

National Commission for Human Rights Pakistan



Annual Report 2017

“Whereas it is expedient to provide for the creation of National Commission for Human Rights, for the purpose of promotion and protection of Human Rights as provided in the Constitution of Islamic Republic of Pakistan and various international instruments to which Pakistan is state party or shall become a state party”.

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ACRONYMS

AGPR	Accountant General Pakistan Revenues
APNS	All Pakistan Newspapers Society
CAT	Committee against Torture
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on Migrant Workers
CRC	Committee on the Rights of the Child
CRPC	Criminal Procedure Code
CWA	Community Welfare Attaché
FIR	First Information Report
GOP	Government of Pakistan
GSP+	Generalised Scheme of Preferences
HEC	Higher Education Commission
HEIs	Higher Education Institutions
HRC	Human Rights Committee
ICC	International Coordinating Committee of National Human Rights Institutions
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHRC	International Human Rights Commission
JIT	Joint Investigation Team
MOIB	Ministry of Information and Broadcasting
MOFA	Ministry of Foreign Affairs
MOP&HRD	Ministry of Overseas Pakistanis and Human Resources Development
MOU	Memorandum of Understanding
NCHR	National Commission for Human Rights
NHRIs	National Human Rights Institutions
NHRIs,	National Human Rights Institutions
NIM	National Institute of Management
NIRM	National Institutions and Regional Mechanisms
NSA	National Services Academy
NSPP	National School of Public Policy
OHCHR	Office of the High Commissioner for Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OHCR	Office of the High Commission for Human Rights
PBA	Pakistan Broadcasting Association
PC	Privatization Commission
TAF	The Asia Foundation
TOT	Training of Trainers
UBL	United Bank Limited
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review
WAT	War against Terror

VISION

“Together towards a just society; upholding human rights for all, independently and responsibly”.

MISSION STATEMENT

To support in increasing state’s capacity to deliver on its responsibility to protect and promote Human Rights for all by:

- *Providing for speedy investigation and redressal by acting as a watchdog on state machinery to respond to violation of Human Rights;*
- *Mainstreaming Human Rights awareness and education in the society;*
- *Bringing all state legislation, policies, institutions and actions in conformity with the Human Rights obligations enshrined in the constitution and ratified international treaties and conventions;*

Creating a culture of collaboration for a pro-rights environment in Pakistan.

MESSAGE FROM CHAIRMAN

Pakistan is passing through a tumultuous time. In an unprecedented stage in our history we are plagued by a plethora of problems shrouding our future in an ominous cloud. Child abuse is rampant. Hate speech and extremism are festering, leading to forced conversions of minority communities in Tharparkar and Kalash among others, and the sectarian killings of Hazara Shias in Balochistan and other religious minorities all over the country is on the rise. One of the challenges that Pakistan faces is in respect of enforced disappearances with multiple accusations levied against state agencies or foreign interference. Synchronously to due process being overlooked, torture is being ignored. Till today, there is no existing definition of torture in our Penal Code, which is a severe rebuke to the international treaties ratified by us.

Pakistan has become a mini-killing field; it appears altruism is a victim. Though this may paint a bleak picture, we must remember that the context is unique in Pakistan's 70 years. Civil society is more empowered than ever and fighting to hold accountable the institutions established to protect them. The government is taking some measures to tackle these problems, with the establishment of the NCHR being one such step. NCHR is mandated to look into human rights issues faced by Pakistani citizens at home and abroad and to resolve them in an efficient and timely manner. It is a colossal task and the Commission requires the continued support of the government and every citizen in order to continue fulfilling its mandate.

Despite its meek resources and a recurring negation of independence – guaranteed by law and Paris Principles – the Commission is struggling to meet expectations and build trust reposed by parliament. The Commission has investigated and compiled reports on aforementioned issues and more reports are in the offing. In particular, we envisage establishing child protection cells and train stakeholders through a mechanism to be grafted and devised. The NCHR maintains that the rights of minorities and transgender persons, and issues of journalists and enforced disappearances continue to be of great importance to Pakistan's wellbeing. Furthermore, the NCHR is making strides towards abolishing bonded labour and with an eye on the future, pressurizing the government to create coherent policies aimed at protecting the environment for our future generations to enjoy.

Through this annual report we are creating awareness about our work, and soliciting the Government and the citizens of Pakistan for their continued and unwavering support.



Chief Justice (R) Ali Nawaz Chowhan

Chairman National Commission for Human Rights

NATIONAL COMMISSION FOR HUMAN RIGHTS

Background

The establishment of National Commission for Human Rights (NCHR) is a key step towards promotion and protection of Human Rights enshrined in the Constitution of Islamic Republic of Pakistan, 1973. The Government of Pakistan created NCHR in order to meet its international commitments and obligations under the Generalized Scheme of Preferences (GSP+) Status which facilitates Pakistan's exports to the EU.

In 1991, the first International Workshop on National Institutions for the Promotion and Protection of Human Rights took place in Paris, which laid down the principles (commonly known as "Paris Principles") relating to the requirements of National Human Rights Institutions (NHRIs). In 1993, the World Conference for Human Rights formally recognized the Paris Principles as an important factor for the promotion and protection of human rights. The Paris Principles laid down the following criteria:

- **Mandate and Competence:** a broad mandate based on universal human rights standards;
- **Autonomy from Government;**
- **Independence: Guaranteed by Statute or Constitution;**
- **Pluralism**, including through membership and/or effective cooperation;
- **Adequate resources;**
- **Adequate powers of investigation.**

Introduction

In efforts to comply with its international obligations, Pakistan established a National Commission for Human Rights (NCHR) through the Act XVI of 2012, in accordance with the Paris Principles. In its preamble, the Act provides its *raison d'être* as follows:

"Whereas it is expedient to provide for the creation of National Commission for Human Rights, for the purpose of promotion and protection of Human Rights as provided in the Constitution of Islamic Republic of Pakistan and various international instruments to which Pakistan is state party or shall become a state party."

The National Commission for Human Rights Act (2012) stipulates a broad and overarching mandate for the promotion, protection and fulfillment of human rights, as provided for in Pakistan's Constitution and international treaties. As an impartial state body, the NCHR works independently of the Government and is directly accountable to the Parliament of Pakistan. The NCHR's financial and performance reports are directly presented to the Parliament for approval on an annual basis.

The Commission is unique in that it does not resemble other parts of the government: it is not under the direct authority of the executive, legislature or judiciary although it is directly

accountable to the legislature. The Commission is at arm's length from the Government and yet funded exclusively by the Government. Members are not elected, although they have been appointed by elected representatives. This institutional identity of the Commission as a public body has important implications for the regulation of its accountability, funding and reporting arrangements. Since the administration and expenditure of public funds are regulated by the Government, relevant regulation must not compromise its ability to perform its role independently and effectively¹.

The Paris Principles require the Commission to have a constitutional or legislative basis, (or both) as executive instruments do not qualify². As an impartial state body, the Commission is part of the State structure and a creature of law, dependent upon its statutory basis for existence and all its actions. It strives to work independent of the Government and is directly accountable to the Parliament of Pakistan.

The Commission is not only a central element of a strong national Human Rights system: it also serves as a 'bridge' between civil society and the Government by linking the responsibilities of the State to the rights of citizens, and connecting national laws to regional and international Human Rights systems.

Sections 16 and 27 of the NCHR Act XIV read:

Section 16: Independence of the Commission.

(1) The Commission and every member of its staff shall function without political or other bias or interference and shall, unless this Act expressly otherwise provides, be independent and separate from any government, administrations, or any other functionary or body directly or indirectly representing the interests of such entity.

Section 27: Financial freedom of the Commission.

The Government shall allocate specific amount of money for the Commission in each financial year and it shall not be necessary to take prior approval from the Government to spend such allocated money for the approved and specific purposes.

The Commission, however, has had some teething problems. It has been severely handicapped due to the lack of rules in place, and minimal financial and logistical support available to perform its mandated functions. It is, therefore, a noticeable feat that the Commission has managed to perform rather well. Thanks to the tireless working of Honourable Chairman and Members of the Commission, a robust institutional arrangement has emerged for the promotion and protection of Human Rights in Pakistan.

¹ICC's Sub-Committee on Accreditation, general observations, paragraph 2.10:
https://www.ihrec.ie/download/pdf/genera_observations_sca.pdf

²Ibid. As 2 above, paragraph 1.1

State of Human Rights in Pakistan

Pakistan's human rights scenario in 2017 was exemplified by a tug of war between the progressive and regressive forces, with victories and losses for both sides. There were hard fought ideological and, in some cases, physical battles on a myriad of human rights issues including blasphemy laws, enforced disappearances, child abuse, freedom of expression, freedom of movement, the role of electronic media, environmental issues, protection of cultural heritage, minorities rights, rights of disabled people, FATA reforms, bonded labour and modern slavery. Each of the above-mentioned issues offers an enormous set of legal, administrative and social challenges for the state, human rights organizations and activists.

Pakistan entered 2017 on a wave of developments, including the continuity of the democratic system, pro-rights legislations, and the gradual strengthening of NCHR amongst others. However, as the year passed by, the deep rooted, systemic and the occasionally overwhelming nature of the human rights challenges became obvious. Religious extremism continued to be one of the most significant challenges, and the savage lynching of Mashal Khan became an abhorrent reminder of the extent of this malaise. The brutal incident indicates that the struggle for securing human rights cannot be waged only at the governance and policy making levels. Contrarily, securing human rights has become directly dependent on controlling the growing intolerance in society. Such barbaric display of mob justice has significantly undermined the supreme sanctity of Rule of Law, which does not augur well for the state of human rights in the country.

The most vulnerable sections of society, including children and particularly street children, rural women, religious minorities and transgenders continued to become victims of sexual violence, child marriages, honour killings and targeted attacks last year. 2017 saw another brutal wave of rape and murder of minor girls in Kasur, reminding us of the deficiencies and negligence of investigation and prosecution witnessed in Hussain Khan Wala and the failure to protect vulnerable persons. . No significant policy or administrative actions were taken in 2017 to indicate that the State is willing to emerge as the alternative care taker for people with mental health issues, street/beggar children, domestic workers or bonded labourers. The unmitigated exploitation of these groups continues, while both the State and society seem to be increasingly insensitive towards them. People with disabilities remained engaged in a tough battle for their rights with many sit-ins and demonstrations were observed during the year.

The inadequacies of the Prison Departments across the country lingered on in 2017, despite an increased focus on upgrading security in However, the significant shift of resources required for strengthening prison departments remains a pipe dream for the Commission., as tumbling block in securing human rights at the societal level. Prisons will continue to nurture injustice rather than reforming and rehabilitating prisoners to become productive-law abiding citizens.

One of the silver linings of 2017 has been the unflinching resolve of the progressive segments of the society to stand for the protection of vulnerable and marginalized people. The pro-rights groups and individuals have made their voice heard on all the critical issues pertaining

to human rights in 2017. This unwavering enthusiasm of the civil society promises to be the driving force for institutions like NCHR to take on 2018, a year which may well be fraught with relentless human Rights Challenges.

Powers and Functions of the Commission

The NCHR is empowered to investigate Human Rights violations, spread Human Rights literacy, publish research on international law, raise awareness about Human Rights protections, make recommendations for the implementation of treaty obligations, and develop a national plan for the promotion and protection of Human Rights.

The Commission is mandated to deal with the armed forces and intelligence agencies on matters related to Human Rights violations under Section 14 & 15 of the Act. The commission has all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908). It may call for information or reports in cases of Human Rights violations from the government or its organizations.

Section 09 of the NCHR Act XIV of 2012 bestows broad and overarching mandate to the Commission which includes, inter alia:

- To hear public petitions / complaints and take suo moto notices of Human Rights violations;
- To direct or hold inquiries and investigations in any incident of Human Rights violation;
- To propose, amend or review legislation from Human Rights perspectives;
- To review the factors, including acts of terrorism that inhibit the enjoyment of Human Rights and recommend appropriate remedial measures;
- To study treaties, other international instruments on Human Rights and reports submitted by the Government of Pakistan on them including the comments thereon, to make recommendations for their effective implementation.
- To submit independent reports to the Government on the State of Human Rights in Pakistan for incorporation in reports to the United Nations' bodies or committees;
- To undertake and promote research in the field of Human Rights and spread Human Rights literacy among various sections of society for the promotion and protection of Human Rights in Pakistan;
- To develop a national plan of action for the promotion and protection of Human Rights in Pakistan;
- To establish/declare Human Rights court at district level for the purpose of speedy trial of offences arising out of violation of Human Rights.

Composition of the Commission

Section 3 of the National Commission for Human Rights Act, 2012 states that the Commission shall consist of

- A Chairperson
- One member from each Province, Federally Administrated Tribal Areas and Islamabad Capital Territory
- Chairperson of the National Commission on Status of Women
- One member from Minority Communities
- A Secretary appointed by the Commission.

PROFILES

Chairman

Justice(R) Mr. Ali Nawaz Chowhan



Previously served as:

- Chief Justice of the Republic of Gambia
- Elected International Judge of the United Nations (by the General Assembly Netherlands 2006-2009) with diplomatic status of under Secretary General of the U.N.
- Consultant to the President of Pakistan on Administrative Law and International Law with status of a Justice.
- Alternate Chairman of UNESCO Appeal (Judicial) Board – Paris, France.
- Justice of Superior Judiciary in Pakistan
- Visiting Professor of Law/Thomas Jefferson Fellow.
- Chairman Judicial Service Commission of the Gambia
- Chairman of the General Legal Council of the Gambia
- Secretary, to the Government of the Punjab, Law and Parliamentary Affairs
- Chairman, Punjab Service Tribunal, Lahore, Pakistan.
- District and Sessions Judge
- Member, Governing Body, University College Lahore.
- Member Governing Body, King Edwards Medical College, Lahore, Pakistan.

Member, Punjab

Ms. Khishwar Shaheen Awan

Previously worked as:

- Ministry of Social Welfare and Special Education as Deputy Director/Director.
- Ministry of Women Development as Director General.
- Welfare Rights Department, City Council Manchester (UK) as Welfare Rights Officer.
- Ministry of Parliamentary Affairs as Joint Secretary.
- National School of Public Policy as Directing Staff.
- Office of Federal Ombudsman as Director General.



Member, FATA

Dr. Begum Jan

Previously served as:

- Member National Commission for Status of Women
- Member National Commission for Child Protection
- National Commissioner for Women and Children in the office of Wafaqi Mohtasib
- Medicals Officer of Private Health Care Centre (PHCC)
- Field M.O Ansar Barni Welfare Trust, Peshawar Branch
- Medical Officer at Pakistan Red Crescent Adezai Basic Health Unit for Afghan Refugee.



Member, ICT

Ch. Muhammad Shafique

Previously worked as:

- Chief Coordinator at Parliamentarians Commission on Human Rights
- Technical Advisor, National Assembly Standing Committee on Human Rights
- Advisor to Ministry of Human Rights



Member, Sindh
Ms. Anis Haroon

Previously served as:

- Minister of Human Rights & Women Development, Government of Sindh
- Chairperson National Commission on Status of Women NCSW in (2009-2012).
- Regional Director at Aurat Foundation and was president of Board as well.
- The Secretary-General, Pakistan Chapter of Pak India people's forum for peace and democracy.
- Founder Member of Pak-India People Forum in 1994.
- Member of Human Rights Commission
- Member of Pakistan Association for Mental Health
- Member of Women Lawyers Association
- Secretary General SAP Int. Board (1995-1996).
- Founder-member of the Women's Action Forum (WAF)
- Member of Women's Action Forum
- Selected among 100 women for Nobel Prize in 2005.



Member, Minorities
Mr. Ishaq Masih Naz

Previously served as:

- Advocate Supreme Court of Pakistan
- Deputy Prosecutor General Punjab
- Standing Counsel for Government of Pakistan
- Chairman Human Rights Committee Lahore High Court Bar Association
- President (CLAP) Christian Lawyer Association in Pakistan



Member, Balochistan

Ms. Fazila Aliani

Previously served as:

- Member Provincial Assembly Balochistan
- First women Minister Health, Education and Social Welfare, Balochistan
- Member Provincial Council Balochistan
- Member Provincial Assembly, Balochistan
- Chairperson Provincial Social Welfare Council Balochistan
- Chairperson Public Accounts Committee
- President Al- Nisa Women Rights Association
- President Anjuman Khawateen Balochistan
- Vice president Family Planning Association of Pakistan
- Member Women Rights Commission Pakistan
- Member Nursing Council of Pakistan
- Member NGO council Pakistan
- Member Advisory Committee Radio Pakistan
- Member Nazria Pakistan Council



Secretary, National Commission for Human Rights

Mashhood Ahmad Mirza

Previously served as:

- Joint Secretary (Heritage), Ministry of Information, Broadcasting & National Heritage
- Director, Federal Ombudsman, Regional Office, Peshawer
- Deputy Director, Human Rights, Regional Directorate of Human Rights, Peshawer.
- Section Officer, Tax Revenue Wing, Ministry of Finance
- Section Officer, External Finance Expenditure, External Finance Wing, Ministry of Finance.
- Ex-officio Chairperson of the National Commission on the Status of Women



Ex-officio Chairperson of the National Commission on the Status of Women

SUMMARY – STRATEGIC PLAN

Strategic Plan 2016-2020

The guiding framework for the operations of the commission is the five-year Strategic Plan – 2016, developed in pursuance to Section 9(k) of the NCHR Act XVI of 2012, keeping in mind the Paris Principles, International conventions and the legal responsibilities under the constitution. NCHR, within the first year of its existence, developed its Strategic Plan, called the national plan of action.³

The plan was developed through a national consultative process following internationally respected procedures, practices and guidelines formulated by the UN. To ensure that the strategic planning process remained inclusive, the Commission organized five stakeholder consultations—four in provincial capitals and one in Islamabad Capital Territory—led by the Chairperson and NCHR members. Human rights experts, members of civil society, legal fraternity, academics, trade unions, and leadership of political parties participated in the consultations.

The planning process allowed the Commission to start internal and external consultations examining its mandate and evaluating available mechanisms for delivery. In the beginning, the Commission sought recommendations from civil society organizations. Later on, a high-level dialogue was held with the American Pakistan Foundation (APF) which helped learn success stories and lessons from NRHIs in the Asia Pacific region and helped refine some of the NCHR priorities. Building on these, the Commission decided to make a concrete strategic plan converting its mandate to specific priority actions vis-à-vis human rights issues. The Commission finalised its strategic priorities with recommendations from the consultation process in its meeting held on 21st September 2016 in Islamabad.

Five priority areas identified for interventions and advancement of human rights are:

1. Human Rights education
2. Human Rights violations, complaint handling & investigation
3. Compliance on international obligations
4. Review of national legal framework
5. Addressing marginalization & vulnerability

In the Strategic Plan, the Commission set up long-term goals for its mandate and has also converted these into specific strategic priorities with achievable targets over the next three years i.e. from 2016 to 2019. However, the achievements of the goals spelled out in the strategic plan through execution of the three - year Work Plan fell short in the first year in many ways due to reasons including budgetary constraints, lack of rules/ procedures and ambiguity regarding interpretation of NCHR Act – 2012.

³Section – 9(k) of NCHR Act – 2012.

Priority Intervention Areas (Strategic Plan)

Strategic Priority #1: Spreading Human Rights Education

History remains witness to the fact that Human rights education serves as a catalyst for the protection and promotion of human rights in any society. Human rights indicators of countries lying low in the Human Development Index including Pakistan, underscore the fact that low literacy levels multiply the abuse of fundamental rights. Human rights awareness helps countering violent social and cultural practices specially where governance structures are generally unable to protect the vulnerable and weak segments of society.

Awareness with respect to one's basic rights is the key to any democratic society. Civil society equipped with the comprehension of constitutional rights driven by the shared values for their respect, both at the individual as well as societal levels, can create favourable conditions for the greater protection of fundamental rights.

The National Commission for Human Rights Act, 2012, under section 9 (h) mandates the commission to spread human rights literacy among various sections of the society and promote awareness on safeguards available under the law. Stakeholder participants in the consultations also identified human rights education as one of the key priority areas for the NCHR.

By adopting human rights education as a key priority area, the NCHR intends to put all efforts to mainstream this at the policy level during the next three to four years. While recognizing limitations in terms of financial and human resource capacities, the Commission intends to intervene strategically while expecting high level impact. This in mind the commission went into strategic partnership with institutions, both public and private, having a stake in education and awareness in this context.

In this regard, the NCHR signed a MoU with the Higher Education Commission at the end of 2016 with an aim to develop programs to help colleges and universities to introduce courses on human rights and incorporate it in the existing system.

This MOU has created a framework of cooperation between the NCHR and the HEC to create awareness, promote research and studies in the field of Human Rights at higher education institutions (HEIs). Both institutions shall work together to equip academia, researchers, professionals and students with knowledge and understanding of the fundamental doctrines, principles and compliance of international Human Rights law and to impart trainings to develop the intellectual, practical and transferable skills necessary for that purpose.

In order to fulfill the above-mentioned mandate, the NCHR with the help of an external Consultant hired for this specific job has organized lectures on human rights in different universities. Recently, a series of meetings were being held to decide the curriculum for the introduction of 'human rights' as compulsory subject in the course. Topics based on introduction and mandate of National Commission for Human Rights along with basic concepts, international conventions and development of Human Rights were discussed at length and finalized with mutual agreement of authorities from HEC and National

Commission for Human Rights. Meanwhile meetings with relevant University authorities were held to discuss the implementation mechanisms of priority #1. A decision was made to implement an education plan on human rights in several phases, selecting different faculties for different stages. In most universities, the Faculty of Social Sciences was taken as the 1st priority. Out of four universities selected in Islamabad namely, Quaid-e-Azam University, Islamic International University, Fatima Jinnah Women University and Bahria University, classes have started with the earlier three whereas authorities at Bahria University are in the process of obtaining permission from the concerned personnel. In Peshawar, the Frontier Law College was taken up as the initial institution to implement the plan. NCHR authorities under the leadership of Chairman Justice (R) Ali Nawaz Chowhan visited Frontier Law College where the Human Rights Education plan was discussed with the principal and faculty members of the college. Chairman National Commission for Human Rights, addressed the faculty and students of Law College introducing National Commission for Human Rights and its program for Human Rights Education dissemination. Plans to visit Peshawar University and Swat University for implementing Human Rights education are in pipeline as the students in these institutions were taking up final exams and semester break, therefore, were not available for the seminars.

Apart from the MoU, the NCHR also took an initiative of the introduction of human rights course in the LLB degrees all across Pakistan. For this purpose, official communication is being exchanged with the Legal Education Committee of Pakistan Bar Council.

Furthermore, a seminar on Human Rights Sensitive Policing and Introduction to NCHR with Islamabad Police‘ was organized on 28th December, 2017 by NCHR in collaboration with Islamabad Police. It was agreed upon by the speakers to uphold human rights, being responsibility of every organ of the state. In addition to the above, posters with regards to introduction of National Commission for Human Rights at every police station were installed.

In addition to above, NCHR celebrated commemoration of Universal Human Rights Day on 12th December, 2017. Honourable Federal Minister for Human Rights, Chairman NCHR, members of the Parliament, Diplomats, UN officials, senior Government officials, representatives of civil society organizations, NCHR team and students attended the event. Speakers at the seminar were of the opinion that protection of human rights is the need of the hour and stressed the need for taking steps toward building a society free of human sufferings and deprivations.

Topics based on introduction and mandate of National Commission for Human Rights along with basic concepts, international conventions and development of Human Rights were discussed at length and finalized with mutual agreement of authorities from HEC and National Commission for Human Rights. Meanwhile meetings with relevant University authorities were held to discuss the implementation mechanisms of priority #1. A decision was made to implement HR education plan in several phases selecting different faculties for different stages. In most universities, Faculty of Social Sciences was taken as 1st priority. Out of four universities selected in Islamabad namely, Quaid-e-Azam University, Islamic International University, Fatima Jinnah Women University and Bahria University, classes have started with the earlier three whereas the authorities at Bahria University are in process

of obtaining permission from their related Head Quarter. In Peshawar, Frontier Law College was taken up as initial institution to implement the plan. NCHR authorities under the leadership of Chairman Justice (R) Ali Nawaz Chowhan visited Frontier Law College where Human Rights Education plan was discussed with the principle and faculty members of the college. Chairman National Commission for Human Rights addressed the faculty and students of Law College introducing National Commission for Human Rights and its program for Human Rights Education dissemination. Plans to visit Peshawar University and Swat University for implementing Human Rights education are in pipeline as the students in these institutions were taking up final exams and semester break, therefore, were not available for the seminars.

Strategic Priority #2: Addressing human rights violations: Complaint handling and investigations

The National Commission for Human Rights Act, 2012 under section 9 (a, b & I) empowers the NCHR to investigate human rights cases through its own initiative (taking suo moto actions) or based on petitions and complaints filed by victims. The Commission is legally mandated to receive and investigate complaints of human rights violations. It is authorized to refer the complaint to a relevant authority and recommend prosecution or other necessary action. The Act also obliges the government or the concerned authority to respond to the NCHR on whether the Commission's recommendations have been implemented, how it plans to do so, or why the recommendations cannot or should not be implemented.

Recognizing the importance of an effective redress mechanism for the human rights compliance, the NCHR is fully committed to develop and exercise its functions of investigation into human rights violation cases a top priority.

The NCHR recently approved and notified Standard of Procedures for Complaint Handling and Investigations (discussed in detail in the sub-chapter: Institution Building).

In 2017, the NCHR delegated its complaint redressal mechanism to its regional offices. Every regional office including the head office is supposed to have a staff specific for complaint handling. But in the absence of service rules, the necessary recruitments have been delayed. As a stopgap arrangement, complaint officers from the head office make regular visits to assist regional offices in handling the complaints they receive. NCHR in collaboration with non-governmental organizations also organized trainings for the complaints wing.

Strategic Priority # 3: Enhancing Pakistan compliance with international human rights obligations

Being part of the UN system and the international community, Pakistan has signed and ratified major UN core human rights conventions listed below:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women

- Convention on the Rights of the Child
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Prevention and Punishment of crimes of genocide.

Besides the above-mentioned conventions, Pakistan is also a signatory to 36 conventions of International Labour Organization (ILO) including eight core standards known as International Labour Standards (ILS).

Pakistan's obligations in implementation of the above mentioned human rights treaties has assumed an added dimension with entry into the GSP+ regime. GSP+ status has an undeniable significance for Pakistan's economy, however, the status is contingent upon Pakistan's performance in respect to the human rights treaties. NCHR as per its mandate under Section – 9(f) of NCHR Act (2012) is closely monitoring the state's implementation of treaty recommendations, especially in light of the fact that the establishment of NCHR itself was a prerequisite for Pakistan's entry into GSP+. In this context, for the mid-term review, NCHR has submitted its Performance Report in August, 2017, (reference can be made to letter of appreciation from Ministry of Commerce in annex I).

By virtue of being a watch dog organization vis-à-vis international treaties and conventions, NCHR is an important member of the Treaty Implementation Cell formed under the Ministry of Commerce, headed by the Attorney General for Pakistan. To date, 17 meetings of the Cell have been held, where NCHR has proactively contributed its bit for compliance and implementation of the treaties relevant to human rights.

NCHR submitted its independent report on UPR in 2016. However, due to administrative reasons NCHR delegation could not attend the Third Cycle of Periodic Review of UPR held in 2017 at Geneva.

Strategic Priority # 4: Reviewing of national legal framework to increase protection and promotion of human rights

The National Commission for Human Rights Act, 2012, section 9 (d & e) mandate the Commission to review safeguards provided by the constitution of Pakistan and any other law and recommend amendments or adoption of new laws. The Commission is also mandated to review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.

The NCHR recognizes the need to address this issue as the effective functioning of the Commission itself is dependent upon a pro-human rights system in the country. The Commission has therefore marked this as its priority agenda.

In 2017, on the directions of Honourable Senate Functional Committee, the NCHR drafted a legislation called Transgender and Intersex Persons (Promotion and Protection of Rights) Bill, 2017. (see Legislations, Reports, Investigations & Inquiries)

Also, NCHR was given the opportunity to suggest the procedural amendments in Blasphemy laws. NCHR also gave its input on Juvenile Justice System Bill, 2017.

Strategic Priority # 5: Addressing Marginalization and Vulnerabilities

The socio-economic problems of citizens in general and the marginalized community in particular, stem from the violations of fundamental rights guaranteed by the constitution and also by conventions like ICCPR and ICESCR.

As per the first Strategic Plan i.e. 2016-2020, NCHR is focussed on the marginalized and vulnerable groups including labourers, women, children, minorities, transgenders and other such groups.

Kalash community fits the definition of a marginalized group as it has been threatened, and in some cases deprived, of constitutional rights till now. Realizing the gravity of issues being faced by Kalash people, NCHR visited Kalash valley and published a fact-finding report highlighting the nature and complexity of the problems and recommended various short and long-term remedies.

Minorities being perceived as marginalized segment of our society, NCHR have a Member (Minorities) to look after and watch upon the violations committed against them. In this regard, Member (Minorities) has been instrumental in not only publishing a report on the “Situation of Minorities” but has also conducted field visits to get firsthand information of the issues involved. These visits included different jails, universities and camps.

Being actively involved in the promotion and protection of rights of transgender persons, NCHR has setup a transgender desk in order to address their issues timely and more vigilantly. Taking the lead, for this purpose, a transgender has been hired.

Regarding children, the NCHR is working in collaboration with UNICEF on different child rights issues. In September, 2017 NCHR in collaboration with UNICEF and ILO organized a workshop to draft a model law to protect children from forced labour. At the end of workshop, the federal and provincial governments agreed with NCHR for the need for such a legislation.

NCHR is also working for the protection of juveniles and in this year NCHR intervened and suspended black warrants issued for Muhammad Azam and Muhammad Iqbal. The NCHR recommended re-trial on the basis of them being the juveniles and the fact that the issue of age determination was not discussed during the trial and appellate stage.

OVERALL PERFORMANCE AND ACHIEVEMENTS – 2017

Institution Building

Despite severe operational handicaps and unrelenting financial constraints, the Commission was able to realize many achievements. Even to date, the Commission is working with a limited budget and staff. Despite all technical, operational and financial constraints, we were able to achieve the following milestones:

Procurement

NCHR in 2017 procured furniture, IT equipment and vehicles for the Head office and all the regional offices.

Constitution of Human Rights Committee:

NCHR is its meeting with Baluchistan Government was instrumental in convincing the Government to form a Committee which would serve as a watchdog against human rights abuses. The Provincial Government was accommodative enough in recognizing the need for such a Committee and has moved a summary for approval of the competent authority incorporating the suggestions of NCHR.

