

# International Convention on the Elimination of all forms of Racial Discrimination

## REFLECTION PAPER

### Pakistan's Response to Comply with CERD

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## **Introduction:**

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted on December 21, 1965. By endorsing ICERD, the United Nations General Assembly established an international human rights protection mechanism for combating racial discrimination globally. Upon ratification or accession, a State commits to taking definitive action to eliminate racial discrimination and oppose racist doctrines and practices.

Pakistan, a signatory since 1966, is among the 182 State parties that have ratified ICERD. This ratification underscores Pakistan's commitment to implementing necessary measures to curb racial discrimination and adopt actions that promote a harmonious and inclusive society.

Pakistan's commitment to the UN Charter, rooted in the principles of inherent human dignity and equality, is reflected in its ratification of ICERD. By doing so, Pakistan has pledged to take both collective and individual actions in collaboration with the UN to promote and ensure universal respect for human rights and fundamental freedoms for all, regardless of race, gender, language, or religion. This commitment is further reinforced by the Universal Declaration of Human Rights, which asserts that every individual is born free and equal in dignity and rights, entitled to all freedoms without discrimination based on race, color, or national origin.

## **Rationale of the ICERD**

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was established as a critical response to the universal principles enshrined in the United Nations Charter, which emphasize the inherent dignity and equality of all human beings. Rooted in the commitment of Member States to promote and uphold human rights and fundamental freedoms without distinction, ICERD reflects the urgency of eradicating racial discrimination in all its forms. The Convention draws from the Universal Declaration of Human Rights, which affirms that all individuals are born free and equal, and it condemns any doctrine of racial superiority as logically baseless, morally reprehensible, and socially dangerous. By aligning with earlier conventions, such as those on employment and education, ICERD seeks to dismantle the remnants of colonialism and segregation, appreciating a global community where racial barriers are eradicated, and mutual respect and understanding prevail. The Convention embodies the international resolve to adopt necessary measures to eliminate racial discrimination, prevent racist ideologies, and promote a harmonious, inclusive global society.

## **Significance of ICERD:**

The International Convention on the Elimination of all forms of Racial Discrimination is significant in setting the definition of discrimination – particularly racial discrimination, that further urged the state parties to adopt it and ensure its compliance in letter and spirit. The ICERD can be elaborated in three parts or divisions.

## **PART-I (Article 1-7)**

The initial part of the ICERD convention establishes a comprehensive definition of "Racial Discrimination" as any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin that undermines the equal enjoyment of human rights and freedoms. It asserts that while the Convention does not apply to distinctions between citizens and non-citizens, it mandates State Parties to eliminate all forms of racial discrimination, including segregation and apartheid, and to take proactive measures to ensure equality before the law. Additionally, it condemns racial propaganda and organizations promoting racial superiority, ensuring that all public and private entities adhere to these principles.

## **PART-II (Article 8-16)**

The second part of the ICERD convention establishes the framework for monitoring and enforcing the elimination of racial discrimination. It created the Committee on the Elimination of Racial Discrimination, composed of independent experts, responsible for reviewing State Parties' compliance through reports and complaints. The Committee can receive complaints from States or individuals, investigate disputes, and provide recommendations. It also has the authority to establish conciliation commissions to resolve disputes and ensure adherence to the Convention's principles. These mechanisms are designed to ensure accountability and promote the effective implementation of anti-discrimination measures worldwide.

## **PART-III (Article 17-25)**

The final part of the ICERD convention outlines the procedural aspects related to its adoption, ratification, and enforcement. It specifies that the convention is open for signature and ratification by UN member states, with provisions for accession and the formal process for entry into force. It also addresses the handling of reservations, disputes, and denunciations, including the role of the International Court of Justice in resolving conflicts regarding interpretation or application. Additionally, it details the responsibilities of the UN Secretary-General in maintaining and communicating records related to the convention.

## **Ensuring ICERD Compliance: Challenges and Progress in Pakistan**

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which Pakistan is a signatory, reflects the commitment of Pakistan to combat racial discrimination and encourage mutual understanding among its diverse population of over 240 million people. ICERD defines racial discrimination as any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin.

In alignment with ICERD's principles, the Constitution of Pakistan (1973) enshrines number of provisions aimed at eliminating discrimination and promoting equality.

These include the right of every citizen to profess, practice, and propagate their religion freely, protection against being compelled to pay taxes for the support of any religion other than one's own,

and the assurance that no individual attending an educational institution is required to participate in religious activities related to a religion other than their own.

The Constitution further guarantees that all citizens are equal before the law, entitled to equal protection, and safeguarded against discrimination in public spaces and employment based solely on race, religion, caste, sex, residence, or place of birth. Additionally, the State is mandated to discourage parochial, racial, tribal, sectarian, and provincial prejudices and to safeguard the legitimate rights and interests of minorities, including ensuring their representation in federal and provincial services.

Despite these comprehensive constitutional provisions, challenges persist in fully realizing these protections, particularly for minority and marginalized groups who continue to face discrimination. This underscores the ongoing need for vigilant enforcement of anti-discrimination laws to achieve the inclusive society envisioned by both ICERD and the Constitution of Pakistan.

### **Recommendations and Way Forward**

To align with the UN Committee's recommendations for Pakistan on ICERD, it is imperative to take key measures to enhance its compliance and encourage an inclusive society.

First, the State should clarify the definition of racial discrimination within its legal framework and prioritize raising public and official awareness about the issue. This can be achieved through targeted education campaigns and training programs for law enforcement and public officials. Additionally, Pakistan should adopt comprehensive anti-discrimination legislation that criminalizes all forms of racial discrimination, providing clear legal recourse for victims.

Efforts must also be intensified to eradicate violence and segregation against minority groups such as Ahmadis, Hazaras, Dalits, and others, ensuring they have equal access to employment, healthcare, education, and essential services. This includes implementing specific measures to eliminate discrimination against Dalits, particularly in employment and education, and addressing the pressing issue of forced conversions and marriages of Dalit women. The State should also commit to gathering and providing detailed information and statistics on Dalits and other marginalized communities in its next periodic report to the UN.

The AWAM believes that these measures would help Pakistan strengthening its commitment to ICERD, promote social cohesion, and ensure that all citizens, regardless of their race, ethnicity, or religion, enjoy equal rights and opportunities.

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**About the Writer:** *Maira Asif is an emerging leader, distinguished by her unwavering dedication to social justice, inclusive governance, and gender equality. As she pursues her BS degree in International Relations, Maira has taken on a proactive role in engaging with UN mechanisms, critically assessing the alignment of Pakistan's domestic legislation with international treaties. Her involvement in policy dialogues and consultation meetings has been instrumental in bringing the challenges faced by vulnerable communities to the forefront of discussions with key decision-makers. Maira's passion and commitment to these causes mark her as a formidable advocate for transformative change on both national and international stages.*