



## **2<sup>nd</sup> Inter-Provincial Meeting on HR Data Collection & Reporting**

**22 February 2018**

**Quetta Board Room, Serena Hotel, Islamabad**

The second Inter-Provincial Meeting on 'HR Data Collection and Reporting,' recognised and held as a key side event to the First International Conference on Human Rights by the Federal Ministry of Human Rights, in Islamabad (Feb 19 – Feb 21, 2018) was led and Chaired by the Human Rights Department, Government of Sindh on Thursday, 22 February 2018 in Islamabad. This meeting was convened as part of on going collaborative efforts by government partners and UNDP to facilitate provincial and federal stakeholders to engage in constructive discourse for experience sharing of issues related to their respective departments in light of the post 18<sup>th</sup> amendment scenario in Pakistan.

This meeting follows up to the first Inter Provincial Meeting (IPM) on Provincial Rights-based Institutions, Data Collection and Treaty Body Reporting held on 26<sup>th</sup> & 27<sup>th</sup> September 2017 at UNDP, Islamabad. This meeting provided an opportunity for inter-provincial and provincial-federal level intensive deliberations on issues around rights-based data collection by provincial and national institutions in the context of Pakistan's treaty body reporting obligations.

A total of 12 government officials from all four provincial and federal rights-based institutions participated in the second IPM to share reflections and agree on a way forward for data collection and treaty-body reporting. In addition, two international experts were also present to share their knowledge of HR data collection and international reporting obligations.

### **Objective of the Meeting:**

To provide a forum for inter-provincial coordination/communication along with provincial-federal knowledge sharing and exchange of best practices on human rights with a particular focus on rights based data collection and its significance to treaty body reporting.

### **Summary of Proceedings:**

The participants at the 2<sup>nd</sup> IPM reiterated their concerns with respect to a general deficit in rights-based data collection which includes a lack of capacity to analyse information efficiently and effectively for treaty body reporting. It was emphasized that rights-based data collection should focus on progress evidenced by reliable data. At present, data collection processes are merely reactive and are set into motion whenever a request for information is received from the federal government ahead of a treaty body review of the state. Therefore, the participants unanimously agreed that a systematic, comprehensive system or a national database must be established to improve provincial data collection and reporting structures for effective treaty body reporting.

It was also agreed that this endeavour goes hand in hand with human rights as a crosscutting issue in Agenda 2030 in terms of implementation and reporting and the commitment to a rights-based approach to data.

The provincial representatives from Sindh and Punjab expressed great interest in replicating the KP MIS system with the support of UNDP as well as capacity building programmes and technical input to improve data collection mechanisms at the grassroots level. It was unanimously agreed that such initiatives would work to the advantage of the provinces and ultimately the federal government, in their commitments to effective treaty body reporting.

### **Overview of Agreements at 2<sup>nd</sup> IPM on HR Data Collection & Reporting:**

The following action points were agreed at the conclusion of the Inter-Provincial Meeting:



## Points of Discussion

1. A scoping mission to be carried out at the federal and provincial levels to ascertain gaps in the chain of reporting identified by representatives at the IPM, particularly coordination and capacity. The findings of the scoping will be collated and shared with the relevant departments.
2. Provincial participants agreed that they would be willing to do MoUs with the UNDP, if UNDP proposed to assist the provinces other than KP, in developing systems for strengthening human rights based data collection-usage with focus on treaty body reporting;
3. Appointment of focal persons/points in all provincial and federal departments. It was agreed by all participants that there is a need for identifying and appointing provincial and national human rights data collection coordination focal points and that each participating department/institution would appoint a bona fide individual for facilitating provincial Human Rights based data collection consultations and beyond.
4. Convene a follow-up (third) Inter-Provincial Meeting on HR Data Collection and Treaty Body Reporting, tentatively proposed for second half of May 2018, hosted/chaired by the Regional Directorate of MoHR in Punjab.
5. A presentation of the KP MIS model for data collection and reporting to be made at the next IPM for discussion and input of provinces and federal government.
6. The Terms of Reference (ToRs) of the KP and Punjab TICs should be shared with Sindh which is in the process of revamping this cell.
7. Agreement on a format/structure for setting up a uniform working protocol and replicating good practices amongst the provinces should be made. For this purpose, a working paper should be developed in collaboration with the heads of departments.

