

EXTRAORDINARY

Registered No. M324



# The Sindh Government Gazette

Published by Authority

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KARACHI TUESDAY OCTOBER 24, 2023

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**PART-I**

## **SINDH HUMAN RIGHTS POLICY**

2023-2027

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**Acronyms**

<b>CAT</b>	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CRC</b>	Convention on the Rights of the Child
<b>CRC-OP-AC</b>	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
<b>CRC-OP-SC</b>	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>EOBI</b>	The Employees' Old-Age Benefits Institution
<b>EU</b>	European Union
<b>GSP+</b>	Generalized Scheme of Preferences Plus
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ILO</b>	International Labour Organization
<b>MMR</b>	Maternal Mortality Ratio
<b>NADRA</b>	National Database and Registration Authority
<b>NCHR</b>	National Commission for Human Rights
<b>NCSW</b>	National Commission on the Status of Women
<b>NGOs</b>	Non-Government organizations
<b>RTI</b>	Right to Information
<b>SBCC</b>	Social and Behavioral Change Communication
<b>SCSW</b>	Sindh Commission on the Status of Women
<b>SDG</b>	Sustainable Development Goal
<b>SHRC</b>	Sindh Human Rights Commission
<b>TIC</b>	Treaty Implementation Cell
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>USA</b>	United States of America
<b>VAW&amp;G</b>	Violence Against Women and Girls
<b>WAS</b>	Water, Sanitation and Hygiene



## 1 Policy's context, background & the policy development process

Human rights are the inalienable rights that we have as human beings! These universal rights are inherent to us all, regardless of nationality, gender, national or ethnic origin, color, creed, religion, language, or any other status. They range from the most fundamental right to life, to those that make life worth living, such as the rights to food, education, health & nutrition, livelihood and of civil liberty and freedom to express.

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

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

After Universal Declaration of Human Rights (1948), International Human Rights Regime has expanded significantly covering a wide range of rights in the areas of Civil and Political Rights and Economic, Social and Cultural Rights. United Nations has developed a legal and institutional framework in the areas of aforementioned Human Rights. In addition to Human Rights Council, there are 9 core international Human Rights instruments of United Nations and each of them has a committee to monitor the compliance and collect the reports from State parties. Some of the treaties have developed individual complaint procedures and amended the substantive provision of treaties through protocols for which state parties have to separately adhere with.

The Government of Sindh has also demonstrated its commitment to strengthen the provincial Human Rights protection system in pursuance of its mandate defined in the Sindh Government Rules of Business, 1986; to implement Human Rights at the provincial level after the Eighteenth Amendment to the Constitution of Pakistan.

Despite concrete efforts to entrench the Human Rights discourse and incorporate it into our state institutions, there is still a long way to go towards achieving the universal goals of protection of the rights of all citizens and ending all kinds of discrimination. However, the commitment of the Government of Sindh is a visible indication for improvement. The Government of Sindh is fully cognizant of its constitutional mandate and legislative powers and in this regard, has embarked upon introducing its first ever, Sindh Human Rights Policy

which provides the explicit vision and intent of the Government, to strive for ensuring the rights of the citizens living in the province. In this regard, this Sindh Human Rights Policy lays down the fundamentals in focus and the direction of the Government being set forth to holistically and systemically address the issues that restricts in any way, the access of the Human Rights by the citizens of the province. The Policy lays down the direction, the systems being put in place, the responsibilities being assigned for a transparent and efficient approach towards ensuring the rights of the citizens. The Policy hinges on the intent for a strong inter-coordination among the line departments of the Government of Sindh and the Human Rights Department.

The foremost legal sanction emanates from the provisions laid down in the Constitution of the Islamic Republic of Pakistan 1973 and the policy intent is to make all-out efforts for implementing the provisions in true letter and spirit. The international obligations are kept in view.



26.	Livestock & Fisheries Department	Matters related to the rights of the fisherfolk communities / labour particularly of the women engaged in the sector
27.	Information Department	Matters related to the transparent dissemination of information and efforts for inculcating social and behavior change, geared towards protection of Human Rights
28.	Works & Services Department	Matters related to labour rights, providing access to building and infrastructures through special provisions for the vulnerable group with different-abilities.
29.	Industries & Commerce Department	Matters related to industrial workers and their rights
30.	Auqaf, Zakat and Religious Affairs	Matters related to the social protection of the vulnerable groups of 'mustaheqeen'
31.	Food Department	Matters related to the social rights of all to have access to food
32.	Human Settlement	Matters related to the civil, social and economic rights of the vulnerable 'katchi abadis'
33.	Mines & Minerals Department	Matters related to the social particularly health related and labour rights of the mine workers
34.	Police Department	Matters related to civil rights and safety and security of all citizens

### 3 Types of rights

#### 3.1 Civil and Political Rights

3.1. Civil and political rights enable individuals to participate in the civil and political life of society and the state without any discrimination or restraint. These rights safeguard freedoms of individuals from infringement or transgression by external entities and include the right to life, liberty and security, right to a free and fair trial, freedom of religion or belief, freedom of opinion and expression and the right to information

3.2. While Pakistan has signed and ratified a number of international instruments that safeguard civil and political rights including ICCPR, ICERD and CAT, these rights are also reinforced by the Constitution of Pakistan in the form of Fundamental Rights and Principles of Policy.

3.3. Therefore, the Government of Sindh will strive to strengthen and reform its legislative and institutional frameworks which are essential for the realization of these rights.

##### 3.1.1 Rights to Life, Liberty and Security

3.1.1.1 Pakistan is committed to its national and international responsibilities regarding rights to life, liberty and security of person. Pakistan has ratified seven core conventions on Human Rights, which demonstrates Pakistan's commitment to international Human Rights Standards. It has now been focused to implement these conventions at national level. There are challenges, albeit the government is committed to fulfilling its obligations. Article 9 of the Constitution of Pakistan ensures the security of person's stating, "no person shall be deprived of life or liberty save in accordance with law". The death penalty is prescribed in criminal justice system for 33 different crimes as deterrence against heinous crimes.

3.1.1.2 The Government of Sindh has taken concrete steps to address the issue of custodial torture in the province. Directives have been issued by the Chief Minister of the Government of Sindh banning police from using torture as means to extract evidence. On November 1st, 2022 the torture and custodial death (Prevention and Punishment) Act-2022 was enacted this prohibits torture or cruel human and degrading treatment, custodial death, punishable by the law.

3.1.1.3 In order to promote and protect the right to life, liberty and security, this policy aims to make a significant effort, in coordination with the line departments, the judiciary and the police for:

- I. Institutionalizing mechanisms for prevention of Human Rights violations and adherence to the provisions of UN Convention Against Torture and Other Cruel, In Human or Degrading Treatment or Punishment (CAT) in the legal and administrative system of the province;
- II. Reform core components of the criminal justice system including, administration of justice, police service, probation and parole, etc. through the development and implementation of comprehensive policies and programmes.

To protect the above rights, following actions are required to be taken under this policy:

- I. Institutionalizing mechanisms for prevention of Human Rights violations and enforcement of Convention against Torture (CAT) in the legal and administrative system of the country.
- II. Addressing the defects in the criminal justice system, administration of justice, police service through the development and implementation of comprehensive policies and programmes.

### 3.1.2. Access to Justice

- I. Adopt a comprehensive plan through relevant department to improve citizens' access to formal courts and tribunals while taking into account the unique needs of women, transgender persons, senior citizens, persons with disabilities, minorities, juveniles and other vulnerable segments of the population.
- II. Ensure adequate allocation of public funds, through relevant departments, for provision of legal aid services to socio-economically challenged citizens.
- III. Make concerted efforts to ensure that informal justice systems only operate within the permissible limits of the law to the extent of acting as arbitration, mediation, negotiation or reconciliation forums between parties involved in a civil dispute who willingly consent to the same.
- IV. Devise and implement a comprehensive campaign to increase legal awareness among the general public, with a particular focus on legislative and constitutional safeguards for vulnerable population segments

### 3.1.3. Right to Information (RTI).

3.1.3.1 Based on the principle that information related to functioning of state belongs to the people of Pakistan, Article 19-A of the Constitution guarantees that every citizen shall have the right to have access to information. This fundamental right is important to empower citizens, ensure transparency in governance, and improve public services by facilitating public participation and oversight

3.1.3.2 RTI is the cornerstone of democracy. It is imperative for transparency and smooth functioning of a democratic system, good governance; reduction in corruption and to enhance accountability in any country of the world. The Government of Sindh enacted the Sindh Freedom of Information Act 2006 which has received widespread appreciation by the people of Sindh. It also established Sindh Information Commission under the said Act.



