

## A Review of Human Rights Bodies in Punjab and Khyber Pakhtunkhwa Making Policies Work on the Ground<sup>1</sup>

### EXECUTIVE SUMMARY

Pakistan's constitution guarantees the fundamental human rights and emphasizes the promotion of local government institutions, participation of women in national life, protection of family, and promotion of social and economic well-being of the people.<sup>2</sup> Being a responsible member of the international community, Pakistan is a party to key international human rights treaties and has ratified important international treaties, conventions and protocols on human rights.<sup>3</sup> In compliance with domestic and international legislations, Pakistan has made considerable progress towards strengthening of democratic institutions and devolution of powers. The 18th constitutional amendment paved the way for provincial autonomy.<sup>4</sup> In 2014, Pakistan was offered the GSP+ trade status by the European Union (EU) with the conditionality that Pakistan will comply with the 27 core international conventions<sup>5</sup> on human and labour rights,

environmental protection, and good governance.<sup>6</sup> In addition to this, in pursuance of its international commitments, Pakistan has also developed an Action Plan on Human Rights on 13th February, 2016.<sup>7</sup>

This paper focuses on two provinces where new human rights policies are recently launched. Following the Action Plan on Human Rights at the federal level, the Punjab Government's Human Rights department<sup>8</sup> formulated the Provincial Human Rights Policy in 2018.<sup>9</sup> In Khyber Pakhtunkhwa (KP), the Directorate of Human Rights has formulated the KP's Human Rights Policy 2018.<sup>10</sup> The primary Human Rights institution in Punjab is the Human Rights and Minorities Affairs Department. In KP, the primary institution for dealing with human rights issues is the Directorate General Law and Human Rights Khyber Pakhtunkhwa which works under the Department of Law and Parliamentary Affairs Khyber Pakhtunkhwa. Despite these positive developments, the human rights situation remains

<sup>1</sup>This briefing paper was written by Ehsan ul Haq, Consultant Human Rights (Pakistan)

<sup>2</sup>CHAPTER 2. – PRINCIPLES OF POLICY Constitution of Islamic Republic of Pakistan 1973 available online at [http://na.gov.pk/uploads/documents/1431341153\\_169.pdf](http://na.gov.pk/uploads/documents/1431341153_169.pdf)

<sup>3</sup>For complete list see the List of International Treaties/Conventions Pakistan has Ratified available online at Ministry of Foreign Affairs Government of Pakistan <http://www.mofa.gov.pk/contentlist.php>

<sup>4</sup>Overview of the Constitution (Eighteenth Amendment) Act, 2010 –available online at Ministry of Inter Provincial Coordination Government of Pakistan website <http://www.ipc.gov.pk/ipc/userfiles1/file/ipcpdfs/Final%20Report%20of%20Implementation%20Commission.pdf>

<sup>5</sup>List of Conventions to qualify for 'GSP Plus'-The Ministry of Commerce Government of Pakistan-see the complete list of Conventions at the following link [https://www.commerce.gov.pk/wp-content/uploads/pdf/UN\\_conventions.pdf](https://www.commerce.gov.pk/wp-content/uploads/pdf/UN_conventions.pdf)

<sup>6</sup>Pakistan GSP+ status- Countries and regions-Pakistan available online at

<https://ec.europa.eu/trade/policy/countries-and-regions/countries/pakistan/>

<sup>7</sup>Implementation of Action Plan for Human Rights in Pakistan available online at

MINISTRY OF HUMAN RIGHTS website

[http://www.mohr.gov.pk/index.php/home/pps\\_page/16](http://www.mohr.gov.pk/index.php/home/pps_page/16)

<sup>8</sup>The full name of the department is Human Rights and Minorities Affairs Department of Punjab.

<sup>9</sup>PUNJAB HUMAN RIGHTS POLICY 2018 available online at the website of HUMAN RIGHTS and MINORITY AFFAIRS DEPARTMENT, GOVERNMENT OF THE PUNJAB

[https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20\\_%20Print%20Version\\_Gazatte\\_0.pdf](https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20_%20Print%20Version_Gazatte_0.pdf)

<sup>10</sup>A separate publication will look into Sindh and Baluchistan when new versions of their policies/human rights strategies for their respective provinces will be officially released.

highly problematic -independent human rights bodies keep raising concerns about many cases of human rights violations.<sup>11</sup> These human rights departments, although a step forward, are still institutionally weak. They face limitations in implementation of human rights agendas in their respective provinces. They are facing at least three basic organizational challenges.

- (a) Lack of coordination within the human rights department;
- (b) Lack of coordination with other key related provincial departments;
- (c) Lack of political will for taking appropriate measures for the effective redressal of human rights issues specially in improving administration and implementation of human rights policy.

Democracy Reporting International (DRI) works with and supports the provincial bodies and specifically focuses on pushing for effective strategies by the governments to improve the performance of their human rights bodies. There is a need to create stronger linkages with provincial legislatures and standing committees to advance the human rights agenda. There is also a need to enhance the understanding, sensitivity, and capacity of officials especially at district level about human rights policy implementation. Sustained engagement can empower these structures to resolve human rights issues at the local level and report them to provincial structures more regularly, improving their relevance and effectiveness. Hence, this paper is part of other efforts being made by DRI for strengthening of human rights and other key provincial level bodies in the country.

