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Acknowledgments

The report could have never been possible without support from BSWA and Oxfam-Novib. I am particularly thankful to Abida Swati, Niaz Muhammad, Tariq Malik, Adam Malik, Khadim Mirani, and Jabbar Khaskhaili. I am deeply indebted to the people who contributed through their time and comments, and also participated in consultations. However, all mistakes are mine.

I am also grateful to the organizations in collecting information and their facilitation for CSO interaction in connection with development of citizens' report. Some important organizations are;

1. National Organization for Working Communities (NOWCommunities), Karachi
2. Minority Rights Commission of Pakistan (MRC), Lahore
3. Progressive Youth Forum (PYF), Islamabad and its provincial chapters
4. Participatory Education and Community Empowerment (PEACE Balochistan), Quetta

Zubair Faisal Abbasi

Message from President

Developing a citizen report on any issue is always difficult task because it requires rigorous efforts to engage with various factions of the citizens. This difficulty increases in manifolds when you are doing something for the first time. This citizen report on state of economic, social and cultural rights in Pakistan is a first one. It is result of humble efforts that our small organization has put forth. We tried to meet as many people as possible during the preparation of this report and also shared the draft with various citizen groups. The consultative and interviewing process was lengthy, leading to a diverse range of perspectives. We have tried our best to make this report as good as possible but I believe that there is always a great room for improvement. We welcome suggestions and feedback from our readers.

Though efforts were made to accommodate as many perspectives and opinions as possible, it was not possible to give space to all of them. Since no government report is available to comment on, it was decided to use different budgets and the latest Economic Survey of Pakistan as representative documents, using them as standard official version. However, to triangulate the research findings various experts were interviewed and broad-based consultations were held.

Nevertheless, here is the report. We will be keenly interested in comments to guide us for the next round of reports. My team and I will welcome sharing of reliable and valid information on different topics of this report so that a more comprehensive report is produced.

I am thankful to Zubair Faisal Abbasi for his efforts in producing this report and all people who participated in the consultations and interviews. I must also express my gratitude to Hassan Nasir Mirbahar for voluntarily supporting us in review of this report.

Thank you and happy reading,

Khadim Mirani

President, Bhattai Social Watch and Advocacy (BSWA)

Executive Summary

Pakistan ratified the International Covenant of Economic Social and Cultural Rights (ICESCR) in 2008, committing itself to an enabling policy and institutional environment and taking practical steps to realizing these rights for the people. Welcoming this important development, during consultative meetings in Islamabad and provincial capitals the civil society urged the government to take immediate steps for putting in place enforcement and feedback mechanisms on achieving progress towards ensuring economic, social and cultural rights.

During consultations, the citizens wanted the government to submit its first report to the UNOHCR and share it with the people of Pakistan. Due in April 2010 the report has still not been presented. However, this report prepared by a civil society organization is the first of its kind in Pakistan.

ICESCR is part of the larger Human Rights Bill which also includes the International Covenant on Civil and Political Rights (ICCPR). The covenant was adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) on 16 December 1966. Enforced on 3 January 1976, it primarily deals with the rights of labour such as decent work and employment, right to health and education, right to adequate standards of living which includes food security, right to social safety and social protection and insurance, and cultural rights.

The State of Pakistan has worked on almost all aspects of the covenant which have been covered in the report. Legislation about labour, education, health, and other aspects of human activity has been made. Additionally financial allocations to different sectors of economic and social significance have been made, though data about utilization is hard to find. However what matters is a visible change in the conditions of people. Despite making quality policies related to education and health and devolving powers to provinces, development governance and management gaps need improvement. While selection of performance indicators is still a moot point globally, some minimum set of indicators around health, education, labor, and culture were picked and presented for comments from citizens.

In five broad-based consultative meetings in Islamabad, Lahore, Karachi, Quetta, and Peshawar, citizens, including teachers, youth, civil society organizations, trade unions, and experts on economy and social development, expressed their views. The following are main recommendations of citizens:

- The State must take immediate and solid steps backed by policies to ensure enforcement of the people's economic, social, and cultural rights, especially their right to work, a decent standard of life, equal opportunity and social security, and the right to food, land, and housing.
- The State must transfer the rights to health and social security from the constitution's chapter on Principles of Policy to the Fundamental Rights chapter so as to make them enforceable and justiciable.
- Every Pakistani citizen's right to adequate food must be guaranteed. Food should not only be available but accessible to the people and productive capacity of small farmers should be increased along with protecting their livelihood. People's right to land should be fully respected. The land utilization pattern should be determined with a focus on economic benefit and also to meet cultivators' entitlement to own farmland. Agricultural workers should be enabled and encouraged to form unions.

- Pakistan is witnessing serious problems of housing both in rural and urban areas. Self-owned house is a key determinant of respect in society and a lack of it forces a large number of people to live at the mercy of powerful groups and individuals.
- Right to decent work must be recognized in informal sector as well. Home-based workers should be recognized as workers and their rights should be protected. Right to join unions and collective bargaining must be respected and proactively granted. In order to ensure that no one is paid less than the minimum wage, necessary mechanism should be put in place and the State should accept the responsibility for monitoring compliance.
- The ILO conventions ratified by Pakistan must be fully enforced. Safety at workplace and zero tolerance for sexual harassment must be fully ensured. The State should guarantee compliance with labour laws and the system of factory inspection should be revived. The system of third party contract labour must be abolished.
- Trade and investment policies must not involve surrendering ownership of national resources or the rights of workers and consumers. The state should introduce and implementing the much needed land reforms. The land holding pattern should be changed by allocating small pieces to self-cultivators rather than introducing new form of feudalism by allowing big land holding to companies and corporation either national or international.
- The entire population should be brought under social security cover. Old age benefits and the rights of pensioners should be effectively guaranteed. The right of people with disabilities to education, employment and social equality should be recognized.
- All forms of discriminations against minorities in the constitution, laws and social practices must be eliminated.
- Government must implement the constitutional guarantee on free and compulsory primary education and allocate required financial resources. Similarly progress should be monitored on making secondary education free and universal. Corporal punishment, hate preaching, and training in use of arms and violent methods must not be allowed in educational institutions.
- All communities' rights to their demographic status, ownership and control of their resources, and political and cultural autonomy must be guaranteed.
- The entire population must be guaranteed an effective and affordable health cover.
- Public sector must be revitalized and public investments should be increased in progressively realizing economic social and cultural rights.
- After the passage of 18th amendment, capacity of provinces needs to be addressed in developing enabling environment for speedy realization of rights.

Introduction and Methodology

After the ratification of ICESCR by Pakistan in 2008, the government was required to submit a report on economic, social, and cultural rights in the country to UNOCHR in April 2010. BSWA took initiative of pioneering a report on the covenant, which is based on broad-based consultations in the four provinces and the federal capital along with literature review.

This report narrates the state of economic, social and cultural rights in Pakistan's context. It presents a summary of different indicators reflecting the progress towards realizing rights such as labour and cultural rights and the right to health, education, standards of living, and food security. Apart from highlighting perceptions and observation of citizens, it presents some financial data.

The importance of economic, social and cultural rights cannot be denied as they are an essential part of human development and capability approach. Therefore, a rights-based development is part of the development process and must be taken as highroad to development. This is especially relevant to less developed countries which have low level of institutional development and which cannot support market mechanisms to make them efficient and ensure equitable allocation of resources.

From another angle, the ability to pay which is the basis of market mechanism of distributing resources is less than adequate in less developed countries like Pakistan . However while market mechanisms are not satisfactory, there is a need to revitalize public sector. The economy needs reforms in governance structures of state-owned enterprises (SOEs) . This report argues that encapsulated in economic, social and cultural rights, reforms must be based on the rights-based approach.

Interestingly Pakistan has designed a new Growth Strategy but it does not address the questions of poverty and rights-based approach upfront, though it has components of goals which are part of ICESCR. The basic premise of the new framework is that the State should manage less but efficiently and let open and free market decide about the allocation of resources. It argues for a route to economic growth through four pillars of activities which target quality of life. The growth strategy argues that to have quality of life, there must be:

1. Vibrant Markets
2. Energetic Youth and Community
3. Creative Cities
4. Quality Governance

According to the New Growth Strategy developed by the Planning Commission, Pakistan has a well-developed infrastructure but rules and regulations need to be improved. This point has received much criticism. Many economists have argued for investing more in infrastructure and creating jobs while reforming the public sector development programmes with a coherent vision for economic change. They have also argued to make economic, social and cultural rights as guide to policy and planning.

