



PUNJAB HUMAN RIGHTS POLICY

2018

HUMAN RIGHTS & MINORITY AFFAIRS DEPARTMENT, GOVERNMENT OF THE PUNJAB

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LIST OF ABBREVIATIONS

Constitution	The Constitution of the Islamic Republic of Pakistan, 1973
CrPC	Code of Criminal Procedure, 1898
CSOs	Civil Society Organizations
FIA	Federal Investigation Agency
GBV	Gender Based Violence
GOP	Government of Pakistan
HEC	Higher Education Commission
HR	Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
INGOs	International Non-Governmental Organizations
IPC	Inter-Provincial Coordination
LHW	Lady Health Worker
M/o H&W	Ministry of Housing & Woks
M/o HR	Ministry of Human Rights
M/o RA&IH	Ministry of Religious Affairs & Interfaith Harmony
MIS	Management Information System
NCC	National Curriculum Council
NCHR	National Commission for Human Rights
NCM	National Commission on Minority
NCRC	National Commission on the Rights of Children
NCSW	National Commission on the Status of Women
NGOs	Non-Governmental Organizations
NHRIs	National Human Rights Institutions
BISP	Benazir Income Support Program
NPF	National Policy Framework
P&D	Planning & Development Department
PBM	Pakistan Bait-ul-Mal
PCSW	Punjab Commission on the Status of Women
PEMRA	Pakistan Electronic Media Regulatory Authority
PPC	Pakistan Penal Code, 1860
PSDP	Public Sector Development Program
PTIC	Punjab Treaty Implementation Cell
PWDs	Persons With Disabilities
SOPs	Standing Operating Procedures
TICs	Treaty Implementation Cells
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCRPD	UN Convention on the Rights of Persons with Disabilities

PREAMBLE

Punjab Human Rights Policy primarily focuses on protection and promotion of human rights through reviewing legislations, policies and practices in compliance with the fundamental rights enshrined in the Constitution of Islamic Republic of Pakistan and core United Nations Human Rights Conventions ratified by Pakistan. These national and international commitments ensure justice, equality and security of all citizens. It is State's responsibility to protect civil, political, economic, cultural and social rights of its citizens. The Government of Punjab is committed to take all necessary measures for elimination of all forms of discrimination and protection of the rights of vulnerable citizens i.e. children, women, minorities, senior citizens, transgender persons and persons with disabilities.

The Prophet Muhammad (P.B.U.H) laid down the foundation of human rights long ago. He delivered His last sermon Khutba Hajja-tul-Wida. The message was humane, rational and favorable to justice and provided the basis for equality and non-discrimination. The Khutba remained an essence of the true message and philosophy of Islamic faith on which the edifice of Universal Declaration of Human Rights has been laid down. Similar pluralistic provisions can be found in Misaq-e-Madina (Charter of Madina) considered as the first major initiative towards establishing Muslim State defining rights, obligations of the citizens and role of the state. As for equality in rights, the Charter emphasizes that social, legal and economic equality is promised to all loyal citizens of the State.

The founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah in his presidential address to the Constituent Assembly of Pakistan on 11 August 1947 stated: *"You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State... We are starting with this fundamental principle that we are all citizens and equal citizens of one State."* The Constitution of Pakistan truly translates this vision in by enshrining fundamental rights of the citizens in the very social contract between the State and its citizens regardless of sex, caste, creed or religious affiliation.

Despite concrete efforts in entrenching the human rights discourse and weaving it into our State institutions, there is still a long way to go towards achieving the universal goals of protection of the rights of all citizens and ending all kinds of discrimination. However, the commitment of the Government of the Punjab is a visible indication of the intention to improve human rights situation in the province.

1 INTRODUCTION

Government of the Punjab believes in the dignity and fair treatment of every person; their protection in accordance with law and that everyone should be able to fully participate in the economic, political and social activities. Government of the Punjab is committed to translate the human rights principles enshrined in the constitution into legislation with robust institutional

mechanism. It is also cognizant of its international commitments especially with regard to core Human Rights Conventions ratified by the Government of Pakistan.

Government of the Punjab has exhibited proactive efforts in not only promoting human rights but also institutionalizing mechanisms for sustainability. By virtue of Article 139 of the Constitution, the Punjab Government Rules of Business, 2011 mandates 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 inquires about allegations and complaints regarding human rights abuses in the province. The Department also focuses on the rights of minorities to reinforce their equal citizenship status. Women Development Department, Government of the Punjab is also another important component in ensuring human rights in the province. Social Welfare and Bait-ul-Maal Department, Government of the Punjab facilitates human rights interventions by providing relief to vulnerable strata of society. Harmonization of laws in consonance with international human rights obligations and constitutional safeguards is also the mandate of the Human Rights & Minorities Affairs Department. Furthermore, the Punjab Commission on the Status of Women established under the statutory Act of 2014 of the same is another important human rights institution in Punjab with widespread powers and functions to protect the rights of women in the province. Through establishing and utilizing mechanisms contained within these human rights institutions, Government of the Punjab has taken landmark decisions in promoting human rights in the province at all levels of governance. Human rights are complex phenomena with various cross-cutting themes and issues. As outlined in the policy document, implementation of this policy tasks the Government of the Punjab to utilize relevant departments for future actions. Home, Law & Parliamentary Affairs, Primary & Secondary Healthcare, Specialized Healthcare & Medical Education, Women Development, Social Welfare & Bait-ul-Maal, Communication & Works, Planning & Development, Local Government & Community Development, Labour and Human Resource, School Education, Special Education and other relevant departments of the Punjab Government are all relevant stakeholders in protecting, promoting, ensuring and implementing the vision of human rights encased in this document.

There are profound challenges on ground; however, there are numerous opportunities and potential capabilities to improve the human rights situation in the province. Safeguarding human rights and fundamental freedom is an essential and integral component of all democratic and progressive societies. Globally, the international image and repute of the countries is being increasingly associated with the state of human rights. Government of the Punjab attaches high priority to promote and protect human rights in the province. The recent European Union's Generalized Scheme of Preferences (GSP) is a vital indicator of the intertwined relationship between trade, commerce and human rights in the current global context.

