



# Economic and Social Council

Distr.: General  
6 August 2019

Original: English  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the initial report of Pakistan

#### Addendum

### Information received from Pakistan on follow-up to the concluding observations\*, \*\*

[Date received: 25 July 2019]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are available for consultation from the Committee secretariat. They may also be accessed from the web page of the Committee.



## Response to Committee's observation No. 12

1. The National Commission for Human Rights (NCHR), established under the National Commission for Human Rights Act, 2012 (Act No. XVI 2012) is an independent body which functions without any political interference and enjoys full financial autonomy to promote and protect human rights. Reference may be made to chapter IV section 16 and chapter VI sections 23 and 27 of the Act which bring the Act in compliance with the Paris Principles. The Commission also has the power to take suo-moto action on cases of human rights violations. The NCHR Complaint rules have been notified by Ministry of Human Rights and the Commission has been receiving complaints of human rights violations in addition to taking suo-moto notices.

2. NCHR is an independent statutory body empowered with powers of a civil court. Under Section 27 of NCHR Act, it is provided financial freedom to exercise financial autonomy in line with the Paris Principles. Government of Pakistan has taken various steps to facilitate effective functioning of NCHR including through allocation of 100 million for the establishment of NCHR Fund during 2015–16. The Government has empowered the Commission through increase in its annual budget allocation. In 2017–18, NCHR's budget was increased from Rs 41m to Rs 92m which amounts to an increase of 126%. The detail of financial allocations is as under:

<i>Year</i>	<i>Original Budget</i>	<i>Supp. Grant</i>	<i>Final Grant</i>	<i>Expenditure</i>	<i>Savings</i>
2015–16	5 000 000	100 088 000	105 088 000	58 832 339	46 255 661
2016–17	41 000 000	82 005 000	119 410 000	24 389 292	95 020 708
2017–18	41 000 000	64 000 000	105 000 000	104 000 000	1 000 000
2018–19	92 000 000				
	i.e. 126% increase compared to last year				

3. The NCHR has 171 sanctioned posts for which it is authorized to recruit suitable staff. Under NCHR Act, the Commission is required to frame its rules and procedure, such as Finance Rules, Accounting Procedure, Service & Recruitment Rules, and Hiring of Consultants Rules etc. These rules have to be made and approved by the Commission itself.

4. Regarding Committee's observation in para-11 about administrative control of NCHR with reference to letter No.6-155/2016-Admn of 9 March 2017, it is clarified that this letter is to give administrative cover/ representation to NCHR Act, 2012 at the Federal Government Level. This representation is required because under the Constitution of Pakistan, 1973, public funds allocated for NCHR, like all other public funds, are subject to necessary audit and accounting process. This however in no way compromises the autonomous functioning of the Commission. A good example of a similar constitutional arrangement is of the Supreme Court of Pakistan, is under the Ministry of Law and Justice, but is autonomous in its functions. Therefore, a distinction must be made between autonomy of mandate and functions from regulations governing public money and its expenditure.

## Response to Committee's observation No. 14

5. The Government considers civil society organizations and human rights defenders as partners in its endeavour to promote human rights and fundamental freedoms. By the very nature of their work, human rights defenders face challenges.

6. National Commission for Human Rights (NCHR), as an apex Human Rights State Body, has launched Policy Guidelines for the protection of Human Rights Defenders, which were formulated after thorough consultations with all stakeholders. NCHR is playing an effective role in highlighting HRDs' issues and advocates for acknowledgement and support of their work and for ensuring them respect and protection including reported cases

of harassment, disappearance and killings of human rights defenders. The contents of the guidelines are annexed. In addition:

(a) Government has taken several measures to safeguard the journalists, who are also victims of terrorism. These include:

- Notification of a Ministerial Media Security Committee with the mandate to suggest welfare measures to ensure safety of Journalists and Media Persons;
- Scheme (Life Insurance Policy for Media Persons) for the welfare of the journalists;
- Installation of a Hot Line Number (111-925-225) in Press Information Department so that journalists can inform the government about any potential threat to them or security related issues;
- Proposal for Establishment of Endowment Fund to provide relief to the wounded and disabled journalists who have fallen victims of terrorism in the line of duty;
- Draft Journalist Welfare and Protection Bill is in the pipeline;
- Ministry of Information has constituted a media security committee to provide protection and safety to the media persons nationwide. This Committee is working in close cooperation with the provinces for security of media personnel;

(b) Persons accused of enforced disappearances are tried and punished under criminal law of the land. The Commission of Inquiry on Enforced Disappearances, established under the Pakistan Commission of Inquiry Act 1956 in March 2011, has been further strengthened by increasing the number of members and proceedings conducted at different stations for convenience of the complainants.

