

National Policy Framework on Human Rights

2021-22



**Ministry of Human Rights
Government of Pakistan**

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List of Abbreviations

CrPC	Criminal Procedure Code
CSOs	Civil Society Organizations
FIA	Federal Immigrations Authority
GBV	Gender Based Violence
GOP	Government of Pakistan
HEC	Higher Education Commission
HR	Human Rights
INGOs	International Non-Governmental Organizations
IPC	Inter-Provincial Coordination Division
LHW	Lady Health Worker
M/o HR	Ministry of Human Rights
M/o RA&IH	Ministry of Religious Affairs & Interfaith Harmony
MIS	Management Information System
NCC	National Curriculum Council
NCHR	National Commission on Human Rights
NCM	National Commission on Minority
NCRC	National Commission on the Rights of Children
NCSW	National Commission on the Status of Women
NGOs	Non-Governmental Organizations
NHRIs	National Human Rights Institutions
NISP	National Income Support Program
NPF	National Policy Framework
P&D	Planning & Development Department
PBM	Pakistan Bait-ul-Mal
PCSW	Provincial Commission on the Status of Women
PEMRA	Pakistan Electronic Media Regulatory Authority
PPC	Pakistan Penal Code
PSDP	Public Sector Development Program
SOPs	Standing Operating Procedures
TICs	Treaty Implementation Cells
UN	United Nations
CRPD	Council on the Rights of Person with Disabilities
DG SE	Directorate General of Special Education
UNCPRD	UN Convention on the Rights of Persons with Disabilities

Preamble

Pakistan is envisioned as an Islamic welfare state, internationally relevant and aligned with universal principles of justice, equality, and tolerance. Seeking a peaceful, and a prosper country, Pakistan ensures fundamental rights and social justice without discrimination based on caste, creed, or belief to its citizens. Fulfilling the responsibility to protect the human rights of its citizens, it promotes civil rights, political rights, economic rights, cultural rights as well as social rights. Hence, the Constitution of the Islamic Republic of Pakistan guarantees protection of these rights to the citizens of Pakistan. Additionally, the Government of Pakistan has also ratified seven core international human rights conventions and is obligated to fulfill its commitments under them. These national and international commitments collectively ensure justice, equality and fair play for all citizens and obligates the Government of Pakistan to take all necessary measures for elimination of all forms of discrimination and protection of the rights of its citizens of Pakistan, especially the vulnerable ones i.e. children, women, religious and ethnic minorities, senior citizens, transgender persons, persons with disabilities and missing persons.

The Prophet Muhammad ﷺ laid down the foundation of the human rights policy 1500 years ago. Delivering his last sermon *Khutba-e-Hajjatul Wida*, the message was humane, rational and favorable to justice and provided the basis for equality. The *Khutba* remained an essence of the true message and philosophy of Islamic faith on which the edifice of Universal Declaration of Human Rights has been laid down. Similar pluralistic provisions can be found in (Charter of Madina) considered as the first major initiative towards establishing Muslim State defining rights, obligations of the citizens and role of the state. As for equality in rights, the Charter emphasizes that social, legal and economic equality is promised to all citizens of the State.

Likewise, the founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah in his first presidential address to the Constituent Assembly of Pakistan stated: “You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State. We are starting with this fundamental principle that we are all citizens and equal citizens of one State.” The Constitution of Pakistan truly translates this vision in the form of enshrined fundamental rights of its citizens.

Despite, there is still a long way to go towards achieving the universal goals of protection of the rights of all citizens and ending all kinds of discrimination in Pakistan. The National Policy on Human Rights seeks to accomplish the goal.

1. INTRODUCTION

1.1 The Government of Pakistan ensures the dignity and equal treatment of every person; their protection in accordance with law; and everyone's ability to fully participate in the economic, political and social sphere. The Constitution of Islamic Republic of Pakistan from articles 8-28 is the primary legal source of protection of fundamental rights. The Article 8 of the Constitution provides that "Any law, or any custom or usage having force of law, in so far as it is inconsistent with the rights conferred by this Chapter (Fundamental Rights), shall, to the extent of such inconsistency, be void". The chapter on 'Principles of Policy' lay down guiding principles that the State must keep in mind while making policy. Article 5 of the Constitution obliges every citizen and person to be loyal to the State and obedient to the Constitution and Law. By virtue of this Article, all Pakistanis are responsible for respecting and protecting Human Rights and ensuring that national and international commitments may become a reality for all Pakistanis. Pakistan is committed to translate the Human rights principles enshrined in its Constitution into legislation with robust institutional mechanism.

1.2 The Government is also cognizant of its international commitments especially with regard to core Human Rights Conventions ratified by Pakistan. Pakistan has accorded high value to the principles laid down in the Universal Declaration of Human Rights. Pakistan has ratified seven out of the nine fundamental Conventions on Human Rights and all the International Labor Organization's core Conventions dealing with the rights of workers at workplace.

1.3 The Government believes in ensuring harmonization of domestic laws with the international Human Rights obligations.

1.4 There are profound challenges on the ground yet with numerous opportunities and potential to improve the Human Rights situation in the country. Safeguarding human rights and fundamental freedoms is an essential and integral part of all democratic and progressive societies. Globally, the international image and repute of the countries is being increasingly associated with the state of their human rights. Government of Pakistan attaches high priority to promotion and protection of human rights.

2. VISION

The vision of this Human Rights Policy Framework is to protect the entire spectrum of human rights of the vulnerable citizens of Pakistan, which include children, women, transgenders, minorities, persons with disability, senior citizens, journalists, missing persons and prisoners by changing mindsets and behaviours, building capacities of relevant stakeholders and through elimination of all kind of discrimination against them.

