



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
24 September 2024

Original: English

Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of Pakistan*

1. The Committee considered the combined twenty-fourth to twenty-sixth periodic reports of Pakistan,¹ submitted in one document, at its 3085th and 3086th meetings,² held on 8 and 9 August 2024. At its 3099th meeting, held on 19 August 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twenty-fourth to twenty-sixth periodic reports of the State party. The Committee also welcomes the constructive dialogue with the high-level delegation and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's:

(a) Accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 4 November 2022;

(b) Ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, on 4 April 2022;

(c) Human Rights 75 initiative pledges, including to reinforce social safety nets for poor and marginalized communities, build climate resilience and rehabilitate flood-affected populations, and counter religious intolerance, hatred and Islamophobia, made on 10 December 2023.

4. The Committee also welcomes the State party's adoption of its National Action Plan on Human Rights.

C. Concerns and recommendations

Statistics

5. The Committee notes the collection and publication of statistics as part of the 2023 population census, disaggregated by nationality and languages spoken, and the 2021 edition

* Adopted by the Committee at its 113th session (5–23 August 2024).

¹ CERD/C/PAK/24-26.

² See CERD/C/SR.3085 and CERD/C/SR.3086.



of *Social Indicators of Pakistan*, disaggregated by rural and urban areas. The Committee regrets the lack of statistics and socioeconomic indicators disaggregated by the grounds enumerated under article 1 (1) of the Convention, namely, race, colour, descent and national or ethnic origin, as such statistics and socioeconomic indicators are required to properly assess the situation of different groups and to comprehend the degree to which these groups enjoy the rights enshrined in the Convention. The Committee also regrets the lack of information on steps taken to ensure the self-identification and anonymity of participants (arts. 1 and 2).

6. **Recalling its previous concluding observations,³ the Committee recommends that the State party produce statistics on the socioeconomic situation of all ethnic groups and non-nationals, including migrants, refugees, asylum-seekers and stateless persons, in particular on their enjoyment of economic, social and cultural rights, disaggregated by sex and age, with a view to creating an empirical basis for assessing the enjoyment of the rights enshrined in the Convention. It also recommends that the State party improve and diversify the collection of data on the ethnic composition and national origin of its population on the basis of self-identification and anonymity. The Committee draws the attention of the State party to its general recommendations No. 4 (1973) concerning reporting by States parties under article 1 of the Convention and No. 24 (1999) concerning article 1 of the Convention.**

Convention in domestic law and the institutional and policy framework for its adoption

7. The Committee welcomes the information provided on the three cases in which the Convention was invoked before the courts or applied by judges. While taking note of the constitutional provisions that guarantee equality and prohibit discrimination, the Committee regrets the overall lack of information provided on cases concerning racial discrimination. The Committee is concerned that the application of these constitutional provisions has been low and limited to cases concerning discrimination based on religion. While noting the merger of the Federally Administered Tribal Areas with Khyber Pakhtunkhwa Province, which extended the applicability of the Constitution and the jurisdiction of the superior courts, the Committee remains concerned about the lack of uniformity in the effect given to the rights enumerated under the Convention across the territory of the State party under domestic law. While recognizing the positive step of the enactment by the Sindh, Khyber Pakhtunkhwa and Baluchistan provincial assemblies of the Protection of Communal Properties of Minorities Act in 2013, 2014 and 2018, respectively, the Committee regrets the apparent lack of equivalent legislation in the remaining province, Punjab, and in the Islamabad Capital Territory and Pakistan-administered Kashmir. The Committee is concerned that this lack of uniformity will result in disparate protections of the rights of groups across the territory of the State party (arts. 1 and 2).

8. **The Committee recommends that the State party:**

- (a) **Establish comprehensive mechanisms for collecting statistical data on the number of cases concerning discrimination at the district, territorial, provincial and federal levels, disaggregated by factors such as ethnicity and nationality;**
- (b) **Publish and analyse the data to develop targeted policies to eliminate discrimination and to monitor the effectiveness of these measures over time;**
- (c) **Adopt comprehensive anti-discrimination legislation at the federal level, including a definition of racial discrimination that explicitly includes all the grounds specified in article 1 of the Convention and prohibits direct, indirect and intersecting forms of discrimination in both the public and the private spheres;**
- (d) **Conduct training for lawyers, prosecutors and judges on the rights under the Convention, at the district, provincial and federal levels;**

³ CERD/C/PAK/CO/21-23, para. 12.