## METHODOLOGY

The methodology adopted for this paper includes a thorough review of the literature, in-depth interviews with officials of key Human Rights Institutions in both

---

<sup>11</sup>Human Rights Commission of Pakistan(HRCP) annual report 2018- available online at HRCP website  
<http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English-1.pdf>

the provinces and meetings with other stakeholders including civil society representatives and experts. The Consultant also attended an orientation workshop for newly established the District Committees in Punjab by the Human Rights Department of Punjab. The primary audience of this paper are the human rights departments (Human Rights and Minorities Affairs Department Punjab and the Directorate General Law and Human Rights Khyber Pakhtunkhwa) in Punjab and Khyber Pakhtunkhwa which are responsible for implementing the human rights agenda in the provinces.

## HUMAN RIGHTS IN PAKISTAN

Pakistan has a federal democratic governance system which works under the 1973 Constitution of Pakistan. The Constitution guarantees the fundamental human rights which include the right to life and liberty, right to fair trial, right to property, right of assembly and association, freedom of expression and other associated rights which are considered essential for any democratic governance system.<sup>12</sup> The Principles of Policy, included in the Constitution, includes the promotion of local government institutions, participation of women in national life, protection of family, and promotion of social and economic well-being of the people.<sup>13</sup>

Being a member of the international community, Pakistan is also a party to key international human rights treaties and conventions and has ratified important international treaties, conventions and protocols on human rights.<sup>14</sup> In 2014, Pakistan was offered the GSP+ trade status by the European Union (EU). For maintaining the GSP+ status, the main conditionality was to keep ratification and to effectively implement the 27 core international conventions<sup>15</sup> on human and labour rights, environmental protection, and good governance.<sup>16</sup>

---

<sup>12</sup>Fundamental Rights and Principles of Policy- Constitution of Islamic Republic of Pakistan 1973 available online at  
[http://na.gov.pk/uploads/documents/1431341153\\_169.pdf](http://na.gov.pk/uploads/documents/1431341153_169.pdf)

<sup>13</sup>CHAPTER 2. – PRINCIPLES OF POLICY Constitution of Islamic Republic of Pakistan 1973 available online at  
[http://na.gov.pk/uploads/documents/1431341153\\_169.pdf](http://na.gov.pk/uploads/documents/1431341153_169.pdf)

<sup>14</sup>For complete list see the List of International Treaties/Conventions Pakistan has Ratified available online at  
Ministry of Foreign Affairs Government of Pakistan  
<http://www.mofa.gov.pk/contentlist.php>

<sup>15</sup>List of Conventions to qualify for 'GSP Plus'-The Ministry of Commerce Government of Pakistan-see the complete list of Conventions at the following link  
[https://www.commerce.gov.pk/wp-content/uploads/pdf/UN\\_conventions.pdf](https://www.commerce.gov.pk/wp-content/uploads/pdf/UN_conventions.pdf)

<sup>16</sup>Pakistan GSP+ status- Countries and regions-Pakistan available online at  
<https://ec.europa.eu/trade/policy/countries-and-regions/countries/pakistan/>

There are number of key international instruments which Pakistan has not ratified yet. These include the International Labour Organization (ILO) Migrant Workers Convention, 1975 (No. 143)<sup>17</sup> and the International Convention for the Protection of All Persons from Enforced Disappearance. However, a draft law to criminalize 'enforced disappearances' has been approved by the Prime Minister in January 2019.<sup>18</sup>

To ensure compliance with domestic and international human rights commitments, Pakistan is on the way to establish and strengthen human rights systems and structures both at the federal and provincial level. An important step was taken in 2010 by passing of 18th constitutional amendment which paved the way for provincial autonomy.<sup>19</sup>

## PAKISTAN'S HUMAN RIGHTS FRAMEWORK

The Pakistani government has adopted an Action Plan for Human Rights on 13 February, 2016.<sup>20</sup> The Action Plan consists includes six thematic areas including Policy and Legal Reforms, Implementing Key Human Rights Priorities, Cross Cutting Interventions for Protection of Human Rights, International/UN Treaty Implementation, Institutional Interventions and Implementation and Monitoring Mechanism.

Though the Action Plan for Human Rights sets out to implement an ambitious agenda and sets multiple targets to be achieved by the federal and provincial governments however, the overall progress of on these remains quite slow. As a result, the independent human rights bodies are raising concerns that the Action Plan on Human Rights is yet to be implemented.<sup>21</sup> The main reason cited for this is the lack of political will towards human rights issues.<sup>22</sup>

Following the Action Plan for Human Rights at federal level, the Human Rights and Minorities Affairs

<sup>17</sup>Up-to-date Conventions and Protocols not ratified by Pakistan- available online at ILO website at the following link [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11210:0::NO::P11210\\_COUNTRY\\_ID:103166](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11210:0::NO::P11210_COUNTRY_ID:103166)

<sup>18</sup>PM approves draft law to criminalise 'enforced disappearances' THE EXPRESS TRIBUNE Published: January 29, 2019- available online at the following link <https://tribune.com.pk/story/1899507/1-pm-approves-amendments-declare-enforced-disappearances-criminal-offence/>

<sup>19</sup>Overview of the Constitution (Eighteenth Amendment) Act, 2010 –available online at Ministry of Inter Provincial Coordination Government of Pakistan website <http://www.ipc.gov.pk/ipc/userfiles1/file/ipcpdfs/Final%20Report%20of%20Implementation%20Commission.pdf>

<sup>20</sup>Implementation of Action Plan for Human Rights in Pakistan available online at MINISTRY OF HUMAN RIGHTS website [http://www.mohr.gov.pk/index.php/home/pps\\_page/16](http://www.mohr.gov.pk/index.php/home/pps_page/16)

<sup>21</sup>Human rights action plan yet to be enforced, HRCPTold- available online at Dawn Newspaper January 26, 2019 <https://www.dawn.com/news/1459779/human-rights-action-plan-yet-to-be-enforced-hrcp-told>

<sup>22</sup>ibid

Department of Punjab published a Provincial Human Rights Policy in 2018.<sup>23</sup>The Punjab Human Rights Policy provides some detail information about the measures to be taken in the province for the protection and promotion of human rights.<sup>24</sup>The Human Rights Policy is a guiding document having broad policy guidelines and recommendations for improving the situation of human rights in general and about the rights of women, children and minority groups (including transgender, disabled, senior citizens and others).