Nomination of Member Baluchistan in Jail Visit Committee of Baluchistan:

In its meeting with Baluchistan Government, NCHR recommended that the Ex-officio Member Baluchistan be nominated as a member of Jail Visit Committee of the Province. The Provincial Government endorsed the view of NCHR and moved a summary for approval of the competent authority as recommended by NCHR.

NCHR Conduct of Business, 2017

The NCHR Conduct of Business, 2017 provides smooth management of internal affairs of the Commission as well as to ensure better relation and coordination between the management/officials of the Commission since no such procedure already exist for the guidance of the Commission.

The Conduct of Business contains the practices and procedures to be followed for better management of the Commission. This document lays down the procedure for carrying out meetings of the Commission and states as to how particular decisions will be taken for matters of different nature i.e. ordinary meetings, extra-ordinary meetings and special meetings. Further, it also clarifies how the difference of opinion shall be dealt with no ensure fair decision making and the procedure for submitting cases before the Commission.

The above-said Conduct of Business was tabled before the Commission in 22nd Meeting and will be approved in the next meeting.

NCHR Complaint Handling, Inquiry and Investigation Procedures

The NCHR Complaint Handling, Inquiry and Investigation Procedures were tabled before the Commission in 22nd Meeting for making the complaint mechanism efficient since no such

procedures are yet present for the guidance of the management. The aforesaid procedure will be approved in the next meeting.

The complaint procedure addresses complaints submitted by individuals, groups or non-governmental organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations. Pursuant to the Complaint handling, inquiry and investigation procedures, an initial screening of complaints based on the eligibility criteria will be carried out by the authorized officers. Manifestly ill-founded or complaints not relating to human rights violations shall be screened out. The complaints not rejected in the initial screening will be transmitted to the above level in the hierarchy for redressal.

These procedures also provide a detailed mechanism of handling the complaints in respective regional offices to expedite the process of complaint handling and to carry out investigations or inquiry after taking the required approvals. Under these SOPs the regional offices will be decentralized yet shall be working in coordination with the head office where necessary, ensuring active communication and efficacy in delivering of their roles and responsibilities. The Human Resource, to implement these SOPs and trainings required, will be identified and presented before the Commission in a subsequent paper for approval of the Commission.

Rules of NCHR

Service & Recruitment Rules

The Service Rules were drafted by the Commission and referred to the Ministry of Human Rights on 13-07-2016 for consultation with the concerned Ministries as required under Section 33 of the NCHR Act, 2012. Establishment Division, Capital Administration & Development Division, Ministry of Interior, Federal Employees Benevolent & Group Insurance and Finance Division have vetted the said rules and forwarded to the Commission.

Finance Rules

The Finance Rules and Accounting Procedure were drafted and referred to the Ministry of Human Rights on 20-09-2016 for consultation with concerned Ministries as required under Section 33 of the NCHR Act, 2012. A meeting was also held on 15-12-2016 in this regard which was attended by the representatives of Ministry of Finance, Auditor General of Pakistan and Controller General of Accounts. NCHR was advised to submit a revised draft in coordination with Section Officer (R-14) of Finance Division. The revised draft was forwarded to the Ministry of Human Rights on 29-12-2016 with a request to seek views/comments of Finance Division (R-14) on 18-01-2017. Ministry of Finance has forwarded the views of Controller General of Accounts on 10-08-2017. The NCHR made the changes in the light of observations of Controller General of Accounts. A meeting was also held with concerned officers of CGA for finalization of Finance Rules and establishment of NCHR Fund envisaged in Section 23 of the NCHR Act, 2012. Views and comments from the Finance Division are still awaited.

Consultant Rules

In order to fulfill the mandate of NCHR as provided in Section 9 of the NCHR Act, 2012 and because of the non-approval of Service Rules, the Commission in its 20th meeting approved the NCHR's Appointment of Consultant Rules and forwarded the same to Ministry of Human Rights for notification in the official gazette. The rationale behind the Rules was to hire experts from the legal and development sector in order to fulfill the mandate of NCHR as mentioned above. The Consultant Rules were drafted in line with the Consultant Rules of National Commission for Status of Women. The said Rules were forwarded to the Ministry of Human Rights on 6th September, 2017 for consultation with the relevant ministry for the approval and notification in the official gazette. Views and comments on the part of Federal Government (Cabinet) is still awaited.

Appointment of officers at NCHR

NCHR adopted the Unified Rules of Federal Government and initiated the process of recruitment of a total of 60 officers in the first phase.

MOU with Asia Pacific Forum

On 27th November, 2017, the NCHR signed a MoU with Asia Pacific Forum (APF) wherein NCHR agreed to conduct a Capacity Assessment with the assistance of APF in accordance with the procedure set out in the latest edition of the CA manual.

The Capacity Assessment methodology will offer NCHR a very useful opportunity to strengthen and increase their effectiveness in the promotion and protection of human rights. It will provide NCHR with a process of self-assessment assisted by external expert facilitators. The process incorporates both qualitative and quantitative elements in assessing the current situation of NCHR, identifying weaknesses, forecasting future capacity requirements and developing strategies to close the capacity gaps.

The Capacity Assessment report will propose strategies and actions to address the identified core capacity challenges and to strengthen the NCHR as a whole by developing the capacities of individual staff and making the internal processes and procedures of the NCHR more efficient and effective. It will also identify strategies and actions that are within the current or reasonably obtainable resources of NCHR.

The project will be implemented by the Capacity Assessment team, appointed by APF, UNDP and OHCHR in close consultation with the NCHR's Liaison Officer. The project will enable all leaders, managers and staff to contribute their own ideas on how to build the NCHR's capacity to do its work more effectively.

Following are the benefits of participation in a Capacity Assessment:

- Better understanding of current organizational and programming capacities
- Rigorous assessment of capacity needs
- Sound strategies and clear priorities for capacity building
- More effective and evidence-based strategic planning

- Better understanding of the link between internal processes and externally oriented activities
- Better identification of the similarities and difference in perceptions of capacities and functioning across different units and levels of NCHR
- A focus on leadership and management, precipitating a review of decision making processes and on internal relationships
- A new focus on training programs
- The development or review of standard operating procedures, manuals and guidelines
- Changes in human resources policies, including revisiting and clarifying roles and responsibilities
- A strong analytical report that can assist in securing the support needed to implement the strategies
- A baseline assessment of capacity that can be used to measure improvement and achievement over time
- An additional means to improve its effectiveness
- Training for key NCHR personnel in CA and CD

MOU with Community World Service Area

In 22nd Commission's meeting, The National Commission for Human Rights (NCHR) has given the approval to enter into a MoU between NCHR and Community World Service Area (CWSA), a non-governmental organization working in Pakistan for socio-economic development. Following are the salient features of the MoU:

- Establish a joint approach on “the institutional strengthening and capacity building and IT interface development for complaint redressal.”
- Outline a common strategy for the proper implementation of NCHR mandate to promote and protect Human Rights.
- Establish a workable mechanism for information sharing and promotion of Human Rights within masses;
- Enhance State-civil society interaction to support NCHR mandate and advocacy;
- Undertake awareness raising, social mobilization and capacity building of the key stakeholders in collaboration with NCHR;
- Undertake extensive consultations with national and provincial stakeholders;
- Provide assistance to NCHR for carrying out task for the promotion and protection of minorities in Pakistan;
- Provide assistance to NCHR in providing reforms for criminal justice system;
- Undertake awareness raising, social mobilization and capacity building of the key stakeholders in collaboration with NCHR.

Petitions, Complaints and Suo-Moto Notices on Human Rights Violations

The NCHR Act, 2012 provides the Commission powers of a civil court to hear and consider complaints and petitions concerning individual situations brought before it. The Commission

accepts and investigates complaints of human rights violations from aggrieved parties as well as from complainants that may not be directly affected.

The Commission has been receiving complaints or taking suo-moto notices on violations of human rights or abetment thereof; or negligence in the prevention of such violation, by a public servant. This process is governed by the Complaint Rules for the Commission. These rules were approved for publication in the official gazette on 6th November, 2015. As per the mandate bestowed by the Act, the Commission started probing in petitions/complaints received on human right violations from mid of Dec 2015 under Article 9(a) & (b) of Act XVI of 2012:

Functions of the Commission:

The Commission shall perform all or any of the following functions, namely:

Suo-motu or on a petition presented to it by a victim or any person on his behalf, inquire into complaints of;

- i. Violations of Human rights or abetment thereof; or
- ii. Negligence in the prevention of such violations, by a public servant.

Any citizen or institution affected by a Human Rights violation is able to complain not only on their own behalf, but also on behalf of others who are similarly affected. This possibility of “class action” or representative complaints helps ensure that widespread problems may not be considered isolated aberrations. The NCHR Complaints Hearings are in addition to the general power to investigate. Investigating alleged Human Rights abuses and situations is fundamental to the work of the Commission. It is also a considerable challenge. Investigations are neutral processes: they do not favour the complainant or the respondent. Investigations collect information about allegations of Human Rights abuse and seek to reach a determination about what actually occurred and whether the allegations are well founded.

Summary of Complaints, Petition & Sua Motu Notices Record

From January 2017 to December 2017

Salient numbers reflecting achievements of the Commission in protecting Human Rights from January 2017 to December 2017:

Category	ICT	Punjab	Sindh	KP	Bal	FATA	UN/ Abroad	Total
Complaints	76	192	138	65	10	6	6	493
Suo Motu	37	108	27	36	24	4	2	238
Total [Complaints, Petitions & Suo Motu]	113	300	165	101	34	10	8	731

Status of Complaints, Petition & Sua Motu Notices Record

Category		ICT	Pb	Sindh	KP	Bal	FATA	UN/ Abroad	Total
In Hearing	Complaints	19	43	28	3	3	-	2	98
	Suo Motu	12	12	-	2	4	-	-	30
Total Cases in Hearing		31	55	28	5	7	-	2	128
Under Investigation at Initial Stages	Complaints	30	96	56	39	4	6	3	234
	Suo Motu	11	75	22	24	20	4	1	157
Total Cases at Initial Stages		41	171	78	63	24	10	4	391
Disposed Of	Complaints	27	53	54	23	3	-	1	161
	Suo Motu	14	21	5	10	-	-	1	51
Total Disposed Of Cases		41	74	59	33	3	-	2	212

Categorical Synopsis of Complaints & Suo-Motu Notices Record

Sr. No.	Category	ICT	Pb	Sindh	KP	Bal	FATA	UN/ Abroad	Total
CHILDREN									
1	Child Abduction	-	-	-	2	-	-	-	2
2	Child Physical Abuse	3	8	1	1	-	-	-	13
3	Child Sexual Abuse	3	5	2	-	-	-	-	10
4	Child Labour	-	1	-	-	-	-	-	1
5	Child Murdered	-	9	1	2	-	-	-	12
6	Forced Conversion	-	1	-	-	-	-	-	1
7	Missing Child	2	1	-	-	-	-	-	3
WOMEN									
8	Domestic Violence	6	5	1	3	-	-	-	15
9	Forced Marriage	-	1	-	-	-	-	-	1
10	Honor Killing	1	6	2	4	4	1	-	18
11	Harassment	7	8	7	2	-	-	-	24
12	Sexual Harassment	-	2	1	-	-	-	-	3
13	Rape	5	13	1	2	-	-	-	21
14	Torture against Women	-	9	4	2	-	-	-	15
15	Women Abduction	1	1	-	2	1	1	-	6
16	Women Murdered	-	5	2	3	-	-	-	10
POLICE MATTERS									
17	Police Abuse	2	12	3	1	1	-	-	19
18	Police Inaction	5	18	6	7	1	2	-	39
19	Police Torture	1	15	1	2	1	-	-	20
SERVICE MATTERS									
20	Abuse of Power	1	-	-	-	-	-	-	1
21	Administration Issues	1	1	1	-	-	-	-	3
22	Compensation	-	1	-	-	-	-	-	1
23	Corruption	1	3	2	-	1	-	-	7
24	Official Misconduct	1	-	1	-	-	-	-	2
25	Official Negligence	-	2	-	-	-	-	-	2
26	Professional Misconduct	2	3	-	1	-	-	-	6
27	Service Matters	12	38	22	12	-	2	1	87
OTHERS									
28	Abduction	-	1	-	1	-	-	1	3
29	Blasphemy	-	2	1	1	-	-	-	4
30	Civic Matters	2	1	10	1	1	-	-	15

Sr. No.	Category	ICT	Pb	Sindh	KP	Bal	FATA	UN/ Abroad	Total
31	Civil Matters	-	-	-	1	-	-	-	1
32	Criminal Matters	1	-	-	-	-	-	-	1
33	Criminal Negligence	-	1	-	-	-	-	-	1
34	Defamation/Slander	-	1	-	-	-	-	-	1
35	Disable Person	-	1	-	-	-	-	-	1
36	Discrimination	1	4	-	-	-	-	1	6
37	Education Matters	2	1	3	-	1	-	-	7
38	Enforced Disappearance	1	1	10	1	1	1	-	15
39	Environment	3	-	-	-	-	-	-	3
40	False Implication	4	3	1	2	-	-	-	10
41	Family Matters	1	6	5	8	1	-	-	21
42	Financial Matters	2	5	3	2	-	-	-	12
43	Fraud	3		1	1	-	-	-	5
44	Health	5	5	-	-	2	-	-	12
45	Human Rights	2	12	13	4	-	2	-	33
46	Human Trafficking	2	1	-	-	1	-	1	5
47	Jailed Abroad	-	-	-	1	-	-	-	1
48	Labour Rights	-	-	-	-	1	-	-	1
49	Land Matters	2	11	8	4	-	-	-	25
50	Medical Negligence	4	4	2	-	1	-	-	11
51	Mercy Appeal	-	1	-	-	-	-	-	1
52	Miscellaneous	-	-	1	-	-	-	-	1
53	Missing Person	2	6	14	4	3	-	-	29
54	Minority Rights	2	13	2	1	1	-	1	20
55	Murder	1	4	2	4	2	-	1	14
56	Negligence	-	1	-	-	-	-	-	1
57	Prisoner Right	-	4	3	1	-	-	-	8
58	Property Matters	2	4	-	1	-	-	-	7

Sr. No.	Category	ICT	Pb	Sindh	KP	Bal	FATA	UN/ Abroad	Total
59	Public Safety	2	2	-	-	-	-	-	4
60	Sectarian Killing	-	-	-	-	5	-	-	5
61	Sub-Judice	-	-	2	1	-	-	-	3
62	Terrorism	-	2	1	1	4	1	-	9
63	Theft	-	2	-	-	-	-	-	2
64	Threat to Life	12	15	19	8	1	-	1	56
65	Transgender	1	1	-	4	-	-	1	7
66	Torture	1	11	4	3	-	-	-	19
67	Unlawful Detention	-	5	2	-	-	-	-	7
68	Unlawful Occupancy	-	1	-	-	-	-	-	1
69	Violence	1	-	-	-	-	-	-	1

Highlighted Cases: 2016-17

Tree Cutting in Islamabad

Mr. Muhammad Majid Bashir, an eminent Islamabad-based lawyer, filed a petition with the Commission against the indiscriminate felling of trees by the C.D.A. under the pretext of widening of Embassy road in Islamabad. The NCHR, after perusing the case and taking into consideration the pressing environmental issues affecting the Capital, took cognizance of this matter and issued directives to the C.D.A. of halting tree felling till pendency of this case. During the hearing conducted by the NCHR on 06-12-2017, the C.D.A. also undertook to plant nineteen hundred (1900) trees, out of which six hundred (600) had already been planted.

Expulsion of Transgender Community from Swat, KP

Upon a verbal complaint registered by Blue Veins, an NGO based in Peshawar, KP, it came to the knowledge of NCHR that police officials of Swat had threatened to expel the transgender community from Swat Valley. The NCHR, under the aegis of Chairman, took immediate cognizance of this incident and wrote to the Chief Secretary of KP requesting stern action against this unconstitutional order by Police.

In consideration of the aforementioned, the NCHR took a suo-motu notice of this matter and on 4th May, 2017, conducted a hearing on the subject, which was presided by the Chairman, NCHR. The respondents representing Mardan and Swat Police along with the representatives of the Home Secretary KP explained their stance of the issue of forced expulsion of transgender communities from the respective districts and assured the Commission that the same would be allowed to live in their respective areas.

Stay of proceedings pertaining to death penalties of mentally unsound and juvenile offenders

The National Commission for Human Rights has played a major role in halting execution proceedings of mentally unfit and juvenile offenders on death row in the country. The following three cases are glaring examples of the NCHR's efficacy vis-à-vis its role as a bulwark against injustice which constitutes a grave violation of human rights as guaranteed under the Constitution of Pakistan:

1. M. Saleem Ahmed – a mentally disabled prisoner on death row from Lahore involved in the murder of his sister.
2. M. Azam – Juvenile offender on death row from Sindh.
3. Muhammad Iqbal – Juvenile offender on death row from Punjab

The aforementioned petitions were filed with the Commission by Barrister Sarah Belal, Executive Director, Justice Project Pakistan, and appropriate action was taken by NCHR directing the jail authorities to halt the death penalty till the pendency of these cases.

Restoration of employment in Pakistan Railway

A complainant approached NCHR regional office Sindh and submitted a complaint against the administration of Pakistan Railway regarding the suspension of his services. NCHR examined the case and it was observed that Railway administration had taken a discriminatory decision, constituting a violation of Human Rights. NCHR took up the case (No.1-178 17) and engaged in the necessary correspondence with Pakistan Railway and Federal Ombudsman Department regarding the issue, which eventually resulted in a favorable decision in favour of the complainant.

Enforced Disappearance Case from Karachi, Sindh

NCHR Sindh received an application from Ms. Anbia Khatoon, resident of Korangi Karachi on the subject of missing person Mr. Muzafar Mian. NCHR Sindh took up the case No. 2(286)16 and enquired the concerned departments for his safe recovery. Consequently, Mr. Muzaffar returned home safely after the absence of one month.

Coordination with Parliament

Meeting record of National Assembly Standing Committee on Human Rights:

1. The Commission in the meeting of the Standing Committee of National Assembly held on 23rd January, 2017 of Human Rights presented its performance report on the implementation of the International Covenant on Civil and Political Rights.
2. The Commission presented its report on the Gadani incident in the meeting of the Standing Committee held on 20th February, 2017.
3. The Commission presented a detailed brief on the harassment of women at workplace (Amendment) Bill, 2014 on 27th February, 2017.
4. The Commission presented its brief on the Islamabad Capital Territory Child Protection Bill, 2017 in the meeting of Standing Committee held on 23rd May, 2017.

5. The Commission presented its brief on the implementation status of national action plan for Human Rights in the meeting held on 13th July, 2017.
6. The Commission presented its report on the Transgender Persons (Protection of Rights) Bill, 2017 in the meeting held on 27th October, 2017.

Meeting record Senate of Pakistan Functional Committee on Human Rights:

1. In the meeting held on 2nd January, 2017:
 - i. The Commission presented its brief on the Hindu-Marriage Bill, 2016.
 - ii. The Commission presented its report on the Quetta Carnage
 - iii. The Commission presented its report on the attack on Ahmadi's worship place in District Chakwal.
 - iv. The Commission presented its report on the death of Mr. Aftab Ahmed under the custody of Sindh Rangers Karachi.
2. The Commission presented a report on its role in addressing the issues confronted by the marginalized segments in the country along with legislations carried out in this regard in the meeting of Special Committee on the Marginalized Segments of the Society held on 11th January, 2017.
3. In the meeting of Functional Committee held on 16th January, 2017:
 - i. The Commission presented its brief on the Transgender Bill, 2017.
 - ii. The Commission presented a brief on the torture of domestic servant Tayyaba in Islamabad.
 - iii. The Commission presented a brief on the disappearance of four Social Media Activists.
 - iv. The Commission presented its brief on the 35 missing persons from Malakand Internment Centre.
4. The Commission presented its report on the Rights of Child Bill, 2017 in the meeting of Functional Committee held on 1st March, 2017.
5. The Commission presented its report on the kidnapping of children of wife of Mir Muhammad Zahri in the meeting held on 28th April, 2017.
6. The Commission presented its brief in the meeting of Functional Committee held on 11th September, 2017 on Rohingya Muslims in Myanmar.
7. The Commission presented its report on the enforced disappearances in the meeting held on 11th October, 2017.
8. The NCHR presented its recommendations on the procedural changes in the misuse of the Blasphemy Law in Pakistan during the meeting of the Functional Committee held

on 16th November, 2017.

9. In the meeting held on 4th and 5th December, 2017:
 - i. The Commission gave its recommendations on the incident of D.I. Khan Teenager girl forced to walk naked.
 - ii. The Commission submitted a report on the incident of a girl set on fire in District Mandi Bahauddin.
 - iii. The Commission submitted its report on the incident of Turbat, Baluchistan.
10. The Commission submitted its report on the human rights situation in the jails in Province of Pakistan on 14th November, 2017.
11. The Commission submitted its report on the Hazara Community in the province of Baluchistan in the meeting held on 13th November, 2017.

Legislations, Reports, Investigations & Inquiries

The Commission carries out regular information gathering and monitoring to identify where inquiries and investigations are required. It has due processes to support the receipt and preparation of complaints. The first step is to determine if the issue is within jurisdiction. **Triaging** ensures priority cases and emergencies are handled appropriately. Early information and counselling is extended to all parties. Avenues of alternative dispute resolution to encourage amicable settlement are explored at the outset.

The Paris Principles makes it obligatory upon the Commission to submit to the Government or other appropriate authority, advice and recommendations on any situation of violation of Human Rights which it decides to take up. The Commission has also the mandate to review the safeguards provided in any law for the time being in force for the protection of human rights and recommend adoption of new legislation, the amendment of existing laws and adoption or amendment of administrative measures for their effective implementation. Investigations are carried out by gathering physical, testimonial and documentary evidence, by research and by assessing the evidence. The Commission may inquire into ‘any’ question within its area of competence defined in Article 9 of the NCHR Act, 2012. The Commission’s jurisdiction with respect to investigation has been clearly spelled out in the Act.

Act XVI of 2012 follows the Paris Principles in requiring that the NCHR should have access to all documents and all persons necessary for it to conduct an investigation. These powers are clearly defined and legally entrenched in the NCHR Act, 2012, including the power to conduct onsite investigations as necessary and to visit detention facilities, etc. The Act also bestows the power to call parties to a hearing; and the power to hear and question every individual who, in the opinion of the Commission, has knowledge concerning the issue under investigation or is otherwise in a position to assist the investigation.

The power to initiate investigations has been an extremely important and far-reaching source of strength for the institution. It allows NCHR to ensure that vulnerable groups are given a

public voice. Issues requiring attention are identified by observing the trends of incoming complaints, and media scanning followed by a strategic planning exercise. The Parliament also marks issues for the NCHR to investigate and report. Community and non-governmental organizations also try to bring urgent local issues to the attention of the NCHR. Media reports are another indication of problem leading the Commission to initiate an investigation.

Transgender and Intersex Persons (Promotion and Protection of Rights) Bill, 2017

Introduction

The National Commission for Human Rights (NCHR) began work on the Transgender and Intersex Persons (Protection and Promotion of Rights) Bill, 2017 in April of 2017, after the Honorable Senate's Functional Committee on Human Rights requested the NCHR to draft the Bill. The NCHR dedicatedly took on the responsibility, and the Bill has since been carefully shaped and drafted in a manner that understands and reflects the needs of the community it targets.

Prior to the Senate's request, the NCHR had been holding consultations with members of the transgender and intersex communities, and had drafted an interim report titled, 'Transgender Persons: The Need to Mainstream'. The background knowledge provided an entry point into the subject, and greatly streamlined the process of drafting.

After conducting in-depth research into the subject matter by comparing and contrasting transgender and intersex persons' rights laws, in the region and elsewhere in the world, the NCHR conducted another series of consultations to place the theoretical into a context-specific understanding of the matter, with the sole purpose to further refine the Bill, and remove underlying contentions.

Elaborated below is the rationale that guided this Bill to exist in its current form.

Defining Transgender and Intersex Person

The Bill seeks to protect transgender and intersex persons in Pakistan from the extreme violence and discrimination they face in their daily lives. In order to provide a safeguard to the community, it is essential to understand the nuances within the community itself, and then to provide a definition – a comprehensive legal cover – that encapsulates and incorporates all members of the community that are adversely affected and to be protected.

Gender identity is how one understands oneself, whereas gender expression is their outward expression of their identity. It is this conflict, simultaneously an internal and external one, in a society with strict gender norms that often leaves people isolated and marginalized.

In order for the Bill to be context-specific to Pakistan it is imperative to understand the different categories of transgender and intersex persons that exist in the country. In Pakistan transgender persons are called by various names, the culture of Khwaja Seras is dynamic and requires differentiation of diverse categories that exist in it. For example, to join the Khwajas Sera community (a predominantly transgender woman community, with transgender men remaining comparatively more in the background) some individuals, called nirban, undergo

castration and others who refuse to undergo the emasculation are called zenana, aqwa or hijra. An intersex person is one that is born with physical, biological characteristics that do not fit into typical binary notions of male or female. A transgender person may or may not have intersex characteristics. Including intersex persons in this Bill is necessary, as the term “transgender” does not include all such persons, and therefore will remain unable to address their unique set of problems and grievances.

To classify these terms, a web of definitions has been incorporated into this Bill to make coherent, the groups which are to be included. It is required to broaden the definition in order to make the Bill more inclusive. The definitions provided in this Bill cover the various types of transgender and intersex persons by default, without having to differentiate and categorize the community, but by providing a comprehensive enough cover to protect them equally.

Recognition of Transgender Persons

In a shift from what is common in the region, and as was evident from bills that came before NCHR's, that “transgender” be declared a third gender, NCHR believes in allowing a right to self-recognized identity and/or gender expression.

In successive consultations with the transgender and intersex communities, the NCHR has found that the issue at the center of the debate is the ability to associate with their gender of choice. Not only is it that declaring them a third gender is inherently discriminatory as it, by differentiating, excludes transgender and intersex persons from the mainstream, but also with Islam as the state religion, it is wiser to allow transgender and intersex persons to identify as either male or female for guaranteeing rights like the right to inheritance, and family.

Furthermore, previous bills have included a screening committee, a process that violates the right to privacy. Something as simple and obvious as the decision to declare one's gender should not be such an invasive and difficult process. Laws in Ireland, Malta, Argentina, allow for right to self-perceived identity.

Transgender and intersex persons shall be registered as either male or female by NADRA. If the gender on the birth certificate and CNIC differs, NADRA will then issue a certificate, identifying the respective person as a transgender and/or intersex person. The process itself means that once a person reaches the age of 18 (or before with parents'/guardians consent) they have the right to register themselves according to the gender they associate with. What this means is that NADRA must register them according to their beliefs, and that all other official documents, passports, etc. shall be registered accordingly. The Certificate of Identity will act as the necessary document to apply to the quota system. While there have been concerns that there might be a misuse of this provision, the life-changing nature of such a decision is one that will serve as an adequate enough impediments. For example, a man who registers as a woman to take advantage of a quota system will have to forego the percentage of inheritance as well as his right to marry a woman, among other things.

The NCHR believes that overall the commitment to allow for self-recognized identity is necessary for the strengthening and mainstreaming of the community.

Steps Taken for the Recognition and Welfare Of Transgender and Intersex Persons

During the research NCHR identified the core issue leading to the problems and discrimination faced by transgender and intersex persons i.e. rejection and the hostile attitude of the society towards the transgender and intersex communities. Therefore, under the NCHR bill, special provisions have been drafted which directs the government to sensitize the law enforcement agencies, medical practitioners and the civil society through workshops and trainings which can play a vital role in improving the overall attitude of the society towards the transgender and intersex communities. Acceptance of the transgender and intersex communities by the society and positive behavior towards this community will make it easier for them to obtain education, employment, reduce harassment and enhance acceptance by their own family.

Fundamental Rights

Although the Fundamental Rights have been safeguarded in the Constitution of Pakistan, 1973 (hereafter Constitution), however, lived experiences of transgender and intersex persons lends itself to the need to guarantee those rights in specific ways that affect the community.

For example, regarding the right to register an FIR, many TG persons say they are not able to always register themselves. Similarly, during a consultation with the Peshawar TG community NCHR was informed that they are not allowed to hold gatherings without a NOC. Hence, under the bill presented by NCHR all the fundamentals rights which the transgender and intersex persons should enjoy have been covered giving special emphasis to right to education, right to employment, right to healthcare, and right to inherit.

Furthermore, quotas have been proposed for transgender and intersex persons to be included in educational institutions, public and private sector jobs (the exact quota remains to be determined by the census). The quota system seeks to increase the standard of life within these communities by allowing an easier path into the mainstream of society, and it is put into place with the eventual goal that it may become unnecessary in the future once the communities have been fully integrated.

Office of the Ombudsman

Presently the mechanisms available do not adequately cater to the transgender and intersex communities, and the NCHR believes that an ombudsman, acting as a focal person for the transgender and intersex community, is necessary. No other existing mechanism may be self-sufficient enough to adequately deal with the problems of the community.

The unique set of impediments in their daily lives cannot be tackled by designating such a task to any existing institution, as they may not have a mandate that is tailored to cater to the specific issues faced by the community. Under this bill, the Ombudsman will have the power to entertain the complaints of the transgender and intersex persons and inquire into complaints of:

1. Non-registration of criminal complaints or F.I.R
2. Harassment of transgender and intersex persons

3. Discrimination in providing Fundamental Rights on the basis of gender

The office of the Ombudsman is created with a vision that this institution will be self-sufficient to deal with the problems of the transgender community. For this reason, the ombudsman will have same powers as vested in the civil court along with the same powers of contempt as under the Contempt of Court Ordinance, 2003 (V of 2003).

National Advisory Board for Transgender and Intersex Persons

Unfortunately, inadequate attention is given to this segment of society and not enough work is done to upgrade their status, hence, this institution is formulated with the specific purpose to: Examine policies, programs and other measures taken by the Government for transgender and intersex persons' development and gender equality; Review laws, rules and regulations affecting the status of transgender and intersex community; Monitor mechanisms and institutional procedures for redress of violations of transgender and intersex persons' rights; Encourage and sponsor research to generate information, analysis and studies relating to transgender and intersex persons and gender issues; Develop and maintain interaction and dialogue with NGOs, experts and individuals in society at the national, regional and international level; any other function assigned to it by the Federal Government.

