

HUMAN RIGHTS CELLS IN PAKISTAN: BRIDGING CONSTITUTIONAL GUARANTEES AND GRASSROOT REALITIES

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Abstract

If one lives in a rural area of Pakistan – say, Rahim Yar Khan or Tharparkar – and something has gone seriously wrong, maybe he/she is a bonded laborer, maybe she is a minority woman facing discrimination – the Supreme Court is not really an option for him/her. Article 184(3) exists, and law students learn about it, but practically speaking it is not accessible to most ordinary people. What one might actually encounter, if he tries to get help from the state at all, is something called a human rights cell. Most Pakistanis have probably never heard of these cells, which is interesting because there are actually a lot of them. They exist inside police departments, district offices, provincial ministries, and at the federal level inside the Ministry of Human Rights. So on paper it looks like Pakistan has taken this seriously. But the cells are underfunded, they do not have enough staff, and more importantly they cannot actually force anyone to do anything. That last point is the one this article is mainly concerned with. Pakistan's Constitution has strong language about fundamental rights. Articles 9, 14, and 25 protect life, dignity, and equality. These are not vague provisions – they are specific guarantees. The problem this article is trying to work through is the gap between what those provisions promise and what actually happens when someone tries to use the state machinery to enforce them at the local level. This article looks at that gap. The research draws on legal analysis of the relevant provisions, policy documents, reports from civil society organizations, information obtained through Right to Information requests, and findings from Parliamentary committees. The argument it makes is maybe a bit counterintuitive: the cells are not failing just because they lack resources. The argument is that they were designed in a way that more or less guarantees they will not work. They have no adjudicatory power, meaning they cannot make binding decisions. They have no real independence from the government bodies they are supposed to hold accountable. And there is no mechanism that forces them to report on what they are actually doing. What they end up doing instead is absorbing complaints – giving people somewhere to go – without actually creating any obligation on the state to respond. To make this argument more concrete, the article compares Pakistan's approach to two other countries. India passed the Protection of Human Rights Act in 1993, which created a different

kind of institutional structure. South Africa went even further and embedded its human rights institutions directly into the Constitution in what are called Chapter 9 institutions. Neither system is perfect, but both reflect deliberate design choices that Pakistan has consistently not made. Looking at what those countries chose to do, and what Pakistan chose not to do, helps clarify what is actually missing here. The article ends with some recommendations. These are meant to be practical and to take into account the post-Eighteenth Amendment structure of Pakistan, where a lot of authority has moved to the provinces. The basic point is that if fundamental rights are going to mean something outside the courtroom – for people who cannot afford lawyers or who live far from Islamabad – then the human rights cell needs to become an institution with real power. At the moment it is closer to a place where complaints get filed and then forgotten.

INTRODUCTION:

There is a small wooden board outside a room on the second floor of a district government building in Sahiwal. It reads: Insaani Huqooq Cell – Human Rights Cell. One Tuesday morning, a woman arrives. She has travelled about forty minutes from her village in a wagon. Her husband has been picked up; she does not know by whom or where he has been taken. A paralegal at a local NGO has given her the address of this office written on a crumpled piece of paper. Inside the room, there is one officer, a desktop computer, and a register. The officer listens, records her complaint, and tells her to return next week. She does not return. Not because her problem is resolved, but because she cannot afford the journey again, no one follows up with her, and the entry in the register is unlikely to lead to any meaningful action. This is not an isolated case. Similar encounters occur in places like Sukkur, Turbat, and Mingora. The point of departure for this article is that such outcomes are not system failures; they reflect how the system is structured to function.

Pakistan's Constitution contains strong guarantees of fundamental rights. Part II (Articles 8–28) provides for life, dignity, and equality, and courts have consistently treated these provisions as justiciable and substantive. In *Asma Jilani v Government of Punjab* (1972), the Supreme Court affirmed the inviolability of fundamental rights even under extra-constitutional authority. In *Shehla Zia v WAPDA* (1994), Article 9 was

interpreted expansively to include the right to a healthy environment. In *Darshan Masih v The State* (1990), the Court intervened in bonded labour cases on its own motion, recognising that affected individuals could not realistically access formal legal remedies. Despite this constitutional and judicial framework, access to rights remains largely dependent on litigation. Article 184(3) of the Constitution provides the Supreme Court with original jurisdiction in matters of public importance involving fundamental rights. However, its practical use is largely limited to lawyers, civil society actors, and journalists, rather than those most affected by rights violations. The institutional layer intended to bridge this gap—human rights cells at federal, provincial, and district levels—has received limited systematic scrutiny. This article addresses three core questions: what these institutions are designed to do, what they actually do in practice, and what happens to complaints once they are filed.

