

DRAFT KHYBER PAKHTUNKHWA HUMAN RIGHTS POLICY

Paving the way forward for human rights

Government of Khyber Pakhtunkhwa

THIS IS A WORKING DRAFT UPLOADED FOR FEEDBACK ONLY. THIS DRAFT IS SUBJECT TO REVISION AND NOT THE FINAL POLICY

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Introduction

The Constitution of the Islamic Republic of Pakistan (1973) guarantees Human Rights protection through Fundamental Rights and the Principles of Policy as specified under Articles 8-28 and 29-40 respectively.

The Government of Pakistan, in view of its vision 2025, and its commitment to the United Nations Sustainable Development Goals in respect of vulnerable segments of the society, has given due priority to human rights observance in Pakistan.

The Eighteenth Constitution (Amendment) Act, 2010 has redefined the structural contours of the state through a paradigm shift from a heavily centralized to a predominantly decentralized federation. In so far as the application of Human Rights is concerned, the Federal Ministry of Human Rights has the primary responsibility of reporting on the ratified international Conventions, as the coordinating body and to liaison with the provinces on human rights to ensure their coherence and alignment with international obligations. However, after the enactment of the Eighteenth Constitution (Amendment) Act, 2010, many responsibilities have been entrusted to provincial governments including implementation at the provincial level of international Human Rights treaties to which Pakistan is signatory.

The Province of Khyber Pakhtunkhwa has a clear vision regarding the promotion, protection and enforcement of Human Rights within its jurisdiction. Since 1979, Khyber Pakhtunkhwa has played host to a majority of almost three million Afghan refugees. Despite the tremendous burden this refugee influx has placed on Pakistan, the generosity, tolerance and respect with which the people of Khyber Pakhtunkhwa welcomed and supported these refugees is a shining example to the world. Similarly, the province has seen its share of conflict. In 2009, during the course of Operation Rah-Rast, over two million of Khyber Pakhtunkhwa's citizens became Temporarily Displaced Persons (TDP's). Once again, the people of neighboring towns welcomed their fellow citizens into their lives and homes with open hearts. The province then oversaw the peaceful return of the residents of Swat Valley after the successful conclusion of the operation.

Indeed, Khyber Pakhtunkhwa's belief in and adherence to human rights values is borne by its history and recent events. Therefore, it is no surprise that province has enacted a number of laws to strengthen the protection, promotion and enforcement of human rights and also recognizes the need for a comprehensive human rights policy framework.

The province recognizes that in order to strengthen the protection, promotion and enforcement of human rights, a comprehensive policy framework is required.

This policy builds on legislative and policy initiatives already undertaken and seeks to expand the scope and scale of future endeavors that will demonstrate the province's

ongoing commitment to the State's obligations with reference to international human rights instruments and relevant constitutional provisions, national and provincial laws.

Methodology

In developing this Policy, the Government of Khyber Pakhtunkhwa, in collaboration with United Nations Development Programme (UNDP), in the first round, conducted a gap analysis. The aim of this gap analysis was to identify lacunae in the present human rights regime in the Province. It also analyzed the rules of each Government department with reference to its human rights mandate, relevant federal legislation and Pakistan's international commitments. The gap analysis further incorporated a review of all human rights protection-related laws and policies, enacted by the Provincial Government. Consequently, the thematic areas, listed below, were identified as priority areas of focus. The core team identified relevant Government departments with respect to the thematic areas and drafted and circulated specifically tailored questionnaires to these departments for feedback and information. The core team, comprising members from the provincial Law, Parliamentary Affairs and Human Rights Department and UNDP, then entered into a round of follow-up consultations and key informant interviews. The consultations, conducted in the first instance with Government stakeholders, were followed by further consultations with Civil Society Organizations and International partners including United Nations agencies. Through this process, priority areas for this policy framework were identified and relevant recommendations formulated. These cover the following thematic areas:

- i. Civil and Political Rights
- ii. Women;
- iii. Children;
- iv. Transgender Persons;
- v. Minorities;
- vi. Senior Citizens;
- vii. People with Disabilities; and
- viii. Human Rights Defenders.

