

**GOVERNMENT OF PAKISTAN**  
**MINISTRY OF HUMAN RIGHTS**

**Brief Review of Implementation of Action Plan for Human Rights**

**April, 2020**

**INTRODUCTION:**

The Action Plan for Human Rights was prepared by the Ministry of Human Rights in 2016. It consists of following six thematic areas of interventions to improve human rights situation in the country:

**Thematic Area-I** Policy, Legal Reforms & Access to Justice

**Thematic Area-II** Implementing Key Human Rights Priorities: Rights of women, children, minorities and vulnerable population

**Thematic Area-III** Cross cutting interventions for protection of Human Rights: education, sensitization and awareness-raising

**Thematic Area-IV** International/UN Treaty Implementation

**Thematic Area-V** Establishment and strengthening of National Human Rights Institutions

**Thematic Area-VI** Implementation and Monitoring Mechanism of the Action Plan

2. The salient features of Action Plan include formulation of National Policy Framework and provincial strategies on promotion and protection of human rights, legal reforms, proposal to improve forensic sciences, upgrade physical facilities and equipments to investigate human rights violation on scientific grounds. The Action Plan sets four key human rights priority areas concerning vulnerable segments of the society i.e. Protection of Women Rights, Protection of Child Rights, Protection of Rights of Minorities and Protection of the Rights of Persons with Disabilities (PWDs). A number of actions have been planned for the protection and promotion of the rights of vulnerable segments. The Plan also incorporates cross cutting themes for promotion and protection of human rights. Special emphasis has been given to human rights education and sensitization for all the duty bearers who are directly or indirectly involved in progressive realization of human rights. Capacity building initiatives have been given space for all key stakeholders involved in realization of human rights at grass roots level. Another key component of Rights Based Approach to Development Planning has been envisioned with adequate allocation of funds in Public Sector Development Program (PSDP) to institutionalize the human rights in development planning. The Plan includes actions for mass media awareness-raising and advocacy campaigns to bring attitudinal change in the society for protection of the rights of vulnerable segments with special emphasis to rights of every citizen of the country.

The major achievements on the Action Plan are summarized as under:

## **THEMATIC AREA-I: POLICY AND LEGAL REFORMS**

### **Legislation Made:**

Under legislative reforms, following 10 major laws have been promulgated prioritizing the protection of rights of women, children, minorities and institutional strengthening:

1. **Criminal Law (Offences relating to Rape) Act, 2016:** This Act includes a number of significant provisions to deal with the crime of rape. It stipulates the death penalty or imprisonment for life and fine for this crime.
2. **Criminal Law (Offences relating to Honour Killing) Act, 2016:** This Act aims at to deter and prevent offences in the name or on the pretext of honour in Pakistan which claims the lives of hundreds of victims every year.
3. **The Criminal Law (Amendment) Act, 2016 (Child Protection):** This law prescribes various provisions regarding the protection of the rights against any form of sexual or physical abuse.
4. **National Commission on the Rights of the Child Act, 2017:** This Act prescribes the functioning and powers of the Commission entrusted with the task of protection of rights of children.
5. **Hindu Marriage Act, 2017:** This is the first personal law to regulate Hindu marriages. It provides detailed conditions while contracting a marriage. It also ensures the protection of the care of children of the spouses who seek separation.
6. **Transgender Persons (Protection of Rights) Act 2018.** The first ever law for such population in the country. Harassment of transgender persons will also be prohibited in and outside their homes.
7. **The National Commission on the Status of Women (Amendment) Act, 2018:** Under this amended Act the new chairperson of NCSW would be elected within 30 days after the

retirement of the incumbent head. This law provides a time frame for the appointment of the chairperson in order to make the commission more effective.