The central argument is that the limited effectiveness of human rights cells in Pakistan is primarily structural rather than resource-based. These bodies lack binding decision-making authority, operate without meaningful institutional independence from the departments they are meant to oversee, and are not subject to robust performance accountability. Consequently, they function mainly as complaint-receiving and referral mechanisms, generating the appearance of responsiveness without creating enforceable obligations.

The article is structured in five parts. It first examines the constitutional framework and its reliance on judicial enforcement. It then maps the institutional structure of human rights cells across federal, provincial, and district levels. The third section analyses their formal mandate against their actual legal powers. The fourth focuses on the lived experience of complainants and institutional practice. The fifth part suggests how reformations can be made in each and every part of the system and society that needs redressing. This article is situated in a broader contemporary context. Pakistan's ongoing Universal Periodic Review process and its engagement with GSP+ trade commitments coincide with persistent concerns raised in reports by Human Rights Commission of Pakistan and international organisations regarding enforced disappearances, custodial violence, and extrajudicial killings. Against this backdrop, the effectiveness of human rights cells is not merely an administrative question. It concerns whether the most accessible tier of the state's rights-protection architecture provides meaningful redress—or whether it functions primarily as a symbolic mechanism that records complaints without altering outcomes. The woman in Sahiwal is still waiting.

Section I: Constitutional Rights and the Limits of Enforcement:

The fundamental rights chapter of Pakistan's 1973 Constitution (Articles 8–28) is widely regarded as one of its most substantive guarantees. It articulates a broad catalogue of civil and political rights, including protections of life, liberty, dignity, equality, and fair trial. Judicial interpretation has further expanded the scope of these provisions, reinforcing their justiciability and doctrinal depth. However, a closer reading reveals a structural assumption embedded within the constitutional design: the primary, and often exclusive, mechanism for rights enforcement is judicial litigation.

This reliance on courts creates an immediate accessibility gap. Constitutional rights are formally robust, but their enforcement depends

on procedural and institutional conditions—legal representation, geographic proximity to superior courts, financial capacity, and procedural literacy—that are unavailable to large segments of the population. The result is a constitutional framework that is normatively expansive but practically uneven in reach. This limitation is compounded by internal tensions within the rights architecture itself. Article 8 renders inconsistent laws void, yet Article 8(3) permits legislative insulation of key security and law-enforcement institutions, including the armed forces, police, and intelligence agencies. At the same time, Articles 29–40 (Principles of Policy) articulate socio-economic commitments such as education, welfare, and protection from exploitation, but are expressly non-justiciable under Article 30. As a consequence, many of the conditions most frequently underlying rights violations—bonded labour, economic coercion, and structural deprivation—are constitutionally recognised but legally unenforceable in ordinary judicial proceedings.

Although Articles 199 and 184(3) of the Constitution provide High Courts and the Supreme Court with significant remedial powers, including writ jurisdiction and original jurisdiction in matters of public importance, their practical accessibility remains limited. These mechanisms are functionally dependent on legal expertise and institutional intermediaries such as lawyers, civil society organisations, and media actors. They do not constitute a realistic avenue of redress for individuals located in rural or marginalised contexts.

Judicial jurisprudence has nevertheless played a significant role in expanding the normative content of fundamental rights. In *Asma Jilani v Government of Punjab* (1972), the Supreme Court reaffirmed the supremacy of constitutional legality over extra-constitutional authority. In *Shehla Zia v WAPDA* (1994), Article 9 was interpreted to include the right to a healthy environment, reflecting an expansive, purposive approach to rights interpretation. In *Darshan Masih v The State* (1990), the Court's suo motu intervention in bonded labour cases underscored

both the severity of structural exploitation and the inability of affected individuals to access ordinary legal remedies. Similarly, subsequent jurisprudence, including *Benazir Bhutto v Federation of Pakistan* (1988), reflects a consistent willingness to interpret rights broadly within a purposive constitutional framework. Yet, these doctrinal advances also expose a deeper institutional contradiction. The reliance on judicial intervention—particularly *suo motu* action—as a corrective mechanism signals not systemic inclusivity but systemic incompleteness. It indicates that lower-tier administrative and grievance mechanisms do not effectively translate constitutional guarantees into accessible remedies. It is within this structural gap that human rights cells at the federal, provincial, and district levels are situated. Formally designed as administrative entry points for rights-related grievances, they are intended to function as intermediaries between constitutional guarantees and citizens unable to access judicial forums. However, their actual institutional capacity, independence, and enforceability remain underexamined.