Offences and Penalties

In order to criminalize issues and crimes that are faced by the transgender community, but are not included in the PPC, NCHR considers it necessary to include certain special offences and proscribe to them special penalties. For example, under NCHR Bill it shall be criminal for a parent to remove a child from their house on the basis of their gender.

Furthermore, whereas rape and unnatural offences are defined differently in the PPC with a different set of punishments, the transgender and intersex community face obstacles in obtaining justice because of the tension inherent in the gendered definitions of these crimes. Rape can only be done to a woman under the PPC and the PPC explains that penetration is the sufficient condition. Therefore, the NCHR found it imperative to include special offences that penalize non-consensual, forceful sexual intercourse, including orifices not considered inherently sexual, even including the use of objects. The goal being that because, according to the experience of the community, the perpetrators of these heinous crimes are not punished because the transgender and intersex persons are unable to prove rape in the strictest sense as defined in the penal code.

Another issue, for example, is the issue of forced prostitution, pornography, etc that requires a special penalty as it violates virtually every right of the transgender and intersex persons, but is currently not penalized as such.

Kalash Report

Saga of Survival: A report on the protection, preservation and promotion of constitutional rights of indigenous Kalash people

Summary:

The National Commission for Human Rights, Pakistan (NCHR) undertook a fact-finding mission to Kalash from the 27th to 31st of August in order to solicit information from residents about the nature of the problems they face and to propose solutions towards a more inclusive future. The Chairman NCHR, Justice (R) Ali Nawaz Chowhan, led the delegation, which included Member NCHR, Fazila Aliani, Director NCHR, Syed Khizar Ali Shah, and Coordinators NCHR, Syed Haider Ali Zafar, Raza-ur-Rehman Asad, and Syed Ahsan Ayaz Kazmi.

The NCHR delegation was captivated to find a centuries-old tradition still surviving despite a profusion of socio-economic problems and societal pressure. Kalash is a gorgeous region. Its three valleys, Bumbereet, Rumbur and Birir, are a stunning mix of human marvels and natural beauty. The culture not only diversifies the kaleidoscope of cultures that permeates the great nation of Pakistan but is uniquely classified among the civilizations of the world. The Kalash (or Kalasha) are a peace-loving people and take pride in their tolerant nature. They adorn themselves in colourful clothing and revel in merrymaking. The story, though, is not all promising for the issues they face prove to be serious obstacles in the way of progress.

In the Focus-Group Discussion and stakeholder interviews most complained of state neglect and marginalization. NCHR's interaction with the Kalash community revealed a multitude of socio-economic issues that the community faces, nudging them towards abandonment of their culture and religion. Their issues include: land grabbing, pressure from their neighbors to convert, the looming threat of border incursions from Afghanistan by the Taliban, repressive security, and shoddy infrastructure with a dearth of educational and health facilities, all limiting their opportunities for socio-economic progress and growth.

The report aims to discern the nature of the issues faced by the Kalash community after facilitating a conversation inclusive of various stakeholders, and to propose reforms and recommend solutions that take into account the locals' central demands. The research is premised on how best to serve the marginalized community of Kalash in ways approved and sanctioned by them.

Recommendations:

In view the gravity of the situation and to preserve and protect the cultural heritage and fundamental constitutional rights of the Kalash community, certain immediate as well as long term measures are recommended as under:

Short Term Recommendations

1. Federal and Provincial Governments should immediately adopt the UNESCO's prescribed measures to protect the Kalash culture.
2. NCHR recommends that Kalash may be allowed to celebrate festivals on the basis Suri Jagek rather than the Gregorian calendar. The District Administration should be mindful of this fact while making decisions in regard to their festivals.
3. District Administration and Provincial Government must take immediate notice of the reservations of Kalash people with respect to the on-going land settlement process.

The historical claim of the Kalash people on silver oak forests must be carefully examined and verified.

4. NCHR noted with concern that the traditional summer Kalash festival (wheat harvest) of Ratnat has not been celebrated for the past 10 years due to threats from religious extremists. NCHR recommends that Kalash community may be provided necessary security to celebrate this festival with freedom and comfort.
5. NCHR strongly recommends that the Honourable Chief Minister and Chief Secretary of Khyber Pakhtunkhwa should, under the existing constitutional and legal provisions, ensure the provision of books and teachers of optional subjects instead of Islamiyat.
6. K.P Elementary and Secondary Education Department and K.P Text Book Board should utilize the existing printed education resources available in Kalasha language such as Kalasha dictionary written by Gregory R. Cooper , Australian national and Ronald L. Trail , US national, school workbooks in Kalasha language published Kalasha Dur school, folk tales, songs and proverbs published by Ayun and Valleys Program, Kalasha grammar book published by Aristotle University Greece, Kalasha Awaaz Book published Greig and Cooper.
7. The present circumstances of Kalash community fully justify the grant of stipends and scholarships for Kalash students to acquire quality education.
8. Immediate administrative steps, such as reservation of rooms in hostels of government colleges in Chitral, must be taken to facilitate the stay of Kalash students in the educational institutes of Chitral.
9. The protection of legal and marital rights of the newly converted Kalash girls is the fundamental constitutional responsibility of the State and local administration. The Nikah of the converted Kalash girls must be solemnized only by the Government's approved Nikah Registrars, who should ensure that all the legal rights of the bride, particularly age determination, the presence of the Wali, proper Haq Mehar and the right of divorcing the husband are secured in the Nikah form. The local administration must also ensure that there is no element of coercion in such marriages.
10. NCHR recommends that all the official databases should be synchronized with respect to the recognition and identification of Kalasha religion.

Long Term Recommendations

1. In the context of the allegations of forced conversions, albeit unproven, state machinery must take all necessary measures to ensure religious freedoms guaranteed under the constitution are preserved.
2. To mitigate the current sense of neglect and deprivation of Kalash people, prompt measures are required to drastically improve the road transportation facility for the Kalash people.
3. The Kalash Museum in Bumburate must be supported, upgraded and maintained by the Government as a centre of excellence for collecting, preserving and advocating Kalash culture.
4. A dedicated section for the promotion and preservation of Kalash community should be maintained in all national and provincial museums.

5. In the context of Kalasha's recognition - nationally and internationally - as distinct Non-Muslim minority, NCHR recommends that Kalasha customary personal law may be codified and legislated for protection and preservation of culture and customary laws.
6. NCHR recommends that tourism should project the richness of Kalash while according the necessary respect to their personal and cultural dignity.
7. A percentage of the Revenues of the tourism industry generated by non-native entrepreneurs should be used for the development of Kalash people and culture.

It was strongly felt by the NCHR team that the current lack of coordination between district administration and security agencies is leading to the harassment of visitors and feelings of insecurity among the general public. Henceforth, NCHR recommends that SOP's for security clearance for Kalash valley should be clearly drafted and provided to the concerned visitors by the office of District Commissioner, Chitral. The communication between district administration and security agencies must be improved regarding security clearance for the visitors to the Kalash valleys.

Baluchistan Prisons: An Exposé

In pursuance of the Article 9 (c) of NCHR Act 2012, NCHR has compiled a report to bring to light the pressing issues faced by the prison department and to assess the conditions of prisons in the province of Baluchistan. Having ratified the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in June 2010, it is incumbent upon the government of Pakistan to allocate the essential human and financial resources and meet its obligations under these international treaties in order to ensure that torture and other mistreatment of inmates are stopped and that officials and institutions responsible for such practices are held accountable. Since Baluchistan is emerging from a phase of instability, it is imperative to initiate and drive the long due reform process in the province's law and order mechanism including the prison or correctional system.

This report is based on visits to jails in Baluchistan, extensive interviews with prison officials, lawyers, NGO staff and human rights activists in order to identify the failings in the system.

The report highlights a number of issues that hinder the efficient functioning of prison department, first and foremost being the administrative constraints, second being the shortage of funds, third, the critical dearth of staff and fourth and extremely important, the non-existence of a training institute for prison staff in the entire province. The prison department faces the crippling issues of nepotism, political interference and interference by home department in its affairs. The department also lacks an efficient mechanism for the capacity building of prison staff. Due to the non-existence of a fair system, existing procedures on appointments, transfers and promotions are frequently breached. Weak accountability mechanisms for prison officials, torture and other inhuman treatment continue to prevail and are rarely checked.

The report also sheds light on the major issues of the prisons including the austere living conditions, absence of legal aid services, mistreatment of prisoners, institution in the entire province, the orientation mechanism for newly inducted prisoners, lack of medical and psychiatric facilities, and a dismal situation regarding the educational, recreational and vocational activities in the jail.

A major and hardly talked about issue of the prisoners who have completed their sentence but are confined due to the non-payment of fines/ diyat was also highlighted in the report.

The issues of employees of prison department have also been discussed at length in the report including the job insecurity, unavailability of career training and the bleak prospects of getting promoted during job.

Way Forward

The prison system in Baluchistan faces a number of issues and some major structural reforms are imperative as well as indispensable. Of utmost importance is the need to adopt a human rights approach in the administration of prisons. A system of prisons that is more focused on turning the prisoners into useful member of society rather than merely punishing them for the crimes they have committed. In order to bring lasting reforms, certain administrative, legal and community-based interventions are essential. Following are some recommendations in pursuit of the reform agenda:

Short Term Measures

- The prison rules through which the prisons are being managed are outdated. The Prison Act, 1984 needs to be revised in a way that there is increased focus on the correctional/ reformatory purpose of the prisons. Also, the use of technology in the monitoring and management of prisons needs to be increased.
- Federal Public Defender and Legal Aid Office Act must be implemented. Provincial equivalents of these acts must be passed and implemented without delay. Along with that, collaboration must be enhanced with NGOs providing free legal aid to prisoners until such offices are established.
- A Jail & Human Rights committee must be constituted on provincial level comprising of members from parliament, judiciary, prison department and especially the provincial member of NCHR.
- The inspectorate of prisons be made an autonomous organization instead of an attached department of the provincial home ministry.
- The system for the payment of Diyat, Arsh & Daman, for the prisoners who have completed their sentence but are confined due to the non-payment of fine, must be regularized with the help of increased coordination between the provincial directorate of Ministry of Human Rights and the Inspectorate General. It is important to mention that the Ministry has established a fund named “Diyat, Arsh and Daman Fund” after the legislation “Diyat, Arsh and Daman Fund Rules, 2007” was passed.

Long Term Reforms

- The quality of prison staff must be improved through career planning and progression in service. Merit must be ensured in the recruitments and the promotion mechanisms be streamlined to allow the most deserving to be rewarded with career advancement opportunities.
- Granting of bail must be made a norm rather than exception. Bail system must be regularized, making bails easily available and affordable for petty crimes. A fund may be established by government in this regard.
- Provincial home ministry should assess the number of probation and parole officers required by existing and expected caseloads and increase their numbers accordingly, while providing them with proper offices and adequate facilities.
- The sentencing structure for non-violent petty crimes and first-time offenders must be made more effective as in including alternatives to detention, such as fines, probation, community service and psychological and drug treatment.
- The functioning of probation and parole departments must be improved by developing specialized training and curriculums for probation officers and prison staff in the National Academy for Prisons Administration (NAPA).
- Regular visits by the District Commissioner (DC) must be ensured in order to keep a check on the routine operation of the prisons.
- A training institution for prison staff must be established in each of the four provinces; and the quality of instruction provided to prison staff be improved through the introduction of modern curricula, based on international standards. The institution must have a Behavioral Science Unit for the training of staff in dealing with prisoners as it was observed during visits that the only training the staff felt they needed to receive was of the weaponry.
- Age-determination mechanism for youthful prisoners must be established at the time of induction and to avoid controversies in the long run. Moreover, The Borstal Institution must be established on priority basis.
- Psychologists must be hired for the counselling of prisoners especially juvenile and adolescent prisoners as well as for the prison staff.
- The record keeping must be updated from manual to digital based on the principles of e-governance. Modern equipment and tools like walkie-talkies and metal detectors must be provided to the prison staff.
- Public-private partnership is essential in bringing reforms. A comprehensive plan of action may be developed in this regard focused on bringing the community organizations on board with initiatives focused on equipping prisoners with the skills that will help them re-enter workforce upon release.
- Programs aimed at advancing education of the prisoners must be encouraged; Schools and libraries may be set-up in the prisons with the focus on adult learning. Moreover, community volunteers programs may be launched to attract volunteers to work in the field of prisoners welfare.

- The non-profit and civil society organizations must be encouraged to work for the welfare of the prisoners. Reintegration and rehabilitation initiatives must be introduced for released prisoners in collaboration with community based organization.
- The “de-radicalization” programs initiated by military need to be revised. A holistic policy must be developed in collaboration with civil society organization with a focus on rehabilitation and reintegration aimed at preventing extremist behavior.
- Civil society organizations can be instrumental in introducing skill-based learning programs for prisoners. Programs aimed at developing hard skills in the prisoners as in tailoring, sewing, embroidery, carpet weaving etcetera that will enable them to earn decent living.
- It is proposed that a National Action Plan on penal reforms must be formulated. A plan that is ingrained in the principles of human rights and offers a holistic and modern perspective on the management of prisons in Pakistan.
- NCHR considers it absolutely essential to make prison reforms a top priority in the criminal justice reform agenda. Therefore, the report recommends that a National Action Plan may be devised, aimed at reforming the penal institutions of the country.
- There is a need to transform the prison system’s current ethos of detention and punishment to one focused on providing justice and enabling the rehabilitation and reintegration of prisoners.

Prison Manual

Human Rights Standards in Place of Detention

Summary:

A police lockup is neither a jail nor a prison. A police lockup is a temporary holding facility of a law enforcement agency used to hold suspects waiting for interrogation, arrest processing, transfer to a jail etc. In pursuance of its duties as stated in Section 9(c) of NCHR Act, 2012, the Commission found the monitoring of conditions of detention in police lockups as important because firstly, persons in police custody are mostly pre-charge suspects. Secondly, having temporarily lost their freedom, detainees have limited recourse to any remedy or assistance. Thirdly, as human beings, their basic human rights have to be upheld and protected. Fourthly, police view themselves less in the role of custodians than in that of law enforcers. A team led by Ch. Muhammad Shafique – Member ICT was tasked to visit different lockups of Islamabad Capital Territory and submit its report about the situation there. The team had the following mandate:

1. To examine the state of living conditions in detention centers and lockups
2. Situation analysis of the Rights of detainees
3. Assessment of efficacy of lockup Management
4. To submit a report, suggesting appropriate measures the facility specific as well as policy specific interventions.

As per the above mandate, the report highlights the observations of the Commission and demonstrates lockup facilities as well as policy-specific recommendations. The methodology adopted is mixed method i.e. observations, interviews, review of documents.

NCHR Observations:

It was observed upon inspection that:

1. There are no Standard Operating Procedures (SOP's) for the management of Police lockups. Officers responsible for maintaining and managing the lockups are not given any training on the subject.
2. There is no mechanism for regular medical checkups in the lockup and there is no medical record maintained. No medical examination at the time of entry and exit in the lockup. There is also lack of medical officers assigned in the police stations. There is lack of medicines and first-aid kits.
3. Police lock-up cells do not have proper ventilators or windows. The entry of natural light and fresh air in the available ventilators and windows is insufficient.
4. The sanitary installations in lock-up cells are not up to the mark. They are poorly maintained. Toilets and bathrooms do not afford privacy.
5. It was observed that, lock-up cells are not constructed with consideration as to the health of the detainees, especially those who are of old-age, with illnesses, pregnant, and with disability.
6. There is absence of provision of clothing to detainees.
7. There was no Lady Police Officer available in the station.
8. Psychological analysis of the detainee upon his/her arrival in the lockup is also not done in the facility.

Recommendations:

- The Life Safety Codes are important because a number of devastating, catastrophic fires focused incidents have happened due to the inadequacies of life safety features in buildings. There is a lack of consideration for life safety features in designs of construction of lockups. Facility should be made compliant to life and fire safety codes. The purpose of the Life Safety Codes is to establish minimum requirements that will provide a reasonable degree of safety from fire and similar emergencies in buildings and structures.
- Assessment of detainees should be done in relation to risks including mental health, suicide, criminal history etc.
- Detainees should be provided with the information about the reason of their arrest, their rights and responsibilities in the lockup.
- Surveillance system of detainees like video monitoring, CCTV etc. should be regularly maintained and checked to ensure it is in good working condition.
- A system for detainees to alert employees should also be installed.
- Holding should be clean, kept at comfortable temperature and should be well ventilated.

- Detainees should be provided with toilet articles like soap, towel, and oral hygiene material on regular basis.
- Toilets and bathrooms of the facility need to be made cleaner and need renovation.
- It is highly recommended to have a doctor and a psychologist at the facility available 24/7 for the evaluation and medical examination if the detainees.
- A first aid kit should also be made available in the facility in order to have medical emergency treatment.

Water as a Human Right

Summary of the Report:

Water is the basis of any form of life. It is essential for human beings, animals and our environment. Access to clean water and sanitation are essential human needs. Many human rights cannot be enjoyed without water, such as the right to an adequate standard of living and the right to the highest attainable standard of physical and mental health. The execution of other rights is also dependent on the right to water and sanitation.

The Constitution of Pakistan does not specifically refer to the human right to water but its importance is implied in section pertaining to basic necessities, e.g. Article 38. Article 38(d) states that it is duty of 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.”*

On 28 July 2010, through **Resolution 64/292**, the United Nations General Assembly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights.

An Overview – Water Situation in Pakistan

Pakistan's water profile has changed drastically from being a water abundant country, to one experiencing water stress. Between 1990 and 2015, per capita water availability declined from 2,172 cubic meters per inhabitant, to 1,306 cubic meters per inhabitant. Pakistan extracts 74.3 percent of its fresh water annually thereby exerting tremendous pressure upon renewable water resources. Despite remarkable improvements in the proportion of population using an improved water source and an improved sanitation facility, 27.2 million Pakistanis do not have access to safe water and 52.7 million do not have access to adequate sanitation facilities.

Pakistan is the country with only 121 cubic meters of per capita designed live water storage capacity per person. The situation of water is alarming as water situation is only better than Ethiopia. United Nations Development Program (UNDP) in its recent report suggests that the situation is quite alarming and the efforts to address it are insufficient.

Water Governance in Pakistan

At present, there is no approved National Water Policy. A draft National Water Policy was prepared in 2005 by the Ministry of water & power after a detailed policy study. However, the policy documents could not be processed or approved by the Cabinet.

The latest draft of the National Water Policy was circulated on the directions of the Prime Minister of Pakistan in 2015 and identified twenty-three action areas, each segmented further into individual targets. It provides full support in areas of water resources development using perennial and floodwater, water harvesting, water management and groundwater recharge. In addition, it also identifies the framework for water related hazards covering droughts, floods, water logging and salinity.

Recommendations– Policy Level

- The Government should finalize the National Water Policy at earliest. All the provincial and federal authorities should join hands and fulfill their constitutional responsibility to conclude the long pending policy document.
- A water tariff is the price assigned to water supplied by a public utility generally for both freshwater supply and wastewater treatment. Pricing water fairly and equally is important to sustain and extend the water and sanitation system. It is highly recommended that a reasonable price should be allocated to domestic and commercial/Industrial supplies by Capital Development Authority and Water and Sanitation Authority.
- CDA should adopt an environmental-friendly approach when it comes to town planning for better management of water resources in the city.
- Urban Planning Directorate operating under planning wing of CDA should properly evaluate the requirements and determine the relationship between various land-uses and should appraise the quantitative and qualitative aspects of proposals for land utilization in the sectoral area of Islamabad.
- CDA should monitor the development within the urban area.
- There is a need to have a great level of cooperation between all the stakeholders as well as among all the different levels of administration to manage water most effectively; this cooperation also needs to engage and educate consumers on water saving practices
- Rainwater recovery systems should be made essential part of construction by Government as the recovery systems capture rainwater from the roof and redirect it to a storage tank. This water can be then used for flushing toilets, for watering plants and washing cars etc.
- Groundwater abstraction and use should be monitored by the Government while enforcing groundwater abstraction laws and licensing for Residential housing schemes and other private tube wells.
- More funds needs to be allocated by the federal and provincial governments for timely replacement and maintenance of the pumping equipment, distribution networks and pipelines.

- The Government needs a thorough review of its policies to facilitate the import or production of water efficient sanitary fittings. This is of particular significance in the context of public toilets, mosques, play grounds, offices etc.

Recommendations – ICT Specific

- It is recommended that CADD should resolve the Water Governance issues in ICT. The role of MCI and CDA should be made clear and the role of officials with multiple charges should also be clarified in order to avoid delays in decision making.
- MCI, CDA and CADD should take all appropriate measures in collaboration with PCRWR to provide safe water to the residents. For instance, the research and quality surveys conducted by PCRWR need to be jointly deliberated upon by the aforesaid agencies and incorporated into their operational plans.
- Ministry of Water and Power should approve the plan of constructing the Chiniot Dam . The site has already been identified and approved by WAPDA.
- Drinking water filtration plants should be maintained regularly. CADD, MCI and CDA should take measures to install more filtration plants in the city for ensuring the right of access to safe and clean drinking water.
- Funds of CDA and MCI should be segregated for improved working. Federal government should approve the budget of MCI for prompt and efficient functioning of MCI.
- Waste water treatment plant should be maintained and managed on regular basis. CADD should take steps to make all the portions work as for now it is only treating 3 MGD's. Sewage system should also be tested and all the lines choked or punctured should be replaced for avoiding contamination of clean water.

Hazara Report

Understanding the Agonies of Ethnic Hazaras in Balochistan

Historically, the Pakistani Hazara community is known to be patriotic, peaceful and progressive. The total population of Hazara community is estimated to be approximately between 0.4 to 0.5 million. Hazaras have been consistently targeted by terrorists and religious fanatics since 1999 through suicide bombings and target killings. The past two decades of atrocities committed against the Hazara community has negatively impacted their education, health, livelihood, and mobility. According to the home department of Balochistan, 509 Hazaras have been killed in various incidents during past 5 years. Due to the prevailing situation, members of the community are also facing certain psychological problems like stress and trauma. They are migrating to other parts of the country and abroad for their survival. Their persecution has adversely impacted their identity as Hazaras and hence is faced with an identity crisis. Due to the fear of persecution, they are not enjoying freedom of movement and right to life as envisaged in the constitution and international conventions. The persecution of Hazara community stems from a combination of complex factors including geo politics, security, ethnic rivalries, sectarian extremism and spillover of

militant religious extremism from across the border and other parts of the country. The recent terrorist attacks also include a strain of Indian involvement to destabilize Balochistan and damage Pakistan's economic and strategic interests associated with CPEC. Other factors include proxy wars involving Saudi Arabia and Iran, and the land mafia.

During the past two years, the government has been able to curb, to some extent, indiscriminate attacks on the Hazaras of Balochistan. The government of Balochistan has been quite successful in safely escorting the Shia devotees to and from the Iran border, but much still needs to be done. The security arrangements for Hazaras in the Quetta city have an obvious restrictive effect creating despondency. However, it may be considered as an unavoidable evil warranting appropriate alternative measures for facilitating the free movement of Hazaras. Measures like the construction of the campus of Balochistan University in Marriabad and other similar initiatives are indicative of the fact that there is a realization at the provincial and federal levels to address the Hazara issue. Upgradation of Hazara communities as self-contained residential units can be an effective short - term solution to mitigate the miseries of Hazaras.

More alarming is the fact that perpetrators of the barbaric attacks on Hazaras have not been brought to justice. This failure of the state machinery is bound to have an impact on the aspirations of Hazaras to live as equal and dignified citizens of Pakistan.

Recommendations

- An overhaul of the criminal justice system is the need of the hour so that loopholes are plugged and the perpetrators of violent attacks against Hazaras are brought to justice.
- The constitutional provisions regarding sectarian harmony should be enforced to promote peace and coexistence. For instance, Article 20 (b), 33 and 227 (1) as conceptualized in the constitution.
- Hazara rights as ethnic/linguistic minority may be ensured as envisaged in the constitution and international conventions by adopting legislative and other measures.
- Hazara killings come under the definition of Persecution by UNCHR, therefore, the government should address the issue accordingly.
- Existing laws against sectarianism, hate speech and violence against individuals and community should be strictly implemented.
- Incorporate inter and intra faith harmony content in the national school curriculum to impart tolerance and coexistence between communities.
- The government's approach towards the problems is that of firefighting rather than having a concrete plan for the prevention and eradication of religious terrorism. State should ensure measures for implementation of relevant provisions of National Action Plan to counter sectarianism including measures recommended to stop religious extremism, protect minorities and prosecution of elements spreading sectarian violence.
- Government of Pakistan should establish a commission on Hazara killings in Balochistan.

- Government of Balochistan must ensure the provision of education and health at all levels to the Hazara community.
- Merit-based scholarship should be provided to Hazara students to continue their studies in various institutions of the country.
- The government should establish technical and vocational training centers for young Hazaras within their localities to develop their skills in a safe and healthy environment.
- Counseling centers for the victims' families and the community in general should be established for trauma management and mitigation.
- Besides financial compensation, the government should also provide for the education expenses, family expenditures, and treatment expenses of the victims and their families.
- Hazaras injured or disabled for life in terrorist attacks should be provided jobs according to their capacity.
- Projects like "Safe City" as implemented in Islamabad, should be initiated in Quetta.
- Allegations of land grabbing by the land mafia as a possible motive for the targeted killings and dislocation of Hazaras needs to be investigated to rule out any discrimination and criminal activity.

ACTIVITIES OF NCHR, CHAPTER WISE - 2017

Head Office

Participation of NCHR at Global Alliance of National Human Rights Institutions (GANHRI) 6-9 March, 2017

The Global Alliance of National Human Rights Institutions (GANHRI) is a representative body of National Human Rights Institutions (NHRI) from all parts of the globe. Its aim is to assist in establishing and strengthening independent and effective NHRIs, which meet the international standards set out in the Paris Principles of 1993.

GANHRI is made up of four regional networks – Asia Pacific, Africa, Europe and the Americas. The four networks appoint one person each on the Sub Committee on Accreditation (SCA) that is responsible for accrediting individual NHRIs on the basis of their compliance with the Paris Principles. In addition to accreditation, regional networks are responsible for assisting those NHRIs under threat and encouraging NHRI statutory legislations' reforms and the provision of technical assistance, such as education and training opportunities.

GANHRI 2017 took place from March 6th to 8th, 2017 in Geneva, with the Annual Conference taking place on 8 March. This was the first occasion where the delegation of National Commission for Human Rights (NCHR) headed by Justice (R) Ali Nawaz Chowhan, Chairman NCHR, participated in GANHRI and engaged with the broader network of regional and global NHRIs.

The purpose of this trip to the GANHRI Meeting was to enable the Commissioners of NCHR to develop strategic relationships with other NHRIs, regional NHRI coordination mechanisms (i.e. the Asia Pacific Forum) and key personnel from the Office of the High Commissioner of Human Rights (OHCHR). Such relationships are instrumental to assisting the NHRI in working towards its accreditation under the Paris Principles and developing its capacity of the NCHR to effectively participate in the upcoming UN Treaty Body Reviews for the Government of Pakistan.

Participation in Pre-session meeting on Universal Periodic Review:

Justice (R) Ali Nawaz Chowhan, Chairman NCHR was invited as an expert speaker at the pre-session meeting ahead of UPR Working Group by UPR IFO, a Switzerland based NGO. The aim of the visit was to raise awareness on the Universal Periodic Review and

provide capacity-building tools to the different actors of the process, such as United Nations Member States, NGOs, National Human Rights Institutions and civil society in general.

Meeting with President of Pakistan:

Chairman NCHR Justice (R) Ali Nawaz Chowhan met with President of Pakistan Mamnoon Hussain on July 20th, 2017 at the President House, Islamabad. During the meeting, the President emphasized the need for protecting the rights of marginalized segments of the

society and called for establishing such institutions which may provide them protection and legal aid. He stressed that institutions like the National Commission for Human Rights (NCHR) are must for stability and strengthening of the society.

The President underlined that our beliefs and the Constitution of Pakistan provide complete protection to basic human rights of all citizens of the State. The President also noted that due to prompt measures taken by the government, the situation of human rights is better in Pakistan than most countries of the world but added that efforts should continue to further improve the situation.

Chairman NCHR apprised the President about the steps taken by the Commission to promote and protect human rights in Pakistan and also presented a set of reports published by the Commission to the President.

Meeting with Governor Khyber Pakhtunkhwa:

The delegation of NCHR headed by Justice (R) Ali Nawaz Chowhan met with Governor, Khyber Pakhtunkhwa Mr. Iqbal Jhagra on 02-08-2017 at Governor House, Khyber Pakhtunkhwa. During the meeting, merger of FATA with Khyber Pakhtunkhwa and reforms of FATA were discussed at length. The Chairman NCHR also presented the report of NCHR on Fata Reforms to the Governor, Khyber Pakhtunkhwa.

Consultation on Draft Model Law to Eliminate Economic Exploitation of Children in Pakistan:

The National Commission for Human Rights in collaboration with ILO and UNICEF organized a consultation for Draft Model Law to Eliminate Economic Exploitation of Children in Pakistan on September 26th, 2017 at Pearl Continental, Bhurban. The aim of the conference was to ensure protection of children rights strictly in accordance with the United Nations Conventions on the Rights of Child and other rights bodies' guidelines.

Scholars and representatives of various national organizations, including parliamentarians discussed the poor plight of children. During the conference, Justice (R) Ali Nawaz Chowhan, Chairman NCHR said that it took 19 years by Pakistan to adopt the UN convention on human rights. Pakistan has signed 27 international treaties and 8 out of them are related to labour rights including children.

All the participants including the representatives from the federal and provincial governments agreed to collaboratively devise a model law for eradication of child labour and other forms of children exploitation in the country.

National Guidelines for the protection of Human Rights Defenders

The consultative meeting for finalization of guidelines for the protection of human rights defenders was organized by NCHR on 5th October, 2017 under the leadership of Honourable Justice (R) Ali Nawaz Chowhan, Chairman NCHR.

The purpose of the meeting was to discuss the issues faced by the human rights defenders who are working tirelessly for the promotion and protection of human rights for citizens of

Pakistan and draft the guidelines which will later be notified as a policy by the Government of Pakistan. Chairman NCHR ensured the participants that NCHR will work for the protection of human rights defenders and in this regard, guidelines for the Federal Government will be drafted by the team of NCHR after consulting all the stakeholders.