2 PRINCIPLES OF HUMAN RIGHTS POLICY

Punjab Human Rights Policy is based on the following principles:

- i. Re-affirming the commitment to provincial, national and international human rights obligations.
- ii. Reviewing laws/policies to strengthen human rights protection.
- iii. Emphasizing on human rights education and training.
- iv. Enhancing domestic and international engagement on human rights issues.
- v. Achieving greater respect for human rights principles within the society.
- vi. Amending and bringing relevant laws in consonance with current human rights thought and indigenous discourse.
- vii. Modernizing school, college, law degree curricula and competition exams to include human rights concepts.
- viii. Improving training and standard operating procedures of the police, prison staff, lower and mid-level judiciary.
- ix. Mainstreaming human rights perspective in public policy development process and resource allocation.

3 PROTECTION OF RIGHTS OF INDIVIDUALS AND VULNERABLE GROUPS

3.1 CHILD RIGHTS

Pakistan was one of the six countries that supported the holding of the World summit for Children in 1990, which gave the “first call for the children”. Pakistan has ratified various international conventions and treaties related to the rights of the children. These include UN Convention on the Rights of the Child (CRC) and its Optional Protocol, the ILO Convention on the Worst Forms of Child Labour (No. 182); minimum Age Convention (No.138); ILO Forced Labour Convention (No. 29); ILO Abolition of Forced Labour Convention (No. 105). Pakistan is also one of the active members of the South Asia Initiative for Ending Violence against Children, which is an apex body of the SAARC.

Punjab has enacted various laws for the protection of child rights in the province. In Punjab, 5.2% of women and girls aged 15 – 49 years have first been married before the age of 15 years according to Punjab Statistics Bureau in 2014.¹ Punjab Assembly therefore promulgated the Punjab Child Marriage Restraint (Amendment) Act 2015 which now stipulates harsher punishments for child marriages and imposes liability on the Nikkah khawan as well as the child’s guardians. The Punjab Destitute and Neglected Children’s Act, 2004 stipulates mechanisms for rescue, custody, care and rehabilitation of destitute and neglected children in the province. The law seeks to protect children under the age of 15 years and sets up an autonomous Child Protection and Welfare Bureau for implementation of child

¹http://bos.punjab.gov.pk/system/files/1.Introductory_Part.pdf

rights in the province. Punjab also regulates detention of offenders under the age of 21 years through the Punjab Borstal Act, 1926 with administration stipulated in the Punjab Borstal Rules, 1932. Corporal Punishment in schools has also been banned by the Government of the Punjab through the Punjab Free and Compulsory Education Act, 2014.

Birth registration is the most crucial and fundamental indicator of child rights where the identity of the child is linked to the State he or she is born in. According to a survey by the Punjab Statistics Bureau,² 72.7% of children under the age of five are being registered. Efforts by the government are underway to ensure 100% birth registration in the province by introducing digital birth registration using cellular technology piloting in three districts (Pakpattan, Bahawalpur and Chinniot). With regard to child labour in Punjab, 16.4% of children between the ages of 5 – 17 years are involved in child labour which is defined to include *‘children involved in economic activities at or above the age-specific thresholds, children involved in household chores at or above the age-specific thresholds, and children involved in hazardous work’*³. The Punjab Prohibition of Child Labour at Brick Kilns Act, 2016 and Restriction on Employment of Children Act, 2016 prohibits the employment of child in labour at brick kilns and in general respectively, which are the milestone legislations to deter child labour in the province.

To address the situation of child rights and further protect children against violence, the following steps are recommended:

- i. Formulation of a child rights strategy in Punjab and review the existing legislation regarding child rights.
- ii. The Criminal Law (second amendment) Act, 2016, which deals with the cruelty to child should be made part of training and teaching institutes to sensitize the duty barriers regarding violence against children.
- iii. The Local Government & Community Development Department, and the Labour & Human Resource Department piloted integrated projects regarding birth registration and enrolment in schools of children of brick kiln workers in ten districts. This project to be replicated all over the Punjab.
- iv. Develop and strengthen Punjab’s legal framework to protect, improve and promote child rights.
- v. Promote and strengthen legislative, administrative and institutional complaint redressal mechanism at the provincial level for the protection of child rights which shall be devolved to districts for effective and accessible grievance redressal mechanisms.
- vi. As a vulnerable class of persons, protect children from all forms of violence and abuses, including but not limited to, harm; neglect; stigma; discrimination; deprivation; exploitation (including economic exploitation and sexual exploitation); abandonment; separation; abduction; sale or trafficking for any purpose or in any form; pornography; alcohol and

²http://bos.punjab.gov.pk/system/files/KFR_2014.pdf

³http://bos.punjab.gov.pk/system/files/1.Introductory_Part.pdf

- substance abuse; or any other activity that takes undue advantage of them, or harms their personhood or affects their development.
- vii. Adopt and institutionalize measures to ensure that every child in the age group of 5-16 years enjoys the fundamental right to free and compulsory education as enshrined in the Constitution.
 - viii. Ensure and institutionalize mechanisms that all out of school children such as child labourers, migrant children, trafficked children, children of migrant labour, street children, child victims of sexual and substance abuse, children in areas of civil unrest, orphans, children with disability (mental and physical), children of prisoners, etc are tracked, registered, rescued, rehabilitated and have access to their right to education.
 - ix. Address and rectify discrimination of all forms to foster equal opportunity, treatment and participation for children irrespective of place of birth, sex, religion, disability, language, region, caste, and health, social, economic or any other status.
 - x. Create early childhood care, protection and safe environment for all children, to reduce their vulnerability in all situations and keep them safe at all places, especially public spaces.
 - xi. Commit to take special protection measures to secure the rights and entitlements of children in need of special protection, characterized by their specific social, economic and geo-political situations, including their need for rehabilitation and re-integration in particular but not limited to children affected by migration and displacement due to communal or sectarian violence, civil unrest, disasters and calamities.
 - xii. Engage with donor agencies and NGOs to build programs for the development, and protection of children.
 - xiii. Ensure registration and documentation of abandoned and homeless children.
 - xiv. Institutionalize effective mechanisms for recording and managing data related to child sex-offenders and limiting employment opportunities of such offenders that involve dealing with children.
 - xv. Where applicable, establish and regulate a government sanctioned system of adoption for abandoned or orphaned children.
 - xvi. Promote sports and other recreational activities for physical, mental and emotional well-being of children.
 - xvii. Implement and institutionalize adequate standards for provision of juvenile justice and borstal institutions.

