



Booklet on Mandates of Human Rights Institutions in Khyber Pakhtunkhwa

Blue Veins

Introduction

The protection, promotion and implementation of human rights as per the international human rights treaties, instruments and obligations is eventually the state responsibility. States who have signed and ratified various human right treatise are under an obligation to safeguard, uphold, the rights of individuals within their individual territories. Every state adopts different legal, structural and institutional mechanism to protect the human rights of their citizens. They primarily consist of the courts, offices of ombudspersons, and the Human Rights Institutions or bodies.

Human right institutions are statutory bodies, established by the government, the functions of which are specially defined in terms of the promotion and protection of human rights. Though these institutions are especially intended to protect and promote human rights, they do not take over the role of the judiciary, legislative bodies, government agencies, political parties, or Civil Society Organizations. Human Rights Institutions are one of the key components of national and international human rights protection systems, advising and facilitating governments and promoting and protecting human rights in their respective countries. These institutions are mandated with different mechanisms to strengthen their role in the area of human rights. The mechanisms include monitoring of human rights situation, audit laws, make recommendations, train, educate and sensitized personnel and public, conducting human rights education; report to international bodies, hold inquiries, handling individual complaints of human rights violations; identifying protection gaps in national human rights systems and providing recommendations on how to address them; and engaging with international human rights mechanisms.

Pakistan in compliance to international human right protection mechanisms and commitments has also established human right institutions at national and provincial level, which are working towards different areas of human rights. Civil Society Organizations played key role in establishing the human right institutions and has been playing its significant role in facilitating the institution and strengthening their independence and effectiveness.

Based on our experience being working with stakeholders, we have learned that CSOs, media, community, legislators and policy maker are confused about the role and mandate of Human Right Institutions. This booklet is specifically developed to describe the role and mandate of different institutions including Women Commission KP, Child Welfare & Protection Commission, National

Commission for Human Rights (NCHR), Directorate of Human Rights, Federal Directorate of Human Rights.

We anticipate that this booklet will be a significant resourceful mean and a great way to promote and educate stakeholders on the role and mandate of Human Right Institutions in relation to human rights.

Acronyms

KPCSW	Khyber Pakhtunkhwa Commission On the Status of Women
KPCPWC	Khyber Pakhtunkhwa Child Protection and Welfare Commission
NCHR	National Commission for Human Rights
NCSW	National Commission on the Status of Women

***Khyber Pakhtunkhwa Commission
on the Status of Women***

Introduction to KPCSW

The Khyber Pakhtunkhwa Commission on the status of Women is a statutory body established under NWFP Act X1X 2009. It came in to being on May 13, 2010 in the backdrop of the devolution of powers and Federal Women Development Ministry.

Mandate of KPCSW

In 2016, to reconstitute and reorganize the commission to give it autonomous status for effective and improve performance, new law The Khyber Pakhtunkhwa Commission on the Status of Women Act 2016 was enacted which repealed The Khyber Pakhtunkhwa Establishment of Commission on the Status of Women Act 2016.

Mandate of KPCSW under the Khyber Pakhtunkhwa Commission on the Status of Women Act, 2016 is to:

- (a) Examine the policy, programs, projects and other measures taken by Government, for women development and gender equality, to assess implementation and make suitable recommendations to the concerned authorities, where considered necessary for effective impact.
- (b) Review all provincial laws, rules and regulations affecting the status and rights of women and suggest repeal, amendments or new legislations essential to eliminate discrimination, safeguard and promote the interests of women and achieve gender equality in accordance with the Constitution of the Islamic Republic of Pakistan and obligations under International Covenants and commitments.
- (c) Monitor the mechanism and institutional procedures for redress of violation of women's rights, individual grievances and facilities for social care, and undertake initiative for better management and efficient provision of justice and social services through the concerned forums and authorities.
- (d) Examine and review policies/programs and plans of each department to ensure that they address gender concerns adequately.