3.1.3.3 To enable the full realization of the right to information of every citizen, a key element of the transparency principle, this policy aims to:

- I. Ensure that all public bodies designate and notify an appropriate number of public information officers with whom the request for information may be lodged under the Sindh Transparency and Right to Information Act, 2016;
- II. Institutionalize training programs to develop the capacity of public information officers to effectively perform their duties outlined in the Sindh Transparency and Right to Information Act, 2016.
- III. Carry out public awareness sessions and campaigns aimed at highlighting the provisions, rules and regulations of the Sindh Transparency and Right to Information Act, 2016.
- IV. Ensure that RTI is properly implemented to help ordinary citizens to access relevant public information in order to make informed choices in their dealings with public bodies.

### 3.2 Socio, Economic and Cultural Rights

Economic, Social and Cultural rights relate to the workplace, social security, family life, participation in cultural life, and access to food, water, shelter, healthcare, nutrition services and education. The Government of Sindh is committed to ensure the full realization of all these socio- economic and cultural rights that the people of Sindh are entitled to.

#### 3.2.1. Workers' Rights

3.2.1.1 Within the Constitution of Pakistan, Article 11(1 & 2) provides safeguards against forced labor and human trafficking while Article 11 (3) prohibits the employment of children below the age of fourteen years in hazardous workspaces. Article 17 upholds the right of workers to form associations and unions and Article 18 upholds freedom of trade, business or profession. Article 37(e) promotes social justice by obligating the state to provide maternity benefits for women in employment, secures just and humane work conditions and ensures that children and women are not employed in vocations unsuited to their age or sex. Article 38(a & d) promotes social and economic wellbeing of workers and by requiring the state to ensure equitable adjustment of rights between employers and employees and provide adequate livelihood and social security to worker.

3.2.1.2 Moreover, in addition to core international Human Rights treaties, Pakistan has ratified 36 ILO Conventions including the eight fundamental conventions covering forced labor, freedom of association, right to organize and collective bargaining, equal remuneration, employment and prohibition of workplace discrimination, minimum working age and prohibition of worst form of child labor.

3.2.1.3 Aiming to progressively realize these workers' rights, this policy aims to supplement the efforts of the relevant departments by advocating, recommending measures and collaborating for implementation of various laws, policies, strategies, plans and projects, to:

- I. Further strengthen the existing legislative and institutional framework for labor protection laws in consultation with all key provincial stakeholders, with a view to protecting laborer's and workers from discrimination, ill-treatment, abuse, exploitation, forced labor, bonded labor and occupational health and safety risks;
- II. Develop mechanisms for regular monitoring of workplaces to ensure effective labor regulation;
- III. Increase the numbers of labor inspectors to broaden inspection coverage;
- IV. Adopt measures to safeguard occupational health and safety of workers, particularly those employed in the mining and hazardous industrial sectors;
- V. Develop the capacity of emergency response units in industrial zones and mining sectors;
- VI. Ensure that policy making and implementation at all levels of the government is sensitive to the unique needs of daily-wage workers and persons employed in the informal economy;



- VII. Develop a comprehensive action plan aimed at empowering and uplifting highly vulnerable *haris* (landless farmers) and impoverished fisher folk communities;
- VIII. Adopt proactive measures to promote decent work and take steps to strengthen and broaden the social safety net for all labors;
- IX. Registration and protection of labor unions across the province; and
- X. Institutionalize capacity and training programs for the labor inspection.
- XI. Ensure workplace safety of women through implementation of Protection against Harassment of women at the Workplace Act, 2010 and Protection

against Harassment of Women at the Workplace (Amendment) Act 2022.

### 3.2.2. Right to Affordable Health & Nutrition/ Family Planning/Reproductive Health.

- 3.2.2.1. Various international instruments that Pakistan has ratified, particularly ICESCR, recognize health as a human right and create a legal obligation on the Pakistani state to ensure access to timely, acceptable, and affordable health care. More importantly these social rights related to health and nutrition, water & sanitation are enshrined in the Constitution as Principles of policy. To realize these rights, this policy provides for Human Rights Department to advocate for realization of those principles of policy and recommend measures and actions, to the relevant departments of the Government of Sindh per their respective roles outlined in section 2 of this policy and for:
  - I. Making concerted efforts to strengthen the public health system in order to provide affordable and quality health services to all citizens, including disadvantaged and vulnerable segments of the population and for collection of data on HR indicators;
  - II. Improving resource allocation for health-care facilities in order to expand the provision of quality health-care services, particularly in remote and rural areas;
  - III. Ensuring the provision of mandatory Family Planning and Reproductive Health services by all general health care facilities in the public and private sector. Strengthening the implementation of the Sindh Reproductive Healthcare Rights Act, 2019 and its amended version in 2022; Sindh Promotion of Breast feeding and Protection of Nutrition Act, 2013 and the Sindh Newborn Screening Act, 2013;
  - IV. Carry out public awareness campaigns aimed at highlighting the importance of routine immunization and countering negative socio-cultural attitudes towards immunization; the Sindh Prevention and Control of Thalassemia Act 2013; the Sindh HIV-Aids Control treatment and Protection Act 2013;
  - V. Adopt measures to improve the mental health of citizens by de-stigmatizing mental health illnesses, increasing mental health awareness, and improving both the accessibility and quality of mental health services; implementation of Criminal Law Amendment Act 2022, which decriminalize suicide;
  - VI. Introducing social health insurance and other safety nets protecting the disadvantaged and vulnerable including women, children, and persons with disabilities/special needs, senior citizens and transgender from catastrophic health expenditures;
  - VII. Regulating public and private health sector facilities to provide safe abortion services to women in accordance with criteria set out in the law;
  - VIII. Recommending, strengthening district health & nutrition systems starting with most under-developed districts;

The Human Rights Department mandated under the Sindh Rules of Business commenced the policy development process in line with the direction of the provincial government. The drafts were deliberated upon with the stakeholders and based on the direction of the cabinet, a stakeholder conference was also organized on 2<sup>nd</sup> March 2023. The valuable inputs of the stakeholders were duly incorporated and the final draft was shaped up for the consideration of the cabinet.

## 2 Policy intent and principles, policy objectives and key policy stakeholders

2.1. The policy intent is to deploy all possible ways and means to make the required effort for ensuring the rights of the people of the province, through a transparent, effective and efficient system. The intent is for an annual review and reporting the progress on policy implementation by the Human Rights Department and a revisit by the Provincial Government / Cabinet after every 5 years, Provincial Government / Cabinet may revisit if it deems necessary within the 5 years' period as well.

2.2. This policy provides the vision, which is *'to create a society where the social status and contribution of all is recognized and their rights to access to the services and needs such as education, health, nutrition, rehabilitation and others are ensured. They are provided with equal opportunities for the employment and social safety net being provided. All the rights by the Government and as enshrined in the constitution of Pakistan, ratified in the international commitments including SDGs'*.

2.3. Sindh Human Rights Policy is based on the following principles in line with the provisions of the Constitution of the Islamic Pakistan 1973:

- a) Equality;
- b) Non-discrimination
- c) Fairness;
- d) Transparency;
- e) Dignity & honor of the citizens;
- f) Effectiveness & Efficiency in the Human Rights services.

2.4. The directions in terms of key thematic areas, being set forth in this Sindh Human Rights Policy, are:

- i. The guiding document for the implementation of the Policy, remains the Constitution of the Islamic Republic of Pakistan and the Human Rights enshrined in it in letter and spirit;
- ii. Re-affirming the commitment to provincial, national and international Human Rights obligations.
- iii. Review the existing legal and regulatory framework in the province, on a regular note to recommend to the Government of Sindh, improvements with regard for better protection of Human Rights of all;
- iv. Provide a robust system for access of free legal aid to the vulnerable community and for redressal of complaints;
- v. Strive for ensuring the dignity, honor and respect of every citizen Living in the province, in particular the more vulnerable segments;
- vi. Promote formal education and training related to Human Rights;
- vii. Enhancing domestic and international engagement of the Government, on Human Rights issues.