Following concerns were highlighted during the meeting:

- There should be protection for the witness to any crime.
- Threats and pressures on the family members of the missing persons should be addressed
- Human rights defenders are accused of being foreign agents and involved in anti-state activities. This perception needs to be changed.
- Ban on travelling of human rights defenders be uplifted and procedures be laid down for both public and private stakeholders.
- There must be a protection mechanism for human rights defenders.
- Bloggers are being threatened and abducted.
- There is systematic discrimination against human rights defenders and they are being criminalized without any investigation.
- Online spaces are also shrinking. Currently, the government can block any content under the garb of 'objectionable content'.
- Pakistan has accepted to protect human rights defenders at second cycle of UPR in 2012 but till date no policy or draft has been formulated.

Seminar on Reinforcing Regional Cooperation to Promote Freedom of Expression and Rule of Law in Asia through ending impunity for crimes against Journalists:

Chairman NCHR, Justice (R) Ali Nawaz Chowhan attended a seminar on Reinforcing Regional Cooperation to Promote Freedom of Expression and Rule of Law in Asia through ending impunity for crimes against Journalists' as a key-note speaker organized by UNESCO in Colombo, Sri Lanka on 4th December, 2017. The seminar focused on the role of National Human Rights Institutions in improving the safety of journalists and effectively dealing with crimes against them.

Consultation with Hazara Community:

The National Commission for Human Rights organized a consultation titled 'Understanding the agonies of ethnic Hazaras in Baluchistan' at the office of Quetta Boys Scouts on 19-12-2017. Chairman, NCHR Justice (R) Ali Nawaz Chowhan chaired the meeting which was also attended by NCHR member Ms. Fazila Aliani and DIG Baluchistan Sharjeel Kharal. Political and social activists from Hazara community attended the meeting and shared their grievances. Chairman NCHR discussed the issues being faced by the community and informed them that NCHR is doing a research on the regarding issues being faced by of ethnic Hazara Community in Baluchistan and how their lives had been affected by the killings of their community members.

Consultation on Anti-honor killing law

NCHR in collaboration with UN Women organized a consultation on “ANTI-HONOR KILLING LAW” at Serena Hotel, Quetta on 19-12-2017. The event was attended by representatives of civil society, members of bar associations, police officers and representatives of media.

Rehana Khilji from UN Women opened the consultation by welcoming the Chairman NCHR, Member NCHR Baluchistan and other participants. During her opening remarks, she said that honor killing is extreme type of domestic violence and also against the right to life enshrined in the Constitution of Pakistan.

Secretary Women Welfare Mandokhal condemned the practice of honor killing and appreciated NCHR and UN Women for organizing said consultation on such sensitive topic.

Member NCHR Baluchistan Ms. Fazila Aliani expressed her views that in Baluchistan, women are courageous but there is no proper platform for them to study and progress in life. She added that NCHR is making efforts to highlight the human rights situation in the country. She further added that NCHR independently report to the UN Treaty bodies and those reports are given serious consideration regarding the situation of human rights in the country.

Deputy Inspector General Mr. Sharjeel Karrer said that there are already many laws in the country but the main problem is their implementation. There is no need for new laws, what is necessary is that the implementation of the existing laws be ensured. The gap between the law and its implementation is an area that needs to be addressed on an urgent basis. Similarly, if we talk about the implementation of laws then the situation is even dismal in backward areas. The police acts in a negligent manner when it comes to such offences. Senior officials in the department should make policies on the better handling of such cases. Honor killing may have different name in different areas but the offence of honor killing is the same and it is a crime against humanity.

Mr. Shaukat Ali, Additional Secretary Law said that in Dera Murad Jamali and Jafferabad there is a practice that if a husband wants to get rid of his wife, he can accuse her of cheating and then kill her in the name of honor. Such practice can only be eliminated by promoting education and awareness programs. Similarly, for the case of honor killing, the prosecution department needs to be trained along with the law enforcement agencies.

While concluding the consultation, Justice (R) Ali Nawaz Chowhan, Chairman NCHR said that the concept of Qisas is misunderstood in Pakistan. Section 301 of PPC has an exception which was best illustrated in 1930 by Calcutta High Court as the exception is granted in case where murder was committed from grave and sudden provocation. He further added that awareness regarding amendment in the PPC and CrPC is also very important in order to educate people about the amendments. The law is clear and if any offence like honor killing is committed then it is declared by the law as “Fasad-fil-Arz” and then courts have no space for mitigation. But in the offences where law clearly declares death sentence or life imprisonment then court have no discretion and there is no space for grave and sudden provocation exception as Section 301 is now obsolete by the amendment brought in law in 2016.

Baluchistan Chapter

Meeting with Minority Groups

NCHR (Balochistan) Member Ms. Fazila Aliani met Hindi and Christian community in District Mastung on October 16, 2017. The meeting was organized by Hindu community at their community hall where more than 30 participants from Hindu and Christian community attended the meeting.

They requested NCHR to take positive steps and to use their role in passing the Early Marriage Bill and its implementation in Baluchistan. Ms. Aliani also explained the NCHR's complaint mechanism and how they can file their case at NCHR regional office Quetta. Later Ms. Aliani visited the Hindu temple near their community.

Meeting with Additional Inspector General of Police Counter Terrorism, Baluchistan

NCHR regional office scheduled a meeting with Inspector General of Police, Baluchistan on October 18, 2017. Ms. Fazila Aliani discussed the honor killing issues in detail. She asked the police to evolve a coordination mechanism in collaboration with the NCHR for the reporting of honor killing cases in Baluchistan. Ms. Aliani also requested the police high officials to play their role in the implementation of Anti-Honor killing bill in Baluchistan.

Meeting with HRCP

On 18th October 2017, Ms. Aliani met a team of Human Rights Commission of Pakistan (HRCP) and discussed the human rights situation at district levels in Baluchistan. During the discussion senior HRCP members shared their views and appreciated this initiative to work together for the promotion and protection of human rights in Baluchistan. NCHR Baluchistan will soon conduct a provincial consultation program on honor killing in which high police officials, member parliament, UN-Women, Women Development Department, Social Welfare Department Baluchistan and other related stakeholders will be invited to consult and share their views on Anti-Honor killing Bill and its implementation in Baluchistan.

Meeting with officials of Health Department, Government of Baluchistan

Dr. Ismail Mirwani, Hepatitis Free Baluchistan Coordinator visited NCHR office on October 19, 2017. According to Dr Ismail Mirwani, hepatitis is most common in the population of Jafarabad district, which is followed by other districts where 10 per cent to 28 per cent of the people are infected by the disease. Besides Jafarabad, the districts declared high risk for hepatitis include Naseerabad, Zhob, Loralai, Musakhel, Sibi and Barkhan. The cases being reported are of not only Hepatitis B (caused by infected blood) but there are also a considerable number of patients, whose conditions have deteriorated, giving them Hepatitis D.

The entire province, half of Pakistan, has only six major hospitals, all located in Quetta. Neither of them have adequate facilities to treat trauma patients or the seriously ill. A single visit to Provincial Sandeman Hospital, commonly known as Civil Hospital, and Bolan

Medical College Teaching Hospital (BMC), is enough to confirm the sorry state of healthcare in Baluchistan. In view of above NCHR – Baluchistan is poised to compile a research report on the prevalence of Hepatitis – B in the province.

A visit to Darul Amaan

On October 20, 2017 Ms. Aliani visited a Darul Amaan (women shelter home) in Quetta and met Assistant Director Human Rights section at Social Welfare Department Baluchistan. The social Welfare department deals with human rights related issues. The Social Welfare Department is mostly focused and working on the Women Rights, Disability, Old Age (Senior Citizens), Community Development.

Ms. Asia Khan who is the heading the Darul Aman explained the procedure of giving shelter to women who are in extreme threat from their family members or community. Mostly cases are of honour killing and domestic violence which are referred by the Session/High Court by the magistrate. Presently there are 12 women and 5 children admitted at the Darul Aman in Quetta. There was no legal aid provided to the women neither sheltered at Darul Aman nor any psychiatric or doctor available for their treatment.

Meeting with Chairperson Human Rights Committee, Baluchistan Assembly

Mr. William Jan Barkat, Chairman Standing Committee on Human Rights Baluchistan along with Ms. Kishwar Jhattak, Member Standing Committee on Human Rights Baluchistan visited NCHR office on 20th October 2017. During their visit they briefed Ms. Aliani on legislative work with regard to human rights. Ms. Barkat said that they have passed the Children with Disability Bill, Women Harassment Bill and Senior Citizen Bill during his chairmanship. The bill pending is the Early Marriage Bill which has been questioned by religious scholars and parliamentarians in its implementation. He showed his interest with coordination to NCHR on Anti- honor bill.

Visit Of NCHR Delegation along with Senate Functional Committee of Human Rights Balochistan on 14 November 2017

NCHR member Balochistan Ms. Fazilla Alliani, Rana Murtaza and Syed Khizar Ali shah visited Quetta on 14 November to assist senate functional committee on human rights to review the human rights issues of Balochistan. The meeting comprised of three themes:

1. Detailed briefing by the Home Secretary, Government of Balochistan on the issue of missing persons along with retrieved persons.
2. Briefing report on the incident of Turbat, Balochistan.
3. Briefing on issue of missing persons, Hazara sectarian violence and current law and order situation in Balochistan.
4. As a follow-up to the visit, the Senate's committee came up with their recommendations. NCHR's input regarding reformation of prisons was also duly considered and incorporated in the recommendations, which are as under:
 - a. Overcrowded, as the capacity of Jail is about 400 prisoners while, presently 960 are in Jail, hence the per capita space for prisoners has been reduced.

- b. All the 14 barracks/34 cells which were constructed in 1939 are in dilapidated condition, which need urgent repair/ maintenance and renovation.
- c. The number of beds in Hospital is 18, which need to be increased, along with visiting of Specialist to the Hospital for checkup of the prisoners.
- d. The condition of washrooms is also not up to the mark, which needs to be improved along with increase in the, e number of washrooms.
- e. The present budget allocation for the maintenance of jails in the province of Baluchistan is about 10 million, which is not meeting the requirements of the 18 Jails of province, as due to shortage of budget the maintenance work is not being carried out properly. The requirement of budget for the Jails in Baluchistan is about 50 million, besides special funds are required for emergency purposes.
- f. Presently Rs. 59 are been spent on per person daily for three meals in the jails, which also needs to be increased reasonably for improving the standard/ scale of the meal/ food, like in the other prisons of the country. The food scales may be revised immediately to meet the maximum standard of food for pensioners.
- g. At present educational and sports facilities are not provided to the juvenile prisoners which need to be provided immediately.
- h. There is an urgent need for the separate barracks for the different types of prisoners as presently high-profile prisoners are mixed up with the normal prisoners, which is also a security risk in jails.
- i. There is a pressing need to construct a new jail in Quetta keeping in view the security situation of the country especially in Baluchistan, as the present jail was constructed in 1939 and is now surrounded by the population/markets.
- j. Trained psychologists may be deputed for providing psychotropic treatment.
- k. Rehabilitation centre may be established for drug users in the prisons.
- l. Prison staff should work with commitment and dedication with the humanitarian mindset.
- m. Female prisons may be established separately.
- n. To replace, the manual security system electronic search devices may be installed immediately.
- o. CCTV cameras should be installed inside barracks in juvenile barracks. On opposite sides to check/ stop any sexual abuse of juveniles in Quetta Jail, as immediate measure.
- p. Proper training of prison staff should be arranged immediately.
- q. Maxo-facial X-rays may be introduced for determining the age of juvenile prisoners upon entry in the jails so that it may help the court in future and extend the benefits of JJS02000 to juveniles.
- r. Equal pay scale including TADA/ other facilities may be given to prison authorities/ officials of the provinces equal to being given to jail authorities staff of the of other provinces/ police department.
- s. There is an urgent need to review the criminal judicial system as there are number of complaints of the prisoners that their cases are not been heard in time and they are produced before the courts without any progress.
- t. The facility of clean drinking water may be provided in all the barracks.
- u. The rates of canteen items may be checked regularly through rate list.

- v. The Member, NCHR, Quetta may be included in the provincial prisons visiting Committee along with other authorities.

Consultative Program on “Understanding the Agonies of Ethnic Hazaras in Baluchistan”

National Commission for Human Rights Regional Office Quetta organized a consultative program on “Understanding the agonies of ethnic Hazaras in Baluchistan” on December 18, 2017 at Quetta Boys Scout. Participants from Hazara Community, police, civil society members, politicians, journalists and students took active part in this consultative program.

The program was chaired by NCHR Chairman Justice (Retd) Ali Nawaz Chowhan along with Ms. Fazila Aliani (Member NCHR Baluchistan). The representatives from the Hazara community shared their grievances with Chairman NCHR. Abdul Khaliq Hazara (Chairman Hazara Democratic Party) also attended the program and shared his grievance with NCHR. He welcomed NCHR team on such initiatives and assured his help in providing relevant data during this research. On behalf of Police Department D.I.G Sherjeel Kharal attended the program. Ms. Huma Fouladi, a social and women rights activist and Retd Major Nadir Ali Changezi also attended this program.

Consultation on anti-honor killing law and its implementation

A consultation was organized by the NCHR Baluchistan office in collaboration with UN Women at Serena Hotel Quetta, Baluchistan on 19-12-2017. The event was attended by civil society representatives, members of lawyer community, police officers and members of media.

Rehana Khilji from UN women said that honor killing is an extreme type of domestic violence and also despicable violation of the right to life. Secretary Women Welfare Sadiq Mandokhail condemned the practice of honor killing and appreciated NCHR and UN Women for organizing a consultation on the sensitive topic.

Member NCHR Balochistan Ms. Fazila Aliani expressed her views that in Baluchistan, women are courageous but there is no proper platform for them to study and progress in life. She added that NCHR is making efforts to highlight the human rights violations in the country and independently submit reports to the UN, which are given serious consideration regarding the situation of human rights in the country.

DIG Mr. Sharjeel Kharal said that there are already many laws and acts in the country but the main problem is their implementation. There is no need for new laws, what necessary is that the implementation of the existing laws is ensured. The gap between law and the implementation is an area that needs to be addressed on an urgent basis. Senior officials in the police department should undertake measures to ensure greater accountability when it comes to the application of different rules and procedures. Honour killing may have different names in different areas but the offence of honor killing is the same and it is a crime against humanity. In Baluchistan police department, the number of women is very low. If women are encouraged to join the police department, it would be a good sign as in Baluchistan there are only 350 women in police department, out of which 200 are from Quetta and 150 from rest of

the province. Similarly, there is a lack of investigation capacity in the police department. There is a dire need for the training and capacity building of the police officers in Baluchistan.

He further added that the police department is ready to work with civil society and seeks their cooperation regarding these issues. He pledged that the police department will develop a link with the civil society over such issues and that the police will fully protect and help the victims of such offences.

Ms. Qamar-un-nisa from HRCP recommended that police officers who deal with the case must be aware of the relevant sections of law and should not below the risk of DSP. She further recommended that medical examination of the victim should be done instantly and preservation of evidence is very essential in such offences. Similarly, there should be a protection mechanism such as transferring cases to other places. Concept of Qisas and Diyat should be revised in the cases of honor killing and these cases should be prosecuted in the military courts.

Mr. Shaukat Ali, Additional Secretary, Law department said that in Dera Murad Jamali and Jaffarabad there often cases are reported involving a husband accusing his wife of infidelity and then killing her in the name of honor. This practice can only be eliminated by promoting an education and awareness program. Similarly, for the cases of honor killing the prosecution department need to be well trained.

The honorable Chairman NCHR said that the concept of Qisas is misunderstood. Section 301 of the PPC has an exception, which was best illustrated in 1930 by Calcutta High court as the exception is granted to the murders which results from grave and sudden provocation, whereas the Qisas is concerned there is also a concept of forgiveness which is often over looked.

Awareness regarding amendment in the Pakistan Penal Code (PPC) and Code of Criminal Procedure CrPC is also very important in order to educate people about the amendments. Law is clear and if any offence like honor killing is committed then it is declared by the law as fasal-fil-araz and then courts have no space for mitigation. But in the offences where law clearly declares death sentence or life imprisonment then court have no discretion and there is no space for grave and sudden provocation as Section – 301's exception is now the obstacle by the amendment brought in law in 2016.

He added that in Pakistan the laws are made in a hurry and without proper consultation. However, honor killing law is a milestone and police department should be trained to handle cases like honor killing.

Consultative Meeting on the Subject of Human Rights

National Commission for Human Rights (Baluchistan Office) organized a Consultative Meeting with regards coordination on the subject of Human Rights and its complaint mechanism at NCHR regional office Quetta on September 13, 2017. The consultative program was attended by participants from UN-Women, UNHCR, Human Rights Commission of Pakistan, Social Welfare Department and other human rights related

organizations who are willing to work in coordination with National Commission for Human Rights (NCHR).

Sindh Chapter

Report on Fatima Suicide Case

National Commission for Human Rights and Women's Action Forum condemn the recent spate of violence against women especially house maids. Commission took up the case of Ms. Fatima who was an employee in an influential household at DHA-V and was declared to have committed suicide by her employers, but according to their family she was murdered. The post-mortem revealed that the murdered girl was subjected to torture and raped before being killed. The case is in the Session Court and NCHR is monitoring the court proceedings. The accused family has requested NCHR to hear them out. Two hearings have taken place but the Investigation Officer is yet to submit the challan.

Above in view, NCHR calls for a review of laws, registration of domestic workers and a total ban on child Labour. It is also proposed that I. G. Police should set up centers to curb violence against women in all districts. NCHR and WAF also request the Chief Justice to take *Suo Moto* Notice of poor maid case.

Meeting with DRI Team (rephrase)

National Commission for Human Rights NCHR Sindh meet with DRI to discuss the reporting mechanism of NCHR in Sindh. Ms. Anis Haroon shared that NCHR Sindh is following the same mechanism that is existing in other provinces and NCHR head office. Meanwhile, it depends on nature of violation how to respond effectively in minimum time frame. NCHR Sindh had worked to draft a bill for transgender community "Bill of Rights - 2017". Further she shared that NCHR Sindh has planned to start research and develop a concept paper on human rights issues like healthcare, child labour, education, violence etc.

Report of Tania Murder Case

NCHR organized a meeting with the deceased girl's family according to her mother Tania was 19 years old and studying in 10th Grade. Deceased Tania Khaskheli, was murdered in small village of Jhanghara Baajara district Jamshoro on 07th September 2017 by a gangster when she rejected his marriage proposal. The video of murdered Tania's went viral and highlighted on social media. The news spread like a wild fire in Sindh, leading to protest by Civil Society and Rights based organisations. It was decided in a meeting at NCHR, that civil society and Joint Action Committee (JAC) proposed press conference along with Tania's family at Karachi Press Club and draw the attention of the government to fulfill its responsibilities. Ms. Anis Haroon emphasized that we will focus on justice for victim family and asked civil society and state to help for their rehabilitation can be ensured. Ms. Anis Haroon from NCHR along with other civil society held press conference at KPC and demanded transfer of case from ATC Hyderabad to ATC Karachi and requested for security of the family. They also demanded state to rehabilitate Tania's family in Karachi and to make arrangements for education of the siblings' education.

Report of Final Consultation of Transgender Bill of Rights 2017

NCHR organized a meeting with the transgender community for final consultation on proposed transgender Bill 2017 (Bill of Rights) at National Commission for Human Rights Office Karachi on October 11, 2017.

Purpose of the meeting

The purpose of this meeting is to revise and finalized the bill that was drafted by the NCHR & Legal Aid Society. Member of NCHR Ms. Anis Haroon presided the meeting and shared that “The bill is in a final stage to be presented in Provincial Assembly of Sindh. In this regards, three meetings with the Gender Interactive Alliance (GIA), transgender community, and civil society, Human Rights Activist, Parliamentarian and Lawyers had been conducted at NCHR Karachi office to get their recommendations .

Following are the key points made by the speakers at the Seminar:

Justice (R) Majida Rizvi from Sindh Human Rights Commission (SHRC) shared her opinion and recommended that in the draft of the bill some important points are needed to be clarified and some are to be added such as what type of rights are defined for transgender in the Islamic perspective.

SGNW representative Shehzadi praising efforts of Ms. Anis Haroon and Maliha Zia from Legal Aid Society shared that due to hard work and efforts we are near completion of draft. SGNW representative Shehzadi shared her valuable input and challenges faced hitherto. Sarah Gill is a 4th year MBBS student and Romesa Rao was representing Trans community, she suggested that reserved job quota and scholarship for transgender should be added in the draft.

Romesa Rao shared that it seems government is not serious to improve their lives. Social Works department has budget but they are not giving attention for improving living standard of the transgender community. Meanwhile police department has shown positive behavior towards the transgender community and cooperate to file complain without delay.

Ms. Malhia Zia a senior advocate from Legal Aid Society shared that, “some chapters are needed to be drafted in candid and clear manner, like offence and penalties, in consultation with lawyers.”

Mr. Ihsan Khoso a human rights activist, while sharing his experience stated that there is a need to seek attention of parents towards the transgender child and bonding with them. He also shared his views on the behavior of family towards the transgender communities.

Constitutional Framework for Development in Thar

National Commission of Human Rights NCHR organized a follow-up consultation meeting with experts for understanding Development in Thar on November 8, 2017. The meeting was attended by:

- i. Ms. Anis Haroon, Member
- ii. Mr. Arif Hassan, Sr. Researcher and Architect
- iii. Mr. Sono Khangrani, CEO Thardeep Microfinance
- iv. Mr. Zulfiqar Shah, Joint Director PILER
- v. Mr. Asad Sayeed (Researcher),

Following are the key points made by the speakers at the Seminar:

Mr. Arif Hassan shared that the area of Tharparkar is 19,000 kilometer and which 9000 was marked for coal mining. The extraction of coal is being done through Pit mining . Pits of over one square kilometer are being excavated to a depth of 120 meters, for that is where the coal lies. The excavated earth is being converted into mounds that can be higher than 40m.

Ms. Anis said that we are going to dig out Thar in name of Development and therefore, a mitigation plan needs to be worked to deal with the larger socioeconomic- and environment-related issues. It needs to identify the negative impact that would affect local Thari population before this would have a policy to minimize the hazards and environment challenges.

Mr. Sono Khangrani said that this Desert is not like other deserts in the world as in Thar sand dunes, there are millions of trees and rain fed agriculture land. After the rains it becomes a green land locally known as “Gowcher” a land reserved for animal grazing, which supports 6.3 million animals. However, during the excavation for coal, 1.3 trillion gallon water will suck out from land, disturbing the structure of the three aquifer layers, polluting the water table and leaving water unfit for human consumption or agriculture.

Mr. Asad Sayed informed the participants that environmental change is already upon us and we must be prepared to manage the effects of this change. We have to follow the international procedural system for minimization of the problems caused to environment.,Mr. Asad called for a scientific research paper which would focus on environment, socioeconomic issues and the best solution.

Consultation on “Understanding Development in Thar”

National Commission for Human Rights (NCHR) organized a day long consultation on “Understanding development in Thar, at Regent Plaza Hotel Karachi. In that consultation people from various walks of life, including members of Sindh Assembly, human rights and environmental activists, local members of public, representatives of private sector and media participated and emphasized the need to protect human rights of the indigenous people of Tharparkar in all development schemes, including coal mining and power generation. The consultation was chaired by NCHR Chairman Justice (Retd) Ali Nawaz Chowhan and addressed by representatives of civil society organizations from Tharparkar, MPAs Dr. Mahesh Malani and Mehtab Akbar Rashidi, development experts Arif Hasan, Prof. Dr Noman Ahmed, Dr. Sono Khangharani, Ali Akbar Rahimoon, advocate Rafay Alam, Karamat Ali, advocate Leela Ram and Agha Wasif, Secretary of Department of Energy and others. Shamsuddin A Shaikh, CEO of Sindh Engro Coal Mining Company (SECMC) delivered a special presentation.

Meeting with Engro on Thar Socio Economic and Environmental Impact

National Commission for Human Rights (NCHR) organized a follow up consultation meeting with experts to understand concept of development in Thar on Dec 23, 2017. The meeting was chaired by Ms. Anis Haroon and attended by Mr. Arif Hassan Sr. Researcher and Architect, Mr. Sono Kanghrani, CEO Thardeep Microfinance, Mr. Zulfiqar Shah, Joint Director PILER, Mr. Asad Sayeed, Researcher, Mr. Mansoor Raza, Researcher, Mr. Shams Shaikh, CEO Engro and Mr. Naseer Memon, General Manager Engro CSR. In the meeting various aspects of Thar Coal excavation and its impacts on local community & environment hazard were discussed. Mr. Shams Shaikh, CEO Engro shared the progress of development committed under CSR in Thar Coal project by Engro whereas representatives from Civil Society Organizations, Researcher and Development Experts of the Thar region shared their serious concerns and reservations on the project and its adverse impacts on environment and local inhabitants. Arif Hassan suggested that, instead of a developing a Master Plan for Thar Coal, there is strong need to devise regional plan focusing on all the aspects of development in the region. Anis Haroon suggested we should take GoS on loop on that issue and engage them to make a policy for reducing environment issue.

Research Report on Right to Health

National Commission for Human Rights NCHR regional office Sindh is conducting a research on “Right to Health”. In this regard a meeting was held with Ms. Koasur Khan and Sohail Bawani, health experts/ researchers from Aga Khan University (AKU) at NCHR regional office Karachi on December 11th, 2017. In the meeting, it was discussed to conduct a thorough review of different secondary sources to learn how different countries have integrated right to health in their constitutions and what kind of terminologies are applied to ensure right to health. In order to make comprehensive draft of framework related to the right to health some important points were suggested to include into it. In the meeting it was suggested that prior the final result, a conference can be organized on right to health and findings of this review can be presented in this conference. Key stakeholders will be invited to propose action plan for advocacy/strategies for redressing violation of right to health.

Meeting on Bonded Labour study by NCHR

NCHR Regional office Sindh organized a meeting on the subject Bonded Labour in Sindh/ Pakistan on Dec 05, 2017 and participated by NCHR head office staff, Democratic Reporting International (DRI) staff and civil society activists. Ms. Anis Haroon, member NCHR chaired the meeting and other speaker shared their views about a research study on bonded labour issue in Sindh. Ms. Haroon, highlighted the importance of issue and purpose of a study. She stated that after the 18th Amendment it's now a provincial subject, however, NCHR & DRI team are collaborating to take up the issue by initiating a research study. She mentioned about their team visit to government relevant departments for data collection. Mr. Mohammad Rafique from DRI shared the purpose of the study.

Mr. Raza-Ur-Rehman and Mr. Khizer Shah Director of NCHR shared their views related to bonded labour and its legislation to curb this menace. On the occasion, Mr. Zulfiqar Shah from PILER, Ms. Nuzhat Shireen chairperson of NCSW of Sindh province and Ms. Majida

Rizvi chairperson SHRC also expressed their views pertinent to the bonded labour and its prevalence in the province.

NCHR and CSO members visit to village Ali Brohi, Ibrahim Hyderi Karachi

National Commission for Human Rights' visit to village Ali Borhi , Ibrahim Hyderi, Karachi to enquire firsthand information about a brutal murder of young couple on jirga's order. In September 2017, NCHR chairperson visited the community wherein on August 15, 2017, a teenaged couple was tortured and electrocuted to death. Ms. Bakht Taj, 15 years old and Mr. Ghani Rehman, 17 years old resident of village Ali Borhi in the vicinity of Ibrahim Hyderi, Karachi. Both families belong to the Safi sub-clan of the Mohmand tribe. The couple wanted to contract a marriage of their free will and on August 14, 2017, they left their home. However, they were traced and brought back by their parents the same night after persuading and assuring of marriage. However, when the youngsters returned home, the matter was taken to the tribal council by their families and brutally killed.

After the visit, NCHR in consultation with civil society members, recommended that; i.) Government should give exemplary punishment as per law to all the culprits of this incidence including people who participated in Jirga and

ii.) Government should support the families (mother and children, (girls or boys)) through Bait-ul-Maal and through the Women in Distress and Detention Fund. The above-mentioned fund sources should also provide for the education of both the families' children.

Consultation on Transgender Bill "Right to Health 2017"

NCHR organized a meeting with the lawyer-activist & transgender community for final consultation on proposed transgender Bill 2017 (Bill of Rights) at National Commission for Human Rights Regional Office Karachi on 6th December 2017. The purpose of this meeting was to revise and finalize the bill that was drafted by the NCHR with the collaboration of Legal Aid Society. The meeting was chaired by member of NCHR Ms. Anis Haroon and attended by Justice (R) Majida Rizvi chairperson Sindh Human Rights Commission (SHRC), Mr. Iqbal Detho a senior human rights activist and lawyer, Ms. Maliha Zia a senior advocate from Legal Aid Society and Mr. Ihsan Khoso & Shirin Asad represented transgender community network Sindh.

Ms. Anis Haroon, while sharing her views on the bill, stated that "The bill is in a final stage to be presented in Provincial Assembly of Sindh. In this regards, NCHR & Legal Aid society initiated, SHRC and other CSOs had participated in three readings and fully participated and help to complete the draft. In all process, the transgender community has fully contributed and gave their suggestion.

Punjab Chapter

Introduction:

National Commission for Human Rights Act, 2012 is the basic document for the Commission to perform different activities and exercise its powers. Regional Office Punjab was established in the later part of 2016 and in a period of less than one year it has performed different activities such as awareness raising seminars/workshops, fact finding inquiries/investigations, meeting with Government Departments and Civil Society Organization (CSO's) to create a collaborative network for working together in the field of Human Rights, prepared memorandums of understanding (MOU's) and concept notes for future projects. In addition to the above, this office also deals with complaints of violations of human rights and passes judgments to resolve the conflicts. Following are the main activities performed by Regional Office, Punjab with effect from 1st July, 2017 to 30th June, 2017.

Awareness Raising Efforts/Workshops/Seminars:

NCHR Regional Office Punjab has conducted the following consultations, seminars, training workshops, etc. to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through print media, seminars and use of others available means i.e. consultations, training sessions, workshops, meetings etc. which are the major functions of the Commission:-

i. Consultative/Awareness Raising Workshop in Collaboration with The Asia Foundation (TAF).

A consultative workshop was conducted on 16th December, 2016 in collaboration with The Asia Foundation (TAF). Justice (R) Ali Nawaz Chowhan, Chairperson, National Commission for Human Rights, Pakistan was the Chief guest whereas Ms. Aameena Ilahi, Country Representative of TAF was the guest of honor. Objective of this roundtable workshop was to strengthen and improve coordination and communication between federal and provincial institutions, civil society organizations and media, and to enhance the visibility of NCHR in the province for protection and promotion of human rights. The participants of the workshop proposed that a helpline should be introduced to receive complaints, introductory message of NCHR through SMS, Social Media, formation of research cell and dedicated complaint sections.

ii. Consultative Workshop in Collaboration with Social and Economic Development Association (SEDA).