8. **The Women in Distress and Detention Fund (Amendment) Act, 2018:** Promulgated to operationalize the Fund. This Act was passed originally in 1996, but unfortunately not a single meeting could be held to utilize this Fund during the last 22 years.
9. **The ICT Child Protection Act, 2018:** It aims to protect children from violence, abuse, exploitation and neglect in the Islamabad Capital Territory. It envisages establishment of a 'Child Protection Advisor Board' and 'Child Protection Institutions' for protection of children.
10. **The Juvenile Justice System Act, 2018:** It aims to provide a criminal justice system for juveniles with a view to ensure their rehabilitation and reformation through institutional services.
11. **Legal Aid and Justice Authority Act 2020:** In order to reform the existing legal aid mechanisms in Pakistan which remained ineffective due to lack of ownership at the relevant levels, ineffective performance management mechanisms, lack of capacity of the concerned committees and lack of public awareness about such legal aid mechanism; the Ministry of Human Rights in collaboration with the Law and Justice Commission of Pakistan drafted a bill, namely "Legal Aid and Justice Authority Bill. The bill was introduced in the National Assembly of Pakistan by the Ministry of Law and Justice and has been passed by the Parliament.
12. **The Zainab Alert, Response and Recovery Act, 2019:** Zainab Alert, Response and Recovery Act 2019, is the Government of Pakistan law that defines the system of one window operations to notify, react and recover kidnapped children in Pakistan. It provides for protection of missing and abducted children that includes raising alert, responding and recovering of missing and abducted children. The Act has been passed by Parliament.

#### **Legislative initiatives under process:**

Following bills prepared by the Ministry of Human Rights have been forwarded to Law & Justice Division for further action for introduction in the parliament:

1. **ICT Rights of Persons with Disability Bill, 2018:** The bill on protecting the rights of the disabled persons defines the scope of rights of disabled persons and also gives administrative mechanism to ensure the protection of the rights of disabled people by proposing creation of a National Council for the Rehabilitation of Disabled Persons.
2. **Torture and Custodial Death (Prevention & Punishment) Bill, 2018:** Torture and Custodial Death (Prevention & Punishment) Bill, 2018 comprehensively defines the term torture and also provides procedure for investigation, trial of torture related cases and prescribes strict punishment as well.

3. **Prohibition of Corporal Punishment Bill, 2018:** Prohibition of Corporal Punishment Bill, 2018 after defining the term corporal punishment describes the scope of application of this legislation which includes both public and private educational institutions and prescribes punishment for the crime of corporal punishment of up to one year of imprisonment or fine of up to 100,000 rupees or both.
4. **Christian Marriage and Divorce Bill, 2019:** The bill was finalized through consultative process. The Bill was sent to Law Division for vetting. Meanwhile, a meeting of Bishops of various Churches was held with Parliamentary Secretary for Law and Justice. The Law Division has returned the Bill with request to examine and incorporate the comments of Christian community shared in the said meeting. However, MoHR has requested the Law Division on 3<sup>rd</sup> October, 2019 to forward the Bill to CCLC, as the requisite consultation with the representatives of Christian community has already been done.
5. **Domestic Violence (Prevention and Protection) Bill, 2019 at ICT:** This has been finalized by MoHR. The Bill was sent to the Law Division on 26<sup>th</sup> August, 2019 for vetting. After consultation with the Senior Legislative Advisor (on 3<sup>rd</sup> Oct, 2019), the revised draft has been shared with Law Division for vetting.
6. **Islamabad Capital Territory Senior Citizen Bill, 2019:** The Cabinet in its meeting held on 2nd July, 2019 approved the contents of the Bill in principle. Law Division has requested the Parliamentary Affairs' Division on 8<sup>th</sup> October, 2019 to introduce the Bill in the National Assembly.
7. **Protection against Enforced Disappearances Bill:** In order to criminalize enforced disappearances a bill is prepared by the Ministry of Human Rights and has been shared with Law Division for further process.

