



**National Commission for Human Rights (NCHR)
POLICY GUIDELINES ON PROTECTION OF
HUMAN RIGHTS DEFENDERS**

National Commission for Human Rights

Message from the Chairman

Human Rights Defenders take a central place in the area of human rights. In our country violation of human rights are ubiquitous and rampant. Whether it is through terrorism, torture by law enforcement agencies, *Waderas*, forced marriages and enforced disappearances, drinking water, health, education, rights of workers or abuse of children. The Human Rights Defenders are playing a courageous role in promoting and protecting human rights at all risks.



The National Commission for Human Rights (NCHR) which is the apex Human Rights State Body is obliged to protect the Human Rights Defenders in line with the motto i.e. respect, protect and fulfil.

I am glad that we are launching Policy Guidelines of NCHR for the protection of Human Rights Defenders, which is formulated after thorough consultations and inclusion of all stakeholders. The NCHR appreciates the hard work and support of Pakistan Human Rights Defenders Network (PHRDN) for facilitating the consultative process. It augurs well as we announce these Policy Guidelines on 70th anniversary of Universal Declaration of Human Rights and 20th anniversary of UN Declaration for Human Rights Defenders. The NCHR will always highlight their issues and influence officials to appreciate their work and to give them all protection and respect.

**Justice (R) Ali Nawaz Chowhan
Chairman**

NCHR Policy Guidelines on Protection of Human Rights Defenders

Introduction

The National Commission for Human Rights (Commission) is an autonomous Statutory body with a broad and overarching mandate for the promotion, protection and fulfillment of human rights as provided for in Constitution of Pakistan and International Human Rights Treaties that Pakistan has ratified.

The Commission serves as a ‘bridge’ between civil society, UN bodies, regional and international human rights networks, and the federal and provincial governments by linking the responsibilities of the State to the rights of citizens. In recent years, the human rights defenders in the country are finding it increasingly difficult in carrying out their work and are subjected to intimidation, violence and in extreme cases death.

The Commission recognizes that Human Rights Defenders (HRDs) play a critical role in promoting and protecting human rights, social justice and rule of law, and striving for the rights of vulnerable and marginalized sections of the population.

The Commission has developed these Policy Guidelines in collaboration with Pakistan Human Rights Defenders Network (PHRDN), which is a national network of HRDs in Pakistan. PHRDN, its provincial chapters and the NCHR and its provincial chapters held joint consultations on HRD protection in federal and all provincial capitals, engaged with over 400 representatives of civil society organizations and other stakeholders including the key government departments.

The purpose of the guidelines is to ensure the safety of HRDs and enabling them to carry on their activities in a conducive environment which is crucial for protection and enforcement of human rights in the country.

These guidelines draw heavily from UN General Assembly’s “Declaration on the Rights and Responsibility of Individuals, Groups and Organs of the Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” which was adopted by the UN General Assembly on December 9, 1998.

The Commission reaffirms that the primary responsibility for the protection of HRDs rests with the State. Which must respect, protect and take all steps to enforce human rights and constitutionally guaranteed fundamental rights. The Commission also reaffirms that the State has an international obligation to:

- a) refrain from any act that violates the rights of HRDs because of their work;
- b) protect HRDs from abuses by third parties on account of their work; and
- c) take proactive steps to promote the full realization of the rights of HRDs, including their right to defend human rights.

1. Definition of HRD

Human Rights Defender means any person who, individually or in association with others, acts or seeks to act to promote, protect or strive for protection and realization of human rights and fundamental freedoms, at the local, national, regional and international levels.

The Commission recognizes that the HRDs are defined by the work they do (whether paid or gratis) and not by any status, accreditation or qualification.

2. Core Functions of HRD

The Commission shall assist where needed in any manner possible, all Human Rights Defenders individually and in groups in carrying out their core functions, which include but is not limited to: the dissemination of information on human rights; investigating and documenting human rights violations; providing support to victims of human rights violations; taking appropriate legal actions against human rights perpetrators; making demands for justice; and assisting other HRDs, international organizations, other regional and international human rights networks, UN agencies, and Human Rights Treaty enforcement bodies.