In pursuance of the Action Plan on Human Rights, Punjab has also established a Provincial Task Force on Human Rights which is responsible for taking further steps for monitoring of human rights in the province.<sup>25</sup>

The Khyber Pakhtunkhwa Human Rights Policy was developed in 2018 by the Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department. The Khyber Pakhtunkhwa Human Rights Policy provides the broader guidelines for the implementation of human rights in the province.<sup>26</sup> The Policy has specific guidelines for safeguarding of civil and political rights by way of reforming the police and prosecution system in the province. The policy includes recommendations for ensuring the protection of civil and political rights as well. It includes policy guidelines for the rights of vulnerable groups which include women, children, transgender persons, ethnic minorities, old people, persons with disabilities and human rights defenders.<sup>27</sup>

Despite these efforts at the policy level, implementation remains a problem. The country's human rights record still remains poor.<sup>28</sup> Some recent reports by independent human rights bodies are raising concerns about widespread cases of violence against women and girls in the name of honor, child sexual abuse, restrictions on freedom of expression and increasing restrictions on media in Pakistan<sup>29</sup> This also depicts that human rights bodies are to be

<sup>23</sup>PUNJAB HUMAN RIGHTS POLICY 2018 available online at the website of HUMAN RIGHTS and MINORITY AFFAIRS DEPARTMENT, GOVERNMENT OF THE PUNJAB

[https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version\\_Gazatte\\_0.pdf](https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version_Gazatte_0.pdf)

<sup>24</sup>PUNJAB HUMAN RIGHTS POLICY 2018 HUMAN RIGHTS and MINORITY AFFAIRS DEPARTMENT, GOVERNMENT OF THE PUNJAB [https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version\\_Gazatte\\_0.pdf](https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version_Gazatte_0.pdf)

<sup>25</sup>Provincial Task Force on Human Rights available online at [https://hrma.punjab.gov.pk/p\\_taskforce\\_hr](https://hrma.punjab.gov.pk/p_taskforce_hr)

<sup>26</sup>KPK Human Rights Policy - Government of Khyber Pakhtunkhwa available at [http://KPK.gov.pk/uploads/2018/05/KPK\\_Human\\_Rights\\_Policy.pdf](http://KPK.gov.pk/uploads/2018/05/KPK_Human_Rights_Policy.pdf)

<sup>27</sup>KPK Human Rights Policy - Government of Khyber Pakhtunkhwa(Chapter 5 to 11) available at [http://KPK.gov.pk/uploads/2018/05/KPK\\_Human\\_Rights\\_Policy.pdf](http://KPK.gov.pk/uploads/2018/05/KPK_Human_Rights_Policy.pdf)

<sup>28</sup>Human Rights Commission of Pakistan(HRCP) annual report 2018- available online at HRCP website <http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English-1.pdf>

<sup>29</sup>Pakistan Report 2018 Human Rights Watch available online at <https://www.hrw.org/world-report/2019/country-chapters/pakistan>

equipped and strengthened for the protection of human rights in the country.

## PAKISTAN'S HUMAN RIGHTS BODIES

A number of federal and provincial human rights systems and structures have been established to ensure human rights protection in Pakistan. The Federal Ministry of Human Rights is a primary institution at the federal level for taking care of the human rights issues. The Ministry has overall mandate for the review of the human rights situation in the country and to formulate policy guidelines for other government departments and for coordination between different ministries and departments at the federal and provincial level with regards to human rights.<sup>30</sup>

The 18th constitutional amendment of 2010 brought new opportunities and challenges for provinces as many important ministries departments were devolved to the provinces.<sup>31</sup> After the amendment, 17 ministries were devolved to provinces which also included the Ministry of Human Rights. However, due to strong reservations of international human rights bodies the Ministry of Human Rights was restored at the federal level.<sup>32</sup> This was due to the fact that

international obligations bind the state, represented internationally at the central levels.<sup>33</sup>

There are number of other institutional mechanisms for ensuring the domestic as well international compliance with regard to Pakistan's human rights obligations. On 6th September 2016, the Government of Pakistan established a Treaty Implementation Cell (TIC) to supervise and coordinate the implementation of the 27 UN Conventions and Protocols to which Pakistan is a signatory.<sup>34</sup> The implementation of the UN conventions is the main conditionality under the GSP+ trade scheme with the EU. At national level, the Treaty Implementation Cell is placed under the cabinet division under the joint supervision of the Ministries of Human Rights and Commerce.<sup>35</sup>

Following the model of federal government, Punjab and Khyber Pakhtunkhwa also established the Treaty Implementation Cells (TIC) at the provincial level. The provinces placed these Cells at different positions in the administration. In Punjab, it is placed in the Human Rights and Minority Affairs Department (in a formal secretariat with dedicated staff) whereas, in Khyber Pakhtunkhwa the TIC is placed in the Law Department. The Deputy Secretary Law in the Law Department oversee KP's provincial TIC matters.