2.5. The Government of Pakistan and the Government of Sindh is duty-bound to ensure dignity and fair treatment of every person; their protection in accordance with law and that everyone should be able to fully participate in the economic, political and social activities. The Government is cognizant of its international commitments especially with regard to core Human Rights Conventions ratified by Pakistan. Pakistan is committed to translate the Human rights principles enshrined in its Constitution into legislation with robust institutional mechanism.



2.6. Articles 2-40 of the Constitution of Islamic Republic of Pakistan form the primary legal source of promotion and protection of fundamental rights. Article 8 of the Constitution further safeguards and upholds the fundamental nature of these rights by providing that "Any law, or any custom or usage having force of law, in so far as it is inconsistent with the rights conferred by this Chapter [Fundamental Rights], shall, to the extent of such inconsistency, be void". The 'Principles of Policy' lay down guidelines in the Constitution which promotes full participation of women in national life; protection of minorities and promotion of social justice. It is important to highlight that Article 29 (3) mandates the governors of each province in relation to the affairs to his province to cause, "... to be prepared and laid before... as the case may be, the provincial assembly, a report of the observance and implementation of the principals of the policy..."

2.7. Article 4(2)(a) provides that the state shall take no action detrimental to life, liberty, body, reputation or property of any person ensuring rights of individual to be dealt with in accordance with law irrespective of citizenship status; Article 5 of the Constitution obliges every citizen and person to be loyal to the State and obedient to the Constitution and Law. By virtue of this Article all Pakistanis are responsible for respecting and protecting Human Rights and ensuring that national and international commitments become a reality for all Pakistanis. Pakistan has accorded high value to the principles laid down in Universal Declaration of Human Rights and International Human Rights standards.

2.8. Article 19 A- 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 whereas Article 25 (2) provides for no discrimination on the basis of sex and furthermore Article 25 (3) provides positive affirmation for women and children, who are marginalize in the society. 25 (A) provides for mandatory provision of free and compulsory education by state, to all children of the age of five to sixteen years. Article 34 provides for steps to be taken to ensure full participation of women in all spheres of natural life and Article 35 provides for the state to ensure, protection of mother and child. Article 36 provides for protection of all legitimate rights of the minorities, Article 37 for promotion of social justice and eradication of social evils and Article 38(d) for the state to ensure, basic necessities of life, such as food, clothing, housing, education and medical relief and for earning livelihood.

2.9. The Government of Sindh has exhibited proactive efforts in promoting Human Rights by legislating Pro-Human Rights laws and also institutionalizing mechanisms for their sustainability. By virtue of Article 139 of the Constitution of Pakistan, the Rules of Business for Government of Sindh mandates three attached departments for matters related to Promotion and Protection of Human Rights in the province. While Human Rights Department is at the center of the policy's implementation, all the other line departments have a role to play in this regard.

2.10. Sindh Commission on the Status of Women was established under the Sindh Commission on the Status of Women Act 2015. It is another important Human Rights Institution with widespread powers and functions to protect the rights of women in the province.

2.11. The Sindh Protection of Human Rights Act 2011 was amended in 2022. It constitutes the Sindh Human Rights Commission with powers to review laws and policies to bring them in conformity with Human Rights as enshrined in the Constitution of Pakistan and in compatibility with international obligations. This Commission has power of redressal of grievances that are committed against individuals by corporate entities and organs of the Government. Through establishing these institutional mechanisms, the Government of Sindh has taken legislative, administrative and programmatic measures in promoting and promotion of Human Rights in the province at all levels of governance.

2.12. The existing Pro-Human Rights laws in field are annexed to this Policy. In the province, safeguarding Human Rights and fundamental freedoms is an essential and integral part of all democratic and progressive societies. Globally, the international image and repute of the countries is being increasingly associated with the state of their Human Rights. The Government of Sindh attaches high priority to promotion, protection and fulfillment of Human Rights.



2.13. The Government of the Sindh has demonstrated proactive efforts in not only promoting Human Rights but also institutionalizing a mechanism for its incorporation in its Rules of Business, 1986 which mandates Human Rights Department, Government of the Sindh as under:

- Policy formulation and public awareness of Human Rights issues in the province;
- Coordination with provincial departments/institutions on Human Rights;
- Referring and recommending inquiries about allegations and complaints regarding Human Rights abuses in the province.

2.14. In the light of its constitutional obligations and international commitments, Government of Sindh has continued to develop a robust legislative and implementation framework for promoting and protecting Human Rights in the province, particularly after the passage of the Eighteenth Amendment to the Constitution of Pakistan in 2010, which entrusts the responsibility of implementing and mainstreaming Human Rights to provincial governments.

2.15. Pursuant to the Constitution of Islamic Republic of Pakistan and Pakistan's international Human Rights commitments the policy aims to:

- Mainstream Human Rights in governance structures and institutional frameworks to safeguard and promote the civil, political, social, cultural and economic rights that the people of Sindh are entitled to;
- Safeguard and promote the rights of vulnerable segments of the population including women, children, minorities, senior citizens, persons with different-abilities, and transgender persons while recognizing their specific needs and the unique challenges faced by them.

2.16. Human Rights are a complex phenomenon with varied cross cutting themes and issues. This gives rise to the need for a comprehensive policy framework for synergizing the efforts of all concerned government departments and institutions to promote and protect Human Rights.

2.17. Since the policy is multi-sectoral, and adherence to Human Rights commitments is a shared responsibility; the implementation of this policy tasks the Government of Sindh to

utilize all relevant departments for future actions. The policy identifies the following departments/institutions of the Sindh Government as relevant stakeholders in protecting, promoting, and implementing the vision of Human Rights as encased in this document. The matters expected to be dealt and fostered by these departments and organizations are also listed, in the following:

Sr #	Organizations of the Government of Sindh	Role to be played in
1	Sindh Human Rights Commission	Matters related to human rights
2	Sindh Commission on the Status of Women	Matters related to women rights
3	Sindh Information Commission	Matters related to transparency
4	Sindh Child Protection Authority	Matters related to child rights
5	Law, Parliamentary Affairs & Criminal Prosecution Department	Legal matters including related to judiciary and related to Civil Rights
6	Home Department	Matters related to safety & security of the citizens and enforcement of laws;
7	Minorities Affairs Department	Matters related to the religious minorities
8	Women Development Department	Matters related to the women and their rights to facilities, services and opportunities
9	Social Welfare Department	Matters related to Social Protection of the vulnerable groups
10	Social Protection Department	Matters related to Social Protection of the vulnerable in particular including the home based workers
11.	Labor & Resources Department Human	Matters pertaining to the Labour Rights
12.	Department of Empowerment of Persons with Disabilities	Matters pertaining to the vulnerable persons with disabilities or special needs
13.	College Education Department	Matters related to educating on rights at the College level
14.	School Education & Literacy Department	Matters related to educating on rights at the School Education Levels (Elementary & Secondary)
15.	Special Education Department	Matters related to the vulnerable group of children with special needs
16.	Boards & Universities Department	Matters related to introducing Human Rights as a discipline in Higher Education Institutions (HEIS)
17.	Health Department	Matters related to the social rights related to Health & Nutrition
18.	Culture, Tourism & Antiquities Department	Matters related to cultural and social rights and their protection and promotion
19.	Environment, Climate Change & Coastal Development Department	Matters related to social and economic rights with regard to effects of climate change and environmental degradation;
20.	Planning & Development Department	Matters related to allocating resources for achieving the intended objectives of this policy and for integrating Human Rights as a
		key aspect, in the process of planning & development
21.	Finance Department	Matters related to allocation of resources for achieving the intended objectives of this policy
22.	Rehabilitation Department	Matters related to the rights of the vulnerable group of disaster affected
23.	Public Health Engineering & Rural Development Department	Matters related to the social right of provision of clean drinking water & sanitation to all the citizens
24.	Local Government and Housing and Town Planning (HTP) Department	Matters related to the municipal authorities regarding municipal services and civil registration and vital statistics to all the citizens
25.	Agriculture Department	Matters related to the rights of the farmers / labour particularly of the women engaged in the sector



