

LEGISLATION WATCH CELL

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Federal Budget Allocations to  
the National Commission for  
Human Rights

Report 2022-01



Human Rights  
Commission of Pakistan

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# Introduction

Under the Constitution of Pakistan and the international treaties to which Pakistan is a state party, the state is responsible for promoting, protecting and securing the human rights of all citizens.

In this, the state is facilitated by national human rights institutions (NHRIs)—autonomous, statutory bodies that function independently of the government and have broad constitutional or legal mandates to protect and promote the full range of human rights at the national level. In Pakistan, the National Commission for Human Rights (NCHR) functions as the country's overarching NHRI.

The UN Principles relating to the Status of National Institutions, also known as the 'Paris Principles', define the minimum standards required by NHRIs to be considered credible and effective. Based on these guidelines, an important yardstick of the NCHR's effectiveness is the funding made available to it by the federal government in its annual budget. This allocation measures not only the government's human rights priorities, but also the NCHR's capacity to carry out the functions entrusted to it under the NCHR Act 2012.

The Human Rights Commission of Pakistan (HRCP) has consistently called on the federal government to provide the NCHR with the resources it needs to function effectively. Accordingly, this report assesses the extent to which the federal government has complied with the financial provisions of the NCHR Act 2012 in the fiscal year 2022/23, in turn reflecting the NCHR's financial empowerment and effectiveness on the ground.

# Background

The NCHR was created under the NCHR Act 2012 as a federal statutory body and made operational in 2015.

It is directly accountable to the Parliament and its financial and performance reports are presented to the latter for approval every year. The NCHR exercises its territorial jurisdiction across Pakistan. It consists of five members and a chairperson, including one member from Balochistan, one member from Sindh, one member from Punjab, one member from Khyber Pakhtunkhwa, and one member from a religious minority. Its mandate also includes advising the Government of Pakistan on the state's commitments to international human rights obligations under the seven core treaties signified and ratified by the country (see also Box 1).<sup>1</sup>

The NCHR receives budgetary allocations under the current budget.<sup>2</sup> This is in line with the Paris Principles, which entail the provision of public funds through a mechanism that is not under direct government control, such as a vote in Parliament.

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<sup>1</sup> These include the ICCPR, ICESCR, CRPD, CAT, CEDAW, CRC, and CERD.

<sup>2</sup> The annual federal budget delineates the distribution of national revenues for the fiscal year. The budget is broadly categorized into a current/nondevelopment budget and a development budget.

# NCHR's scope of work

The wide scope of its work underscores the need for commensurate funds to allow the NCHR to carry out each of its functions effectively and sustainably.

Figure 1 illustrates the five broad thematic areas in which the NCHR operates (see Box 1 for detail).

*Figure 1: NCHR's scope of work*

|   |
|---|
| <p><b>Judicial mandate</b></p> <ul style="list-style-type: none"> <li>Intervene in judicial proceedings where necessary.</li> <li>Initiate an inquiry or take suo moto action against human rights violations.</li> <li>File to become party to a court case.</li> <li>Directly investigate human rights violations and visit any place of detention to interrogate the legality of a person's detention.</li> <li>Act as a watchdog over judicial proceedings and systems to see if human rights standards are complied with.</li> </ul> |
| <p><b>Legal monitoring</b></p> <ul style="list-style-type: none"> <li>Review existing laws under the Constitution from a human rights perspective.</li> <li>May issue independent reports on these laws.</li> <li>Propose amendments or new legislation to improve the human rights situation.</li> <li>Monitor the implementation of laws and propose recommendations for the effective enforcement of international treaties, conventions and other binding instruments.</li> </ul>   |
| <p><b>Policy advice</b></p> <ul style="list-style-type: none"> <li>Develop a comprehensive strategy for human rights protection and promotion, such as national action plans for human rights.</li> <li>Advise and direct the government on issues pertaining to human rights.</li> </ul>   |
| <p><b>Knowledge production</b></p> <ul style="list-style-type: none"> <li>Promote knowledge in the field of human rights, including data, research and discourse on human rights norms and the state of human rights.</li> <li>May establish a repository for human rights data in the country.</li> </ul>  |
| <p><b>Awareness and advocacy</b></p> <ul style="list-style-type: none"> <li>Spread human rights awareness and improve human rights literacy.</li> <li>Lead advocacy initiatives through advocacy campaigns and media.</li> <li>Showcase and/or disseminate research on human rights issues.</li> </ul>  |