3.2 WOMEN RIGHTS

Pakistan has also ratified various international conventions and Human Rights instruments committing to secure equal rights for women. Key ratified Conventions are: Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and ILO conventions No. C-100 (Equal Remuneration Convention) and C-111 Discrimination (Employment and Occupation) Convention. CEDAW obliges member states to eliminate all forms of discrimination against women and bring equality between men and women. It also obliges States to take all legislative,

administrative and other measure to ensure women's participation in economic, political and national life. In addition to CEDAW, ILO Convention No. 100 and No. 111 provide for equality of opportunity and treatment in all employment related matters including remuneration. The Punjab has an estimated 49.014 million population of women in the year 2015.⁴ Government of the Punjab has exhibited its serious commitment to the cause of women rights by promulgating ground breaking laws for the protection and promotion of women rights in the province. Of the various laws enacted, harsher punishments have been stipulated for child marriages in the province vide the Punjab Child Marriage Restraint (Amendment) Act 2015. Harsher monetary and imprisonment punishments have also been stipulated to restrict husband's unilateral right of contracting a second marriage without consent of first wife vide the Punjab Muslim Family Laws (Amendment) Act 2015. The commitment for the cause of women rights has been a central focus of the Government of the Punjab who promulgated the Punjab Protection of Women Against Violence Act, 2016 to deter domestic violence in the province. Government of the Punjab has also established the Punjab Commission on the Status of Women to monitor and facilitate implementation of pro-women laws in the province.

In 2012, Punjab Women Empowerment Package announced on international women's day included a comprehensive policy document outlining the various steps taken by the Government of Punjab in ensuring women rights. The document delineated procedural relaxations for women's inheritance rights, policy and strategy to protect the rights of home based workers and working women in the informal sector, maternity and paternity leaves, establishment of day-care centers and other affirmative action's for women in the province.⁵ In 2014, Punjab Women Empowerment Initiatives were launched on eve of international women's day. In 2016, in celebration of enactment of the monumental Punjab Protection of Women Against Violence Act, 2016, Government of the Punjab also announced the Punjab Women Empowerment Package, 2016 and on internal women day, 8th March 2017, Punjab Women Empowerment Initiatives, 2017 was proclaimed. Whereby, implementation steps are yet underway to appoint women protection officers and establish district women protection committees to aid women victims of violence in pursuing their rights.

To improve the situation of women's rights, the following steps are recommended:-

- i. Formulation of Provincial Gender Policy with clear cut vision and direction.
- ii. Allocation of sufficient budget in ADPs of Punjab for women empowerment and gender equality.
- iii. Establishment of Career Counseling Centers at all Women Colleges in Punjab.
- iv. Provision of Bus stops with designated waiting spaces for women in urban and rural areas
- v. Extension of Psychiatric Health Facility for women at all DHQs and THQs in Punjab
- vi. Mobile units with all basic facilities for screening breast cancer in rural areas

⁴<http://www.pwd.punjab.gov.pk/sites/pwd.punjab.gov.pk/files/Population%20situation%20of%20Punjab.pdf>

⁵http://wdd.punjab.gov.pk/system/files/PWEP_1.pdf

- vii. Institutionalized examination of women development reforms and interventions in provincial departments
- viii. Business management training for women entrepreneurs and connecting them to national/international consumer market
- ix. Enhance the use of information and communication technology to promote women empowerment
- x. One Stop Holistic Platform be established to serve women led enterprises to provide access to Finance through commercial Banks and legal & regulatory support simplifying procedures to convert into Bankable Enterprises.
- xi. To engage private sector companies to sign MoUs with Women Development Department for committing to the women empowerment principles and endorsing to implement them in their organizations requiring them to abide by international standards of gender equality.
- xii. Free of cost technical / vocational training to women / female students.
- xiii. Interest free loan opportunity for female pass out students of TEVTA institutions to start their own business.
- xiv. Missing Facilities including toilets, drinking water, boundary wall and electricity be provided in all girls school.
- xv. Gender mainstreaming and harassment at workplace committees be notified and get functional.
- xvi. 15% Women employment quota be ensured.
- xvii. Content in curriculum on women empowerment be included from middle to intermediate level.
- xviii. 3 years additional age relaxation for women in recruitment (5+3=8years) be ensured.
- xix. Girls Middle Schools established in union councils be upgraded and more schools be established under the Punjab Education Foundation.
- xx. Women friendly policies (including women friendly police and prisons) will be drawn to encourage effective socio-economic development of women.
- xxi. Strengthen legal systems aimed at elimination of all forms of discrimination against women.
- xxii. Mainstream gender perspective in the development process.
- xxiii. Eliminate discrimination and all forms of violence against women and the girl child.
- xxiv. Establish institutions and mechanisms/schemes for prevention of any kind of violence, including sexual harassment at workplace and anti women customary traditions and for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence.
- xxv. Ensure that women get their due right to inheritance and laws pertaining to inheritance be strictly observed and violations be monitored and punished.
- xxvi. Safeguard rights of women by inculcating and entrenching gender sensitive approaches and mechanisms for Investigating Officers, Medico-Legal Officers and Prosecutors for evidence and trials of gender based crimes.
- xxvii. Strengthen Violence Against Women Centers.

3.3 RIGHTS OF MINORITIES

Religious minorities enrich cultural diversity and pluralistic roots of Pakistan. They have made invaluable contributions to the development, peace and prosperity of the country. Protection of the rights of minorities is a constitutional requirement. The Constitution of Pakistan guarantees equal rights and status to all citizens, irrespective of race, religion, caste, or creed.

The Government is conscious of the fact that a major part of minority population is poor and illiterate, thus socially and economically marginalized. Therefore, special measures are needed for the empowerment of minorities.

