



HUMAN RIGHTS' ISSUES IN PARLIAMENT

June 1, 2013 - November 30, 2016



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GOVERNMENT YET TO RESPOND TO MPS COMMITMENT ON HUMAN RIGHTS

| Report based on Parliamentarians Interventions in Senate and National Assembly

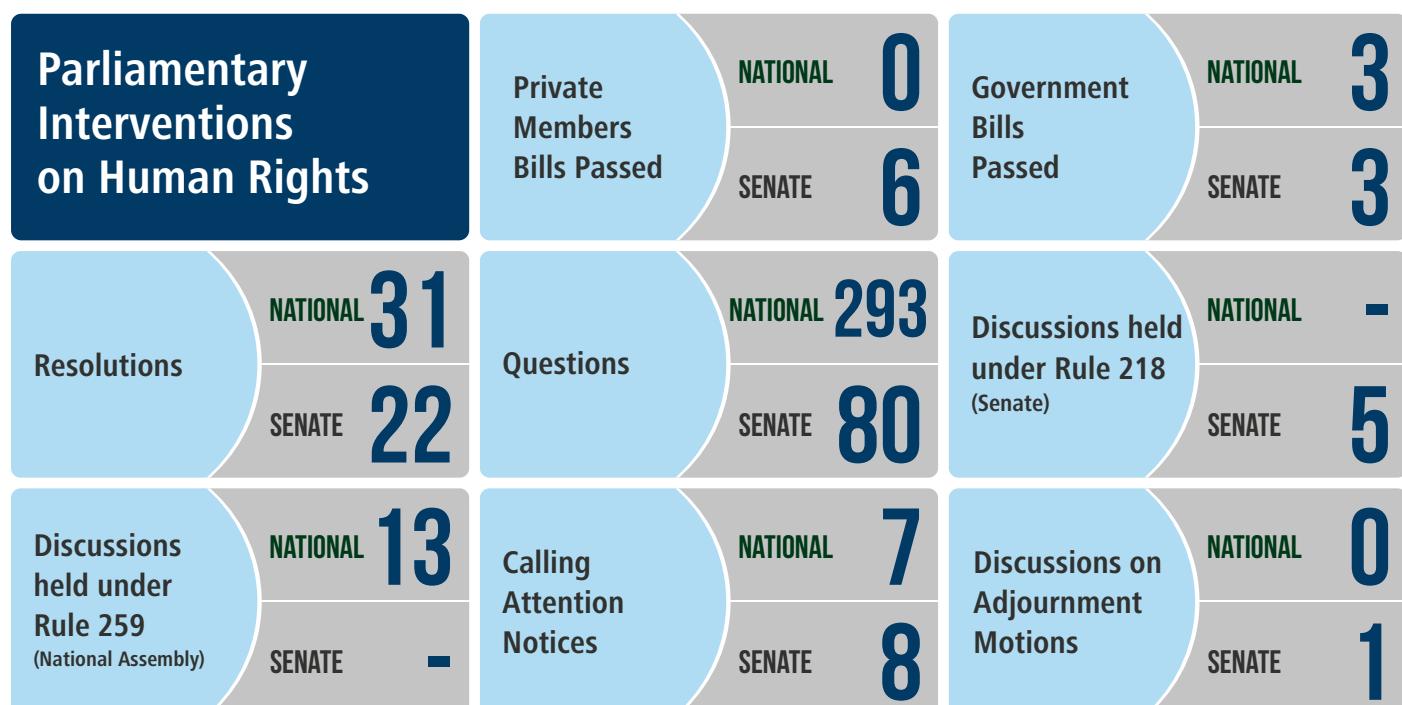
The parliamentary treatment of human rights is an important indicator of state's resolve towards resolving the issue, as the Parliament is supreme legislative and policy-making organ of the state. On the occasion of International Human Rights day, Free and Fair Election Network (FAFEN) is releasing a report based on the parliamentary responses to various challenges of human rights and the constitutional obligation of the state to guarantee fundamental rights of the citizens.

The three and a half years report includes legislative and representative measures taken by the parliamentarians on human rights abuses and their redressal mechanisms between June 1, 2013 and November 30, 2016. Its scope is limited to the regular parliamentary business that has been addressed during plenary sittings of 36 sessions of the 14th National Assembly and the sessions of the Senate held since April 2013.

