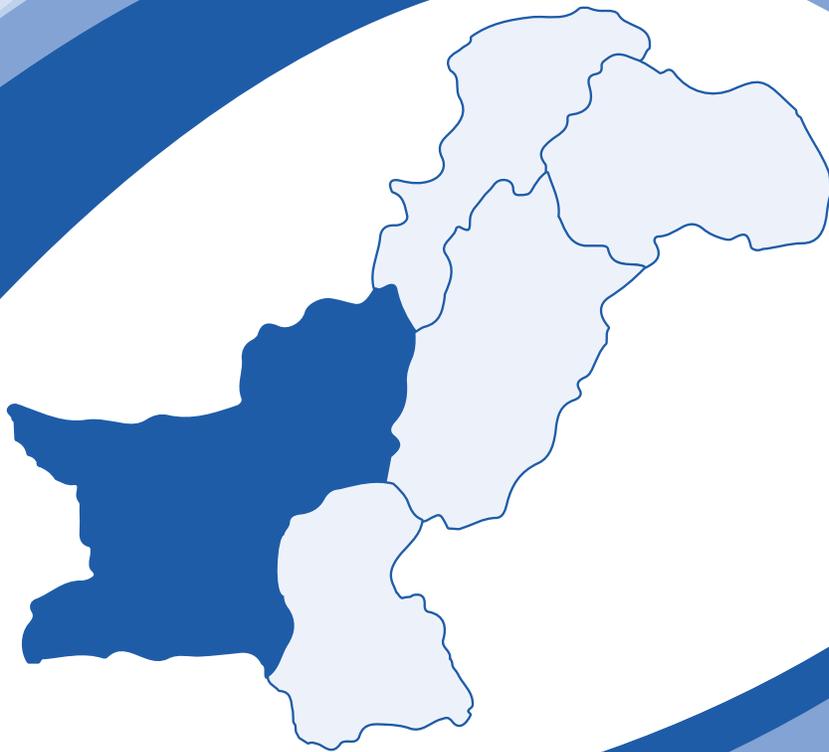


# Sustainable Development Goal 16: A Legislative and Policy Gap Analysis for Balochistan



16 PEACE, JUSTICE  
AND STRONG  
INSTITUTIONS





# Sustainable Development Goal 16: A Legislative and Policy Gap Analysis for Balochistan

OCTOBER 2017





## Sustainable Development Goal 16

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

### Disclaimer:

The views expressed in this publication are those of the author(s)—and the respondents interviewed during the research of which this report is a product—and do not necessarily represent those of the United Nations, including UNDP, or UN Member States.”

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## Executive Summary

This study outlines some of the legislative and policy gaps to be overcome for successful implementation of Sustainable Development Goal 16 (Peace, Justice and Strong Institutions) in Balochistan. The particular targets of SDG 16 being looked at include:

- i. Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all
- ii. Target 16.5: Substantially reduce corruption and bribery in all their forms
- iii. Target 16.6: Develop effective, accountable and transparent institutions at all levels
- iv. Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels
- v. Target 16.9: By 2030, provide legal identity for all, including birth registration
- vi. Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
- vii. Target 16.b: Promote and enforce non-discriminatory laws and policies for sustainable development

According to a Public Opinion Poll conducted by PILDAT in August 2016, the biggest current issue for the respondents from Balochistan was terrorism.<sup>1</sup> Therefore, given that Goal 16 aims at the establishment of peaceful and just societies, this remains a central aspiration for the people of Balochistan, even though not exactly couched within the context of the SDGs.

Given also that the democratic setup has started to gain credibility with the people of the Balochistan, especially in the context of the insurgency that has dominated the Baloch-dominated areas, the establishment of Peace, Justice and Strong Institutions remains a strong democratic and governance aspiration.

However, this study reveals that most of the legal architecture within the Province is outdated, discriminatory and ill-suited for implementation of Goal 16. What is needed is an overhaul of the legal and policy architecture, led by formation of progressive laws and policies, keeping in view the peculiar needs of Balochistan.

**Target 16.3: Rule of Law.** On Target 16.3, over 95% of the area of Balochistan ('B' Area) is under a ragtag Levies system for the purposes of maintaining law and order. In addition, taking a highly retrogressive and apparently ultra vires step, the Balochistan Government, in 2011, repealed the Police Order 2002 and fully restored the retrogressive Police Act 1861 inconsistent with modern policing challenges. Therefore, there is a need to not only introduce a unified system of policing in the Province, but also take measures for its effective depoliticization.

**Target 16.5: Reduction of Corruption and Bribery.** With regards to implementation of Target 16.5, it was noted that apart from duplicity of functions between the Anti Corruption Establishment (ACE)

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<sup>1</sup>For details, please see the PILDAT publication titled Public Opinion Poll on the Quality of Governance in Pakistan, June 2015-May 2016, which may be accessed at: [http://www.pildat.org/Publications/publication/GovernanceAssessment/PublicOpiniononQualityofGovernanceinPakistan\\_June2015toMay2016.pdf](http://www.pildat.org/Publications/publication/GovernanceAssessment/PublicOpiniononQualityofGovernanceinPakistan_June2015toMay2016.pdf)

Balochistan and National Accountability Bureau, and no legal clarity in this regard, a major gap remains lack of legal protection against recrimination for whistle-blowers and absence of a conflict of interest law.

Target 16.6: Effective, Accountable and Transparent institutions. With regards to Target 16.6, the situation in Balochistan remains a cause of concern. This includes lack of timely accountability by the Public Accounts Committee (PAC) of the Provincial Assembly. For example, according to Auditor General of Pakistan Annual Report 2015-16, the AGP audit reports of the past 23 years are pending for scrutiny with Public Accounts Committee of the Provincial Assembly of Balochistan. This is compounded by the fact that a Member of the Provincial Assembly, who belongs to the ruling coalition, is the Chairman of the Public Accounts Committee, Balochistan, which is contrary to the global good practice where chairpersonship of PACs goes to the opposition benches.

Target 16.7: Responsive, Inclusive, Participatory and Representative Decision-making. With regards to Target 16.7, it was noted that although Balochistan achieved the distinction of being the first Province across Pakistan to hold Local Government elections in December 2014, the Balochistan Local Government Act, 2010, hardly devolves any real financial and administrative powers to the Local Governments. In addition, the Provincial Assembly of Balochistan, for its current term, did not have any functional Standing Committees for its first three years, with the Standing Committees notified in November 2016. In the entire previous term as well, the Assembly did not have any committees. In addition, Speaker of the Provincial Assembly of Balochistan does not have the power to take disciplinary actions against the staff of the Assembly Secretariat.<sup>2</sup> This essentially means that if the Speaker wants to institute any changes in the working of the Secretariat, the staff may not comply with the directives. Instead the power resides with the Chief Minister of the Province. There is also a need to make available online the attendance records, not only for the plenary session, but also for the Committee meetings, of the members of the Assembly.<sup>2</sup> This will give a chance to the voters to gauge whether their elected representatives have been attending the Assembly sessions regularly and effectively representing their concerns.

Target 16.9: Legal Identity & Birth Registration. With regards to Target 16.9, it was noted that that a cumbersome process inhibited birth registration in Balochistan along with duplicity of functions between NADRA and the Union Council. Although the Balochistan Local Government Act 2010 mentions late registration of birth as an offence, the period given for registering the birth of a child is only one month. Given the fragile health of the mother and child during the first month, which may require intensive care, parents are discouraged from registering birth. Hence, the limit may be raised to one year.

Target 16.10: Public Access to Information. With regards to Target 16.10 for Balochistan, it was noted that an outdated Freedom of Information Act is still operative in the Province, although the Government of Balochistan has initiated consultations on the matter. The current law in place does not provide for a central agency to coordinate information requests, nor does it provide for maintenance of records by the Provincial Government. Therefore, there is an urgent need to draft and pass a new RTI law in the Province taking into consideration all these concerns.

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<sup>2</sup>This was shared by the Speaker of the Provincial Assembly of Balochistan, Ms. Raheela Durrani, MPA, in meeting with representatives of PILDAT and Panel of Experts at the Speaker's Chamber in the Provincial Assembly of Balochistan in Quetta on February 03, 2017. The complete minutes of the meeting are reproduced in the Annex of the Report.

Target 16.b: Non Discriminatory Policies and Sustainable Development. With regards to Target 16.b, it was found that the Provincial Commission on the Status of Women in Balochistan is not functional. In addition, only two members of the of 5-member inquiry committee to be formed under the Balochistan Protection Against Harassment of Women at Work Place Act 2016 are required to be female. However, the two biggest hurdles are the dual system of policing and the Provincially Administered Tribal Areas, where laws and policies of the Provincial Government of Balochistan do not extend.

### General Recommendations to Improve Implementation of SDGs

Some of the recommendations that may be considered to improve implementation and oversight of the SDGs in Pakistan include:

- i. Worldwide, it is the job of the Legislatures to oversee implementation of policies while policy making and implementation firmly remains the domain of Executive. In addition, creation of new committees when there already exist departmental committees in each legislature is also a waste of public resources and energy. Instead of the Task Force, the existing committees in each legislature, relevant to various SDGs, should be asked to oversee executive's implementation. In this regard, the capacity of the relevant committees should be built.
- ii. There is a need to raise awareness regarding implementation of SDGs at the level of the Local Governments, and to coordinate with the Provincial Governments to institute a reporting and coordination mechanism in this regard.
- iii. The Federal and Provincial Governments must prioritize key goals of the SDGs, and develop indicators along the lines of the Key Performance Indicators.
- iv. Successful implementation of SDGs also requires public ownership in addition to Governments' ownership. Governments, in coordination with the UNDP therefore must develop robust communication strategies on the SDG, so that SDGs become people's agenda.

### Summary of Study Tools & Acknowledgments

PILDAT constituted a Panel of Experts for the study, consisting of three people, including Dr. Shoaib Suddle, Mr. Muhammad Ali Nekokara, and Mr. Abdul Matin. Their brief profiles are included in Appendix A.