Each thematic area provides a brief introduction to the issue followed by relevant policy recommendations. The recommendations are based on the findings of Key Informant Interviews and stakeholder consultations. At all times, care has been taken to ensure that these recommendations focus on practical improvement and outcomes by being based in the social, cultural, political and governance reality of the Province.

This policy aims to provide a mechanism to ensure that the implementation of human rights protections and safeguards from the ground level up. It is critical that the Law, Parliamentary Affairs and Human Rights Department, in consultation with other relevant departments, continues to play a concrete role in establishing frameworks and procedural mechanisms requiring specific, measurable and proactive engagement by local government institutions. The obligations of the Federal Government do not bar the Provincial

Government from enacting laws which it deems fit and necessary to further strengthen its human rights regime.

International treaties to which Pakistan is signatory

The following major International Treaties which Pakistan is a signatory to and has successfully ratified are critical to the formulation of this policy:

1. International Covenant on Civil Political Rights
2. International Convention on Economic, Social and Cultural Rights
3. Convention on the Elimination of All Forms of Discrimination against Women
4. International Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment
5. International Convention on the Rights of Child
 - a. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
 - b. Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography
6. International Convention on the Elimination of All Forms of Racial Discrimination
7. International Convention on the Rights of Persons with Disabilities

Relevant National Legislation

The following National Legislation adopted by Pakistan in light of its International Human Rights obligations is critical to the formulation of this policy:

1. Law and Justice Commission of Pakistan (Amendment) Ordinance 1979
2. The Women in Distress and Detention Fund Act 1996
3. Juvenile Justice System Ordinance 2000
4. The Protection Against Harassment of Women at the Work Place Act, 2010
5. The Criminal Law Second Amendment (Acid and Burn) Act, 2011
6. The Women in Distress and Detention Fund (Amendment) Act 2011
7. National Commission for Human Rights Act 2012
8. Criminal Law Amendment Act 2015 (against child pornography and child cruelty)
9. Criminal Law (Amendment) (Offences in the name or pretext of Honour) Act 2016

Relevant Provincial legislation

The following Provincial Legislation adopted by Khyber Pakhtunkhwa since the 18th Amendment is critical to the formulation of this policy:

1. Child Marriage Restraint Act 1939
2. Child Protection and Welfare Commission Act 2010
3. Khyber Pakhtunkhwa Borstal Institution Act 2012
4. Khyber Pakhtunkhwa Elimination of Custom of Ghag Act 2013
5. The Khyber Pakhtunkhwa Right to Information Act 2013
6. The Khyber Pakhtunkhwa Minimum Wages Act, 2013
7. Khyber Pakhtunkhwa Right to Public Services Act 2014
8. Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation Act 2014
9. Khyber Pakhtunkhwa Senior Citizens Act 2014
10. Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act 2014
11. Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act 2014
12. Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015
13. Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act 2015
14. Khyber Pakhtunkhwa Commission on the Status of Women Act 2016
15. Khyber Pakhtunkhwa Harassment of Women at workplace (amendment) Act, 2017
16. Khyber Pakhtunkhwa Compulsory Education Act 2017

The establishment of the Khyber Pakhtunkhwa Human Rights Directorate under the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014 is a significant step in mainstreaming human rights protection in the Province. The Act makes it clear that the Directorate's primary responsibility is to monitor the Human Rights situation in the province. It has the mandate to take action against human rights violations. The Directorate also represents the Provincial position on human rights at International fora in collaboration with the federal ministry of Foreign Affairs through proper channel. The Directorate is mandated to take initiatives for the harmonization of legislation, regulation and practices with international human rights standards and National laws.

