**UNDP Pakistan Response**

**Feb 2019**

**Call for inputs to the report of the UN High Commissioner for Human Rights on "effective methods to foster cooperation between local government and local stakeholders for the effective promotion and protection of human rights"**

**(HRC resolution 39/7)**

**Introduction:**

UNDP Pakistan’s Decentralization and Local Governance Project is fostering cooperation between local government and local stakeholder towards the effective promotion and protection of human rights in Pakistan through three areas of intervention: policy development; institutional capacity-building; and community engagement. UNDP Pakistan’s approach works at the levels of; policy development and implementation support, technical advisory, advocacy and inter-provincial/inter provincial-federal government and Human Rights institutions’ coordination, institutional capacity building and community empowerment. supporting federal and provincial governments in the development of rights-based policies that create an enabling environment for the realisation of human rights through inclusive service delivery; while building the capacity of local governments (key duty bearers in the realisation of human rights) to advance the protection and promotion of rights; and engaging communities to build demand for rights from rights holders. Below is a summary of UNDP projects that advance this agenda through the first two pillars, while all projects advance the third pillar through community engagement and awareness raising components.

**Policy & Technical Advisory Level Interventions:**

UNDP in Pakistan has supported the provincial government of Khyber Pakhtunkhwa in developing policies that empower local government as human rights duty-bearers. UNDP has also supported the transgendered community in passing a Bill at the federal level to recognise, protect and promote the rights of transgender persons, with rights-based obligations for all levels of government. Policy level interventions serve to create an enabling environment for local government to protect and promote human rights.

1. **UNDP contribution to reform of Local Government Act of Khyber Pakhtunkhwa**

UNDP’s Decentralization and Local Governance Project continues to support the Government of KP to reform its Local Government legislation to further formalize the role of local government as duty bearers in the realization of human rights. The province’s Local Government Act binds local governments to provide effective and efficient services to all citizens, including vulnerable and marginalized groups, in line with the human rights principle of universality.

1. **Development and Passage of Human Rights Policy for Khyber Pakhtunkhwa, 2018**

UNDP Pakistan has set a precedence by assisting the Provincial Government of Khyber Pakhtunkhwa for development and passage of its Human Rights Policy. The policy was developed after a series of consultations with key provincial departments, including the local Government Departments and the Social Welfare Department, Labor Department, Probation and Reclamation Directorate, Child Welfare Commission KP, KP Commission on the Status of Women, Local Government Department, Home Department, Prosecution and Prison Departments.

A parallel round of consultations with civil society representatives, human rights defenders and representatives from most marginalized and vulnerable groups fed its recommendations and identified human rights priorities in the final draft of the policy. Thorough background analysis of gaps in the existing human rights policy landscape ensured that the policy developed would address existing policy gaps that undermine the rights-enabling environment in KP. In so doing, UNDP helped to ensure that the policy is adequately tailored to improve rights protection mechanisms in KP.

The result of the consultative, inclusive approach taken throughout the policy process is twofold: first, it ensured the KP Human Rights Policy is fully tailored to the social, cultural, political and governance requirements of the province; and second, it raised awareness among duty bearers at all levels of government of their roles and responsibilities and created joint ownership of the resulting Policy. The consultations also created a sense of ownership amongst CSOs and development actors, as important stakeholders in KP human rights progress. Both the suitability of the policy and readiness among duty bearing institutions at the provincial and local level will be vital to the successful implementation of the policy to improve the rights-enabling environment in KP.

Through this wide-ranging consultative process, priority areas for the Policy Framework were identified and relevant recommendations were formulated. The Policy covers the following thematic areas:

1. Civil and Political Rights;
2. Women;
3. Children;
4. Transgender Persons;
5. Minorities;
6. Senior Citizens;
7. People with Disabilities; and
8. Human Rights Defenders.

Group-based organization of the recommendations ensures that Government actions resulting from the Policy are designed for disaggregated needs in KP. As a result, the Policy takes steps to ensure that rights promotion and protection mechanisms are improved across the board, with no group left behind. The Draft Policy was then uploaded on the websites of the Law, Parliamentary Affairs and Human Rights Department and the DHR for public feedback. Feedback was also received on the final Policy draft by human rights specialist colleagues from OHCHR. Adequate time was provided for this feedback to be duly incorporated in the policy.