After an initial exercise mapping out the relevant laws and policies in place at the Federal and Provincial level with regards to the concerned targets of SDG 16, a series of consultations were held in Quetta, Balochistan, with relevant stakeholders to map out the relevant legislative and policy gaps. These included the following:

- i. Meeting with the Honourable Speaker of the Provincial Assembly of Balochistan, Ms. Raheela Durrani, MPA.
- ii. Consultation with Senior Representatives of the Government of Balochistan.
- iii. Consultation with Members of the Provincial Assembly of Balochistan including members of the Provincial Task Force.
- iv. Consultations with Members of the Civil Society, Media and Academia of Balochistan.

Based upon consultations, and the data shared by the Provincial Government, and benefitting from the expertise of its Panel, PILDAT outlined the relevant gaps and required reforms for implementation of concerned targets of SDG 16 in Balochistan.

## Acknowledgments

PILDAT is thankful to its partner for the study, UNDP Pakistan, for the assistance extended in its execution. The Panel of Experts' guidance for the consultations, and the invaluable expertise lent in developing the drafts are recognised with deep gratitude. PILDAT also appreciates the time taken out by all the participants of the consultations for their input and guidance on the subject matter.

A special note of thanks is extended to the Honourable Speaker of the Provincial Assembly of Balochistan, Ms. Raheela Durrani, MPA, and her good offices in facilitating PILDAT's queries, along with their valuable guidance.

This study benefits from the research managed by Mr. Muhammad Saad, Projects Manager, PILDAT under the review of Ms. Aasiya Riaz, Joint Director, PILDAT and overall leadership and guidance by Mr. Ahmed Bilal Mehboob, President, PILDAT.

## Findings and Recommendations

### Targets 16.3

'Promote the rule of law at the national and international levels and ensure equal access to justice for all'

#### Findings in Balochistan

The Rule of Law situation in Balochistan cannot be understood properly without reference to its peculiar out-dated justice system. Over 95% of Balochistan ('B' Area) is under a ragtag Levies system for the purposes of maintaining law and order. Levies were historically meant to produce offenders for adjudication by tribal elders; they were not trained for investigating crimes for adjudication by the present-day courts. In the backdrop of promulgation of Police Order 2002, that replaced the 141-year-old Police Act 1861, the Federal Government, taking a progressive and much-needed step, funded a five-year - PKR 10 billion - police modernisation and development plan for mainstreaming the antiquated law and order mechanisms across Balochistan. Resultantly, the regular police system was gradually extended from 5% of Balochistan ('A' Area), mostly urban, to entire Balochistan, completing the transition in 2007.

Taking a highly retrogressive and apparently an ultra vires step, however, the Balochistan Government, in 2011, repealed the Police Order 2002. Reverting back to status quo, not only 'B' Area was fully restored, Police Act 1861 was also brought back in the 'A' Area, under the guise of Balochistan Police Act 2011. A Writ Petition challenging the repeal of Police Order 2002 is pending in Balochistan High Court.

Appearing before Quetta Inquiry Commission, headed by Justice Qazi Faez Isa (Report released on December 13, 2016), the Chief Secretary Balochistan while referring to duplicity of 'A' and 'B' Areas as problematic, thus deposed: 'In my opinion, reverting to the Levies Force was a retrogressive step and should not have been taken. It is also a myth that Levies as compared to Police is a cheaper force'.<sup>3</sup>

The law and order problem in Balochistan has a unique dimension of Baloch insurgency, which has a presence in mostly Baloch majority areas. However, since the formation of the National Action Plan, the Provincial Government, in coordination with the Federal Government, has been making efforts to reach out to disgruntled Baloch leaders, along with incentivizing Baloch insurgents to lay down arms. As a result more than 70 separatist militants, including those from banned outfits like the Balochistan Liberation Army and the Balochistan Republican Army, have laid down their arms till now. <sup>4</sup>Since formation of National Action Plan, Government of Balochistan has also enacted a number of laws to bolster the Province's law and order landscape.<sup>5</sup>

Emphasising the need for a fairer and credible Rule of Law regime, during consultations with PILDAT, the civil society representatives of Balochistan were critical of State agencies' attempts to fix the law and order problems through routine resort to enforced disappearances. The participants representing

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For details, please see: [http://www.supremecourt.gov.pk/web/user\\_files/File/QuettaInquiryCommissionReport.pdf](http://www.supremecourt.gov.pk/web/user_files/File/QuettaInquiryCommissionReport.pdf)

For details, please see PILDAT's Score Card on the Assessment of the Quality of Governance in Balochistan, 2015-2016, which may be accessed at:

[http://www.pildat.org/Publications/publication/GovernanceAssessment/ScoreCardonQualityofGovernance-ThirdYearoftheGovernmentofBalochistan\\_2015-2016.pdf](http://www.pildat.org/Publications/publication/GovernanceAssessment/ScoreCardonQualityofGovernance-ThirdYearoftheGovernmentofBalochistan_2015-2016.pdf)

These include Balochistan Sound System (Regulation) Act, 2016, Balochistan Arms (Amendment) Act, 2016, Balochistan Prohibition of Expressing Matters on Walls (Amendment Act), 2016, Balochistan Hotels Restrictions (Security) Act, 2015, Balochistan Witness Protection Act, 2016, and the Balochistan Forensic Science Agency Act 2015.

minorities and women rights organisations expressed dismay on the arbitrary nature of Rule of Law in Balochistan. Referring to lack of inclusiveness, they particularly referred to abysmally meagre representation of minorities and women in the justice sector of Balochistan.<sup>6</sup>

#### Recommendations for Balochistan

The following recommendations may be additionally considered for Balochistan:

- i. There is an urgent need of introducing a uniform policing system in Balochistan, and the division between 'A' and 'B' areas should immediately be eliminated.
- ii. This may be done through introduction of an updated legislation on policing in Balochistan, which effectively ensures depoliticization of the police, along with its accountability both from within and outside through Public Safety Commissions.
- iii. Balochistan designated the lowest percentage of its police budget for 2015-2016 for development of police force, for cost of investigation, and for its Counter Terrorism Department amongst all the Provinces. The allocations in this regard need to be improved, keeping in view the Province's peculiar law and order requirements.<sup>7</sup>
- iv. Amending Section 154 of Cr. P. C. to ensure that after registration of FIR, subsequent actions by police must be on the basis of solid reasons/evidence to be brought on the record by police officer(s) concerned. This would lead to more effective prosecution of cases.
- v. All FIRs should be recorded in simple language, available online and computerized and be simultaneously sent to the prosecution service so as to involve the latter in the case from its very inception.
- vi. The existing forums provided for under the present legal framework have not been able to fulfil the requirements for free legal aid as per the constitutional mandate. There was a need for Legal Aid Authorities both at the Federal and Provincial levels to monitor and supervise the work of public defender services.

#### Target 16.5

'Substantially reduce corruption and bribery in all their forms'

As of 2016, Pakistan ranks at 116 (decreasing from 126th in 2014 and 117th in 2015) least corrupt nation out of 175 countries in Transparency International's (TI) Corruption Perceptions Index (CPI).<sup>8</sup>

Notwithstanding Pakistan's poor performance on corruption related indices, the issue continues to retain significant public importance. According to PILDAT's Public Opinion Poll, 2016, for nation-wide respondents, corruption was the fourth biggest issue the country faced, following terrorism inflation and the energy crisis.<sup>9</sup>

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<sup>6</sup>This was pointed out by Mr. Haroon Dawood, Resident Director Balochistan for Aurat Foundation, during a consultation held by PILDAT on February 03, 2017 in Serena Hotel, Quetta. The complete minutes of the consultation are reproduced in the Annex of the Report.

<sup>7</sup>For more details, please see the PILDAT publication titled Comparative Police Budgets Across Pakistan, which may be accessed at:  
[http://www.pildat.org/Publications/publication/ROLR/PoliceBudgetforIslamabadCapitalTerritory\\_IssuesAnalysisAndRecommendations\\_June2016.pdf](http://www.pildat.org/Publications/publication/ROLR/PoliceBudgetforIslamabadCapitalTerritory_IssuesAnalysisAndRecommendations_June2016.pdf)

<sup>8</sup>Corruption Perceptions Index 2016 reported by Transparency International

<sup>9</sup>For details, please see PILDAT's Public Opinion Poll on the Quality of Governance in Pakistan, June 2015-May 2016, which may be accessed at:  
[http://www.pildat.org/Publications/publication/governanceassessment/publicopiniononqualityofgovernanceinpakistan\\_june2015tomay2016.pdf](http://www.pildat.org/Publications/publication/governanceassessment/publicopiniononqualityofgovernanceinpakistan_june2015tomay2016.pdf)

For a detailed listing of the national and provincial legislation governing anti-corruption please see *Appendix B*. *Appendix C* contains gaps and findings related to the National Accountability Bureau.

## Findings in Balochistan

It must be noted that duplicity of functions plagues the two anti-corruption agencies operating in the Province: that is the National Accountability Bureau and the Anti Corruption Establishment Balochistan. The Balochistan Anti Corruption Establishment Act, 2010 or the Balochistan Enquiries and Anti Corruption (Functions, Powers and Procedure) Rules, 2011 do not stipulate a minimum or maximum amount that the agency can investigate; neither does the National Accountability Ordinance 1999.

Although the Sindh High Court in November 2016 stated in its judgment that the NAB should investigate the corruption cases involving an amount of more than PKR 100 million (the NAB since the beginning of 2017 has also drafted Standard Operating Procedure-SOP to the effect), the agency maintains that there was no settled pecuniary jurisdiction identified in the National Accountability Ordinance, 1999. Lastly, according to the agency, NAB's SOPs do not have a retrospective effect and inquiries authorized and references filed prior to the SOP are legitimate to be carried out by NAB.

In addition, there is no institutionalized mechanism for coordination between the two agencies, where the Anti Corruption Establishment Balochistan, due to the NAB's far superior resources, looks upon the latter more as a 'big brother'.<sup>10</sup>

However, in a few positives the number of inquiries that led to First Information Reports (FIRs) by the Anti Corruption Establishment Balochistan in 2015-2016 was more than double from 2014-2015, while the number of convictions increased more than six-fold in 2015-2016. The ACEB also increased the number of inquiries into cases involving a Government official of Grade 20 or above by 66.67% over 2014-2015 and 2015-2016. The amount of money recovered from anti-corruption activities in 2015-2016, PKR 278.36 million, was almost 7 times the amount in 2014-2015, which was PKR 46.94 million.<sup>11</sup>

A major gap in Balochistan's anti-corruption legislative framework remains lack of legal protection against recrimination for whistleblowers. There are no provisions protecting whistleblowers in Balochistan Freedom of Information Act of 2005 nor is there a separate law. Importantly, there is also no conflict of interest law in Balochistan.