### **Agenda & Methodology:**

An overview of the agenda is provided below:

- Brief Recap of Agreements & Follow up to the First IPM
- Presentation on Coordination and Reporting on Human Rights Commitments for 2018
- Guidelines from undg (Asia Pacific): Human Rights and Development – Human Rights Based Approaches to Data
- Plenary Discussion on Human Rights Data Collection & Input from Federal/Provincial Partners
- Agreement on Provincial and National Data Collection Focal Points
- Agreement on Action Points/Way Forward

### **Overview of Proceedings:**

#### **Welcome to the Inter-Provincial Meeting, Round of Introductions and Adoption of Agenda**

#### **Dr. Riaz Memon, Chair, Second Inter-Provincial Meeting on HR Data Collection & Reporting Secretary, Human Rights Department, Sindh**

The IPM was formally initiated by The Chair, Dr Riaz Memon, Secretary, Human Rights Department, Sindh, who informed the participants that he has recently joined the department and introduced himself as an officer of Pakistan Administrative Services, providing an overview of his 28 years of experience, with service both in Punjab and Sindh. He is considered as the pioneer of the current health programme underway in Sindh (PPHI) and is also holding the charge of Chief Executive Officer, PPHI.

Dr. Memon opened the proceedings with a round of introductions, after which he welcomed the participants to the second Inter-Provincial Meeting on HR Data Collection and Reporting. He thanked the federal and provincial representatives for their participation and in a special mention congratulated the Ministry of Human Rights (MoHR) for organizing the first International Human Rights Conference in Islamabad which has created awareness and sensitized both national and international actors on human rights in Pakistan.



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Dr. Memon recapitulated that it is our responsibility as representatives of the Government of Pakistan (GoP) to promote and protect basic human rights of citizens across the country. He appreciated UNDP's efforts in providing a forum for debate on human rights for federal and provincial departments to exchange views and share common knowledge which provides an opportunity for all to synergise efforts and work in the collaborative environment for the protection and promotion of human rights.

Recapping the proceedings of the previous Inter-Provincial Meeting, Dr. Memon read out the decisions taken at the conclusion:

1. Provincial roll out of Human Rights data collection and treaty body-SDGs reporting consultations to map gaps, specific needs and opportunities for future collaborations on the lines of UNDP's (October – December 2017) through the UNDP assistance in all the four provinces. consu
2. Identification and appointment of focal persons by relevant departments to facilitate the roll out;
3. Provincial participants agreed that they would be willing to do MoUs with the UNDP, if UNDP proposed to assist the provinces other than KP, in developing systems for strengthening human rights based data collection-usage with focus on treaty body reporting;
4. Date to propose a meeting with all appointed focal points to share consultation findings and conclusions; and
5. Convene a follow-up (second) Inter-Provincial Meeting on Rights-Based, Data Collection and Reporting.

In terms of follow up of the decisions of the previous IPM, the following progress has been made:

1. The team of experts Consultations in Punjab, Sindh and at the Federal level have been completed along with a detailed planning meeting with IPC department on developing a roadmap for collaboration on HR data collection and reporting. Subsequently, a sample MIS system (Khyber Pakhtunkhwa Virtual Platform – KPVP) is currently being designed with the technical input of the provinces and the prototype will be presented by early next month (March 2018).
2. Provincial and federal government partners have demonstrated immense interest in continuing exchange of dialogue and mutual learning on digitizing of human rights based data collection and treaty body reporting to ensure reliability and effectiveness.

While announcing the agenda of the second Inter-Provincial Meeting, Dr. Memon stated that he was looking forward to accumulating the experiences, expertise and recommendations across the table, especially those from the international experts present at this meeting.

### Opening Remarks:

#### **Mr. Ignacio Artaza Zuriarrain Country Director, United Nations Development Programme (UNDP) Pakistan**

Mr. Ignacio Artaza welcomed and thanked all participating government representatives for their ongoing engagement and input in the process of rights-based data collection and reporting.

He thanked Dr. Riaz Memon, Secretary Human Rights Department, Sindh for chairing the second Inter-Provincial Meeting for his solidarity, partnership and his leadership for the IPM. Mr. Artaza also acknowledged the presence of the international experts, Ms. Christine Chung and Ms. Hieke Alefson for their participation.

He iterated that UNDP holds this series of IPMs in highest of esteem and attaches immense significance to them, not only on account of their rich content and critical recommendations, but also in terms of its own Inter-Provincial commitments. UNDP is assisting Inter Provincial Coordination for the past 2 years as part of Governance work. In the post-18<sup>th</sup> Constitutional Amendment context, we have continued to symbiotically interact with all Provincial partners through dialogue and programming in our efforts for a more robust coordination on Governance.