#### **Policy Framework:**

- Drafted National Policy framework based on inputs from the relevant stakeholders and is being submitted for further consideration by the Cabinet.
- Provincial Human Rights Strategies notified by the Government of Punjab and Government of Khyber Pakhtunkhwa.
- Women Development Policy, 2018 launched by the Government of Punjab.
- Women Empowerment Policy framework notified in Khyber Pakhtunkhwa.
- National level Policy Guidelines on GBV are formulated.

#### **Research Study on Legal Framework of Human Rights in Pakistan:**

In order to review and identify legal gaps for harmonization of legislation in line with the Constitution of Pakistan, International human rights obligations, subordinate legislations and to provide recommendations to be enacted/amendments in the PPC and CrPC; the Ministry of Human Rights commissioned a comprehensive research study under the Action Plan for Human Rights. The research study has been completed and would be launched on the occasion of International Human

Rights Day to share the findings/recommendations of the research. The scope and enforcement of human rights have been further elaborated along with analysis of core issues, laws and judicial judgments of each right.

**Research Study on Men's Perception** on Gender Based Violence to design Men Engage Model is completed.

**Survey on out of school children in katchi Abadis of Islamabad is completed.**

## **THEMATIC AREA-II: IMPLEMENTING KEY HUMAN RIGHTS PRIORITIES**

### **Protection of Women Rights and Elimination of Gender Based Violence**

- **Formulation of National Policy guidelines on Gender Based Violence:** MoHR has formulated National Policy Guidelines on Gender Based Violence through a consultative meeting with Federal, Provincial stakeholders.
- Enforcement of **Women's Property Rights Ordinance 2019** aims to address the grievances of women over inherited assets. Under this law, disputes revolving around property inherited by women and the right of inheritance would be resolved on expedited basis.
- **Punjab:** Government of Punjab launched a '**Women Safety Smart-phone App**' Project. The user- friendly App offers a one button access to the PCSW's helpline (1043).
- Government of Punjab has amended certain laws in recent years which were discriminatory to women. These laws include:
  - [Punjab Muslim Family Laws \(Amendment\) Act, 2015](#)
  - [Punjab Family Courts \(Amendment\) Act, 2015](#)
  - [Punjab Marriage Restraint \(Amendment\) Act, 2015](#)
  - [Punjab Partition of Immovable Property \(Amendment\) Act, 2015](#)
- **Sindh:** Established of Provincial Implementation and Monitoring Committee for CEDAW report
- Appointed Chairperson and Members of Sindh Commission on the status of Women
- Establishment of Inquiry Committees in all public and private Departments/Organizations to address the issue of harassment of working women.
- Enacted Sindh Hindu Marriage Act, 2016 whereby legal cover has been provided for the registration of marriages, fixing the marriageable age of bride and groom as 18 to avoid forced marriage etc.

- Establishment of office of Provincial Ombudsperson for Protection against Harassment of Women at Workplace to redress the complaints of women against harassment at workplace.
- **Khyber Pakhtunkhwa:** Women Empowerment Policy framework issued.
- Established four women crises centers in District Peshawar, Mardan, Swat and Abbottabad and two more Shelter Homes in Haripur and Mansehra.

### **Rights of Minorities:**

The **Action Plan against Religious Persecution** prepared by Expert Group under the chair of the Secretary, MoHR outlines a concerted effort to be taken up with multiple stakeholders in order to safeguard and promote religious minorities so that they are better able to contribute in peace and development of the country, become a part of Pakistan's mainstreams social fabric and be without fear in Pakistan. These efforts include but are not limited to:

- Targeted awareness raising and sensitization media campaigns and trainings on the contribution of religious minorities in Pakistan, interfaith harmony, the rights of minorities outlined in the Constitution and in the teachings of Islam, and the responsibility of the Muslims in protecting the rights of minorities, amongst others
- Review and revision of education curricula at all levels in order to create a peaceful and inclusive society by educating students on rights of religious minorities in the Constitution, Islam and UN provisions and the removal of any content that promotes hatred against a specific group and is harmful
- Creation of an endowment fund for scholarships for students and other initiatives for skill development
- Strengthening district level Interfaith Harmony Committees
- Creation of a complaint and redressal mechanism
- Review of and propose amendments for discriminatory laws
- Creation of National Commission on Interfaith Harmony
- Protection of places of worship

### **Rights of Children:**

- Minimum **Quality Care Standards for Child Care Institutions** are being prepared. It will ensure that the services provided by the Child Care Institutions are in accordance with the prescribed minimum standards. Consultative meeting on said protocol has been held and will be finalized soon.