- IX. Align the donor funding with Sindh Health Department's Health and Nutrition Strategies and the priority areas for investment;
- X. Increasing budgetary allocation to improve access to and quality of Family Planning and Reproductive Health services;
- XI. Increase the provision of family planning service;
- XII. Strengthen the monitoring of family planning and reproductive health at the district level to improve the coverage of family planning and reproductive health services particularly in remote areas;
- XIII. Increasing number of *Nutrition Stabilization Centers for treatment of SAM* (Severely Acute Malnourished) and *MAM* (Moderately Acute Malnourished), children, women and others and promote nutrition-sensitive interventions to prevention malnourishment through better nutrition governance and through, the sectors related to food, education, SBCC and better WASH practices;
- XIV. Designing and implementing capacity development and technical training programs for Family Planning Officers, Family Welfare Workers, Family Welfare Assistants, Lady Health Workers and community mobilizers and other cadres and by involving the population welfare training institute and the regional training institutes;
- XV. Ensuring the provision of clean drinking water and adequate access to sanitation facilities across Sindh, with a particular focus on katchi-abadis and informal settlements in urban areas;
- XVI. Ensuring that educational (school and college education) curriculum adequately incorporates knowledge, skills and information regarding Water, Sanitation and Hygiene (WASH) to bring about a positive change in behaviors and attitudes towards WASH.

### 3.2.3. Education as a Rights for Development

- 3.2.3.1. UDHR, ICESCR and CRC provide a comprehensive international framework for advancing the right to education. Accordingly, the State of Pakistan has amended its Constitution to include the right to education as a fundamental right under Article 25-A. In addition to this, Pakistan's Constitution is explicit in its prohibition of all forms of discrimination in educational institutions on the basis of caste, race, religion or place of birth.
- 3.2.3.2. Pursuant to the national and international obligations for the promotion of Right to Education, the Government of Sindh adopted the landmark Sindh Right of Children to Free and Compulsory Education Act, 2013 to provide every child of the age of five to sixteen years a fundamental right to free and compulsory education in a school. With the aim of progressively realizing the right to education, this policy aims to work with the relevant line department and advocate, contribute for:
  - I. Strengthening the implementation of the Sindh Right of Children to Free and Compulsory Education Act, 2013 and the Sindh Prohibition of Corporal Punishment Act 2016, and establish a comprehensive framework to increase enrolment and retention at all levels of education;
  - II. Adopting measures to strengthen the implementation of the School Education Sector Plan and Roadmap for Sindh (2019–2024);
  - III. Adopting stringent measures to eliminate all structural barriers to access to quality education for girls, children with disabilities and children from minority communities, rural areas or other vulnerable settings;



- IV. Increasing resource allocation for non-formal schools to broaden service-delivery to out-of-school children and children from vulnerable or low-income communities;
- V. Increasing budgetary allocation for strengthening infrastructure at educational institutions and ensure the provision of basic facilities including clean drinking water and adequate sanitary facilities;
- VI. Provide transport facilities to students, particularly in rural areas, and expand the coverage of transport stipend program for students in all areas where such facilities cannot be provided;
- VII. Increasing the number of adult literacy centers across all districts and promote opportunities for adult education, particularly for women and transgender persons;
- VIII. Strengthening and monitoring measures to encourage enrolment, participation and retention of girls at all levels of education with a particular focus on girls from low-income families and rural areas;
- IX. Adopting stringent measures to address all forms of harassment at educational institutions;
- X. Developing mechanisms for prompt, thorough, independent and impartial investigation of allegations of harassment at educational institutions and ensure that individuals implicated in such cases are appropriately disciplined and implementation of Protection Against Harassment of Women at The Workplace Act 2010 and its Amendment in 2021.
- XI. Incorporate Human Rights education in the curriculum at all levels of education to raise public awareness of Human Rights with a view to strengthen respect for Human Rights.
- XII. Develop and implement female teacher recruitment deployment and support strategy to increase availability of female teachers, especially in rural areas to ensure education for all.
- XIII. Promote child rights particularly education, health, WASH, birth registration and measures related to Polio/ EPI Immunization by engaging school communities.
- XIV. Increase targeted demand side incentive (girls' stipend) to improve enrolment, retention and learning performance through research and learning outcome linkages of girls specially at primary and post primary level.
- XV. Increase equitable enrollment and retention at all levels, especially for girls and marginalized children.

### 3.2.4. Cultural Rights

3.2.4.1. Cultural Rights guarantee the right to participate in and enjoy the benefits of culture and science, and relate to the pursuit of knowledge, harmony understanding and human creativity. Cultural Rights have been outlined in various international Human Rights instruments that Pakistan is a party to, particularly the UDHR and ICESCR. Recognizing that the full promotion of and respect for cultural rights is essential for the maintenance of human dignity and positive social interaction between individuals and communities in a diverse and multicultural world, this policy aims to work with the relevant department to advocate and provide inputs with regard to the aspect of Human Rights, in matters including the following but not limited to:

- I. Devising an action plan to further strengthen the capacity of the Sindh Culture, Tourism, Antiquities and Archives Department to preserve, protect and promote both tangible and intangible cultural heritage of all communities and peoples of Sindh;
- II. Developing and institutionalizing educational and technical training programs on conservation and restoration of heritage sites for public officers from relevant government departments and agencies;
- III. Devising an action plan to curb the encroachment, demolition or vandalism of heritage sites;
- IV. Developing a comprehensive framework to ensure that all development projects incorporate adequate safeguards for the protection of heritage sites;
- V. Adopting stringent measures to curb theft and illegal trafficking of cultural artifacts and make concerted efforts to repatriate stolen or missing cultural artifacts;
- VI. Taking concrete steps to preserve languages and scripts which are in need of urgent safeguarding;
- VII. Devising an action plan for the digitization and dissemination of all public archival material;
- VIII. Creating synergies with national Civil Society Organizations, International Non- Governmental Organizations, leading museums and academia to preserve and promote the tangible and intangible cultural heritage of all communities in Sindh;
- IX. Carrying out regular public awareness campaigns aimed at promoting cultural rights and highlighting the importance of the preserving and protecting cultural heritage.

### 3.2.5. Environmental Rights

3.2.5.1. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of Human Rights, including the rights to life, health, food, water and sanitation. Over the past several years, Pakistan has not only rigorously highlighted challenges faced by developing countries due to environmental degradation and climate change at international forums but has also undertaken several policies and planning initiatives with respect to climate change and is preparing a formal climate change strategy.

3.2.5.2. Due to its geographical and spatial contours, Sindh faces serious environmental challenges such as water scarcity, soil erosion and highly Variable River flows resulting in increased risks of droughts and floods. The province is also highly vulnerable to the impact of climate change as manifested by rising sea levels, storm surges and increasing intensity of heat waves. As a result, concerted efforts are needed to mitigate the negative impacts of climate change while taking into account the unique needs and vulnerabilities of various population segments. In light of this, the Government of Sindh has developed a strong legislative framework for the protection of the environment as illustrated by the adoption of the Sindh Environmental Protection Act, 2014 and the Sindh Wildlife Protection, Preservation, Conservation and Management Act, 2020.



3.2.5.3. Recognizing the intrinsic linkage between environment protection and the promotion of Human Rights, this Policy aims to work with the relevant departments to advocate and provide inputs to promote Human Rights and on the following:

- I. Further strengthening the implementation and enforcement of the Sindh Environmental Protection Act, 2014 and the Sindh Wildlife Protection, Preservation, Conservation and Management Act, 2020;
- II. Further developing the capacity of the Sindh Environment Protection Agency through increased human resource allocation;
- III. Institutionalizing training programs and exposure visits to bridge scientific and technical knowledge gaps among the public officers of the Sindh Environment, Climate Change and Coastal Development Department and its agencies;
- IV. Institutionalizing awareness programs on environment protection and climate change for all provincial government departments and agencies;
- V. Creating synergies between institutions and strengthen the institutional capacity to implement an integrated water resources management policy;
- VI. Adopting measures to ensure the integrated management of municipal, industrial and medical wastes;
- VII. Adopting stringent measures to accelerate technology transfers for high-emission industries to curb harmful emissions and develop synergies with the private sector to promote sustainable development;
- VIII. Setting up treatment plants in Karachi's industrial zones;
- IX. Introducing incentives for industries to establish in-house effluent treatment plants;
  
- X. Carrying out public awareness campaigns aimed at highlighting the importance of proper vehicle maintenance and its role in improving fuel efficiency and reduction of emissions;
- XI. Intensifying afforestation efforts in close engagement with local communities;
- XII. Ensuring the conservation of rehabilitated mangroves and riverine forests through community mobilization and engagement of local farmers;
- XIII. Creating protected areas of forests, buffer zones and ecological corridors to preserve biodiversity, with a particular focus on mangroves;
- XIV. Carrying out public awareness programs to educate and sensitize citizens about environment protection and its centrality to the full realization of Human Rights.



