

- ⇒ AGHS Legal Aid Cell
- ⇒ Ajoka Theater Workshop
- ⇒ All Pakistan Minorities Alliance
- ⇒ Aurat Foundation
- ⇒ CLAAS
- ⇒ Community Support Concern
- ⇒ DCHD
- ⇒ Democratic Womens Organization
- ⇒ Education Foundation
- ⇒ Gender Development Organization
- ⇒ Human Rights Commission of Pakistan
- ⇒ IRC
- ⇒ Justice & Peace Commission (MSLCP)
- ⇒ Labour Education Foundation
- ⇒ Labour Party of Pakistan
- ⇒ Lok Rehas
- ⇒ Lok Sujag
- ⇒ National Commission for Justice & Peace
- ⇒ Nawa-e-Khawateen
- ⇒ Pakistan Christian National Party
- ⇒ PILER
- ⇒ Punjab Naujawaan Mahaz
- ⇒ SAHE
- ⇒ Shirkat Gah
- ⇒ Simorgh
- ⇒ South Asia Partnership (SAP)
- ⇒ War Against Rape
- ⇒ Women Action Forum
- ⇒ Women Workers Helpline
- ⇒ Working Women Organization
- ⇒ Commission for Peace and Human Development
- ⇒ Caritas Pakistan Lahore

April 18, 2008

Makhdoom Shah Mahmood Qureshi,  
Foreign Minister,  
Government of Pakistan,  
Ministry of Foreign Affairs,  
Islamabad,  
Pakistan.

Excellency,

We are addressing you as human rights activists and as members of civil society in Pakistan that is striving to promote and protect human rights and fundamental freedoms for the country's entire population. We congratulate you on your appointment as Foreign Minister and look forward to your support for efforts to uphold the rule of law and human rights in all areas relevant to your mandate and authority.

An important issue that you will face as you assume leadership of the Foreign Ministry is Pakistan's candidacy for re-election to the United Nations Human Rights Council. This election will be held in the United Nations General Assembly on 16 May 2008. Resolution 60/251 of the General Assembly that established the Human Rights Council in April 2006 provides that the selection of members of the Council shall take into account (1) the contribution of the candidates to the promotion and protection of human rights and (2) their voluntary pledges and commitments made thereto. Additionally, members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, fully cooperate with the Council and present their record for review under the universal periodic review mechanism during their terms.

In a letter issued on 23 January 2008, we had expressed serious reservations against the election of Pakistan to this international body. The reason was the consistent record of human rights violations committed by the Musharaf regime in the past seven years, starting with his putsch in October 1999, and the more recent damage inflicted on the constitution and rule of law by the emergency imposed on 3 November 2007. His government showed scant respect for the rule of law or democratic values. Arbitrary detention of lawyers, judges, journalists, human rights defenders and political activists was the main feature of his rule during and following the period of emergency.

Disappearances, extra-judicial killings and torture are other forms of violations of human rights. Institutions have been systematically destroyed or weakened in order to impose draconian laws, policies and measures and to silence dissent or criticism.

On the one hand policies of Musharaf and his civilian partners have fanned religious extremism and intolerance, sectarian divisions resulting in violence, provincial disharmony that has weakened the federation, and created a climate of impunity that has heightened the sense of insecurity in every Pakistani. On the other, their ham handedness in combating terrorism has resulted in serious violations of human rights and international humanitarian law.

The past government pursued a policy of disinformation and concealment of the truth in order to create a clean image internationally. To carry out its policy of misleading the world, the Musharaf regime created an extremely hostile environment for the civil society actors, particularly human rights organizations and defenders. Restraints on the freedom of expression, assembly and information have been consistently used to deny defenders the right to call attention to the violations that are committed by the state authorities and agencies. Vilification campaigns through government agencies were unleashed to discredit the truth when exposed by human rights organizations or journalists. Victims were intimidated and silenced to prevent exposure of the government's wrong doing.

Pakistan made only routine pledges at the time of its election to the Council in 2006. During the period of its membership of the Council the government has taken no steps to ratify the international treaties that it has consistently ignored, such as the two International Covenants, the Convention Against Torture or the Refugee Convention. This has allowed the government to escape scrutiny by the international mechanisms and deprived the citizens of any international remedy when the national systems have been found lacking in competence and independence to give redress or hold the government accountable.

We believe that any government which is undemocratic and shows no regard for the freedom, development or security of its own citizens can play no positive role in an international human rights body. Its membership of such a body can only damage the international system and the reputation of the country it claims to represent. However, as stated in our letter mentioned earlier, we could welcome and support Pakistan's membership of the Council under the leadership of a government that enjoys the confidence of the people and has a declared commitment to respect human rights and fundamental freedoms of the people in Pakistan and globally.

It is an encouraging sign that the newly formed government has declared its intentions to reverse many of the draconian measures imposed by General Musharaf and the government led by him. Notable amongst the announcements made by Prime Minister Gillani are the repeal of laws and regulations that suppress freedom of the press, revival of the student unions, restoration of the rights of workers organizations and the intention of repealing the notorious Frontier Crimes Regulation in force in the tribal areas. We particularly welcome the Government's immediate action to release judges of the superior courts, including the Chief Justice of Pakistan, from illegal and arbitrary detention.

It is important for your government to distinguish itself from the previous regime by demonstrating your commitment to uphold the high standards in the promotion and protection of

human rights required for the membership of the Council. We, therefore, urge you to ensure that Pakistan's candidacy is based on a firm commitment to attain these standards and on specific pledges to adopt measures for the full implementation of the commitments made.