(e) **Conduct awareness-raising among the general public on the rights under the Convention;**

(f) **Undertake a federal initiative to harmonize provincial laws that give effect to the rights enshrined in the Convention.**

National human rights institution

9. The Committee welcomes the recent accreditation with A status of the National Commission for Human Rights by the Global Alliance of National Human Rights Institutions. The Committee also positively notes the Commission's broad mandate, including its competence to receive, investigate and resolve complaints. The Committee is, however, concerned about the disparity between the significant financial resources allocated to the National Commission for Human Rights and its low annual spending, which may indicate a greater need for human and technical resources. The Committee is also concerned about the lack of public participation and of an independent procedure for the nomination or appointment of the single representative of all ethnic minority groups (art. 2).

10. **The Committee recommends that the State party guarantee the allocation of adequate financial, technical and human resources to the National Commission for Human Rights, at both the provincial and the federal levels, so that it can fully and effectively implement its mandate, in particular with respect to the situation of ethnic minority groups. The Committee also recommends taking all the measures necessary to prevent reprisals against members of the Commission and other Commission officials and guaranteeing its independence and impartiality by adopting a procedure for the nomination and appointment of the representative of ethnic minority groups, such as the creation of an independent oversight mechanism inclusive of all racial, ethnic, ethno-religious and national minority groups.**

National Commission for Minorities

11. While noting the increased allocation of financial resources to the National Commission for Minorities, the Committee regrets the overall lack of information on the Commission's mandate, the procedures for the nomination, appointment and removal of its members and its decision-making processes. The Committee also regrets the lack of information on coordination between the National Commission for Minorities and the National Commission for Human Rights (art. 2).

12. **The Committee recommends that the State party take legislative measures to clarify the mandate of the National Commission for Minorities. The Committee also recommends that the State party guarantee the independence of the procedures for the nomination, appointment and removal of the Commission's members and ensure that all its decision-making is free from political interference and includes participation by a diverse range of stakeholders, including civil society organizations and representatives of the various ethnic minority groups.**

Racist hate speech, incitement to racial hatred and hate crimes

13. While noting the criminalization of hate speech under sections 295-A and 296 to 298 of the Pakistan Penal Code, the Committee reiterates its concern that domestic criminal law does not fully incorporate all the provisions of article 4 of the Convention with regard to the declaration as illegal and prohibition of racist organizations and the criminalization of the dissemination of ideas based on superiority or racial hatred. In addition, the Committee is concerned about:

(a) Reports of incitement to violence and hate crimes against ethnic and ethno-religious minority groups, including physical attacks, riots and mob lynchings, which have resulted in killings, injuries and destruction of property;

(b) The low rate of conviction in cases concerning hate speech in which these provisions of the Pakistan Penal Code were applied;

(c) Reports of racist and xenophobic hate speech, including by public officials, political representatives and other individuals in positions of power, which contribute to a climate of impunity, intolerance and discrimination (arts. 2, 4 and 6).

14. Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:

(a) Ensure that legislation prohibiting hate speech covers all forms of racist expression, including the dissemination of ideas based on racial or ethnic superiority, incitement to hatred and participation in organizations promoting racial discrimination, and guarantee that it is consistent with international human rights standards, in particular with regard to the balance between freedom of expression and protection from hate speech;

(b) Establish mechanisms for the systematic collection and analysis of data to monitor the prevalence and impact of hate speech;

(c) Enforce legislation that addresses all forms of racist hate speech and expression, including the dissemination of ideas based on racial or ethnic superiority, incitement to hatred and participation in organizations promoting racial discrimination;

(d) Take steps, including the application of disciplinary measures, to ensure that public authorities, including high-level public officials, distance themselves from hate speech and formally and publicly reject and condemn hate speech and the dissemination of racist ideas;

(e) Establish standard operating procedures in line with international human rights standards for the monitoring and prompt and thorough investigation by law enforcement agencies of incidents of violence against ethnic minority groups, including riots and abductions, and their response to such incidents;