Further to legal review and stakeholder consultations with Government Departments the Draft policy was uploaded on the websites of the Law, Parliamentary Affairs and Human Rights Department and the Directorate of Human Rights Khyber Pakhtunkhwa. Adequate time was provided to the public for feedback which was duly incorporated in to the draft

Preamble

WHEREAS, the Government of Pakistan recognizes the inherent dignity and the inalienable rights of all individuals within its jurisdiction, in light of the Constitution of Islamic Republic of Pakistan, where the fundamental rights have been safeguarded and guaranteed as specified under Articles 8-28;

AND WHEREAS the Principles of Policy under Articles 29- 40 lays down the guidelines which not only spell out the responsibility of each organ and authority of State, but also of each person, who is performing functions on behalf of an organ or authority of State, to act in accordance with these principles;

AND WHEREAS, the State has given due priority to human rights observance in its Vision 2025 by focusing on ending discrimination faced by vulnerable segments of the society that includes women, children, Religious Minorities, senior Citizens, Transgender Persons and Persons with Disability;

AND WHEREAS, in furtherance of Pakistan's National Action Plan on Human Rights and its international commitments, the Government of Khyber Pakhtunkhwa is committed to improve the state of human rights in the Province;

AND WHEREAS, the Province of Khyber Pakhtunkhwa appreciates the need for a human rights policy framework that incorporates the specific needs, history and challenges faced by the Province;

AND WHEREAS, in order to formulate this policy, the Provincial Government through the Law, Parliamentary Affairs and Human Rights Department has held extensive consultations with relevant Government institutions and concerned civil society organizations;

AND WHEREAS, the Provincial Government undertakes here, as it does in all areas in this policy, to encourage and develop mechanisms to engage all local government institutions, elected representatives, and all relevant Government Departments, authorities, institutions and autonomous bodies in order to protect, promote and enforce human rights; and

NOW, THEREFORE, the Government of Khyber Pakhtunkhwa is pleased to make this Human Rights Policy which shall be a common standard for all individuals in the Province and is designed to promote, protect, respect and implement human rights.

TITLE;

This Policy may be called the *Khyber Pakhtunkhwa Human Rights Policy, 2018.*

Civil and Political Rights

Civil and political rights include, but are not limited to, the individual's right to life and liberty, the right to a free and fair trial; freedom of expression and association, right to due process of law and the right to information. Pakistan is a signatory to multiple treaties such as the International Covenant on Civil Political Rights (ICCPR); the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition to ratification of the above, Pakistan has sought to reflect commitment to the same in the country's constitution, establishing guidelines which not only set out the responsibilities of each State organ and authority, but also of persons who perform these functions on behalf of the State.

The Provincial Government has taken concrete steps to address these rights including establishing local government institutions, statutory commissions for transparent governance, and undertaking criminal justice reforms.

The Provincial Government encourages all relevant government departments to adopt necessary measures to promote understanding, respect and protection of the civil and political rights of all individuals. It seeks to strengthen existing local government institutions mandated to promote and protect civil and political rights in order to craft a governance paradigm that is sensitive to the rights of all individuals without discrimination.

It is widely acknowledged that the exercise of civil and political rights is intricately linked to an effective rights-respecting criminal justice system. The Provincial Government undertakes to strengthen and reform the critical pillars of the criminal justice system that are essential for the realization of the rights discussed above.

Recommendations

In furtherance of the above objective, and in order to ensure the rights-responsiveness of the criminal justice system, this policy recommends

Police

- i) An enhancement of budgetary resources to increase investigative capacity.
- ii) Human rights training shall be made part of the police training curriculum. These trainings shall focus on Pakistan's international human rights commitments under and be in line with international best practices.

- iii) The government of Khyber Pakhtunkhwa shall adopt legislation which shall address the issue of torture and custodial deaths.
- iv) The provincial government shall develop institutional enforcement and monitoring mechanisms in light of the UN Convention against Torture in the legal and administrative system of the province.

Prosecution

The prosecution department, in addition to its other legal functions, is mandated to assist, supervise and guide the police department in the investigation process subsequent to the lodging of First Information Reports (FIRs). However, the department lacks the capacity to perform this role as required. Therefore, in order to strengthen the role, capacity and functioning of the department, this policy recommends

- i. The provision of office space for the Prosecution department in every district of the province.
- ii. The establishment of a legal and digital resource center and library;
- iii. In line with international best practices, the development and institutionalization of Joint trainings for members of the prosecution department, police and trial court judiciary to raise collective awareness on the role of human rights safeguards in the criminal justice system.

