



Human Rights Commission  
of Pakistan

# Pakistan's International Legal Obligations

## Resource Handbook

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FOUNDATION** For Freedom.

Pakistan



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First printing August 2019.

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## Abbreviations and Acronyms

CAT	Committee Against Torture
CCPR	Human Rights Committee (mandated to monitor implementation of the International Covenant on Civil and Political Rights)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women/Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities/Committee on the Rights of Persons with Disabilities
ECOSOC	Economic and Social Council
GSP	Generalised Scheme of Preferences
ICCPR	International Covenant on Civil and Political Rights
ICED	International Convention for the Protection of All Persons from Enforced Disappearance
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic Social and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
MDG	Millennium Development Goal
NGO	non-government organization
SDG	Sustainable Development Goal
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review



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# 1. Introduction

This document is intended to enhance readers' understanding of Pakistan's international legal obligations in human rights. Its target audience includes non-government organisation (NGO) workers, human rights defenders, lawyers, journalists, government officials and members of civil society.

In compiling this resource, we are grateful to the following persons and organisations for having made the relevant material available to us: the Office of the High Commissioner for Human Rights (for material that is in the public domain), the International Commission for Jurists, the Lahore-based organization Musawi, and Dr Adnan Sattar.

The document will help readers

- Identify the main international institutions for the protection of human rights
- Become aware of the core human rights treaties to which Pakistan is a signatory, especially those relating to the protection of women, children and minorities
- Understand Pakistan's performance vis-à-vis international human rights instruments such as the Universal Periodic Review (UPR) and regional instruments such as the Generalised System of Preferences Plus
- Examine the nature and scope of Pakistan's international legal obligations, including those under the International Labour Organization (ILO) as the only tripartite United Nations (UN) agency
- Understand in detail the UPR mechanism of the Human Rights Council, including the stages through which the process passes, along with examples of some of the recommendations Pakistan received at its third UPR Cycle
- Become aware of the functions and activities of the UN Special Procedures, including Pakistan's interaction with these mechanisms
- Examine the core functions and activities of UN human rights treaty bodies
- Become familiar with the Sustainable Development Goals (SDGs), the way they intersect with human rights in the context of Pakistan, and how they are translated into legislation and policy, including the challenges and opportunities they entail

## 2. The UN Human Rights Monitoring System

### 2.1 International Human Rights Instruments: An Overview

Prior to World War II, human rights had a marginal place under international law. The principle of sovereignty was almost sacrosanct, meaning that how a state treated individuals within its jurisdiction was not the business of international community. During the inter-war years (1919 to 1945), the League of Nations and the International Labour Organization had taken up issues related to women, children, minorities and labourers, but an active machinery of enforcement was lacking.

Human rights began to gain currency within international law in the aftermath of World War II. One obvious reason for this change was the experience of the Holocaust and the brutalities of the war. Second, Western powers, especially the United States and the United Kingdom, had used the rhetoric of rights and freedoms to galvanise public support for the war effort. Once the war had been won, they could not afford to ignore popular expectations for a new political and moral order.

Although the Charter of the United Nations reiterated the principle of non-interference into the domestic affairs of member state,<sup>1</sup> it also included seven references to human rights, largely as a result of lobbying by NGOs and smaller States.<sup>2</sup> The Commission on Human Rights set up by the UN's Economic and Social Council was subsequently tasked to draft an International Bill of Human Rights.

The common understanding is that the Universal Declaration of Human Rights (UDHR) 1948, and the two covenants, the International Covenant on Civil and Political Rights (ICCPR), and the Covenant on Economic, Social and Cultural Rights (ICESCR) together constitute the International Bill of Human Rights. While this is correct, there is a lesser-known story about how the Bill of Rights became fragmented. The original idea was to come up with a single legally binding treaty on human rights, comprising both civil and political rights, and economic, social and cultural rights. The document was fragmented twice: First into a declaration (what is now known as the UDHR) and an international covenant. Later, a decision was made largely upon the insistence of the United States and its allies to divide the covenant into two separate documents.<sup>3</sup> This was the result of the reluctance of the US and some other Western powers to accord the same status to socioeconomic rights as to traditional civil and political rights.

The UDHR, arguably the most important human rights instrument, was adopted by the General Assembly on 10 December 1948. As the international community got embroiled in cold war politics, human rights took a back seat. The General Assembly adopted the ICESCR, the ICCPR, and its Optional Protocol on 16 December 1966. The instruments entered into force only on 3 January 1976.

Human rights standards-setting within the UN gathered impetus after the end of the Cold War. Today, there are nine core international human rights treaties. Some of the treaties are supplemented by optional protocols dealing with specific concerns or a system of individual complaints.

### 2.2 UN Charter-Based and Treaty-Based Bodies

The UN human rights monitoring system comprises (a) UN Charter-based bodies, including the Human Rights Council, and (b) bodies created under international human rights treaties and made up of independent experts mandated to monitor State parties' compliance with their treaty obligations.

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<sup>1</sup> The 'domestic jurisdiction clause' enshrined in Article 2(7) of the Charter barred the UN from intervening in 'matters which are essentially within the domestic jurisdiction of any state'.

<sup>2</sup> The Charter of the United Nations was adopted on 26 June 1945 and entered into force on 24 October 1945. 1 UNTS XVI (Articles 1, 13(1), 55, 56, 62, 68, and 76).

<sup>3</sup> For a historical account, see Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Indiana University Press 2008) 197-247.

*Charter-Based Bodies*

- Human Rights Council
- Universal Periodic Review
- Commission on Human Rights (replaced by the Human Rights Council)
- Special Procedures of the Human Rights Council
- Human Rights Council Complaint Procedure

Charter bodies include the former Commission on Human Rights, the Human Rights Council, and Special Procedures. The Human Rights Council, which replaced the Commission on Human Rights, held its first meeting on 19 June 2006. This intergovernmental body, which meets in Geneva 10 weeks a year, is composed of 47 elected UN Member States who serve for an initial period of three years, and cannot be elected for more than two consecutive terms. The Human Rights Council is a forum empowered to prevent abuses, inequity and discrimination, protect the most vulnerable, and expose perpetrators.

Special Procedures is the general name given to the mechanisms established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world (see Section 5 for detail). Special Procedures are either an individual – a special rapporteur or independent expert – or a working group. They are prominent, independent experts working on a voluntary basis, appointed by the Human Rights Council.

Special Procedures' mandates usually call on mandate-holders to examine, monitor, advise and publicly report on human rights situations in specific countries or territories, known as country mandates, or on human rights issues of particular concern worldwide, known as thematic mandates. All report to the Human Rights Council on their findings and recommendations, and many also report to the General Assembly. They are sometimes the only mechanism that will alert the international community to certain human rights issues, as they can address situations in all parts of the world without the requirement for countries to have had ratified a human rights instrument.

*Core Human Rights Treaties*

There are nine core international human rights treaties, the most recent one – on enforced disappearance – having entered into force on 23 December 2010. Since the adoption of the Universal Declaration of Human Rights in 1948, all UN Member States have ratified at least one core international human rights treaty, and 80 percent have ratified four or more.

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1965
- International Covenant on Civil and Political Rights 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984
- Convention on the Rights of the Child (CRC) 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) 1990
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED) 2006
- Convention on the Rights of Persons with Disabilities (CRPD) 2006

*Optional Protocols*

- Optional Protocol to the International Covenant on Civil and Political Rights, 1966 (providing a procedure for individual complaints against State parties to the protocol)
- Optional Protocol to the Covenant on Economic, Social and Cultural Rights, 2008 (providing a procedure for individual complaints against State parties to the protocol)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989
- Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999
- Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000
- Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 2014
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002 (individual complaints procedure)
- Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006

*Treaty-Based Bodies*

There are currently ten human rights treaty bodies, which are committees of independent experts. Nine of these treaty bodies monitor implementation of the core international human rights treaties listed above while the tenth treaty body, the Subcommittee on Prevention of Torture, established under the Optional Protocol to the Convention against Torture, monitors places of detention in States parties to the Optional Protocol.

The ten human rights treaty bodies that monitor implementation of the core international human rights treaties include:

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

Treaty Bodies review periodic reports submitted by States, most of them issue General Comments or Recommendations regarding the provisions of the various treaties, and many consider individual communications and undertake inquiries (see Section 6 for detail).

### 2.3 Pakistan's Ratification Status and International Legal Obligations

The table below indicates which of the core nine treaties Pakistan has signed and ratified.

Human Rights Treaty	Status and Date of Ratification
International Covenant on Civil and Political Rights (ICCPR)	Ratified on 23 June 2010
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Ratified on 17 April 2008
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Signed on 12 March 1996



<b>Human Rights Treaty</b>	<b>Status and Date of Ratification</b>
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Ratified on 21 December 1966
Convention on the Rights of the Child (CRC)	Ratified on 20 November 1990
Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)	Ratified on 23 June 2010
Convention on the Rights of Persons with Disabilities (CRPD)	Ratified on 5 July 2011
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	Not ratified
International Convention for the Protection of All Persons from Enforced Disappearance (ICED)	Not ratified

### *Protection of Vulnerable Groups*

The international instruments to which Pakistan is a signatory protect vulnerable groups, including women, children and religious, ethnic or linguistic minorities:

<b>Social Group</b>	<b>Human Right/Area of Concern</b>	<b>Legal Source</b>
Women	Right to vote and participate in electoral politics	ICCPR, Article 25; CEDAW Article 7
	Equality with men before the law	UDHR Article 7; CEDAW Article 15
	Right to work and equal remuneration	Article 6 ICESCR; CEDAW Article 11
	Freedom from discrimination in matters relating to marriage and family relations	CEDAW Article 16
Children	Right to live with his or her parents unless deemed incompatible with the child's best interests	CRC Article 9
	Right to protection from abuse and neglect	CRC Article 19
	Right to the highest standard of health and medical care attainable	CRC Article 24
	Freedom from being subjected to capital punishment	ICCPR Article 6; Article 37 CRC; customary international law
Minorities	Freedom from hate speech	ICERD Article 2, Article 4; ICCPR Article 20(2)
	Right to freedom of thought, conscience and religion	UDHR Article 18; ICCPR Article 18, Article 27
	Right to participate in public life and hold a public office	ICCPR Article 25
	Right to life	UDHR Article 3; ICCPR Article 6; CRC Article 6

### *Pakistan's International Obligations and Reservations*

Once Pakistan has ratified an international treaty, it is under a legal obligation to give effect to it in good faith. That includes the obligation of incorporating its international legal commitments into domestic law. Since Pakistan is a dualist state, international law cannot be a cause of action in a court of law unless it has been incorporated into domestic law. However, international responsibility of a State is triggered by the 'acts and decisions of the judiciary' when it fails to comply with international obligations.<sup>4</sup>

In some cases, there may be provisions in the domestic constitution and primary legislation in Pakistan that are incompatible with the country's international legal obligations. A pertinent example is the Convention against Torture. Although Pakistan has ratified the instrument, Parliament has yet to enact a specific legislation defining and criminalising torture and ill-treatment.

At the time of ratifying an international treaty, a State might seek to exempt itself from certain international legal obligations created by the treaty by entering a valid reservation. However, under the Vienna Convention on the Law of Treaties, a reservation would be invalid if it was incompatible with the object and purpose of the treaty (Article 19). Upon ratifying the ICCPR Pakistan entered reservations in relation to Article 3 (equal rights of men and women), Article 6 (right to life), Article 7 (prohibition of torture and cruel punishment), Article 18 (freedom of thought, conscience and religion) and Article 19 (freedom of opinion), stating that: 'The Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.' Pakistan entered a similar reservation in relation to Article 25 (right to participate in public affairs and the right to vote). In 2011, Pakistan narrowed its reservations to Articles 3 and 25 following objections raised by other State parties and NGOs.

It also needs to be noted that apart from the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography Pakistan (ratified on 5 July 2011) and Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (ratified on 17 November 2016) Pakistan has not signed up to any other optional protocol.

## **2.4 Compliance with International Instruments and Treaty Bodies' Reports**

Under human rights treaties, State parties are required to submit periodic reports on whether they are complying with the obligations. For instance, under the ICCPR, States must submit reports every five years on the measures they have adopted which give effect to rights recognised in the Covenant. Ahead of submission of a State report, the Treaty Body may also release a 'list of issues' which it expects the State party to report on. The reports are then examined by the Treaty Monitoring Body (Human Rights Committee in the case of ICCPR) through a dialogue with representatives of each State whose report is under consideration. On the final day of the session, the Committee adopts 'concluding observations', summarizing its concerns and making suggestions and recommendations. Concluding observations are not legally binding but they carry persuasive value and can be categorised under the body of international law, known as 'soft law'.

Although NGOs and other civil society groups do not take part directly in the dialogue, they can submit shadow reports, providing an alternative assessment of the state of human rights within a country. Some Treaty Bodies or Committees have also developed follow-up procedures to encourage State parties to comply with the committee's findings.

The table below summarizes some of the main concerns raised by Treaty Bodies in concluding observations on Pakistan's most recent periodic reports.

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<sup>4</sup> Rosalyn Higgins QC, 'The Relationship between International and Regional Human Rights Norms and Domestic Law', *Commonwealth Law Bulletin*, October 1992, 1268-1275.

Human Rights Instrument / Monitoring Body	Main Concerns
ICCPR (Human Rights Committee)	<p>'Concluding observations on the initial report of Pakistan', 12 July 2017</p> <p>The State party should consider withdrawing its remaining reservations to articles 3 and 25 with a view to ensuring the full and effective application of the Covenant (para 8)</p> <p>The Committee is concerned that so-called honour killings continue to occur; that the <i>qisas</i> (equal retaliation) and <i>diyat</i> (financial compensation) laws are reportedly applied to some of these cases, and that some tribal councils in remote areas continue to exercise jurisdiction over these cases (para 13)</p> <p>The Committee notes with concern that the State party lifted its moratorium on the death penalty in December 2014 and that, since then, it has been one of the States with the highest rates of executions. It is particularly concerned that the death penalty is applied to crimes other than the 'most serious crimes' within the meaning of article 6 (2) of the Covenant... (para 17)</p> <p>While welcoming the establishment of the Commission of Inquiry on Enforced Disappearances, the Committee remains concerned by the insufficient power and resources allocated to the Commission; the non-compliance with the Commission's orders by the relevant authorities; and the high number of cases brought before the Commission that remain unresolved, with no criminal proceedings brought against perpetrators (arts. 2, 6, 7, 9, 14 and 16) (para 17).</p>
Committee on Economic, Social and Cultural Rights	<p>Concluding observations on the initial report of Pakistan, 23 June 2017</p> <p>The Committee is concerned that Covenant rights have not been fully incorporated into the domestic legal order and, in particular, that the Constitution of the State party does not recognize economic, social and cultural rights as fundamental rights that are justiciable, but recognizes them only as policy guidelines (para 5)</p> <p>The Committee recommends that the State party consider revising articles 25–27 of the Constitution with a view to ensuring that the Constitution prohibits discrimination on all grounds, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status (para 20)</p> <p>The Committee recommends that the State party...[r]eview its legislation, including the West Pakistan Muslim Personal Law (Shariat) Act, 1962, and the Qanun-e-Shahadat Order (Law of Evidence), 1984, with a view to removing all provisions that discriminate on the basis of gender (para 34)</p>
Committee on the Rights of the Child	<p>Concluding observations on the fifth periodic report of Pakistan, 3 June 2016</p> <p>While it welcomes the 2013 amendments to the Sindh Child Marriage Restraint Act to increase the marriage age for both boys and girls to 18 years, the Committee remains concerned about the disparity between the minimum legal age for marriage for boys (18 years) and that for girls (16 years) in all</p>

<b>Human Rights Instrument / Monitoring Body</b>	<b>Main Concerns</b>
	other provinces (para 16) The Committee is seriously alarmed by reports of the execution of several individuals for offences committed while they were under the age of 18 years, or where the age of the individual was contested following the lifting of the moratorium on the death penalty in December 2014... (para 24)

### 3. Pakistan and International Human Rights Mechanisms<sup>1</sup>

#### 3.1 Universal Periodic Review

The year 2018 was an important one for assessment of Pakistan's international human rights commitments and compliance with treaty obligations. In March, the United Nations Human Rights Council adopted the outcomes of Pakistan's third Universal Periodic Review (UPR).

The UPR is a key mechanism of the UN Human Rights Council which assesses the human rights situation of all UN member states with the objective of improving the fulfilment and compliance of the human rights obligations and commitments of the member states. The UPR is essentially a peer-reviewed process, and status of fulfilment of human rights obligations of each country is reviewed every four to five years by the UPR Working Group, consisting of the 47 UN member states of the Human Rights Council. All UN member states have the right to take part and make recommendations in the discussions during the UPR of the reviewed states (see Section 4 for detail).