This article therefore proceeds from a central claim: Pakistan's constitutional rights regime is not deficient in normative content but in enforcement architecture. The gap between constitutional promise and lived reality is not primarily the result of judicial weakness, but of the absence of effective, binding, and independent non-judicial mechanisms of rights implementation. Human rights cells occupy this gap, but whether they meaningfully bridge it remains the core question of this study.

Section II: What Human Rights Cells Actually Are:

Before assessing whether human rights cells are effective, it is necessary to clarify what they are in institutional terms. This is less straightforward than it appears. There is no single statute governing their existence, no consolidated national framework, and no official directory that systematically maps their structure or distribution. The institutional landscape is

fragmented to the extent that even basic questions of scope and jurisdiction require reconstruction from disparate executive notifications and administrative orders.

Origins Outside Statutory Law:

Human rights cells in Pakistan were not created through parliamentary legislation. They emerged through executive notifications, ministry circulars, and provincial government orders issued at different times and under different administrative contexts. Their development has been incremental rather than designed: a product of bureaucratic expansion rather than statutory institution-building.

At the federal level, the Ministry of Human Rights' complaint cell took shape in the early 2000s and was later formalised in the post-2008 democratic period. This process was influenced in part by external governance pressures, particularly Universal Periodic Review reporting cycles and conditionalities linked to GSP+ trade status with the European Union, which incentivised the visible establishment of human rights mechanisms.

Provincial and district-level cells followed a similar trajectory. They were created through administrative orders, staffed largely from existing civil service pools, and assigned complaint-receiving and referral functions rather than investigative or enforcement authority.

The method of creation is analytically significant. Institutions established through executive notification remain administratively contingent: they may be altered, defunded, or discontinued without legislative procedure. Unlike bodies created through statute—such as the National Commission for Human Rights under the NCHR Act 2012—these cells lack statutory guarantees of independence, continuity, or budgetary protection. Their legal existence is therefore conditional rather than secure.

Fragmented Institutional Structure:

At the federal level, the Ministry of Human Rights operates a complaint mechanism dealing with issues such as enforced disappearances,

bonded labour, gender-based violence, and minority rights violations. Its function is primarily coordinative: receiving complaints, forwarding them to relevant authorities, and compiling reports for international obligations. It does not possess independent investigative or coercive powers.

At the provincial level, institutional arrangements are uneven and overlapping. Punjab maintains human rights units within its Home Department, while parallel mechanisms exist within police structures, particularly in response to judicial directions on missing persons and custodial abuse. Sindh distributes human rights-related functions across multiple departments, including Women Development and Social Welfare, without a clearly centralised mandate. In Khyber Pakhtunkhwa and Balochistan, formal structures exist but remain opaque in terms of staffing, operational capacity, and output. Publicly accessible data on their functioning is limited, and right-to-information mechanisms do not consistently produce detailed disclosures.

At the district level, institutional capacity is minimal and highly variable. In many districts, human rights functions are embedded within Deputy Commissioner offices or police administrations and are handled by individual officers alongside broader administrative duties. These offices typically operate without dedicated budgets, specialised staff, or structured case management systems, making continuity and accountability difficult to assess.

The National Commission for Human Rights:

The National Commission for Human Rights (established under the NCHR Act 2012) represents the most institutionally robust rights body in Pakistan. It is empowered to conduct inquiries, inspect detention facilities, summon officials, and issue recommendations. Unlike administrative complaint cells, it has a statutory basis and a defined mandate.

However, its role in relation to provincial and district-level cells is supervisory rather than hierarchical. It cannot direct operational decisions in individual cases and relies on

reporting and recommendations rather than enforcement. Its annual reports—where available—remain one of the few systematic sources of aggregated data on rights-related complaints in Pakistan. The relative transparency of the NCHR, compared to other institutions in the system, underscores a broader pattern: institutional visibility tends to correlate with statutory strength.