**Box 1: Functions of the NCHR**

Under Section 9 of the NCHR Act 2012, the NCHR can:

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

(i) violation of human rights or abetment thereof, or

(ii) negligence by a public servant in the prevention of such violation of human rights

(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court by filing an application for becoming a party to the proceedings before such court;

(c) visit any jail, place of detention or any other institution or place under the control of the Government or its agencies, where convicts, under trial prisoners, detainees or other persons are lodged or detained. The purposes of such visits are to ascertain the legality of their detention as well as to find out whether the provisions of the applicable laws or other provisions relating to the inmates living conditions and their other rights are being complied with;

(d) review the safeguards provided by or under the Constitution of Pakistan, 1973 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 laws and the adoption or amendment of administrative measures for their effective implementation.

Furthermore, upon request of the Government, the Commission may also examine any legislation and submit its views on such legislation and comment on its implications;

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

(f) 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;

(g) undertake and promote research in the field of human rights, maintain database on the complaints on violence of human rights received and development of human rights norms;

(h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, print and electronic media, seminars and other available means in all major languages of the country

(i) direct investigation and inquiry in respect of any incident of violation of human rights;

(j) submit independent reports to the Government on the state of human rights in Pakistan for incorporation in reports to United Nations' bodies or committees;

(k) develop a national plan of action for the promotion and protection of human rights; and

(l) such other functions as it may consider necessary for the promotion of human rights.

# Budget allocation to NCHR for 2022/23

Out of the total annual budget of PKR 9.5 trillion for the financial year 2022/23, the budget allocated to the Ministry of Human Rights was PKR 1.65 billion.<sup>3</sup>

The corresponding portion allocated to the NCHR out of this amount was PKR 83.18 million, constituting 5 percent of the ministry's total budget (Box 2 explains the budget allocation process). Table 1 compares the annual budget of the NCHR for the current and previous fiscal years.

*Table 1: Budget estimates for NCHR, 2021/22 and 2022/23*

| Category                          | 2022/23    | 2021/22*   |
|-----------------------------------|------------|------------|
|                                   | PKR        | PKR        |
| 1 Employee-related expenses       | 57,000,000 | 53,000,000 |
| A Pay                             | 32,000,000 | 31,000,000 |
| B Pay of officers                 | 28,000,000 | 29,000,000 |
| C Pay of other staff              | 4,000,000  | 2,000,000  |
| D Allowances                      | 25,000,000 | 22,000,000 |
| E Regular allowances              | 17,000,000 | 13,000,000 |
| F Other allowances (excluding TA) | 8,000,000  | 9,000,000  |
| 2 Operating expenses              | 26,180,000 | 24,725,000 |
| A General                         | 26,180,000 | 24,725,000 |
| Total                             | 83,180,000 | 77,725,000 |

Note: \* These figures do not reflect the revised estimates.

Source: Ministry of Finance, budget for 2022/23.

While the table indicates an increase of PKR 5,455,000 (nearly 7 percent) in the NCHR's annual budget from 2021/22 to 2022/23, these sums cater only to staffing and operating expenses. There is

<sup>3</sup> The ministry's budget in 2021/22 was PKR 1.185 billion, indicating an increase of almost 40 percent in 2022/23.

no special head or budgetary allocation for carrying out the functions entrusted to the NCHR, such as onsite monitoring, fact-finding missions, judicial investigations, supporting the establishment of human rights courts, and training workshops for human rights defenders, public office-bearers and civil society organizations.