- **Interagency Protocol on Child Abuse** for Child Abuse at ICT level is under process to enhance coordination among various child protection institutes at ICT level for appropriate referral of cases of child abuse. A consultation of the relevant stakeholders has been held in August, 2019.
- Minister for Human Rights led **awareness campaign of Ministry of Human Rights on child abuse** by visiting in various schools at ICT level. Recently, she has visited two schools on 2<sup>nd</sup> and 3<sup>rd</sup> October, 2019 wherein she talked with children, teachers and parents on the issue of child abuse and protection.
- A **media campaign** has been launched for awareness of general masses on the issue of child abuse including child protection. In this regard, the Ministry of Human Rights has telecasted video messages on child abuse on public and private channels.
- The Ministry of Human Rights has celebrated the **International Day of the Girl Child** on 11<sup>th</sup> October, 2019. During the event, truck art was used for advocacy and awareness on rights and protection of the girl child. The celebration of the day was a source of encouragement for the girl child and re-affirming our commitment under the Constitution of Pakistan and international obligations.

### **THEMATIC AREA-III: CROSS CUTTING INTERVENTIONS**

**Public Awareness Campaigns on Human Rights:** A Public Awareness Campaign to highlight the issue of women's right in inheritance and on the issue of child abuse has been carried out in the mainstream print and electronic media. On 4<sup>th</sup> July, 2019, a campaign, titled "Protecting our Children-Prevention of Child Abuse" was also launched. In this regard, the Ministry of Human Rights has developed video messages/TVCs on prevention of child abuse which have been aired on different radio and TV channels. Seminars are being arranged in schools, Parents will also be engaged for their sensitization on the issue of child abuse after reopening of school.

1. **Awareness on prevention of Child abuse:** Once Schools reopen, a team of Ministry of Human Rights will be visiting schools in ICT to talk to parents, teachers and students on the issue of child abuse.
2. **Awareness campaign on success stories of the youth leaders** in various fields of life has been launched for inspiration of other youths.
3. **Sensitization of Police officials:** Ministry of Human Rights is initiating a programme to sensitize police in ICT on child abuse and to support the victims.
4. **A media campaign has been launched for awareness on the issue of child abuse** on 4th July, 2019. In this regard, the Ministry of Human Rights has developed video messages on child abuse and requested PEMRA to telecast these on public and private channels.

5. **Signed Memorandum of Understanding with Sindh Judicial Academy:** MoHR and SJA have signed MoU on 26th April, 2019 to collaborate for strengthening the capacity of the High Court judges in the province of Sindh with the aim to acquaint and train judges in laws pertaining to human rights, schemes and mechanisms in addition to the performance of their duties effectively within the confines of such laws, schemes and mechanisms. Under this MoU, training program are to be organized which delivers beyond an instrumentalist approach to human rights and ensures practical engagement with the judges through use of proven techniques for improved performance of the actual duties of the judges as derived from the recommendations of experts in the human rights fora. The training Courses for the Civil Judges have been started to sensitize the Judiciary in the Province.
  
6. **Capacity building workshops of Provincial as well as Regional Governments (GB and AJK)** arranged by the Ministry in each Province including GB and AJK during 24<sup>th</sup> June – 31<sup>st</sup> July, 2019. The objective of the workshops was to build the capacity of the officers of the relevant departments for implementation of UNCRPD and follow up actions required in response to Incheon Strategy and SDGs pertaining to disability. On average thirty officers of each Government attended the workshops.