Right to Information

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

With the enactment of the eighteenth Constitution (Amendment) Act, 2010, Article 19-A has been incorporated in the Constitution of Pakistan, which provides that every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law. Therefor the Provincial Government has enacted Khyber Pakhtunkhwa Right to Information Act 2013.

In light of the above, this policy recommends-

- i. Eradication of the culture of secrecy in Government Departments;

- ii. Training for public information officers, designated at the level of each Provincial department in order to enable them discharge their duties under the Act.

Women

Article 25 of the Constitution of Islamic Republic of Pakistan, while guaranteeing gender equality, empowers the State to make any special provision for the protection of women. This includes protection of the right to life, liberty, economic empowerment, and education.

The Government of Pakistan has ratified various international human rights instruments, committed to securing equal rights for women including, the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and International Labor Organization (ILO) Conventions No. C-100 (Equal Remuneration Convention) and C-111 Discrimination (Employment and Occupation. CEDAW obliges member States, to eliminate all forms of discrimination against women and bring de-jure and de-facto equality between men and women. It also obliges States to take all legislative, administrative and other measure to ensure women's participation in economic, political and national life. In addition to CEDAW, ILO Convention No. 100 and No. 111 provide for equality of opportunity and treatment in all employment related matters including remuneration.

Pakistan has, both at the Federal and Provincial levels, has taken steps through legislation to protect women against sexual harassment, forced marriages, denial of inheritance, acid attacks and 'honor' killings. In addition to relevant federal laws, the Federal Government has also established the National Commission on the Status of Women under the National Commission on the Status of Women Act 2012 to monitor and facilitate implementation of laws for the protection of women.

In addition, the Provincial Government has enacted significant complementary legislation covering areas ranging from securing the right to inheritance to the elimination of the custom of Ghag to protective legislation against harassment at the workplace. Further, the Khyber Pakhtunkhwa Harassment of Women at Workplace (Amendment) Act, 2017 requires the appointment of a woman as provincial Women's Ombudsperson for the purpose of disposing of complaints of working women against harassment in their respective places of employment. The Government of Khyber Pakhtunkhwa has also established a Commission on the Status of Women under the Khyber Pakhtunkhwa Commission on the Status of Women Act (2016). Moreover, a provincial Women's Empowerment Policy has been launched in 2015 in pursuance of the province's commitment to gender equality.

Recommendations

The Government of the Khyber Pakhtunkhwa is committed to further improve the situation of women's rights. In light of the above, this policy recommends

- i) Rigorous implementation of existing protective legislation and an examination of the need for further gender specific criminal and civil laws.
- ii) The production and dissemination of awareness raising materials on women's rights issues in order to sensitize State and citizenry on women's rights.
- iii) The provision of training, assistance and enhanced capacity-building and oversight mechanisms to existing state institutions catering to women's empowerment and representation.
- iv) The enactment of legislation declaring Domestic Violence an offence.
- v) Awareness-raising within and mainstreaming of gender concerns and gender-specific laws in local government institutions.
- vi) Provision of shelter, rescue, medical, psychological and legal facilities at all Government-run Women Protection Centers.
- vii) Trainings for all relevant government officials incorporating steps to ensure the enforcement of women rights.
- viii) enhancement of forensic science facilities to aid in the investigation of offences, relating to sexual violence.
- ix) Training of investigation officers, prosecutors and trial court judges with a view to improving the process of investigation and evidence gathering in cases relating to sexual offences.
- x) provision of outreach programmes and initiatives highlighting the benefits of primary, secondary and higher education for girls and women. Specifically, these outreach initiatives shall be aimed at parents to encourage their daughters to attend schools. Incentives shall be provided to parents, especially in rural areas, to encourage them to educate their daughters.
- xi) Gender perspectives and priorities shall be incorporated in school curriculum and teachers shall be trained at the primary, secondary and higher level in gender issues.
- xii) The Provincial Government shall take measures to implement and monitor the policy of minimum and equal wages fixed by the Provincial Government and take proactive measures to make women in the work place fully aware of their rights, duties and obligations so as to better empower them.