## Recommendations for Balochistan

The following recommendations may be considered in the case of Balochistan:

- i. A separate Whistleblower law in line with the international best standards should be introduced to give sufficient protection to whistleblowers in Balochistan.
- ii. Conflict of Interest law in line with the international best standards should be enacted to regulate conflict of interests of public office holders in Balochistan.

<sup>10</sup>This lopsided relation was pointed out by officials of Anti-Corruption Establishment Balochistan during a consultation held by PILDAT on February 03, 2017 at Serena Hotel, Quetta. The complete minutes of the consultation are reproduced in the Annex of the Report.

<sup>11</sup>For details, please see PILDAT's Score Card on the Assessment of the Quality of Governance in Balochistan, 2015-2016, which may be accessed at: [http://www.youthparliament.pk/pildatenews/17-02-15/ScoreCardonQualityofGovernance-ThirdYearoftheGovernmentofBalochistan\\_2015-2016.pdf](http://www.youthparliament.pk/pildatenews/17-02-15/ScoreCardonQualityofGovernance-ThirdYearoftheGovernmentofBalochistan_2015-2016.pdf)

- iii. There is a need to revisit the overlapping jurisdictions of NAB and ACEB. It is recommended that through necessary amendments in the NAO 1999, the jurisdiction of NAB may only be restricted to 'mega-corruption cases', with the remaining forwarded to the ACEB.
- iv. NAB's jurisdiction may only be restricted to Federal agencies.
- v. There is need for greater institutionalized consultation between the anti-corruption agencies for efficient functioning.

### Target 16.6

*'Develop effective, accountable and transparent institutions at all levels'*

#### Findings for Balochistan

Balochistan, unlike other Provinces, has to date not passed a new Right to Information Act and still follows the Balochistan Freedom of Information Act 2005 which does not facilitate citizens and journalists in getting information from Government institutions.

At the Federal level, there are accountability institutions such as National Accountability Bureau (NAB), Federal Investigation Agency (FIA) and Auditor General of Pakistan, whereas at the provincial level there are institutions such as Anti-Corruption Establishment, Provincial Ombudsman, Provincial Public Accounts Committee and Chief Minister Inspection Team.

Balochistan is lagging behind when it comes to transparency as it neither has an RTI Commission to facilitate citizens in getting information from Government bodies nor a provincial RTI law to fulfill international obligations and standards of transparency.

Similarly there are serious challenges with regard to accountability functions including:

- i. National and provincial accountability institutions, that are the NAB and the Anti Corruption Establishment Balochistan, have overlapping jurisdiction. Limiting national institutions to Federal subjects and letting provincial bodies deal with accountability on provincial subjects may resolve the issue.
- ii. Some of the main issues faced by Auditor General of Pakistan (AGP) office are lack of timely accountability by the Public Accounts Committees.
- iii. According to Auditor General of Pakistan Annual Report 2015-16, AGP audit reports of last 23 years are pending for scrutiny with Public Accounts Committee of the Provincial Assembly of Balochistan.<sup>12</sup> An MPA of the ruling coalition is the chairman of Public Accounts Committee, Balochistan, which is contrary to global good practice of the position going to a member of the opposition.
- iv. Chief Minister Inspection Team of Balochistan Government has limited capacity as well as support from the Government and their mandate is incompatible with the strength of the organization.

#### Recommendations for Balochistan:

The following recommendations may be considered for the case of Balochistan:

- i. Strengthen internal accountability of the Government Departments to complement the efforts of the external accountability institutions.

<sup>12</sup>Auditor General of Pakistan Annual Report 2015-16, p. 59.

- i. Appoint a member of the Opposition as Chairman of the Provincial Public Accounts Committee
- ii. Introduce a new legislation governing right to information in Balochistan.
- iii. At the level of the Local Governments

### Findings for Balochistan

In the context of representative decision-making in Balochistan, the voter turn-out for the Provincial Assembly of Balochistan witnessed an increase from 33.29% in General Election 2008<sup>13</sup> to 40.86% in General Election 2013.<sup>14</sup> For the National Assembly, the voter turn out increased from 30.9% in General Election 2008<sup>15</sup> to 42.5% in General Election 2013.<sup>16</sup> This signifies an increased sense of trust reposed by the people of Balochistan in the current democratic system, including the political parties.

It seems that the primary decision-making emanates from the Office of the Chief Minister in Balochistan and the Cabinet largely remains dysfunctional. Therefore, even though Rule 29(1) of the Rules of Government of Balochistan requires that a meeting of the Cabinet is to be held once every week, the Cabinet of the Provincial Government of Balochistan has met for a total of 6 times in 2016, compared to 5 times in 2015. In addition, the Chief Minister of Balochistan only managed to attend a total of 51% of the total Provincial Assembly sittings for 2016, as compared to 64% in 2015.<sup>17</sup>

Consultation of PILDAT's Panel of Expert with the Speaker of the Provincial Assembly of Balochistan led to the finding that for the current tenure of the Assembly, all the Standing Committees had remained dysfunctional since 2013. Their leadership had only been notified in November 2016, because of the coalition politics surrounding the Assembly. In addition, the Speaker's powers as the custodian of the House have severely been curbed as well, given that the power to take any disciplinary action against any of the Assembly staff currently resides with the Office of the Chief Minister.<sup>18</sup>

Another example of a lack of representative and participatory decision-making process is the ineffective budgetary review process at the Provincial Assembly of Balochistan. For example, for 2016, the total number of sittings of the Assembly of the Budget Session was a mere total of 7. With limited time available to scrutinize the Provincial Budgets and no adequate powers with Standing Committees to undertake in-depth reviews of the Provincial Budgets, year after year, Budget Sessions see mere rubber-stamping the Executive's budget by the Provincial Legislatures.

PILDAT has been making recommendations to strengthen the Budget process in the Parliament and Provincial Assemblies of Pakistan, which include increasing the duration of the Budget process to at

<sup>13</sup>For details, please see: [http://www.ecp.gov.pk/Documents/General%20Elections%202008/Results/PA\\_turnout.pdf](http://www.ecp.gov.pk/Documents/General%20Elections%202008/Results/PA_turnout.pdf)

<sup>14</sup>For details, please see:

<http://www.ecp.gov.pk/Documents/Downloads/General%20Election%202013/Statistics/Provincial%20Assemblies%20Turnout%20General%20Election%202013.jpg>

<sup>15</sup>For details, please see: [http://www.ecp.gov.pk/Documents/General%20Elections%202008/Results/NA\\_turnout.pdf](http://www.ecp.gov.pk/Documents/General%20Elections%202008/Results/NA_turnout.pdf)

<sup>16</sup>For details, please see:

<http://www.ecp.gov.pk/Documents/Downloads/General%20Election%202013/Statistics/National%20Assembly%20Turnout%20General%20Election%202013.jpg>

<sup>17</sup>For details, please see PILDAT's Assessment of the Quality of Democracy in Pakistan, 2016, which may be accessed at: [http://www.pildat.org/Publications/publication/DemocracyAndLegStr/AssessmentoftheQualityofDemocracyinPakistan\\_2016.pdf](http://www.pildat.org/Publications/publication/DemocracyAndLegStr/AssessmentoftheQualityofDemocracyinPakistan_2016.pdf)

<sup>18</sup>This was shared by the Speaker of the Provincial Assembly of Balochistan, Ms. Raheela Durrani, MPA, in meeting with representatives of PILDAT and Panel of Experts called at the Speaker's Chamber in the Provincial Assembly of Balochistan on February 03, 2017. The complete minutes of the meeting are reproduced in the Annex of the Report.

least 30 – 45 days and changes in the Rules of Procedure of the Provincial Assemblies to allow Standing Committees both power and time to review the Budget both before and after its introduction.

Balochistan achieved the distinction of being the first Province across Pakistan to hold Local Government elections in December 2014. However, the Balochistan Local Government Act, 2010 hardly devolves any real financial and administrative powers to the Local Governments. The allocated development funds to Local Governments in Balochistan increased from PKR 0.82 billion in 2014-2015 (1.70% of 2014-2015 PSDP) to PKR 5.70 billion (11.15% of 2015-2016 PSDP), which is a 7-fold increase. Moreover, in both years, these funds were fully utilized.<sup>19</sup>

However, the Local Councils Grants Committee mandated by the Local Government Act, 2010 has no representation from local councilors, who are entirely reliant on the Committee's grants and, therefore, lack financial autonomy. The Provincial Minister of Finance chairs the Local Councils Grants Committee, with members consisting of the Secretaries of the Provincial Finance Department, Local Government and Rural Development Department and the Planning and Development Department.

#### Recommendations for Balochistan

- i. Meeting of the Provincial Cabinet of the Government of Balochistan must be held at least once every fortnight.
- ii. Extending *suo moto* powers to the Standing Committees of Provincial Assembly of Balochistan.
- iii. Regularly updating the attendance of the members of the Assembly, not only for the plenary session, but also Committee meetings, on the Assembly website.
- iv. The Provincial Assembly of Balochistan may also consider starting a Public Petitions Portal, as introduced in the Pakistan Senate website, on the Assembly website.
- v. Instituting an effective budget review process, which lasts for at least a month, and requires approval by the respective Standing Committees before the budget is introduced in the Assembly.
- vi. There is a need for representation of Local Government representatives in the Local Grants Committee of the Government.

#### Target 16.9

*'By 2030, provide legal identity for all, including birth registration'*

To date, at least 96 million Pakistanis, both in the country and abroad have been issued tamper resistant, ISO standard identification cards.<sup>20</sup> This biometric computerized national identity card (CNIC) is a prerequisite for opening a bank account, receiving a mobile SIM card, securing a passport and driver's license, and other social and economic services.