(e) Establish and constitute in consultation with the Government, District Committees, consisting of such number of members with female majority and to be headed by a female Chairperson on such terms and conditions and for such a period as may be prescribed through regulations to examine and review policies/programs and plans for each office in the district and to ensure that they address gender concerns adequately, provided that two female members of district council shall be added to the District Committee and meetings and quorum of the District Committee shall be such as prescribed by regulations.

(f) Provide guidelines to a District Committee for implementation and receive periodic reports on the implementation status to the Commission.

(g) approve annual budget of the commission and of the district committees

(h) approve regulations required to be made under this act

(i) delegate such of their powers and functions to the officers of the commission, as it may consider necessary for the efficient implementation of this Act

(j) prescribe procedure for appointment, terms and conditions of service, disciplinary matters and other service matters for the employees of the commission or the district committees as the case may be.

(k) creation, re-designation, or abolition of posts, provided that while creating posts the financial implications do not exceed the approved annual budget, and

(l) constitute sub-committees consisting of its members as it may deem fit and may refer to them any matter for consideration and report, and

(m) perform any other function which may be assigned to it by government.

The most basic purpose to establish the Commission was to have a regulatory monitoring body that can work with sister government organizations as well as with NGO's towards the emancipation of women, equalization of opportunities including socio-economic condition among women and men. Also to eliminate all forms of discrimination/violations against women.

Commission has a mandate to conduct research on the issues related to the women of KP especially those deprived women living in the remote areas of the province. These Researches will also be shared with the government of Khyber Pakhtunkhwa and will help the legislators to concentrate on women issues including Gender Based Violence (GBV) . The Researches will also help the NGO sector to understand the current status of women in the light of facts provided through Research papers.

***Khyber Pakhtunkhwa Child Protection
and Welfare Commission***

Child Commission Introduction:

The Commission on child protection and welfare KP is a body, having perpetual succession and a common seal, with power given under the act (The Khyber Pakhtunkhwa Child Protection And Welfare Act, 2010) established to provide for the care, protection, maintenance, welfare, training, education, rehabilitation and reintegration of Children at risk in the Khyber Pakhtunkhwa.

Vision

A child sensitive society where children are enjoying their rights of protection, survival, development and participation without any discrimination.

Mission Statement

We inspire and lead stakeholders in government, civil society and communities through innovative initiatives in the areas of research, policy, capacity building and service standards to ensure the protection and welfare of children in Khyber Pakhtunkhwa.

Powers and functions of the Commission

The Khyber Pakhtunkhwa Child Protection And Welfare Act, 2010 provides for the following powers and functions, -

- (a) to act as a focal point for effective supervision and coordination of child rights matters at provincial and local levels, and develop and coordinate activities programmes and plans for the development, protection, survival, participation and rehabilitation of children at risk;
- (b) to coordinate with National Commission on the Rights of Children (NCRC);
- (c) to implement policies for the prevention, protection, rehabilitation and reintegration of children at risk;
- (d) to review all provincial laws, rules and regulations affecting the status and rights of children and propose new laws in this behalf, wherever necessary, to safeguard and promote the interest of child in accordance with the Constitution of the Islamic Republic of Pakistan and obligations under international covenants and commitments:

Provided that these obligations and covenants are not repugnant to injunctions of Islam;

(e) to provide technical and other support in the interests of children to the Provincial Departments, local governments or civil society organizations and create awareness and educate the public about the status of Children at risk through print and electronic media as well as holding lectures and seminars etc;

(f) to monitor the implementation and violation of laws related to child protection, welfare and rights including prevention of child labor, child sexual abuse, child sexual exploitation, prostitution, child pornography, child trafficking and any form of violence against children and to take necessary measures by enquiring into or referring individual complaints for their redressal to other appropriate Authorities or Departments or Agencies;

(g) to establish, manage, supervise and control Child Protection Units;