Children

Pakistan has signed and ratified a number of international treaties and conventions such as the United Nations Convention on the Rights of the Child (CRC) along with its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the International Labour Organization's Convention on the worst form of Labour, Minimum Age Convention and Forced Labour Convention. Pakistan has also protected children through criminal law amendments that seek to criminalize acts of violence and abuse against children. This includes cruelty towards children under section. 328-A of Pakistan Penal Code; kidnapping or abducting a minor under the age of fourteen years under section. 364-A of Pakistan Penal Code; kidnapping or abducting in order to subject person to unnatural lust under section. 367-A of Pakistan Penal Code; trafficking of human beings under section. 369-A of Pakistan Penal Code; sexual abuse under section 377-A of Pakistan Penal Code; exposure to seduction of a child under section. 292-A of Pakistan Penal Code and child pornography under section. 292-B of Pakistan Penal Code.

In addition, the Government of the Khyber Pakhtunkhwa has established an autonomous Child Protection and Welfare Commission through the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010. Similarly, to regulate the detention of juvenile offenders, the Khyber Pakhtunkhwa Borstal Institution Act, 2012, has been enacted by the Provincial Government. The Act requires the convicted juvenile to be housed in the Borstal institutions to be established under the said Act. Further, probation laws of the Province provide an opportunity to the underage convict to reform and earn a probation concession. The laws also require that, juveniles and children to be kept separate from hardened criminals. Furthermore, The Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015, has also been enacted to prohibit child labor within the province.

Recommendations:

In pursuance of its aim to protect and promote the rights of children this policy recommends

- i. That the process of child registration shall be made mandatory and the provincial government shall develop incentive schemes to encourage registration;
- ii. Awareness-raising campaigns shall be conducted targeting parents regarding the benefits of registration which includes education, health and housing;
- iii. NADRA along with the Local Government Department shall be encouraged to play a role in easing the process of registration;

- iv. The Province shall take necessary steps against child labor and develop outreach programmes aimed at parents spreading awareness of the disadvantages of children being in the work force;
- v. The Provincial Government shall formulate rules as required under the Khyber Pakhtunkhwa Borstal Institutions Act, 2012, to ensure the effectiveness and efficacy of the Act.
- vi. In light of Article 25-A of the Constitution every child from the age of 5 to 16 years has a right to free and compulsory education and the Provincial Government has enacted the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017, to ensure free education of children within the Province. The Provincial Government should ensure effective and meaningful implementation of the said provisions.
- vii. In order to raise awareness of child protection issues, the Provincial Government shall adopt measures which shall include producing and disseminating informational materials explaining best practices regarding the rights of children.
- viii. Existing local government institutions mandated with the promotion and protection of child rights shall be provided with assistance such as training and capacity-building.
- ix. The Provincial Government shall ensure that the rights of the child are factored in all of its relevant policy-making activities.
- x. The Provincial Government shall ensure the implementation of anti-corporal punishment laws in the province. This shall include but not be limited to trainings for teachers and parents on the subject.
- xi. The Provincial Government shall establish mechanisms for regular parent-teacher meetings to ensure the end of corporal punishment and to further the welfare of children.

Transgender Persons

The Yogyakarta principles are premised on the belief that all human rights are universal, interdependent, indivisible and interrelated. To this extent, gender identity is integral to every person's dignity and humanity and must not be the basis for discrimination or abuse. For the sake of clarity, gender identity, as defined under the principles, refers to *"...each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body..."*.

The transgender community in Pakistan is recognized as a distinct but vulnerable segment of society and the State at all levels.

The Government of Khyber Pakhtunkhwa is the first provincial government to have notified a special committee on the rights of transgender persons. This committee includes transgender activists and is mandated with the protection of the rights of transgender persons.