However, comparison to population estimates for 2016 show that Pakistan's current population, which has been growing at the rate of 1.45% per year, currently stands at least at 201 million.<sup>21</sup> Out of this, estimates suggest that 128 million are of age 18 and above. This means that roughly 75% of the country's

<sup>19</sup>For more details, please see PILDAT's Scorecard on the Assessment of the Quality of Governance in Balochistan, Third Year of the Current Governments, 2015-2016, which may be accessed at: <http://www.pildat.org/Publications/publication/Publications.asp>

<sup>20</sup>For details, please see: <http://www.worldbank.org/en/news/feature/2016/02/04/pakistan-building-equality-for-women-on-a-foundation-of-identity>

<sup>21</sup>For details, please see: [http://www.indexmundi.com/pakistan/demographics\\_profile.html](http://www.indexmundi.com/pakistan/demographics_profile.html)

adult population possesses legal identity, and is registered with NADRA.

When it comes to birth registration for children, the statistics paint a grim picture. According to UNICEF's *A State of World's Children* report for 2016, the birth of almost 33.6% of the country's children under the age of 5 is registered.<sup>22</sup>

Low birth registration not only poses inherent problems, but is also in violation of international conventions Pakistan is a signatory to. For example, Articles 7 and 8 of the UN Convention on the Rights of the Child (CRC) declare that Government must register children immediately after birth and children enjoy the right from birth to acquire a nationality.

### Findings for Balochistan

The case of Balochistan remains a cause for worry. According to UNICEF's *Progress Report 2013-2015: Birth Registration*, the birth registration rate for Balochistan is lowest across all Provinces of the country and stands at 8%.<sup>23</sup>

It is important to note that there is a legal obligation to register children in Pakistan. The National Registration Act 1973 (Act VI of 30 July 1973) stipulates the obligation to register the births of newly born citizens. In addition, in under Section 6 of the Births Deaths and Marriages Registration Act 1886 (Birth Registration Act) each Provincial Government is required to establish a general registry office in order to maintain the register of births. However, after the institution of Local Governments, the responsibility for registering births falls upon various tiers of the Local Governments, as enunciated by each Province's laws.

In the case of Balochistan, the Fifth Schedule of the Balochistan Local Government Act, 2010 states that registration of birth and deaths is the responsibility of the Urban Council and the Union Council.

Similarly, the Fifth Schedule also gives the District Council the power to make byelaws or rules to regulate the registration of birth and deaths. The Second Schedule states that fees from registration and certification from birth, marriages and deaths will form a part of the taxes collected by the Union Councils and Urban Councils.

Importantly, Section 37 of the Third Schedule lists '*failure of the head of family to report the birth or death to a Local Council or a person appointed in this behalf within a reasonable time*' as an offence. This reasonable time, as a general practice, is considered to be one month.

For more details on the process of birth registration in Balochistan, please see *Appendix D*.

### Recommendations for Balochistan

The following recommendations may be considered for Balochistan:

- i. Although Balochistan's legal architecture recognizes the failure to register birth as a crime, currently it prescribes penalties for any registration-taking place after one month of a child's birth. Rather, an age of 1 year should be prescribed as the maximum limit within which birth should be registered. This is because within one month, neither a mother's health, nor her child's allow to travel to the relevant Local Government office.

<sup>22</sup>For details, please see: <https://data.unicef.org/country/pak>

<sup>23</sup>The complete text of the Report can be accessed at: [https://www.unicef.org/pakistan/Birthregistration\\_LR.pdf](https://www.unicef.org/pakistan/Birthregistration_LR.pdf)

- ii. The Federal Government may coordinate with the Provincial Governments to introduce a uniform form for birth registration. The form must be developed in such a way so that the details are easy to computerize. This would greatly facilitate the work of NADRA in developing a national computerized database.

In order to eliminate the duplication of tasks by the Local Government Councils and NADRA, the latter must provide for field staff to train the Local Government officials in the process of birth registration and computerization of details. Although NADRA is bound to provide field staff at the Union Council Level, the number of staff depends upon how big the area is. On average, one supervisor looks after 10-12 UCs. According to data obtained from NADRA, there are a total of 6,645 Union Councils (or *Operational Sites*) across the country out of which 6,197 are operational. It must be ensured that all the relevant Local Government Councils i.either have NADRA staff present, or must be trained by them, along with having the required IT support so that NADRA's database can also be updated at one site.

- ii. The Local Governments, in consultation with the respective Provincial Government may consider waiving off any fee for registration of birth.
- iii. A proposal may also be considered to integrate education and health services being offered by the Local and Provincial Government with birth registration. This may entail that a child can only be registered at a Government school if he or she has a birth certificate. Tying identity registration with benefits is proven to be beneficial in Pakistan's case. For example, within four years of the launch of BISP, there was an overall increase of 72% in issuance of CNICs to the adult population in the country and a 94% increase in women enrolment in 2012.
- iv. Officials should also be trained to perceive birth registration as a fundamental right as opposed to a mere administrative task.
- v. Paid female and male mobilisers, acting as a bridge between the Union Council and parents, should inform parents about registration and undertake the registration process on their behalf.
- vi. There should be an online link between the Union Council and NADRA on the district level, automatically entering Union Council data into the NADRA database to make the process more accessible. Parents will only have to go to the Union Council making it cheaper and less time consuming.
- vii. Especially in the case of Balochistan, with its wide geographical spread, the distance between a Union or Urban Council office and a resident's home may not allow him/her to get the birth of a child registered. Therefore, the Local Governments in coordination with NADRA may introduce mobile registration vans for birth registration as well, along the lines of the program already operated by the latter. The concerned authorities may announce the schedule in advance.

#### Target 16.10

*'Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements'*

While processing the Eighteenth amendment in the Constitution of Pakistan, the committee of the Parliamentarians was conscious of the existence of the '*Right to Information*' as a basic human right in the charter of United Nations Organization since 1948. Hence the said Committee proposed to insert Article 19A in the Constitution, making the Right to Information a fundamental right available to every citizen of Pakistan enforceable through courts.<sup>24</sup> When this amendment was processed by the Parliament, it placed an obligation on both the Federation and the Provinces to pass laws guaranteeing

<sup>24</sup>Article 19A of the Constitution of Pakistan states that '*Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.*'

this right in respect of the subjects upon which each Government, Federal or Provincial, was legally competent to legislate.

Apart from the provision in the country's own Constitution, and it being signatory to the Universal Declaration on Human Rights, Pakistan is also a signatory to the International Covenant on Civil and Political Rights, adopted by the UN General Assembly in 1966, and to which Pakistan became a signatory in 2008 and ratified it in 2010.

Therefore, the right to information, as now embodied under Target 16.10 of the Sustainable Development Goal 16, is an internationally protected human right, regarding which the State of Pakistan and its various administrative units needed to make arrangements for its provision.

### Findings for Balochistan

The Provincial Assembly of Balochistan passed the Freedom of Information Act in November 2005. A perusal of the law shows that the Federal Freedom of Information Ordinance 2002 has been completely copied in this regard. In the present shape the Balochistan Freedom of Information Act 2005 provides limited access to any information available in Government record, and does not necessitate the creation of an Information Commission. As a result the office of the Balochistan Ombudsman responds to complaints for non-disclosure of information requests. However, during 2015-2016, only 20% of the complaints received by the Balochistan Ombudsman were disposed of, compared to 75% in 2014-2015.<sup>25</sup>

The following are some of the areas of concern:

#### Limited Scope

Despite the title of the law being Freedom of Information, the word information has not been defined in the Act. Instead it refers to the word 'record' throughout. This makes the scope of the law very limited as the word 'record' denotes only a part of information. The term 'record' has been defined by Section 2(l) and is confined to any record used by a public body for official purpose.

Whatever little was conceded by the definition has been taken back by the restriction imposed by Section 8 which gives sweeping powers to the Provincial Government to exclude any record from the application of this law on the strength of 'public interest'. In addition, by excluding the note-sheet and minutes of the meetings, the law has narrowed down the right of the citizens to seek record relevant to their interest.

The definition of the word public body is also very limited, as it does not include the most important offices like the Chief Minister Secretariat, Governor House, the Balochistan High Court and the Provincial Assembly of Balochistan.

In addition, the FOI Act does not adequately provide for the right of appeal against decisions made on information requests, which is detrimental to the autonomous working of the Balochistan

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For details, please see the PILDAT publication titled Score Card on the Assessment of the Quality of Governance in Balochistan, 2015-2016, which may be accessed at:  
[http://www.pildat.org/Publications/publication/GovernanceAssessment/ScoreCardonQualityofGovernance-ThirdYearoftheGovernmentofBalochistan\\_2015-2016.pdf](http://www.pildat.org/Publications/publication/GovernanceAssessment/ScoreCardonQualityofGovernance-ThirdYearoftheGovernmentofBalochistan_2015-2016.pdf)

Ombudsman. The Act also does not make it mandatory for requests to be decided within a set a timeframe.

#### No Formal Information Requests Received by Public Information Officers

According to data provided by 37 Departments of the Government of Balochistan for the number of information requests they received under Section 7 of the FOI Act, no Department during either 2014-2015 or 2015-2016 received any information requests. Frequently cited reasons for this were:

- i. People in Balochistan, including some in the Government, are not aware of the Freedom of Information Act and its provisions.
- ii. Some Government entities, such as the Anti-Corruption Establishment, receive informal requests for information on the entity's work; responses to such requests are equally informal and are not recorded.

#### Gaps in Implementation

- I. The Government under the law was required to index its record and establish a mechanism of maintenance of its record. Section 4 placed a legal obligation upon each Public Body to ensure both indexation and maintenance and prescribe rules for the same. This does not seem to be done.
- ii. Section 6 of this law mandated the Provincial Government and its public bodies to computerise its record. No evidence was visible during the consultation process to show that even some preliminary steps have been taken. It is a common knowledge that the only way leading to transparency is the computerization of Government record. Such a process facilitates not only the citizens but also the custodian of record.
- iii. A natural corollary of indexation and maintenance of record would be the necessity of a place where this record can be safely stored. Neither at Federal nor Provincial level, any of the public body has thought of any step to preserve any record and establish a record room.<sup>26</sup>

#### Recommendations for Balochistan

The following recommendations may be considered for Balochistan:

- i. As mentioned, Balochistan's right to information law is out-dated, and needs to be replaced immediately. Apparently, the Government of Balochistan had initiated consultations in this regard in November 2016, but no Bill has been presented in the Assembly till now.
- ii. The Government and its Public Bodies should complete the process of designating the Public Information Officers for the purpose of the law as required under Section 10 of the Freedom of Information Act, 2005 for Balochistan. The list should be published on website and advertised in the print media.
- iii. Great need was felt for capacity building and training of those officers who might deal with access to information. Such an effort at Balochistan level would create an environment helpful to further the cause of RTI. Those organizations working at Federal level and in other Provinces can be approached for help.
- iv. Use of information technology for future office automation has taken roots in every country and Pakistan is no exception. Hence computerization of records has to start at some stage.