UNDP's Decentralization and Local Governance project strives to strengthen all three levels (federal, provincial and district) in order to assist the Government of Pakistan towards an effective decentralized inclusive



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governance system.

Mr. Artaza concluded that UNDP brings together a unanimous vision and shares a common ground in this meeting towards advancement and progress in the multi-tiered Governance system of Pakistan.

### **Coordination and Reporting on Human Rights Commitments for 2018**

#### **Ms. Christine Chung**

**Human Rights Officer, Asia Pacific Section; Field Operations and Technical Cooperation Division  
Office of the United Nations High Commissioner for Human Rights (OHCHR)**

Setting the context, Ms. Christine Chung began her session with a review of the international human rights obligations for Pakistan, specifically the core human rights treaties. This is important since treaty body reporting is often discussed without understanding the international context of Pakistan's obligations.

As a starting point, Ms. Chung asked the participants to name the seven core human rights conventions that Pakistan has ratified. These are as follows:

- The International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Rights of the Child (CRC);
- Convention against Torture (CAT);
- Convention on the Rights of Persons with Disabilities (CRPD); and
- Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

In addition, Pakistan has also ratified two optional protocols but has not accepted any optional complaint procedures. At the 2017 UPR session, reviewing states recommended that GoP should ratify or consider ratifying the optional protocols.

Ms. Chung shared the latest status of ratifications of the core international human rights treaties by states up to January 2018 as well as the optional protocols. For example, CRC has the highest number of ratifications by state parties at 196; CEDAW has been ratified by 189; ICERD by 179 and so on.

She congratulated Pakistan on going through 5 treaty body review in less than 2 years which is extraordinary for any state party. Treaty body reviews are a tool and more so an opportunity to bring human rights issues specifically and generally to the forefront. In particular, such reviews help generate national and international debates on specific human rights issues because of their timeliness.

Watching the live streams or recordings of the treaty body proceedings is important for sensitization on the process because the provincial departments have the role of preparing information that is fed into the government's reports which are used as the basis for the state reports. Ms. Chung recommended that government representatives should actively seek to observe the proceedings to get a better perspective on the process.

The reviews themselves are interactive; the State under Review (SuR) government presents its report containing facts and figures and the Committee will address questions to the SuR from both government reports and stakeholder reports. Stakeholders other than the government include UN agencies, civil society organisations, and other independent institutions (such as statutory commissions).

One challenge in the treaty body reporting process is the vocabulary used: terms such as 'system' and 'mechanisms' and 'treaty body committees' which are generic terms referring to specific. When the term 'mechanism' is used it is referring to the whole human rights system in place starting from the highest organ, the United Nations General Assembly (UNGA). The Office of the High Commissioner for Human Rights (OHCHR) has the mandate to work on human rights issues as promulgated by the General Assembly.



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The General Assembly has two essential actions in this context: it can either create or adopt. The Human Rights Council (HRC) under the UNGA based in Geneva is comprised of member states and Pakistan has been elected as a member recently. There are 47 member states elected on a rotational basis through periodic elections. Other member states which are not members of the HRC still participate in the proceedings.

This is the third time that Pakistan is holding a seat at the HRC and was also one of the founding members in 2006. It has 47 member states and the OHCHR acts as a Secretariat for the HRC. It is the primary body that discusses and reviews human rights issues in addition to the UNGA which has a specialised committee.

Under the HRC in Geneva, there are two types of mechanisms: first is the Universal Periodic Review (UPR) – Pakistan has just had its review in November 2017 in addition to the 5 treaty bodies in the same year. The UPR mechanism is different from other treaty body reviews in that it is an inter-governmental process. All the states regardless of whether they have ratified or agreed to do anything come under UPR which spans for 4.5 years. Pakistan, like all other states, has gone through a peer review and essentially a collegial dialogue comprising of discussion, and recommendations. In March 2018, the HRC will conduct a formal adoption of the report. At this point, the government representatives will indicate which recommendations receive their support of the GoP and which ones are noted.

Pakistan is almost at the end of the third cycle of the UPR having gone through three reviews so far since 2012. Reviews are based on formal reports submitted by the state; this is the time when the national government will task the relevant provincial entities to provide information and data on human rights issues.

The reviewing treaty bodies seek reports from the state, UN agencies and stakeholders (including independent commissions within the state such as National Commission on Human Rights and the National Commission on the Status of Human Rights and their provincial counterparts) which feed into the entire process. At the end of the review, the HRC will issue a report with the relevant recommendations at the end of the working group session. At the adoption session, the state party government will state which recommendations it accepts and which ones it notes.