(h) to provide protective measures, inter alia, food and shelter, education and training to the children at risk by establishing, managing and recognizing Child Protection Institutions in accordance with the criteria laid down by the Commission;

(i) to prohibition of physical and corporal punishments of any kind which may result in endangering the life, physical, mental, spiritual, moral or social development of the child, both within the family, and in any institution;

(j) to mobilize financial resources, through national and international agencies, for programs relating to child protection, welfare and rights;

(k) to improve rules and procedures concerning compulsory birth registration and registration of children without birth documents including registration of an abandoned child with the State filling for his parentage;

(l) to reform, monitor and ensure the safety of children in residential care and juvenile detention facilities by efficient reorganization to meet with minimum standards and regular monitoring of each such institution;

(m) to build a rapid-response child protection intervention capability for provincial level emergencies such as natural disasters or the outbreak of armed conflict;

(n) development of a system if necessary, of acquiring partnership of private organizations for management or funding or both, of any or all child protection institutions, which may include arranging “kafalat” of a child by private citizens;

(o) to revise the minimum age of criminal responsibility to a nationally acceptable level;

(p) development of a uniform structure for data collection and computerized data recording, to facilitate evidence-based policy formulation; and

(q) to do all such acts and things as are ancillary or incidental to any of the functions stated above and any other functions, which may be assigned to it by Government.

(2) The Commission may appoint employees, which are necessary for the discharge of their functions with such terms and conditions, as may be prescribed by regulations.

(3) The Commission may authorize the employees for the performance of its functions under this Act.

Child Protection Unit

KPCPWC is also mandated with the administration control of the Child Protection Units, which are to be established under section 9 of the Act at District levels by the government.

Functions of Child Protection Unit

According to section 10 of the Act, The Child Protection Unit have following functions:

(a) receiving and registering children at risk and their families who are considered to be in need of protection;

(b) assessing the needs of individual children and their families according to survival and departmental priorities, shelter, food, health, education, cognitive, emotional, and evolving capacities;

- (c) planning and coordinating the provision of services in cash or in kind to meet the assessed needs of children at risk and their families;
- (d) periodically or quarterly reviewing the intervention plan to protect children at risk, to ensure its continuity and capacity to meet the assessed needs;
- (e) introduction and use of indicators related to the child abuse and exploitation prevention aspects in the monitoring visits to families, residential institutions, services, schools etc;
- (f) developing consultative community structures and preparing them to support initiatives for the prevention of abuse, neglect and exploitation through the formation of Child Protection Committees;
- (g) maintaining and updating record of all its activities and transmit the same regularly to the Commission;
- (h) follow-up of children at risk after their release from the Child Protection Institution or jail, as the case may be, for about six months; and
- (i) provision of preventive and protective services and programmes of general interest.

(2) The Child Protection Unit shall exercise any other power and function as delegated or devolved upon it by the Commission.

Child Protection Institutions:

The Commission is also mandated with establishment and recognition of Child Protection Institutions. Under section 12 of the Act:

Section 12: (1) The Commission may establish, recognize, manage, maintain and control one or more Child Protection Institutions at such place or places in the Province, as it deems fit.

(2) The Commission may authorize any person or a body of persons to inspect, check and supervise any Child Protection Institution as to whether it is functioning in accordance with the provisions of this Act and the rules made thereunder.

(3) Every Child Protection Institution shall have specialized and well-equipped separate arrangements for the reception of children at risk.

(4) The Child Protection Institution shall not only provide the children at risk with accommodation, treatment, maintenance and facility for education, but also provide him the facility for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitations.

(5) The Child Protection Institution shall perform such other functions as may be prescribed by rules.

(6) In case a Child Protection Institution is found acting in contravention of the provisions of this Act, the rules or the regulations, the Commission may pass such orders as it deems fit for the proper management or maintenance of such institution or its complete disbandment.

(7) No order shall be passed by the Commission under sub-section (6) of this section, unless the management thereof is provided with an opportunity of hearing.