(f) Conduct specialized training for prosecutors, lawyers and judges on the effective prosecution of perpetrators of racist hate speech or violence and the appropriate punishment for those found guilty;

(g) Establish mechanisms by which victims can report incidents of hate speech or violence without fear of reprisal or further harm, and provide adequate support and protection for victims of violence and their families, including medical care, psychological support and legal assistance;

(h) Bring into effect the Protection of Journalists and Media Professionals Act 2021 by establishing an independent safety commission and supporting media pluralism and professionalism to ensure that minority voices are heard and represented fairly, and work with media outlets to promote ethical journalism and responsible reporting.

Attacks and reprisals against persons accused of blasphemy

15. The Committee is deeply concerned about the increasing number of reports of violent attacks and reprisals, including physical attacks, mob lynchings and killings, against persons accused of blasphemy, who often belong to ethnic and ethno-religious minority groups, including incidents in May and June 2024 in Punjab and Khyber Pakhtunkhwa Provinces, which resulted in injuries, killings and destruction of property. While noting the information provided on the steps taken by the State party to investigate, prosecute and convict individuals involved in the attacks that took place in Sialkot in 2021 and Jaranwala in 2023, the Committee is concerned that less than 7 per cent of suspects were arrested. The Committee regrets the lack of information on the investigation, prosecution, conviction and sentencing of those suspected of involvement in the killing of a man accused of blasphemy while he was in police custody in Madyan, Khyber Pakhtunkhwa, in June 2024. In addition, the Committee is concerned about reports that individuals accused of blasphemy often face prolonged detention, solitary confinement and prolonged trials, risking their safety and undermining their rights to a fair trial and to freedom from torture or other inhuman treatment. The Committee is alarmed by the increase in the total annual number of cases concerning blasphemy, from 11 in 2020 to 213 in 2023, and in particular by those brought under sections 295 and 298 of the Pakistan Penal Code and under the Prevention of Electronic Crimes Act.

While noting the Supreme Court decision to acquit in *Asia Bibi v. the State* and the Supreme Court decision in *Mumtaz Qadri v. the State*, the Committee is concerned that the State party has taken insufficient measures to enforce the relevant domestic laws to guarantee the right to a fair trial and prevent reprisals. The Committee reiterates its concern about the broad and vague definitions of the crimes established under sections 295, 295-A, 295-B, 295-C, 298-A, 298-B and 298-C of the Pakistan Penal Code (arts. 2, 4 and 6).

16. The Committee recommends that the State party:

(a) **Repeal or reform its blasphemy laws, in particular those that impose severe penalties such as life imprisonment or the death penalty, to ensure that the crimes under sections 295, 295-A, 295-B and 295-C are not broad and vague and are in accordance with international human rights standards;**

(b) **Ensure the full implementation of domestic law protecting the rights of persons accused of blasphemy, such as the decisions of the Supreme Court in *Asia Bibi v. the State* and *Mumtaz Qadri v. the State*, including their rights to a fair trial and to judicial proceedings free from bias or external pressure;**

(c) **Take all the measures necessary to prevent violent attacks and reprisals against persons accused of blasphemy, in particular those under police custody or in detention, such as the adoption of standard operating procedures for police and law enforcement agencies in cases concerning blasphemy;**

(d) **Ensure that the burden of proof continues to rest with the prosecution and enforce domestic laws requiring high evidentiary standards in cases concerning blasphemy;**

(e) **Investigate all violent attacks and reprisals, including mob lynchings and killings, against persons accused of blasphemy, ensuring that all perpetrators are prosecuted, convicted and appropriately sentenced.**

Enforced disappearance of ethnic and ethno-religious leaders, politicians, public officials and human rights defenders

17. The Committee is concerned about reports of the enforced disappearance of ethnic and ethno-religious leaders, politicians, public officials and human rights defenders, including more than 10,000 cases registered by the Commission of Inquiry on Enforced Disappearances. The Committee is particularly concerned about the increasing rate of enforced disappearance among persons belonging to ethnic minority groups in Sindh and Balochistan Provinces. The Committee is also concerned about the lack of effective investigations and prosecutions of and accountability for those responsible for cases of enforced disappearance, perpetuating a climate of impunity and fear within affected communities (arts. 2 and 6).