The second mechanism of the HRC are the 'Special Procedures' and their working groups. There are 44 thematic mandates for the special procedures and 12 country specific mandates. The thematic mandates include, inter alia, freedom of expression, association, right to food, water and sanitation, freedom of religion, violence against women, migrants, prohibition on sale of children, right to privacy, solidarity, and right to adequate housing.

The HRC provides mandates to special procedures whether they are in the form of working groups or special rapporteurs/independent experts. They are responsible for monitoring specific rights in different countries, develop research studies and also make country visits.

It has been quite some time since Pakistan was visited by a special rapporteur. The last country visit was made by the Working Group on the Enforced and Involuntary Disappearances in 2012. Each country visit results in a document which contains specific recommendations about the mandate of the working group on this issue as it applies to Pakistan.

In addition to country visits, special rapporteurs receive direct complaints and communicate directly with respective governments; the GoP has received urgent appeals/allegation letters from various mandate holders of the special procedure working groups and it has engaged with them. These communications start out as a confidential exchange but become public after a period of time. The special procedures publish such communications three times a year in the form of a report that makes all letters and responses of the government available publicly.

Human rights treaties fall within the ambit of international law. Governments of State parties voluntarily choose to adopt/ratify/sign various human rights treaties which are overseen by treaty bodies. For example, Pakistan has chosen to ratify the Convention against Torture (CAT) which is a general international law and its implementation is overseen by a treaty body which is a committee of experts which support governments to



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implement such conventions in their countries.

As discussed above, Pakistan has ratified seven out of the core nine human rights and was reviewed in 2017 for five of these conventions. However, Pakistan has not ratified the Convention on Enforced Disappearances despite recommendations in the previous UPR sessions recommending GoP to consider doing so.

While providing an overview of the treaty body reporting cycle, Ms. Chung illustrated the process with the example of the Convention on the Rights of Persons with Disabilities (CRPD). Pakistan is currently at the first stage of preparation and submitting of its report on CRPD. Once this is done, the treaty body will send a list of issues to GoP requesting for additional information. The state will then have an opportunity to reply to the list of issues. The Treaty body will then meet with the state delegation for an interactive dialogue followed by the issuing of recommendations or concluding observations to the State.

Ms. Chung shared a set of concluding observations for the Committee on CERD, CAT and CESCR as reading samples for the participants to orient them on the format and content of these documents.

The implementation process of the recommending committees for Pakistan will start soon because GoP is obliged to provide follow up reports; the first deadline is 12 May for CAT.

In terms of the next steps after the review, the first is the follow up on reporting and the second action is the implementation of recommendations received and accepted by a particular state party. Ms. Chung presented a Recommendation Implementation Plan (RIP) as a focused tool for governments to map their own implementation progress. In addition, National Human Rights Action Plans (NHRAPs) are also an effective national tool for a state; Pakistan has promulgated the National Action Plan for Human Rights in 2016 for this purpose.

The key components of a Recommendation Implementation Plan (RIP) are outlined as follows:

- Focused internal tool for use of Government entities;
- Contains all Human Rights Mechanisms (HRM) recommendations, thematically clustered;
- Development largely an internal Government process, coordinated by the National Mechanism for Reporting and Follow-up (NMRF);
- Content reflects listings of clustered and prioritized recommendations;
- Open-ended time frame (new recommendations to be integrated);
- Tracking its implementation will facilitate the periodic reporting to the HRMs;
- Clustered recommendations can easily be cross-linked to SDGs to build synergies and linkages between the different follow-up and reporting for SDGs and human rights (as well as GSP+ reporting for Pakistan); and
- Useful tool for UNCTs to inform their CCA/UNDAF and interactions with the Government counterparts.

In addition, an implementation plan will also identify the responsibly implementing agency; the actions to be taken; the specified time frame within which certain actions need to be completed; the resources to be allocated and utilised; and indicators of implementation to map progress.

Ms Chung stated that the reporting procedures have space to account for provincial input which is why it is important for provincial level officers to be oriented with the entire process to ensure their contributions are considered. A best practice for this utilised in many other countries is the National Mechanism for Reporting and Follow up (NMRF) which a comprehensive reporting framework developed in response to the increasing burden of reporting, implementation and follow up. The concept of the National Institute of Human Rights (NIHR) envisions this, amongst capacity building for government institutions and research on human rights involving various other stakeholders including statutory commissions and civil society. The streamlining of data collection and reporting will improve the quality and quantitative aspects of implementation.