The parliamentary business record reveals that the legislature has been trying to play its part in highlighting human rights violations in the country and ensuring fundamental rights of the citizens. The lawmakers regularly took cognizance of the human

rights abuses, reminded the Executive of its obligations and held discussions to explore solutions for the hiccups. They also responded to the human rights violations by introducing legislative solutions to curb the rights abuse. However, the proposals and discussions require Executive's support to translate the bills into laws and policies. Despite several dozen legislative proposals, the Parliament could enact only one law during the reporting period which was related to child rights. Two Private Members' bills on honor killing and rape laws have also been approved but the notification of their enactment has not been placed so far on the website of the National Assembly or Senate. However, the decision of the Parliament to allow military courts to try civilian terror suspects became controversial and drew ire of some lawmakers and human rights activists.

Besides legislation, the Parliament passed 53 Resolutions, held 19 discussions, asked 373 Questions and took up 15 Calling Attention Notices on the issue of human rights. Through resolutions, the Parliament condemned the incidents of violence and terrorism as well as urged the government to



promote women's empowerment and religious tolerance in the country. Throughout these parliamentary years, the lawmakers continued asking questions from the government on the issues related to human rights.

The Constitution of Islamic Republic of Pakistan obligates the government to protect and promote the fundamental rights of all its citizens. The Chapter on Fundamental Rights grants every citizen of Pakistan the right to free, secure and dignified life, information, fair trial, equality before law, protection against slavery and freedom of religion, movement, speech, association and assembly. It also guarantees free and compulsory education for all children up to 16 years and right to preserve languages and culture.

However, the state of human rights in the country often comes under criticism from various quarters. The country has witnessed scores of incidents of violence against civilians especially women, children, minorities and other weaker segments of the society. The organizations like Amnesty International and Human Rights Watch voiced concerns on enforced disappearances and increasing restrictions on freedom of speech. The security operations in tribal areas displaced hundreds and thousands of citizens from their homes creating a humanitarian crisis of its own kind. The natural calamities also hit various parts of the country leaving thousands of people devastated.

Legislative Action on Human Rights Abuses

Government Legislation

Under its Action Plan for Human Rights 2016, the government had pledged to enact legislation regarding torture and custodial deaths, domestic violence, compulsory immunization, Hindu and Christian marriages, women and children protection and justice system reforms.

So far the government submitted only five pieces of legislation in National Assembly and Senate which may be categorized as human rights subjects. These were concerned with protection of children against sexual abuse, Hindu marriages, reforming justice system (regarding cost of litigation and alternate dispute resolution) and censuring sectarian and religious hate-speech.

However, only one of these three legislative proposals relating to child protection could be enacted to-date. The law criminalizing the sexual

abuse of children was introduced after the discovery about a child abuse scandal in Kasur district of Punjab.

The lawmakers belonging to the Hindu community have been highlighting the absence of legal framework covering their marriages, divorces and issues of inheritance. Responding to their demand, the government initiated legislation on the subject during the second parliamentary year which has been sent to the Senate after its passage from the Lower House.

The treasury is also trying to make criminal laws more stringent by increasing punishments for offences related to hate speech and lynching. The related Amendments in Criminal Law have been approved from both Houses and just a formal assent of the President is required. Moreover, the Parliament has also enacted a law providing for prevention of electronic crimes which includes provisions of heavy fines and punishments for spreading hate-material online.

However, the security-related legislation under National Action Plan (NAP) received criticism from human rights activists as well as the opposition lawmakers. Following the attack on the Army Public School in Peshawar on December 16, 2014, the Parliament approved amendments to the Constitution and Pakistan Army Act, 1952 that allowed military courts to try civilian terrorism suspects. In November 2015, another amendment to the Pakistan Army Act gave retrospective legal cover to arrests by the armed forces and law enforcement agencies. This amendment was passed in the backdrop of civil society and judiciary's criticism against the enforced disappearances of the citizens, particularly in Balochistan, Khyber Pakhtunkhwa and Sindh.

Private Members' Legislation

The Private Members' legislative proposals on rape and honor-killing laws have recently been passed by the joint sitting of the Parliament. These proposals initiated in the Senate during the term of previous government but had been pending since then.

The major focus of the Private Members' legislation in both the Senate and the National Assembly remained on the human rights. The parliamentarians introduced 23 bills in the Senate and 30 in the National Assembly providing for protection and welfare of minorities, women, children, disabled citizens and fundamental rights of citizens. The National Assembly has not passed any of these Private Member bills so far. On the other hand, the Senate has approved six of these bills.

In addition to the bills directly related to the human rights, the lawmakers in the National Assembly also suggested amendments to the Constitution and the criminal laws of the country i.e. Code of Criminal Procedure, Code of Civil Procedure and Pakistan Penal Code. These amendments proposed to increase representation of minorities in the Parliament and enhance punishments for violence against women and children.