Moreover, the Provincial Government has approved a budget for the uplift and empowerment of transgender persons in the Province. A concrete policy on the rights of transgender persons that aims to end social stigma and discrimination and at creating equal economic and education opportunities for transgender persons is under process at the level of Provincial Government. The policy focuses on their right to self-identify and to provide transgender persons with equal rights and protection under the law. For the sake of clarity, specific definitions are provided below.

Transgender: People whose gender identity differs from the sex they were assigned at birth.

Transwoman: A woman who was assigned a male gender at birth which is inconsistent with her sense of self as she identifies as a woman and may have taken steps to transition into becoming a woman

Transman: A man who was assigned a female gender at birth which is inconsistent with his sense of self as he identifies as a male and may have taken steps to transition into becoming a man.

Intersex: People born with a mix of male and female biological traits which makes it difficult to assign them a gender at birth.

Recommendations

The government of Khyber Pakhtunkhwa is dedicated to safeguarding the rights of all transgender persons throughout the Province. Therefore, this policy recommends

- i. Appropriate steps shall be taken in order to safeguard the rights and welfare of transgender persons;
- ii. Awareness-raising, both within government and the broader citizenry, shall be conducted with respect to the identity and rights of transgender persons;
- iii. As appropriate, government departments shall produce and disseminate information that enables protection and promotion of the rights of transgender persons;
- iv. Local government institutions shall institute education and vocational skill-development schemes for transgender persons;
- v. Sensitization programs shall be instituted at the local community-level to combat social prejudice and discrimination against transgender persons;
- vi. The Yogyakarta Principles shall be incorporated in government policies concerning transgender persons;
- vii. The provincial government shall speedily enact necessary legislation for the protection, promotion and enforcement of the rights of transgender persons;
- viii. A reliable registration mechanism shall be developed for transgender persons to aid in the provision of protection, social services and budgetary allocations by the Provincial Government;
- ix. Training shall be provided to Government officials including police on issues concerning transgender persons; and
- x. Outreach programs shall be instituted to sensitize parents regarding transgender children with a view to creating a stable and accepting home environment.

Minorities

The Constitution of Pakistan guarantees the equality of all citizens, including the rights of minorities as specified in Article 36 which provides that the State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services respectively. Following the Eighteenth Constitution (Amendment) Act, 2010, a Ministry of Interfaith Harmony has been established at the Federal level which has been merged and renamed as Ministry of Religious Affairs and Interfaith Harmony. This Ministry has been mandated with the task to develop policy and legislation with regard to interfaith harmony to promote interfaith dialogue, peace and to mitigate the issues between majority and minority communities.

The issues, relating to religious minorities, are largely looked into by the Auqaf, Religious and Minority Affairs Department in Khyber Pakhtunkhwa province. Keeping in view the issues and exploitation, experienced by religious minorities, the Provincial Government has enacted the Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act, 2014 which, stipulates the constitution of the Khyber Pakhtunkhwa Commission for Minority Affairs and restricts sale and transfer of minority community properties. Further, the Provincial Government has also constituted a committee, at the level of each district, to known as District Interfaith Harmony Committee, for creating inter-faith harmony amongst all religious school of thoughts within the Province. The Provincial Government by recognizing the status and identity of the minorities, has also taken steps to ensure their political participation and has reserved a quota for minorities in the Provincial Assembly.

Recommendations:

Safeguarding the rights of minorities is a crosscutting as it requires the involvement of various departments in order to implement an effective rights regime. In order to take steps to ensure a minority-friendly province, this policy recommends -

- i. Production and dissemination of information which shall enable state and citizenry to better understand the needs and rights of minorities;
- ii. Strengthening of local government institutions which have a mandate of protecting and promoting the rights of minorities by providing them with relevant training and increasing their capacity;
- iii. Provision of mechanisms and campaigns for the purpose of promoting interfaith harmony and religious tolerance within the Province;
- iv. Provision of trainings for government officials to cater to the specific needs and provide solutions to challenges faced by minorities;