<sup>26</sup>This was pointed out by various officials of the Government of Balochistan during a consultation held by PILDAT on February 03, 2017 at Serena Hotel, Quetta. The complete minutes of the consultations are reproduced in the Annex of the Report.

## Target 16.b

*'Promote and enforce non-discriminatory laws and policies for sustainable development'*

### Findings for Balochistan

With regards to Target 16.b, it was found that the Provincial Commission on the Status of Women in Balochistan is not functional. In addition, only two members of the of 5-member inquiry committee to be formed under the Balochistan Protection on Against Harassment of Women at Work Place Act 2016 are required to be female.

A cause of alarm is that the most up-to-date data on the prevailing Maternal Mortality Ratio in the Province comes from 2006-2007, when it was 758 deaths per 100,000 live births. This is considered extremely high when compared to the Millennium Development Goal of 140 deaths per 100,000 live births by 2015, which Pakistan as a whole has not achieved.

When it comes to gender disparity, according to the 2014-2015 Pakistan Labour Force Survey, Balochistan's female unemployment rate is 8.54% (compared to 2.84% for males) whereas women's labour force participation rate in Balochistan is 18.33% (compared to 65.10% for males); this clearly shows that women's economic participation in Balochistan is still significantly lacking, when compared to men.

However, the two biggest hurdles are the dual system of policing and the Provincially Administered Tribal Areas, where laws and policies of the Provincial Government of Balochistan do not extend. This comprises of 9 districts of Balochistan, and is administered instead through a parallel system run by the Governor of the Province.

### Recommendations for Balochistan

The following recommendations may be considered in the case of Balochistan:

- i. Majority of the members of the Balochistan Commission on Protection of Women may be females.
- ii. Extension of all the important legislation enacted by the Provincial Assembly of Balochistan to the Provincially Administered Tribal Areas (PATA).
- iii. Hindu Marriage Law, as enacted in Sindh in 2016 may also be enacted in Balochistan.

## Appendices

### Appendix A: Profiles of PILDAT's Panel of Experts

Dr. Shoaib Suddle

*Former DG, FIA; former IG Police; former Federal Ombudsman*

Dr. Muhammad Shoaib Suddle currently heads Safer Communities Foundation (SCF), a Not-For-Profit civil society organization registered with the Securities and Exchange Commission of Pakistan. The SCF's purpose is to promote rule of law and democratic policing in Pakistan through higher education and research in criminological and juridical sciences. Dr. Suddle is also a Senior Fellow of Global Think Tank Network, NUST; Member Steering Committee for the Assessment of Quality of Governance in Pakistan, PILDAT; President, International Police Association Pakistan; International Director, Asia Crime Prevention Foundation, Tokyo; and Executive Director, Asia Crime Prevention Foundation Pakistan. Dr. Suddle is a veteran public servant, who has served Pakistan with distinction for over forty years. He began his career in 1973 as Assistant Superintendent of Police and has held various key positions both at operational and strategic levels. He is highly regarded for effectively taming the dinosaur of terrorism as Police Chief of Karachi (1995-1996). As consultant in the National Reconstruction Bureau, he co-authored the Police Order 2002, which replaced the 141-year-old police law in Pakistan. Three days after 9/11, he was appointed Inspector General Police, Balochistan. He ably met the challenge, and, during his three-year stint, the Balochistan Police underwent historic transformation, not least its exceptional extension in jurisdiction from just 5 percent to entire Balochistan. In 2004, he was appointed Director General, National Police Bureau, Ministry of Interior. In this key strategic position, he contributed extensively to reshaping policing and counterterrorism policy in Pakistan. In 2008, following his stint as Inspector General Police, Sindh, he was appointed Director General, Intelligence Bureau (Pakistan's premiere civilian intelligence agency). The last public service appointment he held was the constitutional post of Federal Tax Ombudsman of Pakistan (2009-13). In a 2011 independent report card study published by Transparency International Pakistan, the Office of Tax Ombudsman received an exceptionally high approval rating of over 90%, declaring it the cleanest and the most efficient public sector organization in Pakistan. Dr. Suddle is regarded as a leading police reform and counterterrorism expert in South Asia. He is a visiting criminal justice expert at the United Nations Asia and Far East Institute on Crime Prevention and Treatment of Offenders (UNAFEI), Tokyo, and a resource person with many national and international organisations, including United Nations Office on Drugs and Crime. Dr. Suddle has an M.Sc (Econ.) in criminology and a Ph.D in white-collar crime from Cardiff University (Wales), an M.Sc in Physics from Government College University, Lahore, and an L.L.B from University of Punjab. He is author of several publications and articles, published both in Pakistan and abroad. Dr. Suddle is most highly decorated public servant in Pakistan. His civil awards include Hilal-e-Shuja't (HSt), top national award for gallantry and service beyond the call of duty, 1996; Hilal-e-Imtiaz (HI), top national award for performance excellence, 2008; Quaid-e-Azam Police Medal (QPM), 1993; and President's Police Medal (PPM), 1981.

Mr. Abdul Matin

*Former Information Commissioner, Ehtesaab Commission, KP*

Mr. Abdul Matin has worked as Commissioner Right To Information KP, from March 2014 to Oct 2016. He has been Advocate High Court from October 2011 to February 2014 and District and session Judge from October 2011 to February 2014. Mr. Matin served as Additional Secretary Legislation/Legal Draftsman in the Law Department, Government of KP.

Mr. Muhammad Ali Nekokara  
*Former SSP, Pakistan Police*

Mr. Muhammad Ali Nekokara served the Civil and Police Service of Pakistan for almost 19 years (1995-2014). He has performed various challenging police field assignments in Lahore and rural areas of Punjab since 1999. In addition to his fieldwork, Mr. Nekokara has performed staff assignments, most notably as Personal Staff Officer to the Chief Minister of Punjab and also with the Inspector General of Police, Punjab. Mr. Nekokara holds a Master's degree in Public Administration from the Harvard Kennedy School of Government, USA and a Master's degree in Criminal Justice Policy from the London School of Economics, UK.

## Appendix B: National and Provincial Laws and Institutions for Anti Corruption

### *Federal legislation against bribery and corruption applicable to Balochistan*

- i. *Prevention of Corruption Act, 1947*: provides for the prevention of bribery and corruption of public servants, particularly in the bureaucratic administration.
- ii. *National Accountability Ordinance of 1999 ("NAO 1999")*: constitutes NAB as an autonomous Federal institution with the primary purpose to eliminate corruption. NAB's powers include launching investigations, conducting inquiries, and issuing arrests warrants against individuals suspected in, among other, corruption in private and public sectors and direct such cases to accountability courts. Acts of corruption and attempted corruption in the form of extortion, active and passive bribery, bribing a foreign official, abuse of office, and money laundering are illegal. NAB has the power of setting punishments of, among other, up to 14 years of imprisonment, imposition of fines equal to the "gains derived by the accused", freezing of any movable or immovable property, and disqualification of convicted person to hold a public office for ten years.
- iii. *Pakistan Penal Code 1899 ("PPC")*: penalises public servants accepting gratifications as well as bribery or fraudulent behavior in relation to property or elections.
- iv. *Federal Investigation Agency (FIA), Act 1974*: constitutes FIA which has, among other, an anti-corruption wing which deals with anti-corruption, spurious drugs, counterfeit currency under PPC and special laws.
- v. *Criminal Law Amendment Act, 1958*: forms special courts to take up corruption cases.
- vi. *Anti-Money Laundering Act, 2010 (the "AML Act"), Anti-Money Laundering Regulations, 2015 and Anti-Money Laundering and combating the Financing of terrorism (AML/CFT) Regulations for Banks and DFIs, 2012, State Bank of Pakistan*: These anti-money laundering laws criminalize money laundering with penalties of up to ten years of rigorous imprisonment, fines, and the recovery and confiscation of illegitimate assets and property. The SBP AML Regulations are in line with the Financial Action Task Force International Standards.

### *Balochistan Provincial legislation against bribery and corruption*

- i. *Balochistan Enquiries and Anti-Corruption Act 2010*: establishes Anti-Corruption Establishment of Balochistan ("ACEB") which is the primary institution dealing with eradication of corruption in Balochistan.
- ii. *Balochistan Enquiries and Anti Corruption (Functions, Powers and Procedure) Rules, 2011*: details operations of the ACEB.
- iii. *Balochistan Freedom of Information Act, 2005*: Article 19-A of the Constitution of Pakistan allows citizens the right to have access to information in all matters of public importance. Freedom of

Information Ordinance 2002 is the primary right to information legislation at the national level. At the provincial level, Balochistan replicated the FOI Ordinance 2002 in 2005.

### Anti-corruption Institutions for Balochistan

The relevant Balochistan anti-corruption institutions and the applicable laws have been summarized in Figure 1 below.

Anti-corruption Agencies	Federal or Provincial	Functions	Relevant legislation	Oversight
National Accountability Bureau	Federal	Three main functions are: awareness, prevention and enforcement for curbing corruption	-Prevention of Corruption Act, 1947 -Pakistan Penal Code, 1899 -National Accountability Ordinance of 1999 -National Anti-corruption Strategy, 2002 -Anti- Money Laundering Act, 2010 and Anti - Money Laundering Regulations, 2015	- Headed by a Chairman who is appointed by, and reports directly to, the President with consent of the Leader of the House and the Leader of the Opposition in the National Assembly - There is no known external supervision nor are there advisory bodies responsible for supervision or oversight
Federal Investigation Agency	Federal	Investigation and enforcement of laws relating to corruption	Federal Investigation Authority Act, 1974	-Headed by a Director General who is appointed by the Federal Government
Anti-Corruption Establishment of Balochistan	Provincial	Inquiries and investigation against public servants	- B a l o c h i s t a n Enquiries and Anti-Corruption Act 2010 -Enquiries and Anti Corruption (Functions, Powers and Procedure) Rules, 2011	Headed by a Director General appointed by the Provincial Government -No external supervision

Balochistan Public Procurement Regulatory Authority	Federal and Provincial	Implements the public procurement rules	- Balochistan Public Procurement Regulatory Authority Act, 2009 -Public Procurement Regulatory Authority Ordinance, 2002 -Public Procurement Rules, 2010	- The Board of Directors comprising of various Secretaries of Balochistan Government, one persons from the private sector and 4 members from provincial Assembly nominated by chief minister manage the Authority and advise the Provincial Government on public procurement matters
Auditor-General of Pakistan	Federal	Inspects official accounts and reports failure to audit accounts to the Public Accounts Committees.	-Constitution of Pakistan, 1973 (Articles 168-171) -Auditor General's (Functions, Powers and Terms and Conditions of Service) Ordinance, 2001	- Auditor General reports to the President - Reports of the AG are reviewed by Public Accounts Committees (at Federal and Provincial levels) involving detailed examination of the expenditures, administration, delegated legislation, public petitions and policies of the ministry concerned.