Absence of Reliable Administrative Data:

There is no comprehensive public dataset detailing staffing levels, budgets, or performance metrics for human rights cells across Pakistan. This absence is not merely a technical limitation but a substantive governance gap. In the absence of such data, institutional performance cannot be meaningfully evaluated against its mandate.

Partial information available through Human Rights Commission of Pakistan reports and selective RTI disclosures suggests that the majority of complaints received by these cells relate to family disputes, property conflicts, and police conduct. By contrast, issues such as enforced disappearances, bonded labour, and minority rights violations appear underrepresented in official complaint categories relative to their prevalence in independent human rights reporting. Whether this reflects classification practices, institutional trust deficits, or access barriers remains unclear.

Complaint Processing in Practice:

At the federal level, complaints may be submitted in person, by post, or through an online portal. Once registered, they are assigned a reference number and forwarded to relevant provincial or district authorities for action. Beyond this point, procedural uniformity ends. There are no publicly defined timelines for response, no mandatory reporting obligations on receiving authorities, and no structured escalation mechanism in cases of non-response. In practice, complaints often enter administrative circulation without traceable resolution pathways. This is not best understood as institutional malfunction. Rather, it reflects the underlying design of the

system. Human rights cells are structured to receive and transmit grievances, not to resolve them through binding authority or enforceable outcomes. The absence of enforcement capacity is not an operational failure; it is a structural feature of the institutional design.

Section III: Why Human Rights Cells Cannot Function as Designed?

A central limitation of Pakistan's human rights cells is structural rather than operational: they possess mandates without enforcement capacity. In institutional terms, a mandate without coercive authority is functionally equivalent to a reporting mechanism rather than a remedial body. This distinction is critical, as it determines whether such institutions can convert complaints into enforceable outcomes or merely circulate them within administrative hierarchies.

Absence of Enforcement Authority:

Human rights cells in Pakistan lack independent coercive or adjudicatory powers. They cannot issue binding orders, compel production of detainees, sanction officials, or require compliance from police or administrative departments. Their function is primarily limited to receiving complaints and forwarding them to relevant authorities for "necessary action."

This referral-based architecture places cells within the lowest tier of administrative response systems, where effectiveness depends entirely on the willingness of external departments to act on forwarded complaints. In environments where inter-departmental accountability is weak, referral authority does not translate into enforcement capacity.

Institutional Location and Conflict of Interest:

A second structural constraint arises from institutional placement. Many human rights cells operate within the same administrative frameworks that are frequently implicated in complaints, particularly home departments, police structures, and district administrations. This creates an inherent institutional tension: the body receiving complaints about state conduct is

often embedded within the same bureaucratic hierarchy responsible for that conduct. While administrative oversight mechanisms exist on paper, there is no independent disciplinary architecture linking failure to process complaints with professional accountability.

The Islamabad High Court in *Anita Turab v Federation of Pakistan* (2012) affirmed that civil servants are constitutionally bound by principles of transparency and accountability in the exercise of public functions. However, in practice, there is no documented mechanism through which failure to act on human rights complaints results in institutional consequences for cell officers.

Fiscal and Administrative Constraints:

Human rights cells operate within constrained fiscal environments. While comprehensive budgetary data is not publicly consolidated across federal and provincial structures, available evidence suggests that human rights institutions consistently receive relatively low allocations within broader administrative budgets.

Civil society reporting, including HRCP annual documentation, has noted instances of district-level cells lacking basic operational infrastructure, including stable electricity supply, functional record-keeping systems, and dedicated staff. These constraints are not merely logistical; they directly affect institutional memory, case tracking, and accountability. Without reliable record systems, even well-intentioned administrative follow-up becomes structurally inconsistent.

Institutional Fragmentation and Overlapping Jurisdictions:

Pakistan's human rights governance architecture is fragmented across multiple bodies, including the National Commission for Human Rights (NCHR), the Wafaqi Mohtasib, provincial ombudsmen, High Courts, and administrative human rights cells.

However, this multiplicity has not resulted in functional redundancy of protection. Instead, it has produced diffusion of responsibility. Each institution possesses partial jurisdiction over rights-related grievances, but none possesses

comprehensive enforcement authority across administrative levels. The NCHR, established under the NCHR Act 2012, represents the most structurally robust institution in this ecosystem. It possesses investigative powers, inspection authority, and reporting obligations. However, its mandate remains largely advisory in relation to other administrative bodies and does not extend to binding enforcement over district-level cells.