Religious minorities enjoy a 5% employment quota in public sector in the province. The Punjab Assembly has also reserved 8 provincial assembly seats for religious minorities in Punjab. The Human Rights and Minorities Affairs Department, Government of the Punjab is mandated with the powers to coordinate with public and private institutions to promote rights of minorities and harmonize laws according to international human rights laws and obligations. The Department administers rules framed under the Christian Marriage Act, 1872 and the Hindu Marriage Act, 2017 and the Punjab Sikh Annand Karaj Marriage Act, 2018. Government of the Punjab has constituted provincial and district interfaith harmony committees to promote inclusivity, access and harmony.⁶ Minority Advisory Council, Punjab (MACP) is working with secretarial support of the Human Rights & Minorities Affairs Department with a mandate of advising the Government on specific and general issues of protection and promotion of minorities in Punjab.

In order to realize the dream of interfaith harmony, the Government of Punjab shall take following initiatives:

- i. To promote the religio-cultural diversity, the religious festivals of the minorities will be organized and celebrated at grass root level.
- ii. Ensure strict compliance of 5% employment quota for minorities.
- iii. Legal reforms in Minority Personal & Family Laws
- iv. No minority student be forced to opt Islamic studies in replacement of Ethics.
- v. Measures be taken for mitigation of false accusation of blasphemy laws.
- vi. Academic calendar / examination schedule be planned keeping in view of the important religious events of the minorities.
- vii. Chapters on tolerance/acceptance and peaceful co-existence be incorporated in teachers' training modules.
- viii. Exclusion of extremism / hate material from the curriculum.
- ix. Display of charts showing Interfaith Harmony in class rooms and at prominent places in all public / private schools in Punjab.

⁶<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/267/96/PDF/G1526796.pdf?OpenElement>

- x. Frequent holding of debate / essay / declamation contest on Interfaith Harmony and Human Rights in all public & private schools in Punjab.
- xi. The Government will ensure that offense of incitement to religious hatred leading to violence does not go unpunished.
- xii. The role of digital and print media will be enhanced to increase interfaith harmony and create awareness about other religions.

3.4 RIGHTS OF PERSONS WITH DISABILITIES

According to the 1998 Census, there were about 3,286,630 persons with disabilities / special needs in Pakistan (2.54% of the population). The stipulated percentage is considerably lower than the 7% statistical figure offered by the World Health Organization. Punjab houses 1,826,623 of persons with disabilities / special needs in the province. Article 38 (d) of the Constitution of Pakistan enshrines the State to *'provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment..* Pakistan is also signatory to ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) No. 159 and UN Convention on the Rights of Persons with Disabilities, which recognizes issues and problems, and rights of disable persons.

In the wake of United Nations International Year of Disabled Persons, 1981, Pakistan has promulgated a special law to provide for the employment rehabilitation and welfare of disabled persons, namely "Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 on 24th December 1981. The effectiveness of law is closely linked to economic empowerment. Pakistan has adopted policies aiming to promote the rights of people with disabilities / special needs to full and equal participation in society even prior to ratification of the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983). National Policy for Persons with Disabilities is well supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

In addition to the above, a special fund at national level has been created which is utilized for establishment of training centers for persons with disability / special needs; grant of financial assistance to persons with disabilities who are not fit to undertake any employment; disbursement of stipend or scholarships to persons with disabilities / special needs receiving trainings; welfare package for persons with disabilities / special needs and for providing artificial limbs, surgical therapy and medical treatment.

In 2012, The Government of Punjab enacted the Disabled Persons (Employment and Rehabilitation) Amendment Act 2012 to bring the law in consonance with the principles of the 18th amendment. A Provincial Council for Rehabilitation of Disabled Persons is working under the statutory ambit of the Ordinance and Amendment Act. Furthermore, District Assessment Boards and

District Rehabilitation and Training Committees have also been set up to work for the protection of the rights of persons with disabilities.

Realizing the major challenges which the persons with disabilities / special needs are facing and to create enabling environment for their mainstreaming in the society, the following measures be taken:

- i. Develop and launch advocacy campaigns to address special groups, such as policy makers, opinion leaders, youth and adolescents for the international obligations for the rights of the persons with disabilities / special needs.
- ii. Increase ownership of disability issues by the stakeholders and strengthen their participation in the process of service delivery and program design.
- iii. Adopt a shift from exclusive system of education to that to inclusive education for the children with disabilities / special needs.
- iv. Ensure the provision of quality services to all segments of age groups for Persons with Disabilities / special needs, through expansion and strengthening of service delivery infrastructure.
- v. Build strong partnerships with concerned line Ministries, Provincial Line Departments and national/international development partners (NGOs), by providing assistance/guidance through advocacy, training, monitoring and other means of participation and quality assurance.
- vi. Ensure training and education of parents and communities to recognize special needs of persons with disabilities.
- vii. Following the gravity of the unfortunate incidents happened in the last few years resulted in the severe casualties of labourers, Communication and Works Department is required to make amendments in bye-laws of building code to make all buildings disable friendly with special focus on the emergency evacuation of persons with disabilities / special needs.
- viii. Age relaxation of 10 years to the persons with disabilities as notified in the public sector may be replicated in the private sector as well. Ensure strict compliance for the implementation of the 3% disabled quota in the employment opportunities of public sector.
- ix. Children with mild disabilities be encouraged to get admission in government schools.
- x. Like public sector quota for persons with disabilities, quota may also be fixed in the employment opportunities of the private Sector.

3.5 RIGHTS OF SENIOR CITIZENS

Elderly and senior citizens are vulnerable owing to their eroding mental and physical faculties in Pakistan's social set up. It is therefore pertinent to safeguard their rights and protect them from abuse or exploitation due to their disadvantageous position. The UDHR alluded to the rights of elderly and senior citizens in Article 25(1) which states: *“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his*

control. International human rights framework makes specific provisions regarding the elderly and senior citizens as a disadvantaged class. Article 7 of the ICCPR prohibits performance of experiments on elderly persons not capable of giving consent. Principles of non-discrimination and equality as enshrined in the ICCPR are also used as a shield to protect elderly rights of pensions and government sanctioned benefits. Article 9 of ICESCR stipulates the right to social security and social insurance which implicitly refers to the rights of senior citizens and elderly for old-age benefits.

