**Acting on the plan**

BY U S A M A K H I L J l 2021-03-30

AN ambitious five-year National Action Plan for Business and Human Rights has been proposed by the federal human rights ministry. It stipulates the process whereby businesses across Pakistan will be encouraged to inculcate human rights principles in their practices and dealings.

The plan takes into account SDGs as well as the UN Guiding Principles on Business and Human Rights, and proposes detailed steps on their adoption. This is necessary and the ministry deserves credit. HR abuses committed by businesses by virtue of their dealings, employment practices, supply chains and customer services are countless, and the conversation to address these, followed by action, is vital to upholding constitutionally sanctioned rights. Mandating HR due diligence and HR impact assessments by businesses and requiring them to submit a report will encourage respect for HR in organisations.

The five-step process has identified nine key priority areas: financial transparency, corruption, and human rights standards in public procurement contracts; equal opportunity, gender-based discrimination, and inclusion of vulnerable and marginalised groups in the workplace; due diligence mechanisms; labour standards; informal economy; child labour; forced or bonded labour; occupational health and safety; and access to remedy, with detailed implementation plans for each province.

These are critical areas that require urgent state attention, especially when it comes to minimum wage implementation, informal workers, home-based workers, trade unions, bonded labour and occupational hazards.

The plan is missing focus on some critical areas, including agriculture workers and data protection and privacy of consumer data, especially given the increased reliance on technology and digitisation of businesses.

For instance, data related to citizens held by educational institutes and health records as well as information and communication technology industry data (telecom companies, internet service providers etc) is also cause for concern. Hence, the plan should include a reference and time frame related to the Privacy and Data Protection Bill that was proposed last year but on which there has been little movement.

Business practices violating freedom of expression such as internet and mobile network shutdowns on public holidays, during protests and in regions considered `sensitive` stem from government orders. Similarly, when websites and applications are blocked, such censorship violates rights. These are enforced by the government, and must stop.

Surveillance by companies when mandated by the government (eg the web monitoring system in Pakistan) also violateshuman rights. In such cases, it is important that the government does not mandate practices that are violative of rights but are not seen as such because they involve new technologies. It is encouraging that the plan suggests adherence by companies to the Global Network Initiative principles in the `State Expectations from Business Enterprises` category, as these seek to uphold freedom of expression and privacy rights in businesses related to information and communication technology.

The draft also makes several references to national human rights institutes in the country. However, it is unfortunate that several of these are not functioning as the government is yet to appoint their heads, for example, at the National Commission for Human Rights.

This shows that such institutions are not currently a priority for the government, something that needs to change.

To implement business and human rights standards, a few additional measures should be included in the plan. First, the government should impose penalties on all organisa-tions that do not have a committee including female members to hear complaints against workplace harassment, as mandated by the Protection Against Harassm-ent of Women at the Workplace Act, 2010.

Second, the government should impose penalties on businesses that are found to be violating human rights of employees or customers through their practices.

Third, quotas should be mandated in large organisations for inclusion of minority groups at workplaces such as women, transpeople, religious minorities and persons with disabilities. The Punjab Fair Representation of Women Act, 2014, mandates a 33 per cent quota for women in decision-making positions. Such quotas should be expanded and enforced.

On the ground, the picture has been different to what a lot of the existing laws listed in the plan mandate, and enforcing them and new measures will require a change in the attitude of the state apparatus. This plan should be more than a perfect document by actually following through.

If implemented effectively after feedback, this plan can fundamentally change the situation of the working class in Pakistan apart from providing benefits to the state such as preferential trade status like the GSP-Plus. The writer is director of Bolo Bhi, an advocacy forum for digital rights.

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