

PARLIAMENT WATCH – PAKISTAN*

MARCH 2011 - FEBRUARY 2012



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Report of Human Rights: March 2011 to February 2012

Human Rights in the Corridors of Parliament



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Parliament highlighted Human Rights issues of general public interest and raised its voice for the rights of marginalized sections of society. It is the start of journey but a long journey has to be travelled. It legislated to establish institutions like National Commissions on Human Rights and Status of Women, yet the legal regime requires a serious review. The efforts of members of Parliament need appreciation, yet it requires further strengthening of the legal system and applicable rules. We need to change the mindset of society and remove social taboos which can be done through better education and empowerment of the marginalized ones.

Introduction

Pakistan has bi-cameral legislature having two Houses. The Senate is the upper House and National Assembly is the Lower House. Both Houses have Standing Committees for different Ministries. The Standing Committees are called mini legislatures as the basic work of Parliament i.e., legislation, scrutiny and public oversight is performed through this institution. Its composition and functions are defined in *the Rules of Procedure and Conduct of Business in the National Assembly and Senate respectively*. These rules clearly elucidate that the functions of the Standing Committees which includes legislation, administrative, policy and financial oversight.

The period from March, 2011 to February, 2012 can be safely categorized into four quarters consisting of three months each. This categorization will assist us to analyze the working of the Parliament/Standing Committee on Human Rights vis-à-vis its defined functions. In the Senate and National Assembly of Pakistan issues of public importance are discussed any day but except the budget session no other session has any pre-defined agenda. The Standing Committees have specific agenda. Most of the spade work is done in the meetings of the Standing Committees. During First Quarter starting from March to May 2011, the Standing Committee on Human Rights and its sub-committees held five meetings¹ and during Second Quarter it convened ten² meetings. The Standing and its sub-committees held five meetings during Third Quarter³ and three meetings in the Fourth Quarter. One meeting was held during the month of December, 2011⁴ and two meetings were held in February, 2012⁵. Thus the standing Committee and its Sub-Committees convened 23 meetings. The Sub-Committees meetings are clubbed with Committee meetings because of the reason that Sub-Committee minutes or report once adopted by the

¹ Material for this report is taken from recently published *Two years progress report of the Standing Committee on Human Rights from June, 2009 to June, 2011*.

² Meetings were convened by the Committee and Sub-Committees on 6th, 8th, 14th, 22nd, 29th and 30th June. The sub-committees on food adulteration and capacity building held two meetings on 25th and 28th July. During August, 2011, two meetings were convened on 16th and 20th. It can also be seen on National Assembly website: <http://www.na.gov.pk/en/pressrelease.php?content=103>

³ The Standing Committee held its meetings on 21st September, 28th September, 28th October, 25th November, and 30th November, 2011.

⁴ It was an in-camera meeting of the Committee. It was attended by Mrs. SaminaMushtaqPugganwala, Mrs. ShakeelaKhanam Rashid, Ms. RahelaBaloch, Ms. FauziaHabib, Dr. MehreenRazzaque Bhutto, Mrs. KishwarZehra, Mrs. YasmeenRehman, Mrs. NisarTanveer, Mrs. SumairaYasirRasheed, Mr. JawadHussain, Ms. JamilaGillani, Dr. AttiyaInayatullah, Syed MumtazAlamGillani, and Ms. SabeenRizvi. The Governor Khyber Pakhtunkhwa Barrister MasoodKausar attended the Meeting. Mr. SajidHussainTuri, and Mr. Munir Khan Orakzai were also invited to attend the meeting. NA website:<http://www.na.gov.pk/en/pressrelease.php?content=103>.

⁵ Two meetings held on 1st and 21st February, 2012.

Committee; then these minutes are considered to be the minutes or report of the Standing Committee. Various issues discussed in these meetings where certain observations are made along with recommendations to redress the wrongs. Parliament also debated issues where rights of marginalized sections like killing of Hazaras in Quetta, aid throwing and status of women. The details of issues discussed in these meetings are as under:

Human organs transplant⁶:

The Committee debated the issue of illegal transplant human in detail. It different facets came under discussion like share of victims in money paid for transplantation, illegal practices being carried out in hospitals and role of the provincial and federal governments to curb such practices.

The Committee criticized and condemned this illegal trade of transplanting. The patients are paying from Rs. 0.7 million to around Rs.1.6 million, but the poor people are induced to sell their organs at a very low price and provided improper post operation care. Pakistan had earned notoriety and dubbed as “Kidney Bazar”.

Hectic efforts were made by the Ministry of Health for the enactment of “Transplantation of Human Organs and Tissues Act, 2010” on 18th March, 2010. This Act helped in restoring dignity of human life. The standing Committee constituted different panels to conduct surprise checks of the hospitals performing human organs transplants in their respective areas, observe operation as well as post operation care system and suggest corrective measures in view of shortcomings.

The Committee recommended Ministry of Health to launch awareness campaign in collaboration with multi-national pharmaceutical companies and Local pharmaceutical firms. It was also recommended that Ministry of Information and Broadcasting may also be asked to provide public service time on PTV and other private channels for this campaign. These companies may be asked to assist in printing pamphlets which should be distributed at the front desks of various hospitals and the posters / charts are displayed prominently at all Government hospitals / private hospitals, District hospitals, Tehsil hospitals, Rural Health Centers, Basic Health Units, Civil

⁶ This issue came under discussion in the Standing Committee meeting held on 11th March, 2011 and was subsequently dilated upon in June, 2011 meeting.

Dispensaries etc. In addition to this, the Committee also recommended that health education material may be prepared in simple form and distributed among the students.

The Committee also recommended that provincial governments may also be brought on board on these health issues of public interest so that Executive District Officers may be directed to take essential steps to curb this menace. In a subsequent meeting the Committee felt that provincial Governments have not taken sufficient steps to stop this illegal practice and therefore, recommended Ministry of Interior to remove legal anomalies to extend role of FIA to such crimes⁷.The also appreciated efforts of KishwarZehra for her work to highlight this illegal transplants⁸ issue by visiting the areas and filming such crime. Ministry of Health and Government of Punjab were asked to revise polices for preventing illegal business of Human Organs.

Adulteration in Medicines⁹:

The Committee expressed its displeasure on the performance and role of Health Ministry to curb spread of substandard medicines. On the other hand, The Committee also lamented pharmaceutical companies which are pocketing huge profits by selling medicines at higher prices as compared to other countries in the region without ensuring its quality. The Standing Committee lamented Ministry of Health its poor efforts to educate people about harmful effects of re-use of syringes and self-medication / over the counter sale of prescription drugs / adulterated drugs through Health Education Awareness Programmes.

A sub-committee¹⁰ under Convenership of SardarMehtab Ahmed Khan Abbasi was constituted to furnish report about drugs and affairs of Tib Council. It was also asked to review the present licensing system, drug registration, quality assurance, drugs pricing and recommend measures to ensure supply of safe, effective and quality drugs at economical rates to the masses. It was also

⁷ Discussed in 22nd June, 2011 meeting which highlights the interest of Committee in this problem where the loser were marginalized people. May see NA website: <http://www.na.gov.pk/en/pressrelease.php?content=103>

⁸ Ibid. The participants of the June meeting appreciated Ms. Kishwar's efforts.

⁹ The Committee took note of the fact that impure medicines seriously affect the health. The quacks and Hakeems are also major stakeholders in health sector. Therefore, the Tibb council issue also came under discussion.

¹⁰ The Committee included Ms. Fauzia Habib, Ms. Mehreen Razzaq Bhutto, Ms. Yasmeen Rehman, Khawaja Sheraz Mehmood and Mr. Rauf Khalid was a coopted member.

asked to evaluate system of Tib and homeopathic drugs and make recommendations to organize them on scientific lines to safeguard public health.

The Committee took serious note of spreading of commutable diseases due to barbers, dentists and ear/ nose piercing shops.

The Committee recommended that Ministries of Health and Law to finalize Medicines Act without further delay.

Local purchase and reimbursement of medicines:

The National Assembly through the money Bill abolished the medicine charges reimbursement but later on some exemptions were introduced. On the complaints of problems in medical reimbursement, the Standing Committee on Human Rights dilated upon the issue and expressed dissatisfaction on facilities of local purchase of medicines and non-availability of medicines in Federal Hospital and Dispensaries to patients of diabetic, hypertension and Hepatitis C.

In order to lessen the problems, the Committee asked the Federal Government to simplify reimbursement procedure of medical claims and requirement for the approval of Heads of Polyclinic and PIMS should be abolished if prescription of a Medical officer is available. In addition to this, concerned authorities were asked to ensure the availability of medicines for diabetic, hypertensive and Hepatitis C patients who are working in Federal Government and also at medical dispensary of National Assembly.

Food adulteration¹¹;

Food adulteration is quite common in Pakistan and voices are raised in the Parliament from time to time. Considering it an important issue, the Standing Committee also constituted a sub-Committee to dilate upon this issue. The Sub-Committee in its meeting held on 25th July, 2011 expressed its serious concerns because except the province of Punjab no other province has done anything with regard to up-dating of Pure Food Act. The representatives from other provinces

¹¹ The Sub-committee minutes were approved in Standing Committee meeting held on 16th August, 2011. See NA website.

despite presence in meetings held on 10th May, 12th August and 10th December, 2010, repeated the previous answers and indicated no progress with regard to amending the Pure Food Act. The Committee appreciated Government of Punjab for establishing Drug and Food Testing Laboratories at Rawalpindi, Bahawalpur, Joharabad and Lahore. The Committee approved report of sub-Committee on 16th August, 2011.

