**Rights, the law and 2022**

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As 2022 comes to an end, it is important to review developments in human rights legislations enacted by the parliament of Pakistan. While it is impossible to analyze all the human rights legalizations that were enacted, a summary of the most significant ones will be provided.

First, amendments to three existing child rights legislations were made on January 13, 2022: the National Commission on the Rights of Child (Amendment) Act 2022, the Islamabad Capital Territory Child Protection (Amendment) Act 2022 and the Juvenile Justice System (Amendment) Act 2022. The object of the amendments was to bring clarity to the aforementioned legislations with respect to the exercise of authority by the federation. This was done in order to comply with the Supreme Court’s decision in the Mustafa Impex case (PLD 2016 SC 808). Therefore, in the aforementioned legislations, the word ‘government’ was replaced with the relevant authorities.

For example, Section 10 of the Juvenile Justice System Act 2018 (JJSA), mandates the establishment of Juvenile Justice Committees. Before the 2022 amendment, the act stated that ‘’…the Government in consultation with the concerned Sessions Judge shall establish the Juvenile Justice Committee for each sessions division.’’ However, after the amendment, the word ‘government’ was substituted with the word ‘Law and Justice Division’. In all the above-mentioned amendments, the most common change was that the word ‘government’ was substituted with the ‘Division concerned’.

Second, the Children (Pledging of Labour) (Amendment) Act 2022 was amended on November 11, 2022 by Parliament in its application to the extent of Islamabad Capital Territory (ICT). This amendment introduced a few amendments to this colonial-era law which was enacted in 1933. Section 4 titled ‘Penalty for parent or guardian making agreement to pledge the labour of a child’, Section 5 titled ‘Penalty for making with the parent or guardian an agreement to pledge the labour of a child’ and Section 6 titled ‘Penalty for employing a child whose labour has been pledged’ of the act were substituted. While the fine in Section 4 was extended to up to Rs20,000, the penalty under Sections 5 and 6 was substituted to “… imprisonment which may extend to six months or fine which shall not be less than twenty thousand rupees and may extend to fifty thousand rupees or both...”

The amendment to Section 4 is questionable. Studies have identified poverty as the root cause of child labour in domestic work. Moreover, children are engaged in child labour to pay off family debts in bonded or forced labour as part of debt bondage. Therefore, the amendment to Section 4 may have the negative effect of the offence going unreported so that parents can escape punishment. It is important to highlight that about 3.3 million children are engaged in child labour in Pakistan, according to Unicef. Only research-driven amendments must be made to the law for the deterrence of child labour.

Third, the Islamabad Capital Territory Domestic Workers Act 2022 was enacted on October 21, 2022 to provide for the regulation of employment of domestic workers in the ICT. The law prohibits the employment of children under the age of sixteen years under Section 3 and states the rights and entitlements of domestic workers under Section 4. It also describes the time and conditions of payment of wages (Section 18) and prohibits the employer from paying domestic worker wages at a rate lower than the rate declared under the act to be the minimum rate of wages (Section 19). Importantly, under Section 11, employers are mandated to ensure medical examination, vaccination and inoculation of domestic workers on a yearly basis. Employers in violation of child labour laws will be subject to civil and criminal liabilities (Section 20).

A study conducted by the International Labour Organization (ILO) under the Asia Regional Child Labour (ARC) Project in 2022 revealed that one in every four households in Pakistan employs a child in domestic work. Therefore, other provinces within Pakistan should take inspiration from this law to curb the employment of child domestic workers.

Fourth, the Dyslexia Special Measures Act 2022 was enacted on October 21, 2022 to provide special measures for the education of children suffering from dyslexia and/or associated disorders. It applies to the ICT. Under this law, children with dyslexia and/or associated disorders are granted the right to education (Section 3). Further, the government has been made responsible for ensuring dyslexia and associated disorder screening tests for all children at the time of their admission to school (Section 4 (2)).

Fifth, the Protection against Harassment of Women at the Workplace (Amendment) Act 2022 was enacted on January 24, 2022. The definition of harassment under Section 2(h) was redefined under the 2022 amendment. While ‘stalking’ and ‘cyberstalking’ were added under Section 2(h)(i), “discrimination on the basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and pre-judicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant” was inserted through Section 2(h)(ii).

Pakistan is the second worst country in the world in terms of gender parity, ranking 145 out of 146 countries in the World Economic Forum’s Global Gender Gap Index Report 2022. There is no doubt that the implementation of this amendment will go a long way in protecting women and empowering them economically.

Sixth, on November 1, 2022, the Torture and Custodial Death (Prevention and Punishment) Act 2022 was enacted. Prior to the enactment of this act, no law in Pakistan explicitly protected a person during custody from acts of torture perpetrated by public officials. The act makes any statement, information or confession obtained by a public official as a result of torture or cruel, inhuman or degrading treatment inadmissible evidence (Section 3). It provides punishments for torture (Section 8), custodial death (Section 9) and custodial rape (Section 10). Any person (victim, complainant, witness) who alleges that he requires protection can petition the Court of Session under Section 14 (1) of the Act. Under Section 14 (1), the court has been mandated to pass an order on the petition within three days after giving notice to the concerned parties.

Lastly, the Criminal Laws (Amendment) Act 2022 was enacted on December 23, 2022. Through this amendment, Section 325 of the Pakistan Penal Code (PPC) titled ‘Attempt to commit suicide’, which was punishable with imprisonment for a term of up to one year, or with fine, or with both was omitted. Many cases of attempted suicide go underreported due to the stigma attached to the offence. Decriminalizing suicides is the first step towards reducing deaths by suicide as it allows the persons to seek the help that they need. This was a much-needed amendment.

While the legislature has done its work by enacting the law, it now awaits effective implementation by the executive. The World Justice Project’s Rule of Law Index 2022 report shows that Pakistan is among the lowest-ranked countries in its adherence to rule of law, ranking 129th out of 140 countries worldwide. It is hoped that with the start of the new year, there will be an increased willingness by the executive to implement the laws.

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