## PROVINCIAL HUMAN RIGHTS STRUCTURES- PUNJAB AND KHYBER PAKHTUNKHWA

### Human Rights Institutions in Punjab and Khyber Pakhtunkhwa

Punjab	Khyber Pakhtunkhwa
Human Rights and Minority Affairs Department	KP's Department of Law, Parliamentary Affairs
Treaty Implementation Cell Punjab	Treaty Implementation Cell KP
Task Force on Human Rights Punjab	Task Force on Human Rights KP
District Committees	KP Directorate General of Law and Human Rights
Punjab Commission on the Status of Women	KP Commission on the Status of Women
Punjab Child Protection Bureau	KP Child Protection and Welfare Commission
Punjab Ombudsperson on Sexual harassment at workplaces	KP Ombudsperson on Sexual harassment at workplaces

<sup>30</sup>MANDATE and Rules of Business of Human Rights Ministry- available online at

<http://www.mohr.gov.pk/index.php/home/mandate>

<sup>31</sup>Federalism and Eighteenth Amendment: Challenges and Opportunities UNDP- Jan 2012 -available online at

<https://www.undp.org/content/dam/pakistan/docs/Democratic%20Governance/Federalism/UNDP-PK-DGU-Federalism%2018%20Amendment%20Report-2012.pdf>

<sup>32</sup>10 Steps for Improving Human Rights in Pakistan August 23, 2013- available online at

<https://www.hrw.org/news/2013/08/23/10-steps-improving-human-rights-pakistan>

<sup>33</sup>Human rights ministry restored- Dawn News Malik Asad November 24, 2015- available online at

<https://www.dawn.com/news/1221857>

<sup>34</sup>Cabinet Division Government of Pakistan available online at <http://www.cabinet.gov.pk/cabinet/userfiles1/file/TORs-TIC-06-09-2016.pdf>

<sup>35</sup>Placement of Treaty Implementation Cell under the Cabinet Division available online at the website of Prime Minister's office, Islamic Republic of Pakistan

[https://pmo.gov.pk/news\\_details.php?news\\_id=546](https://pmo.gov.pk/news_details.php?news_id=546)

## CAPACITY ASSESSMENT TABLE FOR THE KEY HUMAN RIGHTS DEPARTMENTS OF PUNJAB AND KHYBER PAKHTUNKHWA

### HUMAN RIGHTS AND MINORITIES AFFAIRS DEPARTMENT PUNJAB AND DIRECTORATE GENERAL LAW AND HUMAN RIGHTS KHYBER PAKHTUNKHWA

	Status of existence or non-existence		Administrative Capacity/Qualitative judgment on ability to deliver Strong/Medium/Poor		Coordination at provincial level/coherence/visibility		Ability to manage day to day work/performance	
	Punjab	KP	Punjab	KP	Punjab	KP	Punjab	KP
Provinces	Punjab	KP	Punjab	KP	Punjab	KP	Punjab	KP
Law or legal Mandate or role	Specific law doesn't exist	Law exists	Medium	Medium	Low	Low	Satisfactory	Satisfactory
Policy	Exists	Exists	Exists	Exists	Weak	Weak	Good	Good
Action Plan	Exists	Doesn't exist	Low	Low	Task Force and TIC but are weak	Task Force and TIC exists but are weak	Action Plan in early implementation phase	Action plan does not exist
District level enforcement	Exists	Exists	Early Stage	Proposal Stage	Early phase	Proposals stage	CSO members more active in some districts	Non-existent
Community level/Facility level in case Darul Aman or police station etc.  (Note: This area needs more work. These are based on interviews with administrators and CSOs but not actual users of the facility)	Doesn't exist	Doesn't exist	No oversight mechanism exists	No oversight mechanism exists	Provincial administrative oversight exists but no systemic quality/service audits	Provincial administrative oversight exists but no systematic	Fair	Fair

## HUMAN RIGHTS BODIES IN PUNJAB

In Punjab there is a Human Rights Department which works under the Ministry of Human Rights and Minority Affairs (including the Treaty Implementation Cell, as mentioned). A Task Force on Human Rights has also been established to effectively monitor the situation of human rights in the province.<sup>36</sup> The Task Force comprises of secretaries of all relevant provincial departments and is headed by the Provincial Minister for Human Rights while additional chief secretary is the Deputy Chairperson and the Secretary Human Rights Department has been assigned the role of secretary to the Task Force. The Task Force also has three members from the provincial assembly.<sup>37</sup>

In addition, the Human Rights Department of Punjab has recently taken an initiative of establishing the District level Human Rights Committees under the Chairmanship of Deputy Commissioners of the relevant districts.<sup>38</sup> These District Committees comprise of the Executive Heads of all relevant departments and two members from civil society. This is a step forward for improving the situation of human rights at lower level and to monitor the situation of human rights more effectively at the local level.

For women rights, there is a Commission on the Status of Women working under the administrative cover of the Women Development Department while for Child Rights, there is Child Rights Protection Bureau working under the Home Department of Punjab. In addition, there are other federal level bodies which have offices at provincial level such as the National Commission on Human Rights.

## POWERS, MANDATE AND FUNCTIONS OF HUMAN RIGHTS INSTITUTIONS IN PUNJAB

In Punjab, the Human Rights and Minorities Affairs Department is the primary institution for the promotion and protection of human rights in the province. The department is part of the Ministry of Human Rights and Minority Affairs and has got general powers which are conferred to the ministry, though it lacks specific law to work as a legal framework in this effect.