***National Commission for
Human Rights (NCHR)***

Introduction of NCHR

Complying with its international obligations, Pakistan established a National Commission for Human Rights (NCHR) through the Act XVI of 2012 in accordance with the Paris Principles with the purpose of promotion and protection of Human Rights as provided in the Constitution of Islamic Republic of Pakistan and various international instruments to which Pakistan is state party or shall become a state party.

Mandate

The National Commission for Human Rights Act, 2012 stipulates a broad and overarching mandate for the promotion, protection and fulfillment of human rights, as provided for in Pakistan's Constitution and international treaties. As an impartial state body, the NCHR works independently of the Government and is directly accountable to the Parliament of Pakistan. The NCHR's financial and performance reports are also directly presented to the Parliament for approval on an annual basis.

Primary Functions/Mandate of NCHR

Redressal of human rights violations:

The Commission is competent to receive petitions or take suo-moto notices or inquire into complaints of violation of human rights or abetment thereof; or negligence in the prevention of such violation, by a public servant.

Inquiries and Investigation:

The Commission is empowered to investigate or inquire in respect of any incident of violation of human rights in Pakistan.

Review of the Legislation:

The Commission is competent to review the safeguards provided by or under the Constitution of the Islamic Republic of Pakistan or any other law for the time being in force for the protection of human rights and recommend adoption of new legislation, the amendment of existing law and the adoption or amendment of administrative measures for their effective implementation.

Human Rights and Acts of Terrorism:

The Commission is competent to review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.

Human Rights Treaties and State Reports:

The Commission is competent to study treaties, other international instruments on human rights and reports submitted by the Government of Pakistan on them including the comments thereon, to make recommendations for their effective implementation. The Commission is empowered to submit independent reports to the Government on the State of human rights in Pakistan for incorporation in reports to the United Nations' bodies or committees.

Research and Awareness of Human Rights:

The Commission is competent to undertake and promote research in the field of human rights and spread human rights literacy among various sections of society for the promotion and protection of human rights in Pakistan.

National Plan of Action:

The Commission is competent to develop a national plan of action for the promotion and protection of human rights in Pakistan.

Human Rights Courts:

The Commission is competent to advise the Federal Government to establish/declare human rights court at District Level for the purpose of speedy trial of offences arising out of violation of human rights.

***National Commission on the Status
of Women***

National Commission on the Status of Women (NCSW)

National Commission on the Status of Women (NCSW) is a statutory body, established in July 2000. It is an outcome of the national and international commitments of the Government of Pakistan like Beijing Declaration and Platform for Action, 1995; and National Plan of Action (NPA) for Women, 1998. Three Commissions have completed their respective term of three years. Term of the last Commission expired on 31st December, 2008.

The National Commission on the Status of Women (NCSW) was established with the specific purpose to: Examine policies, programs and other measures taken by the Government for women's development and gender equality; Review laws, rules and regulations affecting the status of women; Monitor mechanisms and institutional procedures for redress of violations of women's rights and individual grievances; Encourage and sponsor research to generate information, analysis and studies relating to women and gender issues; Develop and maintain interaction and dialogue with NGOs, experts and individuals in society at the national, regional and international level; any other function assigned to it by the Federal Government.

Evolution of NCSW

The NCSW was the logical outcome of the determined struggle waged by women activists over many years. Four contemporary commissions preceded the establishment of NCSW;

- In 1955, the commission on Marriage and family laws was setup to examine laws governing marriage, divorce & other related matter. (Headed by Justice Abdur Rasheed)
- In 1975, a high powered Pakistan Women's Rights Committee was formed that suggested comprehensive changes affecting women besides proposing several administrative measures. (Chaired by Attorney General Yahya Bakhtyar)
- In 1983, the Pakistan Commission on Status of Women was established to ascertain the rights & responsibilities of women in an Islamic society. However, its report was suppressed until 1989. (Chaired by Muhtarima Zari Sarfaraz)
- In 1987, the commission of inquiry was set up to review all laws from women's rights perspective and give recommendations for changes/new legislation. (Headed by Justice Nasir Aslam Zahid)

