



Sindh Human Rights Commission

**Annual Report
2016**

Government of Sindh



Abbreviations

Foreword

Executive Summary

Chapter 1

Sindh Human Rights Commission

Introduction

Initial Phase

Gender Equity Program: Background

Gender Equity Program Component at the SHRC

Chapter 2

SHRC and the Current Context

Chapter 3

SHRC Activities 2016

1. **Inquiry in to Human Rights Cases**
 - Human Rights Cases in 2016
2. **Policy Advise and Law Review**
 - Sindh Protection of Human Rights Act 2011
 - Laws Safeguarding Women's Right
3. **Human Rights Literacy and Capacity Building of Institutions**
 - Gender Sensitization and Human Rights
 - Human Rights Compliance Reporting
 - Capacity Building of Roshni Helpline and Panah Shelter Home
 - Support to War Against Rape (WAR)
 - Linkages with Civil Society Organisations

Chapter 4

Pakistan's International Commitments

Human Rights

Labour Rights

International Environmental Agreements

Chapter 5

Challenges faced by SHRC and Recommendations

Annexures

Sindh Protection of Human Rights Act 2011

Rules of Business of SHRC

Profiles of SHRC Members

List of Activities 2016

Abbreviations

AF	Aurat Foundation
ASP	Additional Superintendent of Police
CAT	Convention Against Torture
CEDAW	Convention on Elimination of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DevCon	Development Consultants
DIG	Deputy Inspector General
DRI	Democracy Reporting International
GBV	Gender-Based Violence
GEP	Gender Equity Program
GSP +	Generalised System of Preferences Plus
IBA	Institute of Business Administration
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IEAs	International Environmental Agreements
ILO	International Labour Organisation
MALC	Marie Adelaide Leprosy Centre
MPA	Member Provincial Assembly
NCHR	National Commission for Human Rights
NHRIs	National Human Rights Institutions
NSCW	National Commission on the Status of Women
PACC	Pakistan American Cultural Centre
PILER	Pakistan Institute of Labour Education and Research
PMU	Programme Management Unit
PPC	Pakistan Penal Code
PPP	Pakistan Peoples Party
SHRC	Sindh Human Rights Commission
SIUT	Sindh Institute of Urology and Transplantation
SOP	Standard Operating Procedure
SMBB	Shaheed Mohtarma Benazir Bhutto
SPO	Strengthening Participatory Organisation
SSP	Senior Superintendent of Police
SZABIST	Shaheed Zulfiqar Ali Bhutto Institute of Science and Technology
TAF	The Asia Foundation
TCEP	The Consumer Eye Pakistan
UPR	Universal Periodic Review
USAID	United States Agency for International Development
WAR	War Against Rape

Foreword

I am pleased to share the third Annual Report of the Sindh Human Rights Commission (SHRC) for the year 2016. The Commission was able to move forward with its mandate and gained trust and credibility of the stakeholders. The Commission achieved progress in the delivery of tasks it is entrusted with, particularly the inquiry in to the human rights violation cases and the review of laws. This was made possible through the hard work of our member Mr. Hassan Shah Bokhari who was handling the cases as of *suo moto* and complaints and the staff working with him. Further unrelenting support of many civil society organizations and the financial support provided by the Aurat Foundation (AF) under the USAID-funded Gender Equity Program (GEP) made it achievable. The Commission handled, up to date, more than 400 cases.

The year 2016 went very hectic in pursuit of fruitful activities. The entire SHRC team put in a lot of effort to successfully implement the GEP project activities along with other functions. The Commission received a higher number of complaints pertaining to human rights violation than it received last year. We undertook a significant number of *suo moto* cases. The task of policy advice and law review brought the Commission in close contact and productive interaction with a number of legal experts, human rights activists and dynamic civil society organizations.

I can say that our great achievement has been the review and the proposed amendments to the Sindh Protection of Human Rights Act 2011 which the Commission was able to complete by December 2016, through several consultations with legal experts. Now the draft is being discussed with MPAs and finalized. We hope to present it to the legislature for approval soon.

The year 2016 went very hectic in pursuit of fruitful activities. The Commission received a higher number of complaints pertaining to human rights violation than it received last year. We undertook a significant number of suo moto cases.

During the year, the Commission facilitated a number of government officers in acquiring knowledge of human rights protection laws and procedures, and built the capacity of relevant stakeholders for improved protection and service delivery to the victims of human rights violation. In March 2016, the SHRC met the members of the European Commission and had three-hour session discussing the conditions of Human rights in the Province, in the backdrop of the GSP Plus Conventions. It was a satisfactory meeting.

We are thankful to the Government of Sindh for enhancing the Grant-in-Aid to forty million rupees which enabled the Commission to pay off all outstanding arrears. Some institutional constraints still remain with us but we hope to get these resolved also. We hope the amendments in the Sindh Protection of Human Rights Act are approved and the Commission is empowered fully to pursue its mandate.

My deep gratitude goes to the civil society organisations that partnered with the Commission and provided moral, technical and financial support to us. I am also grateful to all the experts who have been constantly providing support to the Commission whenever approached. Lastly, Chief Secretary, Secretary Law and members Sindh Assembly have been very cooperative and receptive to the Commission's needs and desire to expand its work. We hope our positive partnership with all these actors continue in years to come.

Justice (Rtd.) Majida Razvi
May 2017

Executive Summary

The Sindh Human Rights Commission, a statutory body with a mandate to provide for protection of human rights in the province of Sindh, is empowered to inquire in to cases of human rights violations, suo moto or on complaints, recommend remedial measures, review laws, facilitate human rights institutions and promote human rights literacy among stakeholders.

This report documents the tasks undertaken and accomplishment achieved by the Sindh Human Rights Commission during January to December 2016.

The main tasks in the year 2016 were supported by a sub-grant received through the Aurat Foundation from its USAID-funded Gender Equity Program that facilitated women's access to justice and fundamental rights, while combating gender-based violence (GBV). During the year, the Commission also received Grant-in-Aid from the Government of Sindh for administrative cost and the salaries of the basic staff.

In the year 2016, the SHRC undertook inquiry in to 187 cases of human rights violation identified in 28 districts of Sindh. Of these, 87 were taken as response to the applications filed by the affected persons or family members at the SHRC office. Inquiries were sought in to 100 suo moto cases on the basis of media reports or the alerts by the Commission's Members, focal persons or the SHRC's partner civil society organisations. The cases related to domestic violence, rape, honour killing, extra-judicial killing, illegal arrest, murder and attempted murder, child marriage, inhuman treatment due to mental illness, discrimination on the basis of religion, loan and property disputes. The SHRC developed a database of human rights case it disposed of, or facilitated in to the judicial process.



During 2016, the SHRC team visited Hyderabad, Mirpurkhas, Umerkot, Thatta Sukkur, Shikarpur, Jacobabad, Khandkot and Ghotki districts and met with the victims of human rights violation, gathered information on the cases, visited Session and District Courts and police stations, held consultations with the judges and police officials, paid surprise visit to the women's shelter and briefed the communities, the civil society organisations, the media and other stakeholders on the Commission's mandate and the services it provides to the citizens.

During 2016, the SHRC team visited Hyderabad, Mirpurkhas, Umerkot, Thatta Sukkur, Shikarpur, Jacobabad, Khandkot and Ghotki districts and met with the victims of human rights violations.

Policy advice and review of laws is one of the key mandates of the SHRC. In 2016, the Commission reviewed the Sindh Protection of Human Rights Act 2011 under which the Commission was established. The law has certain gaps and shortcomings which impede full empowerment and effective functioning of the Commission. With a view to improve the law to enhancing the scope of the Commission, the SHRC organized four consultations in 2016 with stakeholders that included parliamentarians, renowned lawyers and judicial experts, and human rights activists. The Sindh Protection of Human Rights Act 2011 was reviewed and recommendations solicited for possible amendment of the law. By December 2016, the SHRC had framed the draft recommendations which would be submitted to the provincial assembly for approval in near future.