18. The Committee encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to recognize the competence of the Committee on Enforced Disappearances under articles 31 and 32 of that Convention. In addition, the Committee recommends that the State party:

(a) **Allocate adequate human, technical and financial resources to developing, adopting and implementing measures to prevent and end enforced disappearance among ethnic minority groups and ensure their safety and security;**

(b) **Take all the measures necessary to investigate and prosecute all reports of the enforced disappearance of ethnic and ethno-religious leaders, politicians, public officials and human rights defenders, ensuring that those convicted are held accountable and receive penalties commensurate with the crime;**

(c) **Ensure that victims and their families receive appropriate reparations, including cessation, guarantees of non-repetition, restitution, compensation, satisfaction and rehabilitation;**

(d) **Provide adequate support and protection for the families of disappeared persons, including medical care, psychological support and legal assistance.**

Equal public and political participation

19. The Committee is concerned that the representation of ethnic minority groups in high-ranking political and public positions remains low and that less than 3 per cent of all public officials belong to ethnic minority groups, according to the Annual Statistical Bulletin of Federal Government Employees. The Committee is also concerned that the State party has taken insufficient measures to address systemic and structural barriers to equal public and political participation, such as the exclusion of members of ethno-religious minority groups that are not recognized as Muslim, such as Ahmadis, from the seats reserved for non-Muslim candidates in the National Assembly, the Senate and provincial assemblies (art. 5).

20. **With reference to its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party adopt measures, including special measures, to address the systemic and structural barriers to the equal participation in public and political affairs of candidates and public officials belonging to ethnic minority groups, such as by reserving a proportionate number of seats for candidates belonging to ethnic minority groups.**

Economic, social and cultural rights

21. The Committee is concerned about persistent racial discrimination, in particular caste-based discrimination, in the enjoyment of economic, social and cultural rights, including significant barriers in gaining access to fundamental rights and services, which exacerbates marginalization and social exclusion. The Committee is also concerned about:

(a) High levels of poverty and unemployment among ethnic minority groups, including the Sheedi and Baloch communities;

(b) Reports of inadequate living conditions and a lack of infrastructure in areas in which ethnic minority groups reside;

(c) Discriminatory employment and advertisement practices based on racist stereotypes of certain ethnic minority groups or castes, such as those targeting non-Muslim minority groups for sanitation work;

(d) Reports of harassment, intimidation and excessive use of force by security and law enforcement officials deployed to checkpoints and public spaces, such as markets, against ethnic minority groups, including the Hazara and Pashtun communities;

(e) Higher rates of morbidity and mortality among ethnic minority groups, in particular in rural communities, including a high maternal mortality rate due to a lack of resources, leading to post-partum haemorrhages;

(f) Higher rates of absence and dropout among students and children belonging to ethnic minority groups and scheduled castes, in particular in rural communities (art. 5).

22. **The Committee recommends that the State party:**

(a) **Reduce poverty and unemployment among ethnic minority groups, including the Sheedi and Baloch communities, by facilitating equal access to employment opportunities and to training and support for small business development, such as financial literacy programmes and mentorship opportunities;**

(b) **Take institutional measures to increase the reinvestment into local communities, including Baloch communities, of revenues from the exploitation of natural resources, and require thorough consultations with affected communities with a view to obtaining their free, prior and informed consent for the granting of licences;**

(c) **Improve housing and living conditions in areas in which members of ethnic minority groups reside by improving infrastructure and access to basic social welfare services, including clean water, sanitation and electricity;**

(d) **Prevent and combat discriminatory employment and advertisement practices based on racist stereotypes, in particular those targeting members of non-Muslim ethnic minority groups for sanitation work;**

(e) **Ensure that, prior to granting licences for projects involving the development and exploitation of natural resources, the communities concerned are consulted and independent and impartial studies are conducted on the social, environmental and cultural impact that such projects may have on the traditional ways of life and livelihoods of members of the ethnic groups particularly affected;**

(f) **Take effective measures to investigate all complaints of harassment, intimidation and excessive use of force by security and law enforcement officials deployed to checkpoints and public spaces, and ensure accountability;**