The international human rights norms guarantee adequate living standards and social security, in Punjab 47% of senior male citizens and 24% of senior female citizens are coerced into work despite frail physical and mental capabilities coupled with discriminatory attitude in the work force.⁷

In order to safeguard the rights of senior citizens, the following measures are recommended

- i. Social Welfare & Bait-ul-Maal Department is required to start legislation for senior citizens' awareness regarding employee's old age benefits and their application mechanisms.
- ii. Introduce discounts and waivers for elderly and senior citizens still participating in the work force.
- iii. Discount on domestic fare to senior citizens in all means of transportation/commutation.
- iv. Ensuring speedy / out of queue service delivery to senior citizens at all public and private forums.

3.6 RIGHTS OF TRANSGENDER PERSONS

The opening words of UDHR state: "*All human beings are born free and equal in dignity and rights.*" The equality and non-discrimination principles subsumed by international human rights law applies to all people, regardless of sex and gender identity. The Constitution of Pakistan also focuses on dignity as linked to the core notion of human rights. It is against this backdrop which requires attention regarding the rights of transgender persons in Pakistan in general and Punjab in particular. In compliance with the judgment of the august Supreme Court of Pakistan, the Government of Pakistan initiated the process of registering transgender persons as a third gender in the national database.⁸ Furthermore, efforts are underway to ensure greater inclusivity for transgender persons in upcoming census.⁹

While the Government of the Punjab has proactively worked on registration of transgender persons, affirmative actions to mainstream transgender persons need to be made in order to dignify their status in the society. Violence against transgender also needs government attention in the province.

⁷<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/267/96/PDF/G1526796.pdf?OpenElement>

⁸<http://tribune.com.pk/story/326911/dream-come-true-transgender-community-celebrates-cnics-voter-registration/>

⁹<http://nation.com.pk/featured/19-May-2016/transgenders-to-be-counted-in-upcoming-census>

Transgender persons are a neglected part of our society condemned to degradation and inhumane social attitudes. In order to strengthen their rights, the following initiatives are recommended:

- i. Birth Registration of Transgender persons.
- ii. Ensure registration with NADRA of all transgender persons in the province.
- iii. Affirmative action to mainstream transgender persons in the work force.
- iv. Promulgate comprehensive law to include transgender persons as aggrieved or victims in cases of violence against them.
- v. Ensuring inheritance rights of the transgender persons.

4 CIVIL AND POLITICAL RIGHTS

The Constitution of Pakistan protects religious freedom and right to expression of everyone. The province is conscious of the need for effective implementation of laws against hate speech, incident of communal violence and leaders responsible for verbal or written edicts of apostasy. Pakistan is facing the challenges of sectarian violence and religious intolerance. Furthermore, all efforts will be taken to promote interfaith harmony in the country.

4.1 SECURING RIGHT TO LIFE, LIBERTY AND SECURITY

Pakistan is committed to its national and international responsibilities regarding rights to life, liberty and security of person. Pakistan has ratified core conventions on Human Rights, which demonstrates Pakistan's commitment to international Human Rights Standards. It has now been focused to implement these conventions at national level. There are challenges, albeit the government is committed to fulfilling its obligations. Article 9 of the Constitution of Pakistan ensures the security of person; stating *"no person shall be deprived of life or liberty save in accordance with law"*. Furthermore, road safety is a major cause of concern which accounts of a significant proportion of annual deaths in Pakistan.¹⁰ To provide free, secure and peaceful atmosphere to all its citizens, Punjab Government, initiated the Punjab Safe City Project which provides comprehensive mechanism for security purposes at the provincial level.

To protect the above rights further, following actions are recommended:

- i. Institutionalizing mechanisms for prevention of human rights violations and enforcement of Convention against Torture in the legal and administrative system of the province.
- ii. The defects in the criminal justice system, administration of justice, police service, and corruption and prejudices in Pakistani society shall be addressed immediately through the development and implementation of comprehensive policies and programmes. Prosecution will strive hard for no innocent person is condemned and no guilty person is allowed to escape justice.

¹⁰<https://www.thenews.com.pk/print/68896-no-national-road-safety-policy-in-pakistan-report>

- iii. Promulgation of a comprehensive law with an implementation strategy to eradicate torture.
- iv. Develop the strict monitoring mechanism to oversee the working of the Punjab Safe City Project

4.2 ENSURING RIGHT TO INFORMATION (RTI)

Pakistan is the first country in South Asia that has adopted a law for guaranteeing people access to information from public bodies at the national level. In 2002 the Freedom of Information Ordinance (FOIO) was promulgated laying down procedures for citizens to access information held by ministries, departments and agencies of the Federal Government. In 2010, with the adoption of the 18th Amendment to the Constitution of Pakistan, the right of the citizens of Pakistan to access information of public importance from their governments has been enshrined in the fundamental law of the land (Article 19A). Pakistan is now the third country in South Asia where the right to information is explicitly guaranteed by the Constitution.

Right to Information (RTI) is the cornerstone of democracy. It is imperative for transparency and smooth functioning of a democratic system, good governance; reduction in corruption and to enhance accountability in any country of the world. Government of the Punjab promulgated the Punjab Transparency and Right to Information Act, 2013 to uphold constitutional safeguards. For the year 2015 alone, 9063 complaints have been received under the Punjab Right to Information Act, 2013.¹¹

The right to information is a basic human right recognized in many international treaties acceded to or ratified by Pakistan. Article 19 of the International Covenant on Civil and Political Rights contains a reference to the basic human freedom to seek and receive information. Pakistan is also a member to the United Nations Convention against Corruption. It binds State Parties to take multipronged action to eradicate corruption. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) contains specific provisions requiring State Parties to institute measures for enabling women's participation in public decision-making. This can be possible only if there is transparency and a right to seek and obtain information about such processes. The UN Convention on the Rights of the Child (CRC) also contains a specific provision requiring States Parties to guarantee children's access to information from public bodies.