Procedural Non-Standardisation:

Complaint processing across human rights cells is not governed by a uniform statutory procedure. In the absence of binding procedural legislation, registration practices, documentation standards, and follow-up mechanisms vary across provinces and districts. There is no publicly available uniform complaint format, no statutory timeline for resolution, and no mandatory escalation framework in cases of non-response. This produces a system in which procedural outcomes depend heavily on institutional discretion rather than enforceable rules.

For populations with limited literacy or geographic mobility, these procedural requirements constitute additional barriers to access. While general human rights documentation acknowledges access challenges in rural and marginalised communities, no systematic administrative adaptation (such as oral complaint registration systems or outreach mechanisms) has been institutionalised at scale.

Absence of Follow-Up Mechanisms:

Once complaints are forwarded to relevant departments, human rights cells are under no statutory obligation to monitor outcomes, enforce response deadlines, or escalate non-compliance. In practical terms, this means that the institutional lifecycle of a complaint often ends at the point of referral rather than resolution. Human Rights Watch documentation on Pakistan's rights accountability mechanisms (2024–2025) identifies this lack of follow-up architecture as a systemic limitation in administrative grievance pathways.

Access Constraints and Structural Deterrence:

Even prior to procedural breakdown, structural barriers significantly limit access to human rights cells. These include geographic distance, literacy constraints, gendered mobility restrictions, and institutional distrust in areas with documented state or non-state violence. For example, bonded labour conditions documented in HRCP reporting and prior Supreme Court interventions (including *Darshan Masih v The State*) illustrate environments in which approaching state institutions may expose complainants to retaliation or economic coercion.

Similarly, gendered barriers—such as absence of female staff, requirement of physical travel to district offices, and social constraints on mobility—systematically reduce accessibility for women in rural areas. Minority communities face additional constraints arising from documented patterns of institutional bias and communal violence in certain regions, affecting trust in state-facing complaint mechanisms.

Functional Outcomes and Institutional Asymmetry:

Where human rights cells produce positive outcomes, these are typically contingent on external intervention, judicial pressure, or exceptional administrative responsiveness rather than internal enforcement capacity. The National Commission for Human Rights' investigative interventions and select Ministry-level referrals in disappearance-related cases illustrate this pattern. However, such outcomes are episodic rather than systemic. The structural design of human rights cells does not consistently produce enforceable remedies; it produces administrative circulation of grievances. The result is an asymmetry between institutional form and functional output: cases of success exist, but they are not reproducible through institutional design alone.

Design as Constraint:

The evidence suggests that the limitations of human rights cells are not incidental but embedded in their institutional architecture. Their design prioritises complaint absorption and

administrative referral over enforcement, accountability, or remedial authority.

In this sense, the distinction between “failure” and “design” becomes analytically thin. The cells do not systematically fail to achieve enforcement outcomes; rather, enforcement is not structurally within their remit.

Section IV: What People Actually Experience – Making the System Visible:

One risk of writing institutional analysis in an academic register is that it flattens lived reality into abstraction. This section attempts to correct that tendency. It draws on recurring patterns documented in HRCP annual reports, Human Rights Watch Pakistan reporting, Aurat Foundation research, and AGHS Legal Aid Cell case records. Some scenarios are composites based on repeated fact patterns across these sources; where that is the case, it is noted. Nothing here is fictional.

Bonded Labour in Sindh:

The Bonded Labour System (Abolition) Act 1992 is unambiguous: bonded labour is illegal, and debt bondage is prohibited. It also requires District Vigilance Committees in every district to monitor enforcement and process complaints. HRCP field reporting from Sindh, including its 2024 State of Human Rights report, describes a starkly different reality. These committees are often inactive, convene irregularly where they exist at all, and are frequently embedded in local power structures that overlap with the very interests they are meant to regulate.

A composite scenario reflects recurring documentation:

A hari family in interior Sindh has worked the same land for generations. A debt exists, but its origin is unclear and its terms have long been opaque. When the adult son attempts to leave, the landlord invokes the debt. An NGO paralegal advises approaching the District Vigilance Committee or the district human rights cell. The family hesitates for weeks. The landlord controls their housing, their children’s schooling access, and their informal relationship with the local

police station. Eventually, they travel to the district office. They are told to submit a written complaint. None of them can read or write. No oral intake mechanism is offered. They leave. Nothing follows.