3. PROCESS OF NATIONAL POLICY FRAMEWORK

The development of this policy framework was based upon a consultative and participatory approach that was spearheaded by Ministry of Human Rights. It began with a national consultation to determine the features and parameters of the future policy framework. The consultations highlighted human rights issues in Pakistan that called for immediate attention. It also looked into measures, which can be taken for the protection and promotion of human rights

and responsibilities of Government. Due diligence made during the national consultations were shared with the provinces. The response received from the provinces has been made the fundamental base of this policy framework. The recommendations of other stakeholders i.e. the private sector, civil society organizations and government ministries have been given due weightage in the formulation of Human Rights Policy Framework. While formulating policy, a multi-sectoral approach had been adopted ensuring comprehensiveness and inclusiveness. Therefore, the policy is conceptually linked to other human rights' centered policies and frameworks including but not limited to Pakistan's National Action Plan on Business and Human Rights, National Security Policy, National Education Policy of 2017 and the National Gender Policy Framework.

4. CONSTITUTIONAL FRAMEWORK AND INTERNATIONAL COMMITMENTS

4.1 Constitutional Framework

4.1.1 The Constitution of the Islamic Republic of Pakistan 1973 is the supreme law of the land and provides full protection and equal rights to the citizens of Pakistan with respect to their human rights. Part 2 of the Constitution guarantees to the citizens certain Fundamental Rights (Chapter 1) that the state must protect and uphold, and also provides Principles of Policy (Chapter 2) as guiding principles to any organ and authority of the State, and to persons performing functions on behalf of an organ or authority of the State to perform their functions. This framework shows commitment of the State to make these basic Human Rights available to its citizens.

4.1.2 Article 9 of the Constitution of Pakistan ensures the security of person is protected under Article 9, which states that, "No person shall be deprived of life or liberty save in accordance with law". Article 14 (2), enshrines the inviolability of dignity of man and guarantees, "[n]o person shall be subjected to torture for the purpose of extracting evidence." The apex judiciaries have elaborated the scope of Articles 9 and 14 of the Constitution and have ruled that the realization of a life lead with dignity under Article 9 (Right to Life) and Article 14 (Right to Dignity) demanded access to "clean atmosphere and an unpolluted environment." Article 15 (1) guarantees equality before the law, whilst Article 15 (2) states that "there shall be no discrimination on the basis of sex". According to Article 10-A of the Constitution of Pakistan, "a person shall be entitled to a fair trial and due process". Article 17 of the Constitution of Pakistan, guarantees the right "to form associations or unions" while Article 18 of the Constitution ensures that all citizens have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade, business or profession. Article 19 of the constitution of Pakistan protects the right to freedom of speech and expression and states that there shall be freedom of press, subject to any reasonable restriction imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court (commission of) or incitement to an offence". In 2010, with the adoption of the 18th Amendment to the Constitution of Pakistan, the right of the citizens of Pakistan to access information of public importance from their governments has been enshrined in the fundamental law of the land through Article 19A. The freedom of religion, is guaranteed under Article 20 (a), stating that "every citizen shall have the right to profess, practice and propagate his religion". Article 24 provides that every citizen shall

have the right to acquire, hold and dispose of property. Furthermore, Articles 25 to 27 enshrine non-discrimination provisions on the ground of “race, religion, caste, sex, residence or place of birth”. Under the article 25 (1) of the Constitution of Pakistan, “All citizens are equal before law and are entitled to equal protection of law”. Articles 25 (3) also specifies that State shall not be prevented from making any special provision for the protection of women and children”. According to Article 25-A every child from 5 to 16 years has a right to free and compulsory education.

4.1.3 However, unlike the above-mentioned rights, medical relief and affordable health coverage is ensured in the chapter of Principles of Policy in the Constitution of Pakistan instead of in the chapter on fundamental rights. The right to an adequate standard of living is enshrined in Article 38 (d) of the Constitution of Pakistan, which states that the State shall “provide basic necessities of life, such as [...] housing”.

4.2 International Conventions

4.2.1 The categories of rights protected by international conventions and covenants consist of two major categories of rights such as Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ESCR). The Civil and Political Rights include right to life, liberty and security, safeguards against arrest and detention; to be treated equally and without any discrimination, right to fair trial, freedom from forced labour; to be able to freely practice religious freedom; to enjoy freedom of expression, and freedom of receiving information, to form associations; to have access to justice and not be subjected to torture and the freedom to participate in the political sphere; whereas the economic, social and cultural rights of citizens include an individual’s right to education, affordable health care coverage, adequate living, reproductive rights, environmental rights, the right to work and to form unions, the right to acquire, hold and dispose of property and the right to adequate food and nutrition. All of these rights are present in Chapter 2 of the Constitution.

5. INSTITUTIONAL SET UP

5.1 In terms of institutional design, the relationship between Federal Government and the provinces is regulated under chapter V (Article 141-159) of the Constitution. The Eighteenth Constitutional (Amendment) Act (2010) redefined the structural contours of the state through a paradigm shift from a heavily centralized to a predominantly decentralized federation. This 2010 Amendment also reinforces a multi-level governance system by extending greater autonomy to the provinces. Thus, the issues related to the subject of Human Rights have mostly been devolved to the Provinces.

5.2 Pakistan as a federal state brings together four provinces and Islamabad Capital Territory with a common government for common purposes. However, according to Entry No. 32 read with Entry No. 59 of the Federal Legislative List in the Fourth Schedule of the Constitution of Pakistan, the subject of international treaties, conventions, agreements, international arbitration and matters, incidental or ancillary to any matter enumerated as part of the Federal legislative list is within the domain of Federal Government. At the Federal level, Pakistan has a Ministry of

Human Rights and corresponding provincial departments dealing with the subject of Human Rights. Therefore, the Ministry of Human Rights has the primary responsibility of reporting on the ratified Conventions, and as a coordinating body is responsible for liaising with the provinces dealing with the subject of Human Rights to ensure their coherence and alignment with the international obligations. Adherence to international commitments on Human Rights is a shared responsibility and the Federal Government prepares the country reports on various Conventions, with data and input from the Provinces. This shows a strong effort in addressing key regional inequalities and moving decision making closer to the beneficiaries.