A consultative workshop on alternative report of UN Convention on the Rights of Persons with Disabilities (UN CRPD) was held in collaboration with Social and Economic Development Association (SEDA) Islamabad. The objective of the workshop was to prepare a shadow report on the UN Convention on the Rights of Persons with Disabilities (UN CRPD). The participants of the workshop resolved that a Pakistan Forum for Disability maybe formed to look after the issues/rights of special persons.

iii. Awareness Raising Workshop in Collaboration with Action Aid Pakistan.

Another awareness raising workshop was conducted in District Bhakkar on 22nd May, 2017 in collaboration with Action Aid. Objective of the orientation meeting was to create linkages with the community and to suggest suitable measures to improve the human rights situation in the District. Another objective of the workshop was to identify human rights defenders and formation of their network. The participants resolved that an Advisory Committee maybe constituted at the District level and network of human rights defender be constituted..

Fact Finding Inquiries/Investigations:

Commission is entitled with the powers of direct investigation and inquiries in respect of any incident of human rights violation. Regional Office, Punjab has conducted following fact finding inquiries and investigations to ascertain the reasons of violation of human rights and suggest remedial measures to readdress:

Inquiry Report of Burning of Hand of New Born Baby

As directed by the Honorable Member Punjab the Coordinator and Deputy Director, NCHR Regional office, Lahore conducted the inquiry of new born baby of Mr. Khurram whose left hand was burnt off on heater at Sir Ganga Ram Hospital dated 14th January, 2017.

a. Issue:

The left hand of a new born baby was burnt at Sir Ganga Ram Hospital due to alleged negligence of the hospital staff. The case was well highlighted in the media. Government of the Punjab took notice of this negligence and provided special treatment to the child. Ultimately the whole hand had to be cut off.

b. Statement of The Father Of The Child:

On 9th January, 2017 a baby boy was born through C-section at Shahdara Teaching Hospital, Shahdara, Lahore at 08:30 PM. The new born was shifted to Sir Ganga Ram Hospital, Lahore at 10:30 PM on the advice of the doctors. The boy was alright up to 6'o clock. After that my mother saw that left hand of the child was burnt & bleeding. Doctors treated and asked us for different tests. Doctors kept the child for 5 days and admitted that the hand of child was burnt and referred to Mayo Hospital for burn treatment. The child was shifted to Mayo Hospital, Lahore. Doctors of Mayo Hospital said that it was a serious case and reprimanded the doctors of Ganga Ram Hospital for being late referral. Finally doctors admitted the child and after examination said that hand will have to be cut off.

The father of the child did not satisfy about the treatment of his child. He agitated outside the hospital where media highlighted the issue. Doctors noticing the gravity of the case referred the child to the Children Hospital, Lahore. Where three fingers of the child were cut off on 1st February, 2017 and later on the remaining two fingers of the child were also cut off on 1st February, 2017.

The father of the child stated that it was learnt through media that the Government has financially supported him. However none of the representatives of the government approached

him in this regard. He asked for justice in this case. Statement of Mr. Khurram is annexed at “A”.

c. Examination/Treatment Report of Mayo Hospital:

Doctor on duty on 14th January, 2017 prepared the examination report of the new born baby. He wrote that the baby of Mrs. Humaira Khurram (5 days old) admitted in Mayo Hospital. Patient had burn of left hand 5 days back which was being managed consecutively with topical medicines. Now patient is developing gangrene of thumb and index finger. He asked the senior doctor to evaluate the patient for management of burn and gangrene. The reports of the Mayo Hospital are annexed at B .

d. Inquiry Report by Medical Superintendent, Sir Ganga Ram Hospital, Lahore:

Medical Superintendent Sir Ganga Ram Hospital, Lahore has formulated inquiry report about burning of hand of new born boy. A team of three senior doctors conducted the inquiry and concluded that baby developed bluish discoloration of index finger and thumb of left hand, which progressed to blackening of affected area of left hand. Doctors diagnosed this as a case of gangrene secondary to septic emboli due to sepsis. The histopathology report receipts substantiated that there is no evidence of alleged burn. There was no violation of human rights and abetment thereof and no negligence of the government servants was reported.

The inquiry committee identified the deficiencies at NICU of Sir Ganga Ram Hospital in terms of paramedic/nursing staff, central heating/graded warmers and other logistics. It should be upgraded according to international standard to improve the neonatal care.

e. Conclusion:

On the basis of the statement of the complainant, the hospital record and inquiry report by Medical Superintendent, Sir Ganga Ram Hospital, the following conclusions are drawn:

- i). Left hand of the baby was burnt and developed into gangrene due to negligence of the staff of Sir Ganga Ram Hospital that caused amputation of fingers.
- ii). The inquiry report of Medical Superintendent, Sir Ganga Ram Hospital is contradictory to the prescription/record/treatment of Mayo Hospital. It seems that the doctors have saved their community and did not own this negligence.

f. Suggestions:

Since there is clear contradiction between the statement of the parents and the report of the doctor's inquiry committee, it is proposed that:

- i). An independent & fair inquiry committee may be constituted to probe the matter at length and punish the responsible doctors.
- ii). The Punjab government may give compensation to the family to save the future of their child.
- iii). The Secretaries to government of Punjab, Primary and Secondary Healthcare Department may be directed to take necessary steps to improve the situation of Pediatrics Departments at all hospitals where the gynae wards exist to avoid such cruel incidents in future.

Inquiry Regarding Rape Incident of a Mentally Challenged Christian Woman in Sialkot

In pursuance of letter No. 2(39)/2017-Complaint/NCHR dated 26th May, 2017 Mr. Muhammad Khalid, Coordinator and Ms. Zunera Nazar Hussain, Deputy Director Regional Office Lahore has visited district Sialkot on 30th May, 2017 and conducted fact finding inquiry into the incident of rape of mentally challenged woman in Sialkot.

a. Issue:

Ministry of Human Rights, Government of Pakistan vide letter No. 1(8)/2017(ADHR-III) dated 11th May, 2017 informed the National Commission for Human Rights that the Honorable Federal Minister for Human Rights has taken serious notice of the rape incident of a mentally challenged married Christian woman in village Ladhar, District Sialkot on 4th May, 2017. The woman was alone at home when an intruder entered her house on the pretext of drinking water and raped her. The crime has not been reported by her husband on the assumption that the lady is unable to identify the accused. Honorable Minister for Human Rights desired to conduct a fact finding inquiry into the incident.

b. Findings:

Mr. Muhammad Khalid, Coordinator and Ms. Zunera Nazar Hussain, Deputy Director Regional Office Lahore were deputed by the Member, Regional Office Punjab to visit village Ladhar and Police Station Sadar, District Sialkot on 30th May, 2017 and conduct inquiry. Accordingly the Inquiry Committee conducted the inquiry proceedings which are as under:-

i) Statement of Mr. Javed Masih son of Mr. Rehmat Masih resident of village Ladhar, District Sialkot.

Mr. Javed Masih husband of the mentally challenged woman Ms. Rehana Bibi aged about 45 years stated that his wife is a mentally retarded woman and suffering from T.B for the last 10 years. He denied that on 4th May, 2017 an intruder entered his house and raped his wife. Somebody has tried to defame his family as there was no such incident happened with her. When asked him that who has tried to defame his family, he said that he did not know the person who has complained/informed the Minister for Human Rights. The Inquiry Committee wanted to meet his wife but he refused for the reason that she is a mentally retarded woman and cannot talk sensibly.

Inquiry Committee talked on mobile phone to Mr. Parvaiz Masih the brother of Mr. Javed Masih who is residing with him in the same house but he was away from the village for his job. He also denied that there was no such incident of rape occurred. He stated that if such incident had been happened we would have been complained about it. Somebody has tried to defame us”.

Mr. Javed Masih the husband of mentally retarded woman requested that the complainant may be identified.

ii) Statement of Mr. Iqbal Masih son of Mr. Niamat Masih.

Mr. Iqbal Masih the uncle and neighbor of Mr. Javed Masih stated that he is living in the village Ladhar for the last 36 years. He also denied that there was no such

incident of rape happened with the wife of Mr. Javed Masih. Somebody has tried to defame their family.

iii) Report of Station House Officer, Police Station Sadar, Sialkot.

- a) The Station House Officer, Police Station Sadar, Sialkot recorded the statements of Mr. Javed Masih (the husband of the mentally challenged woman) and Mr. Iqbal Masih the uncle of Mr. Javed Masih. Mr. Javed Masih in his statement before the S.H.O stated that he was married to Ms. Rehana Bibi for the last 23 years. His wife was suffering from T.B and mentally ill for the last 10 years. Neither he nor any of his family member saw any person to enter their house. This is a self-concocted story not based on facts. His statement is also certified by his uncle Mr. Iqbal Masih.
- b) Mr. Iqbal Masih S/O Niamat Masih the uncle of Mr. Javed Masih in his statement on oath verified that the wife of Mr. Javed Masih is suffering from T.B and mentally ill for the last 10 years. Neither he nor Mr. Javed Masih have seen any person to enter the house. It is concocted story based not on facts. According to him on 18.05.2017, a Police Official came to them and inquired about the incident. They informed the Police Official that neither such incident was happened nor they know about the incident.
- c) Police Station Sadar Sialkot in its report dated 15th May, 2017 addressed to the National Commission for the Human Rights maintained that neither any person has reported nor verified the incident.

Conclusions:

On the basis of the statements of Mr. Javed Masih and his uncle Mr. Iqbal Masih before the Inquiry Committee and before the Station House Officer Police Station Sadar Sialkot the following conclusions are drawn:-

- i) Since there was no complaint/complainant it is difficult to establish the allegation or conduct fact finding inquiry.
- ii) It is concluded that there was no such incident of rape happened with the mentally challenged woman of Village Ladhar, District Sialkot.
- iii) The outcome of the investigation by the Police Station Sadar District Silakot and the inquiry conducted by the officers of NCHR is the same.

Recommendations:

On the basis of the above cited conclusions the following recommendations are given:-

- i) It is recommended that the complainant of this case may be identified.
- ii) The authentication of the source may be ensured before conducting any inquiry to avoid wastage of time and public resources.

PUNJAB: Meetings with Government Departments

To hold meetings with different Government Departments with the objective of creating a liaison between Provincial Government Departments and NCHR and to promote and protect human rights. Objective of these meetings were as under:-

- i) To highlight the pursuance and various aspects of NCHR i.e. its mandate, role, scope and implementation of various laws.
- ii) To work as bridge between government and Civil Society Organizations (CSO's).

The detail of meetings is as under:

- i. **Meeting with Secretary Law and Parliamentary Affairs Department, Government of Punjab:** A meeting was held on 22nd December, 2016 with the Secretary Law Parliamentary Affairs Department, Government of Punjab, On the basis of discussion held with Secretary Law, it was proposed that the human rights agenda may be included in the syllabus of the children starting from class one to Master's level according to their age and understanding.
- ii. **Meeting with Secretary Human Rights and Minorities Affairs Department Government of Punjab:** A meeting was held on 28th December 2016 with the Secretary Human Rights and Minorities Affairs Department, Government of Punjab. As an outcome, it was resolved that NCHR and Human Rights & Minorities Affairs Department Punjab will work together to revive the operation of Consumer Courts in order to protect the rights of the general public.
- iii. **Meeting with Secretary Women Development Department, Government of Punjab:** A meeting was held on 9th January, 2017 with the Secretary Women Development Department, Government of Punjab, wherein it was decided to develop some combine projects to resolve the certain issues regarding protection and promotion of rights of Women.
- iv. **Meeting with the Chairman, Department of Social Work University of the Punjab:** A meeting was held on 30th March, 2017 with Dr. Zahid Javed, Chairman, Department of Social Work, University of the Punjab, where it was mutually agreed that NCHR Punjab will share a concept note regarding Mine Workers to facilitate the department of Social Work to assign appropriate research topics to the students to develop their thesis.
- v. **Meeting with Dean, School of Social Sciences & Humanity University of Management & Technology Lahore:** A meeting was held with Professor Dr. Abdul Hameed, Dean School of Social Sciences and Humanities, University of Management and Technology (UMT), Lahore on 4th April, 2017. Objective of the meeting was to collaborate and coordinate with UMT to conduct seminars/consultations to create awareness about human rights and establishment of National Commission for Human Rights Pakistan.
- vi. **Meeting with Dean, Institute of Social & Cultural Sciences, University of Punjab:** A meeting was held on 26th April, 2017 with Dr. Muhammad Zakria

Zakir, Dean, Institute of Social & Cultural Sciences, University of the Punjab wherein it was decided that the Department of Sociology will arrange a seminar after summer holidays to create awareness among students and teachers about the establishment of National Commission for Human Rights Pakistan.

- vii. **Meeting with Officers of Inspectorate of Mines and Minerals Department, Government of the Punjab:** A meeting was held on 12th June, 2017 with the Officers of Inspectorate of Mines and Minerals Department, Government of the Punjab, wherein it was decided that a tripartite meeting will be held in which NCHR, Mines and Mineral Department and Mines Workers will participate to identify the real issues.

Meeting with Civil Society Organizations: NCHR Regional Office has also conducted the following consultation meetings with INGOs/NGOs to work together for the promotion & protection of human rights. The detail is as under:

- i. **Meeting with Provincial Coordination Officer-Punjab (UNFPA):**A meeting was held on 4th November, 2016 with the Provincial Coordination Officer-Punjab (UNFPA), wherein UNFPA assured their cooperation to develop project proposal for giving incentives to the parents/families having less children.
- ii. **Meeting with the Acting Country Director, The Asia Foundation (TAF):** A meeting was held on 4th November, 2016 with Ms. Aameena Elahi & Mr. Farman Ul-Allah the representatives of the Asia Foundation, wherein it was decided that Asia Foundation will cooperate with NCHR in holding Capacity Building Workshops, Seminars, Advocacy Consultations, Redressal Mechanism Trainings, etc.
- iii. **Meeting with the Regional Manager of Action Aid Pakistan:**A meeting was held on 14th October, 2016 with Mr. Irfan Hoat, the Regional Manager of Action Aid Pakistan to discuss various issues of human rights violations especially rights of Mine Workers.
- iv. **Meeting with Representatives of Children Advocacy Network (CAN):** Meeting was held on 7th January, 2017 with Ms. Rashida Qureshi and Mr. Iftikhar Mubarak the representatives of Children Advocacy Network/Child Rights Movement wherein it was resolved to work together for promotion and protection of human rights especially children rights.
- v. **Meeting with Regional Coordinator UN Women:**A meeting was held on 11th April 2017 with Ms. Hooriya Sydah, Regional Coordinator, Punjab UN Women to discuss the avenues of collaboration for the promotion and protection of rights of women. Another meeting was held on 6th June, 2017 with her to discuss the Pilot Project for Economic Empowerment of Transgender at Faisalabad”.

Memorandum of Understanding (MOU) and concept note for various projects:

To achieve the objective of promotion & protection of human rights Regional Office, Punjab has developed different concept notes and prepared MOU's in collaboration with different NGO's/INGO's and the same were forwarded to Head Office for consideration and approval. The detail of MOU's/Concept Notes is as follows:

- i. Concept note regarding the project **“Engagement of Civil Society with State Institutions for the protection of human rights”** in collaboration with Democratic Commission for Human Development (DCHD). It was proposed to carry out a consultative orientation sessions throughout Punjab at divisional headquarters.
- ii. MOU regarding **“Human Rights Education ProgramPunjab”** was prepared in collaboration with an NGO namely Center for Social Justice (CSJ), Lahore. The proposed project aims to impart Education about human rights particularly the protection mechanism of human rights institutions among youth manifesting gender and ethnic diversity in Punjab province , and to strengthen their know how about and engagements with government and non-government institutions to address human rights violations.
- iii. MOU between Action Aid Pakistan and NCHR was developed to address the human rights issues and work for the protection of social Justice, promotion and protection of human rights.
- iv. Concept Note for the protection of **Rights of Mine Workers** was also develop and forwarded to NCHR Head Office, Action Aid Pakistan and Social Protection Authority, Punjab to support the activity.

Participation of NCHR Team in different events:

NCHR team has participated in different events/seminars/workshops organized by different Provincial Government Department, NGOs/INGOs. Details are as under:

- i. Attended candlelight vigil organized by Centre for Legal Aid Assistance and Settlement in the memory of Abdul Sattar Edhi on 13th July 2016.
- ii. Attended one day workshop on Universal Periodic Review organized by International Council of Jurists at Avari hotel Lahore on 30th July 2016 wherein Member ICT Ch. Muhammad Shafique also participated.
- iii. Attended one day seminar on Concluding Observation on 5th Periodic Review of Pakistan #CRC/C/PAK/5 on 4th August 2016 organized by Children Advocacy Network (CAN) wherein Mr. Khalil Tahir Sandhu, Minister for Human Rights & Minority Affairs Department Punjab participated.
- iv. Attended a press conference arranged by Ministry of Human Rights regional office Lahore on 5th August 2016 on abduction of children in Punjab. Mr. Kamran Michael, Federal Minister for Human Rights addressed the Media.
- v. Attended Pakistan's Stakeholders workshop on Women's Economic Empowerment & Violence Against Women & Girls at Avari Hotel Lahore on 17th August 2016

- organized by Home Net Pakistan wherein In-charge Project Management Unit on Women Empowerment Cell of Chief Minister Punjab participated.
- vi. Attended Follow Up meeting on Child Protection Measures in context of Kasur child abuse case on 17th August 2016 at SPO's office at Garden Town Lahore wherein Honorable Member ICT, NCHR and Ms. Hina Jilani advocate also participated.
 - vii. Accompanied delegation led by Ms. Hina Jilani and Members of CAN to visit Kasur on 24th August 2016 and observed proceedings in the courts of Additional District and Session Judge Kasur regarding child abuse case.
 - viii. Visited the Anti-Terrorist Court Lahore of District and Session Judge on 25th August 2016 and attended proceedings in connection with child abuse case, Kasur.
 - ix. Attended seminar organized by The ASIA Foundation on 22nd September 2016 on human rights at Marriot Hotel Islamabad wherein Honorable Justice (R) Ali Nawaz Chowhan, Chairman NCHR, was the chief guest
 - x. Attended a Research Launch Report on Women Human Rights Defenders, Harassment and Threats held at Lahore on 25th October 2016 organized by DCHD .
 - xi. Attended two days training on 15th and 16th November 2016 at hotel Movenpik Karachi on Universal Periodic Review organized by UNDP.
 - xii. Attended two days training on Media Strategies to promote human rights on 21st & 22nd November 2016 at hotel Crown Plaza at Islamabad organized by UNDP.
 - xiii. Attended three days training workshop on functioning of Treaty Bodies and report concerning to UN Treaties on human rights organized by UNDP on 28th to 30th November at PC Hotel Peshawar.
 - xiv. Attended Seminar organized by Human Rights and Minorities Affairs Department, Government of The Punjab, on 10th December 2016 at Al-Hamra Art Council Lahore to observe Human Rights Day when Human Rights Declaration was adopted by United Nations. Mr. Khalil Tahir Sandhu Minister for Human Rights & Minority Affairs Department was Chief Guest.
 - xv. Attended Research Launched on Desecrating Expression: An Account of Freedom of Expression and Religion in ASIA by an NGO Bytes on 22nd December 2016 at Hotel Hospitality Inn wherein report of freedom of expression in nine countries were presented.
 - xvi. Attended the launch ceremony of "Joint working group on civil and political rights of women, youth and minorities" arranged by Democracy International Reporting (DRI) at P.C Hotel Lahore on 24th January, 2017.
 - xvii. Attended seminar arranged by Women Development Department regarding celebrations of International Women's Day on 8th March, 2017 in Awan-e-Iqbal wherein Mian Shahbaz Sharif, Chief Minister Punjab was the chief guest.
 - xviii. Attended consultation regarding Gender Action Manifesto at Avari Hotel, Lahore arranged by Democratic Reporting International (DRI) on 4th May, 2017.
 - xix. Participated in Multi-Stake Holder Consultation to present bill on Protection of Transgender Persons arranged by Forum for Dignity Initiatives (FDI) at Ambassador Hotel Lahore on 15th May, 2017.
 - xx. Attended meeting at PC Hotel Lahore arranged by Pakistan Humanitarian Forum (PHF) and UK Aid on 17th May, 2017.

- xxi. Participated in strategic planning consultation for 2018-2021 organized by UN Women Punjab on 18th May, 2017 at Hotel Lexus Grand, Lahore.
- xxii. Attended orientation session on “Minimum Initial Services Package” (MISP) on 19th May, 2017 at Pearl Continental hotel, Lahore arranged by Rahnuma Family Planning Association of Pakistan (R-FPAP).
- xxiii. Attended consultative meeting on UPR, arranged by Ministry of Human Rights in Avari hotel, Lahore on 23rd May, 2017.
- xxiv. Attended policy dialogue on reproductive and general health arranged by Simorgh Women’s Resource and Publication Center in LUXUS Grand Hotel, Lahore on 23rd May, 2017.
- xxv. The NCHR being Member of the Fatima Jinnah Awards Committee constituted by Women Development Department, Government of Punjab attended various meetings of the Committee to finalize the names for the Awards. The NCHR team attended the final ceremony of Fatima Jinnah Awards organized by Women Development Department on 22nd June, 2017 wherein Member Punjab was awarded shield for rendering her services for finalization of the names of the award holders.

Complaints and Redressal Mechanism

Regional Office Punjab receives complaints regarding violations of human rights in person or through mail. The complaint section scrutinizes the contents of the complaint and forwards it to the concerned authority/organization for report. Upon receiving of the report, the office of the Commission issues rejoinders to the complainants. If any comments are received from the complainant the process of court proceedings is being held. After listening arguments from both the parties, the judgment is issued.

The first Court Hearing was conducted on 23rd & 24th May, 2017 at Regional Office Lahore. The details of cases are as under:

- i. Hearing Dr. Zahra Ghazanfar Vs Federation of Pakistan and others
- ii. Hearing of Khalilullah Hanif Vs DPO Gujrat
- iii. Hearing of Pyara Ram Vs Cholistan Development Authority, Bahawalpur
- iv. Hearing of Riaz Anjum Vs D.C.O Multan
- v. Hearing of Suo-Motu Notice: Suspects Rounded up over rape of a girl in Manawan Area
- vi. Hearing of Sou-Motu Notice: Alleged enforced Disappearance Sans F.I.R of Social Media Users.
- vii. Hearing of Targic incident of consuming toxic liquor on the eve of Christmas in Toba Take Singh
- viii. Hearing of Pervaiz Khan Vs the federation of Pakistan
- ix. Hearing of Al-Wakeel human rights protection cell Vs DSP/SDPO Rawalpindi
- x. Hearing of Suo-Motu Notice: Honor killing

Recommendations:

On the basis of the consultative meetings with various Governments Departments/INGOs/NGOs/Civil Society Organizations the following recommendations are given to promote and protect human rights:

- i. Helpline facilities be introduced at the level of Regional Office
- ii. Online registration of complaint be introduced at the level of Regional Office
- iii. An introductory message to the whole country using an SMS system, email, social media, etc. to receive complaints.
- iv. Dedicated complaint cells with needed skilled human resource be deployed.
- v. Local authorities be involved to play their due role in promoting and protecting human rights.
- vi. Commission must have an active research cell to harness feedback from its networking.
- vii. MOU may be signed with Home Departments for close coordination and cooperation.
- viii. Awareness raising literature in local and mother languages be introduced.
- ix. Competitions for the youth to raise awareness through speech contest, essay writing, declamations, etc. be arranged.
- x. NCHR Act, 2012 be introduced in Urdu language.
- xi. Every Federal/Provincial Government Department must nominate a focal person to update NCHR.
- xii. The Consumer Court be introduced throughout Pakistan.
- xiii. The contents of Human Rights be introduced in the curriculum in the syllabus from class 1 to Master level.
- xiv. Advisory Committees maybe constituted at the District level.
 - Capacity building workshops for Police, Judiciary, Jail Staff, Parole & Probation Officers, Layers, etc. be arranged to introduced NCHR and complaint/redressal mechanism.
- xv. Departments of Social Sciences/humanities may be asked through HEC Pakistan & Punjab to allot subject of human rights to students for their thesis.

Way Forward:

As mentioned earlier NCHR Punjab has developed various Memorandums of Understanding (MOU's) and concept notes regarding different projects. Collaboration/Coordination with different NGO's/INGO's and Government Departments is in pipeline to implement the following projects:

- i. Protection of "Rights of Mine Workers"
- ii. Protection of "Rights of Transgenders"
- iii. Awareness raising seminars in different colleges/universities
- iv. Human Rights Education Program for youth

- v. Consultations with Civil Society Organizations (CSO's) and government departments regarding "Challenges and Prospects of Human Rights".
- vi. Setting-up of complaint handling and redressal unit.
- vii. Development of proposals for inclusion of subject of human rights in the syllabus/curriculum from pre-school level to Master's level.

Khyber Pakhtunkhwa Chapter

Liaison and Proactive Engagement with Provincial Administration:

NCHR KP – office arranged meetings with provincial heads of the core departments of KP for developing linkages to explain the mission of the Commission. The objectives of the meetings were to sensitize the provincial bureaucracy about the establishment of NCHR and its functions, NCHR ACT - 2012, and to develop coordination and cooperation with the organs of Justice System for the promotion and protection of Human Rights.

Key Achievements:

Meeting on 4/10/ 2017, between Add IGP Mr. Ashraf Noor, delegation from NCHR KP Office and NCHR Member FATA, was held at Central Police Office Peshawar. The main objective of the meeting was to ensure NCHR's core functions enshrined in NCHR Act 2012, and to create an enabling environment for the promotion and protection of human rights in the Province. The Worthy police chief has Issued instructions to all RPOs and DPOs of Khyber Pakhtunkhwa, through vide Notification No 496-48 date 16-10- 2017, to extend cooperation to NCHR in curbing Human Rights violations in the Province.

Meeting with Reclamation and Probation Department KP was held on 13/10/2017. The main agenda of the meeting was "Uniform Coordination and reintegration for the strengthening of Probation and parole System in Khyber Pakhtunkhwa." Muhammad Yusuf, Deputy Director, Reclamation and Probation Department - KP, explained the strengths and weakness of the department. Assistant Director, NCHR KP office, highlighted the important role of R&P Department. The Director, Reclamation and Probation Department KP, issued Notification, through Vide Notification 3857-85 D.R&P (V-3) dated 15-11-2017, to all Parole and Probation officers in KP to make convenient proactive visits to their respective police stations and prisons at District level for helping the vulnerable segments of the society.

Meeting with IG Prisons KP was held on 27-9-2017. Assistant Director, NCHR KP Office, explained the status, establishment and core functions of NCHR specified under section 9 sub section "C" to the IG prisons. IG Prisons issued a Notification, Vide Notification 5/23-J-2017-251519-80/we dated 2-10-2017, to all superintendents of the prisons/Judicial lockups in KP to provide maximum assistance to the visiting team during the course of their visit to the prisons.

Meeting with the Director of Human Rights, Department of Law, Parliamentary affairs and Human Rights KP was held on 9-10-2017 in his office. Agenda of the meeting was the "Development of Mechanism /strategy for enhancement of Human Rights victims". Assistant Director Mr. Sikandar explained the functions and responsibilities of the DHR. Assistant Director, NCHR KP Office, explained core functions of NCHR. DHR KP has extended full cooperation to NCHR KP office in the management and dealing of human rights complaints and capacity building.

Meetings with Secretary Home and tribal affairs Department were held on different Human rights issues pertaining to prosecution and probation, parole responsibilities and to provide speedy justice to the victims of human rights under the prosecution act 200, PPOO1960 and Parole ACT 1926.

Meeting with Director Social welfare Department was held on role of Department to pay attention to the different Human rights issues pertaining to protection and rehabilitation of human rights victims in the welfare institutions in the KPK.

Meeting of NCHR Secretary with Deputy Commandant PTC Hangu was held on 7/9/2017 at NCHR regional office Peshawar. The objective the meeting was the Incorporation of Human Rights as a subject in the curriculum of Police College Hangu, and to observe the academy's infrastructure, expertise and services for improvement of the police department.

Meetings with District Administration:

Police Department:

Meetings with District Police Officers at Nowshera, Charsadda, Swabi, Kohat, Mardan, and Kark were arranged under the approved monthly plans during Aug-Nov 2017. Objectives of the meetings were as follow.

- To make the Police Officers familiar with the Establishment of NCHR, and to develop coordination and cooperation for the promotion and protection of Human Rights.
- To observe public delivery services of the department, available at community level.
- To identify gaps in relief mechanism to the victims of Human rights violations, filing complaints, and compliance with obligations of international Human rights treaties ratified by the Pakistan.
- To activate and provide energy to the forums of justice system.
- Developing creative approaches to community concerns.

DATA of police officers, all circles officers, SHOs contact numbers and police stations were provided to the team. All DPOs have extended their full cooperation to NCHR in future.

Meeting and interaction with Dispute Resolution Committees:

NCHR KP office is playing an important role in establishing introducing, supporting, and appreciating the "Dispute Resolution Committees" (DRCs) across the province at all district headquarters as well as police station level. People reported positive responses from DRCs at community and police stations level. The effect of effective DRCs is expected to be a significant reduction in the suffering of vulnerable, destitute and helpless who are not in a position to get timely justice from the criminal justice system.

Main problems of DRCs are as following:

- Lack of awareness among the general public.
- Infrastructure problems in some district.
- Lack of personnel for management of complaints as well as process.
- No training workshops at community level for awareness about the functions and importance of DRCs.
- Powers of the DRCs need to be modified according to the international norms framed for pre-trial conference.
- Funds for office management should be specified.

Police station visits in KPK:

Under section – 9 (c) of NCHR Act – 2012, KP office visited police stations Nowshera Cantt, Saddar Charsadda, Zaida Swabi, Kohat Cantt, Toru Mardan, and Saddar Kark under the approved monthly plans during July -Nov 2017. There are 266 police stations in KPK. Among them 150 are functioning without proper designated buildings. Objectives of the meetings were:

- To assess and analyze the impact of the trainings/courses organized recently in the specialized schools of KP in different skills and techniques by the police department.
- To observe the police routine practices with public as well as accused conflict with law.
- To note the problems and constraints of police force, community and to make it more friendly and accessible for community in emergency.
- To note the process of children and women in conflict with law and their entry, confining, investigation and production to courts.
- To know about the newly established system of DRCs at police station level and to enhance it in more systematic way for solving the disputes at community level.