**Inclusion of Human Rights in Curriculum of Federal Education Institutions:** Ministry of Federal Education & Professional Training on the request of Ministry of Human Rights initiated a process to review and update curriculum for the Islamabad Capital Territory. Ministry of Federal Education & Professional Training inculcated the human rights contents besides (i) organization of society; (ii) respect for rule of laws; (iii) respect for diversity and tolerance; (iv) peace and social cohesion; (v) Mutual collaboration.

#### **THEMATIC AREA-IV: INTERNATIONAL/UN TREATY IMPLEMENTATION**

**Strengthening and effective functioning of Treaty Implementation Cells (TICs)** Treaty Implementation Cells established at the Federal and Provincial level are already functional; however, a training module for their Capacity Building has been developed and first round of their orientation and capacity building has been conducted.

**Capacity building of the Treaty Implementation Cells** Pretesting of the Capacity Building Module is done. Training sessions are being arranged at Federal and Provincial level including AJK and GB for capacity building of relevant Departments which are members of the Cells.

## **THEMATIC AREA-V: INSTITUTIONAL INTERVENTIONS**

In order to review, monitor, redress the human rights violations/complaints and for effective implementation of human rights commitments/plans the institutional architecture in the country is based on following organizational pattern/linkages:

In addition to the above mentioned institutional framework, Ministry of Human Rights has also undertaken following projects through budgetary allocations under annual Public Sector Development Plan for further strengthening institutional infrastructure to protect human rights in the country:

1. Institutional Strengthening of Ministry of Human Rights
2. Establishment of Human Rights Information Management System (HRMIS)
3. Strengthening Regional Directorates of Human Rights (RDHR) Lahore, Karachi, Peshawar and Quetta

### **Commissions:**

- **NCHR** is being constituted and the applications for appointment of Chairperson and Members NCHR have been received and being processed.
- **NCSW** is also being constituted and the applications for appointment of Chairperson and Members NCSW have been received and being processed for further submission of Summary.
- **NCRC** is constituted under the act and commission is notified.

## **THEMATIC AREA-VI: IMPLEMENTATION AND MONITORING MECHANISM**

### **Monitoring Human Rights Violations:**

Ministry of Human Rights monitors the incidents of human rights violations through print and electronic media. During the year 2018-19, the **Ministry identified 5795 cases of human rights violations and taken up with the concerned authorities** including law enforcement agencies (Police), health and education authorities to get report on their actions taken.

**Financial Assistance to the victims of human rights violations:** Ministry of Human Rights administers Human Rights Relief Fund to provide small scale financial assistance to the victims and affectees of human rights violations including kidnapping, rape, police encounters, extra-judicial deaths, tortures violence against women and children. During FY 2015-19; **907 victims of human rights violations were given the financial assistance** under this fund. An amount of Rs.4.0 million has been allocated for FY 2019-20.

**National and Provincial Task Forces on Human Rights:**

- **National Task Force** under the Chair of Federal Minister for Human Rights has been established and notified with the approval of the Prime Minister for effective implementation of the Action Plan for Human Rights. Four meetings of Task Force have been held to review the progress on implementation of action plan by the federal and provincial government.
- **Provincial Task Forces:** Governments of the Punjab, Sindh, Khyber Pakhtunkhawa, Balochistan have established Provincial Task Forces under the chair of Provincial Minister dealing with the subject of Human Rights for implementation and monitoring of Action Plan.

The formulation of second phase of Action Plan comprising protection of Civil and Political Rights; Economic, Social and Cultural Rights; Environmental Rights, Labour Rights, Rights of Disabled Persons, Transgender, Women, Children and Senior Citizens; and Prevention of Torture in Pakistan is in progress for further submission to the present government in order to continue with a renewed commitment and better understanding.