Realizing that the right to information is one of the human rights, following steps be taken to further make it strong and effective:

- i. Awareness campaigns regarding the RTI laws should be conducted in order to ensure that an opportunity is provided to strengthen democratic process by facilitating participation in public affairs and making government more accountable and transparent.
- ii. Government of the Punjab should ensure that RTI is properly implemented to help ordinary citizens to access relevant public information in order to make informed choices in their

¹¹ <http://punjablaws.gov.pk/laws/2547.html>

- dealings with public bodies. RTI laws entail proper record management, which will surely enhance the efficiency of public bodies, besides improving the state of accountability.
- iii. Training sessions and refresher courses of public servants/ Public Information Officers (PIOs) should be conducted with the collaboration of Information Commission.
 - iv. PIOs should be nominated from departmental employees where available, so that posting transfers of officers would not affect the institutional memory and applicants could be promptly responded. Develop and circulate annual report of Information Commission comprising over statistics of information provided, applications entertained and complaints under Punjab Transparency and Right to Information Act, 2013.

5 SOCIAL, ECONOMIC AND CULTURAL RIGHTS

5.1 EDUCATION AS A RIGHT TO DEVELOPMENT

Punjab government is committed to provide free and compulsory education to all children of the age of five to sixteen years and, for the purpose, the Punjab Free and Compulsory Education Act, 2014 has been promulgated in the province. However, concrete efforts are needed to address absence of children from schools.

Punjab has the greatest percentage of children who have been enrolled in primary education (62%) followed by KP (54%), Sindh (52%) and Baluchistan (45%). In Punjab, the literacy rate for children over the age of 10 years is 60.8 per cent; literacy rate of children over the age of 15 years is 58.0 per cent and literacy rate between the age brackets of 15-24 years is around 75.9 per cent.¹²

To ensure the Constitutional guarantee of free education and meet its international commitments, Government of the Punjab should take following steps:

- i. Frame rules in accordance with the Punjab Free and Compulsory Education Act, 2014 with the Departments of Education detailing norms and procedures for the provision of free and compulsory education in their respective areas.
- ii. Increase budget allocation for education in the province.
- iii. Provide special grants particularly for underdeveloped areas, based on rates of illiteracy and out of school children.
- iv. Boys and girls should be equally encouraged to get admission in educational institutions (public & private). Incentives / monthly stipends be granted to students of Primary to Matric from gender and area having lesser literacy / education rate.
- v. Children with mild disabilities may be encouraged to register in government schools.
- vi. 100 % enrollment of children from age of 5 to 16 years be ensured.
- vii. Implementation of quota for disadvantaged students in private and public schools be ensured.

¹²http://bos.punjab.gov.pk/system/files/KFR_2014.pdf

- viii. Implementation of zero tolerance policy towards corporal punishment both in public and private schools be ensured.
- ix. Strict legal actions be taken against the incidents of corporal punishments.
- x. Run a mass mobilization campaign to bring the children to schools with the help of political leaders, CSOs and Media.

5.2 RIGHT TO AFFORDABLE HEALTH COVERAGE

Health security is a basic human right and must be available and accessible in an affordable framework to all citizens. Unlike education as fundamental right in the Constitution, medical relief is ensured in the chapter of Principles of Policy in the Constitution of Pakistan. Earlier, the vertical health programmes like Maternal, Neonatal and Child Health (MNCH), Expanded Program on Immunization (EPI) and Lady Health Workers (LHW) Program were run by the Federal Government, which are now effectively run by the Government of the Punjab.

The Punjab Healthcare Commission Act 2010 is the latest legislation regarding healthcare in Punjab, which seeks to provide for the improvement of health care services in the province. However, access to healthcare and appropriate budgeting remains a huge concern for human rights in Punjab.

For providing better health coverage, following actions be taken:

- i. All hospitals are required to provide comprehensive and adequate health care without any discrimination to all the segments of society.
- ii. Recommend establishing a policy planning unit at provincial level and staff it with competent professionals after competitive selection with linkages with all concerned stake holders.
- iii. Recommend strengthening district health systems starting with most under-developed districts.
- iv. Integrate all national programmes' information systems into the DHIS and establish functional linkages between all levels of operation (facilities, district, provincial or federal management).
- v. Link tertiary care and the private sector health facilities with district and provincial level information systems.
- vi. Allocate resources according to incidence and prevalence of diseases, cost effectiveness of a programme/ policy, and poverty levels.
- vii. Introduce social health insurance and other safety nets protecting the disadvantaged and vulnerable including women, children, and persons with disabilities / special needs, senior citizens and transgender from catastrophic health expenditures.
- viii. Align the donor funding with Punjab Health strategy and priority areas for investment.
- ix. Introduce safety nets to protect poor from catastrophic expenditures e.g. social health insurance; community based health insurance, vouchers etc.

5.3 REPRODUCTIVE RIGHTS

Reproductive rights form an integral part of human rights and therefore, require the Government's utmost attention and efforts.

For protecting reproductive rights of women in the country, following steps -be taken:

- i. Integrate services delivery to ensure effective life skills in women's sexual and reproductive lives for their healthy development.
- ii. Post abortions committees be established in all tertiary hospitals.
- iii. Adopt a coherent information dissemination policy of the Primary & Secondary Healthcare Department and Population Welfare Departments.
- iv. Regulate public and private health sector facilities to provide safe abortion services to women in accordance with criteria set out in the law.
- v. Effective Mal-Nutrition eradication strategy be developed and implemented.

5.4 LABOUR RIGHTS

Labour rights are of fundamental importance in a developing country such as Pakistan. These rights include right to fair wages, abolition of child labour, right to association at work place, safeguarding the rights of employees by the employer, occupational injury protection, etc.

In order to safeguard the above mentioned rights, Government of the Punjab needs to address problems being faced by the labourers in the province. The Federal Government in light of the Articles 11, 17, 18, 25 and 37 of the Constitution has already provided for labour related rights in the country. Government of the Punjab has also enacted Punjab Industrial Relations Act, 2010, which is supposed to safeguard the rights of labour in the province.

Pakistan has ratified 8 ILO conventions on labour rights and is responsible for safeguarding the rights of the labour under ratified conventions. However, proper and complete implementation of these commitments on the grassroots is a challenge for the Government. Labour and Human Resource Department is directly responsible for protection, promotion and redress of labour rights in both formal and informal sectors in the province.

