

Published in Dawn, November 10th, 2019

ISLAMABAD: The National Commission for Human Rights (NCHR) has been dysfunctional for around six months because the government has not finished screening candidates to serve as commission members.

The tenures of the NCHR chairman and six out of its seven members expired on May 30. Replacements have yet to be appointed at the body, which monitors human rights violations and has suo motu powers.

Ministry of Human Rights Director General Mohammad Arshad said he hoped that the screening of candidates would be completed in a week, after which names will be referred to the Prime Minister's Office.

However, commission staff worry that the body – which was made functional under Pakistan's international obligations – may not be made functional again because of tensions between the prime minister and the leader of the opposition in the National Assembly.

Pakistan established the NCHR in accordance with the Paris Principles. The NCHR Act stipulates a broad mandate for the promotion, protection and fulfillment of human rights as provided for in the Constitution and international treaties.

It is supposed to work independent of the government and is directly accountable to parliament. The commission's financial and performance reports are also presented directly to parliament for approval on an annual basis.

The commission's primary functions and powers include conducting investigations into allegations of human rights abuses either on petitions filed by individuals or institutions or through suo motu action, reviewing existing and proposed legislation in relation to human rights principles, carrying out research and advising on policy matters pertaining to the situation of human rights in Pakistan, reviewing government implementation and monitoring of the state of human rights, contributing to awareness raising and advocacy initiatives, making technical recommendations and following up on treaty obligations and developing a national plan of action for the promotion, protection and fulfillment of human rights.

Chaudhry Shafique, a former NCHR member from Islamabad, told Dawn that after scrutinizing the candidates the ministry will forward names to the Prime Minister's Office to nominate the chairman.

"The prime minister and leader of the opposition in the National Assembly will have to reach a consensus and finalize three names for the post of chairman and three names for each post of member, and those names will be forwarded to a parliamentary committee for the finalization of names for posts.

If they fail to develop a consensus they will send the names to the parliamentary committee on their own,” he added.

The posts were advertised at the end of March and April 14 was the last date to submit applications, **Mr Shafique** said.

He said the process was completed and names were shortlisted, but when the matter was discussed in the federal cabinet “an objection was raised that the federal government had to give permission for the advertisement and as per the order of the Supreme Court the federal government means federal cabinet.”

“So permission was sought from the cabinet again to re-advertise the posts, and the new advertisement was published on Sept 22 and Oct 6 was the last date to apply,” he said.

Mr Shafique said the initial advertisement capped the minimum age at 40, but there was no cap on the maximum age.

“However, in the second advertisement the maximum age for chair was declared 65 years, which former NCHR chairman retired Justice Ali Nawaz Chohan challenged in the Islamabad High Court. Although the court has not given a stay, the process can be delayed further,” he said.

He added that the delay in nominating a chairman and members was embarrassing for the country internationally.