Under the GEP project the SHRC provided input to and facilitated the process of review of a number of pro-women laws. During the year, four consultations with stakeholders on Legal and Procedural Gaps in Laws, Advocacy and Recommendations were held. The objective was to identify legal and procedural gaps in laws enacted during the last several years to protect fundamental rights of women. The evidence suggests the laws have not been fully effective due to lacunae in the texts or lack of adequate provisions in the law as well as in the rules. The consultations aimed to come up with recommendations for possible amendments in the Criminal Law Amendment Act 2004 (pertaining to honour crimes), Protection of Women Act 2006, Protection against Harassment of Women at the Workplace 2010, Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 (pertaining to forced marriages in the name of custom); and Acid Control and Acid Crime Prevention Act 2010.

The Commission also discussed the Sindh Hindus Marriage Act, 2016, Child Marriage Restraint Act 2013 and the Cyber Crime Bill. The focus of the Commission in law reforms was to ensure that provisions adhere to human rights values given the restrictions inherent in the local context and realities.



Sindh Human Rights Commission

Introduction

The Sindh Human Rights Commission is a statutory body with a mandate to protect fundamental human rights in the province of Sindh, as enshrined in the Constitution of the Islamic Republic of Pakistan.

The Commission is empowered to hold inquiry, *suo moto* or on a petition, into cases of human rights violations, recommend to the government remedial measures, review policies and legislation on human rights protection from perspective of human rights, undertake research and promote awareness of laws, procedures and safeguards available for human rights protection. The Commission is also mandated to visit government facilities and institutions (i.e. jails, shelters) to review living conditions of inmates and make recommendations for improvements.

Established in 2013 under the Sindh Human Rights Protection Act 2011, the Commission functions under the Sindh Human Rights Commission Rules 2013. The Commission's pursuit of its mandate is rooted in a firm belief on 'Justice for All'. The Commission aims to enable "a society free of violence, extremism and have an environment of peace, interfaith harmony and justice."

The Commission is led by a Chairperson and supported by six members. The qualification of the Chairperson, as stated in the Sindh Human Rights Protection Act 2011, is that of a retired judge of High Court. Out of six members, two are full-time members qualified as District and Sessions Court judges. Two Members come from the Provincial Assembly and two are drawn from the civil society. As per law, the Chairperson's and members' terms span three years. The current Chairperson SHRC, Justice (R) Majida Razvi, is serving her second term as the Commission's head. The Commission is supported by a skeleton staff which takes care of administrative work and documentation.

The Commission receives Grant-in-Aid from the Government of Sindh. This is a non-regular (non annual) system of disbursement that has so far mainly supported the salaries of the Commission's Chairperson and the members, and the regular running of the office.

The SHRC's major areas of activities in year 2016 could be described in four broader categories:

1. Inquiry in to Human Rights Cases
2. Policy Advise and Law Review
3. Capacity Building of Human Rights Institutions
4. Linkage Building with Stakeholders

The Commission draws support from short-term projects to pursue its mandate. Advocacy, networking and research activities are funded by short and medium term projects undertaken by the Commission. Currently, a Gender Equity Project staff, comprising a Manager, Advocacy and Communication Officer, a Researcher, Finance/Admin person, and a data collector, is responsible for implementing the project activities.

Initial Phase

The Rules of Business for the Commission were notified in December 2013 and the Commission's office was set up in the Sindh Secretariat in January 2014 with the Grant-in-Aid provided by the Ministry of Law.

Initially in the year 2014, the SHRC drew cases from the local media focusing on reports of human rights violation and took up *suo moto* cases where relevant. Simultaneously, the Commission embarked on an outreach campaign and disseminated information to the civil society about the Commission's mandate and functioning through workshops, seminars and press conferences. Soon the Commission started receiving human rights violation complaints of honour killings, missing persons, abusive treatment, kidnapping and abduction, rape, murder, discrimination against religious minorities, and child abuse cases from various districts of the province. Till December 2014, the Commission had received, took care of, and monitored, 31 cases of human rights violation.

Around this period, the SHRC visited and inspected jails, hospitals and Darul Aman (shelter for women) facilities run by the Sindh Government, drought-affected areas in Thar district and the *Imambargah* and *Mandir* destroyed by extremist elements, met the affected persons and held meetings with the minority communities and gave recommendations to the Government.

In 2015, the SHRC's activities expanded to reviewing draft bills and laws related to human rights, and formulating recommendations. The Commission contributed in proposing reforms in the Cyber Crime Bill, Child Marriage Restraint Act 2013 and future strategy on *jirga* as alternate dispute resolution mechanism. As a result of the Commission's outreach campaign, a large number of applications of human rights violations were received. During the year, the SHRC dealt with 125 cases of human rights violations, including *suo moto* cases.

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In the last quarter of 2015, the SHRC approached the Aurat Foundation for a sub-grant from its USAID-funded **Gender Equity Program** that aimed to advance human rights and women empowerment. The agenda of facilitating women's access to justice and fundamental rights, while combating gender-based violence (GBV), fitted well in to the Commission's mandate. The Sindh Human



Rights Commission's proposal aiming at institutional strengthening of the Commission was accepted and a 15-month (Feb 2016 - Apr 2017) grant was provided to the SHRC.

Gender Equity Program (GEP): Background

In support of the Government of Pakistan's gender policies (National Plan of Action for Women, National Policy for Empowerment and Development of Women, and Gender Reform Action Plans) the Aurat Foundation has been implementing a six-year Gender Equity Program since August 2010 with financial support from the USAID. The program aims to enhance gender equity through women's improved access to justice, empower them through knowledge of their rights and opportunities, combat gender-based violence and strengthen the capacity of organizations that advocate for human rights and the elimination of GBV.

The GEP awarded a set of sub-grants for piloting seamless service delivery to survivors of GBV through relevant linkages, including shelters and helplines. The support aimed to strengthen the systems and services already in place, link them together, increase their outreach, efficiency and effectiveness.

The SHRC, as one of the sub-grantees was thus enabled to approach gender based violence in a systematic and holistic manner, track survivors and support their needs towards legal advocacy and access to justice.

Gender Equity Program Component at the SHRC

The GEP grant covered both institutional strengthening of the SHRC as well as the activities carried out in pursuit of the Commission's mandate. A project management unit (PMU) was established at the SHRC office in Sindh Secretariat and the necessary staff (Manager, Admin & Finance Officer, Office Assistant and Data Collector) recruited in February. The SHRC team was introduced to the concept of gender-based violence and provided an understanding of the database of the Gender Equity Program Project Grant Cycle 9A, along with other hub partners in a meeting held at the Aurat Foundation on 25 February.

During the project period (Feb-Dec 2016) covered in this annual report, the SHRC team and the project staff participated in the orientation meeting and all the Hub Management Committee Meetings organised by the AF to share partners' work plans and project activities. Deliverables were documented and quarterly progress reports shared. The GEP activities included policy and legal advocacy, research on laws to protect women from violence and implementation, stakeholders' consultations on SHRC Act 2010, and the fact-finding, follow up and resolution of 50 cases of gender-based violence.

The SHRC's functions include imparting human rights literacy and promoting awareness of safeguards available for protection of human rights. During 2016, the SHRC undertook, in partnership with other resource organisations, two capacity building workshops for the benefit of Sindh government officials.

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SHRC and the Current Context

The Constitution of Pakistan provides guarantees for many fundamental rights and freedoms in line with universal human rights values. The country's legislative framework largely adheres to international standards and contains provisions for human rights protection.

In recent years Pakistan has demonstrated an increasing commitment for protection and promotion of human rights by ratifying a number of relevant UN human rights treaties and establishing the national human rights institutions (NHRIs) as required. The National Commission on the Status of Women (NCSW), established in 2000, was granted administrative and financial autonomy through the 2012 Act. The National Commission for Human Rights (NCHR) was established in May 2015 under the National Commission for Human Rights Act 2012. Sindh province was the first to establish the Sindh Human Rights Commission in 2013 under the Sindh Human Rights Protection Act 2011.

Yet violations of fundamental rights have remained a challenge in the country due to tribal-feudal culture, armed conflict, war-on-terror, hold of feudal-political elite in national and provincial political systems, prevalent illiteracy and ignorance of rights and responsibilities, weak institutions and poor governance. Often the state mechanisms suffer from institutional weaknesses such as budgetary constraints, lack of trained personnel and restrictive power.

Though economic development is picking up, economic growth is not equitable and the country suffers from low human development indicators.