For the specific mandate of the Human Rights Department, the Article 139 of the Constitution<sup>39</sup> and the Punjab Government Rules of Business 2011<sup>40</sup> mandates the Human Rights and Minorities Affairs Department for policy formulation and public awareness of human rights issues in the province as well as coordination with human rights NGOs and to refer and recommend inquiries about allegations and complaints regarding human rights abuses in the province.<sup>41</sup>

The Punjab Human Rights Policy provides some detail information about the measures to be taken in the province for the protection and promotion of human rights.<sup>42</sup> The Human Rights Policy is a guiding document having broad policy guidelines and recommendations for improving the situation of human rights in general and about the rights of women, children and minority groups (including transgender, disabled, senior citizens and others) in particular.

The Human Rights Department of Punjab has powers of recommending inquiries on violations of human rights however, they lack clear mandate because in case of non-compliance from any department, the Human Rights Department does not have the power to commence any other action. This is due to the fact that there is no specific Human Rights law which can confer clear powers, mandate and functions to such human

---

<sup>36</sup>Provincial Task Force on Human Rights

[https://hrma.punjab.gov.pk/p\\_taskforce\\_hr](https://hrma.punjab.gov.pk/p_taskforce_hr)

<sup>37</sup>Composition of Provincial Task Force on Human Rights

[https://hrma.punjab.gov.pk/system/files/Composition\\_of\\_Provicial\\_Task\\_Force\\_on\\_Human\\_Rights.pdf](https://hrma.punjab.gov.pk/system/files/Composition_of_Provicial_Task_Force_on_Human_Rights.pdf)

<sup>38</sup>Notification of District Committees in Punjab July 12, 2019- available online at

<https://hrma.punjab.gov.pk/system/files/Dist%20Committee%20on%20HR.pdf>

---

<sup>39</sup>Article: 139 Conduct of business of Provincial Government.

Constitution of Pakistan available online at National Assembly of Pakistan website

[http://na.gov.pk/uploads/documents/1431341153\\_169.pdf](http://na.gov.pk/uploads/documents/1431341153_169.pdf)

<sup>40</sup>GOVERNMENT OF THE PUNJAB SERVICES AND GENERAL ADMINISTRATION DEPARTMENT (CABINET WING) Dated Lahore the 11th March, 2011 available online at

<https://punjabcode.punjab.gov.pk/uploads/articles/punjab-government-rules-of-business-2011-doc-pdf.pdf>

<sup>41</sup>PUNJAB HUMAN RIGHTS POLICY 2018 HUMAN RIGHTS and MINORITY AFFAIRS DEPARTMENT, GOVERNMENT OF THE PUNJAB available online at

[https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version\\_Gazatte\\_0.pdf](https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version_Gazatte_0.pdf)

<sup>42</sup>PUNJAB HUMAN RIGHTS POLICY 2018 HUMAN RIGHTS and MINORITY AFFAIRS DEPARTMENT, GOVERNMENT OF THE PUNJAB

[https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version\\_Gazatte\\_0.pdf](https://hrma.punjab.gov.pk/system/files/Punjab%20Human%20Rights%20Policy%202018%20-%20Print%20Version_Gazatte_0.pdf)

rights body. Hence, in absence of appropriate legal framework its role remains recommendatory.<sup>43</sup>

The Human Rights Department has constituted a Task Force on Human Rights which is responsible for ensuring implementation of “Action Plan for Human Rights” at provincial level and to assess human rights situation in Punjab.<sup>44</sup>

## OUTREACH DISTRICT COMMITTEES ON HUMAN RIGHTS

An important step in protection of human rights at local level is to have effective institutional mechanisms at grassroots level so that appropriate measures can be taken in case of any violation of human rights and for monitoring the human rights situation on ground. The Human Rights Department of Punjab has taken a step by constituting the District Human Rights Committees in each district of Punjab under the chairmanship of the Deputy Commissioners to provide platform for the protection of human rights at local level.<sup>45</sup> The district Committees have been given powers of monitoring human rights situation in the districts and to work for the promotion and protection of human rights in the relevant districts.<sup>46</sup> Before this there was no mechanism at the district or lower level for monitoring the human rights situation. Though these district committees are considered a makeshift arrangement but still it is a step which can give impetus for full scale arrangements in the form of district level human rights structures.<sup>47</sup> DRI has been supporting the Human Rights Department in this endeavor and has conducted two days orientation workshop for selected members of these committees in the second week of October 2019 in Multan.<sup>48</sup> During the workshop, members of the district committees appreciated the overall effort however, at the same time, they raised certain concerns. The members were of the view that they were already overburdened with the routine administrative tasks which limits their capacity to bear this additional responsibility. An additional concern was that without human and financial resources, such important tasks cannot be performed in appropriate manner.<sup>49</sup> These concerns

were generally accepted by the officials of the Human Rights Department. However, they were of the view that these structures have been created to serve as a pilot project and once some progress is made in this direction, the department will go for permanent mechanisms. They also expressed that on many occasions makeshift arrangements have given rise to permanent structures.

The District Committees have been given a very broad mandate while Human Rights monitoring and implementation is a very specialized field. There is a need to provide appropriate orientation and training on various key concepts of human rights monitoring. There is also a need for further delegation of duties in the form of sub-committees so that work can be divided among various members of the committees. Then these sub-committees can be further provided orientation and training on specific tasks for which these have been constituted.

The district committees will work under the chairmanship of the Deputy Commissioners. Currently, this arrangement is in its nascent stage and only time will tell to what extent this can fulfill the human rights needs of the vulnerable segments of the society at the district level.