#### 4. Protecting the rights of the vulnerable segments of society

##### 4.1. Women's Rights

4.1.1. To improve the situation of women's rights, the following steps are proposed with a view to:

- I. Take measures to guarantee women's equal access and full participation in decision making bodies at every level, including the legislative, executive, judicial, corporate, statutory bodies, and also the advisory Commissions, Committees, Boards, Trusts, etc.
- II. Ensure reservation/quotas, including in higher legislative bodies, to be considered on needs basis and shall be time bound.
- III. Strengthen legal systems aimed at elimination of all forms of discrimination against women.
- IV. Change societal attitude and community practices by active participation and involvement of both men and women. At the initiative of and with the full participation of all stakeholders, including community and religious leaders, encourage improvements in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women.
- V. Mainstream gender perspective in the development process.
- VI. Make necessary arrangements that all forms of violence against women, physical and mental, whether at domestic or societal levels, including those arising from customs, traditions or accepted practices shall be dealt effectively with a view to eliminate their occurrence.
- VII. Establish institutions and mechanisms/schemes for prevention of any kind of violence, including sexual harassment at workplace and customs like dowry; and for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence especially trafficking in women and girls.
- VIII. Ensure that women get their due right in inheritance, while the laws pertaining to inheritance are strictly observed and violations are closely monitored and punished.
- IX. Safeguard rights of women by inculcating and entrenching gender sensitive approaches and mechanisms for Investigating Officers, Medico-Legal Officers and Prosecutors for evidence and trials for gender-based crimes.
- X. Inculcate and institutionalize survivor centric communication skills to deal with cases of sexual violence to ensure gender justice.
- XI. Ensure the implementation of employment quota for women in government departments, institutions, entities, and corporate entities owned and managed by the Government of Sindh.
- XII. Carry out awareness campaigns aimed at increasing legal and human rights awareness among women, particularly in rural areas.
- XIII. Devise an action plan to curb anti-women practices including forced marriages, honour killings, karo kari and sang chati.
- XIV. Enhance forensic science facilities to aid in the investigation of sexual offences related to women.
- XV. Create financing opportunities for small and medium-sized enterprises and home-based industries established or run by women.
- XVI. Improve women's access to public transport services and ensure the development of women-friendly amenities such as prayer areas and separate toilets in all public spaces.

- XVII. Provide missing facilities including toilets, drinking water, boundary wall and electricity in all girls school.
- XVIII. Provide bus stops with designated waiting spaces for women in urban and rural areas.
- XIX. Establish Career Counseling Centers at all Women Colleges.
- XX. Mainstream gender perspective in the development process.
- XXI. Establish institutional mechanisms for prevention of any kind of violence, including sexual harassment at workplace for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence.
- XXII. Adopt a coherent information dissemination policy of the Provincial Health and Population Welfare Departments.
- XXIII. Regulate public and private health sector facilities to provide safe abortion services to women in accordance with criteria set out in the law on abortion.

#### 4.2. Child Rights

- 4.2.1. To further mainstream the rights of children in the province, this policy recommends the Government of Sindh to:
  - I. Take concrete measures through concerned departments to ensure and develop initiatives to promote digital birth registration through pilot projects.
  - II. Create awareness among teachers about the negative impact of corporal punishment on the mental and physical well-being of children.
  - III. Adopt measures to strengthen the implementation of the Sindh Prohibition of Employment of Children Act, 2017.
  - IV. Strengthen the enforcement of Sindh Child Marriages Restraint Act, 2013.
  - V. Increase resource allocation for the provision of rehabilitation services for children in need of special protection measures.
  - VI. Adopt and institutionalize measures, through the concerned administrative departments to ensure that every child enjoys the fundamental right to free and compulsory education as enshrined in the Constitution.
  - VII. Create early childhood care, protection and safe environment for all children, to reduce their vulnerability in all situations and keep them safe at all places, especially public spaces.
  - VIII. Take special protection measures to secure the rights and entitlements of children in need of special protection, including the need for rehabilitation and re-integration of children affected by migration and displacement due to communal or sectarian violence, civil unrest, disasters and calamities.
  - IX. Promote sports and other recreational activities for physical, mental and emotional well-being of children.
  - X. Protect children, as a vulnerable class of persons, from all forms of violence and abuses; neglect; harm; stigma; discrimination; deprivation; exploitation (economic and sexual); abandonment; substance abuse; or any other activity that takes undue advantage of them or affects their development.
  - XI. Take concrete measures to ensure that every child in the age group of 5-16 enjoys the fundamental rights to free and compulsory education as enshrined in the Constitution.



#### 4.3. Minority Rights

4.3.1. The protection of minorities is a cornerstone of Pakistan's ideology as a nation, created to allow the Muslims of the subcontinent the freedom of conscience to choose and practice their religion. The founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah in his presidential address to the Constituent Assembly of Pakistan on 11 August 1947 stated:

*"You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State... We are starting with this fundamental principle that we are all citizens and equal citizens of one State."*

6.3.2. The Constitution of Pakistan truly translates this vision in the form of enshrining fundamental rights of the citizens in the very social contract between the State and its citizens. It contains at least 9 distinct provisions that deal with the matter of non-discrimination on the basis of religion and otherwise. These Articles

cover everything from the equality of all citizens to the fundamental freedom to practice and profess faith, prohibition of exploitative practices against religious groups, non-discrimination in the allotment of service positions and even the preservation of places of worship and culture. There is also allowance for positive discrimination in the interest of minorities through quota systems to allow for proportional representation.

6.3.3. Almost 6.51 per cent of Hindus reside in the province.<sup>1</sup> The Sindh Assembly has reserved seats for religious minorities as an affirmative action to mainstream their political participation. The issues pertaining to religious minorities are largely looked into by the Minority Affairs Department. In light of the issues and exploitation experienced by religious minorities, the Sindh Assembly promulgated The Sindh Hindu Marriage Act 2016 to provide mechanisms for registration and solemnization of Hindu marriages. The Sindh Protection of Communal Properties of Minorities Act, 2013 which stipulates constitution of the Provincial Commission for Minorities and restricts sale and transfer of communal properties of minorities without a No Objection Certificate from the Government.

6.3.4. The Government of Sindh has enacted a number of laws to put in place a robust legislative and institutional framework to safeguard minority rights, such as the Sindh Protection of Communal Properties of Minorities Act, 2013, Sindh Minorities Rights Commission Act, 2015, and Criminal Law (Protection of Minorities) Act, 2015.

6.3.5. In order to realize the dream of interfaith harmony, this policy recommends the Government of Sindh to:

- I. Ensure strict implementation of laws curbing hate speech, extremism, sectarianism, incitement of violence and violence against minorities.
- II. Carry out extensive public awareness campaigns through various outlets including digital media aimed at promoting interfaith harmony and religious tolerance within Sindh.
- III. Ensure implementation of 5% employment quota for the religious minorities in government departments and state institutions.
- IV. Develop community development and uplift programs to improve the socio-economic conditions of the most vulnerable minority communities, with a particular focus on communities belonging to scheduled castes.

- V. Take proactive measures to protect minority places of worship and ensure the maintenance and upkeep of sites that have historical, cultural or religious significance to minorities.
- VI. Introduce merit-based scholarships for academically promising students from minority communities.