The third UPR report highlighted areas of concern that remain in Pakistan since its previous UPRs in 2012 and 2008. Pakistan had its third UPR on 16 November 2017 and received a total of 289 recommendations during the review. Delegations of 111 states took the floor to make statements, and 14 states submitted their questions in advance.

Pakistan received a broad range of recommendations during the review process. These included the reinstatement of a moratorium on execution with the aim of abolishing the death penalty completely; repealing or amending 'blasphemy laws' to bring them in line with international human rights law; and ensuring effective protection of the rights of religious minorities, human rights defenders, journalists and other vulnerable groups, amongst many others.

Pakistan has implemented some of the recommendations from the second cycle of the UPR in 2012. It established the National Commission for Human Rights (NCHR), a statutory authority to monitor human rights, but which still needs to be properly empowered to operate independently. Pakistan has also enacted legislation, as promised, criminalising domestic violence and workplace harassment, addressing the lacunae in the anti-honour killing bill, and enacting a law to register Hindu marriages.

In adopting the second cycle UPR outcome report, Pakistan agreed to ensure accountability for violent attacks and other abuses on religious minorities. Pakistan also agreed to adopt measures to prevent the abuse of blasphemy laws, and halt forced conversions. Despite that, since 2012 religious minorities have faced sharply increased insecurity and persecution.

In its statement on the outcome report of the UPR, Pakistan promised to 'review and align the legislation with freedom of religion and belief and freedom of expression, as stipulated in the ICCPR [International Covenant on Civil and Political Rights].'

Section 295-C of Pakistan's penal code makes the death penalty mandatory for blasphemy, although no one to date has been executed for the crime. The Pakistani government failed to amend or repeal the blasphemy law provisions that provide a pretext for impunity and violence against religious minorities.

During its UPR review in 2012, Pakistan accepted the recommendation to take measures to 'bring to justice perpetrators of attacks on journalists by effectively investigating all individuals and organisations accused of such abuses.' However, no progress has been made in this regard, nor has the government acted on its commitment to 'introduce strong legislation prohibiting attacks against journalists to effectively investigate such acts and prosecute the perpetrators.'

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<sup>1</sup> Adapted from *State of Human Rights in 2018*, Human Rights Commission of Pakistan, 2019.

In its 2012 UPR, the Pakistan government supported the recommendation to, 'continue the reform of the judiciary, law enforcement and the penitentiary system, as well as continue the policy to reduce crime and corruption.' Instead of taking measures to reform the criminal justice system, the Pakistan government approved the functioning of secret military courts empowered to try civilians and impose the death penalty in terrorism-related cases.

Pakistan supported the recommendation during its last UPR to, 'specifically criminalise enforced disappearances in the penal code and reinforce the capacities of the Pakistanis [*sic*] Inquiry Commission on Enforced Disappearances in order that the Commission can fully carry out its mission.' Pakistan has failed to uphold that commitment.

In the last UPR in 2012, the Pakistan government accepted the recommendation to 'consolidate measures to address sexual abuses and exploitation of children.' In May 2016, the UN Committee on the Rights of the Child concluded its review of Pakistan and expressed concern about a number of issues affecting children, including executions, the impact of sectarian violence and terrorism, alleged torture and ill-treatment in police custody, and use of children in the worst forms of labour. The Pakistani government failed to establish the National Commission on the Rights of the Child, an independent body to protect and enforce child rights in the country.

During the 2012 UPR, the Pakistan government agreed to 'continue working for the welfare of children, women and persons with disabilities.' Pakistan ratified the Convention on the Rights of Persons with Disabilities in 2011, yet implementation has been slow. For example, under the convention Pakistan is obliged to provide adequate health care, support, and procedural adjustments to enable people with disabilities to participate in the judicial process. Yet adequate safeguards for the rights of prisoners with disabilities have not been put in place. Some individuals with physical or psychosocial disabilities were on death row in very difficult conditions, including solitary confinement, which can severely exacerbate previously existing mental health conditions.

On protection of human rights defenders, specifically, Canada recommended that Pakistan bring to justice anyone who threatens, abducts or attacks human rights defenders, journalists, bloggers, or others who work to promote democracy. On ensuring freedom of expression, Austria recommended introducing strong legislation prohibiting attacks against journalists, to effectively investigate such acts and to prosecute the perpetrators.

The Pakistan delegation to the UPR mentioned its key recent achievements as the Elections Act 2017, encouraging the participation of women in elections as both candidates and voters; a review of the Convention on the Rights of Persons with Disabilities to identify the changes necessary in the relevant laws; the introduction in the Senate of the Transgender Persons (Protection of Rights) Bill; the enactment of the laws against rape and 'honour' crimes; adoption of the law on the protection of children and the National Commission on the Rights of the Child Act to bring the legal system into conformity with the Convention on the Rights of the Child; the adoption of the National Health Vision (2016–2025) to set national priorities with clear budgeted targets; and the introduction of the Bill on compulsory child immunisation.

Regarding achievements at the provincial level, the Pakistan delegation mentioned the adoption of the Punjab Protection of Women against Violence Act; Acts on domestic violence in Sindh and Balochistan; the Punjab Fair Representation of Women Act; and the Punjab Marriage Restraint (Amendment) Act.

The delegation stated that institutions such as the Interprovincial Ministerial Group were working for the promotion and protection of human rights across the country. The delegation stated that the application of the death penalty was in full compliance with the International Covenant on Civil and Political Rights. It was applicable only for the most serious crimes. It could not be imposed on an individual under the age of 18. The delegation also argued that the blasphemy laws were non-discriminatory in nature, dealt with offences against all religions, and were applied to Muslims and non-Muslims alike, and several safeguards were in place to prevent their abuse. On growing concerns

regarding freedom of expression the delegation stated that free expression was preserved through Article 19 of the Constitution and that the safety of journalists was of paramount importance in view of the instrumental role played by them in ensuring freedom of the press, fostering a culture of accountability, and protecting citizens' rights.

### **3.2 HRCP's Response to the UPR**

Marking the 70th anniversary of the Universal Declaration of Human Rights (UDHR), the Human Rights Commission of Pakistan (HRCP) organised a public lecture by its honorary spokesperson and veteran human rights defender, I. A. Rehman in December 2018. The event was attended widely by civil society, including students, lawyers, human rights activists and media persons.

The theme of the lecture was to assess Pakistan's performance during its third UPR in 2017. Under the auspices of the Human Rights Council, all member states are given the opportunity to declare what actions they have taken to improve the human rights situations in their countries and to meet their human rights obligations.

HRCP expressed its grave concern at the exponential rise in the number of recommendations Pakistan had received from its peers with respect to human rights concerns in the country. The Commission was encouraged by the recommendations that had been 'supported' by Pakistan under the 2017 review, which included the reduction of poverty and inequality; making enforced disappearance a criminal offence and ensuring that all allegations of enforced disappearance and extrajudicial executions were thoroughly investigated; ensuring that all perpetrators of torture were brought to justice; the right to a fair trial for all; and preventing impunity for crimes against journalists and media workers.

However, Pakistan had chosen to 'note', rather than 'support', key human rights principles such as reporting the investigation and prosecution of security forces that commit human rights violations and abuses; amending discriminatory laws against marginalised groups, including women and girls and ethnic and religious minorities; protecting the rights of the child more effectively, particularly during counter-terrorism activities; desisting from issuing death sentences and executing juveniles; and taking effective measures to prevent the abuse of blasphemy legislation and the use of violence against religious minorities.

In a statement, HRCP strongly urged the state to commit to its willingness to continue cooperating with the United Nations human rights mechanism, and to apply both in principle and practice the UPR recommendations it had 'noted' as well as 'supported'. HRCP stressed that, by 2022, the country's human rights record must be seen to improve substantially – not merely to uphold an international image, but because these principles were part of the state's moral and responsibility to its citizens and residents under the Universal Declaration of Human Rights, to which it was a signatory.

At the lecture, former senator Farhatullah Babar called for the 2017 report of the third Universal Periodic Review containing the UN recommendations and the promises made by Pakistan to improve its human rights record to be placed before Parliament. He pointed to the deteriorating human rights situation in the country where enforced disappearances continued with impunity, internment centres had become Guantanamo-like prisons, the security of human rights defenders was diminishing, movement was restricted, censorship imposed, and there was no legislation to protect the rights of refugees.

### **3.3 Pakistan's Election to the UN Human Rights Council**

In October 2017, Pakistan was elected to serve as a member of the UN Human Rights Council from January 2018 to December 2020. The UN General Assembly selected 15 states to serve as members of the UN Human Rights Council for the three-year term. From the Asia-Pacific region, Nepal, Qatar, Afghanistan, and Pakistan were selected out of five candidates.

According to UN General Assembly Resolution 60/251, 'members elected to the Council shall uphold the highest standards in the promotion and protection of human rights.' The Resolution also provides that 'when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.'

Pakistan has affirmed in its election pledge to the Human Rights Council that it is 'firmly resolved to uphold, promote and safeguard universal human rights and fundamental freedoms for all.' However, according to international human rights organisations, the pledge did not directly address many of the most serious human rights issues facing Pakistan, including enforced disappearances, the use of the death penalty, blasphemy laws, the country's use of military courts, women's rights including the right to education, and threats to the work of human rights defenders, lawyers, and journalists.

### **3.4 Cooperation with UN Special Procedures**

Since 2012, Pakistan has accepted country visit requests by the UN Special Rapporteur on the independence of judges and lawyers and the UN Working Group on Enforced or Involuntary Disappearances. Requests for visits from a number of other special procedures, however, remain pending, including: the Special Rapporteur on extrajudicial executions (pending since 2000); the Special Rapporteur on the situation of human rights defenders (pending since 2003); the Special Rapporteur on the promotion and protection of human rights while countering terrorism (pending since 2006); the Special Rapporteur on freedom of religion or belief (pending since 2006); and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (pending since 2010), among others (see Section 5 for detail).

### **3.5 International Labour Organization**

The ILO is the only tripartite UN agency, bringing together governments, employers, and workers of 187 of its member states, to set labour standards, develop policies, and devise programmes promoting decent work for all women and men.

The Government of Pakistan has ratified 36 out of a total 189 ILO conventions, including eight fundamental conventions, out of which 31 are still in force. The eight core conventions cover: forced labour; the right to unionise; the right to collective bargaining; equal remuneration; abolition of forced labour; discrimination in employment/occupation; minimum age; and the worst forms of child labour.

Pakistan has never fully applied the fundamental conventions. Even where legislation exists, there is a huge gulf between enactment of laws and their implementation. The ILO Committee of Experts on the Application of Conventions and Recommendations has repeatedly, through 2016-2018, expressed the hope that the government of Pakistan will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority and to inform the ILO in this respect.

Pakistan ratified the C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 in 1994, and the subject of labour was subsequently devolved to the regions under the 18th Amendment. The enactment of new labour legislation is slow in the provinces, with the exception of Sindh which has passed the most labour laws. At the end of 2017, the Sindh government held its first consultation and formulated 14 new labour laws, after which it initiated the process of framing new Rules. In 2018, it organised its second consultation with the technical and financial support of the ILO through its International Labour and Environmental Standards project, funded by the European Union, and its German-funded Labour Standards in Global Supply Chains project. As a result, the Rules of Business were drafted for the following five labour laws: The Sindh Industrial Relations Act 2013, Sindh Bonded Labour (Abolition) Act 2015, Sindh Prohibition of Employment of Children Act 2017, Sindh Terms of Employment Act (Standing Order) 2015, and the Sindh Workers Compensation Act 2015. The other provinces have yet to follow suit in holding tripartite consultations.



Significant among the conventions that Pakistan has not ratified are those on pollution-free environment; safety and health in construction, in agriculture and in mines; home workers and domestic workers; prevention of major industrial accidents; and minimum wages. The numerous and regular reports of industrial accidents in Pakistan, and particularly the all too frequent cases of fatal accidents in mines, point to the urgent need for regulations.

### 3.6 GSP Plus

The Generalised Scheme of Preference plus (GSP +) is an initiative of the European Union (EU) which allows vulnerable developing countries to pay fewer or no duties on exports to the EU, giving them vital access to the EU market and contributing to their growth. Pakistan applied for the GSP Plus status to be formally granted by the European Union and was given the status in March 2018. The European Parliament had previously granted the GSP Plus status to Pakistan through a vote of 406 parliamentarians out of a total of 780.

The grant of GSP Plus status is contingent upon the implementation of 27 core human, labour, environment rights, and governance conventions.

In January 2018, the European Union issued an assessment of Pakistan for the period 2016-17. The EU noted some positive developments and efforts made by the government to promote and uphold human rights. Among them was The National Action Plan on Human Rights, which was the first of its kind in Pakistan, and was approved by the Prime Minister in the first half of 2016. The EU observed that the plan, while somewhat general, includes many important priorities and actions. However, the EU expressed concern at the lack of progress reporting of the Plan to the public and that consequently it remained unclear how many of the priorities and actions outlined in the Plan had been implemented.

The EU report noted the establishment of Treaty Implementation Cells (TICs) at the federal and provincial levels as a positive development. Other key initiatives that the EU highlighted included the National Commission on Human Rights (NCHR), which was constituted in 2015, and how it has in the past two years gradually played a more active role and issued a number of important reports and observations, including on controversial topics. However, according to the EU, the NCHR's functional and budgetary autonomy, as required by the Paris Principles, has not yet fully materialised. The NCHR was not able to appear before some UN Treaty Body committees. The federal and provincial Commissions on the Status of Women have also played an important role in promoting human rights in Pakistan. The National Commission for Child Welfare and Development has been established.

While noting the positive developments mentioned above the EU also highlighted that there were several areas where the human rights situation in Pakistan remained unchanged or where there were worrying developments. For instance, only limited action had been taken to address the longstanding issue of enforced disappearances and extrajudicial killings. Similarly, the Government had not taken effective measures to prevent the widespread use of torture. According to the EU, the application of the death penalty and executions remained a grave concern, while a review of the crimes carrying the death penalty would be a welcome first step in the right direction.

The EU expressed concern at the continued difficult situation of religious and ethnic minorities. According to the EU serious concerns remained about freedom of expression, freedom of association and assembly, the situation of human rights defenders and civil society activists, and the overall 'shrinking civil society space'. The EU termed the picture of Pakistan's performance on human rights during the reporting period as mixed and that the lack of progress in certain areas can to some extent be explained by the many challenges faced by the Government, including the difficult security situation, and the lack of resources and capacity. However, it reiterated that Pakistan must step up its efforts and take more proactive, sustained and forceful action to implement legislation and to address problematic areas. The EU emphasised that to do so it was imperative Pakistan follows up on the

recommendations provided by the UN Human Rights Treaty Bodies, addressing identified shortcomings and strengthening the overall implementation of the relevant treaty obligations.

## 4. The Universal Periodic Review Mechanism<sup>1</sup>

### 4.1 Introduction

At the time that the Human Rights Council (HRC) was established by the General Assembly in 2006,<sup>2</sup> the Council was tasked to undertake a Universal Periodic Review (UPR) of 'the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States'.<sup>3</sup>

One year later, members of the HRC agreed on an institution-building package, a key element of which sets out the modalities for the first cycle of the UPR.<sup>4</sup> Also in 2007, the HRC requested that the Secretary-General establish a Voluntary Trust Fund for the Participation in the UPR Mechanism and a Voluntary Fund for Financial and Technical Assistance, in order to support the least developed countries and small island States in participating in, and implementing the recommendations from, the UPR.<sup>5</sup> The first cycle of the UPR commenced in February 2008 and concluded in March 2012. The second cycle commenced in May 2012.

The General Assembly intended the UPR process to be a cooperative one, based on full participation with the State under Review (SUR).<sup>6</sup> Since its inception in 2008, all 193 UN Member States have participated in the UPR, creating a unique mechanism in which UN Member States can make recommendations to fellow States on how to improve their promotion and protection of human rights. This sought to address the perception that the work of the previous Commission on Human Rights in relation to country-specific situations had been 'selective and based on double standards'.<sup>7</sup> In addition to full participation to date, almost all States have accepted a vast majority of recommendations from other States.<sup>8</sup>

The UPR is not a stand-alone mechanism of the Human Rights Council as it involves contributions from Special Procedures, Treaty Bodies and other UN entities. It also makes reference to recommendations and standards from mechanisms not traditionally treated as falling within the sphere of the UN human rights machinery, including the International Labour Organization.