Though economic development is picking up, economic growth is not equitable and the country suffers from low human development indicators. According to a report, in 2016 per capita income was \$1,513 which comes to Rs. 13,112 per month. With average family size at 6.8 per cent and 1.5 earning members per family in Pakistan, a monthly income of Rs.19,669 translates in to Rs. 27.80 person per day, grossly inadequate for decent survival (food, clothing, shelter, education, healthcare). Less than 2 per cent of the GDP is allocated to health. Pakistan has 24 million out of school children, adolescents and youth, according to a 2016 UNESCO report. The public spending on education remains pathetically low at 2.2.

According to the Global Gender Gap Index 2016, Pakistan stands at bottom 143 out of 144 countries in the world. Female labour force participation rate is 22 per cent versus men's 67.8 per cent; women's average monthly income is Rs.9,760 compared to men's monthly earnings of Rs.15,884. Women's equal rights are covered in the country's Constitution. Pakistan ratified CEDAW and the government has passed several laws and instituted procedures for the protection of women rights. Yet there is deeply ingrained systemic discrimination against female sex based on cultural and religious ideologies.

Pakistan's civil society is a diverse and dynamic entity with a rich history of struggles on rights and public interest issues. Comprising NGOs, political organizations, trade unions, professional bodies of doctors, lawyers, journalists and traders, charity organizations, educational and medical foundations and religious organizations, the civil society is engaged in rights awareness, advocacy and protection, service delivery, charity and emergency relief work. A significant number of organizations, both at national and district level, work to promote and protect human rights, women's rights, and rights of workers, minorities and marginalized communities.

The government holds the main responsibility for protecting human rights. In ratifying an international human rights treaty, the State assumes the responsibility to respect, protect and fulfill the rights it contains.

Pakistan was granted the Generalised Scheme of Preferences Plus (GSP+) status by the European Union in January 2014. The GSP+ is linked to ratification of, and compliance to, 27 international standards and

covenants on labour, human and women's rights, environment, narcotics and corruption. The GSP + Scheme has provided impetus to many stakeholders to pursue and advocate for improved human rights situation. In 2016, Pakistan endorsed the UN 2030 Agenda for Sustainable Development that highlights decent work for all women and men as one of the key objectives. The SDG 8 calls for 'sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all' and SDG 10 seeks to 'reduce inequality'.

The government holds the main responsibility for protecting human rights. In ratifying an international human rights treaty, the State assumes the responsibility to respect, protect and fulfill the rights it contains. Adequate legislation, independent judiciary, enforcement of laws and the establishment of institutions require State commitment and action. The national human rights institutions are expected to play an important role in a strong and effective national human rights protection system.

SHRC Activities 2016

1. Inquiry in to Human Rights Cases

The key mandate of the Sindh Human Rights Commission is to inquire into cases of “violation of human rights or abetment thereof, and negligence in the prevention of such a violation by a public servant”, as provided by Section (4) of the Sindh Protection of Human Rights Act 2011. The inquiries are taken up *suo moto* or on filing of the complaints by the victims or their families. The Commission has powers to propose remedial measures, including action to be taken against the persons involved in such negligence of the violation of human rights.

The Commission follows the definition of human rights provided in the Sindh Protection of Human Rights Act 2011 as “the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of the Islamic Republic of Pakistan and enforceable by law”.

Cases received and addressed by the Commission include gender-based violence, violation of minorities' rights, capital punishment, blasphemy allegation, rape, murder, kidnapping, missing persons, illegal land/property possession, hospitals' mistreatment of patients, mistreatment of mentally ill persons by family, child abuse, and environment-related issues like illegal tree cutting, power shortage and water supply complaints.

The Commission follows the definition of human rights provided in the Sindh Protection of Human Rights Act 2011 as “the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of the Islamic Republic of Pakistan and enforceable by law”. For the cases of gender-based violence and inequities, the Commission follows the UN definition: “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life.”



The SHRC follows the Commission's Standard Operating Procedure (SOP) to pursue these cases and in this course, intervenes at various levels to facilitate access to justice. Once a person visits the SHRC's office with a complaint, he or she is asked to submit an application and then record his or her case history to an officer at the SHRC. A log book of complainants' visits to SHRC is maintained. After review of the application and the case history, a formal letter is written to the concerned authority to share report/comments. On each communication (received from the concerned authority), the SHRC reviews the status of the case and also the performance and the progress of the concerned department vis-à-vis resolving the case. An inquiry is also conducted calling all concerned parties at the SHRC Office. In certain cases, the Commission, while on a district visit, and if there is a complaint, then with the permission of the court, the visits the victims at their houses. Reports are also sought from focal persons present in select districts.

In the course of investigation if the Commission is not satisfied with the proceedings, or the details provided, the authority is notified and summoned to present an explanation. If the Commission is still not satisfied with the explanation, on-the-spot inquiry is conducted. Once the investigation is complete and, if required, the case reaches the court, the SHRC concludes its proceedings. Where necessary, the Commission files recommendations that are sent to the Government of Sindh with copies to concerned departments for a follow up.

Human Rights Cases in 2016

In the year 2016, the SHRC undertook 187 cases of human rights violation identified in 28 districts of Sindh. Of these, 87 were taken as response to the applications filed by the affected persons or family members at the SHRC office. Inquiries were sought in to 100 *suo moto* cases on the basis of media reports or the alerts by the Commission's Members, focal persons (who work voluntarily in various districts of Sindh), human rights defenders or the SHRC's partner civil society organisations. The cases related to domestic violence, rape, honour killing, extra judicial killing, illegal arrest, murder and attempted murder, child marriage, inhuman treatment due to mental illness, discrimination on the basis of religion, loan and property disputes.





In the course of investigation in to the human rights cases, the SHRC team, led by the Chairperson, visited Hyderabad in May 2016 and Mirpurkhas in June 2016. A second visit to Mirpurkhas, along with Umerkot was made in July 2016. Thatta district was also visited the same month. Sukkur, Shikarpur, Jacobabad, Khandkot and Ghotki districts were visited in November 2016. The team undertook the following tasks during these visits:

1. Met the victims and their families to get first-hand information on the cases;
2. Held meetings with the communities to have an understanding of human rights violations and gender-based violence incidents in the area;
3. Met the potential case filers separately and explained how to file a complaint with the SHRC;
4. Visited police stations and talked to the SHOs concerned, enquired about FIRs and issued orders to register FIR where needed;
5. Held consultations with DIGs, SSPs, ASPs and other police officers on implementation of laws and local issues being faced by the people;
6. Visited the Session and District Courts and held consultations with the judges and the court personnel;
7. Inspected hospitals where victims were under treatment and met the administration and the medical staff on duty. Reports were filed on the condition of the facilities;
8. Paid surprise visit to women's shelter (Darul Aman) and issued instruction for improvement for procedures and living conditions;
9. Accessed medico-legal reports where required;
10. Briefed all the stakeholders (i.e. the communities, the judiciary, the law enforcement officers, the hospitals and the shelters' personnel and the civil society) on the Commission, its mandate and powers;
11. Held press conferences to share details of the Commission's work with the media;
12. Met with community-based organisations, civil society groups and human rights activists in the districts and discussed human rights situation in respected areas.

In the year 2016, the SHRC started developing a database of human rights cases it receives and handles. By December 2016 a total of 360 cases had been entered.