For protection of labour rights in the province following steps be taken:

- i. Registration and protection of labour unions being carried on across the province under Punjab Industrial Relation Act, 2010.
- ii. Mechanisms for labour dispute settlement should be vigilant and working at the grass root level.
- iii. Redress of individual grievances must be dealt with on priority by the authorities.
- iv. Minimum labour wage should be observed across the board for both formal and informal labour sectors.
- v. Child labour be eliminated in accordance with the Punjab Restriction on Employment of Children Act, 2016.
- vi. Social protection and occupational safety of labour force should be ensured by the labour department.

- vii. Legislative or policy cover to protect workers in the formal and informal sector from exploitation.

5.5 CULTURAL RIGHTS

Culture is an expression of social life and entails the very basics of human priorities. Recognizing this, the ICESCR stipulates in Article 15 (2) to conserve, develop and diffuse cultural values which are not contradictory to present scientific knowledge and human morality. This includes but is not limited to language, dress code, folkways, and other cultural practices.

The Government of Pakistan has ratified the aforesaid convention and is responsible to provide opportunities to its citizen for the promotion of all local cultures. The Information & Culture Department in the province has been mandated to look after cultural matters of the province. The Information & Culture Department should work in close collaboration with other departments to realize the cultural rights of the people of the province.

Following steps be taken to realize the cultural rights:-

- i. A roadmap of cultural conservation and advancement should be prepared giving equal opportunities to all cultures of the province.
- ii. Indigenous people of Punjab be identified and their distinct culture be documented for conservation purpose.
- iii. Financial assistance to the deserving artists and writers
- iv. Cultural promotional activities be arranged at provincial level.
- v. Cultural centers be established at district level.
- vi. Information & Culture Department be mandated to implement the roadmap.
- vii. All the cultural practices contravening the fundamental human rights be discouraged.

5.6 ENVIRONMENTAL RIGHTS

Impact of environmental conditions impedes the realization of other human rights including the right to life, health and livelihoods. The apex judiciary in a landmark case have elaborated the scope of Articles 9 and 14 of the Constitution and have ruled that the realization of a life lead with dignity under Article 9 (Right to Life) and Article 14 (Right to Dignity) demanded access to “clean atmosphere and an unpolluted environment.”

According to World Bank assessment 2007, the cost of environmental degradation in Pakistan amounts to Rs.365 billion annually. There has to be a greater realization in the planning process for the mainstreaming of the provisions relating to environmental rights. The most significant result of such is illness and premature mortality caused by indoor and outdoor air pollution and lead exposure. Diarrheal diseases and typhoid are caused due to inadequate clear water supply. Sanitation and hygiene are another significant cause of environmental damage amounting to about 30 percent of the cost of

environmental damages. Environment related factors are also responsible for roughly one third of all child mortality in Pakistan.

For a healthy environment, the following actions be taken:

- i. Steps to implement the Framework for Implementation of National Climate Change Policy 2013.
- ii. Strengthen and ensure proper implementation of Punjab Environment Policy, 2015.
- iii. Sustainable development though the preservation of environment shall be guiding principle of public sector development program and industrial growth.

5.7 WATER, SANITATION & HYGIENE

According to a study conducted by Asian Development Bank, the total economic impact of inadequate sanitation in Pakistan amounts to a loss of Rs.343.7 billion and these economic impacts are equivalent of about 3.9 percent of Pakistan's gross domestic product (GDP) in year 2012. This is because WASH is a cross cutting sector, which directly or indirectly leaves impact on health, education, mobility, reproductive cycle of both men and women, etc.

Underpinned by the principles of all human rights, access to affordable, safe, available and acceptable water and sanitation should always be framed by equality and non-discrimination. Indeed, to gain equality for groups that are disadvantaged and have been the subject of historical prejudice, it is important that they are not just the object of equal policy measures but are the subjects of affirmative action; policies targeted at empowering the marginalized to lower and ultimately eradicate inequalities. CEDAW requires states to undertake targeted measures and affirmative action to ensure the development and advancement of women, specifically in relation to water. Also the Environmental rights demand a fair distribution of natural resources and their depletion is considered a common loss.

This policy reiterates the commitment of the Government of the Punjab to provide adequate WASH rights to all its population, especially for the following sectors:

- i. Provision of safe drinking water and health facilities
- ii. Provision of adequate hygiene
- iii. Carry out extensive sanitation
- iv. Safe disposal of sanitation waste
- v. Awareness and provision of safe menstrual health and hygiene

Housing, Urban Development & Public Health Engineering Department should take lead, in close coordination with the Health Department, all the Education related Departments, Population Welfare Department, Social Welfare Department, Planning & Development Department, and the Local Government & Community Development Department.

5.8 EDUCATION AND INFORMATION ABOUT HUMAN RIGHTS AND RESPONSIBILITIES

5.8.1 The centerpiece of Punjab's Human Rights Policy is an action to make information about human rights more readily available across the country. That includes information about what rights are, why they matter and how they are protected. The Framework encompasses a comprehensive suite of education initiatives to ensure that all Pakistanis are able to access information on human rights. This includes the development of human rights education programs for primary and secondary schools, colleges, the community and for the public sector.

5.9 PRIMARY AND SECONDARY EDUCATION ON HUMAN RIGHTS

5.9.1 Right to free education and information has already been provided in the Constitution. The State of Pakistan makes commitment to the development of a world-class national curriculum for all Pakistani students from kindergarten to Year 16. For this, Human Rights & Minorities Affairs Department will work with the provincial education departments while establishing a committee to implement this important work. Building on its extensive experience and expertise in the promotion of human rights, the committee will have an important role in making sure that education and information rights are available across the community with programs that complement those delivered by NGOs.