### 4.2 Desired Benefits of the UPR Mechanism

The UN Commissioner for Human Rights has described the UPR mechanism as one that 'has opened unprecedented opportunities to initiate or strengthen dialogue and cooperation on human rights at all levels, and with all countries'.<sup>9</sup>

Other benefits and advantages of the UPR mechanism are said to include:

- Full compliance to date (unlike the UN treaty bodies where there is only 33 percent compliance with periodic reporting).<sup>10</sup>

<sup>1</sup> Sections 5.1 to 5.6 are adapted from a series of four background notes produced as part of an HRC project funded by the International Commission of Jurists (ICJ) in 2015–17. Reprinted by kind permission of ICJ.

<sup>2</sup> GA Res 60/25, UN Doc A/Res/60/251 (2006), [1].

<sup>3</sup> Ibid, [5(e)].

<sup>4</sup> HRC Res 5/1, UN Doc A/HRC/RES/5/1 (2007). The mechanism was further refined during the review process through HRC Res 16/21, UN Doc A/HRC/RES/16/21 (2011) and HRC Decision 17/119, UN Doc A/HRC/Dec/17/119 (2011).

<sup>5</sup> HRC Res 6/17, UN Doc A/HRC/RES/6/17 (2007).

<sup>6</sup> GA Res 60/251, UN Doc A/Res/60/251 (2006) at [5(e)].

<sup>7</sup> Marianne Lilliebjerg 'The Universal Periodic Review of the UN Human Rights Council – An NGO Perspective on Opportunities and Shortcomings' (2008) 26(3) *Netherlands Quarterly of Human Rights* 311.

<sup>8</sup> UPR-Info and NGO group for the CRC Fact Sheet 1 'The Universal Periodic Review, Information for NGOs', page 1. Available at URL: <http://www.upr-info.org/-UPR-Process-.html>.

<sup>9</sup> Navi Pillay, 'Sharing Best Practices and Promoting Technical Cooperation: Paving the Way Towards the Second Cycle of the Universal Periodic Review' (opening statement to the Human Rights Council, 19<sup>th</sup> Session Panel Discussion, Geneva, 21 March 2012).

- Emergence of dialogue between governments and civil society that has been absent in many countries.<sup>11</sup>
- Complements rather than duplicates the work of the treaty bodies.<sup>12</sup>
- Created a baseline set of documentation.
- Triggered self-evaluation by States, with the prospect of a future review before the Human Rights Council.<sup>13</sup>
- A successful UPR process could serve as an example to create new and potentially more positive dynamics of interaction between States in the UN system.<sup>14</sup>
- The UPR mechanism is a product of compromise and consensus so therefore is a promising forum in which States make policy recommendations to each other.<sup>15</sup>
- Provides a forum for the SUR to make voluntary pledges with respect to improving the human rights situation in its country.
- States are likely to work towards a high acceptance rate (either because they agree they are useful and valid or because they are concerned about the perception of not accepting a large number of recommendations).<sup>16</sup>

As opposed to this, there have also been criticisms of the UPR mechanism, including on the basis that:

- The UPR requires the SUR to accept recommendations made.
- Recommendations that are accepted by the SUR are 'easy' recommendations, while more 'tough' recommendations are rejected.
- Recommendations made by the UPR Working Group, especially at the beginning of the first cycle of the UPR, were overly broad such that implementation has been difficult to measure.
- The number of recommendations made towards the end of the first cycle of the UPR became excessive, such that implementation has become extremely challenging for the SUR.
- Many States under Review have not taken adequate measures to adopt plans of implementation.
- Most States under Review have not provided the HRC with a mid-term report on the implementation of UPR recommendations.
- States participating in the second cycle of the UPR have not adequately followed up on recommendations made by them in the first cycle.
- States participating in the second cycle of the UPR have not adequately addressed certain issues, including human rights and business.

### 4.3 The UPR Process

Each review cycle comprises three main stages:

- Review of the human rights situation in the SUR.
- Implementation of the accepted recommendations and voluntary commitments.
- Report back by the SUR to the HRC on implementation and human rights situation since the last review (forming the beginning of the next cycle).

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<sup>10</sup> 'Informal Consultation for States Parties on Treaty Body Strengthening' (2-3 April 2012) Office of the High Commissioner for Human Rights, available at URL: <http://www2.ohchr.org/english/bodies/HRTD/NewYorkConsultation2012.htm>.

<sup>11</sup> See Alex Conte, 'Reflections and Challenges: Entering into the Second Cycle of the Universal Periodic Review Mechanism.' (2011) 9 *New Zealand Yearbook of International Law*.

<sup>12</sup> As envisaged by GA Res 60/251 [9].

<sup>13</sup> Edward McMahon, 'The Universal Periodic Review: A Work in Progress' (September 2012), available at URL: <http://www.upr-info.org/-Articles-and-analyses-.html>.

<sup>14</sup> *Ibid*, p. 5.

<sup>15</sup> *Ibid*, p. 8.

<sup>16</sup> *Ibid*, p. 13.



#### 4.4 Stage One: Review

The process of review forms the main part of the Universal Periodic Review. It involves the preparation of review documents; the review and interactive dialogue between the State under Review and the Working Group on the UPR; and the formal adoption by the Human Rights Council of the UPR outcome document. This process takes approximately ten to twelve months.

##### *Preparation of Information for the UPR*

The review of the SUR is conducted using three primary sources: (1) a national report from the SUR; (2) a compilation prepared by the OHCHR of the recommendations to the SUR by UN human rights mechanisms; and (3) information provided by other stakeholders.<sup>17</sup>

##### National Report

The guidelines established by the HRC require the national report of the SUR to explain the legal and policy framework for the promotion and protection of human rights, including national jurisprudence and infrastructure relevant to the implementation of the 'basis of review'.<sup>18</sup> The basis of review comes from: the UN Charter, the Universal Declaration of Human Rights, the human rights treaties to which the SUR is party and any voluntary pledges and commitments made by the State, including those made if and when the State presented its candidature for election to the Human Rights Council.<sup>19</sup> Recognising the interrelated nature between the international human rights and international humanitarian law (IHL), the UPR should also take into account applicable IHL.<sup>20</sup>

The guidelines established by the HRC in Decision 6/102 provide that national reports should contain the following information:

- Description of the methodology and the broad consultation process followed for the preparation of information provided under the UPR.
- Background and framework of the SUR, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the 'basis of review'.

<sup>17</sup> HRC Res 5/1, above n 3, [15], and HRC Res 16/21, above n 3, [5].

<sup>18</sup> HRC Decision 6/102, UN Doc A/HRC/Dec/6/102 (2007), part I.

<sup>19</sup> HRC Res 5/1, above n 3, [1].

<sup>20</sup> Ibid, [2].

- Promotion and protection of human rights on the ground: implementation of international human rights obligations, national legislation and voluntary commitments, NHRI activities, public awareness of human rights, cooperation with human rights mechanisms;
- Identification of achievements, best practices, challenges and constraints;
- Key national priorities, initiatives and commitments that the SUR intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;
- Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance; and
- Presentation by the State concerned of the follow-up to the previous review.<sup>21</sup>

In order to 'guarantee equal treatment to all States and not to overburden the mechanism',<sup>22</sup> national reports must not exceed 20 pages. Deadlines for submission of national reports are published online.<sup>23</sup> National reports are generally due for submission to the OHCHR about three months ahead of the review undertaken by the UPR Working Group.

### OHCHR Compilation

The second key document in the review process is prepared by the OHCHR and comprises recommendations to the State by the UN treaty bodies, the Special Procedures as well as 'other relevant official United Nations documents', including those of the International Labour Organization for example.<sup>24</sup> The information is divided into five main sections:

1. Background and framework  
This section details the SUR's party status to the core international human rights treaties, as well as its constitutional and legislative framework, institutional and human rights structure, and policy measures in place in the State.
2. Promotion and protection of human rights on the ground  
This section details the SUR's cooperation with treaty bodies, special procedures and the OHCHR, as well as its implementation of international human rights obligations.
3. Achievements, best practices, challenges and constraints  
This section is a collection of the main observations of the UN agencies and mechanisms in these areas concerning the SUR.
4. Key national priorities, initiatives and commitments  
This section includes information on pledges by the State and specific recommendations for follow-up.
5. Capacity building and technical assistance  
This section will detail situations in which the State was recommended to seek assistance.

Under the same reasoning that the mechanism should not be overburdened, the OHCHR compilation is restricted to ten pages.<sup>25</sup>

### Stakeholder Information

The final basis of review is information provided by non-governmental organisations (NGOs), national human rights institutions (NHRIs), human rights defenders, academic institutions, research

<sup>21</sup> HRC Decision 6/102, above n 17, part I, further defined and adopted in HRC Dec 17/119, above n 3, part II.

<sup>22</sup> HRC Res 5/1, above n 3, [15(a)].

<sup>23</sup> See 'Calendar of reviews', available at: <http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>.

<sup>24</sup> HRC Res 5/1, above n 3, [15(b)].

<sup>25</sup> Ibid.

institutes and regional organisations. Stakeholder submissions are provided to the OHCHR approximately six to seven months ahead of the review and are then summarised by the OHCHR in a separate document.<sup>26</sup> Stakeholder information must be 'credible and reliable' in order to be included.<sup>27</sup>

NGOs are encouraged to follow the content suggested to States in compiling their national reports, using the same 'basis for review' (the UN Charter, the UN Declaration, etc.).<sup>28</sup>

In addition, stakeholder submissions should cover the period since the last review and focus on:

- The implementation of the accepted recommendations<sup>29</sup> (for subsequent cycles);
- Developments in the human rights situation in the SUR;
- Information specifically tailored for the UPR;
- Highlighting the main issues of concern and identifying possible recommendations and best practices.<sup>30</sup>

As for the OHCHR compilation, the summary of stakeholder information cannot exceed ten pages.<sup>31</sup> In addition, each stakeholder submission is subject to a 2,815-word limit (or 5,630 words for joint submissions by coalitions of NGOs).<sup>32</sup>

Deadlines for stakeholder submissions are usually six to seven months prior to the meeting of the Working Group and can be found online.<sup>33</sup> Submissions received after the specified deadlines will not be considered in the preparation of summary information.<sup>34</sup> The OHCHR has produced full guidelines for civil society on contributing to the UPR process, which can be found online.<sup>35</sup>

#### *Review by the UPR Working Group*

The review of the SUR is undertaken by the HRC's Working Group on the UPR, established within the Council's institution-building package.<sup>36</sup> The Working Group is chaired by the President of the Human Rights Council and facilitated by a troika of three rapporteurs, who are diplomatic representatives of member States of the Council.<sup>37</sup> Troika members are selected at previous sessions of the Council plenary by drawing lots from different regional groups. At the request of the SUR, one lot may be drawn from the same region as the SUR.<sup>38</sup>

<sup>26</sup> Office of the High Commissioner for Human Rights 'Working with the United Nations Human Rights Programme: A Handbook for Civil Society', UN Doc HR/PUB/06/10/Rev. 1 (2008). p. 137; and 'Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions' (2011) OHCHR, available at URL: <http://ohchr.org/Documents/HRBodies/UPR/TechnicalGuideENpdf>, pp. 4-5.

<sup>27</sup> HRC Res 5/1, above n 3, [6].

<sup>28</sup> 'OHCHR Information and Guidelines' (2011), above n 25, pp. 7-8.

<sup>29</sup> Note that, as explained by Conte (above n 10, p. 7): 'It appears from discussions with the OHCHR that second cycle summaries of stakeholder submissions will not refer to NGO references that explicitly concern rejected recommendations from the first cycle. The simple solution will be for NGOs to frame relevant concerns within the broader context of implementation of human rights obligations.' See Alex Conte, 'Reflections and Challenges: Entering into the Second Cycle of the Universal Periodic Review Mechanism.'

<sup>30</sup> 'OHCHR Information and Guidelines' (2011), above n 25, pp. 9-10.

<sup>31</sup> HRC Res 5/1, above n 3, [15(c)].

<sup>32</sup> 'OHCHR Information and Guidelines', above n 25, p. 15. This restriction does not include citation references.

<sup>33</sup> Available at URL: <http://www.ohchr.org/en/hrbodies/upr/pages/NgosNhris.aspx>.

<sup>34</sup> 'OHCHR Information and Guidelines', above n 25, p. 29.

<sup>35</sup> OHCHR, 'A Practical Guide for Civil Society: Universal Periodic Review', available at URL: <http://www.ohchr.org/EN/ABOUTUS/Pages/CivilSociety.aspx>.

<sup>36</sup> HRC Res 5/1, above n 3, [18].

<sup>37</sup> *Ibid*, [18(d)].

<sup>38</sup> *Ibid*, [18(d)] and [19].

The first cycle of the UPR was conducted over a four-year period, consisting of three two-week sessions per year, in which 16 countries were reviewed in each session.<sup>39</sup> The second cycle was increased to a four-and-a-half year period, to allow a longer review time for each country, meaning that 14 countries will be reviewed during each two-week session.<sup>40</sup> The review for each country took three hours in the first cycle, and has been extended to three and a half hours in the second.<sup>41</sup>

The review is conducted through an interactive dialogue between the SUR and the other member and observer States of the Council. This interactive dialogue consists of questions and recommendations posed by the member and observer States, followed by responses and comments by the SUR. The number of recommendations made during each review differs and this may be due to factors such as which country is being reviewed and the priorities of the member and observer States wanting to participate in the dialogue. This difference can be attributed to the political nature of the UPR mechanism, for which it has been observed that recommendations are commonly based on foreign relations.<sup>42</sup> In addition, the amount and scope of recommendations has evolved and increased since the beginning of the first cycle, which may in part be attributed to the 'growing confidence of the Working Group in the development of its work on the UPR'.<sup>43</sup>

Other stakeholders, such as NGOs, cannot directly interact during this dialogue, reflecting that it is a State-led peer review process.<sup>44</sup>

The structure of the review dialogue is as follows:

1. The SUR presents its national report and responds to written questions submitted in advance;
2. Member and observer States of the Council pose questions to the SUR and make recommendations;
3. The SUR is given time to respond to questions and comments;
4. Further questions and recommendations from member and observer States are posed;
5. The SUR responds to further questions and gives closing remarks.

In total, the SUR has 70 minutes in which to present its national report, respond to questions from the floor and deliver closing remarks.<sup>45</sup> 140 minutes are allocated to other States during the review.<sup>46</sup> The current practice is that member States have three minutes of speaking time and observer States have two minutes, although where there is a need, this time will be reduced to allow as many States as possible to speak. The List of Speakers is opened on the Monday of the week preceding the beginning of the session and States are arranged in English alphabetical order. The beginning of the list is drawn by lot.

<sup>39</sup> Concerning the periodicity and order for the first cycle of the UPR, see HRC Res 5/1, [5-14]. The calendar of reviews for the first cycle can be found at <http://www.ohchr.org/EN/HRBodies/UPR/Documents/uprlist.pdf>.

<sup>40</sup> HRC Res 16/21, above n 3, [2-4].

<sup>41</sup> Compare HRC Res 5/1, [22]; 'HRC Presidential Statement', UN Doc HRC/8/PRST/1 (2008) p. 7; HRC Decision 17/119, [3]-[4]; and HRC Res 16/21, [11].

<sup>42</sup> See for example, International Federation of Action by Christians for the Abolition of Torture 'Universal Periodic Review: An Ambivalent Exercise' (2009), available at URL: [http://www.fiacat.org/IMG/pdf/FIACAT\\_Rapport\\_UPR\\_2010\\_VA\\_VF.pdf](http://www.fiacat.org/IMG/pdf/FIACAT_Rapport_UPR_2010_VA_VF.pdf), pp. 22-23; Roger Blackburn, *Cultural Relativism in the Universal Periodic Review of the Human Rights Council* (Barcelona, Institut Catala Internacional per la Pau, 2011); Edward McMahon, 'Herding Cats and Sheep: Assessing State and Regional Behaviour in the Universal Periodic Review Mechanism of the United Nations Human Rights Council' (2010), available at URL: [http://www.upr-info.org/IMG/pdf/McMahon\\_Herding\\_Cats\\_and\\_Sheeps\\_July\\_2010.pdf](http://www.upr-info.org/IMG/pdf/McMahon_Herding_Cats_and_Sheeps_July_2010.pdf); and Edward McMahon, 'The Universal Periodic Review: A Work in Progress', part 4.

<sup>43</sup> Conte, above n 10, p. 11.

<sup>44</sup> See Human Rights Council, 'Open-Ended Intergovernmental Working Group on the Review of the Work and Functioning of the Human Rights Council: Compilation of State Proposals', UN Doc A/HRC/WG.8/1/CRP.1/Rev.1 (2010), pp. 3-5.

<sup>45</sup> HRC Dec 17/119, above n 3, [3]. The first cycle allocation was 60 minutes: see 'HRC Presidential Statement', above n 41, p. 7.

<sup>46</sup> UN Doc A/HRC/17/L.29 part III.