SHRC CASES FOR 2016

District wise

Disrict	Total Cases
Karachi	39
Hyderabad	14
Badin	13
Ghotki	13
Tando Muhammad Khan	11
Larkana	10
MirpurKhas	9
Sukkur	9
Thatta	8
Khairpur	8
Dadu	8
Naushahro Feroze	7
Jacobabad	5
Qambar Shehdadkot	5
Umarkot	4
Kashmor	4
Tando Adam	4
Shikarpur	4
Tharparkar	4
Sanghar	3
Jamshoro	2
Matiari	1
Sujawal	1
Shaheed Benazir Abad	1
Total	187

Gender Wise

Male	78
Female	47
In Public Intrest	62
Total	187

Female Age Wise

Young (under 40)	37
Minor (under 14)	6
Elder (over 50)	4

Rights Violations Against Women

Domestic Violence	10
Sexual Harassment	7
Rape	6
Murder	5
Attempt to Kill	4
Occupancy on Property	3
Protection	3
Inhuman Treatment	3
Karo Kari Murder	2
Kidnaping	2
Child Marriage	1
Financial Help	1
Total	30

Rights Violations Against Men

Inhuman Treatment	15
Murder	12
Illegal Arrest	10
Kidnaping	10
Other Cases	10
Death Incident	8
Karo Kari Murder	5
Protection	5
Extra Judiciary Killing	3
Total	21

Action Taken

Suo Moto	100
Complaint	87

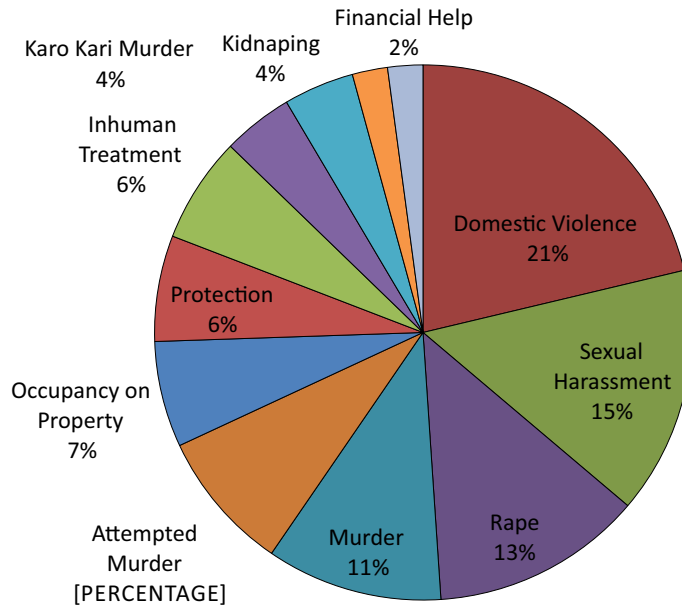
Female Marital Status

Married	27
Unmarried	15
Widow	3
Divorced	2
Total	47

Child
Marriage
2%

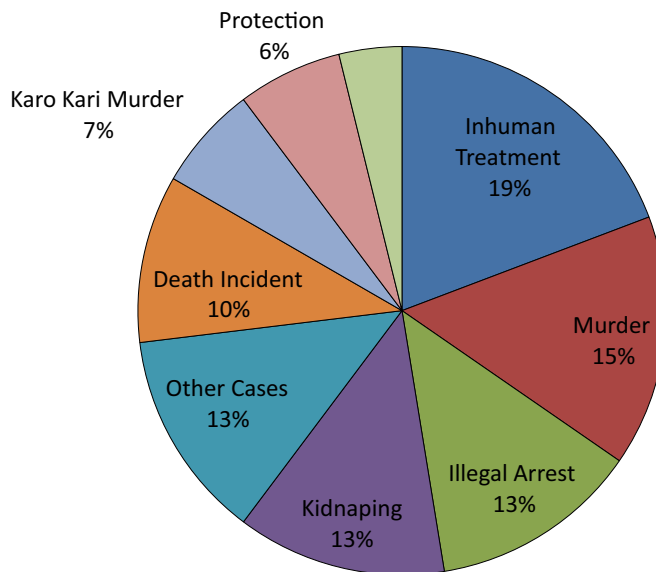
Nature of Cases (Rights Violations against Women)

Rights
Violations
Against
Women
0%



Extra-judicial
Killing
[PERCENTAGE]

Nature of Cases (Rights Violations against Men)



2. Policy Advise and Law Review

Policy advise and review of laws is the other key mandate of the SHRC. Under Section 4 (iii) of the Sindh Human Rights Protection Act 2011, the SHRC is empowered to “formulate, implement and regularly update policies with a view to protect human rights”. Also, under Section 4 (v), the Commission has the power to “review the safeguards provided by or under the Constitution or any law for the time being in force for protection of human rights and recommend measures for their effective implementation.”

Since its inception, the Commission has been actively engaged in policy review, law reforms and drafting of laws that seek to protect fundamental rights, in particular, of women and the minority communities. Law review is either sought by the SHRC itself or solicited by other institutions and the SHRC provides its input. This is done in consultation with other stakeholders. As the Chairperson herself is a renowned judicial expert, the Commission first discusses the law under question amongst its members, followed by a consultation with other legal experts, human rights activists and other stakeholders who identify the gaps of the law that obstructs its implementation or limit its efficacy. Recommendations are then culled and reviewed and accordingly amendments are framed and shared with the stakeholders. Separate meetings are held with the parliamentarians for sharing and lobbying so that they can take it up for presenting it in the Assembly. Once the revisions are finalised the draft is place before the legislature for approval.

During 2013-2015, the SHRC provided key input in drafting the following laws and bills:

1. Child Marriage Restraint Act 2013;
2. The Sindh Minority Rights Commission Act 2015;
3. Fair Representation of Women Bill 2015;
4. Forced Conversion Bill;
5. Christian Marriage and Separation Bill.

During 2016, the SHRC undertook the review of the following laws, through consultations, interviews and documentation of related data:



1. Sindh Human Rights Protection Act 2011;
2. Criminal Law Amendment Act 2004 (pertaining to honour crimes),
3. Protection of Women Act 2006;
4. Protection against Harassment of Women at the Workplace 2010;
5. Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 (pertaining to forced marriages in the name of custom);
6. Acid Control and Acid Crime Prevention Act 2011;
7. The Sindh Hindus Marriage Act, 2016;
8. The Child Marriage Restraint Act 2013;
9. The Sindh Domestic Violence (Prevention and Protection) Bill, 2013

The focus of the Commission in policy review/law reforms remains to ensure that provisions adhere to human rights values given the restrictions inherent in the local context and realities.

Sindh Protection of Human Rights Act 2011

The foremost task related to the review of the Sindh Protection of Human Rights Act 2011 under which the Commission was established and which confers powers and determines functions of the Commission itself. Since the Commission started functioning in 2013, it was realised that the law has certain gaps and shortcomings which impede full empowerment and effective functioning of the Commission. With a view to remove the anomalies in the text and improve the law thus enhancing the scope of the Commission, the SHRC organized four consultations in 2016 with stakeholders that included parliamentarians, renowned lawyers and judicial experts--Justice (Rtd.), Shaiq Usmani, Justice (Rtd.) Aslam Jaffery, Director Sindh Judicial Academy and Advocate Faisal Siddiqui-- and human rights activists, to review the Sindh Protection of Human Rights Act 2011 and solicit recommendations for possible amendment of the law.

There is no role for opposition in the nomination of members which is a flaw. Another important gap relates to the powers of the Commission which are restricted to a recommendatory role only.



The first round of consultation was held on 23 July 2016 in Karachi. The experts pointed out that the definition of human rights in the 2011 Act is restricted to the constitutional provisions only and leaves the question of the rights that are a part of the Principles of Policy which are not enforceable by law but are crucial for a life of dignity. The provision concerning the Commission's membership was found lacking. It was suggested that the involvement of a high ranking police officer would have been useful. It was also noted that the parliamentary members are being nominated by the speaker of the provincial assembly who is essentially a government representative. There is no role for opposition in the nomination of members which is a flaw. Another important gap relates to the powers of the Commission which are restricted to a recommendatory role only. The Commission needs powers to turn to court to implement its recommendations. The provision of intimation before undertaking visits to jails and detention centers was identified as an impediment to a fair review.

By the end of the year 2016, the recommendations were put together and the draft shared and discussed with relevant stakeholders. It was expected that the draft would be finalized in early 2017 and put before the Sindh Assembly for approval.

Laws Safeguarding Women's Rights

Four consultations with stakeholders on *Legal and Procedural Gaps in Laws, Advocacy and Recommendations* were held on 1 March in Dadu and on 30 July, 18 August and 29 September 2016 in Karachi. The objective was to identify legal and procedural gaps in laws enacted during the last several years



to protect fundamental constitutional rights of women. It became essential to debate, analyze and amend the laws and the rules in the context of rising incidents of gender-based violence. The evidence suggests the laws have not been fully effective due to lacunae in the texts or lack of adequate provisions in the law as well as in the rules. This is in addition to capacity gaps on the part of law enforcers. The consultations thus aimed to come up with recommendations for possible amendments in the following laws:

1. Criminal Law (Amendment) Act, 2014.
2. Protection of Women (Criminal Law Amendment) Act, 2006.
3. Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2013.
4. Domestic Violence (Prevention and Protection) Act, 2013;
5. Protection against Harassment of Women at Workplace Act, 2010:
6. Acid Control and Acid Crime Prevention Act, 2010:
7. Sindh Domestic Violence (Prevention and Protection) Act, 2013:
8. Sindh Child Marriages Restraint Act, 2013.