Recommendations:

1. The Secretaries Health of the Provinces, Chairman PSQAC, Commissioner ICT, Islamabad, and Chairman CDA were asked to attend the meeting in person to be held on 1st November, 2011 and all concerned quarters should study recommendations of the meeting dated 10-12-2010 and act accordingly.
2. The Chief Secretaries will be also called in the next meeting in accordance with the National Assembly Rule 227. Otherwise, Establishment Division, Heads of respective Departments including Governors/Chief Secretaries of Provinces will be requested to initiate disciplinary action against delinquent officers.
3. The Committee asked other provinces to follow Government of Punjab is establishing drugs and food testing labs.
4. All government departments were asked to take special remedial measures for eradication of adulteration in food items especially during Ramazan.
5. All existing issues and problems of food adulteration including cases that are pending in court should be addressed in updating of Pure Food Act by other provinces to avoid these issues.
6. The sub-committee recommended that Capital Administration and Development Division (CADD), Ministry of Interior, Ministry of Inter Provincial Coordination (IPC), Islamabad, Ministry of Law, Cabinet Division, Commissioner ICT, Islamabad and Chairman CDA will update Pure Food Act and implement in Islamabad using Punjab Food Authority Act, 2011 as a model law. The draft Act may be moved by the concerned quarters within a week. The administrative and operational setup with regard to adulteration of foods in ICT, Islamabad and CDA Jurisdiction may be improved and upgraded. In this regard comprehensive plan may be moved within two months. Commissioner ICT, Islamabad, Chairman CDA, Ministry of Interior and Cabinet

Division will coordinate and furnish a report to the Standing Committee on Human Rights on fortnightly basis.

7. Government of Punjab to circulate copies of the Punjab Food Authority Act, 2011 to other provinces, ICT, Islamabad and CDA.
8. Ministry of SAFRON/ Government of PakhtunKhwā were asked to update the Pure Food Act for FATA and Khyber Pakhtunkhwa as soon as possible.
9. Chief Secretary, Government of Sindh to pursue 3500/- cases of Food adulteration pending in the courts.
10. Ali Baksh Baloch, Secretary Food, Government of Balochistan, Quett was asked to send details of adulteration cases pending in courts.
11. Chief Secretary of the Provinces/CDA may forward short messages to Ministry of Information/PTV/Radio with regard to adulteration in Food, Children Care, Hepatitis, Polio and Typhoid.

National Commission for Human Rights Bill, 2008¹²:

One of the major legislation to strengthen human rights regime in Pakistan was the establishment of National Commission for Human Rights (NCHR). The Committee considering importance of the NHCR decided to constitute a sub-committee in its meeting on held on 30th May, 2011¹³. The Sub-Committee considered the Bill thoroughly in its meeting held on 6th June, 2011 and its report was approved by the Standing Committee on 30th June, 2011.

The sub-committee appreciated efforts of Syed Mumtaz Hussain Gillani for his support to establish NCHR through a Government Bill and Justice ® RiazKiyani, ex-secretary and Mian Raza Rabbani for their help to further improve it.

The Sub-Committee laid down basic requirements for realization of the proposed National Commission of Human Rights (NCHR) which are as under:-

- i) Preparation of the annual budget and finalize financial requirements for approval of the Ministry of Finance and budgetary allocation for the financial year 2011-2012.
- ii) Approval of final draft Bill by concerned Ministries, such as Interior, Finance before final vetting by Ministry of Law.
- iii) The Ministry of Human Rights should complete all formalities and make the establishment of the Commission a reality before 31st December, 2011.

After hectic activities, the National Assembly passed the National Commission for Human Rights Act 2011¹⁴ on 21st December, 2011. The purpose of the Bill was to ensure protection of the Human Rights enshrined in the Constitution of the Islamic Republic of Pakistan and various International Instruments of the United Nations Human Rights Council as Pakistan is a party to

¹² The initial debate on the Bill started in March, 2011.

¹³ The Bill for NCHR was discussed in different meetings but main deliberation were done by the Sub Committee comprising Dr. AttiyaInayatullah, Mrs. KishwarZehra, Mrs. RubinaSaadatQaimKhawani, MNAs and Mr. Mustafa Khokhar, Advisor to Prime Minister. The Sub Committeewas supported by Mr. I. A. Rehman from HRCP and Ch. M. Shafique from PCHR.

¹⁴<http://www.na.gov.pk/en/bills.php?status=pass>. The Bill was passed by the Senate on 8th March, 2012. No intelligence agency would be able to detain any individual illegally after this enactment. My see: <http://www.dawn.com/2012/03/09/senate-passes-landmark-human-rights-bill.html>.

it. The Commission enjoys wide range of powers including the suo motu power to take cognizance of human rights violations.

National Commission for Status of Women Bill, 2011¹⁵:

After the establishment of National Commission for Human Rights, the other major legislation by the Parliament was the approval of Bill for the establishment of National Commission on the Status of Women. The Standing Committee constituted a Sub-Committee on 28th October, 2011 to this Bill¹⁶ and the Standing Committee considered report of the sub-Committee in its meeting held on 25th November, 2011.

The basic functions of the National Commission is to examine policies, programmes and other measures taken by the government for women uplift and gender equality and to make recommendations to the concerned authorities/Government in this regard. The Commission would also review all laws affecting the status and rights of women and would suggest repeal, amendment or new legislation wherever required to eliminate gender discrimination. It will work to safeguard and promote women's interests and to achieve gender equality.

The Committee appreciated the Sub-Committee for completing in time review of the Bill. The Committee also appreciated Syed Mumtaz Alam Gillani for participating in the meetings that considered both Bills (National Commission on Human Rights Bill, 2008 and National Commission for Women Bill). The Committee also recognized services of members of NCSW and Mr. Riaz Fatyana for the cause of Human Rights.

Dr. Attiya Inayatullah informed that "The Reproductive Healthcare and Rights Bill, 2010" will be referred to the Standing Committee for its consideration subject to approval of Honorable Speaker. A Sub-Committee under Convenership of Ms. Jamila Gillani would be constituted to

¹⁵ The standing Committee considered the report of the Sub-Committee and approved this Bill with certain amendments in its meeting held on 25th November, 2012.

¹⁶ The sub-Committee was headed by Dr. Attiya Inayatullah and other members were Mrs. Farahnaz Ispahani, Mrs. Kishwar Zehra, and Ms. Sabeen Rizvi, MNAs. Advisor to Prime Minister, Secretary Ministry of Human Rights, Mrs. Nasreen Azhar and Mrs. Anees Haroon of National Commission of State of Women (NSCW) and Ch. Shafique, ED, PCHR, were also asked to assist the sub-committee.

examine that Bill. But it could not see light of the day and also reflect desire of the Committee which is not in line with mandate.

Committee defined broader parameters for the Commission is as under:

1. The Commission should be independent having full financial and administrative autonomy.
2. The Committee pledged to table the Bill in the next session of National Assembly scheduled to be held on 15th December, 2011.
3. The Standing Committee on Human Rights unanimously approved the National Commission for Women Bill, 2011 with certain amendments subject to vetting by Ministry of Law.

The Bill was presented in the National Assembly on 18th January, 2012 but it could not be passed due to certain reservations from the Opposition. Dr. Fehmeeda Mirza, Speaker National Assembly asked Mr. Zahid Hamid to discuss the matter with the Members of the Standing Committee immediately to finalize the amendments. A meeting was held and Speaker National Assembly chaired the meeting to further fine tune the Bill before its consideration by the august House.

The Bill was discussed in the National Assembly on 19th January, 2011 and it was passed unanimously with certain amendments. Speaker National Assembly congratulated the House on the unanimous approval of the Bill and appreciated both parties for their cooperation for the cause of women. This also reflect the interest of parliament in this legislation.

The Senate of Pakistan approved this Act on 2nd February, 2012¹⁷. It was a landmark achievement to improve the status of women.

Convention against Torture:

¹⁷<http://www.pakistantoday.com.pk/2012/02/03/news/national/senate-passes-bill-on-women%E2%80%99s-status/>.

With regard to implementation of (ICCPR) in CAT ratified by Pakistan in 2010, the Committee directed Ministry of Human Rights to initiate consultation process with all concerned stakeholders at National and Provincial level to implement the provision of these treaties. Pakistan obligations to submit initial reports on status of implementation of above mentioned treaties should be started immediately.

During the discussion on the implementation of various international conventions, the Standing Committee on Human Rights recommended to submit reports on Convention against Torture (CAT), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil, Political Rights (CCPR), and other such conventions for approval of the NASCHR¹⁸ by the Ministry of Human Rights/ Ministry of Foreign Affairs.

Other International Conventions:

In a subsequent meeting, Ministry of Human Rights was asked by the Committee to prepare a comprehensive on national implementation plan for honoring Pakistan's international Human rights commitments particularly with respect to ICCPR ,CAT and UPR and initiate the process of signing and ratification of remaining major human rights treaties including Convention on the rights of Migrant workers and their families (CMW), Convention for protection against enforced disappearances .In this regard, a nationwide consultative process involving leading human rights organizations like Human Rights Commission of Pakistan (HRCP), Parliamentarians Commission for Human Rights (PCHR), Aurat Foundation, should be undertaken to take civil society on board. This also reflects the realization on the part of parliamentarian for their international commitments.