#### International Conventions

- i. UN Convention against Corruption, 2003 (signed and ratified by Pakistan) ("UNCAC"): UNCAC tries to combat corruption in all its forms. This Convention was adopted by the General Assembly by resolution 58/4 of 31 October 2003. Pakistan has signed and ratified the UNCAC, thus, Pakistan is obliged to align its national laws, institutions, policies, procedures, and programmes with the convention, and report periodically on their anti-corruption initiatives and impact.
- ii. UN Convention against Transnational Organized Crime, 2000 (signed and ratified by Pakistan)
- iii. UN International Convention for the Suppression of the Financing of Terrorism, 1999 (signed and ratified by Pakistan)

## Appendix C: Gaps and Reforms Required for National Accountability Bureau

The Global Integrity Report, 2010, in evaluating both anti-corruption legal frameworks and the practical implementation and enforcement of those frameworks on a scale 0-100, gives a relatively high score of 91 (very strong) to Pakistan for anti-corruption legal framework; the actual implementation, however, remains very weak scoring 47.

NAO 1999 is the most important piece of anti-corruption legislation in Pakistan, as it creates and outlines the authority the NAB, the primary anti-corruption body in the country. The NAO 1999 and the NAB have jurisdiction that extends to the whole of Pakistan including Balochistan and overrides all other corruption related laws. The other (provincial) anti-corruption body operative in Balochistan is the ACEB. There is an overlapping of jurisdiction between NAB and ACEB.

In accordance with international best practices also reflected in the UNCAC, anti-corruption legislations must, among other, cover both the payment as well as the receipt of bribes and apply to the public and private sectors alike. The law should provide for *adequate* sanctions and penalties and all persons should be equal under the criminal laws, which should be applied fairly to all. NAB has wide powers and imposes harsh punishments and NAO 1999 is applicable to both the public and private. Its special investigative powers include power to access information about bank accounts. Its jurisdiction extends to all public office holders, politicians and Government officials, sitting and former. It does not, however, extend to the military personnel and the judiciary.

In line with UNCAC, NAB has provisions enabling the recovery of the proceeds of corruption; it provides for the tracing, seizure, freezing and forfeiture of illicit earning from corruption, regardless of the jurisdiction in which they are located. Further, international best practices require specific legal provisions to encourage parties to offences to come forward and offer evidence. NAB offers some minor protections for whistleblowers under section 33A of NAO, 1999. However, whistleblowers are reluctant to disclose public corruption due to lack of sufficient protection and implementation of protective provisions under section 33A of NAO, 1999. Balochistan does not have a specific whistleblower law.

NAO 1999 further shifts the onus of proof on the accused making the accused testify against himself. Provisions are also made in NAO 1999 for mutual legal assistance through bilateral or multilateral arrangements for dealing with extraditions, illicit transfers of assets and repatriation of illicit gains. NAB can seek information from any organization/department during investigations and has extra ordinary powers to seize assets of an accused even at the inquiry stage. Anti-money laundering provisions should also be in place and provide for corruption and corrupt practices as a predicate offence as per the UNCAC.

For effective accountability, NAB ensures dissemination of adequate information regarding its functioning through publication of its annual reports and quarterly updates and its official website has a complaint mechanism with anonymity to the complainant and informer.

In 2002, NAB initiated the three-pronged National Anti-Corruption Strategy (“NACS”) with the aim to eradicate corruption not only through enforcement but also through awareness and prevention. NACS has been commended for its '*analysis and diagnosis of the Pakistani corruption situation and the detailed program of reforms it recommends*' by a U4 report which points out the following hurdles that have hampered the effective implementation of the NACS to date:

- Lack of political leadership;
- Structural constraints as a result of NAB's contested authority;

- Weak positioning of the NACS within the NAB itself;
- Lack of demand for reform from external actors;
- Poor communication with the public; and
- Expectations are not matched with supply of reforms.<sup>27</sup>

## Appendix D: Process of Birth Registration in Balochistan

It is important to note that the laws that govern citizenship in Pakistan, and hence the provision of legal identity are primarily the following two:

- i. The Pakistan Citizenship Act, 1951<sup>28</sup>
- ii. The Pakistan Citizenship Rules, 1952<sup>29</sup>

The organization that is mandated to manage and facilitate the registration of legal identity of all citizens is the National Database and Registration Authority (NADRA), whose working is governed by the National Database and Registration Authority Ordinance, 2009.<sup>30</sup>

For the purpose of the particular indicator, Section 9 of the Ordinance has the greatest relevance, which states that '*Every citizen in or out of Pakistan who has attained the age of eighteen years shall get himself and a parent or guardian of every citizen who has not attained that age shall, not later than one month after the birth of such citizen, get such citizen registered in accordance with the provisions of ordinance*'.

### Why Aim for Legal Identity for All and Universal Child Birth Registration?

It is universally recognized that birth registration is the first step in ensuring all children have certified legal existence in the eyes of the State and they can enjoy basic rights such as education and health care. Identity and nationality are a birth right of every child. Without a birth certificate to prove their age, many children also fall victim to early marriage, child labour and trafficking.

With regards to legal identity for all, provision of Government services depend on the accurate assessment of needs based on the number of individuals in a given population/area. For example, to qualify for establishing a health facility, the Government requires a catchment population of 20,000 individuals. In the absence of an accurate count, many communities are left without a health facility.

Most importantly, since the National Action Plan has been enacted, and legislation like Protection of Pakistan Act, 2014 (POPA) have been put in place, it is incumbent upon every citizen to not only have a CNIC, but also to be in possession of it all the time. For example, consider the preamble of the POPA, which defines an 'enemy alien' as a militant '*whose identity is unascertainable as a Pakistani, in the locality where he has been arrested, or in the locality where he claims to be residing*'.<sup>31</sup>

Anecdotally, it may also be mentioned that the traffic police officials have now stopped issuing a *challan* on the basis of a CNIC, as used to be the practice previously. This is because they have been instructed not to confiscate an identity document in such a case.

<sup>27</sup> For details, please see: <https://www.cmi.no/publications/file/2914-anti-corruption-policy-making-in-practice.pdf#page=147>

<sup>28</sup> A complete copy of the Law may be accessed at: <http://www.refworld.org/pdfid/3ae6b4ffa.pdf>

<sup>29</sup> A complete copy of the Rules may be accessed at: <http://www.refworld.org/docid/3ae6b4fc1c.html>

<sup>30</sup> A complete copy of the Law may be accessed at: <http://nasirlawsite.com/laws/nadra.htm>

<sup>31</sup> The complete text of the Law may be accessed at: [http://www.na.gov.pk/uploads/documents/1404714927\\_922.pdf](http://www.na.gov.pk/uploads/documents/1404714927_922.pdf)

## Process of Birth Registration in Balochistan

The process of birth registration in Balochistan involves the following steps:

- i. Getting a birth form from secretary of concerned union council office.
- ii. Filling up the form, which includes details such as the child and parents' name, the place of birth and the date of birth. The documents to be attached include one copy of parent's CNIC and an affidavit certificate on Stamp Paper of worth Rs.30 duly attested by Oath Commissioner for uneducated person. In case of an educated person, one requires a school certificate.
- i. Application is submitted to the Secretary of the concerned district Union Council. In Balochistan, the fee required in this regard varies from PKR 100 to PKR 200 as per the Union Council.
- ii. Importantly, not all the Local Government Councils have a uniform form for registering births, and it varies from region to region.

In Balochistan, late registration leads to a more complicated process. This includes filling a prescribed application form available at the Executive District Officer (EDO) office. After filling up the form and a duly attested affidavit stating reasons for the late registration, it is submitted to the Union Council concerned for its report/verification.

After verification, one is directed to the EDO office, which attaches a covering letter requesting the relevant Assistant Commissioner for verification. From the Assistant Commissioner's office, the file is then marked to the relevant *Tehsildar*. After that the concerned person is required to make a presentation in front of the *Tehsildar* along with two witnesses to state his/her case. If no objection is found in the case presented, the EDO verifies the contents of the file/documents and if cleared, a letter authorizing the Union Council is issued to issue the registration certificate, which can then be collected from the secretary of the relevant Union Council.

The process is therefore a cumbersome one.

Simply obtaining birth registration certification from the concerned local government council does not end the process. Then comes in a duplicated process. This is that after a child has been registered with the Union Council the data still has to be entered in the national database in order to obtain a child registration certificate (more commonly known as the 'B' Form) at the National Database and Registration Authority (NADRA) offices, for a fee of PKR 50. Births are then recorded to the Civil Registration Management System computerized database (CRMS) managed by NADRA.

This means that parents must first go to the Union Council and afterwards are required to carry out further formalities at the NADRA offices on a district level.

It is important to note that NADRA's major role in birth registration is to provide the Local Government with:

- i. IT related training
- ii. Trouble shooting
- iii. Assistance in data transfer
- iv. Provide security sheets to the Union Councils to input data
- v. Providing local staff for data input

NADRA has no role in the decision making process nor they can intervene in the Local Government's way of working or order them to initiate a particular project in a particular area or division of Pakistan.

## Appendix E: Institutional Arrangements for Implementation and Oversight of SDGs in Pakistan

### Institutional Mechanism within the Governments

For institutionalization of SDGs at the national level, the Ministry of Planning, Development & Reform, in partnership with UNDP, has set up a SDG Support Unit within the Planning Commission. In PILDAT's meeting with the head of the Unit, it emerged that the necessary budgeting and staffing arrangements for it has commenced but not been finalized yet.