Coming back to ICESCR, the constitution of Pakistan is a relevant document which guides us as supreme public policy structure. The following box shows the main framework:

Box 1.1: Constitution of Pakistan and Economic Rights

Under article 38 of the constitution, for the promoting social and economic well being of the people, the State shall:

- a. secure the well being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest by ensuring equitable adjustment of rights between employers & employees, and landlord and tenants;
- b. provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;
- c. provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;
- d. provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;
- e. reduce disparity in income and earnings of individuals, including persons in the various classes of the service of Pakistan;
- f. eliminate riba as early as possible;

Methodology:

Since the report was designed to be a citizen's perspective on the state of social, economic and cultural rights, it followed the following steps while being a participatory and consultative exercise:

- As a first step, a detailed plan of Citizen's Report on Economic, Social and Cultural rights was made and vetted by BSWA team.
- Preliminary Meetings and Briefings

Preliminary meetings were conducted with the staff of the organization. It helped clarifying assignment expectations and timeframe.

Literature Review

Key policy documents and research studies from government and civil society organizations were reviewed. The documentation review process helped extract the background information and helped refine data gathering instruments. Following important documents were reviewed:

- 1- Federal/provincial budgets.
- 2- New Growth Strategy of the Planning Commission and related assessment tools.
- 3- Policy documents and legislation around labour, trade, industrial, human rights, youth, education, health etc.
- 4- International best practices and citizen reports of other countries.
- 5- UN reports on economic, social and cultural rights such as from UNWOMEN, ILO, UNICEF, FAO, IFAD, UNODC, and UNDP.

Conducting the Survey/Data gathering

➤ Question Guidelines

Using different techniques of perception measurement, detailed question guidelines were developed to get information from individuals and during focus group discussions. The objective was to get as much information as possible from key respondents such as experts/academics in the field of social and economic development, activists, politicians, and bureaucrats.

➤ In-depth Interviews and Broad-based Discussions

In order to extract necessary qualitative data such as perspectives, 30 in-depth interviews were conducted during meetings with right holders and duty bearers. These interviews and discussion complemented the qualitative documentation review. Five broad-based discussions – one in Islamabad and four in the provincial capitals – were also held.

Limitations

While every effort was made to obtain data from different sources, this report relies primarily on secondary data of different government and UN agencies and perceptions of the civil society. The perceptions shared during the seminars are, however, believed to be emerging from empirical evidence which the representatives of different CSOs shared.

Therefore, since primary data was not collected, the report may have shortcomings which come with secondary data. About certain areas and indicators data was not available. Those indicators were omitted leaving a gap which can be covered during next reports, if data is made available.

Organization

The report is divided into four chapters. After this introduction, the second chapter outlines the main framework of ICESCR. The third brings forth the discussion in rights based development. Reviewing the progress on economic, social and cultural indicators, the fourth chapter presents the citizen's perspective on these rights while discussing every article on the covenant.

Rights-based Development: An Analytical Perspective

The rights-based development approach based on the Universal Declaration of Human Rights recognizes the importance of humans as centre of development. This approach though emphasises the importance of increasing people's choices through economic growth processes, it does not limit the provision and accessibility of essential goods and services on the basis of 'ability to pay' (Kaiser, 2012). It also argues that the central objectives of development processes and policy are realisation of human rights. Therefore, the approach tries to invoke the provisions of international commitments around human rights as civil and political rights as well as economic, social and cultural rights providing it legal and accountability structures.

The human rights-based approach typically divides the stakeholders into two groups. One is called 'duty bearers' and the other 'right holders'. In order to operationalize the human rights-based approach, mechanisms are devised in which capacities of both the right holders and duty bearers (usually institutions) are increased to the level in which the development processes become inclusionary as well as respectful towards the development rights of people such as provision of education, health, food, shelter, and gainful employment.

Figure 2.1 : Rights-based Approach



The rights-based development actually broadens the scope of human rights. As mentioned above, the pivot of this approach is fulfilling human rights such as right to dignity and respect. Jennifer Chapman et al (2005) explain that the rights-based development approach answers the desire of individuals for dignity and satisfaction of basic needs. Once the human needs are expanded such as food, health and decent jobs while recognizing them as human rights, the traditional need-based vision of development is broadened. Therefore, the development processes and policies are not only supposed to respond to the needs of people but proactively try to provide essential goods and services as well as freedoms as basic human rights. In this way of argumentation, the new rights are primarily derived from the international development targets which focus on poverty and human development. Therefore, it has been argued that civil, political and economic, social and cultural rights are essentially part of human development, and capability approach and rights-based approach is another way of advocacy for human development (ODI, 1999).

It is argued that a rights-based development approach integrates the efforts for social and economic change.

It asks for making legal frameworks more just and supportive towards the rights of the poor. It argues that there is no hierarchy in human rights and all human rights are inseparable from one another. In this sense the civil and political and economic, social and cultural rights are of central importance. The statements and speeches made to commemorate the 50th anniversary of the Universal Declaration in December 1998 emphasize the indivisibility of rights as 'All Human Rights for All' (ODI, 1999).

At the same time, the approach makes it morally indefensible to argue for 'progressive realization' of human rights since all rights are of equal importance at every given time. However, debates around the precise roles and responsibilities of duty-bearers as well as striking a balance between collective and individual rights continue. At the same time, the question of measuring performance of states and implementing accountability are contentious points since many indicators are misleading and do not capture the real social and economic state of a country (ODI, 1999).

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It has been argued in literature that rights-based development tries to counter the neo-liberal models that singularly emphasize the development of markets as the most important factor in social and economic welfare. The rights-based development also questions the 'institutional primacy of markets' over all other institutions of resource allocations. Therefore market fundamentalism is also questioned while embedding the core minimum obligations such as shelter, health, primary education in responsibilities of states towards individuals (Ralich, 2009). Prof. Ha-Joon Chang in his famous book '23 Things which they do not tell you about capitalism' has argued that increasing the size of economic pie does not necessarily make everyone richer and better off. His basic argument is that unless the basics of social rights and obligations are not restructured, markets are poor resource allocators for inclusive social and economic development. It has also been argued that the economic uplift of a country is deep rooted in the civil rights and political empowerment of its people. Many researchers argue for market reforms if the market-based approaches to food security and poverty reduction have to work in the direction of fulfillment of human rights. In fact, the argument is to govern the markets so that human rights are fulfilled without stifling the markets adversely.

Box 2 Market or Rights-based Approach

'Market-based approach works through prices and responds to ability to pay. Although it has been recently advocated by neoclassical economists along with Austrian libertarianism, empirical evidence suggests that it is not always a welfare enhancing resource allocator. However, there is always a need of public policy action to create enabling environment in which fundamental economic, social and cultural rights are implemented. Therefore, a rights-based approach is a superior approach.'

A participant in Karachi Seminar

In this sense, the rights-based approach actually fulfills the gaps of equitable social development potentials in the market-based approach.

There is need to strengthen the accountability measures, as it is said that, through the 'culture of compliance', accountability builds the potential of states becoming more responsible duty bearers. Many countries that have ratified international instruments for economic, social and economic rights have no provision in domestic law. However, at the same time, it has at least legal foundations for action, though the signing and ratification has been patchy

Conclusion:

From the above discussion, it can be concluded that rights-based approach is a preferred approach to bring equitable social and economic change. It has the potential to make more people better off as a result of economic growth. It can also be concluded that market-based allocations without regard to human rights can prove socially destabilizing since it is based on 'ability to pay' rather than 'right to development'. While the rights-based approach has legal foundation, the theory, law, policy and practice are not in sync with one another. States have to show more responsibility as duty bearers and there is a need to include more international agencies to be part of fulfillment of human rights agenda so that the dream of equitable and sustainable human development is fulfilled.

However in Pakistan the market-based approach is more in vogue and development policy, especially the New Growth Strategy (NGS), has predominantly relied on the discourse around 'market triumphalism'. In Pakistan's context, it is perhaps more relevant that service provision of education, health, social protection and other social development issues should not be exclusively left to the market. There is a need which has been expressed by citizens to generate market-friendly and market-inclusive policies which expand opportunities and equitably distribute among people.

The next chapter outlines the international covenant on economic, social, and cultural rights, primary a framework for the citizen's perspective with a lens of rights-based approach.

Box: 3 Milestones in a rights-based approach

1948	Universal Declaration of Human Rights
1950	European Convention of Human Rights
1965	Convention on the Elimination of all Forms of Racial Discrimination
1966	International Covenant on Civil and Political Rights
1966	International Covenant on Economic, Social and Cultural Rights
1969	American Convention on Human Rights
1979	Convention on the Elimination of Discrimination against Women
1981	African Charter on Human and People's Rights
1984	Convention against Torture
1986	Declaration on the Human Rights to Development
1989	Convention on the Rights of the Child
1993	World Conference on Human Rights, Vienna
1994	Convention on the Status of Refugees
1998	Treaty in Rome setting up the International Criminal Court
2002	The Statute of the International Criminal Court comes into force.