1. **UNDP Pakistan Initiative on Protection and Promotion of Human Rights of Transgender Persons in Pakistan Under UNDG ASIA-PACIFIC 2030 AGENDA2018**

This project planned, designed and led by diverse Transgender persons’ groups, civil society representatives, human rights defenders and government stakeholders including the local government decision covered a series of consultation in all the four provinces leading to promulgation and passage of Transgender Persons (Protection of Rights) Act 2018, for the protection of rights of transgender persons in Pakistan. The Bill is being peer-reviewed at present by a parliamentary working group after being successfully tabled in the National Assembly of Pakistan in August 2017.

The passage of the bill has catalysed the establishment of a technical committee by the Federal Ministry of Human Rights on implementation of the Act, with the inclusion of UNDP, Pakistan; development of social protection policy specifically for the right of the transgender persons, by the Department of Social Welfare, Punjab province; inclusion of rights of the transgender persons in provincial human rights policies; and the Supreme Court of Pakistan’s advisory on ensuring 2% quota in all government sector jobs for transgender persons.

The Allama Iqbal Open University in Islamabad and serving the entire country through distant learning has introduced a number of distant learning opportunities targeted for the Transgender persons in Pakistan to build their capacities. One of Pakistan’s leading universities, The Quaid e Azam University in Islamabad has appointed a Transgender person expert on Gender Studies, as a lecturer in its Gender Studies department.

Furthermore, the 4 provinces of Pakistan have taken on board the recommendations by Transgender Persons consultations presented to them through the roll out of this initiative, and are in the process of introducing policy reforms, new legislative measures and effective implementation of existing policies/legislation to ensure that Transgender Persons are included, empowered and de-stigmatised in their lives as equal citizens.

This initiative has also led the UNDP Pakistan to access further funding from the USAID to undertake a comprehensive, participatory national baselines study and perception survey on transgender persons conditions & positions in Social, Legal and Political spheres in Pakistan, along with a perception survey to provide evidence both the duty bearers and the TG persons of real and perceived challenges in assisting them to ensure ‘no one is left behind,’ in rights-based development continuum. This will lead specific action agreed with multi-stakeholders in assisting the education system in Pakistan adopt specific measures to sensitize the entire system on equal rights and respect for persons living with diverse gender identities.

For example, the inter-agency UNCT Working Group on UNCT UPR submission in the wake of this experience jointly articulated a Recommendation on the rights of Transgender persons in Pakistan’s 2nd UNCT UPR Submission, duly submitted in March this year. This has further led the inter-agency Working Group to lobby with embassies in Pakistan at a special UPR related meeting at the UNRCO and present a recommendation on Transgender Persons and persons with varied genders to be considered by the embassies.

**Capacity Development of Local Government to Advance Human Rights**

UNDP is working with a range of federal, provincial and local government stakeholders to develop their capacity to effectively promote and protect human rights, in line with the provincial policy. Capacity development at all levels will strengthen the capacity for local government as frontline human rights duty bearers, with the most direct connection to the community. In this regard the project has conducted over 20 multi-stakeholders’ workshops in the past six months

1. **Implementing KP’s Human Rights Policy through Local Government**

Following Human Rights Policy Development, currently UNDP is assisting KP’s Department of Law, Parliamentary Affairs and Human Rights in devising an implementation plan for the policy. In this vein, UNDP has worked with the KP Law Department to identify and train district level officials on human rights obligations and mechanisms, both internationally and as a result of the KP Policy. Such trainings have been delivered in three target districts, and will be extended to an additional eight districts in 2019.

In addition, UNDP has been working closely with government stakeholders to develop inclusive training modules on human rights, including a Human Rights Handbook. This handbook, like the human rights policy, has been developed through a consultative process, incorporating perspectives of multiple levels of government, including local government, and civil society. With government input and ownership of the materials, this will be used to support the training of elected and local government officials on their obligations as rights duty bearers under international and national law.