### **Response to Committee's observation No. 80 (a) and (b)**

7. After the 18th constitutional amendment, education and almost all the functions related to education were devolved to provincial governments.

8. The Government is reviewing the National Education Policy 2009 which will address the following:

- (i) To enrol 25 million out of school children in the educational institutes;
- (ii) To make uniform education system all over the country;
- (iii) To ensure quality of Education.

9. In addition, Benazir Income Support Programme (BISP) has launched an initiative which encourages BISP beneficiary families having children in the age group of 4 to 12 years, to send their out of school children to schools for Primary Education (and in school children to continue their education). The initiative aimed to enrol approximately 2.0 million children in primary school by December, 2018. The Programme involves a cash transfer of Rs. 250 per child paid quarterly (Rs. 750 per child) for all children of each beneficiary family in the age bracket of 4–12 years in return for their compliance with the co-responsibilities of school admissions and a minimum of 70 percent quarterly attendance. Field operations of the programme were started in October, 2012. As of December, 2017, 1.895 million children have been enrolled and a total of about Rs. 5.81 billion has been disbursed as stipend under the Conditional Cash Transfer.

10. In the Federal capital Islamabad, the Government's efforts at increasing enrolment, reducing out of school children have led to:

(i) Fee/Funds to be collected from students have been abolished since November, 2010 in all educational institutions;

(ii) School Management Committees (SMCs) have been established for community participation and are currently functional;

(iii) Admission Policy of Federal directorate of Education (FDE) has been reviewed and amended as per provision of the Act to facilitate the Out of School Children;

(iv) The admission procedure has been simplified as well as documentary requirements have been relaxed;

(v) Age limit for admission to Class-I has been extended from 5 years to 7 years.

11. In addition, under PM Education Reform Program, financial support has been provided to educational institutions of Islamabad Capital Territory (ICT) to commence:

(i) Montessori classes in 71 schools;

(ii) Infrastructure development, as of 2018, the pilot phase in 22 schools has been completed. Development in 200 educational institutions is under way. The remaining 200 educational institutions shall be upgraded in the next phase;

(iii) Continuous Professional Development Program has been initiated for capacity building of teachers on regular basis wherein 3200 teachers & 844 Principals/Vice Principals have been trained in 2016–17. It has become a regular feature of Annual training program of FDE;

(iv) To ensure Easy Access, 200 buses have been provided to educational institutions for free transportation facility as outlined in the Act.

12. The Federal Public Sector Development Programme Financial Year 2018 has allocated an amount of Rs 2.96 billion for 10 on-going and 3 new projects of the Ministry of Federal Education & Professional Training. An amount of Rs 3.18 billion has also been provided for 13 on-going & new education related projects to Finance and Capital Administration & Development Divisions.

13. Moreover, provincial governments have also developed road maps<sup>1</sup> to deliver the commitment of free and compulsory education for all children aged five to sixteen years as specified in Article 25A of the Constitution. The aim of all the provincial education sector plans is to achieve the national target of free and compulsory education and have a 90 per cent literacy rate by the year 2025.

14. Given that Education has been devolved as a provincial object, the four provinces of Pakistan have made commendable progress in the provision of facilities, up-gradation of all schools with special attention to girls, construction of new schools and colleges, provision of scholarships, stipends especially provision of stipend to the girls, as well as reducing out of school children consistent with our policies on eliminating child labour in Pakistan. The provinces are also focused on enhancing the use of information technology, providing early children education as well as strengthening and increasing budgetary allocation for education. Given the paucity of space, we have annexed province wise details and progress in the annexes.

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<sup>1</sup> Khyber Pakhtunkhwa Education Sector Plan, 2016–2020; Punjab School Education Sector Plan, 2013–2017; Sindh Education Sector Plan, 2014–2018 and Balochistan Education Sector Plan, 2013–2018.