3. Support to HRDs

The Commission shall support the Human Rights Defenders individually and in groups to engage and network with other human rights groups nationally, regionally and at the international level. The Commission recognizes the right of the HRDs, individually and in groups to approach and work with other human rights groups, UN agencies and human rights treaty enforcement bodies.

4. Freedom of Expression and the Right to Information

The freedom of speech is a cornerstone human right on which hinges the compliance of other human rights. Freedom of speech and the right to information are constitutionally guaranteed fundamental rights. The Commission shall take all measures to ensure that the HRDs are able to raise their voice, online and offline, and publish literature on human rights violations and other related issues without any let or hinderance and without any threats and reprisals from State and non-state actors.

5. Freedom of Association

The right to form associations is a fundamental right guaranteed by the Constitution. The Commission shall ensure that the government does not place any unreasonable impediments or restrictions on HRDs' rights to form and operate associations; and remain unhindered in pursuing its functions and operations.

The Commission recognizes the work of associations, whether registered or not, to work on human rights matters.

6. Freedom of Peaceful Assembly

Freedom of peaceful assembly is assured by the Constitution to every citizen. The Commission shall take all necessary measures ensuring freedom of peaceful assemblies, online and offline, by the HRDs wherever in the country.

7. Freedom of Movement

Freedom of movement is a constitutionally guaranteed fundamental right. The Commission shall take measures protecting HRDs' freedom of movement within the country and, internationally.

8. Arbitrary and Unreasonable Restrictions on HRDs and Human Rights Organisations

The Commission shall ensure that federal and provincial governments do not place any illegal, arbitrary or unreasonable restrictions on HRDs and human rights organisations to operate in a particular geographic area or on a specific human rights issue.

9. Threats and Intimidation

HRDs should be able to operate freely without any threats or intimidations. The Commission shall engage with all institutions to ensure that no HRD is subjected to digital or physical/hybrid surveillance.

10. Engagement with Federal, Provincial and Local Governments

The Commission shall engage on a perennial basis with the federal, provincial and local governments so that work on human rights is encouraged, facilitated and respected; and that criticism of governments and its officials does not lead to reprisals.

11. Stigmatization and Smear Campaigns

The Commission shall take all necessary steps protecting HRDs from libel, slander and stigmatization.

12. Investigation and Legal Action

The Commission shall thoroughly investigate any complaint of threats, harassment and violence against any HRD and take all steps necessary for the purposes of prosecution of the perpetrators.

To facilitate this process the Chair of the Commission shall establish an HRD Cell in the Commission with all necessary authority and resources to receive, investigate and facilitate the prosecution incidents of intimidation and violence against HRDs.

13. Federal, Provincial and District level Mechanisms to Address HRD Concerns

The Commission shall also encourage the federal, provincial and local governments, Provincial Human Rights Commissions and Human Rights Directorates to designate focal persons to receive and take appropriate actions on incidents of intimidation and violence against HRDs.

14. Women HRDs

The Commission recognizes the special protection needs of Women Human Rights Defenders (WHRDs). The Commission shall take immediate action against any threats or aspersions attributed to any women HRDs.

The Commission will co-operate with the National and Provincial Commissions on the Status of Women to develop specific protection guidelines for women HRDs.

15. Transgender Rights Defenders

The Commission recognizes the special protection needs of Transgender Rights Defenders. The Commission shall take special steps to protect the rights of Transgender Rights Defenders.

16. Minorities Rights Defenders

HRDs working on Religious Minorities are particularly vulnerable to unfounded allegations. The Commission shall take particular care in dealing with threats and allegations against HRDs working on minority rights issues, particularly when the HRD is from a minority community.

17. Domestic and International Funding

The Commission considers it essential to the work of HRDs that they are allowed individually and in association with others to receive and utilize funds and resources from both domestic and international sources.

18. Review of Misuse of Laws and Policies

The Commission shall review all laws, rules and policies in the name of security but meant to surreptitiously curb HRD activities.

19. The Commission to Monitoring Situation of HRDs in the Country

The Commission shall receive the information from the HRDs about their activities and well-being. The Commission shall monitor the situation of HRDs in the country and periodically release the report on the situation of HRDs.

20. Standard Operating Procedures and Collection of Data

The Commission will develop Standard Operating Procedures (SOPs) and establish all required committees, groups and focal persons to operationalize these Policy Guidelines.

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