## CHALLENGES AND NEEDS

At governmental level, there is growing realization in Punjab that human rights agenda is important for Pakistan in wider perspective and for the progress of the country as well. However, they also feel that human rights issues lack wider political and administrative backing which is crucial for such matters. The Punjab Human Rights Department is facing challenges of clear mandate and broad powers. This is a provincial level body which is responsible for the promotion and protection of human rights in general in the province. However, it lacks appropriate legal framework which can confer clear powers to this department. For this, the department needs lobbying with the government, provincial committees and provincial assembly.

<sup>43</sup>Views of officials of human rights officials

<sup>44</sup>Provincial Task Force on Human Rights  
[https://hrma.punjab.gov.pk/p\\_taskforce\\_hr](https://hrma.punjab.gov.pk/p_taskforce_hr)

<sup>45</sup>Notification for District Committees on Human Rights in Punjab July 12, 2019- available online at  
<https://hrma.punjab.gov.pk/system/files/Dist%20Committee%20on%20HR.pdf>

<sup>46</sup>TORs of District Committees- available online at  
<https://hrma.punjab.gov.pk/system/files/Dist%20Committee%20on%20HR.pdf>

<sup>47</sup>Interview with officials of Human Rights Department(26 September 2019)

<sup>48</sup>Human Rights Department and Democracy Reporting International joint orientation Workshop for District Human Rights Committees(19-20 October 2019)

<sup>49</sup>Comments of District Committee members in Workshop(Multan Orientation Workshop October 2019)

The department also requires technical expertise on broader themes of human rights particularly training of staff on human rights. Though department has administrative level staff but it needs experts on human rights who can develop future course of action for the promotion and protection of human rights on behalf of the department.

Another emerging need is the use and monitoring of social media for monitoring and reporting of human rights violations. The department needs training and facilities for monitoring of social media so that they can take action whenever any issue arises with regard to social media use.

The Human Rights Department of Punjab has taken an initiative of establishing district committees in all 36 districts of the province. However, these committees require further training, capacity building and resource support to perform their functions effectively. The department of Human Rights requires support of international organizations for strengthening these lower level structures so that these can be converted into permanent platforms at the district and lower level.

## PUNJAB COMMISSION ON STATUS OF WOMEN

The other main human rights institutions working in Punjab are the Commission on Status of Women in Punjab.<sup>50</sup> The Punjab Commission on the Status of Women (PCSW) was created by the Punjab Assembly through the Punjab Commission on the Status of Women Act 2014.<sup>51</sup> The Commission is a provincial level human rights body for the promotion, protection and realization of women rights and women empowerment in the province. The commission is mandated to review laws, rules, policies, programs and other measures of the government; and to monitor implementation of laws and policies for achievement of gender equality and elimination of discrimination against women.<sup>52</sup> The Commission has established a helpline 1043 which is used for lodging and recording of complaints from anywhere in the province.<sup>53</sup>

---

<sup>50</sup>THE PUNJAB COMMISSION ON THE STATUS OF Women available online at

<https://hrma.punjab.gov.pk/dchr>

<sup>51</sup>Introduction of the Commission available online at

<https://pcsw.punjab.gov.pk/intro>

<sup>52</sup>THE PUNJAB COMMISSION ON THE STATUS OF WOMEN ACT 2014 (Act I of 2014)

CHAPTER III-FUNCTIONS OF THE COMMISSION available online at

<http://punjablaws.gov.pk/laws/2555.html>

<sup>53</sup>Helpline-The Punjab Commission on the Status of Women- available online at

[https://pcsw.punjab.gov.pk/helpline\\_](https://pcsw.punjab.gov.pk/helpline_)

## OUTREACH

The operation area of the Commission is whole of the province however, it has office only in provincial headquarters. The helpline and online complaint mechanisms are available throughout the province and can be accessed from anywhere. In addition to this, the Women Commission has liaison with the district administrations of all districts in Punjab and matters are referred to the Deputy Commissioners and other officials for taking appropriate actions.<sup>54</sup>

## CHALLENGES AND NEEDS

Currently, the Commission on Status of Women in Punjab is working without a Chairperson. Though its other services are intact which include helpline services and data collection on gender discrimination in the province. The Commission is open for engagement on equal basis if some solid proposals of mutual interest are presented before it.<sup>55</sup>

## CHILD PROTECTION AND WELFARE BUREAU

The Child Protection and Welfare Bureau was established in 2004 to provide care, rehabilitation, education and training to the destitute and neglected children.<sup>56</sup> This Institutions works under the administrative cover of the Punjab Home Department. The basic mandate of the Child Protection Bureau is to provide services to the neglected children. Though it works for promotion of children at general level but its mandate is limited to protection and welfare.

## OUTREACH

The Child Protection and Welfare Bureau has 7 district level Child Protection Units which are working at the district level.<sup>57</sup> The helpline of Child Protection and Welfare Bureau (1121) is available throughout the province and complaints can be lodged through it. The Child Protection and Welfare Bureau wants to expand

---

<sup>54</sup>Meeting with officials of THE PUNJAB COMMISSION ON THE STATUS OF Women at Commission office in Lahore (27-9-2019)

<sup>55</sup>Interview with Commission officials(27 September 2019)

<sup>56</sup>Overview with Child Protection and Welfare Bureau

<https://cpwb.punjab.gov.pk/overview>

<sup>57</sup>Child Protection District Offices

[https://cpwb.punjab.gov.pk/our\\_offices](https://cpwb.punjab.gov.pk/our_offices)

its services to other vulnerable districts but it lacks resources.