The mechanism provides a coordination tool for all ministries, departments both at the federal and provincial level. The Parliament and judiciary must also be involved along with civil society and commissions not just at



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the time of reporting but involved right from the start in consultations. The NMRF in Pakistan is an ad hoc inter-institutional set up with involvement of various relevant federal and provincial departments.

Ms. Chung provided an overview of the 'Universal Human Rights Index' which is a tool to search for thematics, sources of recommendations which can prove helpful. She also provided a sample of the implementation plan for Moldova containing elements that can be adopted for Pakistan.

She then moved on to providing a model of a National Recommendations Tracking Database which can be adapted to the local context and greatly aid in rights-based data collection and tracking implementation. In particular, a publicly available database will promote transparency and speed up implementation.

The second part of Ms. Chung's presentation focused on the follow up to the concluding observations procedure. Six treaty bodies have specific follow up procedures and are part of the review process. Each treaty body will have specific recommendations in line with the respective scope of the rights being discussed; for example, CAT will deal with issues of torture in detention.

The follow up procedure provides an opportunity for the State party to engage with the treaty body. At this point, other stakeholders, such as National Human Rights Institutions (NHRIs), civil society and NGOs will also get a chance to provide input. The follow up procedure will also typically allow for monitoring implementation of recommendations as per their priority (urgent, protective or implementable) within a specific time frame.

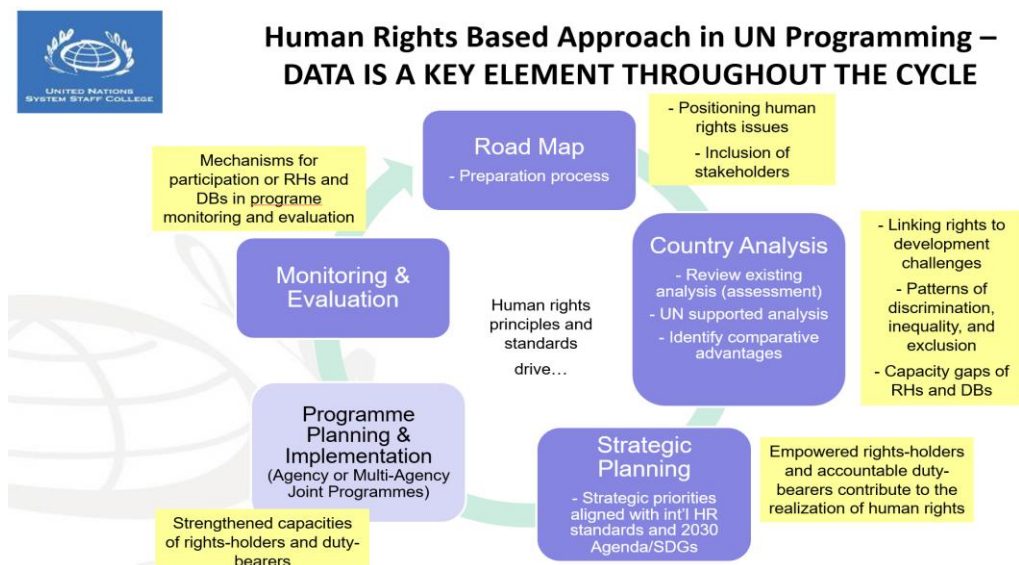
## Human Rights-based Approaches (HRBDA) to Data Collection

### Ms. Heike Alefsen Senior Regional Human Rights Adviser UN Development Group

Ms. Alefsen initiated her presentation iterating the importance of data for development due to its key role for implementation of SDGs (Agenda 2030) and its contribution in evidence-based policy making, programming, and building partnerships. For states, HRBDAs can help strengthen national capacities: robust data, assessment, and analysis can provide the much need impetus for data collection to monitor progress in human rights.

HRBDAs are also important for their contribution to sustainability, efficiency, developing good practices and lessons learnt to improve positioning to influence the next development planning framework.