Main problems of the police stations:

- Police station cantt has newly constructed building is situated near judicial lock-up Nowshera. It is a well-furnished building which full fill all the requirement of the police It has connected a long and vast area comprised on the district Head quarter area and 17 villages and more small pieces of population. Personnel of the police station are not according to the jurisdiction assigned to the police station.
- All SHOs of the police stations said that no amount is provided for fuel. Staff of the police station provide fuel through own contribution or personal sources.
- All Police stations have less transportation facilities to produce the accused to courts in time. There is one vehicle for the whole police station.
- CCTVs cameras have been installed recently but are not properly working. Police stations are insecure and vulnerable to terrorist attacks.

- Police have no modern weapons and instruments to trace the crimes and criminals. There is a dire need of modern weapons for ensuring effective response from police to the threats to law and order from criminals and terrorists.
- Solar power systems installed in police stations also are not working. Due to prolonged load shedding, staff is facing a lot of problems.
- All police officers complained about the round the clock duty due to low number of police personnel deployed in police stations.
- Police is also suffering from lack of medical facilities and funds for reimbursement of outdoor expenses.
- There have been no foreign trainings for the police officers for enhancing skills in investigation, operation and duty management.
- Residential blocks for police personnel are not available due to which police personnel facing a lot of problems when they come back from their hectic duties.

Recommendations:

- Mandatory directives may be issued to police stating that a First Information Report (FIR) should be registered in all cases where a complainant provides information that indicates the occurrence of any criminal offense.
- It must be ensured that the authorized police officer may refuse registration of an FIR only by stating reasons for doing so in writing, signing it, and providing a copy of the same to the complainant.
- Promptly investigation, and appropriately disciplinary action or prosecution, of police officials responsible for human rights violations should be ensured and delays in recording criminal complaints and initiating investigations for gender-based crimes must be avoided.
- Explicit definition of acceptable interrogation techniques needs to be incorporated in police rules and manuals to prohibit police from using illegal detention, torture, or other coercive measures to obtain evidence.
- Local police departments and their subordinate officials should be protected from political and other improper interference and harassment.

Capacity-building Of NCHR Personnel.

Capacity building is linked to clear organizational objectives and concomitant structural and staffing changes. It acts as a potent means of increasing the human potential to achieve those objectives. To develop or modify the knowledge, skills and character traits of NCHR officers and support staff through a learning experience, thereby achieving effectiveness in a range of activities. During 2017, NCHR KP office personnel participated in different training workshops, seminars, and corner meetings of human rights and gained a lot of skills regarding management and handling of Human rights cases, investigations process and to immediate remedy to the human rights victims. Staff trained in the field of report writing and compilation according to the guiding principles of UN as well as procedure for reporting to Human rights council Geneva.

The following workshops on different topics and issues were attended.

1. A national conference on promoting child friendly school Environment organized by SPARK (NGO) in collaboration with Elementary and Secondary Education KPK at Pearl continental Peshawar on 27-9-2017.
2. One day training workshop for the capacity building of Human rights state run, semi state run and NGOs was organized for On line Help of the Human Rights victims through inter coordinative efforts in KP on 21-9-2017.
3. Two days consultative workshop on “Development outreach strategy for state Human rights institutes” organized by Regional Directorate of Human rights Department of and parliamentary affairs and Human rights on 10-11 Aug 2017 at Peshawar.
4. Two days consultative workshop on” Development outreach strategy for state Human rights institutes organized by Directorate of Human rights Department, parliamentary affairs and Human rights on 10-11 Aug 2017 at Peshawar.
5. A one day training work shop for Human rights departments & Minorities, Punjab law and parliamentary Affairs, Human rights Khyber Pashtun Khawa and National Commission for Human Rights on 16-11-2017.
6. Two days workshops on understanding rights development for strengthening state mechanisms on 29-30 Nov 2017 organized Directorate of Human Rights Law and parliamentary affairs and Human rights Govt of KPK with collaboration of UNDP.
7. Mr. Rizwan Ullah Shah, Coordinator NCHR, KP has participated in a workshop organized by Directorate of Human Rights with collaboration of Asia Foundation held on 08 February, 2017.
8. A team of National Commission for Human Rights, Regional Office has attended a training on Paris Principles at Lahore on March 16 & 17, 2017.

Visits to police schools and specialized academies in KPK

Program of visits was approved by the NCHR Chairman under Monthly Work plan July-Aug-Sep 2017 .The visit program of newly established specialized Police Schools/academies was also approved by DIG (Trainings) Central police office KP Peshawar vide endorsement No 7852-54 dated 01-8-2017 on the request of National Commission for Human Rights KP Office Peshawar.

The Main objectives of the visits to the Police Training Schools/Institutions of National Commission for Human Rights KP office was:

- To review the present curriculum in human rights prospective and to incorporate the Human rights education for the cadets and in-service police officers and official in a more holistic approach strengthening the effectiveness of the police performance at community level under the”Strategic Police plan.
- To know the present mechanism aimed at winning public trust to better service delivery and to suggest additional comprehensive measures for replicating the system in other provinces of the country.

- To follow up on the implemented initiatives as well as impact at grass root level under the strategic framework for KP Police.

Visits were conducted as follows:

- Visit to Police School of Information Technology Peshawar (04-8-2017)
- Visit to Police School of Tactics Hayat Abad Peshawar (8-8-2017)
- Visit to Police School of Investigation Hayat Abad Peshawar (11-8-2017)
- Visit to Police School of Disorder and Riot management Mardan (29-8-2017)
- Visit to Police training school of Explosive Handling Nowhere (31-8-2017)
- Visit to Police training school Swabi (28-8-2017)
- Visit to Police training school Kohat (12-10-2017)
- Visit to Police Training College Hangu (17-10-2017)

Constraints of the specialized schools:

- All specialized schools have a dire need of the designated buildings where all facilities are provided.
- There is a shortage of specialized man power and consultants in the field of modern techniques.
- Institutes have problems of security, explosives, IT instruments, Tactics and medical equipment, which may be provided on emergency basis.
- Institutes have no emergency ambulances; Sanctioned Staff of all schools are insufficient for the present set up.
- There is a shortage of IT equipment which may be provided on emergency bases.
- All schools are insecure and the heights of the walls are low especially from the backside. Walls need to be raised at least 15 feet and may be protected by special wire. Police school Nowshera, police school Swabi, IT Police school Peshawar and police disorder and riot management are functioning within the premises of respective police Headquarters. All these are functioning in one-gated premises.
- Specialized schools have no proper training in the field of human rights.

FACTS FINDING VISITS

Visit to KALASH Valley:

A team of National Commission for Human Rights, Regional Office KP comprised of Dr. Yahya Ahmed (Member NCHR KP), Rizwan Ullah Shah (Coordinator NCHR KP) and Mr. Saddam Hussain, Complaints Assistant paid visit to Kalash Valley on 22 June, 2017.

Objectives of the Visit were:

- To examine situation of Human Rights violation in Kalash Valley.
- To gain empirical knowledge of the milieu of Human Rights in Kalash Valley by mingling with the local influential and common men.
- To recommend for government for the prompt betterment and relief disposal.

Inquiry of Mashal Khan Murder Case:

On the direction of Worthy Chairman, National Commission for Human Rights, Justice (Retd) Ali Nawaz Chowhan, an inquiry team of NCHR Regional office KP, comprising of Dr. Yahya Ahmad, Member KP and Syed Murad Ali Shah, Deputy Director visited village Zaida in district Swabi of KP, DIG office Mardan and Abdul Wali Khan University Mardan(AWKUM) on April 17th, 2017 to enquire and obtain the first hand information about the brutal murder and lynching of Mashal Khan on the allegation of blasphemy, allegedly by fellow students at Abdul Wali Khan University Mardan on 13th April, 2017.

Hayatabad children Academy Peshawar:

On 26-07-2017, a team of National Commission for Human Rights KP Office Peshawar visited ASP office Hayatabad to find out the realities of alleged sexual abuses appeared on the print media, specially reported in detail in daily “Dawn” dated July 21, 2017. After preliminary investigations, the perpetrator was presented before the court of Magistrate and recorded statement under section 164 CrPC in which he has confessed his allegations and now he is on judicial remand in Peshawar Jail. Videos and allied things have been sent to forensic laboratory Lahore for developing evidence for proper trial of the case.

Abdul Sattar Case:

On the direction of Worthy Chairman, National Commission for Human Rights, Justice (Retd) Ali Nawaz Chowhan, an inquiry team of NCHR Regional office KP, visited village Garhi Habibullah in District Mansehra KP, DCO office Abbottabad, Assistant Commissioner office Balakot and Police Station Garhi Habibullah and UC nazim of Darra Shawal dalola on April 15th July, 2017 to inquire and obtain the first hand information about the brutal murder and lynching of Abdul Sattar resident of Gari Mira UC Boe on the allegation of Secret relations with a women aged 24-26 years, allegedly by the Villagers of Dara Shawal Dalola District Mansehra on April 2,2017 at 03:45 am.

According to Nawaz Khan (Sub-Inspector) Garhi Habib ullah the deceased was Ambulance Driver in a hospital at Abbottabad. After the incident the Police immediately responded and went to the Hospital where Abdul Sattar was found dead. Later on FIR was lodged by his brother against unknown mob in Police station of Garhi Habib ullah.

Visits to Prisons:

Worthy IG Prisons KPK extended his kind cooperation to NCHR KP office and approved visits Programme to all prisons in KPK, Vide No Notification 5/23-J-2017-261519-80/WE Dated 2-10-2014.Under the approved Monthly work plan November 2017, National Commission for Human Rights KP office Peshawar team visited Judicial Lock-up Nowshera on 14-11-2017,Sub-jail Charsadda on15 -11-217,Sub jail Swabi 21-11-2017, Central Jail

Peshawar on 22-11-2017, District Kohat on 28-11-2017, District Jail Karak on 29-11-201, and Central Jail Mardan.

Main objectives of the visits were:

2. To develop coordination and cooperation with Jails administration for the promotion and protection of Human Rights inside jails.
3. To observe the living conditions, health, food, trial position in courts, education legal assistance, conviction, Appeals, remission, physical exercise, meeting with parents and relatives, court imposed fines, diyat under the laws, Pakistan prisons rules and International human Rights treaties i.e. ,CRC,CEDAW,CAT,UDHR,ICCPR ratified by the state.
4. To identify constraints in the present initiatives taken by the KP Government and prisons department for further enhancement and prompt relief to the confined prisoners in jails as well as to reduce Human rights violations in side jails.
5. To create a sense of responsibilities amongst the sectors of justice system to ensure the human dignity and human rights ,aspiration of public oriented service , accountable to public, efficient and crime detectable and according to the fundamental rights enshrined in the constitution of Pakistan.
6. Developing local linkages and creative approaches for the reformation and assistance for the vulnerable group's i.e. juveniles, women, disable minorities and foreigners confined in jails.
7. To disseminate/ conveying the constraints to local community/ stakeholders (organizing community groups) their problems for solving on the spot.

Recommendations:

- Under the Provincial Borstal Act– 2012, Borstal institutes should be established under the Social Welfare department in each district of the province and not under the prisons department.
- Segregation of juvenile's prisoners in all prisons must be made according to the recommendation raised in the UPR in the meeting held in Geneva recently. State is obligatory to take action sharply.
- Juvenile prisoners are entirely unprotected in all prisoners of the country. It is the state obligations to protect the children from bad practices in the custody and to ensure their rehabilitation under the four wall of prisons. Night vision CCTV cameras and round the clock monitoring are the only way of protecting the abuse of juveniles inside prisons.
- Bone Ex-ray must be used for age determination of juvenile conflict with law. It must be mandatory under the law. It must be ensured that all the suspected juvenile offenders have their age determined and documented immediately after arrest.
- Jail agents i.e. Sheenposh and Surkhposh must be banned to enter into the juvenile sections.

- All the organs of the justice system should give preference to child cases within their jurisdiction of powers and ensure the best interest of the children in conflict with law.
- Active recruitment of female probation officers in every district to ensure that girl detainees can be released on probation.
- Proper training for staff employed in the criminal justice system including the police, judiciary and prison staff on the rules and procedures of the JJSO.
- Birth registration should be compulsory to ensure that there are reliable documents for the courts to use in order to determine the age of juvenile offenders,
- Death penalty for juveniles should be abolished.
- The details of child detainees, especially those on death row should be published.
- President's commutation order of 2001 should be properly implemented.

Plight of children under seven years with mothers in prisons:

NCHR KP office team also observed the plight of children confined with mothers and recommends that special care must be taken in respect of children accompanying their convicted/under-trial mothers. Efforts should be made to arrange for the maintenance and protection of children, outside the jail, when they became of school-going age. Arrangements should also be made for their education.

Directorate of Reclamation & Probation:

During the visits of NCHR team to prisons and police stations, cases of probation and parole were identified and reported to the Directorate for proper management under the rules for releasing on probation and parole. During 2017, 265 convicts were released from jails of KPK on probation and parole which give huge saving of an amount of Rs. 3400500/- per annum. Directorate of Reclamation and Probation is running on no cost basis and save a huge amount to Government exchequer and reduce overcrowding in Jails.

NCHR KP office further suggests the following points for more strengthen the work of the department:

1. Submission of the cases to Probation and Parole Board according to the prescribed procedure in time as well as follow up.
2. Prisoners released on parole and probation should be reported on daily basis to Supreme Judicial Council as directed.
3. Problems being faced by probation, parole officers and jail Administration should be solved.
4. Familiarization of the Jail staff with probation and parole system and jails visits and police stations visit be conducted accordingly.
5. Jails administration must be involved in case management for parole and probation.

Education of prisoners:

No proper and organized system for imparting education to prisoner exists. It is recommended that in every Jail, facilities should be established for the purpose of general as

well as vocational and technical education to prisoners. They should also be provided facilities to acquire higher qualification. Such facilities should include classrooms, qualified teachers and reading material. Where appropriate, the services of educated prisoners may also be utilized for the purposes. Each jail should have a library which is well stocked and contains books, magazines and newspapers.

Media Watch and Cases of Human rights:

NCHR KP office has been closely monitoring the media reports, especially complaints made and columns written in the newspapers, pertaining to issues and problems in the prisons system, police stations, detention centers, trial courts, welfare and public offices, industries, public places, hospitals, education institutes with a view to have first-hand information on conditions prevailing in work places. Newspapers and news channels are observed regularly and press clippings of the daily newspapers are being maintained

FATA Chapter

Situation Analysis –Temporary Displaced Persons (TDPS) of South Waziristan In Particular and overall Fata TDPS in General

On 09.02.2017, a visit to F.R Tank / D.I. Khan was conducted to assess the prevailing obtaining situation of TDPs and their sufferings and to call on the Political Agent of South Waziristan based at Tank. But the Political Agent didn't pay any heed to share any kind of information and even reluctant to meet.

Since office of the political agent in a tribal agency is ought to be the main source of official and verified information of any official nature but the concerned office was found non cooperative to share any kind of information relating to TDPs with the National Commission for Human Rights.

However, officials of FATA Disaster Management and TDPs were interviewed to know the situation on the ground. As per statistics of FATA DMA, there are 71,124 TDPs of South Waziristan, of which 59090 have been returned post National Action Plan till 21st March, 2017 while the remaining 12034 are yet to return up to 08th April, 2017.

As per claims of the FATA Disaster Management Authority and political administration of South Waziristan Agency almost 80 to 85% of the Mahsud tribesmen of South Waziristan have been repatriated to their homes.

Total Registered TDPs	71,124
Total Registered TDPs returned	59,090
Balance	12,034

The TDPs are provided following cash grants:

RCG (Return Cash Grant)	Rs. 25,000
TCG (Temporary Cash Grant)	Rs. 10,000
RCG so far granted	48265
TCG so far granted	44155

But TDPs of South Waziristan agency are reluctant to repatriate to their original abods as the political authorities of South Waziristan Agency themselves claim that to make the operation "Rah-e-Nijat" successful, some 35,000 to 40,000 houses have been completely razed to ground while thousands partially damaged. However, the real on ground situation reflects more dismal picture. Majority of the families took their shelter in host communities in Tank and D.I. Khan while one or two members of a family prefer to go back and that too to be eligible for the compensation grant. But on return they are not allowed to construct double storey houses, a picket ("morcha" – a tribal tradition) and to fetch woods from the forest. No living infrastructure like health, education and drinking water exist making the whole life become miserable.

Massive corruption in the RCGs, TCGs and construction grants (Rs. 400,000/-) by the influential people like tribal maliks with the connivance of political authorities, are talks of the towns.

The Fata Disaster Management Authority (FDMA) has claimed that 90 per cent of temporarily displaced persons (TDPs) have safely returned to their homes, and only 10 per cent of people from North and South Waziristan agencies are living in other parts of the country.

The latest FDMA statistics show that 4,48,556 people had been displaced from various troubled regions since 2007 due to rise in militant activities and ensuing military operations.

Recommendations

The political administration under the guidance of FATA Secretariat may prepare a consolidated post conflict report (on completion of the return of TDPs) involving facts and figures covering every spectrum of the damages to infrastructure, education, health and government resolve / steps so far taken for rehabilitation and integration of these TDPs back to life and to be shared with the National Commission for Human Rights.

Report Situation Analysis of Human Rights across FATA

NCHR Regional office FATA, Peshawar highlighted Human Rights issues across FATA concerning every segment / strata of people. Therefore, this report / situation analysis are based on the information obtained from its own sources in political administration, FATA Secretariat and personal interaction with common / aggrieved tribal people/ tribal businessmen and visits to certain tribal areas. Relevant excerpts from media reports voices of concern aired through F.M channels are also made part of the report.

The foremost main humanitarian issue in FATA has been the repatriation of TDPs, (Temporary Displaced Persons) who have been uprooted from their homes due to the on-going operations almost across FATA back to their home with honor and dignity. FATA Disaster Management Authority constantly claims that scores of TDPs of FATA which were displaced with the erstwhile and presently ensuing various military operations against extremists have been almost returned to their native areas. The TDPs which had met with humanitarian crises; returned and are still in the process of returning to their own homes; no doubt, a good omen, nonetheless, majority of them sneaked back to their host communities, majority of whom who have already obtained the transportation and return grants still unwilling to return for various reasons; the obvious fact being their destructed houses and absence of any viable means of bread earnings and lack of amenities' altogether.

due to various obvious problems being faced by the returnees they sneak back to host communities and this office has certain details of such TDPs who were living either on rent or with host communities after taking their TCG and many of them the RCG returned to

settled areas of District Lakki Marwat, Bannu and District Tank due to non-availability of any viable means of earning bread in their native areas.

While the government takes credit for establishing 157 primary schools in different FATA agencies, a parliamentarian from tribal areas has refuted the claim stating that not a single new primary school was set up in the region but only damaged ones reconstructed. And lack of clean drinking water also observed in FATA.

As per FATA Disaster Management Authority South Waziristan Agency there are around 20 NGOs working in various sectors like Food Security and livelihood, Community restoration, WASH, Health, Education, Nutrition and Shelter, etc but as the residents of South Waziristan claim that nothing is there on the ground. Residents, in general, are of the view that the projects initiated by these NGOs do not conform to the outcome of their projects.

Recommendations

1. Submission of a copy of the report to Parliamentary Standing Committee and SAFRON for their input.
2. A letter to SAFRON directing FATA Secretariat to nominate focal persons in FATA Secretariat and in each office of the political agent of tribal agency enabling NCHR to coordinate with communicate.

Non Implementation of Fata Reforms: Voices of Concerns & Frustration of Fata People (A Spectrum of Human Rights Violations across Fata)

This report documents tremendous voice of concern and disappointment raised in FATA people in of non-implementation of FATA Reform at the behest of the government terming allegedly as delaying tactics. From day one the area is deprived of any benefits of education, vocational training, health, and human rights compatible to honorable means of economic activity/resource. Thousands of educated young lots are unemployed. They have no rights to any political, fundamental and approach to claim human rights under the constitution.

The foremost problem is to settle the displaced tribal people and millions of tribal people who were displaced from their abodes due to decade's lawlessness are still living in a very dilapidated life condition contrary to Pakhtun culture and traditions.

Education of the children disrupted because of their decades long uprooting and displacement from their houses due to which the unemployment ration shoot up. The other problem is the irregularities' in administrative structure and due absence of any system of check and balance amounting to massive corruption. The status and positing of political agent has become a source of the income of millions. This report also document the present fata reforms, APC, committee, Stand of KP government, Stand of JUI F, Pitfalls vis-à-vis Rewaj bill.

Recommendations

Before voices of concern and frustration are taken its anguish and anger and the situation takes an ugly turn and enemies of the country take advantage of it, the FATA Reforms needs immediate implementation without any delay due to any political expediency.

Progress Report Honour Killing:- Ms. Naghma Resident of Landi Kotal Sub Division, Khyber Agency, FATA

The report highlighted the honor killing in FATA and discussed a case study of honor killing in Landi Kotel where a girl named killed on 27th June, 2017 at 1200 hours noon, Haji Samin- the uncle of the girl along with the other family members of the girl got killed her on the name of honor.

NCHR found that there is no specific section or provision of honour killing in the criminal law whatsoever speak of FCR being enforced in FATA. In most cases of honour killings, the accused are not arrested or released and the issue is dump up to be resolved out of court.

Most cases of honour killing are resolved out of court. Police arrest the accused under section 324 or 302/PPC which are compoundable. After some time, families enter a mutual settlement and the accused are released. Therefore, the word honour is always written in inverted commas, which means that there is no specific law for it. But the ADR Act 2016 has almost validated the existence of “jirgas” and “panchayats”, deciding such like cases, as well. Therefore, the unwritten tribal codes prevail.

Neither Political Tehsildar nor Assistant Political Agent, Landi Kotal was present in their headquarters on the night of occurrence but were spending their nights at their residences at Peshawar while the Political Agent used to be at his Khyber House at Peshawar. The whole tribal agency remained at the hands of low ranking officials and empowered to decide cases of heinous crimes at their own whims, as well. This speaks high volumes of the pathetic condition of the tribal people being suffering at the hands of imperialist law like FCR in the hands of political authorities.

The political authorities were asleep on the wheel when the girl was handed over to a jirga and that too of their own family members after four days, who had sealed her fate.

The low ranking officials of the political administration handed the girl to her uncle. Usually, such matters are resolved in a Jirga on Tehsil level at Tehsil Headquarters in consultation with known and influential tribal elders but the instant case was tried dispensing with the good offices of a very low known local elder.

As per tribal procedural codes; in such cases written affidavits are exercised with known tribal maliks / elders, their thumb impressions being affixed as witness to the document but in the instant case, the girl was handed over to her uncle at the door of his house in absence of any witness or a valid document. The case was handled by the low ranking officials and the higher political authorities were completely oblivion to it for four consecutive days and only came into action when Governor, Khyber Pakhtunkhwa took cognizance of the case.

The most drum up “honour killing” cases tilted almost towards the fair sex in their favour, which is of course an injustice and cruelty being meted to them but in the course of their alleged ‘relations’ which leads to their “killings” – there is another aspect as well; it is the males which suffers a lot and number of their killings are outstretched due to series of revenges trickled simmering the fire for generations.

No research or study is taken up by the researchers‘ up till now to ponder on this aspect. Even the civil society portrays to highlight owes of fair sex. They need to highlight the other side, as well. Males are suffered / killed in a lot of number in the spree of ‘honour killing’. For example the Human Rights Watch in its report says that from 1.7.2014 to 1.7.2017 there had been 45 men and 139 females are killed countrywide in “honour killings”. The females are once killed but there is no trail about the number of the killings of the men continuously happenings in revenge for generations. Moreover, in the same summary the 58-females‘ victims social status is shown as “housewives”. (copy attached). Again; it is a matter of thought provoking that housewives are victims of “honour” killings meaning thereby victims of developing illicit relations and in this land of pours what is meant by developing “illicit relations” by none other than a house wife of which the so called ngo mafias‘ “liberals” is drumming up an honour killing to defame the Islamic Republic of Pakistan.

Some friends in the media are not far from away. They take every case on its face value. and print it for their own ratings; For example The Express Tribune dated 08th July, 2017 depicted the burn case of Kurram Agency (of which a report by NHCR FATA has already been submitted) as a victim of the atrocities of her in-laws.; whereas, it was a case of rivalry between fellow-wives and the present victim was the victim of her own deed which was meted out by her with her younger fellow-wife, first. The maxim rightly underscores the incident that there is always a case behind a face. But some of our journalists‘ friends too do not bother to go deeply to investigate an incident fairly and sent their stories for printing horridly without taking into consideration its effects of the honour of Islamic Republic of Pakistan on international form.

Apart from Dispute Resolution Act, 2016; which validates the jurisdiction of Jirga and “panchiat”, the upcoming impending “Rewaj Act” also contains the same provision; i.e FCR should be repealed and new “Tribal Areas Rewaj Act” enacted.

The “Jirga” system will be retained for both civil and criminal matters, where by the Judge will appoint a Council of Elders to decide factual issues in accordance with Rewaj and will pass a decree in accordance with its findings in a civil reference or pass an order in accordance with its findings and applicable law in a criminal reference”.

Report Zarsanga Attack

Zargansa an international acclaimed and a recipient of presidential pride of performance award along with her two sons and one another injured in rivals‘ attack on 22.07.2017. Honorable Member FATA when learnt the incident from her own sources, immediately took

cognizance of the occurrence and has established contacts with the following DPO Nowshera DHQ Nowshera, Family of the Singer. NCHR regional office FATA facilitated and arranged special beds in the Trauma Center before their arrival from District Headquarters Hospital, Nowshera in an ambulance. DPO Nowshera was contacted to provide proper security arrangement at their house till their dispute is resolved, to which the former agreed. Member, NCHR, FATA was at the hospital till time they were provided proper treatment and seen off to their houses.

Report- South Waziristan Current IDP Status and their Resistance to Return Versus FDMA threat to de-notify such IDPS, in case of no return

FATA Disaster Management Authority has announced that the final phase of the repatriation of South Waziristan IDPs will start from 25th July, 2017 and along also announced that those who resist to return back to their homes in South Waziristan will be de-notified meaning thereby that the ration they are getting now will be stopped. According to more than half of the IDPs strength of South Waziristan has settled themselves in Districts Tank, D.I. Khan, Lakki Marwat and also in Karachi, as well. Those who resist that there are no viable source of livelihood in their home areas coupled with their destroyed areas due to militant activities on one hand and the military operations on the other. Billions of Rupees have been earmarked and claimed to have been distributed for repatriation process but heavy corruption have cost its large chunk involving the relevant authorities meant to.

NCHR found that The FDMA has already de-notified around 65,000 Fata families (around half a million people) as IDPs. These families have taken up residence in settled areas of the country, mostly in Khyber Pakhtunkhwa. All de-notified families have submitted their voluntary return forms to the FDMA. These families received cash assistance but didn't return to native lands. The National Database and Registration Authority (NADRA) has verified a total of 71,124 displaced families.

Protection of Life- The Basic Human Right (Nisar – An Unclaimed Live Human Body)

On 25.08.2017, late evening, NCHR Regional office, FATA, Peshawar was informed that an unclaimed live human body was seen under Faqir Abad Bridge, Hashtnagri area, Peshawar. On receipt of the information, staff of NCHR Regional office FATA was deputed to check. Preliminary verbal report of the staff was conveyed to the undersigned that an elderly man around 55/60 in unconscious condition was lying under the bridge in a filthy clothes. The staff was directed that some temporary arrangements be made like mattress etc and keep the body aside of the pavement under the bridge, which was done. NCHR regional office with the staff visited the scene.. The man was then found in semi-conscious nature, dirtied, torn up clothes, a pitiable expression usually of a starving person and even his defecated potting stick to his cloths. He was weeping and wailing and his right side was found paralyzed. When the nearby shopkeepers and bystanders were asked; some of them stated that some 15/20 days ago some persons had thrown him there.

Going strictly by the nomenclature of ‘human rights’, that to save and protect life is the basic human right and service to humanity, an ambulance was arranged and he was picked and boarded therein. All social organizations including the Provincial Social Welfare Department were contacted but none was ready to rescue him from such pathetic condition and more pathetically there is no Old Age Home elsewhere in the Province. He was brought to the Regional Office, cleaned and dressed. Later on taken to Lady Reading Hospital and was shown to a Doctor in Emergency Ward. He was diagnosed a stroke paralyzed from right side admitted to a Neurology Ward and tests conducted. He is regularly taken to the Hayatabad Medical Complex for physiotherapy and lodged in the servant room of the residence of the undersigned and his health condition improved.

Comments and Recommendations

Nearly all over the world senior citizens are given special benefits not only to help them physically but apart from monetary concessions in medical, transport, etc also given considerations to keep and care them in specially established “Old Age Homes” but unfortunately in Pakistan there are no such facilities for the elder citizens‘ wherein; if they are left over by their immediate family members, shall spend their days and nights peacefully and honourably.

The NCHR is required to take up this issue as a case study with the federal and provincial governments to establish “Old Age Homes” as an incentives to the elder/senior citizens of the country.

Report on the Status of Education in FATA versus Human Rights

The report is based on analysis of the current status of education in FATA in light of constitutional provisions, Article 25-A, and Article 37-a, b, c, of the Constitution of Pakistan. The Report provides that, as per the Constitution of Pakistan Article 25-A “The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as determined by law”. But the literacy rate, as stated in the report, for a huge population of 5 million in FATA remained just 3%.

The Report Highlights that:

- i. Food insecurity is a great obstacle to education in poor backgrounds.
- ii. It is hard to know the exact budget of FATA, share of FATA in the budget is not known.
- iii. In 5994 government educational institutions, 18 percent are dysfunctional while 53 percent are lacking basic facilities like latrine and electricity is not available.
- iv. Clean drinking water is not available in 3000 educational institutions while in 2256 there is no boundary wall.
- v. From Librarians to Principals, 3368 posts are vacant
- vi. The campus of FATA University inaugurated in F.R Kohat is located at a far flung site from all tribal agencies.

- vii. JUI's (F) stakes in FATA Deeni Madaras is a hindrance in the way of FATA's merger with KPK.
- viii. The government institutions depict alarming drop out ratio in primary and secondary institutions.
- ix. 406 schools destroyed due to militancy are yet to be rehabilitated.
- x. The quota for FATA candidates on reserved seats in medical and other colleges remain the same since 2003.

Recommendations

- i. Food security should be top priority.
- ii. For a proper budget FATA has to become a province or part of a province.
- iii. Quota for the FATA candidates in educational institutions to be enhanced vis-a-vis increase in population.