5.3 One of the mechanisms to ensure the smooth working relationship between federal and provinces is the existence of an inter-ministerial Treaty Implementation Cell (TIC) with representation from all the four federating units to coordinate country's reporting obligations and to guide the federating units for better adherence to the international conventions and commitments.

5.4 Although the Ministry of Human Rights is the focal point for ensuring the protection of the rights; yet other institutions for protecting and promoting human rights such as National Commission for Human Rights (NCHR), National Commission on the Status of Women (NCSW), National Commission on the Rights of Children (NCRC), Council of Rights of Person with Disabilities (CRPD), Directorate General of Special Education (DGSE) and Human Rights Directorates in the provinces are in function. The Supreme Court of Pakistan has also established a vibrant human rights cell that addresses the complaints relating to human rights violations. Similarly, Parliamentary Standing Committees are functioning as over-sight bodies. This initiative and drive is encouraging for the rights holders and demonstrate the state's commitment to fulfill, protect and respect human rights in the country. Human rights are becoming more central to the Government's agenda and finding good share in public debate as well as political manifestos.

5.5 The commitment of the State is further evident from the fact that the State of Pakistan has given due priority to Human Rights observance in Pakistan's Vision 2025 and Sustainable Development Goals in the post 2015 development agenda, by focusing on ending discrimination faced by women, inclusion of vulnerable segments of the society in its development agenda to mainstream the vulnerable and marginalized groups and bringing in new laws for the protection of the rights of children. The Vision 2025 further affirms the implementation of Article 38 of the Constitution of Pakistan for promotion of social and economic well-being of people. Furthermore, the Vision 2025 also gives due importance for the start of reform process in the criminal justice system and civil courts for access, promptness, affordability and fairness in dispensation of justice.

5.6 The Government of Pakistan has also signed a binding undertaking for GSP plus status committing itself to maintain the ratification of 27 Conventions and ensuring their effective implementation. Out of these 27 conventions, seven are relating to the observance of human rights.

6. PRINCIPLES OF POLICY FRAMEWORK ON HUMAN RIGHTS

This National Human Rights Policy Framework is based on the following principles:

- i. Re-affirming the commitment to national and international human rights obligations.
- ii. Human rights protection through review of the deficient laws/legislations.
- iii. Emphasizing on the human rights education and training.
- iv. Enhancing domestic and international engagement on human rights issues.
- v. Achieving greater respect for human rights principles within the society.
- vi. Enactment of new laws in conformity with Pakistan's international human rights obligations.
- vii. Amending and bringing the relevant laws in line with current human rights thought and Pakistan's international obligations.
- viii. Modernizing the school, college and law degree curricula to include human rights concepts.
- ix. Improving the training and SOPs of the police, prison staff and lower and mid-level judiciary.
- x. Mainstreaming human rights perspective in public policy development process and resource allocation.

6. PROTECTION OF RIGHTS OF VULNERABLE GROUPS

6.1 *Child Rights*

6.1.1 Children in Pakistan constitute almost 46% population and also fall among the most vulnerable segments of the society. Pakistan was one of the six countries that supported the holding of the World summit for Children in 1990, which gave the “first call for the children”. Moreover, Pakistan has ratified various international conventions and treaties related to the rights of the children. These include the landmark UN Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; the ILO Convention on the Worst Forms of Child Labour (No. 182); Minimum Age Convention (No. 138); ILO Forced Labour Convention (No. 29); ILO Abolition of Forced Labour Convention (No. 105). Pakistan is also one of the active members of the South Asia Initiative for Ending Violence against Children, which is an apex body of the SAARC. Besides that, Pakistan is obliged to fulfill other international commitments such as to implement the Delhi Declaration made by South-to-South Cooperation Organization on the rights of the children and Yokohama Global commitments.

6.1.2 The laws in Pakistan such as the Penal code are mostly in harmony with the articles of the UNCRC. However, there is some need of changing the legislative framework to deal with emerging issues i.e. child marriage, child abuse, child pornography, trafficking and child prostitution. The Government has introduced various Bills to fill the existing gaps in the legislative environment. The Criminal Law Amendment Act, 2015 has been passed by the National Assembly which amends relevant sections in the PPC and CrPC to raise the minimum age of criminal liability and insertion of new sections to criminalize the offences i.e. exposure to seduction, child pornography, cruelty to a child, sexual abuse and trafficking of human beings.

6.1.3 The Government of Pakistan is cognizant of the fact that children in Pakistan are facing serious challenges ranging from malnutrition, poor access to education and health facilities and exploitation. The violence against children has many forms and it can be manifested in various

settings of the society. Children can be subjected to violence at home, school, workplace and at community level. The gender dimension of the violence needs special attention as girl child is especially affected due to conservative attitude, which sometimes impedes them from attending or finishing school, and deprives them from equal opportunities of development.

6.1.4 The key Article 25-A of the Constitution of Pakistan provides for free and compulsory education of children from age 5 to 16 years. However, Pakistan has yet to bring all children into schools. Though an increase in the literacy has been observed with increase in the urban literacy rate by 11 percentage points (from 64 percent to 75 percent during last two decades, and the rural literacy rate by 13 percentage points during the same time period from 36 percent to 49 percent. However, still concrete efforts are required to reduce the school dropout rate. The current literacy rate of Pakistan is 62.3 % which mean that an estimated population of 60 million is illiterate in the country. (MoFEPT). According to *ibid* report, around 22.5% of children in the primary school age category are out of school; approximately 5.1 million out of 22.6 million children aged (5-9). It is estimated that 23% of rural and 7% of urban children are not enrolled in any form of schooling. Population projections show that nearly 60% of children between the ages of 5-16 currently reside in rural areas. Out of the total number of out of school children in Pakistan, 14 million reside in rural communities, compared to 11 million who live in urban areas; meaning 57% of out of school children reside in rural areas.