### Questions in Advance

After the national report has become available, member and observer States of the Council can submit written questions to the troika in advance of the Working Group session. The troika then relays the list of questions to the Secretariat who transmits them to the SUR at least 10 working days prior to the review. These questions are also published online.<sup>47</sup>

### *Adoption of the Outcome Document*

#### Session of the UPR Working Group

Following the interactive dialogue, the troika is responsible for the production of a draft outcome document, which is a summary of the proceedings, including the recommendations made by each State and the voluntary commitments made by the SUR. All recommendations made during the review are included in the outcome document, and those that enjoyed or did not enjoy the support of the SUR are identified as such.<sup>48</sup> The draft is then presented by the troika at a later stage during the same Working Group session, once the SUR has seen the report and indicated which recommendations it accepts and which ones it rejects. After the report has been adopted in principle, States have two weeks to request any modifications.

#### Plenary Session of the Human Rights Council

The final outcome document will be officially adopted at the next plenary session of the Human Rights Council.<sup>49</sup> In between the session in which the draft was presented, and the adoption of the final outcome document, the SUR should provide written communication to the Council that clearly outlines its position on all received recommendations.<sup>50</sup> These responses form an addendum report to the outcome document. This addendum is also posted online.

The SUR can also use the time offered during the plenary session to provide further replies to issues that were insufficiently addressed during the interactive dialogue,<sup>51</sup> and to inform the Working Group of any further recommendations accepted or voluntary commitments made.<sup>52</sup> Twenty minutes are allocated for this during the plenary. Member and observer States as well as NGOs and NHRIs then have the remaining 40 minutes to express their views on the outcome document.<sup>53</sup>

#### Status of the UPR Recommendations

UPR recommendations are not legally binding and are dependent on being accepted by the SUR. However, once accepted, the SUR has made a public undertaking to implement that recommendation and this has therefore been described as empowering 'civil society and the international community to hold States to their word'.<sup>54</sup>

## **4.5 Stage Two: Implementation**

The second key stage of the UPR process involves the implementation of accepted recommendations and voluntary pledges and commitments by the SUR. The implementation stage is the task and responsibility of the State under Review,<sup>55</sup> but it can be assisted by the international community as part of their commitment to provide technical assistance and capacity building under the Human

<sup>47</sup> Available at URL: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

<sup>48</sup> 'HRC Presidential Statement', above n 41, p. 10.

<sup>49</sup> HRC Res 5/1, above n 3, [29]-[32]; and HRC Res 16/21, above n 3, [12].

<sup>50</sup> The provision of written communication is called for in HRC Res 16/21, above n 3, [16].

<sup>51</sup> HRC Res 5/1, above n 3, [29]; and 'HRC Presidential Statement 9/2', UN Doc HRC/9/PRST/2 (2008), p. 13.

<sup>52</sup> HRC Res 5/1, above n 3, [32].

<sup>53</sup> Ibid, [30]-[31]; and HRC Res 16/21, above n 3, [13].

<sup>54</sup> Conte, above n 10, p. 11.

<sup>55</sup> HRC Res 5/1, above n 3, [33].

Rights Council's institution-building package.<sup>56</sup> The Voluntary Trust Fund is also available for States at this stage.<sup>57</sup>

States are also encouraged to 'conduct broad consultations with all relevant stakeholders' in the implementation stage of the UPR process.<sup>58</sup>

Implementation of accepted recommendations has been identified by some States as the priority issue for the second and subsequent cycles of the UPR mechanism.<sup>59</sup> This is reflected in the 2011 resolution of the Human Rights Council concerning the working methods of the UPR process.<sup>60</sup> Recognising this, the ICJ and other stakeholders have advocated for the adoption of two mechanisms to assist States to adequately implement recommendations of the UPR:<sup>61</sup>

1. National implementation plan

The first is for the presentation to the Human Rights Council, as soon as possible after the adoption of the outcome document, of a national plan of action for the implementation of accepted recommendations and voluntary pledges and commitments. It has been suggested that such plans should be developed within 12 months of the adoption of the UPR outcome document and should include a clear timeframe and key milestones for implementation.<sup>62</sup>

2. Mid-term report

The second mechanism advocated for improvement in the implementation of UPR recommendations is to require States under Review to provide the HRC with a mid-term report on the status of the implementation of recommendations and commitments.<sup>63</sup> This idea was a subject of much contention during the review of the work and functioning of the Council, with a number of States holding a firm position that mid-term reporting should not be compulsory<sup>64</sup> and some States even proposing that such reporting should not form part of the UPR exercise.<sup>65</sup> The compromise has been that, under the second cycle of the UPR, States are encouraged to provide the Council, on a voluntary basis, with a mid-term update on the implementation of accepted recommendations.<sup>66</sup>

#### 4.6 Stage Three: Follow-Up/Reporting Back to the Human Rights Council

Completing the continuing cycle of Universal Periodic Review involves the State under Review reporting back to the UPR Working Group on what steps it has taken to implement the accepted recommendations of the previous cycle and the voluntary pledges and commitments made during that cycle. This completes the previous cycle and forms the start of the new cycle, since such information will be included in the national report.<sup>67</sup> Other relevant stakeholders are also encouraged

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<sup>56</sup> Ibid, [36].

<sup>57</sup> HRC Res 16/21, above n 3, [19]-[21].

<sup>58</sup> Ibid, [17].

<sup>59</sup> Including Colombia and the Russian Federation, for example. See UN Doc A/HRC/WG.8/1/CRP.1/Rev.1 (2010), above n 44, p. 9.

<sup>60</sup> HRC Res 16/21, above n 3, [6].

<sup>61</sup> ICJ, *Four parameters for a successful second cycle of the UPR*, UN Doc A/HRC/20/BGO/57 (2012), available at URL: [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=20120](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=20120), pp.3-4; and Human Rights Council 'List of non-State observers' contributions' UN Doc A/HRC/WG.8/1/CRP.2/Rev.1 (2010) at part I(C)(2).

<sup>62</sup> Amnesty International 'Making it Work: The Reviews of the Human Rights Council' (2011), available at URL: <http://www.amnesty.org/en/library/asset/IOR41/001/2011/en/d272fd2a-02e5-4ab7-bef6-d8d8e16ef770/ior410012011en.html>, p. 17.

<sup>63</sup> UN Doc A/HRC/20/BGO/57 (2012); above n 61; UN Doc A/HRC/WG.8/1/CRP.1/Rev.1 (2010), above n 44, p. 12; and UN Doc A/HRC/WG.8/1/CRP.2/Rev.1 (2010), above n 61, part I(C)(2).

<sup>64</sup> Including, for example, China and the Islamic Republic of Iran: see UN Doc A/HRC/WG.8/1/CRP.1/Rev.1 (2010), above n 44, p. 12.

<sup>65</sup> Including, for example, Azerbaijan and Bangladesh: *ibid.* p. 13.

<sup>66</sup> HRC Res 16/21, above n 3, [18].

<sup>67</sup> HRC Res 16/21, above at n 3, at [6].

to provide views and perspectives on State compliance with accepted recommendations as part of their contribution to the next review.<sup>68</sup>

One provision of the Council's institution-building package is that, in considering the outcome of each review, the Council has the authority to decide if and when any specific follow-up is necessary.<sup>69</sup> Because the first cycle was only concluded in March 2012, this procedure has not yet been used. It is envisaged that it will be used for States who have not implemented first cycle recommendations or have only done so for a minority of accepted recommendations, so that the outcome document for the second (and subsequent) cycle would identify such follow-up action.<sup>70</sup>

If a State chooses not to cooperate with the UPR mechanism, HRC resolution 5/1 provides that 'after exhausting all efforts to encourage a State to cooperate with the universal periodic review mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism'.<sup>71</sup> It is unclear what steps might be taken in this regard, since the institution-building package does not elaborate on this point. It is conceivable, however, that the situation of human rights in such a State might be addressed in the plenary of the Human Rights Council under item 4 of its agenda (human rights situations that require the Council's attention).

#### 4.7 Examples of Recommendations Received by Pakistan at its Third UPR Cycle

It is worth noting that the outcome document that followed Pakistan's third UPR cycle in March 2018 carried 289 recommendations made by various states – up from 167 recommendations received during its second UPR cycle in 2012. Pakistan accepted 168, noted 117, and rejected four recommendations on the grounds that they were 'politically motivated'. Some examples of the kind of recommendations Pakistan received are given below:

Theme	Recommendation
Legislative and policy framework and national human rights institutions	Accelerate the domestication of the provisions of the international human rights instruments to which it is a party (Zimbabwe) Strengthen the role and effectiveness of the Ministry of Human Rights and the National Commission for Human Rights, in accordance with international human rights standards (State of Palestine) Pursue the successful implementation of the national Action Plan for Human Rights and Vision 2025, which are in line with the Sustainable Development Goals (Bolivarian Republic of Venezuela)
Women	Enact legislation on domestic violence in all provinces (Sweden) Take effective measures to improve women's access to health services, in particular, reproductive health services (Kazakhstan) Increase the number and quality of gender-sensitive training events on violence against women for the judiciary and law enforcement agencies (Lithuania)
Children	Work on raising the legal marriage age to 18 years (Bahrain) Take the necessary measures to include international standards on juvenile justice in the workings of the national judiciary (Algeria)

<sup>68</sup> Ibid, at [8].

<sup>69</sup> HRC Res 5/1, above n 3, [37].

<sup>70</sup> Conte, above n 10, p. 15.

<sup>71</sup> HRC Res 5/1, above n 3, [38].

<b>Theme</b>	<b>Recommendation</b>
Minorities	Make greater efforts to investigate complaints and prosecute those that commit crimes against ethnic and religious minorities, such as the Hazaras, Dalits, Christians, Hindus and Ahmadis (Argentina) Strengthen measures to ensure the participation of minorities in all spheres of national life (Zimbabwe)

## 5. Overview of the Functions and Activities of UN Special Procedures<sup>1</sup>

'Special Procedures' is the general name given to the independent expert mechanisms of the Human Rights Council whose purpose is to address either specific country situations or thematic issues in all parts of the world. Special Procedures may be established as individual experts ('Special Rapporteurs', 'Independent Experts' or 'Special Representatives of the Secretary General') or as a group of five experts, each expert being from one of the five United Nations regional groups ('Working Groups'). In general, the mandates of the Special Procedures involve the functions of monitoring, advising and publicly reporting on human rights situations in particular countries (country mandates) or on major phenomena of human rights violations worldwide (thematic mandates). Each Special Procedure mandate is defined in the resolution establishing or renewing the mandate. Thematic mandates are renewed every three years and country mandates annually, unless otherwise decided by the Human Rights Council.<sup>2</sup>

Country-specific rapporteurs are tasked to report on the full range of human rights in a particular country (there are currently 12 country mandates). The late Asma Jehangir, for example, served as the Special Rapporteur on Iran. Then there are thematic mandate holders, who report about the global situation of a particular phenomenon or a human right. In total, 44 thematic procedures have been instituted, covering areas such as arbitrary detention; enforced or involuntary disappearances; torture; independence of judges and lawyers; situation of human rights defenders, and the right to food.

### 5.1 General Functions of Special Procedures Mandate-Holders

The main functions performed by Special Procedures mandate-holders consist of the following:

- Receiving and analysing information on human rights situations provided by various sources on an ongoing basis.
- Networking and sharing information with partners, both governmental and non-governmental, within and outside the United Nations.
- Seeking urgent clarifications from governments on alleged violations and, where required, requesting governments to implement protection measures to guarantee or restore the enjoyment of human rights.
- Raising awareness about specific human rights situations and phenomena, threats to and violations of human rights.
- When circumstances so warrant, communicating their concerns through the media and other public statements.
- Undertaking country visits to assess human rights situations pertaining to their respective mandates, and make recommendations to governments with a view to improving those situations.
- Reporting and making recommendations to the Human Rights Council and, where relevant to their mandates, to the General Assembly (and in some cases to the Security Council) on: regular activities under their mandate; field visits; and specific thematic trends and phenomena.
- Follow-up activities related to recommendations made.

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<sup>1</sup> The information contained in this document is mainly a summary of the OHCHR 'Manual of Operations of the Special Procedures of the Human Rights Council' (2008), available at URL: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>. Sections 5.1 to 5.5 are adapted from a series of four background notes produced as part of an HRCP project funded by the International Commission of Jurists (ICJ) in 2015-17. Reprinted by kind permission of ICJ.

<sup>2</sup> See HRC Resolution 5/1, annex, para. 60, and 'Terms of office of special procedure mandate-holders', UN Doc A/HRC/PRST/8/2.

- Contributing thematic studies to the development of norms and standards in the subject area of the mandate, and sometimes providing legal expertise on specific issues.

These functions are supported by the Office for the High Commissioner for Human Rights (OHCHR), which provides personnel, logistical and research assistance to the mandate-holders.

## 5.2 Establishment and Election of Mandate-Holders

### *Establishing Mandates*

The establishment of mandates is generally undertaken based upon the following considerations:<sup>3</sup>

- Mandates should offer a clear prospect of an increased level of human rights protection and promotion.
- The balance of thematic mandates should broadly reflect the equal importance of civil and political rights and economic, social and cultural rights.
- Every effort should be made to avoid unnecessary duplication in creating or reviewing mandates, so as to structure the mechanism in a way that most effectively increases human rights protection.
- Any consideration of merging mandates should have regard to the content and predominant functions of each mandate holder as well as to the workload of individual mandates.

### *Electing Mandate Holders*

The following entities may nominate candidates: governments, regional groups operating within the UN human rights system, international organisations, NGOs, other human rights bodies and individuals.<sup>4</sup>

Nominations are sent to a Consultative Group, who identify a list of candidates with the highest qualifications and present recommendations to the President of the Human Rights Council at least one month before the session of the Council at which the mandate-holder is to be appointed. The President will select a candidate on the basis of the recommendations of the Consultative Group and on other broad consultations.

Individual mandate-holders are selected on the basis of their expertise, experience, independence, impartiality, integrity and objectivity. Mandate-holders serve in their personal capacities and do not receive salaries.

### *Code of Conduct*

Human Rights Council Resolution 5/2 established a code of conduct for Special Procedure mandate-holders. The code of conduct defines the standards of ethical behaviour and professional conduct to be observed by mandate-holders when discharging their mandates. Article 3 of the code prescribes the general principles of conduct as follows:

Mandate-holders are independent United Nations experts. While discharging their mandate, they shall:

- Act in an independent capacity, and exercise their functions in accordance with their mandate, through a professional, impartial assessment of facts based on internationally recognized human rights standards, and free from any kind of extraneous influence, incitement, pressure, threat or interference, either direct or indirect, on the part of any party, whether stakeholder or not, for any reason whatsoever, the notion of

<sup>3</sup> See Note by the UN High Commissioner for Human Rights, 'Rationalisation of the work of the Commissions: Enhancing and strengthening the effectiveness of the special procedures of the Commission on Human Rights', UN Doc E/CN.4/2006/115, [17].

<sup>4</sup> In accordance with HRC Res 5/1.

independence being linked to the status of mandate-holders, and to their freedom to assess the human rights questions that they are called upon to examine under their mandate.

- (b) Keep in mind the mandate of the Council which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, through dialogue and cooperation as specified in General Assembly resolution 60/251 of 15 March 2006.
- (c) Exercise their functions in accordance with their mandate and in compliance with the Regulations, as well as with the present Code.
- (d) Focus exclusively on the implementation of their mandate, constantly keeping in mind the fundamental obligations of truthfulness, loyalty and independence pertaining to their mandate.
- (e) Uphold the highest standards of efficiency, competence and integrity, meaning, in particular, though not exclusively, probity, impartiality, equity, honesty and good faith;
- (f) Neither seek nor accept instructions from any Government, individual, governmental or non-governmental organization or pressure group whatsoever.
- (g) Adopt a conduct that is consistent with their status at all times.
- (h) Be aware of the importance of their duties and responsibilities, taking the particular nature of their mandate into consideration and behaving in such a way as to maintain and reinforce the trust they enjoy of all stakeholders.
- (i) Refrain from using their office or knowledge gained from their functions for private gain, financial or otherwise, or for the gain and/or detriment of any family member, close associate, or third party.
- (j) Not accept any honour, decoration, favour, gift or remuneration from any governmental or non-governmental source for activities carried out in pursuit of his/her mandate.

Other provisions of the code outline specific conduct requirements in relation to the main activities of the Special Procedures.