Extension of NCHR Act 2012 to FATA

Article 246 of the Constitution of Islamic Republic of Pakistan well defines the parameters of "tribal areas" as federally administered tribal areas (FATA) and provincially administered tribal areas (PATA). While Article 247(3) says "No Act of (Majlis-e-Shoora (Parliament) shall apply to any Federally Administered Tribal Area and PATA. Similarly, Article 247 (7) says Neither the Supreme Court nor a High Court shall exercise any jurisdiction under the Constitution in relation to a Tribal Area, unless (Majlis-e-Shoora (Parliament) by law otherwise provides". But in the very recent past jurisdictions of the Supreme Court and Islamabad High Court are extended.

NCHR Act 2012 was enacted, NCHR approached the Additional Chief Secretary, FATA vide their letter No. 1-2/201/15 NCHR, dated 12th August, 2015 for appointment of the Justice of Peace under section 22 of the Criminal Procedure Code as in the context of Section 9 of NCHR Act Honorable Members need Power of Justices of Peace for providing relief to the people against genuine complaints of human rights' violations. But in response, FATA Secretariat had taken the plea that since NCHR Act 2012 has not been extended to FATA and as such extension of this Act with suitable amendments requires assent of the President of Pakistan under Article 247 of the Constitution. Besides under section 22 of the criminal procedure code the Political Agents of FATA are ex-officio Justice of Peace for exercising the powers under section 22-A(6) of Cr.Pc. To this the honorable Chairman, NCHR agreed to the proposal of FATA Secretariat vide its letter No. 22/Director(NCHR)/2015, dated 01st October, 2015 to the effect that summary for extension of NCHR Act, 2012 to FATA and appointment of the Member of NCHR as Just of Peace to FATA be drafted and transmitted to quarters concerned. But ultimately, FATA Secretariat in their letter vide No. FS/C-66/PRO, dated 12th November, 2015 informed NCHR that the proposal for extension of the NCHR Act 2012 and appointment of Justice of Peace in FATA was considered while taking into account the LEAs operations going on in FATA to curb the militancy and insurgency.

On 2nd August, 2017, honorable Chairman, NCHR called on Governor, Khyber Pakhtunkhwa to grant permission to the Commission to take action against violation of human rights' in

FATA and also nominate focal persons from political administrations of the tribal agencies for NCHR.

But these recent efforts were also sabotaged taken the plea, as usual, by FATA Secretariat and informed NCHR Regional Office, FATA, Peshawar telephonically that “in wake of the discussion held between Chairman, NCHR and Governor Khyber Pakhtunkhwa on 02nd August, 2017, the case for nomination of focal persons of NCHR was processed and examined. However, it was held that since the NCHR Act 2012 was not extended to FATA, therefore, such nominations of the focal persons for NCHR could not be materialized as the Political Agents were already working as ex-officio Just of Peace in FATA”.

Recommendations

When all the punitive laws have been enforced and extended to FATA with no relief of fundamental and human rights being given to FATA people, there is every likely hood that the people of FATA would further be oppressed rather mainstreaming them in absence of any relief in shape of the extension of NCHR Act 2012 under which they can only be able to have a mechanism of their complaints being redressed.. Therefore, the NCHR shall forthwith take up a case with the relevant quarters for extension of the NCHR Act 2012 to FATA enabling further that its Member FATA is appointed as Justice of Peace by the FATA Secretariat.

The Owes of the TDPS (Temporary Displaced Persons) of Rajgal Valley and Loe Shalman, Khyber Agency, FATA

Protest by TDPs Non-provision of food items In Jamrud sub-division of Khyber Agency demanded from the government to start provision of ration to the displaced families. Around 23000 families uprooted due to military operations in the valley, which have been living a displaced life. Only 1800 families were registered with relief organizations that were share injustice. World Food Programme has also closed provision of food items due to which the displaced families were faced with problems.

The elders of Rajgal Valley Residents criticized the government for its indifferent attitude towards the problems they have been suffering since last five years. Similarly, the residents of Loe Shalman (30 k.m noth of landi kotal), Khyber Agency who were ordered in late May, 2017 by the political administration to vacate their areas after shelling from across the border and are still living their displaced life as the administration feared militant attacks on nearby military installations established to check movement of suspected elements.

Recommendations

NCHR to bring the owes which are the basic human/fundamental rights violations into the notice of the relevant authorities and take it at higher forum to redress the difficulties being faced by the displaced persons on urgent basis.

Moreover, FATA Disaster Management Authority advertised an advertisement appeared in local dailies meant for the TDPs of Orakzai Agency to collect their ration items either at Kohat or at Peshawar from the places specified in the advertisement with last date being 30th October, 2017 meaning thereby giving them time margin of only one day. How the displaced

people can come to collect such items from hundreds of miles away. Further according to their (FDMA) own figures and data there is zero balance in the column of Orakzai Agency and claimed that all TDPs have been returned. This it speaks otherwise on part of the FDMA; which needs to be probed.

Islamabad Chapter

Seminar on Child Labour and Children in Modern Day Slavery

On 23rd November 2017 SPARC in collaboration with American Center for International Labor Solidarity (ACILS), Child Rights Coalition (CRC) Asia and National Commission for Human Rights Pakistan (NCHR) conducted a Seminar on Child Labour and Children in Modern Day Slavery. The event entailed a panel discussion on key issues associated with child labour and children in modern day slavery in Pakistan followed by an evocative theater performance by street children to highlight the issues of child labour. The panelists at the event included; Anees Jillani (Advocate Supreme Court & Founder of SPARC), Tahira Abdullah (Human Rights Activist), Nafisa Khattak (Member National Assembly), Chaudhry Muhammad Shafiq (Member ICT NCHR), Justice Retd. Ali Nawaz Chohan (Chairman, NCHR), Abid Niaz Khan (National Project Coordinator at International Labour Organization), Dr. Meesha Iqbal (Department of Community Health Sciences, Agha Khan University), Iftikhar Ahmad (Labour Rights Activist). The session was moderated by Sadia Husain (Executive Director, SPARC).

The seminar was conducted as part of SPARC's ongoing weekly celebrations starting from 20th, November based on the Universal Children's Day, which is globally acknowledged as a day to recognize and ensure children's rights, protection, well-being, and development. This occasion was thus chosen to highlight that child labour and children in modern day slavery continue to remain manifest problems within the context of Pakistan. According to the 2014-15 Labour Force Survey there are indicated to be 3.70 million children, between the ages of 10-17 in the workforce, of which 1.64 million are engaged in hazardous work; while earlier estimates from 2010-11 Labor Force Survey indicated 5.7 million 10-17 year olds in the workforce. In the absence of a nationwide survey these numbers are estimates and actual figures are believed to be higher. The Global Slavery Index, 2016 estimates 2.1 million people in Pakistan living under slavery making up about 1.13% of the global population. This constitutes a significant proportion of children engaged in modern-day slavery. Commencing the event Mr. Farshad Iqbal, Manager Research, SPARC highlighted the need for civil society organizations to address the issues of child labour through innovative measures in advocacy and service delivery to maximize their impact. He further asserted that integrated government poverty alleviation measures including shifts in micro-economic and macro-economic policies were the need of the hour to substantially eliminate the problems of poverty which is the salient cause of child labour.

During the seminar SPARC unveiled two of its latest researches on child labour namely; Street Children of Pakistan and A Comparison of School Dropout Rates & Child Labour in District Haripur. During the independent child labour survey in District Haripur, by SPARC it was discovered that many children were working under hazardous circumstances

in industries and establishments with an average of 12 hours of daily work for a remuneration as small as Rs 50-Rs 100 (daily). Furthermore, 86% of these children were school dropouts and 56% children had no interest in continuing their studies due to multiple reasons such as; corporal punishment, and poverty.

Speaking at the event, Mr. Hassan Mangi, Director General Ministry of Human Rights endorsed the recommendations presented by lawyers and civil society participants and emphasized the moral and ethical responsibility of every organization and every individual to work in collaboration for the implementation and embodiment of the UNCRC. Speaking on bonded labour he stressed the need for strengthening monitoring and accountability mechanisms of district vigilance committees.

Chief Guest, Justice (R) Ali Nawaz Chohan (Chairman NCHR), emphasized on the need for spearheading poverty alleviation initiatives and linking them to concerned departments for eradicating child labour and modern day slavery.

Towards the end of the event, children from SPARC's Center for Street Children (CSC) participated in a theater performance directed by TV artist Mr. Batin Farooqi to highlight the how poverty and lack of awareness leads to child labour and child marriage.

Joint Workshop for Parliamentarians, Government Officials, Media and CSOs on Child Rights & Child Protection Issues in Punjab

Child Rights Movement Punjab and Search for Justice organized 2 day joint workshop for Parliamentarians, Media, Civil Society Organizations and Government officials on Child Rights & Child Protection issues in Punjab. The workshop was held in Islamabad on 9-10 November 2017 and attended by Members of Punjab Provincial Assembly, Government officials, media and members of Child Rights Movement, Punjab.

Objective of this workshop was to contribute in better understanding of selected members of Punjab Provincial Assembly, Government Officials and media persons on priority issues related to Child Rights & Child Protection as well as to set a joint way forward to push pending legislative and policy initiatives in Punjab.

Ch. Muhammad Shafiq from National Commission for Human Rights participated as facilitator in this workshop and shared the detail role of NCHR in addressing the violations of Human Rights. He particularly mentioned the NCHR reports on Kasur pornography scandal (2015) and recent hearing of Child Sexual Abuse issue in Kasur.

Consultation on Water as a Basic Human Right and Water Crisis in Islamabad

A Consultative Meeting on "Water as a Human Right and Water Crisis in Islamabad" was hosted by National Commission for Human Rights. The Meeting was organized to have insight of the Water Crisis in Islamabad and to discuss the way forward for ensuring that the right to water is protected.

Participants included all the stakeholders who are involved in Water Governance related issues including people from MCI/CDA, Administration of Islamabad Capital Territory and representatives from civil society organizations.

The Meeting was organized around 3 Major Areas:

- a. Water as a basic Human Right – Water is essential to continuance of life and is deeply linked with other human rights. Access to water is a basic right of citizens and it is responsibility of the State to ensure that water supply reaches every person
- b. Situational Analysis – ICT – Public Representatives from Islamabad and members from civil society organizations analyzed the reasons behind the crisis.
- c. Way forward – Recommendations from the service providers, administration of ICT, civil society representatives and researchers on water.

Consultation on Child Protection Mechanisms in Pakistan

A Consultative Meeting on “Child Protection Mechanisms in Pakistan” was organized by National Commission for Human Rights. The Meeting was organized to have insight of the Child Protection Mechanisms and to discuss the way forward for ensuring protection for children in Pakistan.

Participants included all the relevant stakeholders ranging from Law experts, government representatives, media representatives, and members of civil society organizations.

The Meeting was organized around 4 Major Areas:

- a. Child Protection in Pakistan policy and practice – An overview of the policy (if any) and the practices that prevail in Pakistan for Child protection.
 - b. Child Protection Laws – A synopsis of laws related to child protection in Pakistan as well as analysis of legislations for Islamabad Capital Territory only.
 - c. Institutions of Child Protection – Review of Institutions working on child protection in Pakistan.
 - d. Way forward – Recommendations from the law experts, civil society representatives and government representatives
- ii. Recommendations for ICT Child Protection Mechanism:
- a. In addition to the provisions of the ICT Child Protection Bill, 2017 it is recommended that,
 - b. Following Punjab’s model a similar system may be set up which provides facilities of Child Protection Courts, Child Protection Institutes and Child Protection Schools.
 - c. In addition, provisions should be made for separate facilities for girls to ensure their safety.
 - d. When housing the child victims in the facilities it must be ensured that children of different age-groups are not in close quarters to ensure their complete protection.
 - e. Mechanisms for reunification with the family provided the parents are not complicit in their exploitation.

Documentary Screening on Child Trafficking and Child Labour

On August 9th 2017, NCHR hosted a panel discussion in collaboration with VISION at United Nation Information Centre (UNIC) in Islamabad. The objective of this panel was to discuss the current status of the Child Protection Bill and its comprehensiveness. The bill has

been tabled in the parliament and is awaiting to be passed as a law. VISION's rationale to have this discussion was to understand the scope of the bill and its outreach in terms of commercial sexual exploitation of children (CSEC), child sexual abuse (CSA), child slavery and its modern forms emerging from another heinous crime against children and that is child trafficking.

VISION shared with the panel and the audience a documentary that it had produced in 2010 on child trafficking from Swat in North of Pakistan to Gaddani's ship-breaking yards, (Gaddani is a coastal village in Baluchistan)

The purpose of sharing the documentary was to highlight the plight of children and their vulnerabilities, once they were taken away from their source i.e. Swat, to the destination in Gaddani; trafficking by itself being a crime exposed these children to other susceptibilities that apparently are being spelled out as a crime in the current bill. Thus, the entire spectrum of child protection was supposed to be addressed by the panel with trafficking as its backdrop in form of the documentary.

The panel was ably moderated by member NCHR, Mr. Chaudhry Shafique and was joined by Ms. Shaheen, Member National Assembly of Pakistan along with the legal expert Sharafat Ali from Ministry of Human Rights and Mr. Tahir Khilji from VISION, Pakistan. Ms. Valerie Khan was invited from the audience by the moderator to join the panel as well.

While the discussion was premised upon the issue of trafficking and how it should be dealt with, within the framework of the bill, it generated a discussion focused on other inconsistencies in the bill as well. Two major takeaways from this panel discussion were that though the bill is well intended, it needs political-will, to be pushed forward for purposes of getting it passed in both houses of Parliament-emphasizing the need of advocacy and purposeful engagement with the concerned parliamentarians, by child rights activists and second, the removal of inconsistencies within the bill-meaning that the draft needs to be revisited by the legal experts in consultation with the child rights activists for the most effective legislation on the hyper-sensitive matter of child protection.

Consultation on Countering Violent Extremism through promoting respect for Human Rights

The phenomenon of extremism is highly complex in Pakistan. In 2014 after some catastrophic events of violent extremism in the Country, National Action Plan was formulated on the basis of decisions taken by civil and military leadership to counter violent extremism in Pakistan. Almost two and a half years have been passed by since the Plan was announced as a policy agenda but the course towards achieving these goals has been partial and slow.

CVE is a prime concern these days and there is need to have a comprehensive approach towards the challenge of violent extremism, encompassing not only ongoing and essential security based counter extremism measures, but also systematic preventive measures that directly address the drivers of violent extremism at the local, national, regional and international level.

Finding the need to analyze counter extremism strategy with the lens of Human Rights and soft approaches, National Commission for Human Rights decided to organize a Consultation on CVE through promoting respect for Human Rights with all the relevant stakeholders.

Recognizing the importance of Parliament, Media, Academia and CSO's in shaping the society's overall response to human rights challenges, the consultation looked into ways and all means of chalking out future strategies and actions points for each of these stakeholders to counter Violent Extremism in Pakistan vis-a-vis human rights promotion and protection.

Seminar on Human Rights Sensitive Policing

NCHR organized a Seminar on Human Rights sensitive policing and Introduction to NCHR. More than 200 police officers responsible for directly dealing with the public attended the seminar. Seminar was chaired by Chairman NCHR Justice R Ali Nawaz Chowhan, Member ICT Chaudhry Muhammad Shafique, IG Islamabad Mr. Taimuri and SSP Operations Sajid Kiyani. It was agreed upon by the speakers that all the state organs are equally responsible for upholding the Human Rights in the country. It was also agreed upon that the importance of human rights sensitive policing in upholding rule of law and promoting respect for human rights is primary.

Orientation of NCHR Session with Child Rights Movement

Meeting with CRM was organized by NCHR for the orientation session of the NCHR and Act and the importance of NHRI. The meeting was chaired by Mr. Ch Muhammad Shafiq (Member ICT- National Commission for Human Rights). Different initiatives taken by the CRM were discussed in the meeting. The importance of working at the grass root level by strengthening the cells in local government was also discussed. While discussing the vulnerability of a child it was agreed upon the participants that a child a most vulnerable who depends on others for his needs and there is lack of ownership by state towards children. There is need that everyone should understand their responsibilities towards children and play role for the secure future.

Focused group discussion on New Dimensions to Gender-based Violence

National Human Rights Commission, on 9th October 2017, conducted a focus group discussion on gender based violence led by stakeholders and activists working on Gender Based Violence. The main aim of the discussion was to develop an understanding of the problems originating with respect to gender based violence, and identifying solutions to counter the massive threats propagating in the current stream. Apparently legislations have been approved and laws have been passed, but when it comes to the implementation stage, no landmark has been achieved. The focus group shed light on the prevailing trends with respect to Gender Based Violence and how can they be tackled.

Awareness has not reached to the level where it is impactful. We do awareness in the main cities but problem exist in the remote areas. It needs to be brought to the notice of far flung and low education areas that these issues are prevailing.

GBV issues have increased based on prevailing gender issues, trafficking of women, cybercrimes and how victim women and men are being targeted in the society.

New initiatives and partnerships are required to highlight the GBV as a human rights violation and take measures that impact the society at large for reducing tolerance towards Gender Based Violence. NCHR and human rights defenders are enthusiastic to expand their role and voice in promoting tolerance and peace through concrete programs for reducing violence.

The participants of the Focus Group Discussion agreed to enhance their collaboration and operational mechanism through future discussions and programmatic interventions.

Orientation of NCHR Act with Transgender Community Leaders

An orientation session of NCHR Act 2012 was organized for transgender community leaders. The aim was to give community leaders and opportunity to learn about NCHR mandate in order to protect the rights of transgender persons in Pakistan.

Meeting with Islamabad Police

A team led by Member ICT Ch. Muhammad Shafique, called upon the IG Islamabad to discuss the matters pertaining to a mutually beneficial working relations between ICT Police and NCHR for fostering the cause of Human Rights. The major objective of the meeting was to make policing human rights compliant. Islamabad Police was briefed about the Statute of National Commission for Human Rights, its functions, mandate and the work so far done by NCHR.

- a. To improve the institutional response by having a mechanism for regular information sharing and prompt resolution of Human Rights concerns
- b. Human Rights awareness raising, sensitization and capacity building through series of trainings/workshops
- c. Developing Human Rights training Modules.
- d. Appointment of a high ranked officer as Human Rights focal person
- e. Issuance of standing orders for various data collection form/Performa
- ii. Action Points:
 - a. Hold a Seminar on National Commission for Human Rights for sensitizing the public dealing police officials about the Institution, its functions, its mandate and introduction to the Act of NCHR 2012.
 - b. Activate the Police Bureau for data and statistics.

Minorities Chapter

Report of brutal murder of Christian student Arslan Mushtaq

After hearing the very sad news through social media about the Murder of Mr. Arslan Mushtaq, a student of 8th class, belonging to a Christian family, resident of Shiekhupura, Police station Saddar, Police Chwoki Bahoo village Jaburia, Member - Minorities visited the Shiekhupura on October 14, 2017 to see the family of Mr. Arslan Masih who was murdered by the Police officials, for condolence and to gather the facts of the incident.

Member - Minorities Mr. Ishaq Masih Naz visited the Deputy commissioner Shiekhupura (Mr. Aqim Tariq) to get the information about the actions taken by the District administration so far. Member Minorities visited the DPO Shiekupura (Mr. Sarfraz Ahmad Virik) for the follow up of Arsalan Murder case. Mr. Sarfraz Ahmad Virik explained that all the six accused persons have been arrested and they are under investigation according to the rules and regulations of the police. DPO also arranged our visit to the victim family.

Member Minorities visited the victim family at Jaburia village. Member Minorities delivered the word of condolence to the mother of Arslan and assured them that Commission will follow up this case with the investigating agencies etc and their demand of justice will be met according to the law of the land.

Member Minorities discussed about this case with the Investigation Officer Mr. Shabbir Hussain at Saddar Police station Sheikhupura. He also confirmed that all the accused people have been arrested by the police and now the case is under investigation. He assured that the investigation will be carried out only on merit.

Hyderabad Report

Member Minorities NCHR Ishaq Masih Naz visited Hari Camp Christian Colony Hyderabad and Liaquat University of Medical & Health Sciences and University of Sindh Jamshoro on 12.10.2017. The main objective of the visit was to assess the ground situation of Christian colony and give awareness on human rights.

Visit Hari Camp Hyderabad

Member Minorities visited Hari Camp (Christian Colony) Hyderabad and held a meeting with Father Shamoon Anthony Incharge Hyderabad Division Orthodox Church and Father Rahmit Masih at Hari Camp Hyderabad. Meeting was attended by Father Shamoon, Father Rehmit Masih community members Anyat Masih, Naeem Masih, Ramzan Masih and some other community peoples.

Member Minorities introduced the Commission, its mechanism and brief the purpose for setting up the commission and its role for the promotion and protection of Human Rights. After that Member Minorities visited the families of Hari camp, during visit it was observed that the drinking water is unhygienic and creates diseases of Hepatitis and Diarrhea. People are living in miserable condition and use underground tank water for drinking, the quality of drinking water is very low.

Visit to Liaquat University of Medical & Health Sciences (LUMHS)

A meeting was held with Mushtaque Ahmad Bhatti, Station Manager Community Health FM Radio Liaquat University of Medical & Health sciences, Jamshoro Sindh. Member Minorities gave briefing about the commission and its mechanism.

Mr. Mushtaque Ahmad Bhatti appreciated the commission and its steps for the promotion and protection of human rights and give briefing about the FM Radio and the role of media in promoting awareness of human rights in the country.

Visit to Mass Communication Department (University of Sindh)

Member Minorities NCHR held a meeting with Prof. Dr. Badar Soomro Chairman Department of Media and Communication Studies, University of Sindh Jamshoro. Meeting was attended by Chairman Prof. Dr. Badar Soomro, Dr. Ashothama Lohano coordinator Human Rights Commission of Pakistan, Father Shamoon Anthony and other staff members at Chairman Office.

Prof. Dr. Badar Soomro appreciated the commission and its mandate for the promotion and protection of human rights. Chairman assured the member minorities that the University Hall is open for commission for the promotion of human rights and the awareness of human rights with regarding to minorities' issues.

Chairman assured the member minorities that the University's Hall is available for commission for the promotion of human rights and the awareness of human rights with regarding to minorities issues.

Member Minorities addressed the students and said that it is our fundamental rights to work for the promotion and protection of human rights especially for minorities as every religion give the message of rights of minorities, as also guaranteed by the Islamic Republic of Pakistan.

Minorities Day Celebration 11th August 2017

The Government of Pakistan has declared 11th August as the Minorities' day in 2009. From now on this day is being celebrated every year. Approximately 90 people from civil society leaders, including Muslim, Christians and Hindus attended this program. Mr. Ishaq Masih Naz, Member Minorities narrated the history and importance of celebration of this day. Member (Minorities) also inform about the sole role of NCHR for the promotion and protection of human rights in general and minority's rights in particular.

Speeches of Participants

- **Mr. Muhammad Khalid** (Coordinator Punjab office) referred to the speech of Quaid-e-Azam on constitutional rights for minorities. He further discussed about the complaint redressal mechanism and performance of NCHR in this regard.
- **Mr. Farooq Tariq** appreciated the step of NCHR to celebrate the minorities day, according to him this will pave the way for the promotion of inter faith harmony.
- **Mr. Asif** shared his views about the role of Christian community in the formation of Pakistan. He said Christians joined Pakistan for the following reason.
 - In India we were treated as downtrodden.
 - Majority villages of our community were in Pakistan.
 - Congress did not give us the chance to contest election rather muslims facilitated us in providing basic facilities of life.
- **Ms. Riffat Maqsood** from Tameer-e-Nou Woman Worker Organization, stated that awareness is a key to survival. As for Muslim sects are concerned, they even don't have religious freedom. She said that some organization only concentrate

on the spread of religious values not on the awareness of rights.

- **Mr. Yousaf** Member of All Pakistan Federation for Christians talked about the equal rights to all citizens of Pakistan. He said Bhagat singh, the freedom fighter was also from minorities. In addition he told that Richardson AWD remains in Pakistan till he died in 1972.
- **Chaman Lal** a University Student from Hindu Community, emphasized on the role of minorities in independence of Pakistan. According to him, “National Minorities day” should be replaced with the title “National Equal Citizen Day”.
- **Pir Javeed Akbar Qadri** (Muslim Religious Leader) addressed the audience and said that Allah Almighty loves mankind more than the love of 70 mothers so why not we love each other. He explained the design of Pakistani Flag, where white color represents the minorities.
- **Pastor Ifraheem Hadeyat** (Christian religious leader), said that Allah Almighty directed us to do righteous things. Fear of God is the basic need of time. Minorities should not only criticize the present state but they should do efforts for betterment.
- **Hafiz Muhammad Numan Hamid**, Executive Director World Council of Religious Pakistan, appreciated the celebration of minorities’ day. He said that we all should be united for Pakistan rather than concentrating on internal issues.
- **Dr. Yahya Ahmad** Member NCHR KPK, shared that right after the formation of commission, the first day we celebrated the minorities day. He said Christianity is facing discrimination which should be curtailed and one important law in this regard “blasphemy laws” must not be used on religious basis.
- **Ch. Shafique**, Member NCHR ICT, in his speech reported that such events provide an opportunity to do the catharsis. State of denial is not the solution of problems as it requires social justice which is the core of all social ailments.

Visit to Ombudsman Punjab Office Lahore

Member Minorities NCHR Ishaq Masih Naz visited the office of the Ombudsman Punjab Lahore. The Ombudsman Mr. Najam Saeed, Secretary Mr. Tariq Mahmood, Registrar Nadeem Hussain Gohar attended the meeting. Member Minorities introduced the NCHR, its role and responsibilities coupled with functions for the promotion and protection of human rights.

Ombudsman Punjab appreciated the commission and its mandate for the promotion and protection of human rights and told that the Ombudsman Punjab Lahore also has the objective to provide protection to the rights of poor people. He assured that the ombudsman Punjab Lahore is standing with NCHR for the promotion and protection of Human Rights.

Registrar Nadeem Hassan Gohar told that the Ombudsman Punjab has been established to provide protection to the rights of the poor people, to ensure adherence to the rule of law, to suppress corruption, to diagnose, redress and ratify any injustice done to a person due to maladministration of the agencies. He briefed that the Ombudsman has the same powers as

are vested in a civil court under the code of civil procedure, 1908, for summoning and enforcing the attendance of any person; compelling the production of documents.

Member minorities appreciated the Ombudsman for his great sympathy and assurance that Ombudsman Punjab office is standing with the NCHR for the promotion and protection of human rights.

Visit to Labour and Human Resource Department Lahore

Member Minorities NCHR Ishaq Masih Naz along with his Coordinator and Assistant Director visited the office of the Labour & Human Resources Department Lahore and held a meeting with Secretary Labour Department Dr. Farrah Masood at his office. Secretary Labour appreciated the commission and its mandate for the promotion and protection of human rights. Deputy Secretary Rao Zahid Mahmood gave briefing about their working that effective implementation regarding child labour and bonded labour. Chief Minister Punjab took initiative to eliminate child labour throughout the province of Punjab and a comprehensive programme was launched in the year 2016.

Objective of the program

The overall objectives of the programme were to identify the child labour, their withdrawal from work place and then engage them into education.

Strategies

There were three strategies adopted to achieve the goals i.e.

- i. Survey to ascertain the quantum of child labour
- ii. Legislative framework
- iii. Awareness through print and electronic media

Tharparkar Visit Report:

Member Minorities NCHR undertook a visit to Tharparkar from October 10 to October 12, 2017. The main objective of the visit was to assess and prepare a report on the situation and issues of the minorities in Tharparkar. The visit was led by the Member (Minorities) NCHR Ishaq Masih Naz.

The objectives of the Tharparkar visit can be summed up as follows:

- i. To assess the ground situation of Minorities in Tharparkar.
- ii. To see the service and opportunities provided by the administration to minorities.
- iii. To see the mechanism of resolving the issues of minorities

Meeting with Additional Deputy Commissioner

Additional Deputy Commissioner **Mr. Khuram Shahzad** along with his staff welcomed the Member Minorities **Mr. Ishaq Masih Naz**. ADC Mr. Khuram Shahzad appreciated the steps of NCHR for the promotion and protection of human rights and presented an overall picture of Tharparkar development and minorities issues. ADC briefed that in Tharparkar all

communities live with love, there are no major issues of minority and majority regarding to their religion. All communities celebrate their religious festivals with freedom and joy.

Meeting at Mithi Bar Association

Member minorities visited Mithi Bar Council and held meeting with Bar Members. Member Bar Council appreciated NCHR's efforts and said that there are no issues on religious bases, we all live as brothers. Brotherhood is a well-known tradition of Tharparkar.

Meeting with Religious Leader (Pandat)

Pandat Ashook Kumar assured Member Minorities that we all are living with joy and celebrates our religious festivals with freedom. There are no discrimination issues, local government is with us and solve our problems. Pandat Ashok Kumar also draws the attention of NCHR to the law on Hindu community, he said that this law should be changed and the customary law should be applicable.

Meeting with local Civil Society; Sami Foundation Umerkot

The meeting was held at Sami Foundation office in Umerkot. Mir Hassan said that before 1999 there was no issues among religions but after 1999 many muslim religious organizations are established in Umerkot and peoples belong to minorities now feel insecure.

Meeting with Pandat and community people in Shive Temple (Mander) Umerkot

Following formal introduction, the Member Minorities highlighted the objectives of visit and assured them that NCHR is striving for the people of Pakistan without the distinction of cast, color or creed. Jobraj singh narrated that the people from all over the world come to attend this festival but we have still many problems. The light system of the Shive Mander is not good. The land of the Shive Mander is under the control of a group mafia.

Meeting with Civil Society Baanhn Beli Nagarparkar

Meeting was held with Mr. Ramo Mal Adminstrator Baanhn Beli Nagarparkar. Ramo Mal Adminstrator explained about Baanhn Beli and its function. He explained that the mission of Baanhn Beli is to help establish new or strengthen existing community based organization which enable equitable participation by all members of the community. He further narrated that we are working on youth trainings and Hindu marriage act.

Meeting with Civil Society Social Welfare Department Nagarparkar

Assistant director Kevil, Muhammad Qasim, Pandat Gokal, Beikh Chand batth attended the meeting. After formal introduction of NCHR from Member minorities, the Assistant Director explained that all the communities are living together. There are no religious issues; all religious groups celebrate their religious festivals with freedom.

Visit to Catholic Church and Hostel Nagarparkar

Brother Khushi Lal and Kashif Masih Hostel Incharge attend the meeting. Member Minorities gave briefing about the NCHR and visit. Brother Khushi Lal explained about the hostel, he said that we are working for the most deprived people.