Women Rights:

The Parliament is sufficiently represented by the women parliamentarian. The National Assembly has constituted "*Women Caucus*" under the dynamic leadership of Dr. Fehmeda Mirza, Speaker National Assembly. Women parliamentarians have played an effective and dynamic role in highlighting issues relating to women and legislation thereupon.

¹⁸ Issue raised in the sub-committee on capacity building meeting held on 25th July, 2011.

In addition to this, the Standing Committee on Human Rights raised issues related to women and condemned the action of police in the case of Ms. Haleema Bhutto who was deprived of her share in land. In addition to this, the Committee condemned the incident of lathi-charge on Lady Health workers of Ghotki.

The Committee unanimously recommended that RPO/DPO Sukkur/ Ghotki may proceed under Section 145/PPC to resolve the land issue of Mrs. Haleema Bhutto. The District Officer (Revenue), Ghotki may make Vanda (distribute the land) as per law and decide the case within two months after filing of application by Mrs. Haleema/ owner of the land.

The Committee also recommended to National Commission on Status of Women to provide legal aid to Mrs. Haleema Bhutto. Mrs. Yasmeen Rehman was requested to take up this case personally with the Prime Minister's Secretariat. The sub-committee already constituted under the Convener ship of Dr. MehreenRazzaque Bhutto will pursue this case for its early resolution. In case of lady health workers, the Committee recommended:

1. Regularize the services of Lady Health workers as per Government Policy.
2. Withdrawal of case against 40 arrested LHWs along with two personal staff members of Mrs. MarviMemon, MNA.
3. Fixation of Rs. 7000/- as minimum wage of Lady Health Visitors, as per Government announcement.

**Women Education:
Finding:**

Women literacy rate in Pakistan is 45.2 percent as compared to average literacy rate of 57.7 per cent for the age between 10 to 15 years¹⁹. Therefore, Committee took an exception to the action of principal of a school in Taxila who stopped two sisters from attending the school for want of payment of tuition fee. The committee deplored on the plight of affairs in the schools and recommended:

1. DCO/EDO Education Rawalpindi to ensure continuity of education of Ms. Natasha Resident of village Labb, along with her sister and also directed to extend scholarship for these poor girls so that they could continue their education.
2. Inquiry against the conduct of Head Mistress Government Elementary and Secondary School Labb for not allowing the two sisters to continue their education may also be conducted. The concerned DPO was asked to dispose the case fairly.

¹⁹http://app.com.pk/en/_/index.php?option=com_content&task=view&id=140955&Itemid=197 dated 29th June, 2012.

Political Victimization:

Political victimization through the law enforcement agencies and other public instructions is in vogue in Pakistan. It has been discussed in the Parliament time and again. At different occasions, various parliamentarians raised this issue. Sindh situation where both major political parties i.e., Pakistan Peoples' Party and MQM raised the issues of political victimization especially with reference to law and order situation. Voices were also raised on political victimization being faced by the parliamentarians in Punjab as well. It reflects that our parliamentarians still need to work to avoid it.

The Standing Committee on Human Rights also took up various issues and incidents of this victimization. Four false cases were registered against him during last three years. The Committee took serious notice of registering four false cases against Syed Ayaz Ali Sherazi, MNA who protested peacefully for grant of rights to flood victims after floods. Justice (R) RiazKayani, Secretary, Ministry of Human Rights after going through different clauses of the FIR categorically stated that it appears a totally fake case which has been registered against the MNA under Anti-Terrorism Act.

The Committee noted with concern that law enforcement agencies, responsible for protection of Human rights on behalf of state are unfortunately unable to perform their duty. The Committee also alleged that police is involved in torture, substandard prosecution and registration of false cases. This technical victimization policy should be stopped. In the meeting, the Committee recommended Regional Police officer to rectify the situation and avoid such willful implication of notables in false cases on political basis.

Capacity of HR Ministry and Standing Committee²⁰:

After the approval of 18th amendment, various Ministries were devolved to the provinces. It created a vacuum for the implementations of decisions of the Federal Government. Reallocation of official business was made. Ministry of Human rights submitted a report to the Committee after thorough in-house discussion. The Committee found it deficient and formulated a sub-committee to strengthen and capacity building of the Standing Committee on Human Rights so that the committee members could play more pro-active role in protecting and promoting human rights in the country and also to institutionalize the work of committee by providing it with all required human, financial and technical resources. The sub-Committee held its two meetings to finalize a report for Committee.

The Committee observed human rights implementation has not been successful due to weak follow up mechanism to implement recommendations of the Committee and resources constraint. The Committee appreciated Ms. Marvi Sirmad, National Programme Manager for providing the services of Research Assistant to Committee from Strengthening Democracy through Parliamentary Development (SDPD). It recommended that

Recommendations:

1. Economic Affairs Division may give detailed information about Donors/international agencies working in Pakistan and Ministry of Foreign Affairs will provide details relating to schedule of meetings of UN Council and other Human rights related forums. Meeting with donors may be arranged. Members are included in the delegations to attend quarterly meetings of UN Council.
2. Secretariat of the Standing Committee on Human Rights should be established and its Website (www.naschr.pk.gov.org) be launched by 30th August, 2011. Newsletter should be published. Research Assistant may be deputed with each member of Standing Committee on Human Rights.
3. An officer of Additional Secretary/ Joint Secretary's level from EAD and Ministry of Foreign Affairs should be included as Co-members in the sub-committee.

²⁰ The Sub-Committee in its meeting held on 25th March, 2011 discussed the issues of capacity building for the first time. In the meeting broad outline was discussed.

4. Visits of NASCHR Members to share working experiences of other Parliaments of the world through exposure trips, holding of periodic video conferences with them and visits of Common Wealth Secretariat, London.
5. Training of Parliamentarians/Officers and staff of National Assembly Secretariat.

Domain of Human Rights Standing Committee²¹:

After the 18th Amendment in the Constitution of the Islamic Republic of Pakistan, various ministries were devolved. Besides this, the proactive role played by the Standing Committee on Human Rights, many eyebrows raised. Even the domain of the Standing Committee came under discussion.

The Committee reiterated that when Justice and merit will be denied it will be considered as violation of Human Rights and matter will be taken by Standing Committee on Human Rights. The Committee was of the view that after the promulgation of 18th and 19th amendments, Provincial autonomy has been further strengthened but neither the authority nor its autonomy has been infringed. It is correct that Standing Committees are meant for Specific Ministries but the domain of Human rights is such that it can take up issues of human rights violation anywhere. The Human Rights domain extends to whole of Pakistan.

Referring the basic rights enshrined in the Constitution, the Committee was of the view that Right of Education is a basic Human Right under Articles 25 and 37 of the Constitution. It is the responsibility of all Governments to remove illiteracy which has a strong bearing on economic life of individual society and this country.

The Committee reiterated that “Human Rights” is a Federal Subject that has no boundaries and it can be safely assumed that human rights infringement in any area of Pakistan can be discussed in the Standing Committee if these are of such general importance that its consideration is essential.

The Standing Committee on Human Rights, further clarified that the reasons behind their recommendations is not humiliation or trespass of jurisdiction of any Province but to bring transparency, merit and rule of Law.

²¹ This issue cropped up after receipt of letter from the Government of Punjab. The Committee was going with a broader definition but the institutions took it as interference in their issues.

Debate on Annual Budget:

The annual budget is debated in the Parliament. According to law the money Bill originates in the National Assembly and approved by it. The Senate of Pakistan can only make suggestions to the National assembly. The National Assembly debates the Bill but it has no role in formulation of the Budget. The Standing Committees also have a limited role despite having mandate according the Rules. The Human Rights Committees also treated it like an ignored area. In-time discussions are not made on the budget.

The standing Committee reviewed PSDP of Ministry of Human Rights²² in September and observed the Ministry of Human Rights has not proposed a single reasonable project to improve human rights situation in the country. The ongoing projects also reflect the Ministry's indifference/inability to deliver. The Committee expressed displeasure on delay in execution of projects of Shaheed Benazir Bhutto Centre for Women, Islamabad and Construction of Working Women Hostels in Sector G-6/2 and G-7/3, Islamabad. The Committee expressed its concerns on inefficiency and inability of some officers of Ministry of human rights.

The Committee observed that budget of Ministry of Human Rights is not sufficient to cope with lots of administrative problems which are rising day by day and recommended that development as well non-development budget should be increased. Ministry of Human Rights should take up this matter with Ministry of Finance.

The Committee conducted a mid-year review²³ of current budget for the financial year 2011-2012 and up-coming budget of Ministry of Human Rights of the financial year 2012-2013 and made the following recommendations: -

- a. To amend the rules for disbursement of funds in connection with Diyat, Arsh and Daman and Women Distress Funds maintained by the Ministry.
- b. The Committee recommended that in view of processing and approval of National Commission of Human Rights, Bill 2008, and National Commission for Women

²² This issue was discussed with in September, 2011.

²³ Though it was a mid-year review but delayed too much and not conducted at appropriate time.