- In 2000, the permanent National commission on Status of Women was established through a Presidential Ordinance.
- From 2000-2012 four commissions completed their terms. Dr. Shaheen Sardar Ali, Justice (retd) Majida Rizvi, Ms Arifa Syeda, and Ms Anis Haroon were the first four chairpersons.
- In 2013, the new NCSW act, 2012 with financial and administrative autonomy was enacted. The fifth commission was formed under this act. (in January 2013).

Functions of NCSW

- To examine policy, programs and other measures taken by the government for gender equality, women's empowerment, political participation, representation; assess implementation and make suitable recommendations.
- To review all laws, rules, and regulations affecting the status of rights of women and suggest repeal, amendment, or new legislation essential to eliminate discrimination, safeguard, and promote the interest of women and achieve gender equality before law in accordance with the constitution and obligations under international covenants and commitments.
- To sponsor, steer, encourage research to generate information, analysis and studies and maintain a database relating to women and gender issues to provide knowledge and awareness for national policy and strategic action for women empowerment.
- To recommend to the government of Pakistan to sign and ratifying of international instruments designed to protect human rights.
- To develop and maintain interaction and dialogue with non-governmental organizations, experts and individuals in society and active association with similar commission and institutions in other countries for collaboration and action to achieve gender equality at the national, regional and international level.
- To mobilize grants from domestic and international including multi and bilateral agencies, for meeting any of its obligations or performing its functions.
- To monitor the implementation of international instruments that Pakistan has signed.

Powers of NCSW

- To seek & receive information, data & documents from any official source or entity in the course of performance of its functions.
- To enforce attendance of any person and call for production of documents with powers of civil court. (granted under the court of civil procedure, act V, 1908)
- To inspect any jail, sub jail, or other places of custody with prior permission of the provincial government.
- To intervene in institutional procedures for redress of violation of women's rights.

Ministry of Human Rights

History of Ministry of Human Rights

An independent Human Rights Commission headed by Justice (R) Durab Patel, was established in 1993. After the election in 1993, the Human Rights Commission was converted into a cell in the Ministry of Interior to deal with Human Rights issues. The cell was transferred to Ministry of Law, Justice and Parliamentary Affairs in 1994. In 1995, the Government of Pakistan established a full-fledged Ministry of Human Rights. After one year, the Ministry of Human Rights was merged with Ministry of Law, Justice & Parliamentary Affairs in 1996. It continued its functions as a wing. It was again upgraded in 2007 as Human Rights Division. In 2008 this Division attained the status of a full- fledged Ministry of Human Rights. After devolution, some subjects of the erstwhile Ministry of Women Development were transferred to Ministry of Human Rights on 1st July, 2011. In 2013, Ministry was again merged as a Wing with Ministry of Law and Justice. On 23rd November 2015, the Wing was bifurcated from Ministry of Law and Justice as a separate Ministry of Human Rights. Currently, the Human Rights Division has following offices/sub-offices: Ms. Agha has served the Government in several capacities. In her judicial assignments she was both 'first class' and juvenile magistrate. She has worked as Director General, Federal Ombudsman, Secretary Local Government Board, and Financial Advisor to the Mayor and City of Karachi from 1998 to 2000.

Four Regional Offices (Karachi, Lahore, Peshawar and Quetta).

Vision

Developing Pakistan into a country where every citizen lives in equality, dignity and freedom with complete protection of fundamental human rights without any discrimination as guaranteed by the Constitution of Pakistan.

Mission

Establishing and strengthening necessary institutional mechanisms for protection and promotion of human rights as enshrined in the Constitution of Pakistan, the Universal Declaration of Human Rights and the international Human Rights Conventions and Covenants ratified by the Government of Pakistan.