### 5.3 Activities of the Special Procedures

#### *Communications*

One of the main functions of the Special Procedures is to receive information from various sources and to then send communications to governments in response to that information where it discloses credible information relevant to the mandate, and provided that this function has been expressly authorised.<sup>5</sup> Communications vary in content, but they may include matters relating to: situations concerning individuals, groups or communities, general patterns of human rights violations, and matters relating to current or draft legislation. Such communications are usually sent through diplomatic channels, and can be sent even when domestic remedies have not been exhausted.<sup>6</sup>

Information upon which the Special Procedures will act must be in writing, and include full details of the identity of the sender. Factual information on the allegation or relevant situation must be clear, concise, in good faith and not based solely on reports in the mass media.<sup>7</sup>

#### Communications Process

Communications are coordinated through the Quick Response Desk of the Special Procedures Division of the OHCHR. Information is collated and presented to the relevant mandate holder(s),

<sup>5</sup> For example, the procedures for sending communications of the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances has several specificities which are reflected in their methods of work. See OHCHR Fact Sheet No. 26, Annex IV and E/CN.4/2002/79, Annex I available at URL: <http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf>.

<sup>6</sup> Above n 1 [42].

<sup>7</sup> Ibid, [38]-[39].

along with any additional information necessary (such as whether the case has been previously dealt with) in order to assist the mandate-holder(s) in ascertaining whether action is required.

When a decision is made to take action, the mandate-holder consults the OHCHR and UN desk officers within the field office as well as the country mandate-holder (if applicable) before drafting a communication. Joint communications between country and thematic mandate-holders are encouraged.<sup>8</sup>

The source of the information contained in a communication is normally kept confidential until the point at which it is published in the report of the mandate-holder. In light of information received in response from the government concerned, or of further information from other sources, the mandate-holder will determine how best to proceed. This might include the initiation of further inquiries, the elaboration of recommendations or observations to be published in the activities report of the mandate-holder, or other appropriate steps designed to achieve the objectives of the mandate.<sup>9</sup>

### Urgent Appeals

Urgent appeals are used to communicate information in cases where the alleged (actual or imminent) violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner by the procedure under letters of allegation.

Urgent appeals generally follow a standard format consisting of four parts:

1. A reference to the resolution creating the mandate(s) concerned;
2. A summary of the available facts, and where applicable an indication of previous action taken on the same case;
3. An indication of the specific concerns of the mandate-holder(s) in light of the provisions of relevant international instruments and case law; and
4. A request to the government to provide information on the substance of the allegations and to take urgent measures to prevent or stop the alleged violations.

The content of the questions or requests addressed to a government will vary significantly according to the situation in each case. Governments are generally requested to provide a substantive response within 30 days. In appropriate cases mandate-holders may decide to make urgent appeals public by issuing press releases.<sup>10</sup>

### Letters of Allegation

Letters of allegation are used to communicate information about violations that are alleged to have already occurred and in situations where urgent appeals do not apply.

Letters of allegation generally follow a standard format consisting of four parts:

1. A reference to the resolution creating the mandate(s) concerned;
2. A summary of the available facts, and where applicable an indication of previous action taken on the same case;
3. An indication of the specific concerns of the mandate-holder(s) in light of the provisions of relevant international instruments and case law; and
4. A request to the Government to provide information on:
  - (a) the substance of the allegations;
  - (b) measures taken to investigate and punish alleged perpetrators;
  - (c) compensation, protection, or assistance provided to the alleged victims;

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<sup>8</sup> Ibid, [32].

<sup>9</sup> Ibid, [36].

<sup>10</sup> Ibid, [45].



- (d) legislative, administrative and other steps taken to avoid the recurrence of such violations in the future; and
- (e) other relevant information.

The content of the specific questions or requests addressed to a government may vary considerably according to the substance of the allegations. Governments are usually requested to provide a substantive response to communication letters within two months. Some mandate-holders forward the substance of the replies received to the source of the allegation for comments.

#### Public and Press Statements

In appropriate situations, including those of grave concern or in which a government has repeatedly failed to provide a substantive response to communications, a mandate-holder may issue a press statement, other public statement or hold a press conference, either individually or jointly with other mandate-holders.

In general, mandate holders usually engage in a dialogue with a government through the communications procedure before resorting to a press release or other public statement. When a mandate holder sends a communication with the intention of issuing a press release shortly thereafter, such intention may be indicated to the government concerned in the communication.

#### Status of Communications

The main purpose of communications is to establish greater clarity in respect to a particular situation and therefore they do not have any legal or judicial authority. Their purpose is also not one of accusation and so does not imply a type of value judgement.<sup>11</sup> They will nevertheless often involve a clear evaluation by an independent expert of the Human Rights Council of the application of international law and standards to a particular situation and may therefore subsequently form the basis for political pressure by other States.

#### *Country Visits*

Country visits allow for direct observation of the human rights situation in a particular country and facilitate an intensive dialogue between the mandate-holder and all relevant State authorities, including those in the executive, legislative and judicial branches, as well as with civil society. Visits enhance awareness of the problems under consideration through meetings, briefings, press coverage of the visit and dissemination of a written report on the country mission. They also allow for contact with and information gathering from victims, relatives of victims, witnesses, national human rights institutions, international and local NGOs and other members of civil society, the academic community, and officials of international agencies present in the country concerned.

Country visits generally last between one and two weeks and occur at the invitation of the State. Country visits are expected to be facilitated in the situation where a country has issued a 'standing invitation' to the thematic mandates of the Special Procedures.

Situations that might lead to a request for a country visit include the availability of reliable information regarding human rights violations, developments at the national level, or a wish to pursue a thematic interest, including for the identification of best practice. The decision to undertake the visit may depend on the expected impact of the visit, the willingness of the State to cooperate and the likelihood of any follow-up on recommendations made.

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<sup>11</sup> Ibid, [30].

### The Process

- An invitation is either sent by the State on their own initiative or it comes in response to a request for a country visit by the mandate-holder, the General Assembly, the Human Rights Council or the High Commissioner for Human Rights. Such a request must be accepted by the State.
- Some States issue a 'standing invitation' to all thematic Special Procedures so that all visits will be automatically accepted.
- Preparation for a country visit is carried out by the mandate-holder in close consultation with the concerned Permanent Mission in Geneva, the OHCHR and other relevant UN entities.
- The OHCHR prepares a 'country profile' for the mandate-holder which contains a briefing on the overall situation in the country.
- In consultation with the receiving State, the mandate-holder sets the agenda for the mission and negotiates the necessary meetings with government officials.
- Meetings with civil society are organised through the United Nations Country Team, OHCHR field presence and NGOs.
- When arriving in the country, the mandate-holder will first meet with the government and brief them on the purpose of the visit.
- At the end of the visit, the mandate-holder will share his or her preliminary findings and recommendations with the government.
- A press conference is also usually held at the end of the visit to share the preliminary findings.
- Following the visit, a mission report is prepared and the draft sent to the government to correct any inaccuracies. Comments of the government are usually annexed to the final report.

## **5.4 Other Activities**

### *Thematic Studies*

Mandate-holders usually produce thematic reports on topics of relevance to the mandate. Such studies may be administered through questionnaires and requests for information sent to governments, UN agencies, NGOs, treaty bodies, regional organisations and other experts.

### *Dissemination*

All mandate-holders have a webpage on the OHCHR website that provides information about the mandate and provides links to all relevant reports and documents. Four times a year, the OHCHR publishes the Special Procedures Bulletin to provide a general overview of the main activities of Special Procedures.

### *Reporting on Activities*

Mandate-holders regularly report on their activities to the Human Rights Council and General Assembly, normally once each year to each body. The presentation of their report is usually done through an interactive dialogue, giving States the opportunity to respond to the contents of the reports and pose questions.

### *Follow-up*

Follow-up to the work of Special Procedures includes the full range of 'measures taken to encourage, facilitate and monitor the implementation of recommendations by any of the Special Procedures'.<sup>12</sup> The precise approach adopted varies from one mandate to another.<sup>13</sup>

<sup>12</sup> Report of the 12<sup>th</sup> Annual Meeting of Special Procedures, UN Doc E/CN.4/2006/4, [85].

<sup>13</sup> Examples of well-developed follow-up arrangements can be found, for example, in the work of the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on torture, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

Follow-up to communications usually takes the form of:

- Reporting to the Human Right Council<sup>14</sup>;
- Analysis of general trends, including the documentation of positive developments; and
- Maintaining a systematic and constructive dialogue with the government concerned.

Follow-up to country visits usually takes the form of:

- Formulating recommendations in ways that facilitate implementation and monitoring;
- Undertaking follow-up initiatives through communications and further visits; and
- Cooperating with relevant partners.

Follow-up to thematic studies usually takes the form of:

- Wide dissemination of reports in a variety of formats; and
- Providing human rights input into the formulation of legislative, policy and other initiatives in the relevant fields.

## 5.5 Support and Cooperation Provided to Special Procedures

### *Cooperation by States*

It is commonly recognised that States have the primary responsibility for the promotion and protection of human rights. The cooperation of States is therefore essential to the functioning of the Special Procedures system. This entails according Special Procedures full access to all countries, seeking to implement recommendations and responding in a timely manner to communications.<sup>15</sup>

Cooperation by States is particularly essential to the follow-up work of the Special Procedures, as implementation is 'the true test of the effectiveness of human rights mechanisms'.<sup>16</sup> This cooperation entails: replying to invitations, implementation of recommendations, accepting follow-up missions, providing information on the steps taken, requesting technical assistance where necessary, and creating domestic mechanisms and awareness-raising among government departments and civil society.<sup>17</sup>

### *OHCHR Support*

The OHCHR provides an essential support role to the work of the Special Procedures through the development of its thematic expertise, its circulation of recommendations throughout the UN system, its coordination of requests for country visits and its compilations of country profiles. Its support to Special Procedures is considered one of the core functions of the OHCHR.<sup>18</sup>

### *NGOs*

A key role is also played by NGOs in providing mandate-holders with relevant information about human rights situations and alleged violations and ensuring appropriate follow-up to recommendations. NGOs will normally lobby governments for implementation of recommendations, report back to the Special Procedures when this is not progressing, participate in the interactive dialogue with Special Procedures at the Human Rights Council and use the media to raise awareness about the work of the Special Procedures. Mandate-holders usually consult with NGOs before, during and after country visits and information gathered by NGOs is often used by the OHCHR in their country profile documents.

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<sup>14</sup> Many mandate-holders issue a separate report on communications as an addendum to their main report.

<sup>15</sup> Above, n 5 [20].

<sup>16</sup> Comment of the representative of Canada: Ibid. [44].

<sup>17</sup> Ibid.

<sup>18</sup> Ibid at [66].

### UN Agencies

UN agencies also provide an essential means of supporting the work of Special Procedures. For example, the UNHCR offers support through its contribution to the preparation and organisation of country visits, the exchange of information regarding conditions that could possibly lead to refoulement, negotiations regarding border access, conditions regarding return, and discussion of the needs of especially vulnerable groups.<sup>19</sup>

## 5.6 Pakistan's Interaction with Special Procedures

The Special Rapporteur on the Independence of Judges and Lawyers conducted an official visit to Pakistan at the Government's invitation in 2012. In her report, the Rapporteur recommended that the jurisdiction of the Supreme Court and the application of the Constitution be extended to all territories under the control of Pakistan, including FATA. She also called for clear criteria guiding suo moto procedures.<sup>20</sup> Also in 2012, a two-member mission representing the Working Group on Enforced or Involuntary Disappearances visited Pakistan again on the invitation of the government. In its report, the Working Group called on the government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. During its visit, the Working Group received allegations of enforced disappearances in Karachi and Balochistan. The following passage from the report is worth reproducing:<sup>21</sup>

During the visit, families recounted the Working Group their stories, and each story, while being different, revealed the same pattern. The abduction, often taking place in front of witnesses, is reported to have been perpetrated by law enforcement agencies, such as the police, the Frontier Corps (FC) or the Rangers, jointly with members of intelligence agencies in civilian clothing. Most of the time, intelligence agencies, such as Inter-Services Intelligence (ISI) or Military Intelligence (MI) are alleged to be directing the operations.

Pakistan has not invited any Special Rapporteur or Working Group to visit Pakistan since 2012.

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<sup>19</sup> Ibid at [59].

<sup>20</sup> 'Report of the Special Rapporteur on the independence of judges and lawyers', UN Doc. A/HRC/23/43/Add.2, 4 April 2013, p. 14.

<sup>21</sup> 'Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Pakistan Addendum Mission to Pakistan', UN Doc. A/HRC/22/45/Add. 2, 26 February 2013, p. 10.

## 6. Core Functions and Activities of UN Human Rights Treaty Bodies<sup>1</sup>

There are ten human rights treaty bodies, comprised of independent experts serving in their personal capacity. Each treaty body is established by one of the corresponding universal human rights treaties, except in the case of the Committee on Economic, Social and Cultural Rights, which was established by the Economic and Social Council (ECOSOC) under its resolution 1985/17. Each treaty body, also referred to as a 'Committee', is responsible for monitoring the implementation of the core universal human rights treaties.<sup>2</sup>

This document will provide an overview of five of these treaty bodies; the Human Rights Committee (CCPR), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee against Torture (CAT); the Committee on the Elimination of Discrimination Against Women (CEDAW) and the Committee on the Rights of the Child (CRC). This overview will provide information on the core functions of the treaty bodies, with a particular focus on: individual communications and general comments. Reference will also be made to the treaty body strengthening process commenced by the High Commissioner for Human Rights and taken up in 2012 by the General Assembly intergovernmental process on the strengthening of the UN human rights treaty bodies.

### 6.1 Core Functions and Activities

#### *Consideration of State Parties' Reports*

Each of the five treaties in question contain provisions that create an obligation on States parties to submit periodic reports to the relevant monitoring treaty body.<sup>3</sup> One of the main functions of the five treaty bodies is to review these reports and issue 'Concluding Observations' on each party's compliance with and implementation of the treaty.

Full details on this function are explained in the ICJ background document on the *Overview of the Periodic Reporting Process of the UN Human Rights Treaty Bodies*.

#### *Annual Reports*

Each of the five treaty bodies is obliged to provide reports to the General Assembly on its activities. For CCPR, CESCR, CAT and CEDAW, this report must be provided annually. For CRC, this report is submitted at two-year intervals.<sup>4</sup> The reports of the Committees can be found online.<sup>5</sup>

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<sup>1</sup> Adapted from a series of four background notes produced as part of an HRC project funded by the International Commission of Jurists (ICJ) in 2015–17. Reprinted by kind permission of ICJ.

<sup>2</sup> The core universal human rights treaties are the: International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Optional Protocol to the CAT (OPCAT); Convention on the Rights of the Child (CRC), Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW); Convention for the Protection of All Persons from Enforced Disappearance (CPED); and Convention for the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (CRPD). Full texts can be found at URL: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>.

<sup>3</sup> ICCPR, article 40; ICESCR, articles 16 and 17; CAT, article 19; CEDAW, article 18; and CRC, article 44.

<sup>4</sup> The obligation is found within the Rules of Procedure for each Committee. See: CCPR, Rule 68; CESCR, Rule 57; CAT, Rule 64; CEDAW, Rule 42; and CRC, Rule 68. Rules of Procedure can be found on the treaty body web pages at URL: <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>.

<sup>5</sup> Ibid.

### *Consideration of Individual Complaints*

Currently, CCPR, CAT and CEDAW can receive 'individual communications' (the technical term used to refer to complaints from individuals) from persons who claim that her or his rights under the treaty have been violated by a State party. This function is explained in further detail below.

### *Country Inquiries*

Currently, CAT and CEDAW may, under certain conditions, initiate country inquiries if they receive reliable information that there have been serious, grave or systematic violations of the treaty in a State party.

The committees can conduct country inquiries on their own initiative. They are mandated to do so under their respective treaties,<sup>6</sup> which provide that the following procedure is to be followed:<sup>7</sup>

1. The procedure may be initiated if the Committee receives reliable information indicating that the rights contained in the relevant Convention are being systematically violated by the State party. In the case of CAT, the information should contain well-founded indications that torture is being systematically practiced in the territory of the State party; in the case of CEDAW, the information should indicate grave or systematic violations of the rights set forth in the Convention by a State party.
2. The Committee will invite the State party to co-operate in the examination of the information by submitting observations.
3. The Committee may, on the basis of the State party's observations and other relevant information available to it, decide to designate one or more of its members to make a confidential inquiry and report to the Committee urgently. The CEDAW procedure specifically authorises a visit to the territory of the State concerned, where warranted and with the State's consent.
4. The findings of the member(s) are then examined by the Committee and transmitted to the State party together with any appropriate comments or suggestions and/or recommendations.
5. The CEDAW procedure sets a six-month deadline for the State party to respond with its own observations on the Committee's findings, comments and recommendations and, where invited by the Committee, to inform it of the measures taken in response to the inquiry. The CAT procedure calls for the State to inform the Committee of its position within a reasonable time.
6. The Committee may decide, in consultation with the State party, to include a summary account of the results of the proceedings in its annual report.