Source: ODI 1999

Box 4: A Summary on Human Rights

Human rights necessary for survival and dignified living include:

- The rights to life and liberty
- The right to a standard of living adequate for health and well being of the individual and his/her family
- The right to social protection in times of need
- The right to the highest attainable standard of physical and mental health
- The right to work and to just and favorable conditions of work
- The right to food and housing
- The right to privacy and to family life

Human rights also cover rights and freedoms necessary for human dignity, creativity and intellectual and spiritual development. For example;

- The rights to education and access to information
- Freedom of religion, opinion, speech, and expression
- Freedom of association
- The right to participate in the political process
- The right to participate in cultural life

They also include rights necessary for liberty and physical security, for example

- Freedom from slavery or servitude
- The right to security of person(physical integrity)
- The right to be free from arbitrary arrest or imprisonment
- Freedom from torture and from cruel, inhuman or degrading treatment or punishment

Cross-cutting are the twin principles of the equal rights of women and men, and the prohibition of discrimination or any kind as to race, colour, sex, language, religion, political, birth or other status.

Source: ODI 1999

Introduction to the International Covenant of Economic Social and Cultural Rights

As the struggle for fair treatment, social justice, and freedom is central to human activity, the economic, social and cultural rights provide articulate and legal basis for public action through the agency of the State. It has been argued that the most disadvantaged and the poor who are left behind and sidelined in the 'ability to pay' are faced with insurmountable challenges and fall prey to multigenerational and chronic poverty. In order to rescue them from poverty and destitution by providing them social protection, recognition of economic, social and cultural rights is essential .

The core minimum obligations reflect the needs of the most disadvantaged and provide an empowering theoretical, legal and policy framework in which their rights to essential goods and services such as health, education, decent work and a host of other rights such as living according to one's culture are recognized. Instead of top down economic trickling to the poor, they must be provided with opportunities to develop their capabilities to function and lead a full economic, social and cultural life .

It is argued that human rights which include economic, social and cultural dimensions have become more important owing to structural transformation of society. In countries such as Pakistan, the transformation from agriculture to urban and industrial society requires massive rehashing of rights and obligations. In a society where labour shifts from farms and comes to work as wage labour, they need at least two rights – 'right to work' and 'right to social security - to be fulfilled so that their standards of living either increase or does not fall below a certain threshold (Ravlich, 2009). However in fulfilling these two basic rights, the State must stay responsible towards their education and training, access to scientific knowledge, and health situation whereas old age benefits are also provided.

The idea behind the ascendancy of economic, social and cultural rights is that the change in economic structure of a society which is getting modernized in the wake of industrial and financial development, the traditional support system becomes less useful. Additionally the modern system of neoliberal fashion puts too much emphasis on economic efficiency in which either social efficiency or social equity gets a low priority. However the need for social equity through a responsible state action is needed since social inefficiencies give rise to conflict and disharmony .

With the above introduction to the economic, social and cultural rights idea system, below is given an introduction to the International Covenant on Economic Social and Cultural Rights (ICESCR).

ICESCR is a multilateral treaty adopted by United Nations General Assembly on 16 December 1966 and is in force since from 3 January, 1976. As of July 2011 the covenant has 160 parties. The covenant commits the signatory states to work toward the granting of economic, social and cultural rights to individuals.

These rights broadly include:

- Labour rights
- Right to health

- Right to education
- Right to an adequate standard of living
- Cultural rights

This covenant shares roots with the Universal Declaration of Human Rights (UDHR), an important document in outlining the minimum standards of universally acceptable human rights, and the International Covenant on Civil and Political Rights.

The covenant provides the most important international legal framework for protecting basic human rights. It contains some of the most significant international legal provisions establishing economic, social and cultural rights, including rights relating to work in just and favourable conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, to education and enjoyment of the benefits of cultural freedom and scientific progress.

It also provides for the right of self-determination, equal rights for men and women to the enjoyment of all economic, social and cultural rights, the right to work, the right to form and join trade unions, the right to social security and social insurance, protection and assistance to the family, the right to take part in cultural life and the right to enjoy the benefits of scientific progress and its applications.

The covenant contains 31 articles divided into five parts:

Part-I

It contains article 1 which recognizes the right of all individuals to self-determination including the right to freely determine their political status, pursue their economic, social and cultural goals and manage and dispose of their own resources. It also recognizes the right of people not to be deprived of means of subsistence and imposes an obligation on those parties responsible for non-self governing and trust territories to encourage and respect their self-determination.

Part-II

In this part of the covenant, articles 2-5 establish the principles of progressive realization. It also asserts that the rights should be realized without any kind of discrimination of race, religion, sex, language, colour or other opinion, national or social origin, property, birth or other status.

Part-III

It covers 9 articles from 6-15. These include workers work under “just and favorable conditions” with the right to form and join trade unions (articles 6, 7 and 8). People have access to social security or social insurance (article 9), and they enjoy adequate standard of living, including adequate food, clothing and housing and the continuous improvement of living conditions (article 11). It covers the right of health, specifically the good standard of both physical and mental health and immunization (article 12). Right to education, including free universal primary education, generally available secondary education and equally accessible higher education is provided (article 13-14). Education is expected to be directed to the full development of human personality and the sense of its dignity, and enable all persons to participate effectively in society. The last article argues for the right to participate in cultural life (article 15).

Part-IV

Consisting of articles from 16-25, this part comprises the reporting and monitoring of the covenant and the steps taken by the parties to implement it. It also allows the monitoring body – originally the United Nations Economic and Social Council, and now the Committee on Economic, Social and Cultural Rights – to make general recommendations to the United Nations General Assembly on appropriate measures to realize the economic, social and cultural rights.

Part-V

The last part of articles from 26-31 governs ratification, entry into force, and amendment of the covenant. All members are required to submit regular reports to the committee, outlining the legislature, judicial, policy and other measures they have taken to implement the economic, social and cultural rights affirmed in the covenant.

The first report from the parties is due within two years of ratification of the covenant; thereafter, reports are due every five years. The committee examines each report and addresses its concerns and recommendations to the State party in the form of concluding observations.

State of the Economic Social and Cultural Rights

The Part I and Part II of the ICESCR narrate obligations of the State and present a broader framework which shows that people must be given opportunities to determine their political status and freely pursue their economic, social and cultural rights. At the same time, people must be entitled to freely dispose of their natural wealth. Participants during the discussions raised concerns over the role of multinationals and shady international cooperation deals in which natural wealth is extracted and used by foreign countries and people who are owner of the resources are seldom consulted. If at all consulted, the consultation is not meaningful. It was emphasized that meaningful participation can only be ensured through speedy and full implementation of the economic, social and cultural rights.

The Part II is especially important in the direction of 'full progressive realization' of rights without any discrimination as to race, colour, sex, language, religion, political or other opinions. The citizens present during discussions and in depth interviews were vocal about the discriminatory behaviour of Pakistani State. While discussing issues of women, children, minorities, and the deprived geographical regions, the citizens perceptive was that the State needs to change many policies and laws which do not make all citizens equal before the State. It was mentioned that the power structure of society is designed in a way that it discriminates against the weak, minority, and the poor. The system of public finance is not designed to generate equality enhancing expenditures. Law of evidence and other laws one way or the other discriminate against women and minorities and at the same time justice system needs to be revamped to deal with children involved in crimes. Some participants raised issues around curriculum and educational system, calling for promoting equality of citizens and human rights rather than hate-speech and intolerance.

With comments on Part I, Part II, and Part III is discussed below in detail:

4.1. Labour Rights: Article 6, 7 and 8

These articles deal with right to work, free choice, conditions of work, minimum wage, safety at work, right to gain living from work. It asks to ensure access to technical guidance and also form trade unions.

Land, labour, and capital are the main factors of production in economic life. It has been argued in literature on human capital and new growth theory that the labour of human resources is the most important factor. It is said that greater the intellectual and skill endowment, richer would be the country. In the post-World War-II era, East Asia, especially Japan and South Korea, are examples of investing in human capital and getting good quality growth. The main detriment of labour welfare and rights is labour policy. If it is active, chances are that economic and social rights will be taken care of.

The citizens of Pakistan have witnessed six labour polices since 1947. The policies were announced by the governments in 1955, 1959, 1969, 1972, 2002 and 2010. As mandated in the ICESCR, the Labour Policy 2010 considers rights of both workers and employers while it focuses on legal framework, advocacy for right of workers and employers, skill development and employment and manpower exports. The government has also made efforts to protect labour rights, including right to form union, adequate security of jobs, conducive working conditions, and social insurance schemes.

Vocational Training Programmes:

In recognition of ICESCR calling for valuable and productive skills development programs, Pakistan has established vocational and training centres in the provinces including rural areas, to impart skill development training to masses locally. The institutional arrangements are put in place, though the functionality is questionable. Under the National Internship Programme, the capacity of students with 16 years of education has been improved. In addition, under the President's Fanni Maharat and Prime Minister's Hunarmand Pakistan training programmes 8,873 and 71,723 persons were trained respectively while 7918 persons were under training in both the programmes.

“Vocational training opportunities have been expanded lately and many students of poor economic background have benefitted from it. However, the machines and buildings both are in bad shape. In my area of Dera Ismail Khan, machines are old and when graduates try to get jobs, they have to relearn the new machines.”