Units of Ministry of Human Rights

- Family Protection and Rehabilitation Center (FPRC) /Shaheed Benazir Bhutto Centre for Women
- National Commission For Child Welfare and Development (NCCWD)
- Implementation of National Plan of Action on Children (INPAC)
- National Child Protection Centre (NCPC)
- Human Rights, Regional Office, Lahore
- Human Rights, Regional Office, Karachi
- Human Rights, Regional Office, Peshawar
- Human Rights, Regional Office, Quetta
- Help Line for Legal Advice on Human Violations, Islamabad

Mandate

- Review of human rights and protection of labor rights situation in the country including implementation of laws, policies and measures.
- Coordination of activities of Ministries, Divisions and Provincial Governments in respect of human rights and facilitation of functions relating to Human Rights.
- Initiatives for harmonization of legislation, regulations and practices with the international human rights covenants and agreements to which Pakistan is a party and monitoring their implementation.
- Obtaining information, documents and reports on complaints and allegations of human rights violations from Ministries, Divisions, Provincial Governments and other agencies.
- Referring and recommending investigations and inquiries in respect of any incident of violation of human rights, including rights of the disadvantaged and child rights.
- Pursuing or defending issues, complaints representations and matters for and against Pakistan relating to human rights before any official or non-Governmental organizations, body or forum in Pakistan and, in consultation with Foreign Affairs Division, before any international organization and foreign Government or non-Governmental organization.
- Representation of Pakistan in international bodies, organizations and conferences relating to human rights in consultation and conjunction with Foreign Affairs Division.

- Developing and conducting information programmes to foster public awareness about human rights including the rights of labor, women and children and laws and remedies available to them.
- Formulating programmes for teaching of human rights at educational institutions.
- Provision of facilities for professional and technical training at national and international level relating to human rights issues.
- Administrative control of the tribunal for disadvantaged persons.
- Monitoring and review of Human Rights NGOs.
- Representing Pakistan at international and bilateral level, involving all gender related matters.
- Administration of the National Commission on the Status of Women Bill, 2012.
- Administration of the National Commission for Human Rights Act, 2012.
- Administration of the National Commission for Child Welfare and Development Resolution, 1981.

***The Directorate of Human Rights
Khyber Pakhtunkhwa***

The Directorate of Human Rights KP:

The Directorate of Human Rights has been established under the law the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014, for the promotion, protection and enforcement of human rights as provided for in the Constitution of the Islamic Republic of Pakistan and the various International Conventions, Treaties, Covenants and Agreements to which Pakistan is a State Party or shall become a State Party and for matters ancillary thereto or connected with.

Establishment of the Directorate

Section 3 of the Act 2014 provides that the Directorate of Human Rights, shall conduct inquiry into, and investigation of, human rights violations in the Province and shall provide adequate relief as deem appropriate for redressal of the grievances of the aggrieved persons.

The Directorate shall be headed by the Director Human Rights, who shall be assisted by such number of officers and members of the staff as may be determined to be appointed by Government from time to time for the performance and discharge of functions under this Act.

Subject to the provisions of this Act, the Director shall perform his functions and discharge his duties under the general supervision and control of the Government. Subject to the provisions of this Act and of such orders, as may from time to time be issued by Government in this behalf, the officers and members of the staff shall perform their functions and discharge their duties under the general supervision and control of the Director.

Regional Office

Section 4 of the Act 2014, provides for the establishment of district offices in each district or entrust to any officer of Government working in the district to perform such functions as may be entrusted to him by notification under the Act.