<sup>1</sup> <https://www.pbs.gov.pk/sites/default/files/tables/POPULATION%20BY%20RELIGION.pdf>

- VII. Take measures for mitigation of false accusation and wrongful use of blasphemy laws against the minorities.
- VIII. Incorporate chapters on interfaith harmony and peaceful co-existence in teachers' training modules.
- IX. Reform the curriculum to promote tolerance, discourage hate speech/images and, lack of democratic values against the minorities.
- X. Promote the religio-cultural diversity, through celebration of the religious festivals of the minorities.
- XI. Commemorate an Interfaith Harmony Day to promote tolerance and respect for minorities, and to celebrate religious diversity in Sindh.
- XII. Review the outdated personal laws of the Christian and Hindu communities and introduce new legislation for their betterment.
- XIII. Ensure mitigation of the wrongful use of blasphemy laws against the minorities.
- XIV. Take necessary legal measures to check forced conversion and forced marriages.
- XV. Ensure that offenses of incitement to religious hatred leading to violence do not go unpunished.

#### 4.4. Rights of Senior Citizens

6.4.1 The UDHR alluded to the rights of elderly and senior citizens in Article 25(1) which states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." International human rights framework makes specific provisions regarding the elderly and senior citizens as a disadvantaged class. Article 7 of the ICCPR prohibits performance of experiments on elderly persons not capable of giving consent. Principles of non-discrimination and equality as enshrined in the ICCPR are also used as a shield to protect elderly rights of pensions and government sanctioned benefits. Article 9 of ICESCR stipulates the right to social security and social insurance which implicitly refers to the rights of senior citizens and elderly for old-age benefits.

6.4.2 The Government of Pakistan upholds the rights of senior citizens with the Employees Old-Age Benefits running as a widespread government initiative guaranteeing pensions and employment benefits for elderly upon retirement. EOBI has an institutionalized mechanism with the private sector that dispenses old age allowances for senior citizens unable to actively participate in the work force. Furthermore, to respond to the needs of senior citizens, a Bill namely the Senior



Citizens Welfare Bill 2012<sup>2</sup> duly drafted after consultation with relevant stakeholders is also pending in the National Assembly.

6.4.3 The Government of Sindh in its commitment to safeguarding the rights of senior citizens, has enacted the Senior Citizens Welfare Act 2014 which enunciates the establishment of the Senior Citizens Welfare Council to provide for the well-being, comfort and dignity of senior citizens in the province. The Council is entrusted with widespread powers as well as a fund to safeguard the rights of senior citizens in the province. Dignity of senior citizens is a paramount feature of the new law which seeks to ensure their well-being and respect in society.

6.4.4 In order to safeguard the rights of senior citizens, the following recommendations are proposed:

- I. Strengthen the implementation of Sindh Senior Citizens Welfare Act, 2016.
- II. Expedite the issuance of Senior Citizens Cards (Azadi Cards) to enable senior
- III. Citizens to avail the benefits and privileges as provided under the Sindh Senior Citizens Welfare Act, 2016.
- IV. Adopt measures to improve accessibility and quality of service provision to senior citizens, particularly at medical centers, police stations, post offices and banks.
- V. Increase resource allocation for the development of recreational facilities for senior citizens.
- VI. Ensure speedy/out of queue service delivery to senior citizens at all public and private forums.
- VII. Ensure discount on domestic fare to senior citizens in all means of transportation/communication.
- VIII. Raise awareness regarding employee's old age benefits and their application mechanisms.
- IX. Introduce discounts and waivers. for elderly and senior citizens still participating in the work force.

#### 4.5. Rights of Persons with Disabilities

6.5.1 Recognizing the inherent dignity of persons with disabilities, Pakistan has ratified the Convention for the Right of Persons with Disabilities (CRPD) which aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. Article 38 of the Constitution of Pakistan obligates the Pakistani state to provide for basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens,

<sup>2</sup> <http://nation.com.pk/islamabad/07-Dec-2012/policy-on-rights-of-senior-citizens-finalised>

irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment. In 2018, the Sindh Assembly enacted the Sindh Empowerment of 'Persons with Disabilities' Act which puts in place a robust legal and institutional framework to promote and protect the rights of the 'Persons with Disabilities', particularly in line with Pakistan's obligations laid down in the CRPD.

6.5.2 Realizing the major challenges that disabled persons are facing and to create an enabling environment for their mainstreaming in the society, this policy recommends the Government of Sindh to:

- I. Carry out training and capacity development programs aimed at strengthening the Sindh Authority for the Protection of the Rights of Persons with Disabilities and the Sindh Department of Empowerment of Persons with Disabilities.
- II. Strengthen official data collection and segregation mechanism in Sindh for improved monitoring and evaluation and the rights of persons with disabilities.
- III. Ensure the provision of quality services to all segments of age groups for Persons with Disabilities, through expansion and strengthening of service delivery infrastructure so as to enable disabled persons to benefit from public transport and public places including parks, schools and healthcare facilities.
- IV. Adopt measures to improve quality healthcare and rehabilitative services.
- V. Adopt measures to further promote inclusive education for persons with disabilities and develop necessary infrastructure in schools and all public facilities to facilitate disabled children.
- VI. Establish technical and vocational training institutes for persons with disabilities to enable them to participate in economic life.
- VII. Ensure that all public spaces and public transport are accessible and equipped with adequate facilities to cater to the needs of persons with disabilities.
- VIII. Ensure the implementation of employment quota of five percent for persons with disabilities in government departments, institutions, entities, and corporate entities owned and managed by the provincial government, as stipulated by the Sindh Empowerment of 'Persons with Disabilities' Act 2018.
- IX. Adopt a shift from exclusive system of education to that to inclusive education for the children with disabilities.
- X. Ensure the provision of quality services to all segments of age groups for Persons with Disabilities, through expansion and strengthening of service delivery infrastructure.
- XI. Ensure training and education of parents and communities to recognize special needs of persons with disabilities.
- XII. Age relaxation to the disabled person for 10 years for recruitment against



employment opportunity in both public and private sector should be notified.

- XIII. Mainstream the provision of disabled-friendly provisions in the infrastructure design and planning.

#### 4.6. Rights of Transgender Persons

6.6.1. Over the last decade, Pakistan has emerged as a torch-bearer of transgender rights, both regionally as well as internationally. Nationwide efforts to promote and protect the rights of transgender persons culminated in the adoption of the landmark Transgender Persons (Protection of Rights) Act, 2018. Working towards the full realization of the rights of transgender persons, this policy recommends the Government of Sindh to:

- 4.6.1. Enact legislation to criminalize all forms of discrimination against transgender persons.
- 4.6.2. Develop sensitivities amongst government employees towards transgender persons and their rights.
- 4.6.3. Establish technical and vocational training institutes for transgender persons to enable them to participate in economic life and create financing opportunities for small and medium-sized enterprises set up by transgender persons.
- 4.6.4. Develop awareness campaigns aimed at combatting stigmatization and prejudice against transgender persons.
- 4.6.5. Ensure Birth Registration of transgender persons with NADRA in the province.
- 4.6.6. Take affirmative action to mainstream transgender persons in the work force.
- 4.6.7. Ensure inheritance rights of the transgender persons.
- 4.6.8. Promulgate comprehensive law to include transgender persons as victims or aggrieved in cases of violence against them.