Given that the 18<sup>th</sup> Amendment devolved a lot of the subjects forming different goals of the SDGs to the Provinces, their implementation also has to be conducted at the provincial level. However, for reporting, data gathering, coordinating between the provincial units responsible, and aligning the Federal Government's policies with the SDGs, the SDG Unit at the Planning Commission will primarily be responsible.

Through consultations in Balochistan, PILDAT also found out that each Provincial Government has set up a Sustainable Development Unit within the Planning and Development Department to coordinate implementation of SDGs. These units will provide technical support to the mainstreaming of SDGs in public policies and acceleration of their implementation in partnership with concerned institutions as well as national and international non-public institutions.

However, it has emerged that only the Government of the Punjab has made an effort till now, through holding consultations with various stakeholders for SDGs' implementation to identify areas in its Medium Term Development Framework 2016-2019 that may align with the SDGs, and consequently prioritize areas of work and accelerate their implementation.

Since the seven-year plan titled Balochistan Comprehensive Development Strategy, 2013-2020 was formed before the SDGs were introduced, the Government of Balochistan is reviewing the strategy in light of the SDGs and is yet to begin its consultations in this regard.

Since the SDGs are to be reported at the Federal level, and a significant number of the SDGs pertain to subjects that have been devolved to the Provinces, the Federal and Provincial Governments are working on a mechanism for standardized reporting across the Provinces. Reportedly, regular meetings are held of the development ministers of all Provinces, along with the Federal Minister for the portfolio.

It is important to note that apart from a recent Local Government Summit on Sustainable Development Goals held by the Federal Ministry of Planning, Development and Reforms, on March 10, 2017 in Islamabad, no effort has been made by either the Federal Government or the Provincial Governments to integrate the Local Governments in the institutional arrangements for implementation of SDGs.

### Finances for SDGs' Implementation

PILDAT was also told that the Provinces had agreed upon a funding mechanism for the implementation of SDGs. This would include an amount of PKR 300 million pledged by each Provincial Government, which would be matched by the UNDP. The Provincial Government of Balochistan is in the process of raising their PC-1 for the purpose. In addition, the Prime Minister Office is also considering a summary that even for devolved subjects, the Federal Government will pledge a proportion of the finances for the SDGs.

## Oversight Mechanisms Within the Provincial Assemblies

On February 16 2016, the Speaker of the National Assembly inaugurated Parliament's Secretariat on SDGs, along with constituting a Task Force within the National Assembly for the purpose.

In addition, similar Task Forces have also been formed within the Provincial Assembly of Khyber Pakhtunkhwa and Balochistan. The former is led by Mr. Arif Yousaf, MPA; the latter by the Honourable Speaker, Ms. Rahila Durrani, MPA herself.

However, as PILDAT found out through its consultations, there seems to be little or no ownership within the Provincial Assemblies with regards to the SDGs. This is more so the case in Balochistan. No meeting of the Task Forces has been convened till now. In fact, for the Provincial Assembly of Balochistan, the Honourable Speaker was under the impression that she was to receive directions from the Federal Government in this regard, rather than developing an independent agenda for oversight for Balochistan.

Therefore, the Task Forces remain more of an anomaly, rather than well functioning units, within the Provincial Assemblies, and seem to have no real direction regarding what is to be achieved.

## Localization of Targets

Through consultations, it has emerged that localization of targets remains a problematic area for implementation and interpretation of SDGs. To the extent of Vision 2025, there have been initial attempts to link the 7 Pillars of the development strategy to the SDGs. For example, Pillar 3 of Vision 2025, which pertains to Governance (*Democratic Governance, institutional reform and modernization of the public sector*) is roughly aligned by the Planning Commission with SDG 16.

It is important to note that on February 10, 2017, the Planning Commission launched the National Initiative on SDGs. The project builds on Mainstreaming, Acceleration and Policy Support (MAPS) for SDGs in Pakistan and intends to provide policy support to localize and prioritize SDGs at national and sub-national levels. Therefore, work in this regard has only just started.

However, as per PILDAT's findings, the Planning Commission has circulated a list of indicators for each goal, and its respective targets, to the provincial Sustainable Development Units. However, rather than interpreting SDGs in a localized context, and developing Pakistan's own set of indicators, these are the same indicators, verbatim, that are contained in the United Nations Sustainable Development Solutions Network's publication titled *Indicators and a Monitoring Framework for the Sustainable Development Goals*.<sup>32</sup>

Rather than localizing the targets, and developing indigenous indicators, the effort being made right now is to gauge whether data gathering can be initiated for the indicators shared by the UNDP, in collaboration with the Pakistan Bureau of Statistics.

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<sup>32</sup> The complete text of the publication may be accessed at: <http://unsdsn.org/wp-content/uploads/2015/05/FINAL-SDSN-Indicator-Report-WEB.pdf>

## Appendix F: Minutes of the Meeting with the Speaker, Provincial Assembly of Balochistan

Day & Date: Friday, February 03, 2017

Venue: Speaker's Chamber, Provincial Assembly of Balochistan, Zarghoon Road, Quetta

### Participants

#### Provincial Assembly of Balochistan

1. Ms. Raheela Durrani, MPA, Honourable Speaker of the Provincial Assembly of Balochistan
2. Mr. Zahoor Ahmed, Special Secretary to the Speaker, Provincial Assembly of Balochistan

#### PILDAT's Panel of Experts

1. Mr. Abdul Matin, Former Information Commission, Information Commission of Khyber Pakhtunkhwa
2. Mr. Muhammad Ali Nekokara, Former SSP, Police Service of Pakistan
3. Dr. Shoaib Suddle, Former IG Police; Former DG FIA; Former Federal Ombudsman

#### PILDAT Representatives

1. Mr. Ahmed Bilal Mehboob, President PILDAT
2. Mr. Faheem Ahmed Khan, Senior Projects Manager, PILDAT
3. Mr. Muhammad Saad, Projects Manager, PILDAT

#### UNDP Representative

1. Mr. Karim Gabol, Project Officer, UNDP

### Major Points of Discussion

Sr.NO	Items	Follow Up
1.	<p>PILDAT and its Panel of Experts thanked the Honourable Speaker for responding to their request of a call-on.</p> <p>The Honourable Speaker was apprised of the objectives behind PILDAT's Study on SDG 16 funded by UNDP that it aims at identifying the legislative and policy gaps for implementation of SDG 16 in KP and to present recommendations in this regard.</p> <p>She was informed that another purpose of the call-on was to know what work had been done by the Taskforce on SDGs, of which she was the Convener.</p>	
2.	<p>When the Honourable Speaker informed that originally, Maulana Abdul Wasay, the Leader of the Opposition in the Assembly was chairing the Taskforce, PILDAT representatives informed her that she should shun the jargon of the 'taskforce', and instead form a Special Committee of the Assembly for the issue. This would bring it into the folds of the Assembly's rules and procedure.</p>	

3.	The Honourable Speaker stated that she was always under the impression that the Taskforce's work was to be set out by the Federal Government and was waiting for instructions in this regard from them. PILDAT, along with UNDP's representative corrected her and stated that she had complete liberty to undertake independent work on the SDGs, regardless of whether the Federal Government gave any instructions or not.	
4.	When asked why the currently Assembly was devoid of functional Standing Committees for the first three years of tenure, the Speaker informed that the matter had fallen prey to politicking when the opposition put forward its demand to chair all the Standing Committees. However, the matter has now been resolved and all the Standing Committees are now functional.	
5.	When the Speaker informed PILDAT that attendance of the Secretariat staff remained a major problem, and that she had introduced biometric attendance verification for the purpose, PILDAT proposed that the Speaker should also update the attendance of the members of the Assembly online, like in the National Assembly and Provincial Assembly of the Punjab.  She also stated that hiring of the Assembly Secretariat for Grade 16 and above is now being done through the Federal Public Service Commission.	
6.	The Honourable Speaker stated that the biggest impediment to her work right now was the fact that she cannot take disciplinary action against the Secretariat staff since that power resides with Chief Minister and the Governor. She asked PILDAT to bring up the issue and also highlight the positive achievements of the Assembly.	

## Appendix G: Minutes of the Consultation with Government Representatives of Balochistan

Day & Date: Friday, February 03, 2017

Venue: Makran Boardroom, Serena Hotel, Quetta

### Participants

#### Representatives of the Government of Khyber Pakhtunkhwa

1. Mr. Mehboob Ahmed, Special Secretary, Home Department, Provincial Government of Balochistan
2. M. Yasir Masud, Director, Population Welfare Department, Government of Balochistan
3. Mr. Khalid Pervez, Additional Director, Planning & Development Department, Government of Balochistan

4. Mr. Mohammad Siddique, Research Officer, Planning & Development Department, Government of Balochistan
5. Mr. Farid Sakhi, Assistant Director (Legal) Anti-Corruption Bureau, Balochistan
6. Mr. Muhammad Irfan, Additional Director Staff, National Accountability Bureau, Balochistan
7. Chaudhary Mumtaz Yousaf, DPGA National Accountability Bureau, Balochistan
8. Mr. Abdul Ghaffar Kakar, Director, Planning & Development Department, Government of Balochistan
9. Mr. Abdul Razzaque Ghaffar, DIG Police Service of Balochistan, Government of Balochistan
10. Mr. Mujeeb-ur-Rehman Khan, Additional Inspector General of Police, Commandant Balochistan Constabulary, Police Service of Balochistan
11. Mr. Muhammad Muzamil, Additional Secretary, Home Department, Government of Balochistan
12. Mr. Saeed Iqbal, Deputy Secretary, Department of Law, Government of Balochistan
13. Mr. Muhammad Qasim Bashir, Additional Secretary, Department of Law, Government of Balochistan
14. Syed Munawar Ahmed Shah, S/Director & PCC, Balochistan Provincial Ombudsman Secretariat, Government of Balochistan
15. Justice (Retd.) Muhammad Nadir Khan, Advisor Incharge, Federal Tax Ombudsman
16. Mr. Muhammad Najeeb Ullah, AD DGPR, Information Department, Government of Balochistan
17. Mr. Imtiaz Ahmed, AD DGPR, Information Department, Government of Balochistan
18. Mr. Shershah, Deputy Secretary, Department of Social Welfare, Government of Balochistan