## CHALLENGES AND NEEDS

After 18th amendment, Child Rights has become a provincial subject but due to lack of capacity and understanding, the institutions are facing challenges for properly getting their proper role. For example, the Child Protection and Welfare Bureau is dealing with child rights issues particularly, the issues of child trafficking, child neglect and child protection, but all such matters are either referred by the bureau to the police or to the social welfare departments which have different capacities. The Child Protection and Welfare Bureau wants to extend its services to other districts (currently they have offices in 7 districts) but they lack resources. Their list of needs could be summarized as following:<sup>58</sup>

- Assistance in formulation of the Child Rights Policy;
- Assistance in establishment of the Child Protection Units in 13 districts;
- Assistance in lobbying with relevant government bodies (parliament/assemblies/assembly committees) for expanding the role of the Child Protection Bureau.

## HUMAN RIGHTS BODIES IN KHYBER PAKHTUNKHWA

In Khyber Pakhtunkhwa, the primary institution for dealing with human rights issues is the Human Rights Directorate which is placed in the Department of Law and Parliamentary Affairs. The legal framework for Human Rights in Khyber Pakhtunkhwa is "The Khyber Pakhtunkhwa Promotion, Protection and Enforcement Act 2014". The roadmap for the implementation of human rights in the provinces is provided in the Human Rights Policy of 2018.<sup>59</sup>

The Treaty Implementation Cell in KP (placed in the Law Department, as mentioned) is responsible for collecting information from relevant departments regarding compliance on the 27 international treaties and conventions which Pakistan has ratified. Unlike Punjab, there is no separate office or staff of the Treaty Cell in KP and the Deputy Secretary Law has been assigned the additional role of the Treaty Cell Focal Person to oversee the affairs related to it.<sup>60</sup>

For women rights, there is an independent Commission on the Status of Women which is under the administrative control of the Women Development Department of KP while for child rights, there is the Child Protection and Welfare Commission which works under the administrative cover of the Social Welfare Department of KP. There are also federal level human rights bodies in KP which have offices at provincial level which include office of federal human rights department and office of the National Commission on Human Rights. At district level, human rights directorate have delegated powers to the District Attorneys to work as the Deputy Director Human Rights.

## POWERS, MANDATE AND FUNCTIONS OF HUMAN RIGHTS INSTITUTIONS IN KHYBER PAKHTUNKHWA

### DIRECTORATE GENERAL LAW AND HUMAN RIGHTS KHYBER PAKHTUNKHWA

This directorate is key for implementing human rights in the province. It is part of the Law department of the province. It has two wings: one is the Law department and the other deals with human rights issues.

The Human Rights Directorate is based on the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act,<sup>61</sup>

The Directorate General has the mandate of taking suo motu actions on violation of human rights and it can conduct inquiries as well. However, it lacks explicit powers to implement its decisions or to award remedies to the victims or to punish the culprits. However, since this department is part of Law Department officials at the Directorate are reluctant to take independent actions. In that sense, its role at most remains recommendatory in nature.<sup>62</sup>

## OUTREACH

The Directorate General Law and Human Rights Khyber Pakhtunkhwa has a permanent office and set up at the provincial level in Peshawar and has no local or district level offices. At district level, the Directorate has assigned the role of the Deputy Director Human Rights to District Attorneys at district level. However, this has been amended recently (though department officials were not in privy about such amendment) and now the Deputy Commissioners have been assigned to supervise the human rights matters in the districts.

<sup>58</sup>Interview with Child Protection and Welfare Bureau Punjab (26 September 2019)

<sup>59</sup>Human Rights Policy KPKK 2018 available online at [http://KPK.gov.pk/uploads/2018/05/KPK\\_Human\\_Rights\\_Policy.pdf](http://KPK.gov.pk/uploads/2018/05/KPK_Human_Rights_Policy.pdf)

<sup>60</sup>Meeting with TIC Focal Person in Law Department(8-10-2019)

<sup>61</sup>THE KHYBER PAKHTUNKHWA PROMOTION, PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS ACT, 2014- available online at [http://KPK.gov.pk/uploads/2016/02/15\\_Promotion,\\_Protection\\_and\\_Enforcement\\_of\\_Human\\_Rights\\_Act,\\_2014\\_.pdf](http://KPK.gov.pk/uploads/2016/02/15_Promotion,_Protection_and_Enforcement_of_Human_Rights_Act,_2014_.pdf)

<sup>62</sup>meeting with officials of

## CHALLENGES AND NEEDS

At departmental level, the Human Rights Directorate needs capacity building efforts to enhance the capacity of its officials and staff on key concepts of human rights. The department also needs engagement with the Provincial Assembly and the Standing Committee on Human Rights so that it can advance its agenda at a higher forum.

## KHYBER PAKHTUNKHWA COMMISSION ON STATUS OF WOMEN

This Commission was established by the Khyber Pakhtunkhwa Commission on the Status of Women Act, 2009 which was amended in 2016 and then the present Commission on Status of Women was established under the administrative cover of the Women and Social Welfare Department. The mandate of the Commission is to review all laws and policies for ensuring and safeguarding the rights of women in the province.<sup>63</sup> The Commission is also actively engaged in law making efforts for the protection of women rights. At present, three laws are under process which were drafted by the Commission which include Domestic Violence bills, Acid throwing bill and Home-based workers bill.<sup>64</sup>

## OUTREACH

There is a provision in the law for District Committees of the Commission to be established in each district.<sup>65</sup> These committees have been established? Announced? by the government but due to some political reasons these committees have not started working yet.<sup>66</sup>

## CHALLENGES AND NEEDS

**Capacity Building of Staff:** The Commission has a small team of X staff. It needs trained staff who can work on the issues of women rights and women development.