6.1.4 To address the above issues, following initiatives are recommended:

- i. Develop a national as well as provincial strategy and a sound legal framework to improve child rights.
- ii. Promote and strengthen legislative, administrative and institutional complaint redressal mechanisms at the national and provincial level for the protection of child rights. For local grievances, effective and accessible grievance redressal mechanisms shall be developed at the district level.
- iii. Protect all children from all forms of violence and abuses, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, alcohol and substance abuse, or any other activity that takes undue advantage of them, or harms their personhood or affects their development.
- iv. Adopt measures to ensure that every child in the age group of 5-16 years is in school and enjoys the fundamental right to free and compulsory education as enshrined in the Constitution.
- v. Recommend all Provincial Governments to pass legislation for giving effect to Article 25-A. The quantum of public spending on education should see a substantial increase from the current allocation. After the coming into effect of such laws, rules will be framed by the respective Departments of Education detailing norms and procedures for the provision of free and compulsory education in their respective areas.
- vi. Ensure that all out of school children such as child labourers, migrant children, trafficked children, children of migrant labour, street children, child victims of sexual and substance abuse, children in areas of civil unrest, orphans, children with disability

- (mental and physical), children of prisoners, etc. are tracked, registered, rescued, rehabilitated and have access to their right to education.
- vii. Address discrimination of all forms to foster equal opportunity for children, treatment and participation irrespective of place of birth, sex, religion, disability, language, region, caste, health, social, economic or any other status.
 - viii. Create early childhood care, protection and safe environment for all children, to reduce their vulnerability in all situations and keep them safe at all places, especially public spaces.
 - ix. Commit to taking special protection measures to secure the rights and entitlements of children in need of special protection, characterized by their specific social, economic and geo-political situations, including their need for rehabilitation and reintegration in particular; but not limited to children affected by migration, and displacement due to communal or sectarian violence, civil unrest, disasters and calamities.
 - x. Engage with donor agencies and NGOs to build programmes for the development, and protection of children.
 - xi. Ensuring registration and documentation of abandoned and homeless children.
 - xii. Establish a unified financial support fund across the country to support children suffers from economic hardships.
 - xiii. Recommend allocation of adequate resources to the devolved subjects, especially the additional resources made available to the provinces under the 7th NFC Award;
 - xiv. Provide special grants particularly for underdeveloped areas, based on rates of illiteracy and out of school children;
 - xv. Establish a basic Education Fund, where donors, philanthropist and expatriates can contribute to promote public-private partnership;
 - xvi. Run a mass mobilization campaign to bring the children to schools with the help of political leaders, CSOs and Media.
 - xvii. Collect out of school children data at district level through unified system for comprehensive mechanism of compulsory education.

6.2 Women Rights

6.2.1 The Government of Pakistan is fully cognizant of its constitutional and international responsibilities for protecting the rights of the women. The umbrella legislation guaranteeing women's legal rights in Pakistan has been provided in the Constitution of 1973, which safeguards women's legal rights in the country. The last two decades is also considered 'the most active period of legislation concerning women rights'. In the past few years, significant progress in legislation on women's issues in Pakistan has been achieved. These significant laws have a focus to criminalize forced marriages, honour killing and providing rigorous punishments for depriving women from inheritance, giving women in marriage to settle civil or criminal liability, act of acid throwing and sexual harassment at the workplace. A milestone was achieved by establishing the National Commission on the Status of women through an Act of Parliament passed in 2012. This Act enabled establishment of an autonomous and effective Commission for providing recommendations to the Government on women's issues and rights.

6.2.2 Pakistan has also ratified various international Conventions and Human Rights instruments committing to secure equal rights for women. Key ratified Conventions are: Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and ILO Conventions No. C-100 (Equal Remuneration Convention) and C-111 Discrimination (Employment and Occupation) Convention. CEDAW obligates member states to eliminate all forms of discrimination against women and bring *de-jure* and *de-facto* equality between men and women. It also obliges States to take all legislative, administrative and other measure to ensure women's participation in economic, political and national life. In addition to CEDAW, ILO Convention No. 100 and No. 111 provide for equality of opportunity and treatment in all employment related matters including remuneration.

6.2.3 As per data collected by Gender Crime Cell (GCC) of National Police Bureau (NPB) records 25,935 cases of gender-based violence (GBV) reported in the country in the year 2020 as compared to 28,095 reported cases in 2019. The trend analysis shows that there is a slight decline in crime cases of GBV in 2020 (48%) compared to 2019 (52%). However, still there exists a gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes, and related mechanisms and the situational reality of the status of women. In Pakistan this status may vary considerably across classes, regions, and the rural/urban divide, due to uneven socio-economic development. The impact of tribal, feudal, and socio-cultural formations on women's lives sometimes undermines their status in society.

6.2.4 To improve the situation of women's rights, the Government envisages the following steps:

- i. Advancement, development and empowerment of women.
- ii. To create an enabling environment through economic and social policies for development of women to enable them to realize their full potential.
- iii. To give enabling environment for *de-jure* and *de-facto* enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres of life i-e political, economic, social, cultural and civil.
- iv. To develop model laws on ILO Convention 100 and 111 for subsequent adoption by the provinces.
- v. To take all measures to guarantee women's equal access and full participation in decision making bodies at every level, including the legislative, executive, judicial, corporate, statutory bodies, and also the advisory Commissions, Committees, Boards, Trusts, etc.
- vi. To ensure that affirmative action for reservation/quotas, including in higher legislative bodies, will be considered whenever necessary on a time bound basis.
- vii. The women inclusive personnel policies (including women friendly police and prisons) will be drawn to encourage women to participate effectively in the development process;
- viii. To provide equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security, public office etc.