A participant in Peshawar

As a formal institution, National Vocational and Technical Training Commission (NAVTEC)¹, assists the provincial governments in skills development, facilitates public-private partnership nationally, and coordinates national sectoral training policies. The commission also acts as a catalyst for implementing programmes/projects at all provincial levels to carry out these policies. These training programmes must have contributed to increase human capital and productivity while improving prospects of employability. The training programmes are aimed to provide relevant skills for industrial and economic development, improve access, equity and employability and ensure quality of skill development. These aspects of government intervention are facilitative factors to create enabling environment and human capacities to acquire and sustain economic, social, and cultural rights.

Employment Generation and Financial Accessibility

Pakistan has emphasized on the importance of small businesses for generating employment. The National Bank of Pakistan has developed a full range of products under the President's Rozgar Scheme - NBP KAROBAR - with a loan up to size of Rs100,000 for setting up business on easy terms. While no fresh estimates are available on the amount of loans disbursed so far with gender and province wise distribution, The Nation reported on January 22, 2009 that Rs3.75 billion loans were extended under the President's Rozgar Scheme since its inception.

Additionally a bank for small and medium sized enterprises – SME – has been set up. The SME Bank mainly focuses to provide financial and business support to small and medium

enterprises. Another financial intermediary Kushhali Bank has been established to grant loans up to Rs30,000 to unemployed people for setting up their own business. As per the annual plan of Planning Commission of Pakistan, up to 31 January 2008 loans amounting Rs13.5 billion have been provided to the unemployed which created 1,280,321 jobs. According to the Annual Plan 2007-08 (p51), 285000 male and 59000 females have been beneficiaries.

The President's Rozgar Scheme provides an average loan of Rs100,000 for a maximum period of five year to the people to set up their self employed earning activities. These activities cover the areas of transport, and utility and general mobile stores.

However despite efforts of the government, the following table shows increase in unemployment along with increase in the number of labour force. The table does not show the changes attributable to the previously mentioned efforts of the government.

¹National Vocational and Technical Education Commission (NAVTEC), was set up in 2005. Through an act of the parliament (NAVTEC Act 2011) in June 2011, it became National Vocational and Technical Training Commission (NAVTEC). The functions described in the Act show that NAVTEC has a mandate to regulate, monitor and coordinate various activities related to technical, vocational education and training.

Table 4.1.1

Civilian Labour Force, Employed and Unemployed for Pakistan							
YEAR	2003-04	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Labour Force	45.5	50.05	50.33	51.78	53.72	56.33	57.24
Employed	42	46.95	47.65	49.09	50.79	53.21	53.84
Unemployed	3.5	3.1	2.68	2.69	2.93	3.12	3.4

Source: Economic Survey of Pakistan 2011-12

Minimum Wage

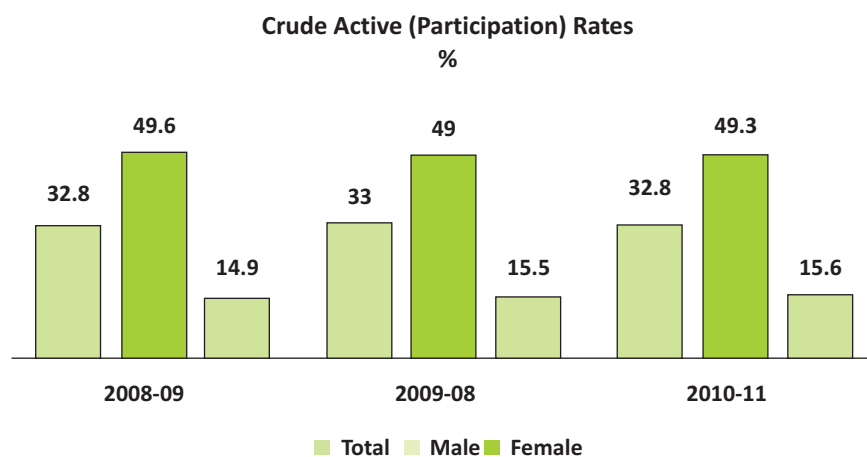
One way of reducing labour exploitation is to ensure minimum wage. In Pakistan minimum wage was raised from Rs4600 to Rs6000 in 2008, which was further enhanced to Rs7000. Currently, the minimum wage is Rs8000. This forms the fundamental element of protecting labour rights as mentioned in the covenant on economic, social and cultural rights.

“Although minimum wage has been awarded and even increased, informal sector which forms a major part of Pakistan's economy does not benefit from such government action. What is needed is to increase the formal sector of economy as well as improve governance which also reaches the informal sector.” A participant in Lahore consultations

Female Labour

In Pakistan from 2008-09 to 2010-11, there has been an increase in self-employed women. From 13% in 2008-09, it reached 15.6% in 2010-11. The reasons of increase in female labour are manifold. Empirical evidence in the Economic Survey 2011-12 shows that the female population has increased from 78.11 million in 2008 to 83.51 million in 2010-11 along with increase in availability of microcredit and associated skill development trainings. Additionally inflationary pressures, especially food inflation, increased pressure for more family income. The period of single earner has almost ended in working classes and now women have actively played their role in economy to improve their wellbeing. At the same time, the concept of women's economic empowerment and education has opened new avenues for them and gender roles are being redefined.

Figure 4.1.2



Source: Economic Survey of Pakistan 2011-12

According to the Pakistan MDG report, women's share in wage employment in the non-agriculture sector has consistently increased. But the increase is nominal, from 8.07% in 1990-91 to 11.81% in 2008-09. However, there is horizontal gender segregation in employment. Around 77% of total employed women are working in elementary occupations, followed by 20% in mid level and 3% in higher levels. This trend is almost reverse in men while higher percentage of women is in informal sector.

Protection of Labour

In the wake of the new labour policy, the State claims, laws were reviewed and accordingly rationalized and consolidated into laws regulating industrial relations, employment and service conditions, occupational safety, health, human resource development, and labour welfare and social security.

Right to form Trade Union

The minimum number of employees needed to form a union in any industry is 50. However, many factories have just one or two employees less than the required number. Hence, this right is systematically denied in Pakistan by the employers. However, the right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations is guaranteed in Pakistan. In Pakistan, right to strike or industrial action is also respected. Pakistan has made many efforts to facilitate labour and trade unions. Pakistan ratified the Right to Organize and Collective Bargaining Convention No. 98, 1949 on 29 May 1952. The government of Pakistan formulated the Industrial Relation Ordinance 1969, which became the Industrial Relations Act 2002, which was modified in 2004, and finally the Industrial Relations Act 2012.

The State has provided legal protection and made provision of industrial action of strike as well. This is the main contribution of the State in ensuring this right.

Citizens' Perspective and Recommendations

- The conditions need to be more favourable for formal and non-formal sectors of economy.
- While the minimum wage has been increased, it is still below the standards of decent living.
- Wages in Pakistan are usually not fair since majority of work takes place in informal sector which is usually beyond the prevailing laws. The work and the working conditions are not safe. A case in point is the home-based workers. Moreover, women are discriminated not only in wages but also when it comes to promotions.
- There must be more legislation and awareness about the importance of rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.
- Citizens during consultations appreciated efforts by the State in providing some opportunities for employment and self-employment as well as technical and vocational trainings.

“Protection of labour in the event of layoff does not exist. A social policy which is attached with labour policy must be development. Social policy and labour policy linkage can help laid off workers to acquire new and more marketable skills in the event of layoffs.”

A participant in Lahore

However, the main concern was that the forces of globalization and open markets have radically changed the situation. Now the skilled labour which can operate high technology machines is more in demand. It was maintained that the people who are laid off from one job are not absorbed easily in any other profession. The transition is painful for many families and they undergo financial stress.

- Major development projects are needed to absorb labour.
- Labour policy should recognize home-based workers as workers and be given all the rights.

The technical and vocational institutional arrangements need to be made more modern and equipped with latest technology.

4.2. Social Safety and Social Protection Article 9 -10

These articles deal the widest possible social security, including social insurance for families and dependent children. It argues for marriage without coercion with paid leave for mother before and after child birth.

Social protection and insurance is an essential ingredient of equitable development. Human development and capability approach lays foundations of a comprehensive social policy and protection through public spending on skill endowments and health infrastructure. At the same time, the principle of equity embedded in human development approach asks for reallocating resources for the development of the marginalized and excluded segments. It asks for giving special attention to people who face the worst negative impacts in the process of economic change. The right-based approach, knowing the centrality of social safety and social protection, treats them as basic human right requiring the State to create systems of social protection.