The consultations brought together women's rights activists, parliamentarians, civil society spokespersons, and lawyers included Justice (R) Majida Razvi (Chairperson, SHRC), Justice (R) Shaiq Usmai, Anis Haroon (Member Sindh, NCHR), Mahnaz Rehman (Aurat Foundation), Advocate Maliha Zia (Legal Aid Society), Advocate Abira Ashfaq (SZABIST), Jibran Nasir (CEO, Never Forget Pakistan), Sara Zaman (Director Bodily Rights, Shirkat Gah), Niaz Ahmed Siddiqui (former IG Sindh), Zulfiqar Shah (Joint Director, PILER), MPAs Mussarat Mahesar, Sajeela Leghari and Kulsoom Chandio.

A brief summary of the key highlights of the consultations are being presented below:

Criminal Law (Amendment Act) 2004, Protection of Women (Criminal Law) Amendment Act 2006 and Criminal Law (Amendment) Act 2010



Advocate Asad Jamal proposed that in case the current broader framework of Qisas and Diyat any proposal to amend the law should provide a clear and broader definition of 'honour crimes' to include a range of offences against women. The definition may be phrased in such a way that it is considered by courts to be inclusive rather than exhaustive. Moreover, all offences against women, especially all bodily hurts, attempted murder, and murders by close relatives should not be allowed to be 'waived' and/or 'compounded' by close relatives/survivors. Islamic concept of 'fasad-fil-Arz' may be applied to all such crimes which gives courts the power to disregard waiver and compound on behalf of close relatives or the victim herself. The State must prosecute all such crimes and such prosecution must necessarily result in conviction and sentencing instead of compromise between private parties.

“All offences against women, especially all bodily hurts, attempted murder, and murders by close relatives should not be allowed to be 'waived' and/or 'compounded' by close relatives/survivors.”
–Advocate Asad Jamal

Presenting her viewpoint on the Protection of Women Act 2006, Justice (R) Majida Razvi briefed the participants on the gaps in the Hudood Ordinances 1979 which included five laws. Under these laws, no bails were provided. As a result, a very large number of women implicated by the law during that time languished in jails under the Hudood Laws. In 2003, when Justice (R) Majida Razvi became the Chairperson of NCSW, a 15-member committee was constituted to examine the Zina and the Qazf law of the Hudood Ordinances. The committee's verdict was that these laws are not in accordance with the Shariah, and that the government should repeal the laws, and if required, draft new ones.

The Hudood laws were first amended in 2004. The Criminal Law (Amendment) Act, 2004 inserted a new offence of “honour killing” in the PPC. It barred the accused from acting as wali or legal guardian and benefitting from the Islamic provisions of 'pardon' and 'blood money' as provided under the Qisas and Diyat

Ordinance, 1990. Section 310 of the Qisas and Diyat laws provided prohibition of giving a girl as *Badl-e-Sulh*, but there was no punishment under the law. The amendment introduced 10 years of punishment.

The Protection of Women Act in 2006 brought significant changes in Hudood Ordinances. Under the Protection of Women (Criminal Law) Amendment Act 2006, an amendment to section 497 the Code of Criminal Procedure entitled a bail in non-bailable cases with the exception of some offences. The worst thing in the *zinâ* Ordinance was that if a woman reported a case of rape she was prosecuted for adultery. This was stopped through clear distinction between *tâ'zîr* and *hadd*. All the clauses from section 11 to section 16 and some others dealing with kidnapping, abduction prostitution and buying and selling of women were omitted or taken away and added to the PPC.

Another amendment in Section 298-C came about under Criminal Law (Amendment) Act 2010 prohibited the custom of a woman's marriage to the Quran. The Women's Protection Act thus brought about major relief. Justice (R) Shaiq Usmani noted that the solution to the issues which have been addressed in the Hudood laws were already present in our existing laws at that time.

Acid Control and Acid Crime Prevention Act 2010

In the revised text, proposed by Aurat Foundation and Bolo Bhi, in consultation with the Sindh Assembly members, the definition of the word 'Acid' has been extended in the Acid Control and Acid Crime Prevention Act 2010. Rehabilitation of the victim has been taken care of. The crime has been made cognizable, non-bailable and non-compoundable. In the case where the attack ends in the death of the victim, the court sentences the offender to rigorous punishment for life (not less than 14 years). The role of medical professionals and Acid Fund Board has also been enhanced.

Sindh Child Marriage Restraint Act, 2013

The Legal Aid Society's spokesperson who reviewed the law noted that the positive step taken under this Act is the definition of child as a person under 18 years of age. The offence is made cognizable, non-bailable, and non-compoundable under the Act. Furthermore, the police can take immediate action, as the Act limits the time period for the disposal of the case to 90 days. The Act, however, needs to be made gender neutral, which it is not. It should apply to both female and male.

Legal Expert Maliha Zia observed that lacuna of the Act is that child marriage is deemed "punishable" yet is still "legal". There have been instances where the child marriage was reported and the underage girl was put in to the shelter till she was 18.

Legal Expert Maliha Zia observed that lacuna of the Act is that child marriage is deemed "punishable" yet is still "legal". There have been instances where the child marriage was reported and the underage girl was put in to the shelter till she was 18. Under the Act the perpetrators are to be presented to the Judicial Magistrate for any immediate action to take place. This creates delays where urgent action should be taken. It was proposed that in cases where a child marriage is discovered, the marriage should be dissolved immediately in order to invalidate any such contract. However, the child coming from such union should be considered legitimate.

Protection against Harassment of Women at the Workplace Act 2010

It was pointed out by Legal Expert Abira Ashfaq that there is need for uniform procedures and time frames across organizations to avoid arbitrariness. The Inquiry Committee in any organization should only have a fixed tenure, e.g. 3 years, to avoid stereotyping and desensitization to such issues in dealing with harassment cases. Regarding duties of the employer, there is need to specify employer's assistance in

criminal complaints under Section 509 and/or other relevant sections of the Pakistan Penal Code. It was suggested for prevention of sexual harassment further provisions may include on rude jokes about appearance, remarks about one's sex life, stalking, invading personal space, humiliating, reprimanding, insulting in public, having sexually explicit material on your screen. Moreover, hostile work environment could include co-workers gossiping about a person, and spreading false rumours.

Domestic Violence (Prevention and Protection) Act 2013

Jibran Nasir pointed out that the Domestic Violence Act has introduced stalking, verbal and psychological abuse as a crime. Also, protection and monitoring committees have been introduced for implementation of the law. Moreover, the Act is inclusive and provides protection to everyone present in the house including children, relatives, old and handicapped people. Another positive aspect of the law is that any person who takes notice of domestic violence can file a complaint and the complaint does not necessarily need to come from the aggrieved person itself. A shortcoming relates to fines introduced in the Act which is insignificant and make it easy for the offender to get away with the crime. It was also pointed out that the Sindh Police is not aware of the current laws in many cases which greatly hampers implementation.

The third consultation, held on 29 September, aimed to draw recommendations on how to remove lacunae in the laws to safeguard women from gender-based violence, discrimination and insecurity focusing on the following:

- Systemic barriers to achieving gender justice in Pakistan;
- Lacunae and the way forward in the pro-women laws passed in recent years;
- Civil society perspective on GSP+ compliance to the pro-women and human rights laws;
- Role of Commission in oversight, critique and drafting of Human Rights legislation and how to create successful linkages between Government and Civil society;
- Role of the Police in implementation of pro-women laws;
- Role of Sindh Government and the way forward.

Sara Zaman, expert on human rights for women, pointed out the need to address structural barriers—cultural, political, economic—that hamper access to justice. The four 'As' of access to justice, 'aspects, availability, attainability and affordability', need to be ensured for all citizens. Zulfiqar Shah, expert on labour rights, noted that under the GSP + Scheme the government has undertaken an obligation that the international treaties and covenants on human rights would be implemented. The civil society, along with the national institutions of human rights needs to speed up advocacy with relevant stakeholders. Anis Haroon, Member NCHR, pointed out that the Commissions has a role in oversight on implementation of laws. She also noted that there is no dearth of laws but unfortunately laws often have lacunae which need to be amended.