### 5. Inter-faith harmony and protection of rights of the minorities

#### 5.1. Minority Rights

The protection of minorities is a cornerstone of Pakistan's ideology as a nation, created to allow the Muslims of the subcontinent the freedom of conscience to choose and practice their religion. The founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah in his presidential address to the Constituent Assembly of Pakistan on 11 August 1947 stated:

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*business of the State... We are starting with this fundamental principle that we are all citizens and equal citizens of one State."*

- 5.1.1. The Constitution of Pakistan in Articles 20, 21, 22, 25, 26 and 36 emphasizes on Minority rights which truly translates this vision in the form of enshrining fundamental rights of the citizens in the very social contract between the State and its citizens. It contains at least 9 distinct provisions that deal with the matter of non- discrimination on the basis of religion and otherwise. These Articles cover everything from the equality of all citizens to the fundamental freedom to practice and profess faith, prohibition of exploitative practices against religious groups, non-discrimination in the allotment of service positions and even the preservation of places of worship and culture. There is also allowance for positive discrimination in the interest of minorities through quota systems to allow for proportional representation
- 5.1.2. Almost 6.51 per cent of Hindus reside in the province.<sup>3</sup> The Sindh Assembly has reserved seats for religious minorities as an affirmative action to mainstream their political participation. The issues pertaining to religious minorities are largely looked into by the Minority Affairs Department. In light of the issues and exploitation experienced by religious minorities, the Sindh Assembly enacted The Sindh Hindu Marriage Act 2016 to provide mechanisms for registration and solemnization of Hindu marriages. It was further amended in 2018 to include the subject of divorce as well called Sindh Hindu Marriage Registration (Amend) 2018. The Sindh Protection of Communal Properties of Minorities Act, 2013 which stipulates constitution of the Provincial Commission for Minorities and restricts sale and transfer of communal properties of minorities without a No Objection Certificate from the Government.
- 5.1.3. The Government of Sindh has enacted a number of laws to put in place a robust legislative and institutional framework to safeguard minority rights, such as the Sindh Protection of Communal Properties of Minorities Act, 2013. The Sindh assembly has also tried to legislate Sindh Minorities Rights Commission Bill, 2015, and Criminal Law (Protection of Minorities) Bill, 2015 which were passed by the assembly but not given assent by then governor to become Act of legislation.
- 5.1.4. In order to realize the dream of interfaith harmony the Human Rights Department will work with the relevant departments with the policy aims to:
  - I. Ensure strict implementation of laws curbing hate speech, extremism, sectarianism, incitement of violence and violence against minorities;
  - II. Carry out extensive public awareness campaigns through various outlets including digital media aimed at promoting interfaith harmony and religious tolerance within Sindh;
  - III. Ensure implementation of 5% employment quota for the religious

<sup>3</sup> <https://www.pbs.gov.pk/sites/default/files/tables/POPULATION%20BY%20RELIGION.pdf>



- IV. minorities in government departments and state institutions;
- IV. Develop community development and uplift programs to improve the socio-economic conditions of the most vulnerable minority communities, with a particular focus on communities belonging to scheduled castes;
- V. Take proactive measures to protect minority places of worship and ensure the maintenance and upkeep of sites that have historical, cultural or religious significance to minorities;
- VI. Introduce merit-based scholarships for academically promising students from minority communities;
- VII. Take measures for mitigation of false accusation and wrongful use of blasphemy laws against the minorities;
- VIII. Incorporate chapters on interfaith harmony and peaceful co-existence in teachers' training modules and appropriately in the curricula of school and college education;
- IX. Reform the curriculum to promote tolerance, strongly discourage hate speech/images and, lack of democratic values against the minorities;
- X. Promote the religion-cultural diversity, through celebration of the religious festivals of the minorities;
- XI. Commemorate an Interfaith Harmony Day to promote tolerance and respect for minorities, and to celebrate religious diversity in Sindh;
- XII. Review the outdated personal laws of the Christian and Hindu communities and introduce new legislation for their betterment;
- XIII. Ensure mitigation of the wrongful use of blasphemy laws against the minorities;
- XIV. Take necessary legal measures to check forced conversion and forced marriages;
- XV. Ensure that offenses of incitement to religious hatred leading to violence do not go unpunished.

## 6. International commitments for Human Rights

6.1. The Sindh Human Rights Policy has been formulated pursuant to Pakistan's international Human Rights commitments as stipulated by the Universal Declaration of Human Rights (UDHR) and various international Human Rights instruments that Pakistan has signed and ratified, particularly the following core Human Rights treaties:

- 1) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (21 September 1966)
- 2) Convention on the Rights of the Child (CRC) (12 November 1990)
  - a. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-AC) (5 July 2011)
  - b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-SC) (17 November 2016)
- 3) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (12 March 1996)
- 4) International Covenant on Economic, Social and Cultural Rights (ICESCR) (17 April 2008)
- 5) International Covenant on Civil and Political Rights (ICCPR) (23 June 2010)
- 6) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (23 June 2010)
- 7) The Convention on the Rights of Persons with Disabilities (CRPD) (5 June 2011)

- 6.2. Pakistan is also beneficiary to GSP+. Pakistan was granted GSP+ in 2014 and has shown commitment to maintaining ratifications and meeting reporting obligations to the United Nations Treaty Bodies for the 27 UN Conventions. Through its GSP+ status, Pakistan is eligible to export around 78 % of its products free of duty to the EU's 28 member countries. This represents almost 20% of Pakistan's exports globally. The Treaty Implementation Cells (TICs) were formed in all four provinces, as well as in Gilgit Baltistan, Azad Jammu and Kashmir, and at the federal level in 2016 in response to the requirements of the generalized Scheme of Preferences Plus (GSP+). Therefore, this policy has also taken GSP+ into account.
- 6.3. The commitment of the State is further evident from the fact that the State of Pakistan has given due priority to Human Rights observance in Pakistan's Vision 2025 and Sustainable Development Goals in the post 2015 development agenda, by focusing on ending discrimination faced by women, inclusion of vulnerable segments of the society in its development agenda to mainstream the vulnerable and marginalized groups and bringing in new laws for the protection of the rights of children. The Vision 2025 further affirms the implementation of Article 38 of the Constitution of Pakistan for promotion of social and economic well-being of people. Furthermore, the Vision 2025 also gives due importance to reform process in the criminal justice system and civil courts for access, promptness, affordability and fairness in dispensation of justice.
- 6.4. The 18th Constitutional Amendment has changed the roles and responsibilities of the Federal and Provincial Governments. Thus, the issues related to the subject of Human Rights have mostly been devolved to the Provinces. However, the Ministry of Human Rights has the primary responsibility of reporting on the ratified international Conventions, as coordinating body and to keep a liaison with the provinces dealing with the subject of Human Rights to ensure their coherence and alignment with the international obligations.
- 6.5. There are profound challenges on the ground; but there are numerous opportunities to improve the Human Rights situation. Safeguarding Human Rights and fundamental freedom is an integral part of all democratic and progressive societies. Globally, the international image and repute of countries is being increasingly associated with the state of their Human Rights. Realizing this aspect, government of Sindh attaches high priority towards the protection and promotion of Human Rights and has promulgated various special laws to strengthen Human Rights institutions and safeguard fundamental rights through legislative interventions.



## 7. Implementation Arrangements

### Inter-coordination with the line departments of the Government of Sindh

#### 7.1. Role of concerned Departments

7.1.1. Due to the extended phenomenon of Human Rights, while primary responsibility lies with the Human Rights Department, Government of Sindh, the policy will be implemented with commitment of the all the relevant Government Departments as most are cross-cutting issues.

#### 7.2. Role of Sindh Provincial Commissions & Authorities

7.2.1. This Human Rights Policy will ensure the strengthening of the sub-national human rights institution for monitoring and oversight of various thematic and specific group rights through following institution

7.2.2. The Sindh Commission on the Status of Women (SCSW) Sindh Commission on the Status of Women was set up for the promotion of social, economic, political and legal rights of women, as provided in the Constitution of the Islamic Republic of Pakistan 1973, and in accordance with international declarations, Conventions, treaties, Covenants and agreements relating to women, including Convention on the Elimination of all forms of Discrimination against Women (CEDAW).

7.2.3. Sindh Human Rights Commission (SHRC) is important Human Rights institution at the provincial level that can play an active role in the implementation of the law and policies related to Human Rights in the Province. SHRC has important role in complaint handling and redressal grievances, legislative review, situation analysis and fact finding of human rights violation, promotion of human rights and ensuring compliance of international human rights obligations in the context of province.

7.2.4. Commission have contributed by publishing major researches regarding Human Rights in the province and also monitoring / implementation of laws passed in the domain of Human Rights in the province. With key experts in the field of Human Rights as part of the statutory bodies, the Commissions with their statutory & autonomous nature can contribute effectively in updating and implementing this policy in consonance with the changing dynamics of Human Rights in the province.

7.2.5. The Child Protection Authority is mandated to manage child protection institutions in the province. The child protection units and officers therefore work under the aegis of the Child Protection Authority. In this regard, the Authority can serve as a strategic asset in implementation and revision of the policy in light of its expertise and functionality.