In both cases, the procedure is confidential and the cooperation of the State party must be sought throughout.

This procedure can only be followed if the concerned State party has recognised the competence of the relevant Committee to act in this regard. At the time of ratification or accession, States may make a declaration to opt out or exclude the Committee's competence to conduct country inquiries.<sup>8</sup>

CESCR and CRC also have a similar mandate, although this cannot be exercised until the relevant Optional Protocol has come into force.<sup>9</sup>

<sup>6</sup> Convention Against Torture, article 20; and OP-CEDAW, articles 8-10.

<sup>7</sup> The full details on the procedure for each Committee can be found in their respective Rules of Procedure. For CAT, see part XIX; for CEDAW, see part XVII.

<sup>8</sup> For CAT, a declaration is made under article 28 of the Convention; for CEDAW, a declaration is made under article 10 of the Optional Protocol.

<sup>9</sup> The Optional Protocol to CESCR was adopted on 10 December 2008 under GA Res 63/117, UN Doc A/RES/63/117, but will not come into force until ten instruments of ratification have been deposited (there are currently eight). The Optional Protocol to CRC on the communications procedure was adopted on 19 December 2011 under GA Res 66/138, UN Doc A/RES/63/117 and will also come into force once there are ten parties (there are currently two).

### *Inter-State Complaints*

Currently, CCPR, CAT and CEDAW have the authority to consider complaints about alleged violations of the respective treaty by another State party.<sup>10</sup> However, this does not presently form part of the Committees' core functions as the procedure has never been used.

### *Activities to Enhance the Implementation of the Treaties*

Several further activities of the treaty bodies act to enhance the implementation of the treaties.

### General Comments

The preparation of General Comments is an important way in which the Committees can provide greater clarification on the interpretation and application of the different provisions of the treaties, which also assist States in their periodic reporting obligations. This function is explained in further detail below.

### Days of General Discussion

Currently, CESCR and CRC hold days of general discussion in order to foster a deeper understanding of the content and interpretation of the respective treaties.<sup>11</sup> There is no set time period placed on when a discussion day is held, but once the Committee has decided to convene such a meeting, the details are published online.<sup>12</sup> They are open for States, UN mechanisms and bodies, specialized agencies, National Human Rights Institutions (NHRIs), NGOs, individuals (and children in the case of CRC) to attend and take part in the discussion.

### Meeting of Chairpersons

In 1983, the General Assembly called for chairpersons to meet in order to discuss how to enhance the work of the treaty bodies.<sup>13</sup> The Meeting of Chairpersons provides a forum for members of all the treaty bodies to discuss their work, share best practices, and consider ways to enhance the effectiveness of the treaty body system as a whole. The meeting has been taking place annually since 1995. In recent years, the chairpersons have met with Special Procedures mandate holders and held informal consultations with States, UN partners and civil society as part of their meetings.

Since 2002, Inter-Committee Meetings have been held, which are attended by chairpersons plus two additional members from each committee. These meetings focus particularly on the coordination of working methods between the Committees and have, in recent years, taken place twice per year.<sup>14</sup>

### Statements

CESCR, CAT and CEDAW issue statements to clarify their position with respect to major international developments and issues, particularly when such issues bear upon the implementation of their respective treaties.<sup>15</sup> This option is open to all of the treaty bodies.

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<sup>10</sup> ICCPR, articles 41-43; CAT, article 21; and CEDAW, article 29.

<sup>11</sup> Reference to days of general discussion can be found in CESCR Working Methods, UN Doc E/2011/22-E/C.12/2010/3, para 49; and CRC Rules of Procedure, Rule 79.

<sup>12</sup> For CRC see URL: <http://www2.ohchr.org/english/bodies/crc/discussion2012.htm>; for CESCR see URL: <http://www2.ohchr.org/english/bodies/cescr/discussion.htm>.

<sup>13</sup> GA Resolution 38/117, UN Doc A/RES/38/117 (1983).

<sup>14</sup> See URL: <http://www2.ohchr.org/english/bodies/icm-mc/index.htm>.

<sup>15</sup> Reference to the issuing of statements is found in CESCR Working Methods, para 59; CAT Working Methods, Part X and para 36; and CEDAW Working Methods, para 36.

## 6.2 Individual Communications

Currently, CCPR, CAT and CEDAW can receive individual communications from individuals who claim that her or his rights under the corresponding treaty have been violated by a State party. The individual communications procedure of the CCPR and CEDAW are established pursuant to the Optional Protocols to the ICCPR and CEDAW and apply to States parties to those Optional Protocols. The individual communications procedure under the Convention against Torture is established under article 22 of the Convention. The CESCR and CRC will be able to consider individual communications once the respective Optional Protocols come into force.<sup>16</sup>

The individual communications process is undertaken in writing, through the submission of documentation to the relevant Committee, and without any oral hearing of witnesses or representatives on behalf of the alleged victim or the respondent State.

Members of the three treaty bodies will not participate in the consideration of individual communications where the member is a national of the respondent State; if the member has any personal interest in the case; or if the member has participated in any capacity in the making of any decision on the case prior to it being brought to the Committee.<sup>17</sup>

### *Competence of Treaty Bodies to Receive Individual Communications*

For an individual to be able to raise a complaint with the treaty bodies, two requirements must first be satisfied:

1. The concerned State must have ratified the principal treaty in question.<sup>18</sup>
2. The concerned State has recognised the competence of the Committee to consider individual complaints by having ratified the applicable Optional Protocol or, in the case of CAT, having issued a declaration recognising the competence of the Committee under article 22 of the Convention.

Where a treaty body has competence to receive individual communications (i.e. where the above two conditions are satisfied), any individual can submit a complaint to that Committee. Where there is the need, a person can make a claim on behalf of the alleged victim, provided she or he receives written consent. CEDAW, unlike the other two Committees, will consider complaints on behalf of or from individuals as well as *groups* of individuals.<sup>19</sup>

Meetings in which the Committees consider the individual complaints are held closed, private, sessions.<sup>20</sup>

There are two main elements to the procedure: the 'admissibility' and the 'merits' phases of a case.

### Admissibility

To determine whether an individual communication is admissible, the Committee will consider the following:<sup>21</sup>

- If claiming on behalf of another person, the author of the communication must have the relevant authority/permission.<sup>22</sup>

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<sup>16</sup> Above n 8.

<sup>17</sup> CCPR Rules of Procedure, Rule 84; CAT Rules of Procedure, Rule 109; and CEDAW Rules of Procedure, Rule 60.

<sup>18</sup> First Optional Protocol to ICCPR, article 1; CAT, article 22(1); and CEDAW, articles 1 and 3.

<sup>19</sup> See CEDAW Rules of Procedure, Rule 68.

<sup>20</sup> CCPR Rules of Procedure, Rule 88; CAT Rules of Procedure, Rule 107; and CEDAW Rules of Procedure, Rule 74(1).

<sup>21</sup> For the admissibility considerations and procedures for each committee see: OP1-ICCPR, articles 1,2,3 and 5(2) and CCPR Rules of Procedure, Rule 96; CAT, article 22 and CAT Rules of Procedure, Rule 113; and OP-CEDAW, articles 2,3 and 4 and CEDAW Rules of Procedure, Rule 69-74.



- The alleged violation must have occurred as a direct effect of the laws, policies, practices, acts or omissions of the State (challenges in the abstract cannot be made).
- The alleged violation must relate to a right protected under the relevant treaty.<sup>23</sup>
- The claim must be sufficiently substantiated for the purposes of admissibility (not 'manifestly ill-founded'), and must not constitute an abuse of the right of submission.<sup>24</sup>
- The alleged violation must have occurred prior to the entry into force of the relevant treaty (unless the violation continued after its entry into force).
- All domestic remedies have been exhausted.<sup>25</sup>
- The complaint must not be vexatious, frivolous or otherwise an inappropriate use of the communications procedure.
- The complaint cannot be under consideration, or already considered, by another mechanism of international settlement (e.g. a regional court).<sup>26</sup>

### Merits

In considering the merits of the case, the Committees will generally take into account all the facts and evidence submitted by the individual. The individual does not have to prove facts beyond any standard of proof, although evidence such as arrest warrants, court judgments and medical records will assist the Committee in making a decision. Where there is insufficient information, the Committees will request further information from the individual and the State.<sup>27</sup> In situations where all the information needed is in the hands of the State and the State does not cooperate with the Committee, the burden of proof is reversed.<sup>28</sup>

### *Time Considerations*

In general, there is no formal time limit within which communications should be made, although the alleged violation must have taken place after the entry into force of the relevant Optional Protocol or Declaration, unless the violation continued over this period.<sup>29</sup> However, the period of time between the violation and the complaint may have an impact on the individual's ability to substantiate the claim.

Given the large number of cases brought before CCPR, the procedure from registration of a communication to the decision of the Committee can take several years. CAT has fewer cases so that disposal of communications takes approximately one to two years from the time of registration. The time will be shorter in the case of a decision on admissibility alone. Similarly to CAT, CEDAW has fewer cases and cases are therefore usually resolved within one year.

### *Urgent Cases*

Where the Committees consider a situation to be urgent, they will send a request to the concerned State to implement interim measures in order to avoid further harm to the individual whilst the

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<sup>22</sup> CCPR Rules of Procedure, Rule 96(b); and CAT Rules of Procedure, Rule 113(a). CEDAW allows for some situations where consent is not required: see CEDAW Rules of Procedure, Rule 68.

<sup>23</sup> CCPR Rules of Procedure, Rule 98(d); CAT Rules of Procedure, Rule 113(c); and OP-CEDAW, article 2.

<sup>24</sup> CCPR Rules of Procedure, Rule 96; CAT Rules of Procedure, Rule 113(b); and CEDAW Rules of Procedure, Rule 82.

<sup>25</sup> OP-ICCPR, article 2; CAT, article 22(4); and OP-CEDAW, article 4.

<sup>26</sup> CCPR Rules of Procedure: Rule 74(c); CAT Rules of Procedure, Rule 113(d); and CEDAW Rules of Procedure, Rule 58(f).

<sup>27</sup> CCPR Rules of Procedure, Rule 86; CAT Rules of Procedure, Rule 105; and CEDAW Rules of Procedure, rule 58.

<sup>28</sup> See URL: [http://www.bayefsky.com/complain/9\\_procedures.php](http://www.bayefsky.com/complain/9_procedures.php).

<sup>29</sup> For example, see CEDAW-OP, article 4(2)(e).

complaint is being considered.<sup>30</sup> For example, such requests often arise with CAT in the context of pending deportations, or with the CCPR in the case of pending imposition of the death penalty.

### 6.3 CCPR

The procedure for submitting an individual communication to the Committee is as follows:<sup>31</sup>

- The complaint is submitted and referred to the Committee's Special Rapporteur on New Communications.
- The Special Rapporteur decides if the case should be considered under the Optional Protocol and issues any pertinent instructions to the Secretariat (the Office of the High Commissioner on Human Rights (OHCHR) Petitions Unit).
- The admissibility and merits of the case are considered simultaneously:
  - The State party is given six months to make submissions on the admissibility and merits of the case.
  - Once the State party has made its submissions, the individual is given two months in which to comment on those submissions.
  - Once all relevant information is received, the Committee considers the information and makes a decision (called 'Views').
- If a violation is found, the State has three months to provide the Committee with information on the steps taken to implement the Views of the Committee and to provide an effective remedy.<sup>32</sup>
- If no effective remedy is provided, the case is referred to the Special Rapporteur on Follow-Up of Views for further action (such as meeting with country representatives).
- Information on follow-up actions is published in an annual report on follow-up (with some exceptions).<sup>33</sup>

If the State party fails to respond to the initial request for information within six months, it will be sent two reminders. In the absence of submissions, the Committee will proceed with determining the case on the information provided by the author of the communication. If submissions are sent after a reminder, the individual will still be given a chance to comment on them before a decision is made.

In some situations, the Committee will consider admissibility and merits separately. This is usually when the State only replies to the admissibility aspects of the case in their submission. In this situation, provided the submission on admissibility was received within two months, the individual can comment on this submission and the State is given a further six months in which to submit information on the merits, with further time given for the individual to comment.

### 6.4 CAT

The procedure for submitting an individual communication to CAT is as follows:<sup>34</sup>

- The complaint is submitted and registered by the OHCHR Petitions Unit.
- The State party has six months in which to submit information on the admissibility and merits of the communication, and any applicable remedy. In this regard:<sup>35</sup>
  - If the submission is received within two months and only refers to admissibility then the individual has four weeks to comment.
  - If the Committee decides the communication is admissible, the State has four months to provide information on the merits.

<sup>30</sup> For CCPR, this is communicated by the Special Rapporteur on New Communications under Rule 86 of the CCPR Rules of Procedure. The authority for interim measures by CAT and CEDAW are found in Rule 108(1) of the CAT Rules of Procedure and Rule 91(3) of the CEDAW Rules of Procedure.

<sup>31</sup> CCPR Rules of Procedure, Parts C and D.

<sup>32</sup> The obligation to provide an effective remedy is found in article 2(3) ICCPR.

<sup>33</sup> CCPR Rules of Procedure, Rule 101(4).

<sup>34</sup> CAT Rules of Procedure, Parts B and C.

<sup>35</sup> Convention Against Torture, article 2(3).

- If the submission contains information on both admissibility and merits, the individual has six weeks to comment.
- The Committee then makes a decision on substance and transmits this to the State and individual as a View of the Committee.
- Where a violation has been found, the State has 90 days in which to report to the Committee on what action it has taken in response to the Views of the Committee.
- Where necessary, the Rapporteur for Follow-Up will take further action, details of which will be included in the annual report.<sup>36</sup>

## 6.5 CEDAW

The procedure for submitting an individual communication to CEDAW is as follows:<sup>37</sup>

- The complaint is submitted and registered by the OHCHR Petitions Unit.
- State party has three months to make submissions on admissibility and merits:
  - If submissions are made on admissibility, the individual has six weeks to provide comments.
  - If the communication is determined to be admissible, the State has a further three months to provide submissions on the merits.
  - The individual then has six weeks to provide comments on the submission on merits; and
  - If submissions are solely made on the merits (and admissibility is accepted), the individual has six weeks to comment before the Committee makes a decision on the merits.
- The Committee adopts Views on the communication and transmits it to the State and the individual.
- CEDAW also has follow-up measures in place to monitor the implementation of the Committee's views, which are undertaken by a Rapporteur whose activities are included in the annual report.<sup>38</sup>

## 6.6 General Comments

General Comments developed by the treaty bodies act as interpretations of the content and application of human rights treaty provisions in order to clarify the human rights and related procedural obligations of States Parties. The first such comment was adopted in 1972 by the Committee on the Elimination of Racial Discrimination. At present seven of the ten treaty bodies have adopted a total of 134 General Comments. While the first General Comments dealt with reporting guidelines and State Party obligations, the later ones, adopted after 1990, focus on more substantive issues.

### *Legal Basis of General Comments*

The legal basis for the adoption of General Comments by treaty bodies is to be found in the treaties themselves which envision a role for the Committees to react to State reports by making observations, recommendations and comments.<sup>39</sup> With the Committee on Economic, Social and Cultural Rights the legal basis is set out in ECOSOC Resolution 1985/17.<sup>40</sup> Under these provisions, the treaty bodies are mandated to provide States parties with observations, recommendations and comments as the treaty bodies may from time to time consider appropriate.

<sup>36</sup> CAT Rules of Procedure, Rule 121(3).

<sup>37</sup> CEDAW Rules of Procedure, Rules 69-74.

<sup>38</sup> CEDAW Rules of Procedure, Rule 73.

<sup>39</sup> ICCPR article 40(4); CEDAW article 21; CAT article 19(3); and CRC article 45(d).

<sup>40</sup> ECOSOC Res 1985/17, paragraph F. See also ICESCR article 21.

### *Legal Status of General Comments*

General Comments constitute the opinion of the expert members of the treaty bodies, mainly on the interpretation of the substantive provisions of the treaties. The recognition of the role of General Comments in determining the meaning of a relevant rights and freedoms has been confirmed by their increasing use as an interpretive source in the judicial decisions of national courts.<sup>41</sup> However, while they are authoritative and persuasive, General Comments are not legally binding.

### *Benefits of General Comments*

Numerous substantive and procedural provisions of the universal human rights treaties involve complex and important issues concerning their meaning and implementation. The treaty bodies have the benefit of examining and ruling upon such implications through the consideration of periodic reports and individual communications. The clear enunciation of the meaning and implementation of treaty provisions, through the adoption of General Comments, has the benefit of bringing together and explaining Concluding Observations and Views into a single document representing the authoritative and consensus opinion of the expert members of the treaty bodies. This can assist all stakeholders to more thoroughly understand the meaning of treaty provisions. It can assist States in their implementation of treaty obligations and the preparation of periodic reports. It can also be invaluable for rights-holders to understand the scope of application of rights and freedoms.