In addition to the consultations organized by the SHRC team, the Commission's Chairperson provided valuable input to policy review and law reforms meetings, seminar, conference held by various partner organisations and civil society groups. These included;

- *Draft Bill on Honor Killing* held by the Study Circle, Aurat Foundation on 3rd June 2016;
- *Protecting the Unprotected: The Right to Due Process and Procedural Safeguards*, held by Legal Rights Forum on 06th Oct 2016
- Consultation Meeting with stakeholders on *Policy and Legal Advocacy, Reviewing Anti Rape Bill and*

- Lacunae in Implementation*, held by War Against Rape (WAR) on 24th Oct 2016

Strengthening Human Rights in Sindh: Improving Police and Mechanism, organised by the NCHR with the support of UN Women on 6 December.

3. Human Rights Literacy and Capacity Building of Institutions

The SHRC is also entrusted with a mandate to 'spread human rights literacy among various sections of society' (Section 4 viii) and 'promote awareness of the safeguards available for protection of human rights...' (Section 4 ix). Human rights literacy imparted to various stakeholders help strengthen their capabilities to use human rights principles, enshrined in Pakistan's Constitution and the UN treaties, for combating discrimination and injustice. Human rights literacy equips people engaged in different fields, including judiciary and law enforcing institutions, and social justice advocates, with skills and understanding to integrate human rights principles into their work. This helps them frame the issues accordingly and identify human rights-based strategies and interventions to ensure these rights are fulfilled.

During 2016, the SHRC undertook, in partnership with other resource organisations, two capacity building workshops for the benefit of Sindh government officials. In the workshops the SHRC briefed about its work and walked the stakeholders and the practitioners through every step in the human rights monitoring process.

During 2016, the SHRC undertook, in partnership with other resource organisations, two capacity building workshops for the benefit of Sindh government officials. In the workshops the SHRC briefed about its work and walked the stakeholders and the practitioners through every step in the human rights monitoring process from filing and documenting of complaints to using legal tools and procedures for safeguards available. Other resource persons included human rights experts who elaborated on national legal framework, domestic legislation, international treaties, the UN human rights systems and the review and monitoring mechanisms.

Gender Sensitization and Human Rights: Workshop for Prosecutors and Law Officers

In 2016, the SHRC team collaborated with the Aurat Foundation in a two-day workshop held on 27-28 February for strengthening the capacity of prosecutors and law officers of the Sindh government departments on gender sensitization and violations of human rights. The training aimed to build an understanding of pro-women laws enacted during the last several years. The positive aspects of the laws were highlighted and the gaps in the laws and issues in implementation identified, along with solutions available in a restricted environment.



Fifty officials benefited from the workshop. The resource persons included Chairperson SHRC Justice (R) Majida Razvi, Resident Director Aurat Foundation Mahnaz Rehman, Secretary Law Sindh Aslam Sheikh, human rights activist Iqbal Detho, SSP South Karachi Faizullah Korejo and MPA Kulsoom Chandio.

Mahnaz Rehman introduced the human-rights based framework for analysing the concept of 'gender' and briefed the participants on various forms of discrimination against women. It was pointed out that Pakistan signed CEDAW, an international convention to eradicate violence against women, in 1996, and through this ratification the government committed itself to provide safeguards to women. She shared various articles of the Convention in the context of the socio-political structure of Pakistan. The barriers to women's equal access to fundamental rights (i.e. right to life, freedom of expression, mobility) and socio-economic rights (i.e. education, health, skills and employment) were identified and solutions to social justice and safeguards were discussed.

Iqbal Detho elaborated on the legal framework for combating gender-based violence. The fundamental

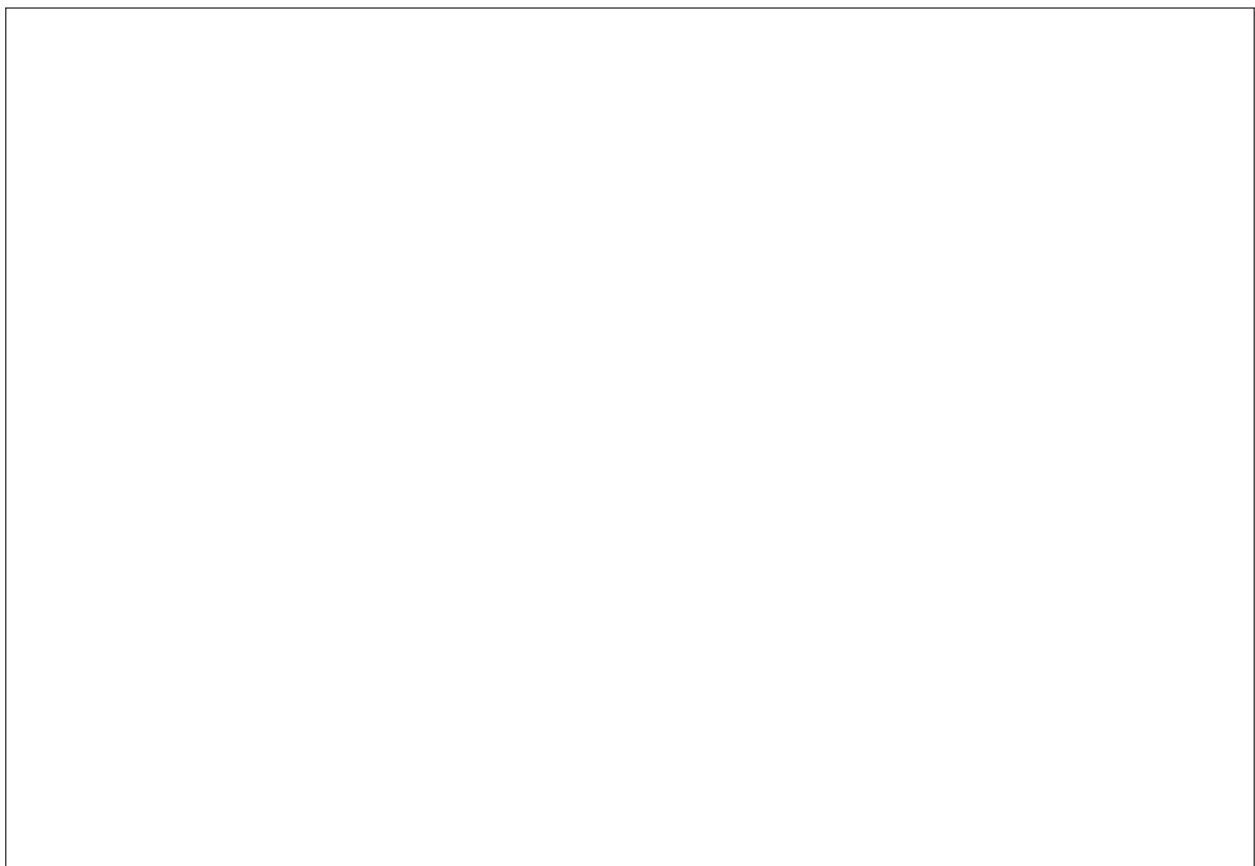
rights guaranteed to women in the Constitution of Pakistan include Article 3 and Article 4 of the Constitution that refer to protection against exploitation and the right to free trial. Article 25 (2) and Article 25 (3) provide safeguards against discrimination on the basis of sex and ensure special provisions for the protection of women and children. Special laws for women and procedures pertaining to women's security in the Pakistan Penal Code were pointed out. While discussing the role of prosecutors with reference to women, a major setback relating to the tone, body language and words used in interrogation was highlighted whereby the 'accusing' tone of the prosecutors was defined as condemnation of the victim.

Majida Razvi gave a detailed presentation on the working of the Commission and briefed the prosecutors on the concept of human rights as intrinsic to the human condition and as spelt out in the Constitution and the international treaties. It is essential that the inherent dignity and inalienable rights of humans—both women and men—are recognised as such, and protected under the country's legal framework. A great responsibility rests with the prosecutors and law officers to protect and promote the rule of law and human rights. The presentation highlighted the role of the prosecutors in ensuring the safety of women in the society.

