



25 October 2021

H.E. Mr. Imran Khan  
Prime Minister of Pakistan  
Prime Minister's Office  
Pakistan Secretariat, Constitution Avenue  
Islamabad, Pakistan

**Re: Open Letter to the Honourable Prime Minister regarding the Non-functional National Commission for Human Rights (NCHR) of Pakistan**

Honourable Prime Minister Mr. Imran Khan,

The Asian NGO Network on National Human Rights Institutions (ANNI), an initiative of the Asian Forum for Human Rights and Development (FORUM-ASIA), is writing to express deep concern over the failure of the Government of Pakistan for timely appointments of members for the National Commission for Human Rights of Pakistan (NCHR).

Consequently, the NCHR remains non-functional since 24 May 2019. It is further distressing as delays in completing the entire selection and appointment process would be detrimental for the cause of human rights in Pakistan. We believe that the Government's lack of political will and commitment to human rights will adversely affect the ensuring and effectiveness of the national human rights institution (NHRI) and the timely implementation of its mandate.

The establishment of the NCHR in 2015 has been one of the milestone achievements of the Government of Pakistan. The ANNI highly appreciates the work of the NCHR and its resilience given the environment in which it operates. We acknowledge that the NCHR has exhibited a strong commitment on various issues of human rights and civil liberties in the country, and has provided realistic human rights-based solutions to the Government. Moreover, it has continuously played its role as a 'bridge' between various stakeholders, including civil society and the Government.

With the significant role that the NCHR has played between 2015 and 2019, we are alarmed by the fact that the Government has delayed the appointment process of members of the NCHR, which has resulted in the virtual dysfunction of the Commission. It has been reported that the selection and appointment process was completed, and names were shortlisted;<sup>1</sup> however, an error made by the federal cabinet on the basis of a legal lacuna has resulted in the process needing to start over.<sup>2</sup>

We believe that this could have been avoided - government institutions are well aware of the legal procedures mandated for the selection and appointment process. Similarly, setting the age limit at 65 for new candidates in the appointment process last year was also not in concordance with the NCHR Act,

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<sup>1</sup> [National Commission for Human Rights dysfunctional for over three months](#), *Dawn*, 9 September 2019

<sup>2</sup> [IHC overturns cabinet's decision on appointments in NCHR](#), *NCSW, Dawn*, 30 March 2021

2012, which does not specify an upper age limit.<sup>3</sup> Also, this is not the first time the Government has undertaken the selection and appointment process, which remains unchanged since the initial one carried out in 2014-2015.

Moreover, the delay has affected the NCHR as an institution. It is reported that the contracts of its employees were not extended, no replacements were put in place,<sup>4</sup> causing many to leave the institution. Due to the expiry of the tenure of many of the NCHR members, including the previous Chairperson, all decisions having financial and other implications for the Commission would be considered illegal. This has also impacted the performance and the responses of the NCHR to the human rights violations and issues in Pakistan.

Maintaining the status of the NCHR as an independent, statutory, quasi-judicial body established in accordance with the Paris Principles is key to addressing human rights issues in Pakistan. Its independence and autonomy in taking up cases of human rights violations is vital for achieving its mandate of promoting, protecting, and fulfilling human rights as provided for in the Constitution and international treaties.<sup>5</sup> At present, the NCHR is listed as a body under the Ministry of Human Rights, and given its current non-functional status, we are deeply concerned of its autonomy and independent functioning in the near future, and the impact this may have on the civil society organisations and individuals working on human rights in Pakistan.

In light of the above, ANNI respectfully requests your urgent attention to expedite the process and ensure completion of the selection and appointment process impartially, and without further delay. Further, we urge the Ministry to ensure that the NCHR is given all possible support to be able to function independently and effectively in promoting and protecting human rights in Pakistan.

Yours Sincerely,



**Shamini Darshni Kaliemuthu**

Executive Director

Asian Forum for Human Rights and Development (FORUM-ASIA)

The Secretariat of the Asian NGO Network on National Human Rights Institutions (ANNI)

***About the Asian NGO Network on National Human Rights Institutions (ANNI)***

*The Asian NGO Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations and human rights defenders working on issues related to National Human Rights Institutions (NHRIs). ANNI has members that are national organisations from all over Asia. ANNI currently has 33 member organisations from 21 countries or territories. The work of ANNI members focuses on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI)*

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<sup>3</sup> [Punishing the National Commission on Human Rights](#), Farhatullah Babur, *The Friday Times*, 19 June 2020

<sup>4</sup> [HRCP demands NCHR revival](#), *Pakistan Today*, 19 May 2020

<sup>5</sup> [Activists demand appointments of NHRC chairperson, members without delay](#), *The News*, 2 August 2019