Bill, 2011, efforts should be made for allocation of appropriate funding in the next financial year budget.

Law Enforcement Agencies and Human Rights in Parliament

Excesses of Security/Paramilitary forces²⁴:

Excesses by the Security /law enforcement agencies are common in third world countries. Pakistan is no exception to this. This was debated in Parliament invariably and the Standing Committees both in the Senate of Pakistan and National Assembly also took up these in their meetings.

The Standing Committee on Human Rights praised the role of Security Agencies on one hand and on the other hand, the Committee noted that unfortunately Pakistani citizens are being treated like animals by the law enforcing agencies. It strongly condemned the wild act of Rangers of killing, Mr. Sarfraz, in Karachi which left red stains on the face of Pakistani Government as well as security forces with big question mark that who is responsible to save Pakistani people?

The Committee expressed concern on the statement of Syed Zakir Hussain, Additional IG Police Karachi and dubbed his statement as irresponsible. The Committee also rejected statement of Lt. Col. Liaquat Hussain of Rangers Head Quarters that individual's act in such cases does not reflect general impression of the institutions. The Committee added that Akhrotabad and Karachi incidents are not individual acts where firing was made by more than 07 persons of Rangers/FC/Police.

The following six cases were declared as high profile cases:-

²⁴ This issue was discussed on 14th June meeting. For details <http://www.na.gov.pk/en/pressrelease.php?content=103>

- a. Firing/Killing by Police in Abbottabad on 12th April, 2010.
- b. Firing/Killing by FC in Akhrotabad, Quetta on 17th May, 2011.
- c. Murder of SaleemShehzad, Journalist.
- d. Killing of Mr. Sarfraz by Pakistan Rangers in Karachi on 8th June, 2011.
- e. Killing of 07 Christians in Gojra.
- f. Killing of 02 brothers in Sialkot.

The Committee decided that these six cases will be dealt as special cases and public punishment will be given to all culprits. The Committee appreciated Prime Minister for removal of the DG Rangers and IG Police, Karachi.

IGP Police Balochistan, and IGP, Sindh were asked to provide full security to Syed Baqir Shah, Police Surgeon and Jamal Tarkai, Journalist and taxi driver in Akhrotabad incident of Quetta on 17-05-2011 and relevant persons in Karachi event, otherwise IGP Balochistan and IGP, Sindh, will be held personally responsible.

In a subsequent meeting held on 29th June, 201²⁵1, the Committee's observations and recommendations in the light of previous guidelines are as under:

1. With regard to Gojra incident, Rana Abdul Jabbar, SSP informed the Committee that in line with the recommendations of the Judicial Commission action against Police officials have since been completed. Action against DCO and DPO will be taken by the Established Division.
2. With regard to killing of two brothers at Sialkot, it was informed that witnesses of 29 persons have been recorded and their challan is under trial in Anti-terrorist Court. The case was deferred.
3. With regard to murder of Journalist Mr. SaleemShahzad, the dead body was found in the area of Head Rasool, District Mundi Bahauddin. An FIR No. 192 dated 30-05-2011 US/302 PS Saddar, District Mundi Bahauddin has been registered and investigation is in progress.

²⁵May see National Assembly press release at <http://www.na.gov.pk/en/pressrelease.php?content=103> .

4. With regard to Progress report on Abbottabad case, the Committee expressed its concern for not fixing responsibility and taking actions against the responsible despite the fact that victims sustained bullets in head & expired.

Parachinar issue²⁶:

Right of life is a basic human right. The deteriorating law and order situation in Parachinar invited attention of the Parliament as well as the Standing Committee on human rights. The Committee expressed her grief on the demise 1,500 people in 81 terror attacks; destruction of 35 villages and 73 educational institutions that affected literacy rate in the area which was higher than that of Islamabad at one point of time.

The Committee recommended to implement Murree Accord in letter and spirit, which is not only a comprehensive accord but also a roadmap to peace in the area of Parachinar. It also recommended to rebuild 73 educational and victim students should be admitted in entire Pakistani Educational Institutions. Mobile Medical Units should be provided in the area. The Federal Government should declare Parachinar as a calamity-hit area and provide all relevant facilities like provision of security, medicines and food etc. on urgent and humanitarian basis.

The Committee witnessed an in-Camera briefing²⁷ on Parachinar situation in December. In the end of meeting, the Committee commented that outsiders and militants should be removed and ejected from the area. The Committee appreciated efforts of the Government to bring improvements in peace and steps taken to rehabilitate the affected families in Parachinnar. The Committee asked the Government to ensure availability of food and medicines should be ensured in Thal - TariMangal road. The Committee appealed the residents to maintain rule of law and order.

The Committee also recommended that more improvements should be introduced in the FCR.

²⁶ This issue was discussed in April, 2011 and later on taken up in different meeting to bring it to some conclusion.

²⁷ An in-camera briefing on Parachinar was held on 12th December, 2012. This speaks of the fact that how much importance was given to this issue by the Standing Committee.

While discussing the explosion killing 43 people at Parachinar²⁸, the Committee reiterated that Government of Pakistan may issue notification for provision of free education. The Committee recommended to Ministry of Human Rights, Ministry of Inter Provincial Coordination and Ministry of Finance to arrange necessary funds for students of Parachinar and other war affected areas of FATA in connection with grant of admission fees, tuitions fee, boarding expenditures, and Stationary/books.

²⁸ Discussed in 21st February, 2012 meeting of the standing Committee. The Committee reiterated its earlier demand of educational funds and even the recommendations of the meeting appear to be duplication of its earlier demands for education. It is not a repetition but Committee's desire to impart education in youth.

Abbottabad firing case²⁹:

After the announcement of change of name of North Western Frontier Province (NWFP) to Khyber Pukhtunkhwa, riots erupted in Abbotabad for the establishment of Hazara province. The right of a separate administrative unit is a democratic right. But the provincial government used force to crush the political demand of Hazara province. Parliament debated this issue. The standing Committee took notice of this case and sought reply from the Government of Khyber Pukhtunkhwa.

The Committee observed that its previous recommendations have not been implemented and expressed serious concern that case has not been registered against the culprits and investigation has not also been initiated.

The Standing Committee again considered the issue in its meeting held in June, 2011³⁰ and gave deadline of seven days to Home Department Government of Khyber PakhtunKhawa to complete compliance with the directions of committee, which have also been supported by Federal Government and had already been conveyed to provincial authorities. If directions will not be implemented by 20-06-2011, disciplinary proceedings shall be initiated under Efficiency & Discipline rules for removal of service against all concerned. Chief Secretary and IGP, Khyber PakhtunKhawa will also be summoned to attend the meeting on 29th June 2011 as per Rule 227³¹.

The Committee also constituted its Fact Finding Committee³² comprising to probe into killing of seven persons in Abbottabad. Secretary Ministry of Human Rights, Commissioner Hazara, Kamran Arif, Chairperson HRCP and Ch. Shafique ED, HRCP will assist the Committee. The Fact Finding Committee will also meet relatives of victims and President Abbotabad Bar Association and furnish its report within one month. Inspector General of Police Peshawar will hold departmental enquiry delinquent police officers and furnish its report to the Committee. The Committee recommended including name of Cap. Retd. Muhammad Safdar, Mr. JawadHussain,

²⁹ This issue was discussed in March, 2011 and was debated in subsequent meetings as well.

³⁰ The Committee considered this case in its meeting held on 8th June. More details can be seen at National Assembly website <http://www.na.gov.pk/en/pressrelease.php?content=103>

³¹ Rules of Procedure and Conduct of Business in the National Assembly, 2007.

³² The Fact Finding Committee was headed by Ms. Fauzia Habib and other members included Mrs. Kishwar Zehra, Mr. Jawad Hussain, Mrs. Sumaira Yasir Rasheed, Mrs. Raheela Baloch, and Mrs. Samina Mushtaq Pugganwala, MNAs.

and Mrs. KishwarZehra, MNA in Fact Finding Committee in connection with Abbottabad Firing case dated 12-06 2010³³.

Akhrotabad(Quetta) incident³⁴;

Parliament debated this issue and parliamentarians lamented this gory incident of killing of foreigners. The standing Committee also condemned the incident of killing of 5 persons in Akhrotabad, Quetta on 17-05-2011 and dubbed it as an inhuman act. The Committee rejected investigation report of DIG Investigation Quetta and observed that efforts were made to misguide it by preparing a bogus report. The Committee said that the people in uniform are targeting innocent people openly. Police uniform has become a symbol of fear and people have lost confidence in police. Dr. Baqir Shah, the surgeon who carried out autopsy of victims were shot from a close range of about 50 to 60 feet. Bullets were traced from the body and there were no signs of bomb-related injuries on their bodies. The Committee made it clear that no leniency would be shown to those who were involved in the murder of the foreigners

The Committee also constituted a fact finding team under the chairmanship of Advisor to Prime Minister³⁵. The Committee in a subsequent meeting appreciated Fact Finding Committee for their visits of Karachi and Quetta to probe the issues. The Committee told that according to statement of taxi driver and Syed Baqir Shah, Police Surgeon, these people were innocent. After the return of Fact Finding Team to Islamabad, Dr. Baqir Shah and Jamal Tarkai, Journalist was attacked. The Committee declared it an inhuman and disgraceful act.