**Interns in Districts:** The Commission Chairperson wants to have presence in at district level where

violation of rights occurs and where women need more support. But at present the Commission has no presence at the district level. They need to have interns at district level to collect data about women issues. They need support of DRI or any other organization which can support them at the district level.

**Support for Newsletter:** The Commission needs support for publication of its newsletter. For this, they need amount of 15000-20000 PKR.

## Child Protection and Welfare Commission Khyber Pakhtukhwa

The Commission works under the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 which was amended in 2016.<sup>67</sup> According to the law, the Commission shall be a body corporate, having perpetual succession and a common seal, with power.<sup>68</sup> The Child Protection and Welfare Commission works under the Chairmanship of Minister for Social Welfare and the Women Development Department and have 9 other members who are secretaries to the relevant departments.<sup>69</sup>

## OUTREACH

There are 12 Child Protection units in 12 districts. The other districts are managed through these offices at regional level. The Commission has free helpline 1121 which is a standard child protection helpline, and the Commission is also linked with the Prime Minister Citizen Portal.<sup>70</sup> According to officials of the Child Protection and Welfare Commission, Khyber Pakhtunkhwa Commission has strong liaison with the local government so that all matters can be resolved at local level which is more efficient way of dealing such matters.

## CHALLENGES AND NEEDS

**FATA Mergers:** Newly merged districts of the Federally Administrative Areas (FATA) also require such services. The Child Protection Commission wants to establish its units in these newly merged districts. For this they need funds and support.

<sup>63</sup>Functions of the Commission section 8-THE KHYBER PAKHTUNKHWA COMMISSION ON THE STATUS OF WOMEN ACT, 2016-available online at <http://KPKcode.KPK.gov.pk/homepage/lawDetails/1299>

<sup>64</sup>Legislation Review by Khyber Pakhtunkhwa Commission on the Status of Women available online at <https://KPKcsw.gov.pk/home/legislations/>

<sup>65</sup>THE KHYBER PAKHTUNKHWA COMMISSION ON THE STATUS OF WOMEN ACT- available online at <http://KPKcode.KPK.gov.pk/homepage/lawDetails/1299>

<sup>66</sup>District Committees on Status of Women yet to be notified- The News July 29, 2019 available online at <https://www.thenews.com.pk/print/505160-district-committees-on-status-of-women-yet-to-be-notified>

<sup>67</sup>The Khyber Pakhtunkhwa Child Protection and Welfare Act (amended 2016) available online at <http://KPKcpwc.gov.pk/KPKCPW%20Amendment%20Act%202016-%20Gazetted%20Copy.pdf>

<sup>68</sup>THE KHYBER PAKHTUNKHWA CHILD PROTECTION AND WELFARE ACT, 2010-avaialble online at <file:///C:/Users/Hp/Downloads/PAK92232.pdf>

<sup>69</sup>ibid

<sup>70</sup>Prime Minister Office Government of Pakistan –available online at <https://pmo.gov.pk/>

**Research and Training:** The Commission needs support in conducting research because they lack proper data on child protection issues.

**Communication/Publication:** The Commission also needs proper communication strategy for reaching out to the public on various key issues. For this, they need support of international organizations. They also need to have the systems and strategies for engaging with the wider communities because child rights and protection is directly linked with the local communities so it is important that they should be aware and more involved in such campaigns.

## OTHER CHALLENGES

### **Lack of Coordination Mechanisms**

The coordination between human rights bodies remains a challenging issue in both Punjab and Khyber Pakhtunkhwa. There are very few formal coordination mechanisms in place or if there are in place, these are not followed properly. Within the Human Rights Department, there is some coordination which is mostly related to routine official correspondence. However, on key policy issues or on broader human rights issues there is little cooperation and coordination within the departments. The reason for this lack of coordination can be traced in the overall organizational environment of the government organizations where staff has to follow official hierarchies.

The coordination with other human rights institutions and other relevant departments is also weak. There are no formal mechanisms for coordinating the efforts of human rights with other departments. However, at some occasions the officials of different departments conduct joint meetings when some important agenda is to be discussed. But usually there is no formal mechanism of meeting or coordinating on key human rights issues to raise collective voice.

The role of civil society is crucial in the matters of human rights. However, the coordination between government departments and civil society is mostly limited to some formal meetings. There are no mechanisms for engaging civil society in the wider context of human rights debate. Though Human Rights Policies of Punjab and Khyber Pakhtunkhwa recognize the role of civil society but they provide no framework for further engagement in this respect. The civil society activist in both the provinces have been working actively with some human rights department but this engagement is mostly of informal nature. The representatives of civil society feel that human rights are not a priority agenda in the government list.

### **About Democracy Reporting International**

Democracy Reporting International (DRI) is a non-partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes the political participation of citizens, accountability of state bodies and the development of democratic institutions worldwide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

This publication has been produced with the assistance of the German Ministry of Foreign Affairs. The contents of this publication are the sole responsibility of Democracy Reporting International and can in no way be taken to reflect the views of the German Ministry of Foreign Affairs.

# DEMOCRACY REPORTING INTERNATIONAL



Follow DRI's work at [www.democracy-reporting.org/pakistan](http://www.democracy-reporting.org/pakistan)



<https://www.facebook.com/DRIPakistan/>



<https://twitter.com/dripakistan>