To further support implementation, UNDP is working with the Standing Committee on Human Rights of the KP Assembly on Law, Parliamentary Affairs and Human Rights to build their capacity on human rights legal frameworks and institutional mechanism for promotion, protection and enforcement of Human Rights at International, National and Provincial Levels. Standing Committee pledged to fulfil their responsibility in HR Policy in timely and effective manner.

1. **Inclusive capacity development of local governments in seven tribal districts (ex-FATA)**

In line with the 2013 Local Government Act, UNDP is engaging devolved local governments to help build their capacities and capabilities to engage with communities in discharging their official duties, with a clear focus on social inclusion. Capacity development is gender sensitive and context-specific to strengthen community-oriented development planning and budgeting as well as transparent decision-making with a focus on social sectors (education, health etc). With this initiative, UNDP is working towards the transformation of local governance actors in KP’s tribal districts into institutions that actively practice inclusive and rights-based development approaches.

This component aims to project will provide technical assistance to subnational departments and institutions through a two-pronged approach, involving institutional capacity development and communications and advocacy support by continuing to the following two Outcomes.

**Outcome 1:** Strengthened capacity of relevant local governments for inclusive implementation of their duties. UNDP will conduct a detailed assessment to identify roles and responsibilities of LG officials and capacity development needs, used to design the training approach and content. In addition, a CSO platform will be established, linking CSOs working in the tribal districts with local government to ensure citizen participation and inclusive planning and development.

**Outcome 2:** Enhanced capacity of District Committees on inclusion of women to enable them to examine and review policies/programs and plans for rights based and inclusive service delivery.

UNDP will assist selected Committees to implement key initiatives in tribal districts, including setting up dedicated gender desks in tribal areas.

1. **UNDP Initiative: Local Level Disengagement and Rehabilitation Pilot Project (2018)**

This component, anchored in normative principles of protection, promotion and respect for human rights of the most vulnerable and at-risk youth, has demonstrated results of fostering enduring and meaningful cooperation between local government and local stakeholders in one of the most troubled part of the world.

Phase I of the project was implemented in the Swat region of Pakistan’s Khyber Pakhtunkhwa (KP) province, located at the conflict-ridden tribal border between Pakistan and Afghanistan, whereas the project model was replicated and scaled up in Swat and Karachi District West during Phases II and Phase III (on-going).   
  
The geographic focus for KP and its tribal districts has been strategically selected given this region has been under control by radicalized violent groups in the past and its current state of fragile peace continues to be under threat from reemergence of violent extremism, especially amongst the disenfranchised youth and in particular young offenders who had been indoctrinated by radical narratives, coerced and cajoled into supporting violent extremist outfits in the past. During Phase II, the project was scaled up in Swat and replicated in Karachi’s District West.

In Phase 3 of the project (upcoming) UNDP will be working towards disengaging and economically empowering women vulnerable to extremism, and supporting the to become peaceful advocates to work towards informing and influencing social behavior, contributing to a more tolerant and peaceful society. In the on-going phase, women will be trained and institutionally positioned as community representatives to inform social change. In addition, a Gender Desk will be established with local government to facilitate dialogues with women impacted by and vulnerable to extremism to design, develop and implement action plans.

The project is framed in its two-pronged effort:

A, Prevention of violent extremism by identifying and engaging young offenders to address and arrest their extremist tendencies through behaviour change communication; psycho-social support and participatory disengagement measures after their release and return into their home communities;

B, Capacity building of locally elected general and youth Councilors, recognized by the local government and the civil society as Pakistan’s agents of change, and making them an important part of the de-radicalization and rehabilitation process

The initiative’s land-marks include:

1. Engagement and capacity building of locally elected Youth Councilors and formation of 20 community based and community led Integration Support Committees (ISGs); 5 of these ISGs are led by and are for local women and girls; ISGs take into account, specific needs and priorities of people living with disabilities;
2. Over 340 Ex-offenders and most at-risk youth were engaged in planning and execution of dis- engagement initiatives including Psycho-social Support Services for behaviour change of youth offenders, Community Mobilization, Disengagement Platform-space creation, Academia and Advocacy;
3. Rehabilitation initiatives targeting over 340 radicalized youth offenders and most at-risk youth groups, included Basic Education & Vocational Skill Trainings, Employment Support Services, Networking and Support for Startups and New Ventures.