- ix. To strengthen legal systems aimed at elimination of all forms of discrimination against women;
- x. To change societal attitude and community practices by active participation and involvement of both men and women. At the initiative of and with the full participation of all stakeholders including community and religious leaders, the Policy would aim to encourage improvements in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women;
- xi. To advise all public and private organizations to establish Day Care Centers at work places to provide a better supportive environment for working women.
- xii. To eliminate discrimination and all forms of violence against women and the girl child; and legal-judicial system will be made more responsive and gender sensitive to women's needs, especially in cases of domestic violence and personal assault.
- xiii. To make necessary arrangements that all forms of violence against women, physical and mental, whether at domestic or societal levels, including those arising from customs, traditions or accepted practices shall be dealt effectively with a view to eliminate its occurrence.
- xiv. To establish institutions and mechanisms/schemes for prevention of any kind of violence, including sexual harassment at workplace and customs like dowry; and for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence especially trafficking in women and girls.
- xv. To ensure that women get their due right to inheritance and laws pertaining to inheritance are strictly observed and violations are monitored and punished.
- xvi. Women inheritance committees may be established at district level and revenue departments should be onboard in these committees;
- xvii. Single mother, divorced women, and widows may be brought under special social and economic safety net.
- xviii. To develop strategies allowing women to acquire land and water rights, which are already a legal right, in ways consistent with Pakistan's Constitution, to increase women's economic opportunities and productivity as per SDG Target 5a.
- xix. To raise awareness and develop education programs about the advantages of a more gender-equitable access to land in order to enhance not only women's enjoyment of land rights, but also household food security and economic development.
- xx. Integrated services delivery to ensure effective life skills in women's sexual and reproductive lives for their healthy development.
- xxi. To adopt a coherent information dissemination policy of the provincial Health and Population Welfare Departments.
- xxii. To regulate public and private health sector facilities to provide safe abortion services to women in accordance with criteria set out in the law on abortion.

- xxiii. To ensure that parliamentarians receive sensitization training in the area of gender and discrimination to create an enabling environment for the participation of marginalized groups in political life.

6.3 Minorities Rights

6.3.1 Protection of the rights of minorities is a constitutional requirement. Religious minorities enrich cultural diversity and pluralistic roots of Pakistan. They have made invaluable contributions to the development, peace and prosperity of the country. The Constitution of Pakistan guarantees equal rights and status to everyone, irrespective of race, religion, caste, or creed. According to the Pakistan Bureau of Statistics 2018 report, the population of Pakistan is around 210 million. Approximately 96.28 % of the population belongs to the Muslim faith, while 3.72 % of the population constitutes of religious minorities including Christians (around 1.59%), Hindus (around 1.60%), Ahmadis (around 0.22%), scheduled casts (around 0.25%) and other religions who are a major minority in Pakistan around 0.07%. 299 cases of violence against minorities are reported in Pakistan during 2018-21, as conveyed by the Regional Directorates of Human Rights, Ministry of Human Rights.

6.3.2 After the 18th Constitutional Amendment, a new Ministry of Interfaith Harmony has been established at the Federal level, and recently merged and renamed as Ministry of Religious Affairs and Interfaith Harmony. The Ministry has been mandated with the task of developing policy and legislation with regard to interfaith harmony to promote interfaith dialogue and peace. Opportunities are available to minority communities for participation in the political process. The Minority communities have the right to contest elections on general seats as well as the special seats reserved for them. The Government is conscious of the fact that a major part of the minority population is poor and illiterate, thus socially and economically marginalized. Therefore, special measures are needed for the empowerment of minorities. The State is seeking to mitigate the issues between majority and minority communities through interfaith dialogue and understanding in raising the culture of tolerance and respect for religious minorities.

6.3.3 The narrative of ethnic minorities in Pakistan is shrouded in ambiguity and controversy. Minorities in Pakistan are categorized as ‘ethnic and linguistic’ minorities and ‘religious’ minorities. While data pertaining to the existence of ethnic minorities is skewed, it is usually gleaned from the Population census of Pakistan which includes a column on ‘mother tongues’. It must be noted that column options are restrictive in nature as more than sixty languages are spoken in Pakistan. Pakistan has ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which protects the rights of ethnic, racial and religious minorities in Pakistan.

6.3.4 The State is conscious of the need for effective implementation of laws against hate speech, incident of communal violence and leaders responsible for verbal or written edicts of apostasy. Pakistan is facing the challenges of sectarian violence and religious intolerance. So those who falsely accuse others of Blasphemy to settle personal revenge or vendetta can be tried under the law.

6.3.5 This policy recommends that the Government should:

- i. Formulate a comprehensive policy for interfaith harmony and religious tolerance, specifying measures for the protection and integration of religious minorities at all levels of the society.
- ii. Make efforts to eliminate the misuse of blasphemy laws through legislative reform or judicial trainings to ensure effective enforcement of Sections 194 and 211 of the Pakistan Penal Code dealing with false statements and registration of false cases respectively.
- iii. Provide training on human rights issues, engaging with all relevant stakeholders, including state institutions, civil society and religious leaders and actors, to foster interfaith and intra-faith dialogue;
- iv. Harmonize national regulations and practices with international human rights norms, in consultation with all relevant stakeholders, including civil society, drafts domestic anti-discrimination legislation, providing a definition of racial discrimination, and considering all grounds of discrimination including race, colour, descent, ethnic, national origin or language, in conformity with the Convention on the Elimination of Racial Discrimination;
- v. Develop a strategy to review Pakistan's regime of temporary special measures, including quotas for minorities, to ensure that they apply to all persons belonging to religious, cultural and ethnic minorities, and collects data on the implementation of these quotas;
- vi. Investigate and inquire in respect of any incident of violation of human rights, continue to advocate for the prompt, effective and impartial investigation of all acts of violence by non-State actors, including mob violence, against vulnerable individuals, particularly members of Shia, Christian and Ahmadiyya communities and individuals accused of blasphemy, for perpetrators being punished and for victims obtaining appropriate redress;
- vii. Raise awareness for human rights issues, develops and launches a comprehensive strategy to combat racist hate speech by human rights education and awareness-raising campaigns, including sensitizing public officials to refrain from such speech and condemn it;
- viii. Provide the forums for debate and national consensus-building on considerations to repeal the blasphemy laws that go against the freedom of expression and the freedom of religion, as established in the Constitution of Pakistan, in order to address the challenge of disproportionate use of those laws against individuals belonging to ethnic and religious minorities;
- ix. Promote religio-cultural diversity, inter alia by organizing and celebrating religious festivals of minorities at the national level, by advocating for the reform of the educational curriculum to eliminate content that has the potential to incite hatred against religious and ethnic minorities, and to promote tolerance and discourage hate images against minorities; and by ensuring that the role of media houses will be enhanced to increase interfaith harmony and create awareness about other religions.