In a subsequent meeting the role of Law Enforcement Agencies³⁶, the World Peace Day was celebrated and the Standing Committee Human Rights called upon all the sections of society to promote peace, dialogue, justice and tolerance in the best interest of Pakistan.

³³ It was decided in meeting of the committee held on 30th June, 2011 as Cap. Retd.Safdar is from Abbotabad. It will help the local leadership to play their role more effectively in the proceedings of the Committee.

³⁴ The press release for 8th June meeting may be seen at <http://www.na.gov.pk/en/pressrelease.php?content=103> .

³⁵ Other members of the investigation team were Mrs. FarahnazIsphani, Ms. RaheelaBaloch, Mrs. KishwarZehra, Dr. Araish Kumar. In addition to this, NGOs representatives were also included.

³⁶ The echo of high handedness of violent acts of law enforcement agencies was heard in the meeting held in September, 2011.

The Committee condemned the incident of killings in Mustung where 26 people belonging to shia community were shot dead in a sectarian rife. The Committee also appreciated judiciary for ensuring justice by punishing culprits of Sialkot incident. The Members of Standing Committee on human rights pledged to implement the previous recommendations of the Committee as the Parliament/Standing Committee are custodians of the rights of the lives of 180 million people and expressed concern that so far no action had been taken against the officials held responsible for the Gojra, Abbottabad and Kharotabad incidents.

With regard to Khrotabad incident, the Committee also expressed concerns on Judicial Enquiry Report of Justice Muhammad Hashim Khan Kakar and Committee recommended to send a note of serious concern on the tribunal report to Chief Justice, Supreme Court of Pakistan and Chief Justice, Balochistan High Court by Ministry of Human Rights. The Committee also decided to present its own report on the floor of the National Assembly shortly for adoption of a resolution after a debate on the matter.

With regard to killing of Hazara Muslims in Quetta, Law Enforcing Agencies, Police, FC and Intelligence , an inter Departmental Committee consisting of Ministry of Law, Ministry of Interior, Ministry of Human Rights and Ministry of Defence should be constituted to furnish report to the Standing Committee on Human Rights within 30 days on following Terms of Reference:-

- a. To amend relevant Laws with regard to sectarian, terrorists and target killings.
- b. Review of performance of Police, FC, Law Enforcing agencies and Intelligence Agencies and recommendations to strengthen them.

Police Order 2002³⁷:

The Parliament heard voices against the deteriorating law and order situation which as direct bearing on the society. Parliamentarians found faults with Police Order 2002. The Standing Committee on Human Rights also took notice of this issue and asked Ministry of Interior to constitute Police Compliant Authority and National Public Safety Commissions at the earliest. Committee observed that Police have acquired all magistrate powers and did nothing for public

³⁷ In 8th June meeting, this issue was discussed..

interest at large. The Human Rights Cell should be established in all provincial /regional /district police offices.

Jail system in Pakistan³⁸:

The prisons are critical link in the criminal justice system of any country. It has even closer link in a society which is still at its nascent stage of democratic development. Considering it a critical institution in the criminal justice system, the Standing Committee on Human Rights held its meeting on 20th August, 2011 at Central Jail KotLakhat, Lahore and got briefing on the jail system as well as visited the jail premises to get firsthand information about conditions of the prisoners.

During the briefing and visit, the Committee observed that the jail was accommodating much more people than its capacity which seriously pose health problems for the prisoners. The members of Parliament expressed concerns on the condition of prisoners in prisoners cell, General ward, ICU, hospital, Kitchen and women ward. It was found that list of females whose cases are under trial is not maintained properly and even the prisoners' tickets were not updated. The Committee enquired about the meeting of relatives with prisoners, the facilities for the prisoners' relatives, duration of meeting and arrangement of their welfare and education. It was informed that various reforms have been implemented to improve conditions of prisoners like construction of more toilets, medical screening of female inmates, collection of funds for diyat payment and imparting of technical education to the prisoners to make them useful citizens after their release. For the motivation of jail employees, even grades of the employees were also upgraded. The committee was concerned about the ratio of convicted and under trail prisoners which was inverse in Pakistan as compared to best practices in the world. Drug rehabilitation centres have been established in Jail.

The Parliamentarians asked to implement UN guidelines on the conditions of prisoners to provide better facilities to them and also to improve health facilities by installing new medical equipment, provision of ambulance and establishing separate ward for women prisoners. It was

³⁸ The Standing Committee visited the Central Jail Lahore which was reported by various newspapers.

also recommended that clean drinking water and better sanitary conditions may also be provided to prisoners in order to improve communication with relatives' facilities of Post office and PCO be provided. In order to increase release of prisoners' ratio, the committee recommended providing free legal aid and shifting of parole officer's offices closer to Jail premises.

In order to improve economic condition of prisoners and make them useful citizens after their release, it was recommended to introduce new training skills which can help them to produce value added goods. The committee also recommended to provide a kit to the prisoners on their arrival along with a health card and prisoners history tickets may also be upgraded after every three months including any remissions.

The Parliamentarians recommended that two MNAs from Lahore shall provide funds for establishing filtration plant in Jail. The Committee also recommended Government of Punjab to intervene on policy matters to decrease over-crowding in Jails which affect the health conditions of prisoners, segregation of under-trial prisoners from convicted prisoners and implementation of juvenile Act 2000. The committee also stressed the need of improving counseling facilities for the prisoners.

Inter-Departmental Committee:

In order to curb and curtail malpractices in the jail and arrest overcrowding, the Standing Committee on Human Rights expressed its concern that an Inter-Departmental Committee (IDC), consisting of the Ministries of Human Rights, Interior and Law was constituted in 2009 but tangible results were seen as yet. The role of IDC was to check existing practices of arresting an accused in a case (excluding murder, terrorism, rape and kidnapping), by police and treating him like an animal is total violation of his basic human rights and dignity. The purpose of the Committee was to revise the procedure of remand. The accused person should submit surety bond in Court of Law after initial accusation and be released until trial is completed. If Court is convinced after trial that the accused person is really a culprit then he may be sent to Jail. This will result in lowering of overcrowding in jail and reduce innocent person from torture, other cruel, inhuman and degrading treatment and psychological pressures etc.

Quetta Mine Blast:

Safety at workplace is a basic right of every worker. Pakistan has faced such incidents time and again. Voices are raised in the Parliament but these proved futile because, it lacked follow up. The Standing Committee on human rights not only raised the issues but ensured that safety measures are put in place and victims are properly compensated in case of any accident. Regarding mine blast incident that took place on 20th March, 2011 in Balochistan, after the hectic efforts of the Committee compensations were made to legal heirs of Mine blast.

On a query by the Committee that Government of Balochistan issued any advance letter to take preventive measures whereas, MD, Pakistan Mineral Development Corporation denied receipt of letter. Dr. Muhammad Saeed Baloch, DD, Mines and Mineral Department, Government of Balochistan reiterated that instructions were issued and same can be produced later. The Committee observed during the briefing that mines lack safety equipment and necessary training to handle such blasts. The Committee expressed its displeasure as well as serious concerns and dubbed it criminal negligence by Pakistan Mineral Development Corporation (PMDC) as well as Government of Balochistan for not making adequate arrangements for labour working in the mines and implementing the Mine Act, 1923 in its letter and spirit

The Committee recommended that Chairman PMDC and Deputy Secretary Mine Department, Government of Balochistan will sort out the issue and furnish factual position to Secretary Ministry of Petroleum for its onward submission to the Committee. The Committee also recommended that Mine Act 1923 should be updated.

Department of Mines, Government of Balochistan may provide safety equipment to mine workers and arrange professional safety training for them to avoid such incidents in future. The Committee also recommended that less than 18 years old children are not allowed to work in mines.

Road Accidents:

Road accidents are quite common in Pakistan due to over-speeding and lack of proper training of drivers. The Committee expressed concern that over 7000 people died in road accidents during

the last one year and recommended to ensure strict implementation of safety rules. The committee observed with concern that previous recommendations of Standing Committee in connection with accident of containers and dumpers have not been implemented. Speed limit is not controlled and driving licenses are issued after taking bribe. It was recommended that driving schools may be established at Tehsil level for professional training of drivers before award of license and use of mobile phones during driving should be banned. Ministry of Interior may hold meeting for control of road accidents and amend the relevant rules. Ministry of Interior to examine the proposal that traffic police should be under control of DPO.

Air Blue Crash³⁹:

During the Standing Committee meeting held on 8th June, 2011, the issue of Air Blue flight ED 202 crash in Margalla Hills was discussed. DG Civil Aviation Authority explained that interim condolence payment @ of Rs.5 lacs has been paid to 136 legal heirs of deceased and final compensation has been agreed with the legal heirs of approximately 53 victims during current financial years. The remaining claims are pending for want of completion of legal documents.

The Committee asked Ministry of Defence/DG, Civil Aviation Authority to complete all cases of compensation within 04 weeks. On the basis of causes of crash, responsibility should be fixed and action should be taken accordingly. The Committee also recommended Civil Aviation Authority to work on Montreal Convention 1999 including Carriage of Airway Bill immediately and finalized it without further delay. IATA rules should be translated in Urdu & English and provided with tickets to passengers. The counters for Parliamentarians at airports should be converted into facilitation centers for disabled persons.