#### PILDAT's Panel of Experts

1. Mr. Abdul Matin, Former Information Commission, Information Commission of Khyber Pakhtunkhwa
2. Mr. Muhammad Ali Nekokara, Former SSP, Police Service of Pakistan
3. Dr. Shoaib Suddle, Former IG Police; Former DG FIA; Former Federal Ombudsman

#### PILDAT Representatives

1. Mr. Ahmed Bilal Mehboob, President PILDAT
2. Mr. Faheem Ahmed Khan, Senior Projects Manager, PILDAT
3. Mr. Muhammad Saad, Projects Manager, PILDAT

#### UNDP Representatives

1. Mr. Karim Gabol, Projects Officer, UNDP

## Major Points of Discussion

Sr.NO	Items	Follow Up
1.	<p>PILDAT and its Panel of Experts welcomed the participants of the consultation, thanking them for taking out the time.</p> <p>They were informed that the purpose of the consultation was to consider the Legislative and Policy Gaps in the legal architecture of Balochistan for the implementation Sustainable Development Goal 16.</p> <p>They were also informed of the concerned 7 targets of the study, out of a total of 12, of the SDG 16.</p> <p>The Government Representatives were asked to identify some of the legislative and policy gaps, as well as other constraints they faced, in successful achievement of the concerned targets of SDG 16.</p>	
2.	<p>Representatives of the Planning &amp; Development of the Government of Balochistan stated that they are establishing a complete cell within the department for the implementation of the SDGs. A PC-1 has been prepared in this regard, and is currently pending with the Planning Commission.</p> <p>As in KP, the representatives of the Government of Balochistan informed that the implementation modality for the SDGs is such that 50% of the finances will be pledged by the Provincial Government, and 50% by the UNDP.</p> <p>The main steps include mainstreaming of the SDGs with the provincial plan. SDGs are also reflected in the Vision 2025 of Pakistan.</p> <p>Since the seven-year plan titled Balochistan Development Strategy was formed before the SDGs were introduced, the Government of Balochistan is reviewing the Strategy in light of the SDGs.</p> <p>Additionally, it also plans to align its PSDP with the SDGs.</p> <p>Regular meetings are held of the development ministers of all Provinces, along with the Federal Minister for the portfolio. Even in those meetings, the SDGs are the top most priority.</p> <p>Since the SDGs are to be reported at the Federal level, and a significant number of the SDGs pertain to subjects which have</p>	

	<p>been devolved to the Provinces, the Federal and Provincial Governments are working on a mechanism for standardized reporting across the Provinces. In addition, the Prime Minister Office is also considering a summary that even for devolved subjects, the Federal Government will pledge a proportion of the finances for the SDGs.</p> <p>PILDAT was informed that the necessary amendments would be made to the format of the PC-1 so that reporting on SDGs can be facilitated.</p> <p>A lot of the data to be gathered for the SDGs pertains to perception surveys, and all the Provincial Governments are coordinating with the Pakistan Bureau of Statistics to delineate different indicators, on which data can be gathered down to the district level.</p> <p>The Provincial Government of Balochistan realizes that carrying out dedicated work on all the goals of the SDGs will not be possible. Therefore, in coordination with the Federal Government, the Provincial Government is also prioritizing goals, which are relevant to Balochistan's case. As of right now, the priority areas for Balochistan are climate change and rule of law.</p>	
3.	<p>An overarching concern raised by the representatives of the Government of Balochistan was the tendency to make laws and policies. However, the implementation on them, measuring whether any results had been achieved, and plugging any gaps, remains extremely weak.</p> <p>In addition, the laws may be in place. However, the citizens of the Province do not have any awareness regarding the rights extended to them through these laws. Therefore, successful application of the law/policy remains elusive.</p>	
4.	<p>Representatives of PILDAT asked the representatives of the Planning and Development Department that whether at the Government level, they had identified the lead agencies for each of the goals, and their concerned targets of the SDGs. In addition, it was also requested that the P&amp;D department also fix annual targets with regards to the SDGs, which should be communicated to the lead agencies.</p>	
5.	<p>With regards to Target 16.3, the representatives of the Balochistan Police identified the retrogressive police law currently in place right now as a major gap. This law is based upon the original police law of 1861. The Provincial Government of Balochistan repealed the Police Order of 2002 in 2007 and the retrogressive law of 1861, in a slightly modified state was put in place.</p>	

	<p>It was stated that the police laws across the country should be unified, keeping in view the requirement of the SDGs.</p> <p>In addition, the dichotomy of police and levies in Balochistan is a big deterrent to successful implementation of Target 16.3 in the Province. Uniformity also needs to be introduced in this regard as well.</p> <p>PILDAT representative observed that the overall goal of the criminal justice system, and policing is successful conviction of the accused. In this regard, there is a need to improve the investigation and prosecution departments as well.</p>	
6.	<p>With regards to Target 16.b, it was stated that after the 18<sup>th</sup> Amendment, Population Welfare was devolved to the Provinces. In the context of Balochistan's context, where the geography is vast but the population is scattered, the Provincial Government of Balochistan drafted a policy, which was vetted by the P&amp;D and Law Department. This is currently pending with the Cabinet. The policy hinges upon promoting equitable and sustainable human development in the Province.</p> <p>Additionally, a Bill has also been presented in the Provincial Assembly of Balochistan to ban early marriages.</p>	
7.	<p>Representatives of PILDAT asked if there is a policy in Balochistan to preserve and index Government records in the Province? Is there a statutory police in this regard? Has the Balochistan Government provided for a storage room? The representatives of Government of Balochistan replied that there is no set policy in this regard. However, there are some rules in place to preserve some government records for a certain period of time.</p> <p>PILDAT representatives asked the Government representatives to revert back in a more concrete query in this regard.</p>	
8.	<p>When asked if there is a policy for coordination regarding corruption cases between the Anti Corruption Bureau and the National Accountability Bureau in Balochistan, the Government representatives stated that although there is no policy wise bifurcation in this regard, they are following the dictates of the Sindh High Court which has stated that NAB should take cases of more than PKR 100 million in value.</p> <p>In this regard, an SOP formed by the NAB that its Chairman should evaluate that if a case is worth more than PKR 100 million, NAB should investigate on that.</p> <p>However, there is nothing stated in the law in that regard.</p>	

## Appendix H: Minutes of the Consultation with MPAs, Members of the CSOs, and Academia in Balochistan

Day & Date: Friday, February 03, 2017

Venue: Makran Boardroom, Serena Hotel, Quetta

### Participants

#### Members of the Provincial Assembly of Balochistan

1. Syed Muhammad Raza, MPA
2. Ms. Yasmin Lehri, MPA

#### Representatives of CSOs and Government Officials

1. Mr. Imdad Ali, Program Specialist, SPO
2. Mr. Anwar-ul-Haq Kakar, Spokesperson, Provincial Government of Balochistan
3. Justice (Retd.) Muhammad Nadir Khan, Advisor/Incharge, Federal Tax Ombudsman Regional Office Quetta
4. Ms. Hafsa Hassni, Lead Faculty, IDSP
5. Mr. Ahmed Jan, Program Officer, HANDS
6. Mr. Mukhtiar, Project Officer, SPO
7. Mr. Shams, Project Manager, HRCP
8. Mr. Fareed Ahmed, Program Officer, HRCP
9. Mr. Siraj Ahmed Khan, Regional Coordinator, SPO Quetta
10. Mr. Ajmal Khan Nasir, Coordination Assistant, Provincial Assembly of Balochistan
11. Ms. Fizza Kanwal, Program Officer Women Shade Organization
12. Mr. Emaad Durrani, Former General Secretary, Youth Parliament Pakistan
13. Mr. Haroon Dawood, Resident Director, Aurat Foundation
14. Mr. Arbab Taimoor, Coordinator, HRCP

#### PILDAT's Panel of Experts

1. Mr. Abdul Matin, Former Information Commission, Information Commission of Khyber Pakhtunkhwa
2. Mr. Muhammad Ali Nekokara, Former SSP Police, Police Service of Pakistan
3. Dr. Shoaib Suddle, Former IG Police; Former DG FIA; Former Federal Ombudsman

#### PILDAT Representatives

1. Mr. Ahmed Bilal Mehboob, President, PILDAT
2. Mr. Faheem Ahmed Khan, Senior Projects Manager, PILDAT
3. Mr. Muhammad Saad, Projects Manager, PILDAT

#### UNDP Representative

1. Mr. Karim Gabol, Project Officer, UNDP

## Major Points of Discussion

Sr.NO	Items	Follow Up
1.	<p>In providing a background and purpose of the consultation, PILDAT informed the attendees that the study funded by UNDP was to consider the Legislative and Policy Gaps in the legal, policy and implementation architecture of Balochistan for the implementation Sustainable Development Goal 16.</p> <p>They were also informed of the concerned 7 targets of the study, out of a total of 12, of the SDG 16.</p>	
2.	<p>Although the representatives of the civil society did not highlight any specific gaps in the extant legislation, police and rules of Balochistan, the following observations were made regarding SDG 16:</p> <ol style="list-style-type: none"> <li>i. There has not been any reduction in the level of corruption in the Province. In fact, the phenomenon has very much become a part of the society's ethos.</li> <li>ii. A severe dysfunctionality of critical institutions can be observed in Balochistan. This has resulted in big gaps of service delivery, especially in sectors such as primary health and education.</li> <li>iii. This dormancy can also be observed at the level of judiciary in the Province.</li> <li>iv. There is a serious concern regarding mass migration of minorities from the Province. This has come at the heels of the legislation that has been introduced in the country since the 1980s. Migration takes root from the fact that there is marginalization of minorities from any affluent section of the society. Therefore, mainstreaming the minorities' concern is extremely important, and superficial measures such as introducing reserved seats for minorities in legislatures will not serve any real purpose.</li> <li>v. There is an urgent need to strengthen the civil society of the country. At present, the democracy's position in the Province is such that it is the citizen arguing with the citizen, and not the citizen arguing with the State. This needs to be ameliorated at an urgent basis through strengthening the civil society.</li> </ol>	
2.	<p>With regards to registering birth, it was noted that a major gap is the fact that there are a lot of unregistered Afghan refugees in the Province. Since the parents of newborn children do not have legal identity, their children also fall outside of this bracket.</p>	





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