Report on Situation of Minorities

The report is about minorities' role in creation of Pakistan. Minorities played vital role in the creation of Pakistan along with Quaid-e-Azam (R.A). Many minority leaders attended the Annual meeting of Muslim League which was held on 23rd March 1940, at Minto Park Lahore. In the Lahore Resolution, rights of minorities were protected by saying that cultural, political and administrative rights of minorities would be protected in those area, which Would become the parts of Pakistan.

The constitution of Pakistan 1973 guarantees fundamental rights, including equality of status, of opportunity and before law, social economic and political justice and freedom of thoughts expression, belief, faith, worship and association , subject to the law and public morality” to its citizens. All of the article related to minorities, minorities rights Article 20 is of prime significance. Article 36 is also regarding minorities' rights.

The report discuss the Services of Minorities in different departments and sectors e.g. Judiciary, Education, Pakistan Air Force, Pakistan Army, Pakistan Navy, Civil services and police, Sports.

Recommendations

- i. The Articles 41, 91 to be amended in the Constitution of Pakistan 1973 and permission should be granted to non-Muslim /minorities to become President and Prime Minister of Pakistan.
- ii. Articles 227, 228 should be amended in the constitution so participation of Religious Minorities to be ensured in the Council of Islamic Ideology.
- iii. Article 203-D to be amended and Minorities community members should also be appointed as judges of Federal Shariat Court.
- iv. Laws regarding Blasphemy should be amended to ensure that the law is not misused for personal gains, revenge against minorities or any citizen of Pakistan.
- v. A District Religious Dispute Resolution Board should be established, representing all religious communities and religious sects of the respective areas of the District. It should scrutinize, analyze and resolve all the religious dispute and conflicts.
- vi. Recommendation of judicial inquiry of Gojra incident should be implemented in totality at all levels in the provinces.
- vii. The content of the text books should continue be revised and produced by professionally trained academics/ writers to ensure good pedagogy.
- viii. Special quota should be granted to religious minority students to get admissions in colleges and universities
- ix. Special Police Force should be established with the professional training to protect the police of worship of minorities.

- x. Minorities should be granted permission to participate in democratic process and members of National and Provincial Assemblies should come through election process rather than selection.
- xi. Laws of state should be emended in accordance with the creed and faith of minorities.
- xii. Laws should be made to stop forced conversion of minorities in Pakistan.
- xiii. Religious discrimination of any type should be stopped to ensure equal rights and participation of minorities in establishment and development of Pakistan.
- xiv. Articles 20 and 36 of constitution of Pakistan are of great significance and importance, therefore we recommend the full implementation of these articles for protection of minorities in Pakistan.
- xv. We recommend abolition of policies styled on the religious basis for example granting of 20 extra marks for the ability to memories the Holy Quran by heart (Hafiz), six month rebate to prisoners on learning the Holy Quran and visit of the Government functionaries to religious sites on the government expenses. Otherwise Minorities should also be given same rights and privileges.
- xvi. It is recommended that the Government should constitute a task force tasked with developing a strategy of religious tolerance.
- xvii. It is also recommended that appropriate curricula should be developed at school and collages level to promote a culture of religious and social tolerance.
- xviii. Government should take appropriate steps to ensure that speeches in social media were discouraged.

Toba Tek Singh Fact Finding Report

Unfortunate incident had taken place in Toba Tek Singh Mubarakabad Colony (Basti) on the Eve of Christmas, when all Christians Community throughout the world was celebrating the blessed occasion of Jesus Christ Birthday. A very heart breaking news appeared on TV Screen that at least 41 people meet with death as a result of consuming toxic alchohol on the Eve of Christmas.

A letter was issued by Chairman NCHR to Member Minorities along with letter issued by Ministry Human Rights to conduct fact finding inquiry on the tragic incident of consuming toxic liquor on the eve of Christmas. After going through all facts, figures and meeting with Victim families, they are of the opinion that:

- i. Government should take stepsto ensure that Alcohol or Methanol spirit is not sold without authorized license from concerned Authority.
- ii. Step should be taken for the compensation to victim families by providing them Jobs, Free Education, Medical Treatment and Financial support.

Brutal Murder of Sharoom Masih

Unfortunate incident had taken place in MC High School Borewala District Vahari where sharoom masih was beaten to death by his classmate Ahmad for drinking water from the same glass. A letter was issued by Honorable Chairman NCHR to Member Minorities to conduct fact finding inquiry on the tragic incident of Sharoom Masih Murder. Member Minorities

Ishaq Masih Naz along with his coordinator visited the office of SDPO Borewala to inquire about the incident. A message of consolation from the Holy Bible was given to the victim Family and prayer was held for the family. Member Minorities Ishaq Masih Naz also assured the family that the NCHR will stand with them in the fight for justice. On the basis of the discussion and findings of this report, the following recommendations are being made:-

- i. The unfortunate incident of Borewala, District Vehari must be taken seriously and the needful action should be done without any further loss of time.
- ii. Action should be taken against the persons who have been held responsible for commission and omissions.
- iii. Human Rights education should be taught as a subject in schools from primary to university level.
- iv. A lecture of brotherhood and ethics should be given in schools regularly.

Visit to Prisons:

The Minorities office has visited 7 prisons named District Prison Kasur on 23.08.2017, Central Prison Faisalabad on 24.08.2017, District Prison Okara on 29.08.2017, District jail Sheikhpura on 21.10.2017, Central Prison Haripur on 30.11.2017, Central Prison D.I.Khan on 08.12.2017 and Central Prison Mach on 17.01.2018 around the Pakistan.

Main objectives of visits were:

- To see the role of administration and treatment of jail administration in the frame work of rehabilitative and reformatory activities given to the prisoners, especially minorities prisoners.
- To oversee the infrastructure provided by the jail authorities to the prisoners.
- To know about the vision and mission of Jail authorities.
- To monitor the behavior of jail inmates.
- To check the service and opportunities provided to the convicts by the jail authorities.
- To know about the security system of the jail premises especially for the prison of blasphemy.
- To observe the responsibilities of jail authorities towards the prisoners.
- To establish liaison with prison administration for the promotion and protection of Human Rights in prisons.
- To act like a bridge between social sector organization and prison admin to take the reformatory measures for the vulnerable group i.e. juvenile, women with children minorities and foreigners apprehended in prisons.
- To study the case of minorities prisoners with the special focus on the protection of their rights.

Visit to Social Welfare Complex:

Member Minorities NCHR Ishaq Masih Naz along with Coordinator Aamir Sattar and Assistant Director Tehreem Fatima visited the Social Welfare Complex Lahore and held a meeting with Principal Hafiz Muhammad Akram at his office on 04.12.2017. Hafiz Muhammad Akram warmly welcomed the member minorities. Member Minorities introduced the role and responsibilities of NCHR couple with functions for the promotion and protection of human rights.

Hafiz Muhammad Akram appreciated the commission and its mandate for the promotion and protection of human rights. Principal gave briefing about their working and told that the Social Welfare Complex also has the objective to provide protection to the rights of poor people. He narrated that our mission Statement is “ *Striving to attain the ultimate objective of a Welfare state according to the collective Social & Ethical aspirations of the people; Free from exploration, Deprivation & Discrimination*”.

Mr. Muhammad Akram showed the whole complex and gave briefing about it. Social work Training Institute established in 1989 with the rigorous efforts of Mrs. Shaheen Attiq ur Rehman. She had great contribution in Social Welfare Department.

Bethel Memorial Methodist Church, Quetta

Unfortunate incident had taken place in “Bethel Memorial Methodist Church” Quetta on 17.12.2017 when church members were celebrating the blessed program/ occasion of Jesus Christ Birthday.

On 18.01.2018 Member Minorities NCHR Mr. Ishaq Masih Naz along with coordinator Mr. Aamir Sattar and Assistant Director Ms. Tehreem Fatima visited the “Bethel Memorial Methodist Church”, Quetta to visit the victim families for condolence. During this visit meeting was held with Member Provisional Assembly (MPA) Baluchistan Mr. William John Barkat, Pastors, Church Management committee and victim families.

Objective of the visit were:

- i. To pay the heartiest condolence to the victim families of Bethel Memorial Church.
- ii. To condemned the brutal attack on minorities.
- iii. To see the role of Provincial Government in compensation of damages to the victims of Quetta church attack.
- iv. To observe the role of local administration to overcome the security threats of churches in future.
- v. To implement the mandate of NCHR for the promotion and protection of Human rights.

Request for Action against Bishop Sadiq Daniel and Salvation from his Crimes

1. Upon receipt of letter F.No.2(168)17-complaint (NCHR) vide dated 16th May 2017 along with letter F.NO.9(5)2017-AD(HR-I) dated 27th March 2017 issued by Ministry

of Human Rights on the above captioned subject to be examined and a report be furnished to the same for disposal of the case.

2. Member Minorities was desired by the Honorable Chairman of NCHR for disposal of redressed filed by one (Ghazala Parveen) for initiating action against Bishop Sadiq Daniel and salvation from his crimes.
3. Member Minorities has gone through complaint as well as the documents annexed with the complaint thoroughly. It was found that the complainant as well as the Bishop Sadiq Daniel are intermingled with each other by registering FIRs which are on the record and the matter regarding the same are sub judice before the competent Courts including Honorable High Court Sindh.
4. Keeping in view the above it would not be appropriate to take the machinery of Law through NCHR into the motion in the presence of alternate, speedy and efficacious remedy available to the complainant. Therefore summoning of the respondent (proposed accused persons) in the instant case would be a futile exercise as the cases are between the parties have already been sub judice and it would be more appropriate that the complainant should be advised to approach competent forum for redressed of her grievances.

TRENDS OF HUMAN RIGHTS VIOLATIONS 2017

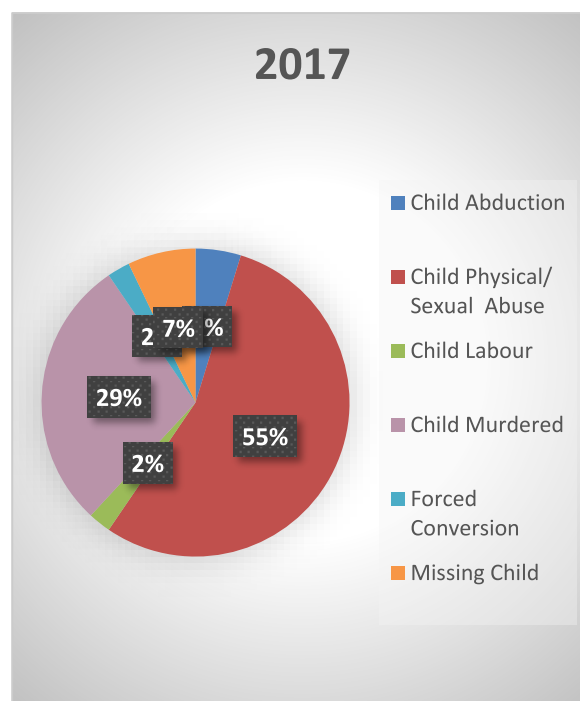
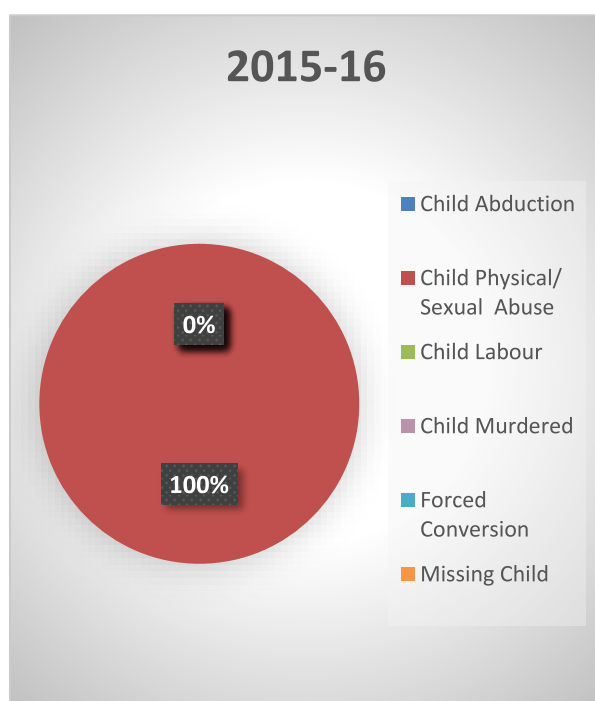
The year 2017 will be remembered as one of the gruesome and torturous for the children of Pakistan as there was an unmitigated wave of horrendous crimes against children such as rape and murder. The Commission also observed a disturbing increase in the complaints of child rights violations, particularly regarding physical and sexual abuse against children with 23 complaints received in this category.

The vulnerabilities of women and the deficiencies of social, administrative and legal mechanisms to provide security to them in Pakistan were repeatedly highlighted throughout the year. There was a general increase in the complaints of violence against women received by the commission. However, most alarming were the incidents of honour killings of women wherein 17 complaints were received in 2017 as against 02 complaints in 2016.

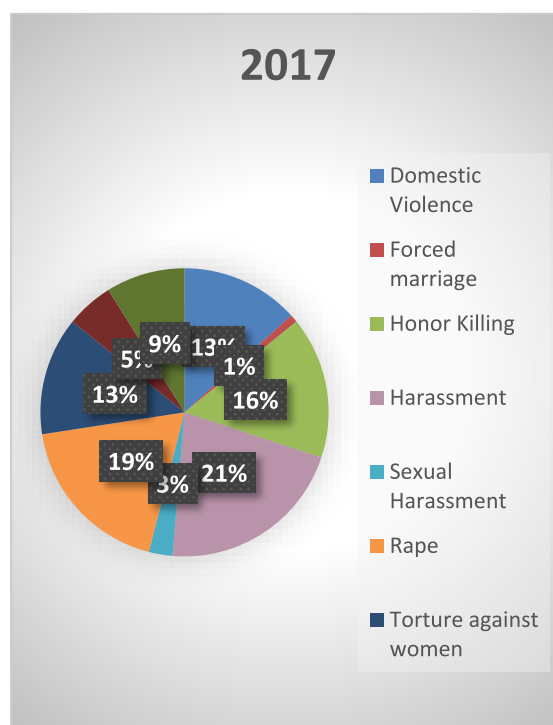
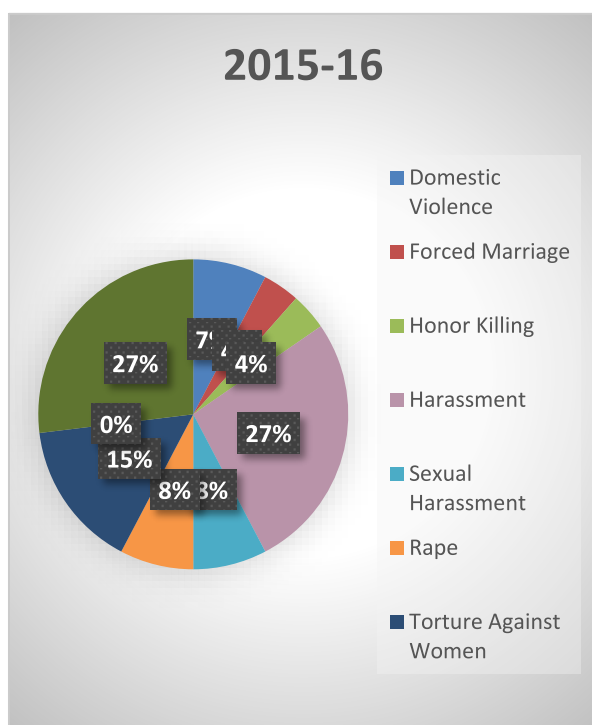
The role of police in the protection of human rights continued to be a significant challenge for human rights organizations and workers. NCHR was in the forefront of engaging and sensitizing police on various dimensions of human rights. However, the complaints against police in 2017 maintained the trends of 2016 with police inaction and abuse figuring prominently. However, there was a sharp increase in the complaints regarding police torture which spiked from 1 in 2016 to 19 in 2017.

The unfortunate trend of enforced disappearances continued in 2017 as Commission received 15 complaints in this category besides receiving 27 complaints of missing persons. The rising intolerance in society, reflected in various tumultuous events of 2017, was also affirmed by the 54 complaints of threat to life.

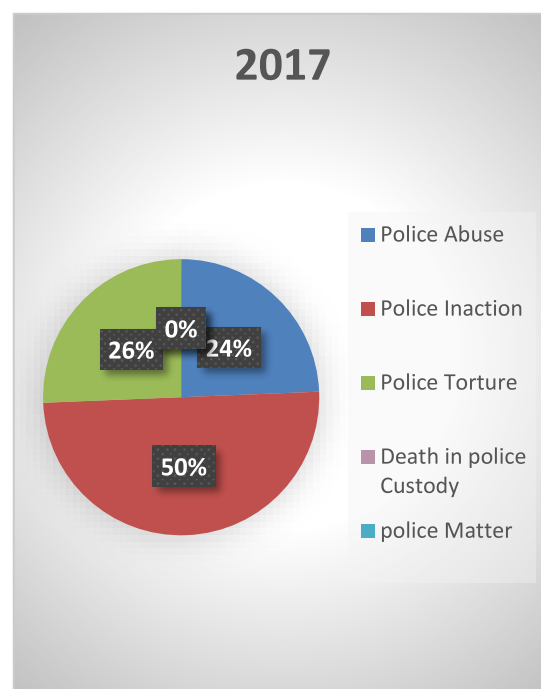
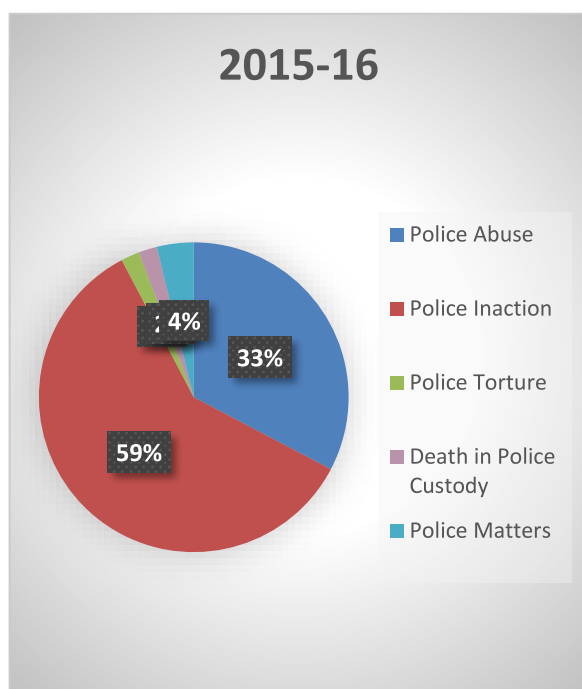
CHILD CATEGORY			
Sr. No.	Category	2015-2016	2017
1.	Child Abduction	0	2
2.	Child Physical/ Sexual Abuse	5	23
3.	Child Labour	0	1
4.	Child Murdered	0	12
5.	Forced Conversion	0	1
6.	Missing Child	0	3



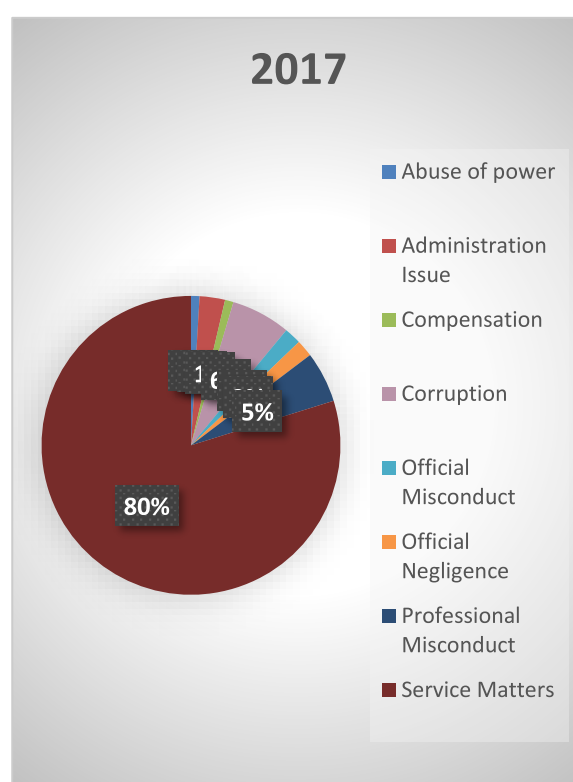
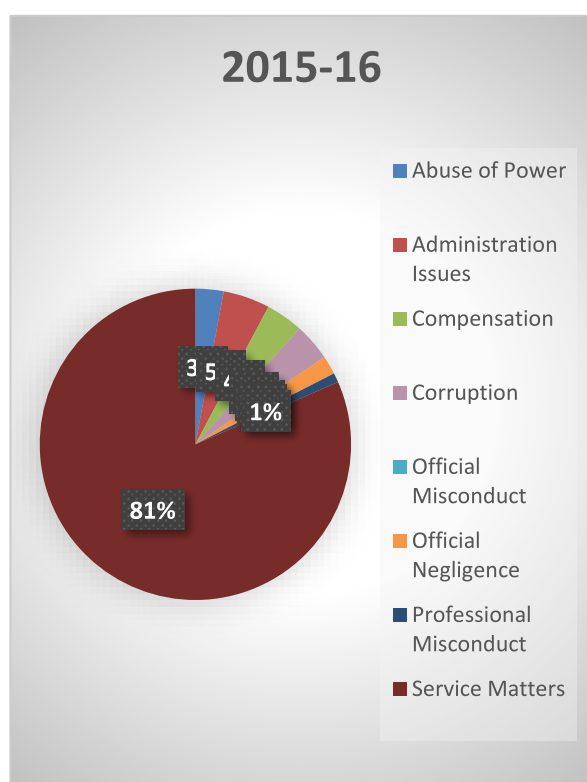
WOMEN			
Sr. No.	Category	2015-16	2017
1.	Domestic Violence	4	15
2.	Forced Marriage	2	1
3.	Honor Killing	2	18
4.	Harassment	14	24
5.	Sexual Harassment	4	3
6.	Rape	4	21
7.	Torture Against Women	8	15
8.	Women Abduction	0	6
9.	Women Murdered	14	10



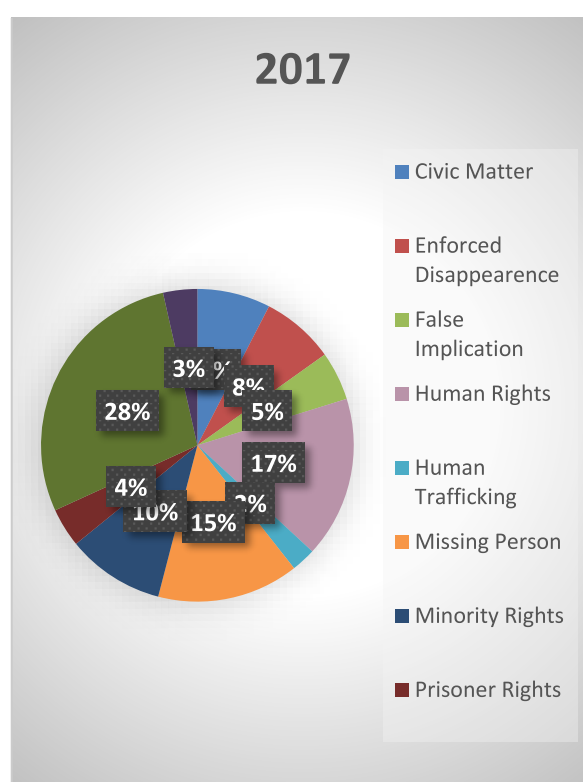
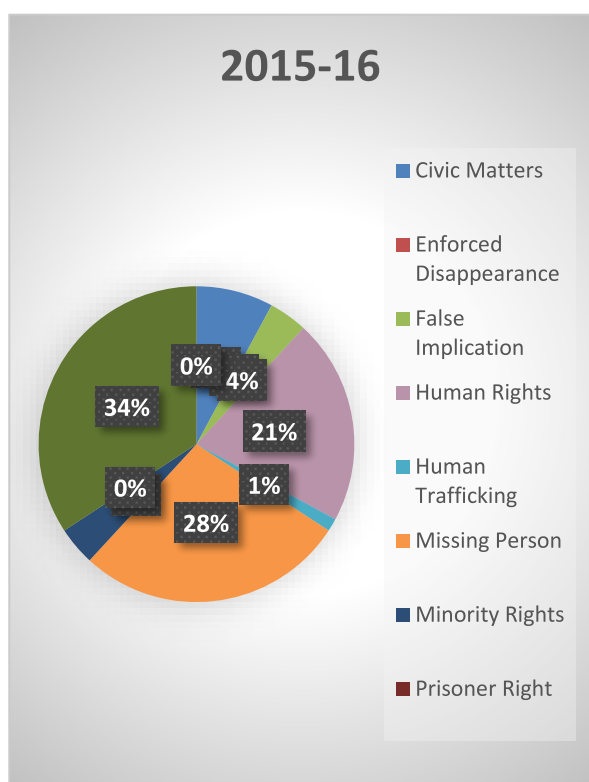
POLICE MATTERS			
Sr. No	Category	2015-16	2017
1.	Police Abuse	17	19
2.	Police Inaction	31	39
3.	Police Torture	1	20
4.	Death in Police Custody	1	0
5.	Police Matters	2	0



SERVICE MATTERS			
Sr. No	Category	2015-16	2017
1.	Abuse of Power	3	1
2.	Administration Issues	5	3
3.	Compensation	4	1
4.	Corruption	4	7
5.	Official Misconduct	0	2
6.	Official Negligence	2	2
7.	Professional Misconduct	1	6
8.	Service Matters	84	87



Others			
Sr. No	Category	2015-16	2017
1.	Civic Matters	6	15
2.	Enforced Disappearance	0	15
3.	False Implication	3	10
4.	Human Rights	16	33
5.	Human Trafficking	1	5
6.	Missing Person	21	29
7.	Minority Rights	3	20
8.	Prisoner Right	0	8
9.	Threat to Life	26	56
10.	Transgender	0	7



PLAN OF ACTION – 2018

Strategic Priority #1: Spreading Human Rights Education

Sr. No	Key Targets	2018
1	Training of Police Trainers	
2	Support in Development of Human Right Education Curriculum	
3	Review of Education Curriculum	
4	Development of Key messages for Media	

Strategic Priority # 2: Addressing human rights violations: Complaint handling and investigations

Sr. No	Key Targets	2018
1	Develop an investigation unit with staff specialising in human rights investigation.	
2	Develop a task force on Enforced disappearances	

Strategic Priority # 3: Enhancing Pakistan compliance with international human rights obligations

Sr. No	Key Targets	2018
1	Follow-up plan on recommendations from treaty bodies	

Strategic Priority # 4: Reviewing of national legal framework to increase protection and promotion of human rights

Sr. No	Key Targets	2018
1	Development of National Framework on Human Rights	
2	Support the interventions, to develop preemptive measures to ensure a more effective government response to human rights violations	
3	Input to Parliament	

Strategic Priority # 5: Addressing Marginalization and Vulnerabilities

Women's Rights

Sr. No	Key Targets	2018
1	Collaborate and work closely with women's rights organisations	
2	Identify legislative needs and recommend to government to enact increase protection and promotion of women's rights in line with constitutional provisions and international standards	
3	Review current status of gender mainstreaming within government policies and provide recommendations for further strengthening;	
4	Conduct instant inquiries on cases and reports of violence against women.	
5	Coordinate and work closely with National Commission on Status of Women and Provincial Commissions on the Status of Women for protection and promotion of the rights of the women.	

Children

Sr. No	Key Targets	2018
1	Consultations with stakeholders	
2	Partnerships with Child Rights organisations	

Minorities

Sr. No	Key Targets	2018
1	Monitoring of Supreme Court Verdict on minorities' Rights	
2	Partnerships and Engagement with Minorities' Rights organisations	
3	Prompt investigations into case violations of minorities' rights	

Labour Rights

Sr. No	Key Targets	2018
1	Consultations with Stakeholders	
2	Advisory Group on Labour Rights	

FINANCIAL REPORT 2016-17

National Commission for Human Rights

Detail of Budget Release and Expenditures

Pak Rupees in million

FY- 2016- 17		
Gop	Donors	Total

Opening Balance

0.100	-	0.100
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Budget Releases /
Receipts

119.410		119.410
119.510		119.510

Expenditures

Salaries			59.169		59.169
Computers			4.463		4.463
Machinery & Equipment			5.484	-	5.484
Furniture			5.333	-	5.333
Vehicles			3.372	-	3.372
Operating Expenses			40.936	-	40.936
Advances / Imprest A/C			-	-	-
Total Expenditures			118.757	-	118.757
Lapsed GoP amount	-	0.653	-		0.653

Closing Balance

-	0.100	0.100
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Annexure-I



SECRETARY

Tel: 9210277
Fax: 9203104

GOVERNMENT OF PAKISTAN
Ministry of Commerce

Islamabad, the 1st March 2018

Hon'ble Justice *Chouhan Sahab* 

Thank you very much for your good wishes for Pakistan's success in case of GSP+. It was a very well coordinated team-work which helped us contest the country's case.

The National Commission for Human Rights has been able to get recognition internationally. It helped us create a better narrative for the country.

With profound regards,

Sincerely



(Mohammad Younus Dagha)

Hon'ble Justice Ali Nawaz Chouhan,
Chairman,
National Commission for Human Rights,
5th Floor, Evacuee Trust Building,
Agha Khan Road,
Islamabad.

Fundamental Rights enshrined in the Constitution of Islamic Republic of Pakistan (Articles 8 to 28)

Article 8: Laws inconsistent with or in derogation of fundamental rights to be void.

Article 9: Security of person.

Article 10: Safeguards as to arrest and detention

Article 10A: Right to fair trial:

Article 11: Slavery, forced labour, etc. prohibited

Article 12: Protection against retrospective punishment

Article 13: Protection against double punishment and self incrimination.

Article 14: Inviolability of dignity of man, etc.

Article 15: Freedom of movement, etc.

Article 16: Freedom of assembly.

Article 17: Freedom of association:

Article 18: Freedom of trade, business or profession.

Article 19: Freedom of speech, etc.

Article 19A: Right to information:

Article 20: Freedom to profess religion and to manage religious institutions.

Article 21: Safeguard against taxation for purposes of any particular religion.

Article 22: Safeguards as to educational institutions in respect of religion, etc.

Article 23: Provision as to property.

Article 24: Protection of property rights.

Article 25: Equality of citizens.

Article 25A: Right to education:

Article 26: Non-discrimination in respect of access to public places.

Article 27: Safeguard against discrimination in services.

Article 28: Preservation of language, script and culture.