Faizullah Korejo discussed the problems faced when the first information report (FIR) is registered. It was pointed out the lack of coordination between the police and the prosecutors limits the role of the prosecutors in providing justice. Empowerment of the prosecutors was highlighted as a solution.

Human Rights Compliance Reporting: Workshop for State Officials

With the support of Democracy Reporting International (DRI), Islamabad, the Commission organized a two-day capacity building workshop on 'Human Rights Compliance Reporting' on 29-30 January 2016 in Karachi. The workshop aimed to facilitate Sindh government officials' understanding of human rights conventions



conditional to the GSP+ scheme. Over 50 officials of different government departments and prosecutors benefited from the workshop. High ranking officials, Aslam Shaikh (Secretary Law Sindh), Gulfam Memon (Joint Director Labour Department Sindh) and Faizullah Korejo (Senior Superintendent Sindh Police Department) shared briefings about their departments. Resource persons included human rights activists Karamat Ali, Executive Director PILER, Iqbal Detho, Zeenia Shuakat and Advocate Maliha Zia, minority rights expert Dr. Sono Kanghrani and the DRI Team Leader Zulfiqar Shah.

Chairperson SHRC, Justice (R) Majida Razvi emphasized the need of capacity development of government officials with a view to equip them with an understanding and skills to pursue human rights compliance within the country's legal framework. The SHRC's role in human rights compliance, the Commission's functioning and the processes involved were shared in detail. As human rights compliance has become a priority agenda in the context of GSP + it is an opportune moment to identify constraints and suggest remedies to the government which is under obligation to fulfil its commitment for compliance.

Karamat Ali briefed the participants on eight ILO conventions included in the GSP+ obligations for compliance. This mainly involves mitigation of child and bonded labour, ensuring right to association and collective bargaining of workers and women's equal remuneration. The responsibility rest with the State to ensure compliance on international standards by bringing reforms into laws and by strengthening institutional mechanisms.

Zulfiqar Shah presented a brief introduction to the EU's GSP+ including trade benefits and compliance conditions as well as shared summary of GSP+ related human rights and labour rights conventions. The initiatives taken by the national and provincial government(s) including establishment of Treaty Implementation Cells, national and provincial human rights bodies and ILS compliance cells were identified. Iqbal Detho elaborated on the UN human rights system, review and monitoring mechanisms and explained Pakistan's domestic legal frameworks and international human rights commitments. Participants were also introduced to the UN's charter based institutions i.e. Security Council, General Assembly and the UN Human Rights Councils. The process of Universal Periodic Review (UPR) was also explained to the workshop participants in line with Pakistan's UPR pledges.

Maliha Zia talked on legal and normative dimensions of the international human rights instruments and their applicability, taking into account Pakistan's global obligations. Under the GSP+ obligations, Pakistan has to maintain ratification (without reservations) of 27 international conventions, pursue effective implementation and ensure timely reporting to relevant UN Treaty Bodies. She pointed out legal and practical implications with regards to the compliance on CEDAW.

Faizullah Korejo elaborated on the implications of child and forced marriages. The newly enacted Child Marriage Restraint Act is expected to help reduce prevalence of child marriages in the Sindh province. Judiciary's role, however, is important to ensure implementation on the law. Zeenia Shaukat, an independent professional presented findings of her study which shows status of the compliance of human rights treaties in Pakistani business premises. She urged to ensure compliance on Pakistan's international human rights commitments at all levels. Gulfam Memon informed the participants that several labour laws have been provincialized and amended, aimed at conformity with international labour standards. Dr. Sono Kanghrani shared minority issues in the country and international implications of minority rights violations. Multiple identities of minorities according to the UN definition were shared and the possibilities of the protection of minority rights under the international law and ensuring their effective participation in public life discussed.

Capacity Building of Roshni Helpline and Panah Shelter Home

Under the Gender Equity Program, the SHRC supported Roshni Helpline, another grantee of GEP, in its capacity building endeavours. Roshni Helpline works on the issues of human rights of children, women and ethnic minorities. It has devised a network of stakeholders to provide services for missing children and the affected families. It also facilitates GBV survivors through direct and referral services.

The SHRC team held a meeting with Helpline Trust staff members on 23 January 2016 with an objective to provide capacity building support. The Trust audit report was reviewed by the SHRC finance officer and guidance provided for investment in Al-Meezan Mutual Funds. Future activities of the Trust also came under discussion.

The SHRC held meetings with the Helpline staff at its office in Karachi on 07 and 12 April 2016 to brief them about the SHRC mandate and functions in protecting rights of women and children and what help the SHRC can provide to the victims to access justice. The objective of the meeting was to coordinate services and referrals for the GBV victims. The SHRC team also participated in, and provided input to three Community Awareness Sessions arranged by Roshni Help Line in Baldia Town (23 August), Lyari (08 September) and Sachal Goth (27 September), Karachi.

In addition, the SHRC team arranged a training on 3 October to impart project upscaling skills for the Roshni Helpline staff members. The trainer briefed on the project cycle management in the social sector and how its various phases beginning from conception to implementation and monitoring are managed. The sessions were helpful for the hub project managers and finance officers. The second Project Cycle Management training was held on 31 December at the Institute of Business Management.





The SHRC provided input to the Provincial Women Lawyers Conference organized by Roshni Helpline on 12 November and to a training organised on 26 November to equip hub partners with essential skills to run a helpline for GVB survivors and how to communicate/ behave with the survivors through helpline numbers.

The SHRC's mandate include strengthening of shelters for women established by the State and the civil society. Panah Trust shelters are functional since 2002. Panah provides shelter to women victims of

domestic violence and other injustices and facilitate their empowerment. In 2007, the government handed over Darul Aman to Panah Trust. Panah Shelter Home is also a GEP grantee. The SHRC team held a meeting with Panah Shelter Home staff in their office on 11th April 2016. The purpose was to discuss GBV cases and help in data collection of women survivors of different forms of violence.

Support to War Against Rape (WAR)

The SHRC team held two meetings with the WAR staff members in April to discuss work plans, assist in referral of gender-based violence cases and arrange community awareness sessions. The SHRC data collector guided the helpdesk on the provision of legal support to violence survivors. On 22 July, the SHRC team provided input to a stakeholders' consultation organised by WAR. The objective was to review legislation, policing and legal improvements in response to gender violence in Karachi and review recommendations and procedures for implementation of pro-women laws for such cases.

Entrusted with a mandate 'to encourage the efforts of non-governmental organizations and institutions working in the field of human rights' as per Section 4 (x) of the Sindh Human Rights Protection Act 2011, the SHRC aims to build linkages with civil society organisations engaged in human rights advocacy and interventions.

The objective of the October 18 meeting was to discuss technical review and analyses of anti-rape laws and review challenges for handling and responding to the survivors of gender-based violence. The SHRC team also provided input to the 3-day training workshop organized by WAR (Oct 25-27) to build the capacity of select partners on the concepts of gender based violence and referral mechanisms.

Linkages with Civil Society Organisations

Entrusted with a mandate 'to encourage the efforts of non-governmental organizations and institutions working in the field of human rights' as per Section 4 (x) of the Sindh Human Rights Protection Act 2011, the SHRC aims to build linkages with civil society organisations engaged in human rights advocacy and interventions. The SHRC believes that the spaces and forums available for debates, analyses, collective voices and sharing of concerns, ideas and thoughts should be strengthened and energised through participation and input of the Commission.

During 2016, the SHRC connected with, and participated in forums, seminars, conferences and consultations held by different civil society organisations and public institutions working on civil, political and human rights, and several educational and health institutes. Thematic areas of the events included law review (i.e. Hindu Marriage Bill, Fair Representation of Women Bill, Draft Bill on Honour Killing), implementation of international treaties linked with the GSP Plus Scheme, ethical and legal issues of organ donations and transplantations, local governance, extremism and inter-faith harmony, consumer empowerment and human rights education. (See Annexure 4)



Pakistan's International Commitments

Human Rights

The core human rights treaties set international standards for the protection and promotion of human rights to which Pakistan has subscribed by becoming a party to the treaties through ratification. The government has an obligation to take steps to ensure that everyone can enjoy the rights set out in the treaties. Though each treaty caters to specific areas and is a stand-alone document, according to the UN it is essential to consider all the human rights treaties together as a whole, for the treaties complement each other, with a number of principles binding them together.