Millat Grammer School Road Accident:

The School children from Faisalabad came to visit Kallar Kahar and this sad incident of bus accident took place in the Salt range which is close to the resort. The Committee condemned road accident of students of Millat Grammer School, Faisalabad in which 34 students were killed.

³⁹ This issue was discussed in two different meetings.

The Committee directed the concerned authorities to do the needful for punishing the culprits and making necessary arrangements for trauma counseling of students.

Discrimination in recruitment in WAPDA:

WAPDA and the National Bank of Pakistan are biggest public owned entities and where recruitments are made to bribe the politicians and bigwigs. But the fair and just opportunity in recruitment and promotion is essential for efficient management of the organization and better output. But this is a neglected area in Pakistan. Instead of concentrating on their prime responsibility, but over the years, system has dragged them into various non-issues like development activities in their constituencies, recruitments in different organization etc. Parliamentarian debated issues of merit violations in both Houses of the Parliament but it requires time to arrive at consensus.

The Standing Committee on Human Rights also took notice of such violations in recruitments made in Faisalabad Electric Supply Company (FESCO). With regard to discrimination in recruitment, it was admitted by the officials that discrimination was made in recruitment of 1100 employees. However, the matter has now been resolved. On the directions of Lahore High Court, the services of employees recruited in violation of merit were terminated.

It was observed that fixation of 10 marks for qualification and 90 marks for walk in Interview is a serious violation of merit. FESCO was asked to provide list of those employees who were recruited in 1st phase and list of those employees who were recruited in second phase along with their qualification, marks both in written test and interview along with judgment of Lahore High Court and all other relevant information within 30 days.

Discrimination in Promotions in National Bank⁴⁰;

The Committee expressed its concern on discriminatory attitude and autocratic policies of the top management of the National Bank which is favouring few blue eyed employees over majority of the permanent and regular employees of the Bank which comprise 82% of the total staff strength

⁴⁰ This issue was discussed in 16th August meeting. More details about the matter can be seen at the National Assembly website: <http://www.na.gov.pk/en/pressrelease.php?content=103> .

of the Bank. Malpractices like nepotism, favoritism, bribery and Safarish discouraged merit and professionalism. The Committee expressed dissatisfaction on briefing on affairs of the bank.

The Committee also expressed its concern that merit and transparency is not ensured in recruitments, salaries, promotions policy and distribution of Welfare fund among employees. Rupees 4 to 12 million were awarded to Group Chiefs as achievements awards. The briefing officer admitted that he was awarded Rs. 8 million while President NBP was awarded Rs. 12 million excluding the perks/ privileges and salary. Bank could not give facts and figures about Provincial quota, gender quota, minority quota and employees/son quota in the Bank, on which the Committee expressed serious concern.

The Committee observed that there was no justification for discrimination between employees working in same cadre and having the same nature of job/ qualifications. The Committee raised issue of Mr. Hashmi and the Bank admitted that record reveals that Mr. Hashmi is a good officer; he deserves promotion as OG II w.e.f 2006 instead of 01-01-2008 and he will do when go back.

With regard to complaint against discrimination, the Committee recommended that there should be no discrimination among MTO's and other employee working in the same cadre and having the same nature of the job with identical qualification. The interse-seniority list needs to be combined so as to remove disparity in privileged positions. The management hired senior executives, without abiding by the banks' recruitments and appointments laws on hefty remunerations and pay perks and packages should be stopped. All laws and policies inconsistent with the human and fundamental right should be revisited to ensure equality among all the employees of the Bank and a culture of merit should be introduced in the bank.

PTV Employees:-

The Committee asked M.D PTV to resolve the demand of employees of PTV without any discrimination and justly.

Murder of Minority MNA⁴¹:

Parliament took a serious notice of the murder of minority member of the Parliament. Mr. ShahbazBhatti was killed in a cruel manner in Sector I-8 of Islamabad. The Standing Committee on Human Rights also condemned this murder. Members of Parliament also expressed concerns about atrocities being faced by Sikh and Hindus in different areas of Pakistan.

⁴¹ Ibid.

Jurisdiction of Law Enforcement Agencies:

In Pakistan, the cases are registered according to the political, official and economic clout of the complainant. Same nature case of Mr. Zeeshan Haider S/O Mr. Shahbaz Khan, Manager Bank Alfalah, Faisalabad, for opening of bogus account No. 0107-01001924 titled M/s Fibrtext (Proprietor, Salman Farooq) at Bank Alfalah, Rail Bazar Branch, Faisalabad and registration of case against him in FIA Karachi. The accounts were opened in three different multinational Banks but no formal transaction was carried out through these accounts. The main areas of concern for Human Rights Committee were as to whether the jurisdiction of FIA Karachi extends to Punjab, the theft case of National Identity Card should have been registered with police instead of FIA and access to justice is the basic human right. Therefore, the Human Rights Committee recommended approaching the Ministry of Law, Justice and Parliamentary Affairs to seek their opinion on jurisdiction matter.

Follow up on decisions:

Follow-up on the decisions of Parliament is a major area of concern. The issue of non-implementation of the directions/decisions of the Parliament echoed on various occasion in the media. This has happened due to either assumption of role by the Parliament which was not assigned to it in the constitution or due to lack of training to make precise decisions. This problem still exists as witnessed by leveling allegations against each other by the respectable parliamentarians and same is the case about the implementation of the recommendations of the Standing Committees. The Standing Committee on Human Rights reviewed implementation of its earlier recommendations in various meetings. It has to review implementations of decisions in the case of Ms. Haleema Bhutto, Killing at Akhrotabad, Women Distress Fund, draft Act on Missing Person, Abbotabad killings, drone attacks, Parachina Issue, meeting of inter-Departmental Committee, Convention Against Torture (CAT) and International Covent on Civil and Political Rights (ICCPR) in different meetings to ensure its implementation. It is because of the recommendatory character of the recommendations of the Standing Committee.

ICT Scholarship:

The spending by the Government on various development initiatives is tilted towards specific groups. This echoed in the Parliament and the Standing Committee on Human Rights took notice

of spending from the National ICT Scholarship Programme. The Committee was informed that out of Rs. 1.00 billion only Rs. 72.00 million has been released so far and thus all students could not avail the benefit. The Committee termed it a failure on part of Ministry of IT that R & D Funds are not being utilized. The Committee, therefore, requested Prime Minister of Pakistan to extend its support for promotion of IT Sector.

Rights of persons with disabilities:

The Committee asked Ministry of Information & Broadcasting and PEMRA to launch awareness programmes for rights of disabled persons.

Inter Departmental Committee Meeting;

The Standing Committee noted with concern that despite clear directions given about two years ago to Ministry of Human Rights to hold meeting of IDC but nothing has been done. If an issue involves more than one Ministries or Divisions, it is difficult to bring them under the same roof and convince them to work jointly. It also highlights the need for creating sectoral Committees like social sector, economic sector committees.

Affairs of Pak-Shama School, Doha⁴²;

The right of fair wage and better working environment is a basic human right. The case of staff of Pak-Shama School Doha did not fall in the administrative domain of the Ministry of Human Rights. But by considering extended boundary of the Human Rights, the Standing Committee took up this case as an agenda. After listening victims Mr. Muhammad Aslam Shahid and Mrs. Kokab that the Principal/VP harass the staff at school, put them into jail on account of false charges and later on got them deported.

The Committee asked the Ministry of Foreign Affairs/ Federal Board Intermediate Secondary Education to look after the interests of Pakistanis working abroad and monitoring the working of such educational institutions. Both were asked to meet the victims and get their issues resolved with administration of the school. It was further asked that Ministry of Foreign Affairs/ FBISE shall prepare a comprehensive agreement/ deed in connection with educational institutions

⁴² Ibid.

working abroad having affiliation with FBlSE and implement the same in letter and spirit. Chairman FBlSE as well as Ministry of Foreign Affairs was asked to furnish a progress report in the next meeting of the Committee to be held on 29th June2011.

Toba Tek Singh:Irregular in allotments of 5 Marla scheme;

Shelter is a basic human right but the issue of the allotment of the 5marla houses to poor do not fall in the domain of the Ministry of Human Rights. However, the Committee took notice of allotment of houses in a non-transparent manner. DCO, Toba Tek Singh admitted that some non-deserving allottees were made allotments in first Phase, However, in second Phase all remaining Mustahiqs (deserving people) will be considered. Secretary Colonies, Board of Revenue, Government of Punjab was asked to furnish full details, list of allotments and list of remaining Mustahiqs in Toba Tek Singh. The Committee recommended that Government of Punjab shall ensure transparency and merit in allotment in rest of the Districts of Punjab

Flood Affectees⁴³;

Both houses of the Parliament discussed this issue of flood affectees in detail and even contributed monetarily to support the flood relief activities. Shelters, crops and cattle were lost. The Standing Committee noted with concern loss of 342 lives and 633 injured ones. Millions of people were vulnerable to different diseases, particularly acute respiratory infections, diarrhea, malaria and infections. More than 7.1 million people were directly affected. As many as 1.3 million houses have been damaged and over 6 million acres of land including 2 million acres cultivated land has been affected, the Committee added. Cotton crops worth Rs. 77 billion washed away in rain flood. The Committee expressed dissatisfaction on arrangements made by National Disaster Management Authority (NDMA) to contain damages caused by rain floods and observed that inadequate Town planning, drainage and sewerage system also caused floods. There is no coordination in Federal Government, Provincial Governments and NDMA.