To spread awareness at primary and secondary level education, following steps be taken:

- i. To inculcate the concept of human rights in the young minds, the School Education Department has included the information on peace, harmony and tolerance in the syllabus of primary and secondary education. However, Higher Education Department should include the subjects/chapters of human rights, peace, tolerance and interfaith harmony in the curriculum of higher classes.
- ii. School Education Department is required to issue a notification of the revised curriculum wherein chapters on human rights have been included in the syllabus up to matric.
- iii. To sensitize the duty bearers/ Government officials the subject of human rights is needed to be included in the training modules of all training institutes at the Punjab level.
- iv. Develop an understanding of rights and responsibilities, including human rights, will be an integral part of curriculum development.
- v. Provide funding for the education and awareness programs to foster a better understanding of human rights and encourage greater respect for the rights of others.
- vi. Work in partnership with the civil society organizations to ensure that programs are appropriately targeted and address the information needs of different groups.

5.10 COMMUNITY EDUCATION

Educating and raising public awareness are the most lasting and effective ways to minimize discrimination and promote tolerance of all members of the community, irrespective of gender, different racial, religious or cultural backgrounds, age or physical or mental disability. All the social

sector departments are making awareness campaigns related to their responsibilities / public services / individual & social safeguards.

To promote community education, following action be taken:

- i. Consolidate the awareness raising and community education efforts to streamline activities with perspective of optimum usage of resources for effective results. Information & Culture Department may take lead for consolidated awareness scheme of all concerned departments.
- ii. Create enabling environment for the CSOs with close coordination with relevant departments.
- iii. Human Rights & Minorities Affairs Department will enhance its support for human rights education and awareness across the province.

6 IMPLEMENTATION OF PUNJAB HUMAN RIGHTS POLICY

6.1 IMPROVED ENGAGEMENT WITH CIVIL SOCIETY ORGANIZATIONS

NGOs play an important role in promoting human rights in Pakistan. Civil Society Organizations (CSOs) are also an important instrument in educating the masses on human rights and awareness raising related roles and responsibilities. They provide vital information to the Government about human rights issues, which effect people at the grassroots level. At the same time, they serve to educate the people about the human rights programs and protections, which are available to them.

To strengthen and promote public and private partnership, the following steps are recommended:

- i. Social Welfare & Bait-ul-Maal Department will strengthen the relationship between the Government and NGOs / CSOs to improve human rights protection.
- ii. Greater engagement with NGOs / CSOs will complement the Government's commitment for the development and delivery of community human rights awareness and education programs.
- iii. Government of the Punjab will continue to engage with the international community to protect and promote human rights at home, at region and around the world.

6.2 AWARENESS RAISING AND ADVOCACY CAMPAIGNS

Media plays a vital role in promoting human rights, democracy and development. A free press holds those in power to account for their deeds. Especially in conflict situations, media shoulders responsibility for informing the public and raising awareness in a fair and balanced way at the national and international levels. In the present times electronic media has become a powerful tool to bring up the voice of the people around the world.

Capitalizing on this dynamic role of the media, following steps be taken for generating awareness and advocacy campaign through media to promote human rights in the country:

- i. Enhance awareness on human rights, freedom of expression and access to information among the target groups through community dialogues, seminars, folk music and rallies, students' communities at the school and college level and lawyers' organizations for behavioral change in the society.
- ii. Plan trainings/workshops/ sessions/seminars to sensitize journalists on human rights issues. Media acts as "antenna" of society in highlighting human rights violations.
- iii. Develop linkages with media to highlight activities related to human rights by the Government of the Punjab.

6.3 INTERNATIONAL COOPERATION

Pakistan has signed core United Nations treaties that protect human rights. These treaties reflect international agreement about the fundamental values that make up 'human rights' protected under the treaties. The Government believes that Pakistan can and should live up to its obligations under those treaties. The Government will continue to engage with the international community to improve the protection and promotion of human rights at home, within the region and around the world.

Government of the Punjab will endeavor to mainstream the obligations under all the ratified international commitments. The Punjab Treaty Implementation Cell shall be made functional and adequately resourced for the effective and proper implementation at the provincial level.

6.4 ROLE OF CONCERNED DEPARTMENTS

The Punjab Human Rights Policy, 2018 is a first step in direction of upholding human rights in the province. Due to the length and breadth of the phenomenon of human rights, the policy cannot be implemented without commitment of the Government. Primary responsibility lies with the Human Rights and Minority Affairs Department, Government of the Punjab; however, as dilated above and in the Action Plan for Human Rights, it is pertinent to involve other Provincial Government Departments in cross-cutting issues.

All concerned Departments of the Government of the Punjab will mark the Punjab Human Rights Policy as top priority document in their business, as it provides further mechanism for realization of fundamental rights guaranteed in the Constitution and in the international commitments of Pakistan.

6.5 ROLE OF PUNJAB PROVINCIAL COMMISSIONS

The Punjab Commission on the Status of Women (PCSW) is an important human rights institution at provincial level that can play an active role in implementation. PCSW has contributed by publishing major researches regarding women rights in the province of Punjab and also monitoring implementation of laws passed for women rights in the province. With key experts in the field of women rights as part of PCSW, the Commission and its autonomous nature can contribute effectively in updating and implementing this policy in consonance with the changing dynamics of women rights in the province.

The Child Protection & Welfare Bureau, Punjab is mandated to manage child protection institutions in the province. The child protection units and officers therefore work under the aegis of the Child Protection & Welfare Bureau. In this regard, the Bureau can serve as a strategic asset in implementation and revision of the policy in light of its expertise and functionality. The Bureau can also serve as an essential implementing agency of this human rights policy with regards to child rights and all cross-cutting themes and issues directly affecting the state of children in Punjab. Child rights are a major focus of this policy as well as the Action Plan for Human Rights. The Bureau along with the mechanisms and institutions (for example: Child Protection Units and Child Protection Officers) as stipulated in the law should be fully utilized to ensure implementation of this human rights policy.

6.6 ROLE OF CITIZENS

Everyone has the right and responsibility, individually and in association with others, to promote and to strive for the protection, promotion and realization of human rights and fundamental freedoms given in this Policy through education, advocacy and empowerment of the citizens at the national and provincial levels within the legal ambit.

6.7 REVIEW OF PUNJAB HUMAN RIGHTS POLICY

This Policy will be reviewed after every three years to take into account the latest developments in the international arena and situation of human rights in the province.