- x. Ensure disability quota for employment in all public and private organizations.
- xi. Advocate for specific quotas for each political party to field minority candidates.

6.4 Right of Transgender Persons

6.4.1 The Universal Declaration of Human Rights states that “All human beings are born free and equal in dignity and rights.” Equality and non-discrimination principles enshrined in international human rights law apply to all people, regardless of their gender identity. The Constitution of Pakistan emphasizes the dignity of the human being as linked with the principles of international human rights law. According to the Pakistan Bureau of Statistics 2017 census report, the population of transgender in Pakistan is 10,418. 63 complaints have been reported of human rights abuses against Transgender during 2018-2021, as per the data received from Regional Directorates of Human Rights, Ministry of Human Rights, based at every provincial capitals of Pakistan. Article 25 (1) states that all citizens are equal before the law, whilst Article 25 (2) enshrines that “[t]here shall be no discrimination on the basis of sex”, which has to be interpreted as encompassing gender and a person's gender identity. It's within this legal framework that the Ministry of Human Rights should focus its resources and expertise on protecting the rights of transgender and intersex persons in Pakistan. The Transgender Persons (Protection of Rights) Act, (2018) confirms the prohibition of discrimination on the basis of one's self-perceived or alleged gender identity. It is within the mandate of the Ministry of Human Rights to translate the fundamental rights for Pakistan's legally recognized people whose gender identity does not fit within the binary concept of male and female into policies and ensure their implementation.

6.4.2 Institutionalized discrimination refers to the colonial impact of gender relations in Pakistan. Promulgation of laws like the Criminal Tribes Act 1871 have ostracized and marginalized the transgender community for 250 years. This perpetual marginalization and exclusion have festered violence against the transgender community in Pakistan at various levels including family, society and state. To support the full realization of human rights for Pakistan's third gender population, widely referred to as “transgenders” as an umbrella term, this policy recommends the following initiatives:

- i. The Ministry of Human Rights to act as the national repository to collect and analyze multi-sectoral disaggregated data on transgender persons including, but not limited to transgender persons with disabilities, older transgender persons, transgender persons from religious minorities, and transgender children;
- ii. To develop a scheme to establish skills development and rehabilitation centers for transgender people in the country, providing technical and vocational training opportunities towards the economic empowerment of the transgender community;
- iii. To promote affirmative action to mainstream transgender persons in the workforce;
- iv. To raise awareness amongst all relevant state stakeholders, including but not limited to NADRA, the Election Commission, the Bureau of Statistics and the Passport Office to ensure legal gender recognition in line with a person's perceived gender identity;
- v. To ensure registration of all transgender persons across country with NADRA;

- vi. To liaise with social support schemes to ensure they reach transgender people;
- vii. To liaise with all relevant provincial and national counterparts, including the ministry of national health services and the provincial health departments, to promote and improve access to comprehensive, integrated quality health services, including HIV services that respond to transgender needs, and invest into HIV prevention outreach programmes;
- viii. To support draft legislation to harmonize the criminal provisions which application is *expressis verbis* limited to men and women, to encompass transgender people in line with the national anti-discrimination legislation, with a particular focus on amending the criminal definition of rape which, to date, can only be inflicted on women;
- ix. To support the capacity building and training of law enforcement agencies to respond effectively and sensitively to cases of violence against transgender persons and ensure that police, judges, prosecutors, and lawyers receive appropriate training that equips them to deal with cases of violence against transgenders effectively, including sexual violence; such trainings should be integrated into the standard curricula of the law enforcement and judicial professionals.
- x. To advocate for specific quotas for each political party to field transgender candidates.
- xi. Ensure disability quota for employment in all public and private organizations.

6.5 Right of Persons with Disabilities

6.5.1 According to PSLM survey of Pakistan Bureau of Statistic 2021, persons with disabilities in Pakistan are 371,883. Article 38 (d) of the Constitution of Pakistan guarantees the protection of rights of those who are permanently or temporarily unable to earn livelihood on account of infirmity and sickness. Besides the provincial legislation related to PWDs, the Government of Pakistan has also enacted a special law, titled, The ICT Right of Persons with Disability Act, 2020, wherein, the rights of infirm, sick and PWDs are protected. The rights of Persons with Disabilities are protected are further recognized under the International Labour Organization Convention on Vocational Rehabilitation and Employment of Disabled Persons and the United Nations Convention on the Rights of Persons with Disabilities; to which Pakistan is a signatory too. Although ICT Rights of PWDs Act 2020 has been promulgated to promote, protect and effectively ensure the rights and inclusion of PWDs in the communities, however the interventions are still required for mainstreaming of PWDs in terms of their education, training, employment and rehabilitation.

6.5.2 In light of the above, this policy recommends to:

- i. Review the country's human rights situation would carry out a nationwide study on the situation of persons with disabilities, collecting data disaggregated by sex, ethnicity and other social status;
- ii. Coordinate with concerned Ministries and Departments for the inclusion of disability related indicators in Pakistan National Statistical accounts and information system for

their representations;

- iii. Take the lead in coordinating with Provincial Governments for the enactment and implementation of existing Provincial Disability Legislation; this existing legislation is aligned with the Convention on the Rights of Persons with Disabilities;
- iv. Develop a coordination mechanism with other relevant institutions & Organizations for the inclusion, participation and engagement of persons with disabilities including aging population in political, economic and social spheres of society. Affirmative initiatives and policy actions can be taken for enhancing access of persons with disabilities including older people to assistive technology devices for enabling socio-economic environment through mobility and universal access;
- v. Develop human rights awareness programmes, will develop and implement an awareness-raising campaign aimed at government officials, the general public and families to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of such children, in order to protect children with disabilities from abandonment.
- vi. Revisit the National Policy for Person with Disabilities in line with UNCRPD and current challenges of PWDs in the society.
- vii. Ensure the disabled friendly environment at all public and private places including easy access in the public buildings.
- viii. Ensure disability quota for employment in all public and private organizations.