Functions

The Directorate have following powers and functions, namely:

- (a) reviews of human rights situation in the Province;
- (b) to promote, protect and enforce human rights in the Province;

(c) inquires, suo moto or a petition presented to it by a victim or any person on his behalf into the complaints of-

- (i) any incident of violation of human rights or abatement thereof; or
- (ii) negligence in the prevention of such violation, by a public servant;

(d) requires any person to furnish information on such points or matters as in the opinion of Directorate may be useful for or relevant to the subject matter of any inspection or inquiry;

(e) recommends to Government for immediate measures including actions to be taken against the persons involved in violation of human rights;

(f) formulates, implement and regularly update policies with a view to protect human rights;

(g) assists in any proceedings involving any allegation of violation of human rights pending before a Court;

(h) co-ordinate activities of the Government Departments, in respect of human rights;

(i) initiatives for harmonization of legislation, regulations and practices with the international human rights covenants and agreements to which Pakistan is a party and monitoring their implementation;

(j) obtains information, documents and reports on complaints and allegations of human rights violations, from Government Departments and other agencies;

(k) reviews the human rights safeguards provided by or under the Constitution of the Islamic Republic of Pakistan or in any other law for the time being in force for the protection of human rights and recommend adoption of new legislation, the amendment of the existing laws and the adoption or amendment of administrative measures for their effective implementation;

(l) reviews the factors, including, acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

(m) representation of Province in international bodies, organizations and conference relating to human rights in consultation and in conjunction with Foreign Affairs Division;

(n) developing and conducting information programmes to foster public awareness of human rights, laws and remedies available against the abuse of human rights;

(o) studies treaties, other International Instruments on human rights and reports submitted by the Government of Pakistan on them including the comments thereon, to make recommendation for their effective implementation;

(p) undertakes and promote research in the field of human rights maintain database on the complaints on violence of human rights and development of human rights norms;

(q) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, media, seminars and other available means;

(r) develops a provincial plan of action for the promotion and protection of human rights;

(s) formulating programmes of reaching of human rights at educational institutions;

(t) provision of facilities for professional and technical training at home and abroad relating to human rights issues; and

(u) such other functions as it may consider necessary for the promotion and protection of human rights:

Provided that the Directorate shall not have any jurisdiction to investigate or inquire into any matter which, -

(i) is sub-judice before a Court of competent jurisdiction or judicial tribunal on the date of the receipt of a complaint, reference or motion by him; or

(ii) relates to the external affairs of Pakistan or the relations or the dealing of Pakistan with any Foreign State or Government; or

(iii) relates to or is connected with the defence of Pakistan or any part thereof, the military, naval and air forces of Pakistan, or the matters covered by the laws relating to those forces.

(2) Subject to the provisions of this Act and in addition to and not in derogation of any other law for the time being in force, the Directorate shall take all necessary steps to preserve and promote the welfare of women and children and for this purpose can take such action as it may deem appropriate.

Inquiries and Investigations

The Directorate under the law has mandate to inquire human rights violations. While inquiring the complaints of violation of human rights, the Directorate may call for information or report from any Agency or other Authority or Organization of Government within such time as may be specified by it and if the information or report is not received within the times stipulated by the Directorate, it may proceed to inquire into the complaint on its own.

Jurisdiction and Indemnity

Reference by the government: Under the law Government may, refer any matter, report or complaint for inquiry and independent recommendations to the Directorate. As soon as the report or complaint in respect of human rights violation is received, the Director shall promptly proceed to investigate any such matter, report or complaint and submit his findings or opinion within a reasonable time.

Informal resolution of disputes: The Director and a member of the staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.

Useful Resources

- <https://kpcsw.gov.pk/>
- <http://kpcpwc.gov.pk/>
- <https://nchr.gov.pk/>
- <https://www.ncsw.gov.pk/>
- <http://www.mohr.gov.pk/>
- <http://www.humanrights.kp.gov.pk/>

Disclaimer: This publication has been developed by Blue Veins with support of The Australian Government. The publication is developed to provide education and awareness about the mandate of Human Right Institutions, working to promote and protect human rights in Khyber Pakhtunkhwa. The content of the publication is based on the legal mandate of the Institutions and does not reflect personal views of Blue Veins and The Australian Government.



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