More importantly, the NCHR is legally entitled not only to the amount it is allocated under the annual federal budget, but also to a dedicated fund under Chapter VI of the NCHR Act 2012.

### **Box 2: Budget preparation and allocation**

The preparation of the national budget involves a Budget Strategy Paper and the presentation of the Annual Budget Statement.

#### *Budget Strategy Paper*

The federal government approves the Budget Strategy Paper by 15 April every year. This paper indicates the strategic priorities of government revenue and spending policies. It also specifies the indicative levels of spending in various ministries and divisions. On approval of the paper, the Finance Division issues indicative budget ceilings to the ministries and divisions, including the Ministry of Human Rights. The Budget Strategy Paper is then released online on the Finance Division's official website. The finance minister also presents and discusses the paper with the Standing Committees for Finance and Revenue in the Senate and the National Assembly.

The Budget Strategy Paper for this year clearly reflects that the government has prioritized economic stabilization for the term 2022/23 to 2024/25. Issues pertaining to human rights have no mention in the entire paper.

#### *Annual Budget Statement*

The Annual Budget Statement is presented before the National Assembly by the federal government in accordance with Article 80 and 81 of the Constitution of Pakistan.

Once the budget is made available to the Ministry of Human Rights, the designated budget amount for the NCHR is routed to the commission. The federal government then channels the budget to the NCHR via the Ministry of Human Rights.



# The need for a special NCHR fund

Section 23 of the NCHR Act 2012 stipulates the constitution of a special NCHR fund, which is intended to meet the cost of carrying out the functions illustrated in Figure 1.

The establishment of this fund is instrumental to securing and sustaining the NCHR's access to financial resources. Once the special fund is established, its main sources of funding would be:

- The federal government, after due appropriations made by the Parliament.
- Grants and endowments, and income therefrom.
- All other sums or properties which may in any manner become payable to, or vest in, the NCHR.

The NCHR Act 2012 also guarantees the financial autonomy of the commission, which means that the NCHR can independently determine priorities and activities under its purview. The structure of the NCHR budget is intended to be transparent and participatory, involving the Parliament and the NCHR itself. The commission enjoys the right to spend and manage its funds without external intervention, layers of approvals from the federal government or procedural delays. However, much like the NCHR Fund, this freedom is nominal.

The law provides that the government allocate a specific sum of money for the NCHR for each fiscal year without prior approval from the government to spend the allocated money for authorised and specific purposes. HRCP believes that, until the designated fund is created, allowing the NCHR to operate primarily on the revenue the fund provides, the NCHR Act 2012 will not be implementable in letter and spirit.

# Recommendations

The federal government must discharge its duties towards the NCHR under the NCHR Act 2012 as a priority.

- Immediate steps must be taken to create the NCHR fund so that the commission can carry out its primary functions fully, independently and effectively.
- Special heads for the promotion and protection of human rights should be added to the revised estimates of the annual federal budget for the year 2022/23 as well as to future annual federal budgets until the NCHR fund has been established. This is to secure an ample budget for the commission to discharge its functions under Section 9 of the NCHR Act 2012.
- The Ministry of Human Rights must, without any further delay, approve the financial and human resource-related rules of business developed by the NCHR and submitted to the ministry.

## ***HRCP Legislation Watch Cell***

*Instituted in 2022, the Legislation Watch Cell is an initiative of the Human Rights Commission of Pakistan (HRCP). The Cell aims to monitor and analyse legislation, rules and procedures in the form of draft bills and amendments introduced by the federal and provincial assemblies each year that warrant attention from a human rights perspective, especially with respect to women, transgender persons, vulnerable labour groups, religious minorities, and the incarcerated population.*

*The Cell comprises HRCP staff members, an independent legal consultant, and an advisory committee composed of legislators, lawyers and other members of civil society. HRCP seeks to publish quarterly reports through this exercise that encompass the analysis, findings and recommendations of the Cell.*



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