It would be amiss on my part not to draw the member states attention to the plight of human rights of Muslims in Europe where Pakistan also has a large diaspora. With Islamophobia on the rise, we are concerned about the rights of Muslims to practice their religion freely, including constraints on women's choice of dress according to their religious and cultural norms.

As a country that has for decades provided shelter and countrywide access to refugees especially from Afghanistan, despite limited resources, we are also concerned about the treatment being meted out to refugees fleeing war and poverty by Europe and Australia.

There cannot be a duality of intent and a duality of approach. If we claim to be committed to the protection and furtherance of Human Rights then we must show it through our operational policies.

**Mr President,**

We greatly value the work of the Office of the High Commissioner on Human Rights (OHCHR). The new High Commissioner, Ms Bachelet, brings the experience and profile commensurate with the importance of her mandate.

The OHCHR, through its Kashmir report published last year, has rightly drawn attention of the international community to the plight of the people of Jammu and Kashmir living under brutal Indian occupation for the last seven decades. This Report has documented human rights abuses and violations of international humanitarian laws by over 700,000 Indian security forces deployed in IOK through excessive use of force, arbitrary arrests, detentions and disappearances, cases of mass graves, use of pellet guns against women and children and the use of rape as a deliberate weapon. From individual cases of rape by Indian security

forces, there has been the mass rape committed by Indian soldiers in the villages of Poshpora and Kunan on 23 February 1991.

Despite the UN Security Council Resolution 1325 on “Women, Peace and Security”, the international community has maintained a questionable silence on the abuse of Kashmiri women in Indian Occupied Kashmir (IOK).

Pakistan endorses High Commissioner Bachelet’s call for urgent implementation of the recommendations of the OHCHR report. In this regard, Pakistan welcomes the Report’s proposal to establish a Commission of Inquiry for international investigation into human rights violations. We also welcome the European Parliament’s Human Rights Committee for endorsing the same last week in Brussels.

Pakistan will welcome the Commission to Azad Kashmir but will expect India to do the same too. Pakistan has already received an OIC independent Human Rights Commission in AJK. Unfortunately India denied them access.

Pakistan condemns the unprovoked Indian aggression today across the Line of Control. This demonstrates yet another violation of International Law by India. Pakistan will respond and exercise its right to self defence in accordance with the provisions of International Law and UN Charter.

Today’s event is a stark reminder that when internationally recognized disputes are left to fester and grave violations of human rights fall on deaf ears, peace and security issues face serious perils. The Indian Occupied Jammu and Kashmir epitomizes this situation most appropriately. We call on UN Security Council and this Council to take cognizance of this breach of international law and threat to international peace and security.

India obfuscates its guilt and crimes in IOK by denying the legal status of Jammu and Kashmir as a disputed territory – contrary to UN Security Council resolutions. Given the active nature of armed conflict in IOK, the situation there must also be examined within the international humanitarian law perspective especially within the Geneva Conventions. It is a matter of grave urgency that India is asked to adhere to its commitments in these Conventions to which it is a party. So far over 100,000 Kashmiris have died in their struggle to get freedom from Indian occupation.

We call upon the Human Rights Council in fulfilment of its mandate, to urge India to implement recommendations of the Kashmir report and grant the Kashmiri people their inalienable right to self determination through a UN supervised plebiscite as mandated by the numerous UN Security Council resolutions.

Thank You