Out of the nine UN human rights treaties, Pakistan has ratified seven core treaties which are linked with the GSP Plus tariff-free trade scheme granted to Pakistan by the EU:

“Each includes explicitly or implicitly the basic principles of non-discrimination and equality, effective protection against violations of rights, special protection for the particularly vulnerable and an understanding of the human being as being an active and informed participant in public life of the State in which he or she is located and in decisions affecting him or her, rather than a passive object of authorities' decisions.” All the treaties are mutually reinforcing, and “no rights can be fully enjoyed in isolation, but depend on the enjoyment of all other rights.”

Out of the nine UN human rights treaties, Pakistan has ratified seven core treaties which are linked with the GSP Plus tariff-free trade scheme granted to Pakistan by the EU:

1. International Convention on the Elimination of all Forms of Racial Discrimination (ICERD);
2. Convention on the Rights of the Child (CRC);
3. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
4. International Covenant on Economic, Social and Cultural Rights (ICESCR);
5. International Covenant on Civil and Political Rights (ICCPR);
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
7. Convention on the Rights of Persons with Disabilities (CRPD).

The country has not ratified yet the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* and the *International Convention for the Protection of all Persons from Enforced Disappearances*.

Pakistan has ratified the two Optional Protocols to the Convention on the Rights of the Child (on the involvement of children in armed conflict and on child prostitution and child pornography) and the Optional Protocol of the Convention against Torture. There are nine protocols linked to the treaties. Pakistan has yet to sign seven of the remaining optional protocols. The ratification of the protocol to a treaty empowers the international monitoring bodies to take action against a defaulting state.

Pakistan has not accepted the individual complaints procedures under the treaties as required. It has also not accepted the inquiry procedure under the Convention against Torture.

Under the UN reporting system, reporting periodicities are different for the treaties. Generally, the initial report after ratification is submitted within one or two years. Periodic reports need to be submitted after two years (ICERD), four years (ICCPR, CEDAW, CAT) or five years (ICESCR, CRC, ICRMW). Another process of monitoring used by the UN is the Universal Periodic Review (UPR). The process involves a review of the

human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. In the third cycle of UPR (2017-2022) Pakistan's UPR is scheduled for 13 November 2017.

Labour Rights

Right to work is one of the fundamental human rights and embodies rights to have a source of productive livelihood, earn a decent remuneration, be free of exploitation and have a safe working environment. Rights at work are granted by the States through national legislation. The standards in the world of work are set by the International Labour Organisation. International labour standards lay down the basic minimum social standards for the protection of rights at work. An ILO Convention is an international treaty and by ratifying it a country agrees to apply its provision in domestic law and practice and accept international supervision.

The ILO has set 188 Conventions since its inception. Out of these, eight conventions are termed as core labour standards as these are the fundamental human rights at work place. Pakistan has ratified 36 ILO conventions, including eight core conventions.

The ILO has set 188 Conventions since its inception. Out of these, eight conventions are termed as core labour standards as these are the fundamental human rights at work place. Pakistan has ratified 36 ILO conventions, including eight core conventions. Pakistan's domestic legislation does not adhere to all the principles laid down in the ILO core conventions. Particularly the rights pertaining to freedom of association, the right to organise and collective bargaining are curtailed. Also, there is no national legislation for Equal Remuneration Convention C100.

Core ILO Conventions ratified by Pakistan:

- 1) Forced Labour Convention (C29);
- 2) Freedom of Association and the Right to Organize Convention (C87);
- 3) Right to Organize and Collective Bargaining Convention (C98);
- 4) Equal Remuneration Convention (C100);
- 5) Abolition of Forced Labour Convention (C105);
- 6) Discrimination (Employment and Occupation) Convention (C111);
- 7) Minimum Age Convention (C138);
- 8) Worst Forms of Child Labour Convention (C182).

International Environment Agreements (IEAs)

There is an intrinsic link between the environment and the realization of human rights such as the right to life, to health, to food, to water. With a view to prevent human impacts on natural resources, international treaties and agreements on environment have been set by international bodies. The agreements bind the states to exercise due diligence over activities within their own territory or areas beyond state and to control environmental hazards that may impinge upon individual rights. The agreements enable countries to work together to address environmental issues that are transboundary in nature, such as air pollution, climate change, protection of the ozone layer and ocean pollution.

Pakistan has ratified the following treaties (linked with the GSP Plus):

1. Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)

2. Montreal Protocol on Substances that Deplete the Ozone Layer (1987)
3. Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and their disposal (1989)
4. Convention on Biological Diversity (1992)
5. The United Nations Framework Convention on Climate Change (1992)
6. Cartagena Protocol on Bio-safety (2000)
7. Stockholm Convention on persistent Organic Pollutants (2001)
8. Kyoto Protocol to be United Nations Framework Convention on Climate Change (1998)
9. United Nations Single Convention on Narcotic Drugs (1961)
10. United Nations Convention on Psychotropic Substances (1971)
11. United Nations Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)
12. United Nations Convention against Corruption (2004)

Challenges faced by SHRC and Recommendations: Note from the Chairperson

During the reporting period, the institutional constraints faced by the Commission in earlier years were addressed to quite an extent. The office space was extended by the government of Sindh and the Grant-in-Aid increased to cover administrative cost of the Commission. Though the strength of the staff has been improved by the Commission itself, it is long way to the stipulated number of staff as per Rule of Business as



yet.

The Commission does not have services of a full-time Secretary as stipulated in the Sindh Human Rights Protection Act 2011. Although one of the officers of the rank of director from the Directorate of Human Rights was notified as Secretary to the Commission but neither in the previous term nor in the present he had time to come to the Commission for any briefing as the Directorate of Human Rights is also overburdened with work. The Commission has requested the government to appoint an independent officer of the same rank so that the person can look after the work of the SHRC.

When the Commission recommends certain action against government officers/police personnel for negligence to restrain the culprit and stop the violation of human rights, the Commission is never intimated whether the recommendations have been complied with, or if not what are the reasons for non-compliance. This is a major setback for the Commission as it reflects badly on the Commission's credibility.

Although the government has been kind enough to enhance the Grant-in-Aid from Rs.40 million to Rs. 50 million early this year (2017) yet the Commission is looking forward for a permanent budget to expand its activities.

The Commission faces a number of challenges, particularly while inquiring in to the cases of human rights violations such as follow:

- When the Commission recommends certain action against government officers/police personnel for negligence to restraint the culprit and stop the violation of human rights, the Commission is never intimated whether the recommendations have been complied with, or if not what are the reasons for non-compliance. This is a major setback for the Commission as it reflects badly on the Commission's credibility.
- Police and district officers, particularly from Karachi, Tando Mohammad Khan, Badin and Sanghar districts, have been found to resist compliance with the SHRC's notices.
- Registration of FIR and court challans are produced before the SHRC promptly when directed but when it comes to investigation, the concerned officers leave lots of gaps in investigation thus impacting the case and causing impediment to the speedy and just disposal of the case in the court of law.

One of the reasons the Commission undertook to reviewing the Sindh Protection of Human Rights Act 2011 is to remove the lacunae of the law and fill up the gaps where needed to facilitate implementation and empower the Commission as intended by the Government of Sindh. It is important that the Sindh Assembly passes these amendments so that the Commission may carry on with its functions in line with the needs and aspirations of the public.

- The government must direct the police officials, the jail authorities and the Home Department and the administrative structure at the district level to comply with the notices/directions and facilitate the Commission's interventions vis-a-vis violations of human rights;
- The subject of human rights is not mentioned anywhere in the Rules of Business of the Sindh Government though the Directorate of Human Rights was established in 2008 and the SHRC notified in 2013. Hence, it is recommended that the Sindh Government must amend the Rules of Business accordingly. This will enhance the status of the Directorate of Human Rights as well the Sindh Human Rights Commission;
- One of the reasons the Commission undertook to reviewing the Sindh Protection of Human Rights Act 2011 is to remove the lacunae of the law and fill up the gaps where needed to facilitate implementation and empower the Commission as intended by the Government of Sindh. It is important that the Sindh Assembly passes these amendments so that the Commission may carry on with its functions in line with the needs and aspirations of the public.

Annexures

- 1. Sindh Protection of Human Rights Act 2011**
- 2. Rules of Business of SHRC**
- 3. Profiles of SHRC Members**
- 4. List of Activities 2016**