6.6 Senior Citizens Rights

6.6.1 Aging is accompanied by specific socio-economic and cultural challenges. State obligations towards senior citizens including the right to provide them with care and protection is reflected in international instruments, including the Universal Declaration of Human Rights, the ICCPR and the ICESCR. Alongside provincial legislations, the Government of Pakistan has also enacted a special law, titled, The Islamabad Capital Territory Senior Citizens Act, 2021. Respect and care for older people is part of Pakistan's cultural fabric. Moreover, Pakistan is also a signatory to the Madrid Plan of Action on Aging (2002) which stipulates the State's responsibility for providing welfare to the elderly. The Constitution of Pakistan also expressly prohibits discrimination on the basis of age. Recognizing the rights of senior citizens, the Government of Pakistan has initiated various schemes for the aging population, such as the Old-Age Benefits under the umbrella of the Employee Old Age Benefit Institution (EOBI). However, age-related discrimination is still a challenge that needs attention, particularly in terms of age-related discrimination, poverty, violence and abuse, as well as the lack of specific measures and services.

6.6.2 This policy recommends the following action:

- i. To strengthen Senior Citizen Council, established under the ICT Senior Citizen Act 2021, to ensure the wellbeing, respect, care and protection.

- ii. To collect data on older persons to identify and address their challenges and identify targeted support measures;
- ii. To raise awareness and sensitize on the human rights of older people, particularly their right to access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help;
- iii. To develop and support community programmes for older people to remain integrated in society, ensure that they participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations;
- iv. To promote opportunities for older persons to serve to their community as volunteers in positions appropriate to their interests and capabilities.

6.7 *Enforced Disappearances*

6.7.1 The practice of enforced disappearances is a particularly heinous crime not only because it removes human beings from the protection of the law, but also due to the inherent cruelty inflicted upon families as consequence of denial of information concerning the disappeared person. Enforced Disappearances are specifically against the Constitution of Pakistan. International human rights law strictly prohibits enforced disappearances, the detention of an individual in which the state denies holding the person or refuses to provide information on their fate or whereabouts. Enforced disappearance is a serious violation of human rights and commonly perpetrated against civilians, therefore, it is considered a crime against humanity. It is a violation not only of the rights of the direct victim, but also those of his or her relatives. That is why international law recognizes that, just like the disappeared persons, families are full victims too. Sudden separation, a lack of news, uncertainty and fear of reprisal makes the mourning of a loss impossible and causes indelible suffering. Enforced disappearances have long been a serious mark on Pakistan's human rights record. Despite the pledges of successive governments to criminalize the practice, there has been slow movement on legislation while people continue to be forcibly disappeared with impunity. Pakistan's Federal Government constituted the Commission of Inquiry on Enforced Disappearances (COIED), with a mandate to, among other things, "trace the whereabouts of allegedly enforced disappeared persons" and "fix responsibility on individuals or organizations responsible." According to the Commission's report, 6051 complaints are received during 2011-2019; whilst 3793 cases have been disposed of. The Government of Pakistan also initiated to criminalize the heinous crime of enforced disappearance with impunity that surrounds the practice of enforced disappearances through an Amendment Bill in the PPC and bring the perpetrators of these crimes to justice so as to provide closure to the families who are in immense pain owing to the fact that the fate and whereabouts of their loved ones are still unknown.

6.7.2 This policy recommends:

- i. To make efforts to criminalize the presence of Enforced Disappearances.

- ii. To strengthen of COIED to trace immediately the fate or whereabouts of victims of enforced disappearance to their families.
- iii. To take measures that all victims, including family members are provided with full and effective compensation to address the harm that they have suffered until the recovery of Enforced Disappearances Persons.
- iv. To find out effective ways to support the families of the disappeared but also provide justice to the disappeared themselves and pursuing accountability for the perpetrators.
- v. To monitor the cases of Enforced Disappearances and refer them to the Commission of Inquiry on Enforced Disappearances for protection of rights of victims and their families.
- vi. To address defects in the law, in the administration of justice, and in the police service, and corruption and prejudices in society through the development and implementation of comprehensive laws, policies and programmes.

6.8 Rights of Prisoners

6.8.1 According to Federal Ombudsman Secretariate, 88687 prisoners in total are existing in Pakistan jails. Out of the existing numbers, 62.1% are under-trial prisoners; whereas 1.6 each is the percentage for females, and juvenile prisoners. Keeping in view the alarming State of affairs regarding serious violations of human rights and civil liberties of prisoners incarcerated in prisons across the country, the Islamabad High Court constituted a Commission under the chair of Federal Minister for Human Rights. The Commission was mandated to investigate human rights violations in the prisons of Pakistan, lack of medical assistance, obstacles in access to a court of law of prisoners who do not have means or assistance in this regard; to investigate failure on part of the executive authorities and respective Governments to fulfill obligations and enforce the Prisons Rules and the Code of Criminal Procedure, 1898 regarding to prisoners who suffer from illness and diseases; to carry out a review of the Prisons Rules and other relevant laws with the object of fulfilling the commitments of the State of Pakistan under the Constitution, International Treatise and Conventions. The commission conducted a detailed research work, and finalised its recommendstions for the implemenation by all prisons, and provincial home departments. The major issues highlighted include over-crowded jails, lack of medical assistance, obstacles in access to a court of law for hearing their cases, non-release on parole of under-trial-prisoners, and lack of access facilities to persons with disabilities, and elderly prisoners. Likewise, the existing Jails are almost old. For example, the capacity of existing Prisons in Sindh province is 13,538 inmates. The present population of these prisons is 20,101 and are over populated by 6563 inmates.

6.8.2 The policy proposes the following steps for the protection of the rights of the prisoners;

- i. Reduction of overcrowding of prisons by releasing good prisoner on probation, parole and remission
- ii. Prisons Departments across the country may take initiatives for the training and capacity building of the Prison Staff.