### *Formulation of General Comments*

Between the five Committees, the methods for selecting themes, the process of drafting, and the number and periodicity of General Comments that are adopted vary. For example, the Human Rights Committee is the first and only treaty body to date to hold a half-day general discussion on the development of a general comment, with the view of obtaining State and NGO participation from the outset, although general discussions by other treaty bodies have in a number of cases led to the identification of issues to become the subject of a General Comment.<sup>42</sup>

The other Committees use a variety of means to engage NGOs and States in the selection of themes and drafting stages. For example, the CRC is willing to consider external proposals on themes for days of general discussion, which in turn sometimes lead to the drafting of a General Comment as part of the outcome of the discussion day.<sup>43</sup> Some Committees also post draft versions of General Comments under development online, making it possible for comments and proposals to be made throughout the drafting process.<sup>44</sup>

## **6.7 Treaty Body Strengthening Process**

Due to some of the challenges faced by the treaty bodies,<sup>45</sup> measures seeking to address those challenges began in 1989.<sup>46</sup> Some of these challenges include:

<sup>41</sup> For cases in which national courts have relied upon the interpretation provided by the treaty bodies, see International Law Association, Committee on International Human Rights Law and Practise, *Final Report on the Impact of Findings of the United Nations Human Rights Treaty Bodies*, (2004), p.43.

<sup>42</sup> See URL: <http://www2.ohchr.org/english/bodies/hrc/discussion2012.htm>.

<sup>43</sup> NGO Group for the CRC, *Fact Sheet 3 for NGOs on General Comments*, p. 2.

<sup>44</sup> As an example, see the CRC draft comment on child rights and the business sector, available at URL: [http://www2.ohchr.org/english/bodies/crc/calls/submissionsCRC\\_BusinessSector.htm](http://www2.ohchr.org/english/bodies/crc/calls/submissionsCRC_BusinessSector.htm).

<sup>45</sup> These challenges have been articulated in reports by the UN Secretary General and the High Commissioner. See, for example: Measures to improve further the effectiveness, harmonization and reform of the treaty body system, UN Doc A/66/344 (2011); Report of the Secretary-General on measures taken to implement resolution 9/8 and obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system, UN Doc A/HRC/19/28 (2011); OHCHR, *Strengthening the United Nations human rights treaty body system: A report by the United Nations High Commissioner for Human Rights*, June 2012, available at URL: <http://www2.ohchr.org/english/bodies/HRTD/docs/HCreportonTBstrengthening210612.doc>.

<sup>46</sup> In 1989, the UN Secretary General appointed an independent expert to look at the challenges faced by the treaty body system. This was in response to the request of the General Assembly and the Commission on Human Rights in GA Res 44/115 – see: UN Doc E/CN.4/1989/43.

- Poor reporting compliance rates by States parties
- Backlog of reports awaiting consideration
- Backlog of individual communications awaiting consideration
- Lack of resources
- Poor quality of some treaty body experts.<sup>47</sup>

It has been noted that these challenges will continue with the increasing number of ratifications accessions to the universal human rights treaties and with the elaboration of more treaties and optional protocols.<sup>48</sup>

#### *Previous Treaty Body Strengthening Activities*

Various proposals have been made over the years on how to strengthen the treaty body system. One suggestion was to unify the reporting obligations of States so that one report is submitted to all Committees on State compliance with all treaties.<sup>49</sup> Another suggestion was to create a unified treaty body to monitor the rights under all the treaties.<sup>50</sup>

In response to these suggestions it has been noted that:<sup>51</sup>

‘While these ambitious suggestions have not been successful, the treaty bodies have taken steps to respond to some of the problems identified. For example, the treaty bodies have aligned their working methods to make it easier for states parties and other stakeholders to navigate the system.’

The following steps were taken in the lead up to what is known as the ‘Dublin process’, which is one of the most recent developments in the area of treaty body strengthening:

- 1989: appointment of an independent expert to look at the challenges faced by the treaty body system.<sup>52</sup>
- September 2002: report by the UN Secretary General on ‘Strengthening the United Nations: An Agenda for Further Change’. The main essence of this report was a suggestion that State reporting should be unified into a single report submitted to all treaties.<sup>53</sup>
- October 2002: report by the Management Review of the OHCHR making broadly similar recommendations to that of the Secretary General.<sup>54</sup>
- February 2003: resolution of the General Assembly based on the similar recommendations made by the Secretary General.<sup>55</sup>
- May 2003: informal consultations held in Malbun to exchange views on the Secretary General’s ideas. This was attended by members of treaty bodies, States parties, UN entities, NGOs and other members of civil society.<sup>56</sup>

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<sup>47</sup> See Amnesty International, *Strengthening the United Nations Treaty Bodies*, AI Index IOR 40/018/2012, available at URL: <http://www.amnesty.org/en/library/info/IOR40/018/2012/en>, pp. 2-3.

<sup>48</sup> Ibid, p. 3.

<sup>49</sup> See Report of the UN Secretary General ‘Strengthening the United Nations: an Agenda for Further Change’, UN Doc A/57/387 (2002).

<sup>50</sup> This was suggested by the UN High Commissioner for Human Rights in her concept paper from March 2006, see UN Doc HRI/MC/2006/2.

<sup>51</sup> Above n 50, p.3. See also the harmonized reporting guidelines on the core document that were adopted to ease this stage of the reporting process: UN Doc HRI/GEN/2/Rev.6.

<sup>52</sup> Above n 49.

<sup>53</sup> UN Doc A/57/387 (2002), above n 54.

<sup>54</sup> UN Doc A/57/488 (2002).

<sup>55</sup> General Assembly Resolution 57/300 (2002).

<sup>56</sup> For the report from the Malbun meeting see UN Doc A/58/23 (2003). This report was considered by the second Inter-Committee Meeting and the fifteenth meeting of chairpersons in June 2003 and submitted to the General Assembly (UN Doc A/58/123).

- March 2005: report by the UN Secretary General entitled 'In Larger Freedom: Towards Development, Security and Human Rights for All'. This report called for harmonised guidelines on the reporting procedure.<sup>57</sup> These were later adopted in 2006.<sup>58</sup>

### The Dublin Process

The Dublin process is the most recent effort to strengthen the work of the treaty bodies, other than the General Assembly's intergovernmental process on treaty body strengthening initiated in 2012. The Dublin process was initiated by the UN High Commissioner on Human Rights in 2009 following a statement made to the Human Rights Council.<sup>59</sup> The aim of the process was to encourage a broad range of stakeholders - including States, treaty body experts, NGOs and NHRIs - to develop proposals to strengthen the treaty body system. Since 2009, 20 such consultations have taken place, where the various stakeholders have contributed proposals.

Following the call by the High Commissioner, a group of current and former members of the treaty bodies issued the *Dublin Statement on the Strengthening of the United Nations Human Rights Treaty Body System* following a meeting that took place in Dublin in November 2009.<sup>60</sup> One of the key observations made in the statement is that:<sup>61</sup>

'The purpose of all forms of reform of the treaty body system must be the enhanced protection of human rights at the domestic level. Subsidiary goals, such as enhanced efficiency, must always be in service of this purpose. Reform should strengthen the capacity of rights-holders to enjoy their human rights and support States to carry out their obligations to implement fully these rights.'

This principle also constituted one of the primary focuses of the contributions made by NGOs, in their response to the Dublin statement and throughout the process to date.<sup>62</sup>

The consultation process consisted of the following:

- Formal meetings, including the annual Inter-Committee Meetings of human rights treaty bodies and meetings of chairpersons.
- Consultations within treaty bodies and an Expert Meeting on Petitions for treaty body members.
- Informal meetings and consultations.
- Stakeholders' written submissions to the High Commissioner's call.
- Stakeholders' individual written submissions in the context of the treaty body strengthening process.<sup>63</sup>

The Dublin process culminated in the 'Dublin II' wrap-up meeting in November 2011. In June 2012, the High Commissioner produced a report, entitled *Strengthening the United Nations human rights treaty body system*, setting out key recommendations arising from the multi-stakeholder Dublin Process.<sup>64</sup> These recommendations included:

- *Developing a Comprehensive Reporting Calendar*: A Comprehensive Reporting Calendar would regularize States parties' reporting and establish in advance deadlines for reports and their review by treaty bodies.
- *Treaty body election improvements*: The High Commissioner proposed an 'open public space' for states parties to present their treaty body candidates. This public space would improve

<sup>57</sup> UN Doc A/59/2005 at 147.

<sup>58</sup> UN Doc HRI/GEN/Rev.6

<sup>59</sup> See URL: <http://www2.ohchr.org/english/bodies/HRTD/>.

<sup>60</sup> Available at URL: [http://www2.ohchr.org/english/bodies/HRTD/hrtd\\_process.htm#dublin](http://www2.ohchr.org/english/bodies/HRTD/hrtd_process.htm#dublin).

<sup>61</sup> Ibid, p.7.

<sup>62</sup> NGO submissions are available at URL: <http://www2.ohchr.org/english/bodies/HRTD/>.

<sup>63</sup> All documents relating to these consultations can be found on the OHCHR website, above n 65.

<sup>64</sup> Available on the OHCHR website, above n 65.

the candidate selection process by ensuring candidates' expertise, independence, and impartiality.

- *Increased use of technology*: The increased use of technology, including webcasting of treaty body sessions, would enhance the visibility of treaty body meetings and enable some state delegates to follow proceedings without travelling to Geneva or New York.

The report by the High Commissioner has been used to inform the intergovernmental process of the General Assembly.

### The Inter-Governmental Process

The General Assembly's inter-governmental process on the strengthening of the UN human rights treaty bodies was established in February 2012 under Resolution 66/254. Under this resolution, the inter-governmental process involves open, transparent and inclusive negotiations within the General Assembly framework to strengthen and enhance the functioning of the treaty body system. It takes into consideration relevant proposals on treaty body strengthening, including those developed by the High Commissioner as part of the Dublin Process.

As an initiative of the General Assembly, the inter-governmental process convenes in New York and is open to all member States of the UN, regardless of whether they have ratified some of or all the core international human rights treaties. Separate informal arrangements have been developed to integrate the inputs and expertise of treaty body experts, NHRIs and relevant NGOs in the inter-governmental process.<sup>65</sup>

The President of the General Assembly appointed two co-facilitators (the ambassadors of Iceland and of Indonesia) to work with him to lead the inter-governmental process.

### Issues Arising from the Inter-Governmental Process

Although the inter-governmental process has largely progressed on the basis of the report of the High Commissioner, some issues have arisen since its inception such as:

- A small group of States have countered many of the High Commissioner's proposals, claiming that they would require amendment of the treaties themselves.<sup>66</sup>
- The same group of States also argue that webcasting of the public sessions should only take place with the consent of the State.
- The comprehensive calendar is dependent on additional funding.
- The High Commissioner recommended that NGO briefings take place in public (which would undermine the current advantage of sharing information in the absence of the State).
- Logistical difficulties have been faced by NGOs in participating in the informal consultations.<sup>67</sup>
- The proposal made, primarily by the Russian Federation, to establish a code of conduct for treaty body members which, if adopted, would undermine the independence of the treaty bodies.<sup>68</sup>

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<sup>65</sup> These informal arrangements were a result of a compromise agreement following negotiations on GA resolution 66/254, where NGOs advocated for involvement in the inter-governmental process.

<sup>66</sup> Mainly Russia, China, Syria, and Iran.

<sup>67</sup> See above n 50, p.7

<sup>68</sup> For further details on this, see the ICJ statement on the independence of treaty bodies, available at URL: <http://www.icj.org/icj-statement-on-the-independence-of-the-un-treaty-bodies/>.

## 7. The Sustainable Development Goals and International Human Rights

The Sustainable Development Goals (SDGs) are a set of 17 goals and corresponding targets and indicators to which UN member States agreed in 2015. They committed to achieving the 17 SDGs by 2030. Hence, the SDGs are also referred to as the 2030 Agenda for Sustainable Development (see figure below). The Appendix contains a complete list of all 17 goals and associated 169 targets.



The SDGs replaced another set of universal goals – the Millennium Development Goals (MDGs) which were formulated in 2001 and expired in 2015. The 8 MDGs were to: reduce poverty and hunger; achieve universal education; promote gender equality; reduce child and maternal deaths; combat HIV, malaria and other diseases; ensure environmental sustainability; develop global partnerships. In addition to producing limited results, the MDGs were also criticised for their rather narrow focus. The goals made no mention of global inequalities and social injustice and did not specifically address economic development.

### 7.1 How Do the SDGs Translate into Domestic Law or Policy?

Like its predecessor, the SDG agenda represents voluntary commitments. *The SDGs are not legally binding upon States.* However, they can provide a helpful framework for governments to mobilise resources and shape public policies in a manner that takes a holistic view of development. This reality is recognised by the Government of Pakistan in key policy documents such as *Vision 2025*. At the same time, the SDGs supply a rallying point for civil society to hold governments accountable.

Pakistan became one of the first countries in the world to adopt the 2030 Agenda as a National Agenda through a National Assembly Resolution (No. 113) on 19 February 2016. With the *Vision 2025* having already incorporated the SDGs framework, the Ministry of Planning, Development and



Reforms and the UNDP signed a framework agreement under a National Initiative for SDGs; this aims to develop mechanisms for achieving the SDGs as per the respective priorities of the Federal and Provincial governments, and in collaboration with the private sector, civil society and academia. Within the overarching ambit of the National Initiative for the SDGs, all four provincial governments are developing their own SDGs projects, focusing on their own prioritization and preferred methods of implementation of SDGs in their respective provinces.

Furthermore, the 2030 Agenda demands that national and sub-national governments institutionalize SDGs at the local level, integrating SDGs into planning and budgeting processes.

## 7.2 The Link Between the SDGs and Human Rights<sup>1</sup>

As some of the targets highlighted in the Appendix make clear, there is a strong intersection between the SDGs and international human rights framework. Below are some examples:

- Goal 2 aims to end hunger, achieve food security and improved nutrition and promote sustainable agriculture. This is captured in Articles 11.1 and 11.2 of the ICESCR, Articles 24.2 and 24.2c of the CRC and Article 28.1 of the CRPD.
- Goal 5 is on the state's obligation to secure the right to equality and freedom gender-based from discrimination enshrined in Article 2(1) ICCPR and Article 2(2) ICESCR.
- Goal 8 promotes sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. This is captured in Articles 27.1 and 27.2 of the UDHR, Articles 13, 13b, 14.1 14.2 and 14.2g of CEDAW.
- Goal 16 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels. This is reflected in Arts. 3, 5, and 23.1–23.3 of the UDHR, Articles 6.1, 7 and 9.1 of the ICCPR, Articles 5 and 5b of the ICERD and 6.1, 6.2, 19.1, 19.2, 38.2 and 38.3 of the CRC.

## 7.3 The SDGs and Legislative Drafting<sup>2</sup>

There are several channels and mechanisms through which parliamentarians can ensure the achievement of the SDGs and as the majority of SDGs are about basic human rights, so enshrining them through laws and bills reflects the commitment of the country to protect human rights.

Mechanisms of incorporating SDGs in the legislative process:

- Legislation – law making
- Parliamentary oversight
- Debates in Parliament
- Committee hearings of Parliament

### *Legislation – Law Making*

The SDGs provide a framework for sustainable development and the targets stipulated in the framework should be used within the legislative process to ensure that the bills that become laws are SDGs responsive, are aligned with the needs and requirements of the people and sustainable in nature for long-lasting development. As mentioned above, Pakistan was amongst the very first countries to adopt SDGs into its National Development Agenda; therefore, it is all the more important for National and Provincial Assemblies of Pakistan to adhere to SDG responsiveness while legislating at all levels of Government.

SDGs-responsive legislation implies that while formulating a Bill it is important to ensure that the fundamentals of the Bill are in line with the ideals of SDGs. For instance, if a Bill for reforms in the education sector is to be floored, the Bill should, in letter and spirit, comply with the contents of the

<sup>1</sup> For further details, see [http://sdg.humanrights.dk/en/targets2?goal\[\]=85](http://sdg.humanrights.dk/en/targets2?goal[]=85).

<sup>2</sup> Musawi, *Legislative Drafting Manual for Punjab*, 2019. Reproduced by kind permission.