“Pakistan should learn from social policy and social protection from Scandinavian and East Asian countries. They have made it part of their growth and social stability strategy. A skilled, educated, and well-fed population is usually peaceful.” A participant in Islamabad consultations

Pakistan, on the other hand, has developed more of social safety nets interventions, rather than a bigger social policy and social protection programmes. The social safety nets are operational despite the dip in economic performance since 2007-08. The following is a list of social safety net programmes in Pakistan:

1. Pakistan Poverty Alleviation Fund
2. Pakistan BaitulMaal (During 2009-10 PBM disbursed Rs58 million to 5,341 beneficiaries while Rs125 million were disbursed to 3,176 beneficiaries during 2010-11.) Source: Annual Plan 2011-12, p130.
3. Individual Financial Assistance
4. Child Support Programme
5. National Centre for Rehabilitation of Child Labour
6. Vocational Schools
7. Pakistan Sweet Homes
8. Langar Programmes

9. Institutional Rehabilitation through NGOs
10. Jinnah Burn and Reconstructive Surgery
11. Benazir Income Support Programme (BISP disbursed Rs8 billion during 2008-09 and 2009-10 (up to December, 2010) under the Emergency Relief Package to almost 1.3 million victims of floods, bomb blasts, earthquakes and internally displaced persons. (Annual Plan 2011-12, p128-129). Rs32 billion were disbursed to 2.55 million beneficiaries in 2009-10 under BISP and during 2010-11 up to 31st March, 2011, Rs20.3 billion were disbursed to 2.81 million beneficiaries.
 - a. Waseela-e-Haq
 - b. Waseela-e-Rozgar
 - c. Waseela-e-Sehat
 - d. Waseela-e-Taleem
12. Zakat (Rs5.1 billion were disbursed to 1.1 million beneficiaries during 2009-10 while in 2010-11 Zakat funds of Rs10.5 billion have been released.) Source: Annual Plan 2011-12, p131.
13. Peoples Works Programmes (During 2009-10, total expenditures of Rs40 billion were made on People's Works Programmes while Rs31 billion were spent in 2008-09. Revised estimates for expenditure in 2010-11 were Rs22.8 billion) Source: Annual Plan 2011-12, p128.
14. Employee Oldage Benefits (During 2009-10 Rs6,422 million were disbursed to 310,252 beneficiaries while during 2010-11 (July–March) Rs7,050 million were disbursed to 327,981 beneficiaries) (source: Annual Plan 2011-12, p131)
15. Workers Welfare Fund (Rs1,198 million were disbursed to 17,836 beneficiaries during 2009-10 while Rs963 million were disbursed to 22,127 beneficiaries during July- December 2010-11 (source: Annual Plan 2011-12, p131)
16. Microfinance Initiatives

The table shows the pro-poor expenditures of the government on different sectors:

Table 4.2.1

Budgetary Poverty Related Expenditures By Sectors					
Sectors	2007-08	2008-09	2009-10	2010-11	2011-12(July-December)
Roads, Highways & Bridges	84,825	99,613	98,456	99,567	30,367
Water Supply and Sanitation	19,817	22,204	25,459	28,506	11,788
Education	182,646	240,378	259,525	322,334	156,990
Health	61,127	83,714	94,399	106,017	46,842
Population Planning	13,322	5,345	7,048	4,861	2,247
Social Security & Welfare	18,942	29,129	54,571	55,171	24,934
Natural Calamities	7,728	10,083	12,548	49,115	27,510
Agriculture	83,493	88,912	104,815	115,511	41,732
Land Reclamation	3,130	2,738	1,990	3,669	1,616
Rural Development	23,334	16,362	20,391	19,109	12,724

Sub sidies	54,872	220,567	234,926	230,945	463,091
Food Support Programme	4,370	12,420	0	0	0
People's Works Programme -I	1,420	3,329	8,417	5,049	2,222
People's Works Programme -II	2,748	28,000	31,754	21,300	2,902
Low Cost Housing	597	583	1,828	373	101
Justice Administration	7820	9,193	10,996	14,223	7,151
Law and Order	2,459	104,658	143,639	169,791	87,347
Total	572,620	977,228	1,110,762	1,245,541	919,564
Total as% age of GDP	5.57	7.46	7.57	6.9-	

Source: *Economic Survey of Pakistan 2011-12*

Pakistan's Labour Policy 2010 espouses that Provincial Employee's Social Security Ordinance 1965 is in operation and covers the contingencies of employment injury, sickness and maternity. It is financed entirely through employer's contribution at the rate of 6% of the wages of the secured workers.

Citizen's Perspective and Recommendations

- While Pakistan has developed social safety net approach to social security and protection, citizens are more concerned with the effective targeting of such programmes. There have been voices which claim that BISP does not clearly differentiate between the poor and non-poor.
- The Planning Commission should share the 'social protection floor' which was mandated to be developed, and the minimum criteria should be met.
- Social protection and social security must be embedded in the national growth strategy so that economic growth shares the welfare gains with people while it is taking place rather than postponing or waiting for it to trickle down.
- Pakistan should use multi-dimensional poverty assessment methods developed by the UNDP and Oxford Poverty and Human Development Institute.
- It was noted that since Pakistan's economy is largely informal private sector, there is a need to develop and enforce rights of working women including mothers. It was emphasized that workplaces must be made child friendly.
- Social security programmes should take family as unit rather than the individual security getting more emphasis.
- Laws related to child labour and safety at workplace must be implemented rather than put on the back burner.

4.3. Right to Adequate Standards of Living: Article 11

This article deals with adequate standards of living, especially with reference to food, clothing, and shelter. It wants to ensure availability as well as accessibility.

One of the key economic and social rights is right to adequate standards of living. According to the covenant, quality of life must improve with the passage of time. Quality of life has been defined more in terms of access

to food, clothing, and housing. Growing very slowly Pakistan's economy has melted down since 2007-08. A key factor which has added to economic miseries is low level of availability of energy and inflationary pressure. In 2008-09 the food inflation caused a push of 25.3% in consumer price index, according to the government estimates projected in the Economic Survey of Pakistan. According to Asian Development Bank report 'Food Price Escalation in South Asia' released in March 2012, South Asia witnessed more food price inflation than the rest of Asia. However, during 2011-12 it remained in double digits - 10% and more most of the time. The two factors of economy and energy have put an increasing burden on business growth, jobs, profits and wages. Electricity and gas outages have created fear of closure of factories and reduction in production. Industries have even started layoffs in this backdrop as per Pakistan Economic Survey 2011-12. State Bank of Pakistan's quarterly report, issued in June 2012, asserted that energy crisis are among majors hurdles to economic growth besides law and order, political instability, and natural calamities.

“Inflation and energy shortages have ruined our lives. Food, especially fruits have suddenly gone out of the reach of common person.”

A participant in Quetta consultations

At the same time, foreign direct investment and local investment is witnessing decline. Total investment in Pakistan was 22.1% of GDP which has decline to 12.5% in 2011-12. Similarly, public investment was 5.6% of GDP in 2005-06 which has come down to 3% in 2011-12 while private investment at 15.4% in 2005-06 has declined to 7.9% of GDP in 2011-12. Foreign direct investment, which was around US\$ 1292 million in 2010-11, has seen 48.4% decline. It was US\$ 666.7 million in April 2011-12. Much of the inflationary pressure is on essential items. The following chart presents monthly consumption patterns. It shows that the percentage of expenditure on food is increasing while expenditure on education is falling.

Table 4.3.1

Percentage of Monthly Consumption Expenditure by Commodity Group									
Commodity Groups	2005-06			2007-08			2010-11		
	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural	Total
Food, drinks &	35.17	49.56	43.05	37.85	48.87	44.22	41.08	54.71	48.9
Apparel, textile, footwear	4.9	6.42	5.73	4.71	6.06	5.49	4.66	5.45	5.1
Transport & communication	7.12	5.39	6.17	6.55	5.92	6.18	6.69	5.51	6.0
Cleaning & laundry	3.54	3.61	3.58	3.77	3.49	3.6	3.55	3.83	3.7
Recreation & entertainment	1.04	0.32	0.65	1.09	0.42	0.7	0.77	0.19	0.4
Education	5.2	2.41	3.67	5.26	2.94	3.92	4.82	2.51	3.4
Housing (rent & other costs)	22.74	8.94	15.19	22.11	9.99	15.1	21.04	8.67	13.9
Fuel & lighting	7.39	8.41	7.95	6.82	8.09	7.55	7.06	8.01	7
Miscellaneous	12.91	14.94	14.02	11.85	14.23	13.23	10.32	11.13	10.7

Source: Economic Survey of Pakistan 2011-12

The vision 2030 prepared by Planning Commission argues that development must not only be measured by economic growth but also by the quality of life. However this quality of life is not reflected in high-income levels or poverty reduction but in higher indices of health, education, life expectancy, social safety nets, excellence of public institutions and infrastructure.

The UNDP's Human Development Report 2011 ranks Pakistan 145th with Human Development Index (HDI) value of 0.504. The report shows gradual increase in the value of HDI from 0.503 in 2010 and 0.499 in 2009. However, Pakistan's rank has slipped a little during 2011. Other composite indices place Pakistan at a lower rank.