State parties can seek guidance from UN programming where data is a key element through the cycle which was presented by Ms. Alefsen and is provided as follows:





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Ms. Alefson highlighted the following six principles which should guide HRBDAs to development and human rights:

- 1. Participation:** The process must be free, active and meaningful and include all stakeholders (national human rights institutions, women's machineries and civil society); ensure protection for vulnerable groups; strengthen capacity for data providers (rights holders) and duty bearers (sensitized data collectors etc), as well as equal participation of women and men. For example, during the Myanmar data collection exercise which is in the form of a national census every decade, there were concerns that the Rohingya population would not be counted. As a result, mismanagement led to exclusion; a total of 51 million inhabitants were counted but 1 million of the Rohingya population was excluded.
- 2. Disaggregation:** Data collection must move from traditional approach (national averages) to the most disadvantaged and marginalised groups. This implies that data must be published keeping in view the grounds of discrimination recognized in international law - sex, age, ethnicity, migratory status, disability, religion, civil status, income, and sexual orientation/gender identity – to ensure that legally 'invisible' groups are not overlooked. For instance, Thailand has 13 million migrants from Cambodia and Myanmar who have been overlooked in national census data.
- 3. Self-identification:** Any HRBDAs must respect the right to self-identify which means adherence to the principle of 'do no harm'. Therefore, any data collection should neither reinforce existing discrimination, nor create additional distinctions/divisions. The persons responsible for data collection should receive human rights and gender equality training. Using local resource persons with whom respondents can identify and trust is an added consideration. Using the example of Myanmar again, Ms. Alefsen narrated that the national census forms identified Rohingya as Bengali which essentially excluded them and denial of ownership as citizens and identity.
- 4. Transparency:** The UN Fundamental Principles of Official Statistics play a role in democratic society wherein the population is entitled to public information including policy and legal frameworks in a timely and efficient manner.
- 5. Privacy:** Personal data should be handled with the utmost care and confidentiality. The ICCPR stipulates that there should be 'no interference with privacy in an unlawful, arbitrary manner'.
- 6. Accountability:** Independent statistics are a fundamental tool in democratic society and therefore it is important to ensure their quality and reliability. Data should be made available to academics, research and communities.

### Plenary Discussion/Input from Participants

Initiating the discussion, Mr. Kamran Khan (DG, MoHR) pointed out that it is important to recognise the contribution of the provincial departments and the Ministry of Human Rights (MoHR) at the treaty bodies.

Mr. Ghazanfar Ali, Director (DHR, KP) asked about the content of reports submitted by a state, in particular any parameters for data/information on any issue. He also enquired whether there is any specific criteria upon which the performance of a state is judged by the various treaty bodies.

Ms. Chung pointed out that the initial report of a state is a more general overview about the implementation of a particular treaty and some data/statistics are quoted as evidence of progress. At times, committees ask for data, if not already shared, to back up a point a state makes. As pointed out earlier, at times, even before the review stage, once the committee has seen the state report, it will make a request for data, more details and specific information to support a state's case. Therefore, claims for implementation of treaties must always be backed by data.





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With regards to criteria, Ms. Chung pointed out that the criteria for evaluation of a state's performance is very specific. The treaty body committees are comprised of expert in each subject area and have been working on the implementation of these treaty bodies for many years. As a result, these experts have developed jurisprudence over the year which are found in 'general comments' and concluding observations. For example, looking at the concluding observations of the Committee of Social, Economic and Cultural Rights, taking the issue of right to social security for example, the committee specifically states:

*"The Committee regrets the lack of comprehensive information on the social security schemes of the State party, including contributory and non-contributory, public and private schemes. It is concerned that a majority of workers, including those in the formal economy, are not covered by social security programmes. For example, the participation rate in the Employees' Old Age Benefit Institution is very low, below 10 per cent. It is also concerned that the State party has not established a social protection floor (arts. 9 and 11)." [Concluding Observations on the Initial Report of Pakistan: E/C.12/PAK/CO/1]*

The report then goes on to provide a very specific recommendation which is as follows:

*"The Committee recommends that the State party take all measures necessary to improve its social security schemes, including the Employees' Old Age Benefit Institution, with a view to progressively covering all workers in the country and providing a sufficient level of benefits to enjoy an adequate standard of living. It also recommends that the State party establish a nationally defined social protection floor in consultation with all relevant stakeholders. It requests the State party to provide comprehensive information on the social security schemes of the State party in its next periodic report. It draws the attention of the State party to its general comment No. 19 (2007) on the right to social security and to its statement on social protection floors (E/C.12/2015/1)."*

Hence, it is obvious that the treaty body reviews are very specific and cater to the particular state's dynamics and how a treaty should apply to the state. This is a very useful tool for implementing a particular treaty.

Ms. Hieke Alefson added that treaty bodies identify particular elements of rights and issues related to them. In particular, there are four aspects that treaty bodies consider: quality, quantity, accessibility and cultural acceptance. In essence, these are the criteria that state parties are expected and is directly linked to data collection and implementation. Many countries do not have the adequate data mechanisms in place for reporting which is why such information is missing from some reports submitted at the reviews.