SDGs. The decision to bring reforms in the education sector should be based on the data that is collected against the indicators of the Goals most relevant to the Bill; the reform agenda set forth in the Bill should be in compliance with the targets of the goals most relevant to the Bill. In case of an education sector reform Bill, the most relevant Goals would be SDG 4, 5, 10 and 16; hence, the Bill should incorporate the targets and ideals of these goals in its contents.

#### *Parliamentary Oversight*

One of the major responsibilities of the Members of the Parliament is to observe and gauge the work and achievements of the Government. In its oversight role, the Parliament reviews and approves, every year, the budget, and the allocations made through the budget to various sectors and departments, based on the plans, policies and strategies that the government has adopted. This provides Members of the Parliament a unique opportunity to examine these plans, policies and strategies from the lens of SDGs, allowing them to question the Cabinet and the Leader of the House on SDGs responsiveness of the budget allocations, as well as provide their own perspective on how greater responsiveness may be achieved. By doing so, the Members of the Parliament can play their vital role of ensuring that the ideals of SDGs are enshrined in every budget allocation and policymaking.

#### *Debates in Parliament*

The debates in the Parliament provide every Member of the Parliament an opportunity to propose, suggest, object to or approve any plan or agenda that is being considered. These debates are a unique opportunity for the Members of the Parliament to encourage the sustainable development model as well as inform other Members about the ideals of SDGs. SDGs, in this regard, also provide Members of the Parliament with a structure to clearly scrutinize a proposed plan or agenda against; as SDGs cover a wide range of issues, once a proposed plan is distilled through the lens of SDGs, it would reflect sustained and inclusive development. Therefore, the use of targets and ideals of SDGs during debates in the Parliament increases the awareness of other Members of Parliament and serves as a quality assurance tool for a proposed plan or agenda.

#### *Committee Hearings of Parliament*

Committees formed at the Parliament provide the Members with a sectoral focus on issues and a more precise direction to deal with them. It is ideal to tackle the issue of SDGs responsiveness at committee level because the Members of Parliament in a Committee are most relevant to and competent regarding the issue (the committee has been formed for), hence, can relay their expertise on it. For instance, the Standing Committee on Law is likely to be best placed to deal with issues of rule of law – therefore, it can be instrumental in incorporating the ideals of SDG 16 (Peace, justice and strong institutions) into legislation referred to it.

## **7.4 Opportunities and Challenges to Making the SDGs Operational**

Operationalizing the SDGs calls for a high level of political will and major policy adjustments. While the road ahead is long and challenging, there are some opportunities in sight.

- **Funding mechanisms linked to SDGs.** There is in place a Sustainable Goals Development Fund under which various UN agencies (such as UNDP, UNICEF and UN Women) partner with national and local government counterparts, and civil society innovative projects to achieve the SDGs. Other bilateral donors such as the European Union and UK AID are increasingly linking official development assistance to the government and NGO projects designed to achieve SDGs.
- **Pakistan's changing demography/youth bulge.** Pakistan has been undergoing a major demographic transition with the bulging working-age population, which is projected to peak in 2045 to 68%. Today, around two-thirds of the total population is below the age of 30. With

appropriate policies dealing with education and employment, Pakistan may make some progress in line with the SDGs.

- **Spread of ICTs and mobile phones.** The spread of mobile phones and the Internet in Pakistan have opened up new economic opportunities. Such technology has also improved women's mobility, connectivity and exposure to information at least in big cities. Harnessing the potential of ICTs and creating equitable access to technology might be crucial in achieving several SDGs, for example SDG 4 (quality education), SDG 5 (gender equality), and SDG 11 (sustainable cities and communities).

At the same time, we cannot read too much into the SDGs in the absence of a deeper political commitment to social justice, democracy and inclusiveness. We need development to benefit all and not the privileged few. Inclusiveness is both a means to an end and an end itself. Its instrumental dimension implies that, by embracing a plurality of voices we can come up with contextually appropriate agendas and programmes. At the same time, inclusiveness is intrinsically important. Against the above backdrop, the following are some of the most obvious hurdles in Pakistan's path towards the SDGs:

- **Shrinking space for civil society and free media.** The space for dissent and free expression has shrunk increasingly in Pakistan with media outlets, journalists, independent bloggers, and human rights defenders facing State repression. The crackdown against INGOs which began under the previous government has resulted in narrowing down of legitimate civil society activity in the country.
- **Discrimination against women and inadequate political participation.** Women continue to battle economic obstacles – including inadequate nutrition, water shortages, and poor sanitation – affecting the survival of families. Under these conditions, the goal of ending discrimination against women and girls and of empowering them remains remote. Women's political participation has seen poor progress at best, although their ability to play an active role in the democratic process is the starting point for achieving the rights that women are guaranteed but denied access to.<sup>3</sup>
- **The economic recession and the IMF deal.** Pakistan continues to face severe economic challenges and has limited public financial resources. In the financial year 2018/19, the country's GDP growth rate slumped down to 3.2% against the ambitious target of 6.2%. The government has raised energy tariffs and fuel prices ostensibly to ensure economic stabilisation. In May 2019, the government signed a \$6 billion bailout package with the International Monetary Fund (IMF). It is anticipated that the deal will result in escalation of taxes and the prices of petroleum, gas and food items. Development projects are likely to shrink which will hit the poorer and disadvantaged sections of the society, including women and girls, the hardest.
- **Skewed wealth distribution and the right to food.** By 2030, Pakistan is supposed to 'end hunger and ensure access for all, especially for the poor and vulnerable, to nutritious and sufficient food the year round.' By signing the SDGs, the government has committed to ending all forms of malnutrition. For this to happen and for the country to achieve and sustain high growth rates, hunger and food insecurity need to end. Development practitioners have argued that it is not the case that Pakistan is not producing enough food. It can easily afford to provide its citizens with adequate nutrition. However, asymmetric income and wealth distribution continually result in inequitable access to food.<sup>4</sup>
- **Provinces' commitment to the SDGs.** Post-devolution, the provinces need to champion and drive the process of localising the SDG targets. This implies that each target must be incorporated into the provincial annual development plans, accompanied by the requisite financial resources,

<sup>3</sup> <https://www.dawn.com/news/1285636/broken-promises-why-women-and-girls-are-denied-rights>

<sup>4</sup> <http://www.un.org.pk/pakistans-challenges-sustainable-development-goals-2015-2030/>

timelines and political will. It also falls to the federal government to ensure support for certain SDGs through the National Finance Commission awards. In turn, the provinces must ensure that projects within their annual development programs are measured against the SDG indicators.<sup>5</sup>

- **Political parties' commitment to the SDGs.** Commitment on the part of the country's political parties is critical to meeting the SDGs. To mainstream sustainable development into the national discourse, political parties' manifestoes must not only highlight their broader social and economic pledges, but also ensure that these are SDG-compliant, reflecting specific SDG targets rather than merely rhetorical pledges.<sup>6</sup>

## 7.5 The SDG Targets

The complete list of SDGs and their associated targets are given below.<sup>7</sup>

### **SDG 1: End poverty in all its forms everywhere**

1.1 By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day

1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions

1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

1.5 By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters

1.a Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions

1.b Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions

### **SDG 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture**

2.1 By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round

2.2 By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons

2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment

2.4 By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen

<sup>5</sup> <https://www.dawn.com/news/1284960/pakistans-challenges-sustainable-development-goals-2015-2030>.

<sup>6</sup> Ibid.

<sup>7</sup> Source: <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality

2.5 By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at the national, regional and international levels, and promote access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed

2.a Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in developing countries, in particular least developed countries

2.b Correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round

2.c Adopt measures to ensure the proper functioning of food commodity markets and their derivatives and facilitate timely access to market information, including on food reserves, in order to help limit extreme food price volatility

### **SDG 3: Ensure healthy lives and promote well-being for all at all ages**

3.1 By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births

3.2 By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births

3.3 By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases

3.4 By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being

3.5 Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol

3.6 By 2020, halve the number of global deaths and injuries from road traffic accidents

3.7 By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes

3.8 Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all

3.9 By 2030, substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination

3.a Strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries, as appropriate

3.b Support the research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries, provide access to affordable essential medicines and vaccines, in accordance with the Doha Declaration on the TRIPS Agreement and Public Health, which affirms the right of developing countries to use to the full the provisions in the Agreement on Trade-Related Aspects of Intellectual Property Rights regarding flexibilities to protect public health, and, in particular, provide access to medicines for all

3.c Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States

3.d Strengthen the capacity of all countries, in particular developing countries, for early warning, risk reduction and management of national and global health risks

**SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all**

- 4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- 4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education
- 4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university
- 4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship
- 4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations
- 4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy
- 4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development
- 4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all
- 4.b By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries
- 4.c By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States

**SDG 5: Achieve gender equality and empower all women and girls**

- 5.1 End all forms of discrimination against all women and girls everywhere
- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- 5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate
- 5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life
- 5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences
- 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
- 5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women
- 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

**SDG 6: Ensure availability and sustainable management of water and sanitation for all**

- 6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all
- 6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations
- 6.3 By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally
- 6.4 By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity
- 6.5 By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate
- 6.6 By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes
- 6.a By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies
- 6.b Support and strengthen the participation of local communities in improving water and sanitation management

**SDG 7: Ensure access to affordable, reliable, sustainable and modern energy for all**

- 7.1 By 2030, ensure universal access to affordable, reliable and modern energy services
- 7.2 By 2030, increase substantially the share of renewable energy in the global energy mix
- 7.3 By 2030, double the global rate of improvement in energy efficiency
- 7.a By 2030, enhance international cooperation to facilitate access to clean energy research and technology, including renewable energy, energy efficiency and advanced and cleaner fossil-fuel technology, and promote investment in energy infrastructure and clean energy technology
- 7.b By 2030, expand infrastructure and upgrade technology for supplying modern and sustainable energy services for all in developing countries, in particular least developed countries, small island developing States, and land-locked developing countries, in accordance with their respective programmes of support

**SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all**

- 8.1 Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries
- 8.2 Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high-value added and labour-intensive sectors
- 8.3 Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services
- 8.4 Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-year framework of programmes on sustainable consumption and production, with developed countries taking the lead
- 8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value
- 8.6 By 2020, substantially reduce the proportion of youth not in employment, education or training
- 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

8.9 By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products

8.10 Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all

8.a Increase Aid for Trade support for developing countries, in particular least developed countries, including through the Enhanced Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries

8.b By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organization

### **SDG 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation**

9.1 Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all

9.2 Promote inclusive and sustainable industrialization and, by 2030, significantly raise industry's share of employment and gross domestic product, in line with national circumstances, and double its share in least developed countries

9.3 Increase the access of small-scale industrial and other enterprises, in particular in developing countries, to financial services, including affordable credit, and their integration into value chains and markets

9.4 By 2030, upgrade infrastructure and retrofit industries to make them sustainable, with increased resource-use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes, with all countries taking action in accordance with their respective capabilities

9.5 Enhance scientific research, upgrade the technological capabilities of industrial sectors in all countries, in particular developing countries, including, by 2030, encouraging innovation and substantially increasing the number of research and development workers per 1 million people and public and private research and development spending

9.a Facilitate sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support to African countries, least developed countries, landlocked developing countries and small island developing States

9.b Support domestic technology development, research and innovation in developing countries, including by ensuring a conducive policy environment for, inter alia, industrial diversification and value addition to commodities

9.c Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020

### **SDG 10: Reduce inequality within and among countries**

10.1 By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average

10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

10.4 Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality

10.5 Improve the regulation and monitoring of global financial markets and institutions and strengthen the implementation of such regulations



10.6 Ensure enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions

10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

10.a Implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with World Trade Organization agreements

10.b Encourage official development assistance and financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes

10.c By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent

### **SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable**

11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

11.2 By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons

11.3 By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries

11.4 Strengthen efforts to protect and safeguard the world's cultural and natural heritage

11.5 By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations

11.6 By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management

11.7 By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities

11.a Support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning

11.b By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels

11.c Support least developed countries, including through financial and technical assistance, in building sustainable and resilient buildings utilizing local materials

### **SDG 12: Ensure sustainable consumption and production patterns**

12.1 Implement the 10-year framework of programmes on sustainable consumption and production, all countries taking action, with developed countries taking the lead, taking into account the development and capabilities of developing countries

12.2 By 2030, achieve the sustainable management and efficient use of natural resources

12.3 By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses

12.4 By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment

12.5 By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse

12.6 Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle

12.7 Promote public procurement practices that are sustainable, in accordance with national policies and priorities

12.8 By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature

12.a Support developing countries to strengthen their scientific and technological capacity to move towards more sustainable patterns of consumption and production

12.b Develop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products

12.c Rationalize inefficient fossil-fuel subsidies that encourage wasteful consumption by removing market distortions, in accordance with national circumstances, including by restructuring taxation and phasing out those harmful subsidies, where they exist, to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimizing the possible adverse impacts on their development in a manner that protects the poor and the affected communities

### **SDG 13: Take urgent action to combat climate change and its impacts\***

13.1 Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries

13.2 Integrate climate change measures into national policies, strategies and planning

13.3 Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning

13.a Implement the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilizing jointly \$100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalize the Green Climate Fund through its capitalization as soon as possible

13.b Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities

\* Acknowledging that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change.

### **SDG 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development**

14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution

14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans

14.3 Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels

14.4 By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics

14.5 By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information

14.6 By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation

14.7 By 2030, increase the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism

14.a Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries

14.b Provide access for small-scale artisanal fishers to marine resources and markets

14.c Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of The Future We Want

**SDG 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss**

15.1 By 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements

15.2 By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally

15.3 By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world

15.4 By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development

15.5 Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species

15.6 Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed

15.7 Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products

15.8 By 2020, introduce measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems and control or eradicate the priority species

15.9 By 2020, integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts

15.a Mobilize and significantly increase financial resources from all sources to conserve and sustainably use biodiversity and ecosystems

15.b Mobilize significant resources from all sources and at all levels to finance sustainable forest management and provide adequate incentives to developing countries to advance such management, including for conservation and reforestation

15.c Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities

**SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

16.1 Significantly reduce all forms of violence and related death rates everywhere

- 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime
- 16.5 Substantially reduce corruption and bribery in all their forms
- 16.6 Develop effective, accountable and transparent institutions at all levels
- 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels
- 16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance
- 16.9 By 2030, provide legal identity for all, including birth registration
- 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
- 16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
- 16.b Promote and enforce non-discriminatory laws and policies for sustainable development

**SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development**

*Finance*

- 17.1 Strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection
- 17.2 Developed countries to implement fully their official development assistance commitments, including the commitment by many developed countries to achieve the target of 0.7 per cent of ODA/GNI to developing countries and 0.15 to 0.20 per cent of ODA/GNI to least developed countries; ODA providers are encouraged to consider setting a target to provide at least 0.20 per cent of ODA/GNI to least developed countries
- 17.3 Mobilize additional financial resources for developing countries from multiple sources
- 17.4 Assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries to reduce debt distress
- 17.5 Adopt and implement investment promotion regimes for least developed countries

*Technology*

- 17.6 Enhance North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation and enhance knowledge sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism
- 17.7 Promote the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed
- 17.8 Fully operationalize the technology bank and science, technology and innovation capacity-building mechanism for least developed countries by 2017 and enhance the use of enabling technology, in particular information and communications technology

*Capacity-Building*

- 17.9 Enhance international support for implementing effective and targeted capacity- building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation

*Trade*

17.10 Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization, including through the conclusion of negotiations under its Doha Development Agenda

17.11 Significantly increase the exports of developing countries, in particular with a view to doubling the least developed countries' share of global exports by 2020

17.12 Realize timely implementation of duty-free and quota-free market access on a lasting basis for all least developed countries, consistent with World Trade Organization decisions, including by ensuring that preferential rules of origin applicable to imports from least developed countries are transparent and simple, and contribute to facilitating market access

*Systemic Issues Policy and Institutional coherence*

17.13 Enhance global macroeconomic stability, including through policy coordination and policy coherence

17.14 Enhance policy coherence for sustainable development

17.15 Respect each country's policy space and leadership to establish and implement policies for poverty eradication and sustainable development

*Multi-stakeholder partnerships*

17.16 Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries

17.17 Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships

*Data, monitoring and accountability*

17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

17.19 By 2030, build on existing initiatives to develop measurements of progress on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries

- **Gain an improved conceptual understanding of human rights**
- **Recognise and interpret the main sources of international human rights law**
- **Examine the nature and scope of Pakistan's international human rights obligations**
- **Become aware of the substantive content of the core human rights treaties**
- **Identify the main international institutions for the protection of human rights**
- **Critically consider current issues facing the protection of human rights with a focus on women, children and minorities**
- **Become familiar with the Sustainable Development Goals and how they intersect with human rights in the context of Pakistan.**