7.2.6. The Authority can also serve as an essential implementing agency of this Human Rights policy with regards to child rights and all other parallel issues directly affecting the state of children in Sindh. Child rights are a major focus of this policy as well as the Action Plan for Human Rights. The Authority along with its mechanisms and institutions, as stipulated in the law, should be fully utilized to ensure implementation of this Human Rights

policy.

### 7.3. Role of civil society

Everyone has the right and responsibility, individually and in association with others, to promote and to strive for the protection, promotion and realization of Human Rights and fundamental freedoms given in this Policy through education, advocacy and empowerment of the citizens at the national and provincial levels within the legal ambit. Civil Society working in close liaison with the citizens is expected to play an important role for ensure effective implementation of this policy.

## 8. Education and Information about Human Rights & Responsibilities

8.1 The Sindh Human Rights Policy, 2023 is the first step in the direction of upholding Human Rights with a wider and comprehensive outreach in the province. Moreover, all concerned Departments of the Government of the Sindh will mark the Sindh Human Rights Policy as top priority document in their official business, as it provides further mechanism for realization of fundamental rights guaranteed in the Constitution and in the international commitments of Pakistan;

8.2. In line with the principle of transparency, this Sindh's Human Rights Policy is focused on making information about Human Rights, more readily available across the country, including about what rights are, why they matter and how they are protected. The Framework encompasses a comprehensive suite of education initiatives to ensure that all citizens of Sindh in particular and of Pakistan in general are able to access information on Human Rights. This includes the development of Human Rights education programs for primary and secondary schools and for colleges, universities and for the community & development projects and the public at large. This policy aims to:

- I. Add Human Rights as a subject in the curriculum and textbooks of the school and college education and introduce as a discipline in the higher education institutions;
- II. Create a human rights chair in the universities/higher education institutions;
- III. To introduce Human Rights Degree Programs at the University level;
- IV. Include human rights as a compulsory subject at intermediate and graduation level and;
- V. Formulate and introduce teaching modules on human rights in the provincial training institutes and public sector schools and colleges.

8.3. Human rights can only be achieved through an informed demand by people for protection of their rights. Human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others. It develops an understanding of everyone's common responsibility to make human rights a reality in each community. Human rights education constitutes an essential contribution to the long-term prevention of human rights abuses and represents an important investment in the endeavor to achieve a just society in which all human rights of all persons are valued and respected.<sup>4</sup>

<sup>4</sup> <https://www.ohchr.org/en/issues/education/training/pages/hreducationtrainingindex.aspx>



8.4. Human rights education is defined as the learning process that builds up the required knowledge, values, and proficiency of human rights of which the objective is to develop an acceptable human rights culture. This type of learning teaches people to examine their experiences from the human rights point of view enabling them to integrate these concepts into their values and decision-making. According to Amnesty International, human rights education is a way to empower people so that they can create skills and behavior that would promote dignity and equality within the community, society, and all over the world.

8.5. For this purpose, Human Rights Department, Government of Sindh intends to work in close liaison with Provincial Education Department towards establishing a committee to implement this important work. The committee will play an important role to ensure that education and information rights are available across the community with programs that complement the civil society.

8.6. To spread awareness at primary and secondary level education, following steps shall be taken to:

- I. Develop an understanding of rights and responsibilities, including human rights, as an integral part of curriculum development.
- II. Provide funding for the education and awareness programs to foster a better understanding of human rights within the country and encourage greater respect for the rights of others.
- III. Work in partnership with the civil society organizations to ensure that programs are not only appropriately targeted but they address the information needs of different groups.
- IV. Endeavour to build a liaison with non-Government organizations (NGOs) for the development and delivery of Human Rights education and engagement programs.

#### 9. GSP Plus (GSP+) and strengthening of the Treaty Implementation Cell

9.1 Pakistan has signed core United Nations treaties that protect Human Rights. These treaties reflect international agreement about the fundamental values that make up 'Human Rights' protected under the treaties. Government of Sindh will endeavor to mainstream the obligations under all the ratified international commitments.

9.2. An important facility for socio-economic development, coupled with the international obligations related to 27 conventions in the areas of Human Rights, labor rights and environmental rights and good governance, is the Generalized Scheme of Preferences Plus (GSP+) which is arrangement is European Union's strategy and a tool to promote trade, sustainable development and promotion of rights in the developing countries. The European Union (EU) granted GSP+ status to Pakistan in January 2014. Through GSP+ status, Pakistan is eligible to export around 78% of its products free of duty to the EU's 28 member countries.

9.3. The Treaty Implementation Cells (TICs) were formed in all four provinces, as well as in Gilgit Baltistan, Azad Jammu and Kashmir, and at the federal level in 2016 in response to the requirements of the Generalized Scheme of Preferences Plus (GSP+). In Sindh TIC was established in 2018 in the Human Rights Department. This Policy aims to strengthen the TIC through the following actions would be taken:

- I. To resource Treaty Implementation Cell properly so that those could perform their role in an effective role in monitoring, coordinating, collecting and reporting progress on GSP+ commitments.
- II. To digitize data collection and reporting process by TIC.
- III. To hold capacity development programs by TIC for the relevant line department on GSP+ commitments and to hold regular meetings with the relevant departments to discuss the collect the progress on GSP+ commitments.

9.4. In this regard Sindh Treaty Implementation Cell shall be made fully functional and adequately resourced for the effective and proper implementation of Treaty obligations and reporting requirements at the provincial level.

## 10. Progress Tracking

- 10.1. A Human Rights Management Information System will also be developed on key indicators to be decided in consultation with the line department and related to the sectors and the thematic areas outlined in this policy. The data will be obtained from the concerned line departments through a structured approach, ensuring periodic data and reports being generated to review compliance against the indicators.
- 10.2. An annual report on policy's implementation and the challenges being faced will be prepared by the Department and submitted to the Cabinet for their consideration and resolution. This Policy will be reviewed after every five years to take into account the latest developments in the international arena and Human Rights situation in the province.



### 11. Annex I: Provincial Laws

- 11.1. To mainstream and implement Human Rights at the provincial level, the Government of Sindh has enacted a series of laws aimed at enabling the full realization of Human Rights. The following laws adopted at the provincial level are particularly relevant to the formulation of this policy:
1. Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009
  2. Sindh Protection of Human Rights Act, 2011 and amended in 2022.
  3. Sindh Child Protection Authority Act, 2011 and the Sindh Child Protection Authority (Amendment) Act, 2021.
  4. Sindh Protection of Communal Properties of Minorities Act, 2013
  5. Sindh Child Marriages Restraint Act, 2013
  6. Sindh Protection and Promotion of Breast Feeding and Child Nutrition Act, 2013
  7. Sindh Domestic Violence (Prevention and Protection) Act, 2013
  8. Sindh Mental Health Act, 2013
  9. Sindh Witness Protection Act, 2013
  10. The Sindh Industrial Relations Act, 2013.
  11. Sindh Senior Citizens Welfare Act, 2014
  12. Sindh Environmental Protection Act, 2014
  13. Sindh Workers Welfare Fund Act, 2014
  14. Sindh Differently Able Persons (Employment, Rehabilitation and Welfare) Act, 2014 and amended in 2018.
  15. Sindh School Education Standards and Curriculum Act, 2014
  16. Sindh Commission on the Status of Women Act, 2015
  17. Sindh Bonded Labour System Abolition Act, 2015
  18. Sindh Minimum Wages Act, 2015
  19. Sindh Factories Act, 2015
  20. Sindh Transparency and Right to Information Act, 2016
  21. Sindh Hindus Marriage Act, 2016 and Sindh Hindu Marriage Amendment Act 2018.
  22. The Sindh Evacuee Trust Properties (Management Disposal) Act 2019
  23. Sindh Prohibition of Corporal Punishment Act, 2016
  24. Sindh Food Authority Act, 2016
  25. Sindh Prohibition of Employment of Children Act, 2017
  26. Sindh Occupational Safety and Health Act, 2017
  27. Sindh Home-Based Workers Act, 2018
  28. Sindh Empowerment of 'Persons with Disabilities' Act, 2018
  29. Sindh Reproductive Healthcare Rights Act, 2019
  30. Sindh Prisons and Corrections Services Act, 2019

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**Karachi: Printed at the Sindh Government Press  
24-10-2023**