Mr Ghazanfar Ali agreed and pointed out that quantification of information and reliability of information collected is also an issue and hence there are always impediments to this process.

Acknowledging this issue, Ms. Alefson added that such inadequacies are almost always identified because committees will not only obtain information from state reports but also other sources such as civil society, I/NGOs and independent bodies. She added that it is therefore, essential for state parties to collect and report with as much data as possible because the committees will seek verification from other sources as a matter of privilege. While it is the choice of the state party to report on certain issue, if it chooses to omit certain issues, it may be subject to criticism at an international forum.

Ms. Chung pointed out that the UN is also a source of information for not only the reporting mechanisms but also for state parties and the treaty bodies/committees themselves.

Mr. Kamran Khan asked if it is an accepted practice for special procedures to be present without invitation of a state party. Ms. Chung stated that special procedures can make country visits only upon invitation of the government. Pakistan has 16 outstanding invitation requests from special procedures. The best practice is to have a standing invitation which means a declaration by a state that it will invite any special rapporteur or any mandate holder to visit if they request an invitation. Even though it is never easy for governments to host special rapporteurs mandate holders but it is meant to be a respectable exchange since the rapporteurs are present to provide their technical expertise and gather information on a particular situation within a country



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and finally to provide advice to the host government. At times state governments do get offended but it is important for all state parties to understand that all such recommendations are made in the spirit of cooperation and aimed at helping a government fulfil its international obligations.

Every state that runs for a seat at the Human Rights Council, makes a voluntary pledge or a campaign statement prior to the elections. Pakistan, in its voluntary pledge, for a seat at the HRC in 2018, committed to inviting two mandates: the Special Rapporteur on the Right to Food and the Special Rapporteur on the Freedom of Association and Assembly.

With respect to the National Action Plan for Human Rights (NAPHR) developed by the GoP, Mr. Ghazanfar Ali asked the experts for their views on its effectiveness in the promotion and protection of human rights in light of Pakistan's international human rights obligations, especially in terms of contributing to the reports due in 2018.

Mr. Kamran Khan intervened stating that the NAPHR is a general promulgation to improve the overall situation of human rights across the country. He added that each recommendation must be discussed separately and a course of action must be developed to address that particular concern to implement it in its letter and spirit.

Ms. Lubna Mansoor, Director, Regional Directorate of MoHR, Punjab added that the NAPHR specifically address the aspect of treaty implementation in the form of Treaty Implementation Cells (TICs) with each province having ownership of these entities and responsible for implementing recommendations within their territories.

Mr. Dieter Wolkewitz added that in the NAPHR provincial governments have been called to develop provincial plans on human rights and enquired if there is a best practice in countries with a similar decentralised or devolved system. Ms. Chung responded that the principles of a national and provincial implementation plan would essentially remain the same, however the main challenge would be in integration of these plans in terms of aligning provincial tracking and reporting with the national level.

Mr. Kamran Khan added that the real challenge is measuring meaningful progress in the sphere of human rights at the grassroots level. In general, reporting is issue-based which means that the understanding of human rights is restricted to one aspect only. This issue was being debated upon at the First International Conference (19-21 February 2018) because it is important to expand the indicator analysis of human rights being assessed and ultimately being reported internationally. This is important to ensure that one-sided data is not being presented and analysed, which is limited to one right or aspect. Developing a rights-based approach to development and implementation of programmes and policies alongside budget allocations for various departments, therefore, is essential to map meaningful progress for Pakistan.

Ms. Chung pointed out that Pakistan must ultimately decide what indicators are required to answer questions that are being asked by the committees. These will vary from country to country as driven by the social and cultural values, and even economic conditions. Mr. Ghazanfar Ali added that the focus on human rights cannot be isolated from the entire machinery of the government and society in fact.

Mr Zulfiqar Ahmed pointed out that a paradigm shift needs to be brought into human rights from the development perspective. The lens of the right to development must be featured in the debate and in long terms planning for the promotion and protection of human rights. From this view, data collection must not only focus on violations, but also include positive progress and developments in the sphere of human rights. UNDP is fully aware of this development and has initiated discussions with the federal and provincial governments through UNDP.

Ms. Alefson added that it is important to factor in what the treaty bodies/committees view as progress in the sphere of human rights. While they will look at information on violations which will be brought to their attention from stakeholders' reports, they will also want to see positive developments in policy and implementation. This has the added advantage of being viewed as deliberate or action-oriented progress by state parties under review. The analysis from treaty bodies/committees will include actions and omissions



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which make a qualitative difference in their recommendations. There is no perfect score for human rights but the treaty bodies/committees want to see meaningful progress being made at all levels, which includes changing mind-sets.