- v. Proactive measures to protect minority places of worship and to ensure the maintenance and upkeep of sites which have historical, cultural and religious significance to minorities;
- vi. Develop a curriculum which shall promote religious and social tolerance for minority groups;
- vii. Enhanced budgetary allocation at all tiers of government for the introduction of income-generating schemes for minorities;
- viii. Encourage cultural expression by minorities by launching government campaigns advocating minority rights;
- ix. Conduct training, sensitization and awareness programmes for law enforcement and investigative agencies with respect to the rights of minorities to ensure that the law is not applied in a discriminatory manner or used to cause them harm;
- x. Proactive measures to ensure that that reserved government quotas for minorities are availed by the latter to the fullest extent and that minorities are able to discharge their professional duties without fear of discrimination or abuse; and
- xi. The Grant-in-aid budget shall be increased so that minorities may receive money from the provincial government. It is essential that the distribution of the aid conducted with transparency and that income generating schemes be initiated throughout the province. These schemes shall be initiated in districts with large minority communities and local government officials shall be empowered to process applications for the same. Strict compliance guidelines shall be established to ensure adequate utilization of funds.

Senior Citizens

Ageing is accompanied by specific socio-economic and cultural challenges. State obligations towards senior citizens including the right to protect and provide them with care and protection is reflected in sundry international instruments, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Further, respect and care for elders and senior citizens is part of Pakistan's cultural fabric and Khyber Pakhtunkhwa is no exception. Moreover, Pakistan is also signatory to the Madrid Plan of Action on Ageing (2002) which stipulates the State's responsibility for providing welfare of the elderly. While recognizing the rights of senior citizens, the Government of Pakistan has initiated various schemes for ageing population such as Employees Old-Age Benefits under the umbrella of Employees Old Age Benefit Institution (EOBI). Accordingly, the Government of Khyber Pakhtunkhwa has also enacted the Khyber Pakhtunkhwa Senior Citizens Act, 2014, through which senior citizens of the province are provided with certain privileges and protections.

Recommendations

This policy recommends

- i. That the financial support given to the senior citizen shall not be less than fifty percent of the minimum wage as specified by the Minimum Wages Board constituted under The Khyber Pakhtunkhwa Minimum Wages Act, 2013;
- ii. That the Senior Citizen Council under the said Act shall be established in all Districts of the Province;
- iii. That the Provincial Government shall take necessary steps to utilize data provided by the National Database Registration Authority (NADRA) for the benefit of senior citizens;
- iii. That existing local government institutions shall be trained and sensitized in the rights of senior citizens; and
- iv. That the provincial Senior Citizens Act shall be implemented in letter and spirit.

Persons with Disabilities

The rights of persons with disabilities are recognized under the International Labour Organization Convention on Vocational Rehabilitation and Employment of Disabled Persons and the United Nations Convention on the Rights of Persons with Disabilities, and the Constitution of Islamic Republic of Pakistan, under Clause (d) of Article 38 guarantees the protection of rights of those who are permanently or temporarily unable to earn livelihood on account of infirmity and sickness. The Government of Pakistan has also enacted a special law, titled, the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, wherein, the rights of infirm, sick and disabled persons are protected.

Recommendations

Even though the government of Khyber Pakhtunkhwa has taken multiple steps to ensure the wellbeing and rights of disabled persons, it recognizes the need for further action.

This Policy recommends-

- i. That all public buildings shall be equipped with access and facilities for disabled persons;
- ii. Development and dissemination of information which shall enable people to understand, respect and adhere to best practices regarding people with disabilities;
- iii. Introduction of skills-development and capacity-enhancement schemes at the local level; and
- iv. Enactment of comprehensive protective legislation for persons with disabilities.

Human Rights Defenders

Those, who promote and protect human rights, are considered Human Rights Defenders as enunciated by the United Nations Office of the High Commissioner for Human Rights. The Human Rights Defenders have always been a vulnerable group in society, since, their rights as common citizen are protected under various laws. However, there is no specific laws enacted for the protection of Human Rights Defenders.

Recommendations

This Policy Recommends-

- i. The Provincial Government shall enact specific legislation to provide protection to Human Rights Defenders; and
- ii. The Provincial Government shall take steps to engage in dialogue and consultations with Human Rights Defenders across the province to recognize their needs and provide support to their work.