⁴³ The issue was flood affectees was discussed in the meeting held in August, 2011.

Dengue Fever in Punjab:

Pakistan has faced various calamities including floods and dengue fever. During last year 5000 incidents of dengue virus were reported and this year 8000 victims reported. The Committee asked the Government of Pakistan and Punjab that experience of World Health Organization may be shared and preventive measures pamphlets shall be distributed among public. The Committee also advised to use electronic media for Public Health and awareness programmes and campaign should be launched for Dengue and other endemic and epidemic diseases. Ministry of Human Rights was asked to obtain details of recommendations of National Health Conference and World Health Organization on health/flood issues.

Late issuance of Notice of Meeting:

In order to convene a meeting of the Committee, seven days clear notice is required. The Committee took serious notice on the late issuance of notice dated 19th September, 2011 relating to the meeting of Standing Committee on Human Rights held on 21-09-2011. The time table of business of a Committees and agenda is determined by the Chairmen in consultation with the Minister concerned. Similarly, minutes are signed by Chairmen Standing Committee.

Consumer Rights:

The Standing Committee on Human Rights took serious notice of violation of consumer rights by discrimination, mismanagement, delay in fights, use of unsafe and insecure flights for passengers. The Committee also considered it a violation of basic human right. The Committee decided to call Managing Director PIA, in charge Commercial Section and Director General, Civil Aviation to explain the discrimination.

Human Rights Research Centre, Islamabad:

The Standing Committee asked the Planning & Development Division and Ministry of Human Rights to prepare a project of "Human Rights Research Centre Islamabad". The objective of the project would be to find out Human Rights violations in all walk of life including Media, Judiciary, Law Enforcement Agencies, Parliamentarians, Bureaucracy and literature, Curriculum and syllabus to rectify and train them to build up their capacity for its better implementation in future.

Implementation of Recommendations of Committee⁴⁴:

A Sub-Committee for implementation of previous recommendations /decisions of the Standing Committee on Human Rights was constituted under Convenership of FouziaHabib, MNA and other members were Mrs. KishwerZehra, Dr. AttiyaInaytullah, Capt ® Muhammad Safdar, Mrs. ShakeelaKhanam Rashid, Dr. SaminaMushtaqPugganwala and Ms. SabeenRizvi, MNAs. The Committee will follow up implementations of recommendations with regard to Parachinar Carnage, Abbotabad firing Case, Khrotabad Firing Case, Air Blue Crash, Mustang firing incident, Food Adulteration, Quetta Mine Blast, disabled persons, illegal transplantation of Human Organs and other similar cases.

This reflects that the role of Standing Committee has not been recognized by the law enforcement agencies on the one hand and non-binding character of the recommendation on the other hand.

Sheikh Zahid Hospital, Lahore:

In order to look into the affairs of Sheikh Zayed Hospital, Lahore, especially inadequate security, administrative and sanitary arrangements prevailing in the Hospital and difficulties faced by the patients, a sub-committee (ShaikhZayed Hospital, Lahore) under Convenership of Mrs. YasmeenRehman was constituted. Mrs. ShakeelaKhanamRasheed and Dr. Araish Kumar, MNAs were its members. The Sub-Committee will complete the work within 60 days. This sub-Committee was constituted in the meeting of Standing Committee held on 28th October, 2011.

Human Rights situation and Areas of Concern⁴⁵:

The Committee reviewed present situation of Human Rights in the country and expressed serious concerns on following alarming issues which affected human rights in one way or the other. The Committee also recommended taking all possible remedial measures:-

- I. About 1600 persons committed suicide in last 10 months.

⁴⁴ This issue came under discussion in the Committee meeting held on 28th September, 2011.

⁴⁵ The areas were highlighted in the meeting of sub-Committee on Institutional Capacity held on 25th March, 2011.

- II. Death of Mahmood Khan, 68 year's old pensioner of Pak Railway in Lahore. Ministry of Finance to introduce system to deposit the pension in bank accounts of pensioners.
- III. WAPDA has not enhanced 10% medical allowance of pensioners despite government notification.
- IV. Surgical operation of PIA and Civil Aviation Authority to make these effective organizations.
- V. After privatization of the PTCL, situation is worsening. A meeting will be called very soon.
- VI. Increase in acid attacks on women in Balochistan and Punjab.
- VII. Women were murdered under garb of Karo Kari in Sindh. Regarding honour killings, Ministry of Human Rights may take-up case with Ministry of Law to amend relevant laws.
- VIII. Misuse of authority and torture by Police in Punjab.
- IX. Khyber Pakhtunkwahhas recorded highest cases of violence against women and children.
- X. State Life Insurance Corporation has not paid claims to widow of Syed Tajdar Ali of Peshawar since 13 months. The disbursement claims should be paid to grieved family within one month.
- XI. Unknown murders are left traceable and without identification of culprits.

Murder of Human Right Activist⁴⁶:

The Committee took serious note of the murder of Mr. Zarteef Khan Afridi, an active human rights activist in Khyber Pukhtunkhwa and condemned this murder. The Committee recommended the grant of highest peace award to Mr. Zarteef Khan Afridi and grant of financial assistance to his heirs.

Mustung Carnage⁴⁷:

A meeting of Standing Committee on Human Rights will be held in November, 2011 in Quetta to look into the matter of Mustung Carnage and target killings in Balochistan.

⁴⁶ Issue was discussed in December, 2011.

⁴⁷ Discussed in September, 2011.

Rape of Ms. UzmaAyub:

The Committee condemned rape incident of UzmaAyub and then brutal murder of her brother,Mr. AlamZeb, outside the court. The Committee took a serious note of it and stressed upon the Government of Khyber Pukhtunkhwa to arrest culprits involved in this sad incident.Governor, Khyber Pakhtunkwah assured for early arrest of culprits.

The Committee appealed the Governor and Government of Khyber Pukhtunkhwafor the arrest of culprits of rape and murder. The Committee also recommended that Ms. UzmaAyub may be provided shelter at a safe place.

Punjab Institute of Cardiology Issue⁴⁸:

The Committee expressed its concern over the use of substandard medicines in Pakistan Institute of Cardiology (PIC), Lahore which took life of hundreds of people. The Committee dubbed the incident as shameful and National Crime. The Committee expressed its concern that the Government at the Federal as well as provincial levels has failed to provide health facilities to the masses due to inadequate health policy.

The Committee also noted with serious concerns that the International health programs i.e, Polio, T.B, Malaria, HIV, Hepatitis B&C have also miserably failed in the Pakistan. The Committee expressed concern that Government of Punjab has not yet appointed a Health Minister which is a serious negligence.

The Committee also constituted a Sub-Committee under the Convenorship of Mrs. YasmeenRehman. Other members of the Sub-Committee will be Dr. AttiyaInayatullah, Mrs. NisarTanveer, Dr. MehreenRazzaque Bhutto, and Ms. ShakeelaKhanamRasheed. The TORs of the Sub-Committee will be *to coordinate with the Senate Committee and Cabinet Division to resolve the distribution of health issues between Federation as well as Provinces after 18th amendment*⁴⁹.

Threats to Minorities⁵⁰:

The Committee condemned the threat calls to Ahmadis in Rawalpindi. The Committee took serious notice on killing of Shia Muslims in Karachi. The Committee expressed concern over the target killing on the basis of ethnicity and Sectarianism which is a planned conspiracy to distort the peace and economic stability of Karachi.

⁴⁸ National Assembly website: <http://www.na.gov.pk/en/pressrelease.php?content=103>. The 1st meeting was attended by Mrs. SaminaMushtaqPugganwala, Mrs. ShakeelaKhanamRasheed, Ms. RahelaBaloch, Dr. MehreenRazzaque Bhutto, Mrs. NisarTanveer, Dr. Araish Kumar, Mrs. KishwarZehra, Mrs. YasmeenRehman, Ms. JamilaGillani, Dr. AttiyaInayatullah, Syed MumtazAlamGillani, Ms. SabeenRizvi, and Ms. ShaguftaJumani.

⁴⁹ Human Rights is a cross-cutting area but this issue more pertains to the Standing Committee on Inter-provincial Coordination. Then the Implementation Committee headed by Mr. RazaRabbani is more appropriate forum to address this issue as this Committee handled the post 18th Amendments devolution.

⁵⁰ It was discussed as additional item with the permission of the chair. This issue has been discussed by the Standing Committee in its previous meetings.

It was recommended the Government of Pakistan to provide full protection to all residents of Karachi including Shiia Muslims and minorities.

International Labour Laws⁵¹:

It was informed to the Committee that according to International Labour Laws, the packaging weight for all commodities is 25 kgs whereas in Pakistan the packaging weight is 100-120 kgs.

The Committee recommended to the Ministry of Labour and Ministry of Human Rights to examine the Convention 127 and prepare a model paper/ Law for enforcement in the Provinces and Federation so that concerns of labourers could be addressed.

Crime against women and children:

In the National Assembly the issues of torture to women, torture to street children and issues in the implementation of crime against women came up for discussion⁵². On a question about the issue of human rights violations in Balochistan came under discussion and the Advisor to Prime to Minister replied that human right is a provincial subject. Human Right Ministry can only indicate the procedural flaws in the system and then action is the responsibility of the provincial government. He also indicated that human rights violations have different dimensions and lots of factors are involved in case of the Balochistan.