Pakistan Social and Living Standards Measurement Survey 2010-11 shows mixed results in terms of education enrolment indicators. Literacy rate (10+) has improved from 57% in 2008-09 to 58% and adult literacy improved from 54% to 55% percent in the same period, while primary and middle school Gross Enrollment Rate also registered a one percentage point improvement. However, slippage on the primary and secondary Net Enrollment Rate is an area of concern. This is happening despite devolution of education to provinces.

The survey also reported trends in terms of water supply and sanitation indicators. Whereas the sanitation situation at household level has registered an improvement (in terms of 66% of population using flush toilets compared to 63% in 2008-09), the access to drinking water to urban and rural population is 94% and 84% respectively, with an average of 87% in 2011.

While many reports from Sustainable Development Policy Institute (SDPI) and other research institutions show that many districts in Pakistan are food insecure, the following table shows that per capita availability of food has not decreased in Pakistan. However, there are questions about the accessibility of food by the urban poor.

Table 4.3.2

Food Availability per capita							
Items	Year/units	2006-07	2007-08	2008-09	2009-10	2010-11(E)	2011-12(E)
Cereals	Kg	151.1	158.1	160.3	158.8	158.7	169
Pulses	Kg	7.7	7.2	5.8	6.8	6.7	7
Sugar	Kg	30.3	30	25.6	26.1	26.5	29.5
Milk	Ltr	164.7	165.4	167.2	169.1	169.8	170
Meat	Kg	19.2	20	20	20.5	20.9	21.5
Eggs	Dozen	5.4	5.5	5.6	5.8	6	6
Edible Oil	Ltr	12.8	12.8	12.5	12.6	12.6	13
Calories per day		2398	2410	2425	2415	2420	2430
Protein per day (gm)		69	72	72.5	71.5	72	72.5

E=Estimated

Economic Survey of Pakistan 2011-12

Citizen's Perspective and Recommendations

- The government should ensure that everyone has access to sustainable, safe and regular supply of water. There is also a need to ensure that water supplied is not contaminated and its supply should not be arbitrarily disconnected.
- Disadvantaged, marginalized and vulnerable groups should be facilitated to access adequate housing for their families.
- The question of roti (bread), Kapra (clothing) aur makan (housing) is still an unfulfilled need in Pakistan, though the State seems to have made some progress in increasing availability of per capita food.

- Inflation must be tamed by increasing the productive capacity of economy and economic growth must create jobs.
- There are no serious cases of prevalent hunger in Pakistan but there is a need to improve nutritional value of food.
- Distribution of food must be looked into along with improvement in governance which can remove artificial price hike which is created through hoarding.
- Many people raised the issue of storage of wheat and other food items in the public sector.
- Citizens also raised concerns about availability of technology and survival of small scale farmers, especially the landless, who do not own enough resources to improve their standards of living. Special need was identified to improve their access to finances, new technology and other non-farm activities which can help them survive better.
- In most cases, problem is more of allocation of resources than of scarcity. There is a need to strategize and prioritize the budgetary allocations to ensure citizens' right to adequate standards of living is met.

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

4.4 Right to Health: Article 12

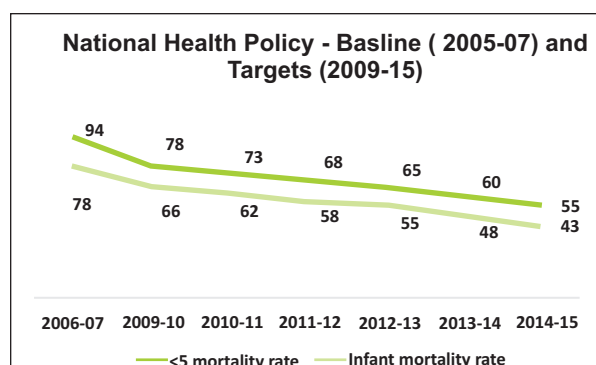
This article deals with access to health services to reduce maternal mortality, stillbirths, and infant mortality. It asks for control over epidemics, good environmental and industrial hygiene.

Health like education is one of the most important factors in sustainable human development. It assures basic capabilities needed to perform economic, social, political and cultural functions. The argument is valid from a human capital perspective because for high quality growth, efficient and healthy workforce is a must. From the lens of rights-based approach, the right to highest attainable standard of physical and mental health is identified as a critical component of a good quality of life. According to Universal Declaration of Human Rights, access to good health is a basic human need and a fundamental human right.

Pakistan's National Health Policy 2009 shows commitment to improve the health indicators of the country by delivering a set of basic health services for all. The basic ingredients are enhancing coverage and access to essential health services while improving measurable reduction in burden of diseases in terms of presence and outbreak. The policy aims to protect the poor, especially marginalized population against risk factors. As a result of the policy, health spending has increased progressively over the years. For example, total federal and provincial health and nutrition expenditures were Rs24.28 million which increased to Rs55.12 million in 2011-12. However, as percentage of GDP the expenditures were 0.72% which declined to 0.27% in 2011-12.

The following table shows the baseline and targets of the National Health Policy

Figure 4.4.1



Source: *Economic Survey of Pakistan 2011-12*

An analysis of the baseline and targets of the health sector indicators shows that the budgetary allocations of government for health have been progressively increasing from 2000-01 to 2009-10 ranging from Rs24.28 billion to Rs79 billion. During the year 2011-12 the population welfare program established 3,327 service delivery outlets which include:

- a. 2853 Family Welfare Centres (FCWs)
- b. 182 Reproductive Health Service (RHS-A) centres
- c. 292 Mobile Service Units

Looking at the following table on health facilities, it seems that the growth in manpower for healthcare is not increasing by the rate of population growth. It ultimately worsens the patient and caregiver ratio to the extent that adequate healthcare becomes impossible.

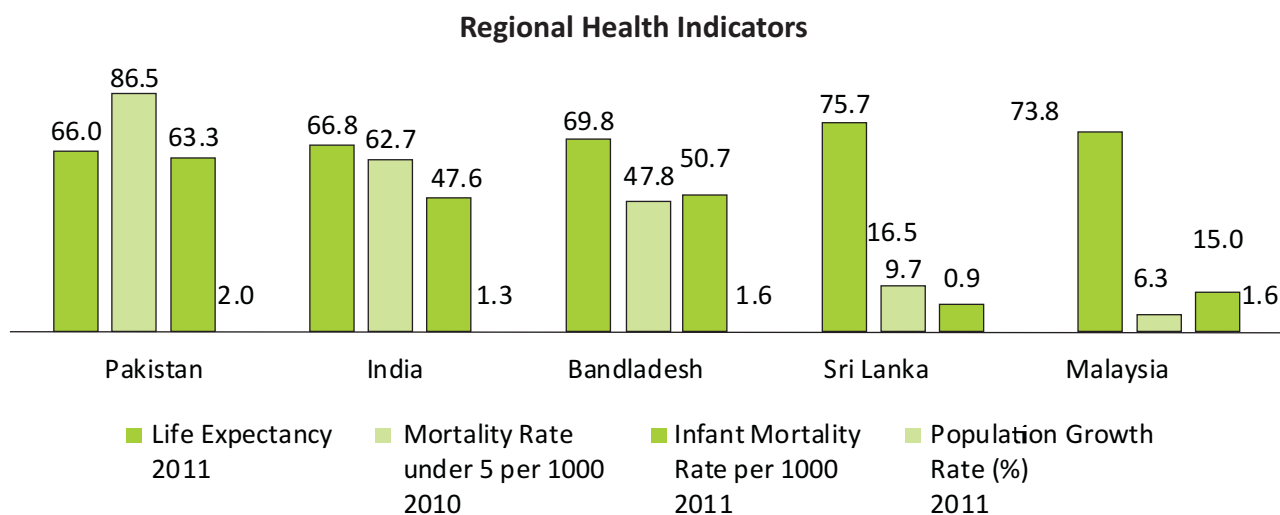
Table 4.4.2

Healthcare Facilities			
Health Manpower	2009-10	2010-11	2011-12
Registered Doctors	139,555	144,901	149,201
Registered Dentists	9,822	10,508	10,958
Registered Nurses	69,313	73,244	76,244
Population per Doctor	11,83	1,222	1,206
Population per Dentist	16914	16,854	16,426
Population per Bed	1592	1,701	1,665

Source: *Economic Survey of Pakistan 2011-12*

Therefore, despite all the efforts of the public sector health machinery, Pakistan is one of the worst performers among other Asian countries, as indicated in the table below:

Figure 4.4.3



Source: *Economic Survey of Pakistan 2011-12*

Although there has been subtle progress in immunization, Pakistan still needs to increase efforts to improve immunization coverage, including polio. Pakistan is counted among countries which have highest rate of deaths among children. It is estimated that one in every 11 (87 per 1000 live births) children dies before reaching age of 5. As per a report “nearly half of all deaths in Pakistan are among children less than 5 year old, compared with 8-10% of all deaths in developed countries”². The report argues that third of these death because of “vaccine preventable diseases”. As per government surveys, the immunization coverage is Pakistan ranges between 56 to 80% and has remained stable over the last about ten years. Moreover, Pakistan is among the only three countries in the world which faced with polio's epidemic. In a recent polio campaign around 1 million children could not be provided vaccines³. Recently 3 polio cases were reported from Baluchistan⁴.