Resolve of the Parliament on Human Rights

Both the Houses of Parliament adopted 53 resolutions – National Assembly 31 and Senate 22 – on the issues related to human rights, mostly condemning the incidents of terrorism, Indian atrocities in the Occupied Kashmir and violence against women, children, minorities and journalists. The Parliament also condemned human rights violations committed in Egypt, Gaza and Burma. Both National Assembly and Senate passed commemorative resolutions on the eve of Women's and Minorities Days reaffirming the resolve to protect rights of both communities.

Representation of Human Rights Issues in the Parliament

Under parliamentary rules of procedure, the lawmakers have the provision to move for discussions or submit Calling Attention Notices to draw attention of the government to the matters of public importance. The Motions under Rule 218 and 259 in the Senate and the National Assembly are meant to discuss important issues. Moreover, the Adjournment Motions can also be taken up to discuss urgent matters of public importance.

The parliamentarians submitted 40 Motions under Rule 218 and 259 and 35 Calling Attention Notices (CANs) on the subjects related to human rights.

The Members of the National Assembly submitted 10 CANs on human rights issues highlighting the cases of extra-judicial killings in Karachi, incidents of terrorism in the country, attacks on minorities, suppression of freedom of expression, poor human rights ranking of the country, disenfranchisement of women voters, Indian aggression in Occupied Kashmir, plights of Internally Displaced Persons due to security operations and problems faced by Pakistani laborers stranded in Saudi Arabia. The government made statements on seven of these

CANs in the National Assembly while the remaining three were not addressed.

The Senators raised 13 CANs underscoring various incidents of violence against women and minorities in the country, including kidnapping of female Hindu school teacher from Peshawar, misogynistic decisions of jirgas , killing of female activist Sabeen Mahmud, honor-killings in Abbottabad and Dera Ghazi Khan, incidents of rape in Pakistan Institute of Medical Sciences and Police Station Muzaffargarh. They also sought government's intervention in cases of Pakistani prisoners in foreign jails, issuance of domicile certificates to Christians in FATA, problems being faced by Pakistanis in Qatar and incidents of human rights abuses reported by European Union. The government made statements before the Upper House on eight of these notices while others remained unaddressed.

During last three and a half years, both Houses of the Parliament held 14 discussions on security related issues in the country. Ten of these discussions were held in the National Assembly while four in the Senate. Both the Houses also held debates on the pronouncements of the Council of Islamic Ideology (CII) regarding child marriages, humanitarian crisis emanating from drought in Thar, welfare of disabled persons, functioning of the National Commission on Human Rights (NCHR), issues of Pakistani laborers in Saudi Arabia, and crackdown on political workers in the country.

The lawmakers submitted 14 Adjournment Motions in the Senate on human rights related subjects. But only one of these motions related to attacks on Sikh community in Khyber Pakhtunkhwa was debated. The remaining Adjournment Motions were either dropped due to absence of the movers or were not taken up by the House.

The parliamentarians raised 373 questions on human rights related matters during the reporting period. Through these questions, they sought information from the government departments on various issues ranging from deportation of Pakistanis and honor killings to jail reforms and poverty alleviation. The Ministry of Human Rights was specifically quizzed about its plans to promote respect for human rights in the country.

ABOUT FAFEN

- FAFEN is one of the most credible networks of civil society organizations working for strengthening citizens' voice and accountability in Pakistan since 2006.
- FAFEN has harnessed information technology for real-time monitoring, facilitation and technical backstopping of partners for effective and result-based program delivery.
- FAFEN is the only civil society group to have been invited by the Judicial Commission to present the evidence of illegalities and irregularities documented through the course of General Elections 2013 Observation. The systemic and procedural issues identified by FAFEN have been acknowledged by the commission in its detailed findings.
- FAFEN's recommendations for electoral reforms have contributed to the work of Parliamentary Committee for Electoral Reforms.
- FAFEN's advocacy for parliamentary transparency, accountability and reforms has shaped public discourse on parliamentary reforms. Improved citizens' access to parliamentary information including daily public release of parliamentarians' attendance records can be directly attributed to FAFEN's work.
- FAFEN deployed 18,000 and 40,000 non-partisan and trained observers for the systematic observation of general election 2008 and 2013, respectively, largest citizens' observation ever undertaken in Pakistan.
- FAFEN's evidence and recommendations for reforms have improved the quality of public and political discourse on elections, its issues and need for reforms. Leading political parties and media houses extensively use FAFEN's election findings and analysis to build a case for reforms.
- With more than 16,900 followers on Twitter and around 72,000 on Facebook, FAFEN is considered one of the most reliable sources of electoral and parliamentary information in the country.



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