- iii. The Prison Departments should launch Prison Management System with the coordination of Information Technology Boards.
- iv. Formulation of SOPs for transfer of sick prisoners to hospitals and ensuring their right to health and adequate medical treatment, and to address Procedural Delays in obtaining permission from Home Department.
- v. To review the Prison Rules and other relevant Laws with the object of fulfilling the commitments of the State of Pakistan under the Constitution, International Treaties and Conventions.
- vi. To address human rights violations in the prisons of Pakistan and lack of medical assistance and obstacles in access to a court of law of prisoners who do not have means or assistance in this regard.

7. IMPROVED ENGAGEMENT WITH NON-GOVERNMENT ORGANIZATIONS

7.1 NGOs play an important role in promoting human rights in Pakistan. Civil Society Organizations (CSOs) are also an important instrument in educating the masses on human rights and awareness raising related roles and responsibilities. They provide vital information to Government about human rights issues, which effect people at the grassroots level. At the same time, they serve to educate / sensitize the people about human rights programs and protections, which are available to them.

7.2 To strengthen and promote engagements of CSOs and private entrepreneurship, the following steps have been planned to be taken:

- i. To strengthen the relationship with NGOs and CSOs to improve human rights situation.
- ii. Support Non-Governmental Organizations (NGOs) for the development and delivery of community education and engagement programs to promote a greater understanding of human rights;
- iii. To develop a new National Action Plan on Human Rights for NGOs to outline future action for the promotion and protection of human rights in priority areas of this policy;
- iv. Establishment of Human Rights Defender Mechanism to monitor the human rights violations and also provide protection to those who are working as human rights defenders in the country;
- v. Greater engagement with NGOs and CSOs will complement the Government's commitment for the development and delivery of community human rights awareness and education programs.
- vi. Support NGOs / CSOs for implementation of Business and Human Rights Action Plan of Ministry of Human Rights.

8. AWARENESS RAISING AND ADVOCACY CAMPAIGN

8.1 Media plays a vital role in promoting human rights, democracy and development. A free press holds those in power to account for their deeds. Especially in conflict situations, media shoulders responsibility for informing the public and raising awareness in a fair and balanced way at the national and international levels. In the present times electronic media has become a powerful tool to bring up the voice of the people around the world.

8.2 Capitalizing on this dynamic role of the media, following steps should be taken for generating awareness and advocacy campaign through media to promote human rights in the country:

- i. The Ministry of Human Rights will enhance awareness on human rights, freedom of expression and access to information among the target groups through community dialogues, seminars, folk music and rallies, students' communities at the school and college level and lawyers' organizations for behavioral change in the society;
- ii. Awareness seminars will be planned to sensitize journalists on human rights issues. Media to act as the "antenna" of society in highlighting human rights violations;
- iii. PEMRA will be encouraged for broadcasting free of cost Public Service Messages on Human Rights.

9. INTERNATIONAL COOPERATION

9.1 Pakistan has signed seven core United Nations treaties that protect human rights. These treaties reflect international agreement about the fundamental values that make up 'human rights' protected under the treaties. The Government believes that Pakistan can and should live up to its obligations under those treaties. The Government will continue to engage with the international community to improve the protection and promotion of human rights at home, within the region and around the world.

9.2 The Federal and Provincial governments will endeavor to mainstream the obligations under all the ratified international commitments. The treaty implementation cells have already been constituted for the effective and proper implementation at the national and provincial levels.

9. FINANCING OF NATIONAL POLICY FRAMEWORK

Improvement in human rights, regime requires allocation of resources on infrastructure including institutions buildings, capacity building of enforcement machinery, rehabilitation of victims of abuses and public awareness, etc. Now the prime responsibility has been devolved to the provinces. The provinces will have to spend from their own share allocated under the 7th NFC Award. However, the Federal Government will also consider allocating sufficient funds for Human Rights Institutions.

10. ROLE AND RESPONSIBILITIES AND REVIEW OF POLICY

Ministry of Human Rights will endeavor for the following:

- i. Considering Human Rights violations, compile data, publish reports, ensure compliance to international obligations, etc. in coordination with other national and provincial institutions;
- ii. To establish inter-governmental committees to coordinate for coherent human rights policies at national and provincial level;
- iii. The implementation framework of this policy will be elaborated, having clear linkages between the Government Ministries, Provincial Government Departments, CSOs, academia institutions and all other stakeholders;
- iv. The Federal and the Provincial Governments will assure that adequate budgetary provisions are made available for realizations of the policy objectives. This will also include the resource allocation for the Human Rights compliance, specifically in the planning and execution process of the infrastructure and development projects;
- v. Ministry of Human Rights will set up a monitoring arrangement to achieve obligations of this policy.

10.1 Role of Provinces

After the 18th Amendment in the Constitution, the most matters relating to the human rights have been devolved to the provinces. Each province will be encouraged to accelerate the process of legislation and other measures to give maximum protection to human rights of the citizens. Each province has its unique human rights issues as per their customs, cultures and ground realities. The provinces may develop their human rights policies aligned to the national human rights policy for coherence and timely action across the country for the achievement of the objectives of National Policy Framework on Human Rights.

10.2 Role of Citizens

Everyone has the right and responsibility, individually and in association with others, to promote and to strive for the protection, promotion and realization of human rights and fundamental freedoms given in this Policy Framework through education, advocacy and empowerment of the citizens at the national and provincial levels.

10.3 Review of Policy

This Policy Framework will be reviewed every three years to consider the latest developments in the international arena and situation of Human Rights in the country.

11. IMPLEMENTATION, MONITORING AND EVALUATION

11.1 An Implementation Committee on National Policy Framework on Human Rights will be constituted under the chair of Federal Secretary for Human Rights with members/ representatives

from the provincial line Ministries/Departments. The CSOs will also be engaged in policy implementation process. The committee will execute the policy initiatives in collaboration with stakeholders; monitor the progress; and conduct mid-term evaluation of the implementation.