The demonstrable results of this initiative are:

1. Progressive and demonstrable deprivation of extremist narratives/tendencies/recruitment processes, of their social support base;
2. Progressively widening and deepening resilience against radicalization/violent extremism in the community, especially amongst the vulnerable and at-risk segments of the population.
3. Support the reintegration of 300 youth offenders through its employment support and job placement component to facilitate the beneficiaries towards establishing their own small enterprises and engaging them with established entrepreneurs working in the market. The Project’s target was to engage at least 60 percent of the trainees with established entrepreneurs. This target was surpassed when 90 percent of the trainees secured jobs with service providers and entrepreneurs while the remaining 10 percent progressed towards establishing their own businesses using the skills they developed during the trainings at the completion of Phase I.
4. The Project provided support to the local community by providing alternatives to radical ideas among the youth, and to promote and protect human rights as a means of countering violent extremism. A range of stakeholders from local councils were involved from the planning to the implementation stages of the project. Being representatives of the Youth, the 251 elected youth councillors were actively engaged along with ISGs throughout the entire de-radicalization process in Swat. These councillors were provided with capacity training and participated in awareness raising workshops to support the prevention and respond to vulnerabilities of violent extremism.
5. The project established a Project Advisory Committee (PAC) constituted by the District Nazim (Sheriff) of Swat as Chairperson and an implementing Civil Society representative as Co-Chair along with a UNDP representative, Youth Councilors, and Members from ISGs, Director Skill Development Council KP in the interest of increasing sustainability of the intervention. This also meant that the local government was involved through the planning and implementation stages to ensure ownership of the entire process. This civilian-led approach to countering violent extremism is the first of its kind implemented in the country and is a successful precedence of creating a rights enabling environment through the local government set-up, especially while focusing on vulnerable and at-risk youth.
6. **Capacitating local government with tools for human rights data collection/analysis: Khyber Pakhtunkhwa Virtual Platform (KPVP)**

UNDP Pakistan has bridged a crucial and chronic human rights data gap through development of a Human Rights Data MIS system that supports provincial, local and federal governments to identify, collate, vet, analyze and report - both statistical and qualitative - human rights data for policy implementation, follow ups and treaty body reporting. The process of developing this human rights MIS system has been supported by UNDP Pakistan’s Human Rights and MIS experts with technical inputs from the UN OHCHR technical team, in collaboration with the provincial and local government authorities of Khyber Pakhtunkhwa (KP) province, through an intensive series of local governments-provincial and federal level consultations with its partners,

The overall lack of data on human rights as well as the means to store, share and analyze development related data in Pakistan, has for years blighted the government’s capacity and undermined its commitment to comprehensively capturing and reporting its progress and challenges against its international commitments such as the MDGs, SDGs. The challenge is two-fold. Relevant data for showcasing achievements on human rights protection and promotion, is either unreliable-unavailable; and-or the local and provincial government departments lack the protocols and tools to process and analyze it in order to track progress.

In the course of this “Devolving Rights in Khyber Pakhtunkhwa” component, UNDP the Project has sought to strengthen the capacity of the relevant local government and provincial institutions tasked with Human Rights protection and promotion to effectively fulfill their mandates. By digitising rights-based data, the Human Rights Information Management System (HRIMS) supports all levels of government in tracking rights achievements against recommendations received from Treaty bodies to which Pakistan is signatory. The system will demonstrate to all levels of government where they are not meeting their obligations towards fulfilling certain commitments made to international community. UNDP Pakistan now aims in the process of replicating similar systems in the other 3 provinces and finally establishing linkages with the federal Ministry of Human Rights (MOHR).

The need for such systems has also been resonated in UNDP’s multi-stakeholder provincial consultations and in the later Inter-provincial Coordination Meetings organized by the project – have generated a discussion and critical mass of demand from local, provincial and the federal governments to assist them in developing a comprehensive Management Information System to improve the provincial data collection and reporting structures.

In words of a government partner this project is crucial to supporting: “Pakistan's commitment to data collection and analysis; and has opened up new avenues to integrate human rights into national policies, strengthen the state accountability architecture to measure progress for SDGs and Treaty Body reporting – ultimately moving towards the normative principle of leaving no one behind.”