The PSLM reported trends in terms of the water supply and sanitation indicators. Whereas the sanitation situation at household level has registered an improvement (in terms of 66% of population using flush toilets compared to 63% in 2008-09), the access to drinking water to urban and rural population of Pakistan is 94% and 84% respectively, with an average of 87% in 2011.

After 18th amendment, although the functions of Ministry of health have been transferred to the provincial health departments and the mandate to plan and strategize the health sector lies with the provinces, still it is important to have a unified national vision for health for implementation in the provinces. According to Dr Sania Nishtar in Strategic Appraisal of 18th amendment, a report prepared by National Management Wing, National Management College, National School of Public Policy, 2012, ideally the Ministry of Health should not have been abolished.

“We never know when Pakistan will understand that health and education are primary requirements of human security. We need to shift our resources and focus towards this issue.”

A participant in Karachi

²RESEARCH AND DEVELOPMENT SOLUTIONS 2012, Childhood Immunization In Pakistan, Policy Briefs Series No. 3, February 2012, available online <http://resdev.org/Docs/03immoview.pdf> accessed on December 17, 2012

³Dawn.com 2012, One million Pakistani children miss polio vaccination, available online <http://dawn.com/2012/10/17/one-million-pakistani-children-miss-polio-vaccination/> accessed on December 17, 2012

⁴Daily The Nation, Three more polio cases surface in Balochistan, available online <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/national/01-Dec-2012/three-more-polio-cases-surface-in-balochistan>, accessed on December 17, 2012

According to the report, “despite its weaknesses, Ministry of Health was playing an important role in many areas, which needed to be nationally served in Pakistan's federating system. A re-cast federal structure for health mandated to serve a number of national functions, inclusive of health information, health regulation, international commitments, and certain streams of national health policy would, therefore, have ensured continuity.”

Citizen's Perspective and Recommendations

- The public sector provision of quality services is of extremely poor. According to a recent report on Social Audit, access to healthcare in public sector outlets is declining.
- There is an extreme shortage of mental health facilities in Pakistan. The government should encourage psychosocial support centers not only in public health sector but also in not-for-profit sector.
- Sports facilities and avenues for creative use of energy must be increased, especially for the youth, to help achieve highest standards of physical health.
- There is a sheer lack of attention towards occupational health and community healthcare systems. Public sector must increase its focus towards such facilities.
- Environmental regulations need to be enforced and 'polluter pays' principle must be applied without any discrimination to promote environmental and industrial hygiene.
- Epidemics must be controlled with awareness raising campaigns and better coverage for child immunization. Pakistan is witness to dengue outbreaks while polio has still not been eradicated.
- Standard Operating Policies for health sector should be designed for local/district governments in synergy with the provincial and federal government policies.
- Reforms for Basic Health Units should be designed and implemented keeping in mind the needs and requirements of local communities.
- International development organizations should support the government to overcome the severe technical and financial constraints to achieve the minimum standards of living for the people with provision of reasonable level of health facilities.
- There is an immense need to technically upgrade the public sector health units with advanced and modern technologies.
- With modern technologies, access to information tools should be installed at basic health units to connect them to western academia and medical world for information related to latest researches in the field of health.

4.5. Right to Education: Article 13-14

These articles deal with primary, secondary, higher, and technical and vocational education. It demands education which develops free society with peace and tolerance.

Education is one of the most important enabling factors in human development. Education plays an instrumental role not only in raising awareness about economic, social, and cultural rights but also in creating enabling environment in which such rights are operationalized. Education ensures basic freedoms in which people can raise voice and improve their capability to function so that they can live a full life with its economic, social, cultural and political aspects. In terms of human capital, education and skills improve human productivity and hence growth which ultimately is designed to improve standards of living. Literature on new growth theory also gives central importance to research and development which is a central function of education and provides increasing returns on investment.

“It is not only the quantity of education which matters but also the quality and relevance of education with employability. Since our education does not create entrepreneurship, there is always a pressure on government for jobs. There is a need to make education more relevant for sustainable livelihood.”

A participant in Islamabad

In Pakistan, the Education Policy 2009 states that the curriculum shall emphasize fundamental rights guaranteed to the citizens to ensure full development of human personality. Though the policy outlines a number of reforms, the most important link is the plan of action by provinces after the 18th amendment. The policy aims to promote education for all, child friendly education and early children education (ECE). It advises the provinces to achieve Universal Primary Education (UPE) by 2015 and universal education upto class 10 by 2025. It further aims at developing equity in education provision while improving its quality. It also emphasizes as mandated in the ICESCR to promote higher education.

However, what worries civil society is the following table which shows that basic literacy is extremely low, especially in rural areas. Literacy in itself and regional and gender comparative sense is important.

Table 4.5.1

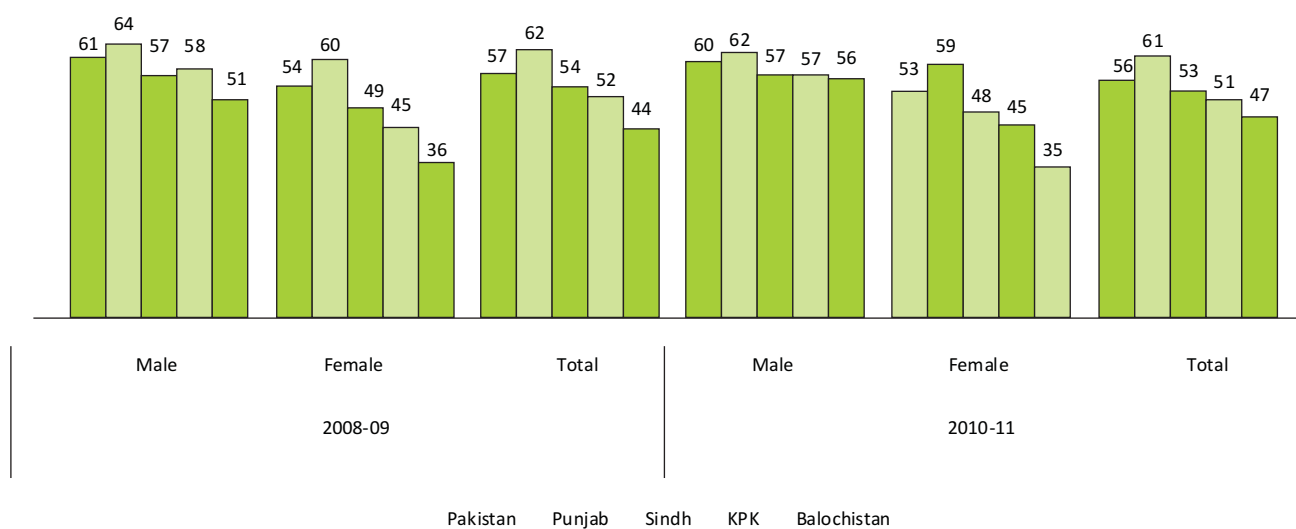
Literacy Rate (10 Year and Above)- Pakistan and Provinces (Percent)						
Province/Area	2008-09			2010-11		
	Male	Female	Total	Male	Female	Total
Pakistan	69	45	57	69	46	58
Rural	63	33	48	63	35	49
Urban	81	67	74	81	67	74
Punjab	69	50	59	70	51	60
Rural	63	39	51	64	42	53
Urban	82	71	76	80	71	76
Sindh	71	45	59	71	46	59
Rural	61	22	43	60	22	42
Urban	81	65	73	82	68	75
KPK	69	31	50	68	33	50
Rural	67	27	47	67	29	48
Urban	76	48	62	77	50	63
Balochistan	62	23	45	60	19	41
Rural	57	16	38	54	13	35
Urban	78	47	64	79	40	61

Source: Economic Survey of Pakistan 2011-12

At the same time while net enrolment is an important indicator for spread of education, the following figure shows that there has been in fact decline in the rate from 2008-09 to 2010-11. For provinces, this must be a worrisome situation.

Figure 4.5.2

National and Provincial NERat Primary Level



Source: Economic Survey of Pakistan 2011-12

The following table shows that though there is no sizable increase in number of institutions, some improvement can be seen in enrolment. While improvement in total enrolment is 4.4%, the increase in institutions is 0.3% and in teachers around 1.7%.