Two years progress report⁵³:

The National Assembly Standing Committee on Human Rights prepared and printed its report from June 2009 to June. 2011. It was claimed by the Standing Committee on Human Rights is the first Committee which has printed its report. The Committee appreciated that this report is the First ever report in the history of the National Assembly's Standing Committees and before this no such report was published on behalf of the Standing Committee.

⁵¹Discussed in 1st February, 2012 meeting of the Committee.

⁵² These human rights issues were discussed as part of questions on Human rights in the National Assembly session on 8th February, 2011.

⁵³ Ibid.

Analysis:

At the outset, it needs to be said in vivid and clear terms that the analysis given below is just an effort to enhance efficiency and efficacy of the Standing Committee Human Rights and streamlining the present Committee system in place at the National Assembly with minor modifications in rules, training of human resource which include; both the parliamentarians and Committee officers by using the existing resources along with enhancing the use of technological tools for better output.

The agenda for different meetings of the Standing Committee reflect its hand on the pulse of the society as it gave full attention to the issues of public importance. It took cognizance of major issues of public interest which involved human rights violation, ranging from the foreigners killing in Akhrotabad, Quetta, missing persons, minority killing, women' rights, inappropriate recruitments, trade of human organs and killing of human right activists etc.

The Standing Committee on Human Rights has also done commendable job in the areas of legislation. The Standing Committee made useful contribution in the legislative development for protection of human rights and women rights especially which feel them as a marginalized section of the society. The Committee also constituted Sub-Committees to review the legislative business which formulated their reports on Bills relating to National Commission on Human Right and National Commission on the Status of Women etc. It provided dedicated attention to the legislative business and the Standing Committee succeeded in legislating Bills for the establishment of the National Commission on Human Rights and National Commission on the Status of Women. These two institutions will go a long way in the betterment of human rights protection in Pakistan.

The Committee also discussed the administrative issues faced by the Ministry after devolution and constituted Sub-Committee for the institutional development of Ministry of Human Rights and Standing Committee on the Human Rights. It recommended training and exposure of the staff of National Assembly Secretariat assisting the Committee to best international practices and working environment.

In Addition to this Sub-Committees were constituted for illegal transplant of human organs. This distribution of work assisted members of the Committee to concentrate on specific issues and comprehensively review different issues or subjects of importance for the Committee. The Committee also dispatched various different members for on-hand information on different issues of public importance which assisted the Committee making its opinion and then recommending specific actions.

However, agenda of different meetings of the Committee appears to be more or less media generated or based on the concerns of members of the Committee for specific issues that either took place in the surroundings areas of their constituency or got attention of the press. It can then be safely presumed that public petitions got more share of the cake on agenda than other areas of functions assigned to Standing Committees under the rule. The administration and expenditures related issues found little space in the proceedings of the Committee. This analysis is based on the functions of the Committee given in Rule 201⁵⁴.The Committee's more concentration on public petitions speaks of the Members concern for the issues of public importance. It was also seen that general public is approaching the Committee. The public access is still limited as the technical tools available to approach the Committee are neither sufficient nor effective. New tools of technology like discussion forums/blogs are not in place to support working of the Committee and its better access to public and vice versa. The agenda is not placed on the website well in time to get public input. The research facilities available in the National Assembly are not supportive as the research wing did not provide independent input on the issues. It is not a criticism on the working of Committee, but suggested measures to improve output of the Committee and enhance its effectiveness by generating an annual calendar for the Committee.

However, selection of agenda for the meeting of the Standing Committee for its meeting held on 16th August is multi-faceted which reflect upon the output of the Committee in two ways. Firstly, it does not assist in comprehensive discussion on each issue and secondly, too many issues dilute the seriousness of the business. It can be seen with its comparison with the minutes of the 2nd meeting held in August wherein all aspects of jail issues were dilated upon and various problems

⁵⁴ Rule 201 of the Rules of procedure and conduct of business in the National Assembly, 2007. A committee may examine the expenditure, administration, delegated legislation, public petitions and policies of the Ministry concerned and its associated bodies and may forward it report of findings and recommendations to the Ministry and Ministry shall submit its reply to the Committee. (Rule 201(4)).

faced by the prisoners in the jail premises were discussed. In addition, the selection of agenda needs to be strengthened so that it should serve the purpose of human rights more efficiently. The broader definition of human rights and then its application in all areas really dilutes the attention of the committee. It is visible from the fact the recommendation number 2 & 3 in the 16th August meeting has more impact than other recommendation but the Committee considered these issues as non-agenda issues with the permission of the chair. These were more critical issues from legislative angles and serving the cause of human rights. So, the selection of agenda needs more concentration and better prioritization.

The Committee appears to lack support for proper recording of its proceedings and subsequent maintenance of record of its proceedings. It can be safely deduced from the tone of the language used for the minutes of the proceedings being displayed on the website. No proper follow up mechanism has been either been developed or applied to keep track of the recommendations of the Committee. The Committee more or less appeared to be following up its recommendations in its subsequent meetings. It requires either evolving proper system or strengthening the existing system if available. The Committee even established a sub-committee to follow up its recommendations, yet it requires strengthening the secretariat by effectively using the existing resources and better introduction of IT technology.

The presence of Committee members is also a reflection of their interest in the proceedings of the Committee. It does not mean that members lack wisdom but it means that some members are more active than others. It is a budget time in March 2011 and February 2012 but no effort has been made to review the next year's budget allocations and their linkage with the policy direction of the Ministry of Human right so that relationship matrix could be developed and milestones for its achievement could be fixed for its post implementation audit at the end of the financial year. It will facilitate the Committee to prepare its annual chart of activities in line with its functions.

The meetings held in December 2011 and February, 2012 were very well attended⁵⁵ and it speaks of two things. Firstly, Members of the Committee are taking interest in their work and secondly, if the meeting notice is given well in time, Members turn out increases. It also speaks of the Members interest in the work of the Committee. The Ministry gave ample space to the discussion on the budget of the Ministry.

The Standing Committee or its Sub-Committees could not convene its meeting during month of December, 2011. It was prime time to deliberate upon the creation of institutional support for the creation of National Commission for Human Rights and National Commission on the Status of Women. The financial requirements for these institutions should have been discussed along with mid-year review of the current financial year. It indicates the requirement of research support for the Committee to finalize the agenda for discussion in different meetings. It was appropriate time to dilate upon the budget of the Ministry as first half of the financial year was about to close. The discussion was even if made was not enough keeping in view the role of Standing Committees as envisaged in the *Rules of Procedure and Conduct of Business in the National Assembly, 2007*.

The discussion on the policy guidelines for Ministry which is a major function of the Standing Committee as per rules could not be able to find sufficient place on the agenda of the meetings of the Committee or its Sub-Committees. This needs to be looked into while preparing the annual calendar of activities.

Sometimes, the Standing Committees recommend that joint meetings may be held between different Ministries to evolve a strategy or arrange funds, there is no coordination point. It appears appropriate that group standing committees, like social sector, economic sector, technical sector etc., may also be evolved to ensure coordination at parliament level. Such forums needs to be provided or a mechanism may be evolved to facilitate such coordination in future.

⁵⁵ The meeting was attended by 14 members of the standing Committee. It was presided over by Mr. RiazFatyana and other participants were Mrs. ShakeelaKhanamRasheed, Dr. MehreenRazzaque Bhutto, Mrs. NisarTanveer, Dr. Araish Kumar, Mrs. KishwarZehra, Mrs. YasmeenRehman, Ms. JamilaGillani, SyedMumtazAlamGillani, Ms. SabeenRizvi, MrsNisarTanveer, Ms. Kahmal Tariq, SardarMehtab Ahmed Khan, MsKashmala Tariq and Mr. Mustafa Nawaz Khokar. This was again mentioned on the NA website and other media sources.

In the end, it is proposed that the standing Committees may tread upon the path to develop its annual calendar of activities like the National Assembly calendar to enhance its efficiency. It will also make the agenda for different meetings more effective. It will also assist the Committee to enhance its understanding of the policy functions of the Ministry, its administration and expenditures.

Annex A

LIST OF COMPOSITION OF HONOURABLE MEMBERS AS ON 29-02-2012

1.	Mr. RiazFatyana	Chairman
2.	Makhdoom Muhammad JavedHashmi	Member
3.	Mrs. FarahnazIspahani	Member
4.	Mrs. SaminaMushtaqPugganwala	Member
5.	Mrs. ShakeelaKhanamRasheed	Member
6.	Ms. RaheelaBaloch	Member
7.	Ms. FauziaHabib	Member
8.	Dr. MehreenRazaque Bhutto	Member
9.	Capt. ® Muhammad Safdar	Member
10.	SardarMehtab Ahmed Khan	Member
11.	Dr. SumairaYasir Rashid	Member
12.	Dr. Araish Kumar	Member
13.	Mrs. KishwarZehra	Member
14.	Mrs. YasmeenRehman	Member
15.	Mr. Jawed Hussain	Member
16.	KhawajaSherazMehmood	Member
17.	Dr. AttiyaInayatullah	Member
18.	Syed Mumtaz Alam Gillani	Member
19.	Mrs. Khusbakhat Shujaat	Member