We recommend to the Government of Pakistan to give the following assurances as a signal of its commitment, primarily to the people of Pakistan, but also to the international community.

1. As a step towards strengthening the framework for the enjoyment of basic rights by the people of Pakistan, the Government shall move for the immediate ratification of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention Against Torture, the Convention on Involuntary Disappearances and the Refugee Convention.
2. The Government shall give full guarantees of the independence of the judiciary. In this regard the Government shall remove all restraints imposed on the judges of the superior courts on 3 November 2007 and ensure that all these judges are able to fully perform the functions of their office.
3. All laws or constitutional amendments issued during the emergency of 3 November 2007 that curtail the freedom of the press and interfere with autonomy and independence of judges and lawyers and professional bodies such as the Bar Councils will be repealed.
4. The Government shall take all measures necessary to establish electoral processes that guarantee free, fair and regular elections, including the establishment of an independent and permanent election commission with authority over all matters related to the electoral process in Pakistan.
5. Reforms of the Judicial and penal system will be undertaken to ensure the right to due process and fair trial; the right of civilians to be tried by civilian courts; treatment of prisoners in accordance with international standards; and safeguards against torture and other cruel and inhuman or degrading punishment or treatment in a custodial environment. Provisions for reparation and compensation to victims of human rights violations will be introduced through appropriate laws. A Commission will be established to review the death penalty. A moratorium on death penalty will be imposed till the findings of the Commission are made public and measures to implement any recommended changes are adopted.
6. The right to life and liberty will be ensured. The security forces and the intelligence structures in the country will be re-assessed and reformed by legislating laws that specify their functions and authority with clarity and establish effective mechanisms for their control and accountability. Processes will be established on an urgent basis to investigate in a transparent and impartial manner all complaints and incidents of deaths in custody, extra-judicial killings, disappearances, incommunicado detentions and torture. Immediate measures will be taken to close all illegal and clandestine places of detention used by the intelligence and security personnel. Immediate measures will also be taken to recover the disappeared and release those illegally detained.

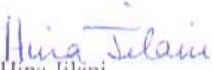
7. The government shall undertake to guarantee public safety and security by ensuring the demobilization of militants and effective program of control on weapons throughout the country.
8. Adequate provisions will be made for the safe return of civilian population displaced because of military operations against terrorism or insurgency, with full restoration of their property and guarantee of a secure environment. In the interim humanitarian assistance will be provided to IDPs in all parts of the country and help of the international humanitarian agencies will be sought where required.
9. All laws or policies that deny women equality of status or opportunity shall be repealed. Guarantees of protection against violence will be supported by legislation that provides effective mechanisms for complaint and prosecution. The Government undertakes to enforce a domestic violence law prepared in consultation with civil society and experts.
10. The Government undertakes to provide laws for the enforcement of people's economic, social and cultural rights and to ensure that laws against bonded and child labor are fully implemented and the core ILO Conventions respected in letter and spirit.
11. Local governments will be mobilized and provided with adequate resources in order to undertake development initiatives that secure peoples' right to employment, food, adequate housing, clean water and dignified standard of living. The Government shall ensure that women benefit equally from development initiatives, including the right to ownership of land or property under any government program.
12. Protection of minorities shall be ensured and stringent action will be taken against those who violate their civil and political as well economic, social and cultural rights. Laws that discriminate or place any of these minorities at risk shall be reviewed and reformed.
13. The Government shall fully respect the rights of human rights defenders as provided in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The Government undertakes to facilitate the work of these defenders by allowing access to information and respecting their freedom of association, assembly and expression. The Government also undertakes to take all measures necessary to protect defenders against any harm because of their work.
14. Pakistan shall use its membership of the United Nations Human Rights Council to promote the cause of human rights and to strengthen the international human rights system. It will use its influence and association with other inter-governmental bodies to assist the Council in establishing and conducting effective systems for impartial and objective scrutiny and accountability on human rights.
15. Pakistan will contribute to the Council's capability of rapid response to special situations that affect human rights in any part of the world.
16. Pakistan will, in particular, extend her cooperation to the Special Procedures of the Council and promote the respect for their independence.

17. Pakistan will support the independence and autonomy of the Office of the High Commissioner for Human Rights and extend full cooperation to that office.
18. Pakistan shall work to ensure that the Universal Periodic Review entails a thorough and objective examination of all aspects of the human rights record of the countries under review, and that the Council makes relevant conclusions and recommendations that are followed up by monitoring their implementation.
19. Pakistan shall support the unhindered access of NGOs and civil society to the Council sessions and shall contribute to improvement in their level of participation in deliberations of the Council.

In order for Pakistan to play a fuller role in the international scene it is essential that the Permanent Mission in Geneva is headed by a high-level official who is committed to human rights, and who does not undermine this role by adopting any politicized strategies or positions dictated by relations with countries and groupings. We hope that Pakistan's success in securing membership of the Council will be a matter of pride for the people, rather than an embarrassment.

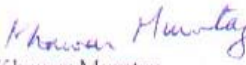
We hope that under your leadership Pakistan will be able to build its credibility in the international community by demonstrating full respect for the rights of people in the country and by the right responses to human rights situations beyond our borders.


We wish you and your government success in meeting the pressing challenges of domestic reform, and in developing a program for assuming leadership in the promotion and protection of human rights abroad.

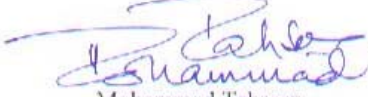
  
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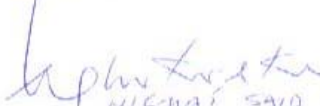
  
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