(g) **Address the underlying socioeconomic determinants of health that contribute to higher morbidity and mortality rates among ethnic minority groups, in particular among ethnic minority women and members of scheduled castes, such as poverty, lack of education and inadequate living conditions;**

(h) **Invest in the infrastructure of health-care facilities in rural and ethnic minority communities to ensure that they are equipped with the necessary medical equipment and trained health-care personnel, including midwives and obstetricians;**

(i) **Develop and implement effective measures to reduce dropout rates among ethnic minority school students, including targeted educational programmes, instruction and testing in their native languages, and support services.**

Freedom of religion or belief

23. While positively noting the decision of the Supreme Court in *suo moto* case No. 1 of 2014, which concerned the development of school curricula to promote a culture of religious and social tolerance and the formal recognition of the religious festivals of ethno-religious minority groups, the Committee is concerned that the State party has taken insufficient measures, in law and in practice, to ensure the rights of persons belonging to ethno-religious minority groups, in particular non-Sunni ethno-religious minority groups. The Committee regrets the lack of information on the development of a law on interfaith intolerance. While acknowledging the steps taken by the State party to provide the communities affected by religious intolerance with reparations, including the reconstruction of churches and compensation of families, the Committee is concerned about the risks faced by persons belonging to religious minority groups in freely exercising their right to freedom of religion or belief. In particular, the Committee is concerned about reports of physical attacks, the desecration of religious or cultural symbols and the destruction of places of worship, including the destruction, in 2023, of 36 Ahmadi mosques, 26 Christian churches, 2 Hindu temples and 1 Sikh gurdwara. In addition, the Committee is deeply concerned about reports of the harassment and intimidation of Ahmadi Muslims in the period preceding and during Eid al-Adha, including judicial harassment by bar associations against public officials permitting Ahmadi ritual sacrifices and arbitrary arrests and detentions of Ahmadis who perform such sacrifices. The Committee is also concerned about the lack of accountability and impunity for the harassment and intimidation of and attacks against ethno-religious communities, places of worship or property (art. 5).

24. **The Committee recommends that the State party take all necessary measures in accordance with article 5 of the Convention. It also recommends that the State party:**

(a) **Review its domestic legal framework to ensure the rights of persons belonging to ethno-religious minority groups, including their right to freedom of religion or belief, without any discrimination, in law and in effect;**

(b) **Renew or expedite steps towards the adoption of a law on interfaith intolerance;**

(c) **Engage in regular inclusive and participatory consultations with representatives of ethno-religious minority communities to identify their concerns and develop policies, such as security and safety policies, that address their specific needs;**

(d) **Take steps to prevent physical attacks, the desecration of religious or cultural symbols and the destruction of places of worship, including reprisals;**

(e) **Provide adequate reparations to affected communities, including guarantees of non-repetition, satisfaction and rehabilitation, in addition to restitution and compensation, such as by reconstructing places of worship or providing compensation for families affected.**

Forced conversions and forced marriages

25. While noting the steps taken to establish a legal framework to prevent forced conversions and forced marriages, including the enactment of provincial child marriage laws, the Committee is concerned that the State party has taken insufficient measures to consider or address the root causes of such crimes. The Committee is deeply concerned about frequent reports that women and girls, in particular Hindu Dalit and Christian women and girls, face threats, harassment and intimidation, abduction, sexual violence, forced marriage and forced conversion. In addition, the Committee notes with concern reports that law enforcement authorities often dismiss the complaints of victims' families and fail to promptly and effectively investigate abductions or determine the ages of victims and that investigators, prosecutors and judges fail to critically examine evidence presented by abductors, including coerced statements and fraudulent documents, with some cases resulting in court orders that effectively validate forced marriages. The Committee is also concerned about the low rate of birth registration in the State party, as a result of which age is determined by other means under its current policy (art. 5).

26. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of its legal framework to prevent forced conversions and forced marriages, and consider the introduction of additional institutional and legislative measures, such as the adoption of laws criminalizing abductions, or attempted abductions, for the purpose of forced conversions or forced marriages;**

(b) **Conduct training for law enforcement authorities, prosecutors, lawyers and judges on due process and evidentiary standards, including those relating to signed confessions;**

(c) **Ensure that victims and their families have access to justice, effective remedies and support services such as shelters, legal aid, psychological counselling and rehabilitation programmes;**

(d) **Increase efforts to improve the birth registration system, including by addressing barriers to registration, such as a lack of resources or distrust among communities towards public authorities.**

Jirgas

27. The Committee notes the decision of the Supreme Court on the unlawfulness of jirgas and the recent arrest of five individuals for arranging the settlement of a child rape case in May 2024. The Committee also notes the information provided that, following the merger of the Federally Administered Tribal Areas with Khyber Pakhtunkhwa Province and the reform of the provincial court system of Khyber Pakhtunkhwa, decisions by jirgas on criminal acts or violations of social norms are no longer systematic. The Committee is, however, concerned about reports of decisions being taken by jirgas, in particular in Baluchistan and Khyber Pakhtunkhwa, including decisions on reconciliation agreements for the crimes of rape and forced marriage. The Committee is particularly concerned about reports of the death penalty being delivered and carried out (art. 6).

28. **The Committee recommends that the State party enforce domestic law on the unlawfulness of jirgas by investigating and prosecuting persons involved in the arrangement of or participation in jirgas, applying appropriate penalties commensurate with the crime and guaranteeing access to effective remedies for victims. Recognizing the disproportionate and discriminatory effect of jirgas on ethnic minority women, in particular in Baluchistan and Khyber Pakhtunkhwa, the Committee**

recommends the development of evidence-based policies and investigation procedures for law enforcement officials, prosecutors and other public authorities responsible for reports of jirgas delivering convictions, sentences and penalties. The Committee also recommends that the State party undertake awareness-raising campaigns among communities that practise informal settlements on access to justice and the rights to a fair trial and to effective remedies in line with international human rights standards.

Access to justice and effective remedies

29. Despite the steps taken by the State party to increase the number of prosecutors and lawyers, the Committee is concerned that the State party has taken insufficient measures to guarantee access to justice and the right to effective remedies, with particular concern about:

(a) Frequent reports of arbitrary interference, harassment or intimidation, including reports from seven of the nine judges of the High Court of Islamabad who are currently under *suo moto* investigation by a commission of inquiry;

(b) The procedure for the removal of judges, which may be recommended by the Supreme Judicial Council;

(c) Reports of physical attacks and killings of lawyers defending individuals or communities belonging to ethnic or ethno-religious minority groups;

(d) Reports of intimidation, harassment and physical attacks against lawyers belonging to ethnic minority groups, including the physical attack against Syed Ali Ahmed Tariq while he was appearing in court;

(e) The significant backlog, of 2.2 million cases, and prolonged duration of court proceedings, in part as a result of the high rate and fear of reprisals among lawyers defending the accused, in particular in cases concerning racist hate speech and blasphemy;

(f) The limited representation of judges belonging to ethnic minority groups in the superior courts and high courts (art. 6).

30. The Committee recommends that the State party:

(a) **Promptly and effectively investigate all reports of arbitrary interference, harassment or intimidation of lawyers and judges, guaranteeing adequate protection and preventing further reprisals;**

(b) **Ensure that all decisions on the nomination, appointment or removal of judges are free from political interference;**

(c) **Take all the measures necessary, at the district, provincial and federal levels, to protect judges and lawyers defending individuals or communities belonging to ethnic or ethno-religious minority groups from physical attacks and killings;**

(d) **Take all the measures necessary to address the significant backlog of cases and prolonged duration of court proceedings, allocating sufficient technical, human and financial resources to that end;**

(e) **Improve the representation of judges belonging to ethnic minority groups at the district, provincial and superior court levels.**