Table 4.5.2

Number of Mainstream Institutions, Enrolment and Teachers by Level									
Year	Enrolment			Institutions			Teachers		
	2009-10	2010-11	2011-12 E	2009-10	2010-11	2011-12 E	2009-10	2010-11	2011-12 E
Pre-Primary	8762.5	9412.5	9863.2	-	-	-	-	-	-
Primary (mosque schools included)	18771.6	19157.6	19571	157.5	155.5	154.6	441.7	440.5	435.5
Middle	5504.5	5643.7	5717.5	41.3	42	42.6	331.5	335	342.6
High	2583.4	2630.1	2725.1	24.8	25.2	25.8	447.1	452.8	463.9
Higher Sec./Inter	1166	1187.8	1291	3.3	3.4	3.6	77.2	81.2	85
Degree Colleges	478.4	760.9	1015.2	14	1.6	1.7	30.8	36.3	45.4
Universities	935.6	1107.7	1413.5	0.132	0.135	-	57.8	63.6	72.6
Total	38202	39900.3	41596.5	228.4	227.8	228.3	1386.1	1409.4	1445

E=Estimated

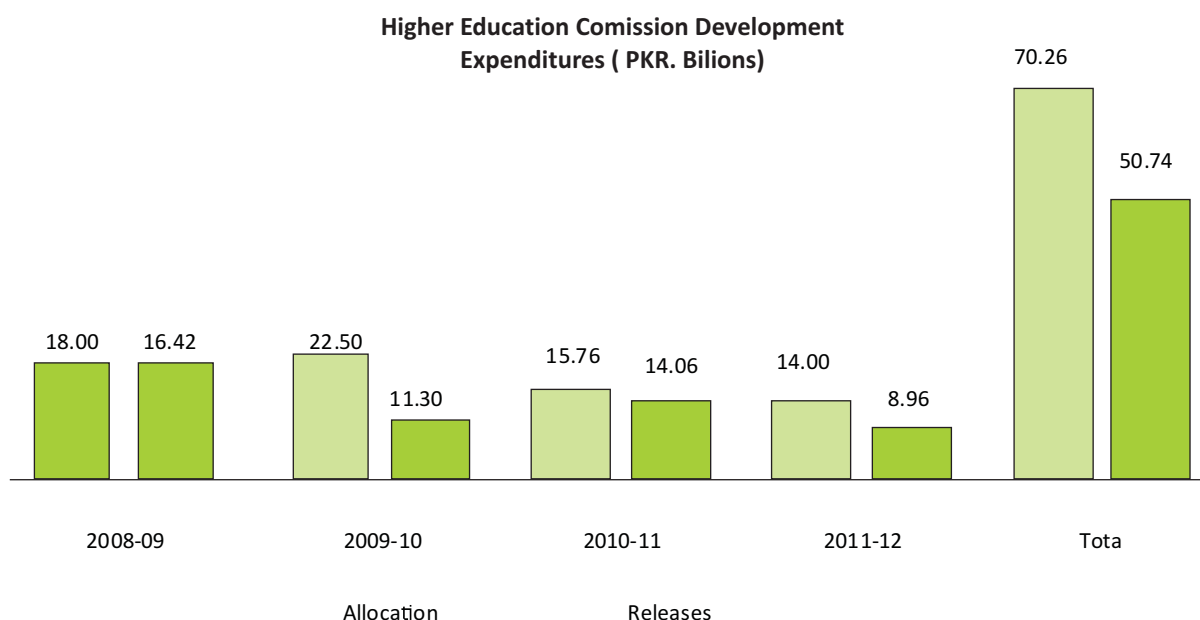
Source: Economic Survey of Pakistan

There are many facilities for technical and vocational trainings. However, most of them require upgrading of machinery and curriculum. In this regard many international players such as UNIDO, UNESCO, British Council, European Union, Turkey, Japan and Korea are helping Pakistan in developing a robust system.

On higher education, in 2000 Pakistan started with high ambitions to revitalize the sector. A number of scholarships and grants were allocated. For example, 2,000 scholarships were awarded to students from FATA and Balochistan, 1512 indigenous PhD schemes were announced, 1015 need-based and merit scholarships were announced while 590 post-doctoral fellowship programmes were announced. However, as Pakistan's economy nosedived, the allocations were not matched by the grants released.

The following figure shows the gaps:

Figure 4.5.3



Source: Economic Survey of Pakistan

Citizen's Perspective and Recommendations

- Quality and availability of teachers, especially female teachers, is one of the main hindrances in achieving UPE and also in higher secondary education. Public sector needs to allocate more resources and develop systems of district level monitoring and evaluation.
- For education to be an enabling factor for free society, Pakistan needs to revise its curriculum. It must be noted that curriculum is not only the set of instructions and books. It also includes culture of household to school environment and other ancillary facilities such as sports and library.

- There is a huge gap in Pakistan in the education which is provided and which is desirable for a free society based on tolerance and mutual understanding, and non-discriminatory.
- There is a need to revitalize public sector education in the provinces. A comprehensive definition and action plan is needed for 'free' and 'compulsory' education which can fully realize the basic right to education, including education of dropouts and out of school illiterates.
- Higher education must be equally accessible. There is need to encourage the private and public sectors to invest and even invite international faculty for trainings. It has been argued that Pakistan is a country which has shown respectable performance in terms of economic growth but on human development the performance is poor. This has created inequalities in every aspect of life. Pakistan needs to emphasize education as an equality and growth enhancing instrument.

To improve financing for education, the National Finance Commission award must be revised, though the current award has increased the provincial shares from the divisible pool from 50% to 57%.

“The economic, social, and cultural rights are embedded in the principle of non-discrimination. Education must be free from hate speech and discriminatory remarks. In many parts of Pakistan extra 20 marks are given to Hafiz-e-Quran in final examinations which discriminate against the non-Hafiz-e-Quran and non-Muslims. The equality of all citizens before the State is damaged here.”

A participant in Lahore consultation

4.6 Cultural Rights: Article 15

This article deals with cultural life and asks to ensure participation of everyone in cultural life as well as protection of copyrights of the authors.

The Article 28 of Pakistan's constitution states that any section of citizens having a distinct language, script or culture shall have right to preserve and promote the same and subject to law, establish institutions for that purpose.

Cultural rights are human rights that aim at assuring the enjoyment of culture and its components in conditions of equality, human dignity and non-discrimination. Language, cultural and artistic productions, participation in cultural life, cultural heritage, intellectual property rights, author's rights, minorities rights and access to cultural all comes under the umbrella of cultural rights.

In other words, cultural rights are about the right to respect for private and family life and home, protects the right to maintain a minority identity and to lead one's private and family life with the tradition.

Pakistan has constitutional safeguards for protecting minority rights. The Article 36 of constitution safeguards the legitimate rights and interests of minorities, including their due representation in the federal and provincial services. In line with the article 36 of constitution and the ICESCR, the government of Pakistan has taken certain steps to safeguard the rights of minorities.

The government has promulgated an ordinance to protect the communal property of minorities and has fixed 5% quota in the services of federal as well as provincial governments. The federal government has also constituted a National Commission for Minorities. In addition, to promote communal harmony, the Ministry of Interfaith Harmony is also working.

The 18th Amendment Context and Participation of People

Under the 18th amendment, all archeological and cultural sites have been handed over to the respective provinces along with the responsibility of promoting and projecting their local cultures. It is hoped that such measures would give a sense of participation to local people in the cultural life. It has been observed that major thrust of the State has been to preserve, conserve and restore the historical and archeological sites and monuments across the country.

Budgetary Allocations

Rs8.2 million each have been proposed for the preservation, conservation and restoration of Mehr Garh sites, rehabilitation and cultural tourism at Moenjodaro, Shahdara Complex of Monuments, archaeological sites from Taxila to Swat, Hiran Minar and Water Tank, database of paintings and laboratory for restoration of damaged paintings. Rs32.7 million have been proposed for feasibility study of the National Center for Performing Arts in Islamabad.

Looking at the budgetary allocations from 2003-04 to 2010-11, one can find fluctuations from 2003-04 to 2005-06 where there is sharp increase in the allocations in PSDP ranging from Rs180.371 million to Rs627.411 million (about 3.47 times increase). Then there is a sharp decline from Rs627.411 million to Rs185.982 million (about 3 times decrease). Up to 2010-11 there is an increasing trend in the budgetary allocations in the PSDP.

Citizens' Perspective and Recommendations:

- There is a need to focus more on the protection of culture of minorities and sub-national identities.
- There is a need to improve the law and order. There is urgent need to control latent radicalization of society in which people are turning against music and drama.
- Concerning the need for protection of the rights of author of scientific and research work, citizens expressed concern and wanted protection of copyrights while balancing it with spread of useful knowledge as public good.

The CSOs also recommended for encouraging government not to block websites and social networking systems on one pretext or the other.

“The State of Pakistan needs to seriously think that for interprovincial and communal harmony, local languages and cultures which must be given preference. In Pakistan, sub-national languages and the poets and culture never got financial support to the level of what was given to Urdu. All sub-national languages are actually national languages and cultural expression of Pakistan.”

A participant in Quetta consultation

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