Mr. Ghazanfar Ali stated that the provincial Directorate of Human Rights in KP has been assigned with not only the promotion of human rights but with protection and in fact prevention as well.

Mr. Kamran shed light on the NIHR model further by adding that this is envisioned to be an institutional mechanism for collating professional excellence/expertise and collaborating on human rights implementation across all tiers of government and civil society. Experts can be hailed from civil society to fill the gaps in knowledge of government institutions and bring together all interested parties at one platform to centralise data collection.

Answering a question on the GSP+ status of Pakistan, Ms. Chung stated that the EU uses treaty bodies and their implementation as indicators for its decision. The EU evaluates states performances independently and the OHCHR does not interact with the EU on this matter.

With respect to credible data within Pakistan, it is important to explore other sources of data and not only rely on the Bureau of Statistics. Using the example of Kenya, the GoP can also enter into MoUs with national human rights institutions to build credibility and reliability of data. The Punjab Commission on the Status of Women (PCSW) has collected and developed a first of its kind gender MIS system which is publicly available (<http://www.gmis.gop.pk/>) which has generated a gender parity report for the province. This model can easily be replicated by other provinces both geared towards gender and human rights overall.

Therefore, it is essential to identify sources of data apart from national statistics. Developing countries around the world are applying economic theories to identify qualitative and quantitative gains. In fact, the Government of Sindh has conducted surveys in the health sector to identify indicators and collate data on all health facilities across the province.

### **Recommendations:**

The following recommendations were given by the federal and provincial government representatives during the 2<sup>nd</sup> IPM:

1. Experience sharing between the federal and provincial tiers through dialogue must be held for positive exchange of ideas and recommendations.
2. The data collection process must be streamlined through consultations with relevant departments, NHRIs, and civil society on a regular basis.
3. A comprehensive MIS/technological tool should be developed for facilitation on data collection.
4. Capacity building workshops for government functionaries on data entry and report writing should be conducted, with the technical input and support of UNDP.
5. The Punjab TIC model can be replicated as a case study for other provincial governments to study and learn from. The dashboard developed by the Human Rights and Minority Affairs Department of Punjab breaks the isolated functioning of various departments by providing an opportunity for interaction of online which can enable better coordination. The department representative, Mr. Muhammad Yousaf (Executive Coordinator, TIC) requested technical input and support from UNDP to expand the scope of indicators and aid in establishing a link with the federal government. Coordination amongst departments in KP has also been established on various human rights issues; in fact, the KP government is actively engaging with civil society on the issue of domestic violence at present.
6. Showcasing progress on human rights is essential for treaty body reporting and therefore should be given enough space in the national and provincial reporting process. Procedures and measures taken within the country can easily be highlighted to showcase such progress.
7. The Human Rights mandate should be separated from the Law Department in KP following the example of Sindh and Punjab; for this purpose, UNDP will be requested for technical support.



**Agreement on Action Points/Way Forward:**

The following action points were agreed:

1. A scoping mission to be carried out at the federal and provincial levels to ascertain gaps in the chain of reporting identified by representatives at the IPM, particularly coordination and capacity. The findings of the scoping will be collated and shared with the relevant departments.
2. Provincial participants agreed that they would be willing to do MoUs with the UNDP, if UNDP proposed to assist the provinces other than KP, in developing systems for strengthening human rights based data collection-usage with focus on treaty body reporting;
3. Appointment of focal persons/points in all provincial and federal departments. Appointment of focal persons/points in all provincial and federal departments. It was agreed by all participants that there is a need for identifying and appointing provincial and national human rights data collection coordination focal points and that each participating department/institution would appoint a bona fide individual for facilitating provincial Human Rights based data collection consultations and beyond.
4. Convene a follow-up (third) Inter-Provincial Meeting on HR Data Collection and Treaty Body Reporting, tentatively proposed for second half of May 2018, hosted/chaired by the Regional Directorate of MoHR in Punjab.
5. A presentation of the KP MIS model for data collection and reporting to be made at the next IPM for discussion and input of provinces and federal government.
6. The Terms of Reference (ToRs) of the KP and Punjab TICs should be shared with Sindh which is in the process of revamping this cell.
7. Agreement on a format/structure for setting up a uniform working protocol and replicating good practices amongst the provinces should be made. For this purpose, a working paper should be developed in collaboration with the heads of departments.