Non-citizens, including migrants, refugees and asylum-seekers

31. While noting the steps taken by the State party to build infrastructure and ensure access to basic services for refugees and asylum-seekers, including with technical assistance from the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees, the Committee is concerned that the State party has not established a legislative and institutional framework to respect and guarantee the rights of migrants, refugees and asylum-seekers in its territory or under its effective control. The Committee is deeply concerned about reports that, following the adoption of the Illegal Foreigners' Repatriation Plan on 26 September 2023, 700,000 individuals were deported or returned to Afghanistan in the period up to 31 July 2024 and that 101,000 individuals were deported or returned to Afghanistan between April and June 2024. The Committee is

concerned that the Illegal Foreigners' Repatriation Plan does not provide for individualized assessments of the risk of refoulement and persecution or for protection of the rights and best interests of children, in particular unaccompanied or separated children, who are at a high risk of trafficking and other forms of exploitation. In addition, the Committee is deeply concerned about reports of the harassment and intimidation faced by Afghan migrants, refugees and asylum-seekers, noting that, between 15 September and 31 December 2023, approximately 28,500 Afghans were arrested or detained, contributing to a climate of fear that has led to an emergency exodus and instability in the region (arts. 5 and 6).

32. The Committee recommends that the State party continue to collaborate with and seek technical assistance from international partners, including the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, in order to ensure access to basic services for all non-citizens, including migrants, refugees and asylum-seekers. The Committee urges the State party to establish a legislative and institutional framework, in accordance with the principle of non-refoulement under customary international law, to guarantee the rights of non-citizens within its territory or under its effective control, ensuring that none of the measures adopted is discriminatory, either in law or in effect. The Committee also recommends that the State party:

(a) Adopt and implement legislative or institutional measures on individualized assessments, including for women, children, ethnic or ethno-religious minority groups and other vulnerable groups who may face persecution or serious harm upon return;

(b) Take measures to mitigate the risk of trafficking in and exploitation of unaccompanied or separated children;

(c) Implement and enforce strict guidelines for law enforcement agencies to prevent harassment, intimidation and excessive use of force against Afghan migrants, refugees and asylum-seekers;

(d) Establish safe and accessible channels by which migrants, refugees and asylum-seekers can report harassment, intimidation and excessive use of force without fear of reprisal;

(e) Ensure that the detention of non-citizens complies with international human rights standards and is used only as a last resort;

(f) Ratify the Convention relating to the Status of Refugees and the Protocol thereto.

Education to combat prejudice and promote understanding

33. The Committee welcomes the steps taken to promote inclusivity and multilingualism in education, including the issuance on 3 March 2023 by the National Curriculum Council of "no objection certificates" to allow the publication, for the first time, of textbooks for students belonging to the Baha'i, Buddhist, Christian, Hindu, Kalash, Sikh and Zoroastrian ethno-religious minority groups. Despite the steps taken to review the national curriculum, the Committee is concerned about the presence in educational materials and teaching practices, including in registered and unregistered madrasas, of hate speech and racist stereotypes, which perpetuate discrimination and prejudice and contribute to an environment conducive to racial intolerance (arts. 1, 2 and 6).

34. The Committee recommends that the State party ensure the effective implementation of the national curriculum at the district, provincial, territorial and federal levels and undertake a comprehensive review of all educational materials and teaching practices to identify and eliminate content that perpetuates racist stereotypes, including in registered and unregistered madrasas. The Committee recommends that the State party improve the promotion of tolerance, intercultural understanding and respect for diversity among students and the wider public.

D. Other recommendations

Ratification of other treaties

35. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Amendment to article 8 of the Convention

36. The Committee recommends that the State party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

37. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

Follow-up to the Durban Declaration and Programme of Action

38. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

39. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is in its final year, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

40. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in

connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

41. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention at the district, provincial and federal levels and publicized on the website of the National Commission for Human Rights in the official and other commonly used languages, as appropriate.

Common core document

42. The Committee encourages the State party to submit its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006.⁴ In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

43. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 24 (d) (freedom of religion or belief), 28 (jirgas) and 30 (a) (access to justice and effective remedies) above.

Paragraphs of particular importance

44. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 16 (a) (attacks and reprisals against persons accused of blasphemy), 18 (enforced disappearance of ethnic and ethno-religious leaders, politicians, public officials and human rights defenders), 26 (a) (forced conversions and forced marriages) and 30 (d) (access to justice and effective remedies) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

45. The Committee recommends that the State party submit its combined twenty-seventh and twenty-eighth periodic reports, as a single document, by 4 January 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first session⁵ and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

⁴ [HRI/GEN/2/Rev.6](#), chap. I.

⁵ [CERD/C/2007/1](#).