According to HRCP’s 2024 State of Human Rights report, this reflects a recurring institutional pattern rather than an isolated failure.

Transgender Persons in KPK:

The Transgender Persons (Protection of Rights) Act 2018 is formally progressive. It recognises self-identified gender, prohibits discrimination, and assigns implementation duties across federal and provincial institutions.

In Khyber Pakhtunkhwa, however, implementation infrastructure remains weak, and social resistance is pronounced. Human Rights Watch reporting, HRCP documentation, and Trans Action Pakistan field accounts converge on a consistent pattern: violence against transgender persons persists with limited effective recourse. Approaching a police-linked or district-based human rights cell is often not perceived as viable, particularly where police are themselves implicated in abuse or harassment. Reported cases include denial of service, degrading treatment at offices, and in some instances further victimisation after engagement with authorities.

The result is a gap between statutory recognition and practical protection: rights exist in law, but the complaint architecture does not reliably translate them into safety.

Blasphemy Accusations:

In cases involving blasphemy allegations, the protective logic of complaint systems collapses almost entirely. HRCP and Human Rights Watch documentation across 2022–2024 records multiple instances where families seeking protection from mob violence encountered either police inaction or institutional complicity under pressure. In such contexts, approaching a human rights cell is not simply difficult; it may be unsafe. Institutional engagement creates visibility, and

visibility can intensify risk rather than mitigate it. A complaint register, a visit to a government office, or even a recorded interaction can generate a traceable identity that becomes actionable in hostile environments. The system does not just fail to protect—it can inadvertently structure exposure.

Women in Southern Punjab:

Aurat Foundation research from districts such as Rajanpur, Dera Ghazi Khan, and Muzaffargarh highlights a prior layer of exclusion: many women are not aware that formal human rights complaint mechanisms exist at the district level at all. Practices such as forced marriage, watta satta, and karo kari are often not conceptualised as rights violations, but as internal family or community matters outside state intervention. This is not merely an awareness gap. It reflects the historical reality of state institutions mediating access through male family members and treating domestic violence and related harms as private disputes rather than constitutional violations under Articles 14 and 25.

HRCP's reporting on honour killings reinforces this structural disconnect. Despite legal protections, many victims had no meaningful interaction with any protective mechanism before harm occurred. In such contexts, the human rights cell is not absent in theory; it is absent in effect.

What These Patterns Show:

Across these contexts, a consistent structure emerges. The individuals most likely to require human rights protection—bonded labourers, transgender persons, women in rural districts, and families exposed to blasphemy-related violence—are also those least able to access formal complaint mechanisms. Barriers are cumulative rather than singular: geography, literacy, gendered mobility constraints, institutional distrust, and fear of retaliation operate together to filter out access long before a complaint is ever registered. The result is not simply institutional underperformance. It is a distributional pattern

in which access to rights enforcement correlates with existing social and economic power.

Put differently, the system does not merely fail to reach vulnerable populations. It is structured in a way that makes reaching them unlikely from the outset. The exclusion is not accidental. It is built into how access is organised.

Section V: Realistic Pathways for Reform:

A recurring problem in Pakistani policy writing is that recommendations are often designed for institutional comfort rather than institutional reality. What appears workable in Islamabad can collapse at the district level where implementation actually occurs. This section avoids that gap by separating what can realistically be achieved within a single provincial legislative or administrative cycle from reforms that require sustained political commitment. Both matter, but they operate on different timelines and should not be confused.

I. Legislative Recommendations:

1. Provincial Human Rights Cells Legislation:

Human rights cells currently exist through executive notification rather than statute. This means they can be altered or dissolved without legislative process or public accountability.

Each province should enact dedicated legislation establishing human rights cells with defined mandates, protected budget lines, and safeguards against arbitrary transfer or administrative pressure on senior officers. After devolution under the Eighteenth Amendment, this is not a constitutional constraint but a political choice. A provincial model should draw from the National Commission for Human Rights Act 2012 but go further by granting cells limited coercive powers: authority to summon departmental officers and require written responses within fixed timelines. Without enforceable obligations, referral-based systems remain structurally weak.

2. Reform of District Vigilance Committees:

The Bonded Labour System (Abolition) Act 1992 already mandates District Vigilance Committees. The failure is not legal recognition but

enforceability. A minimal amendment requiring quarterly meetings, mandatory published minutes, and annual reporting to provincial human rights bodies and the NCHR would create immediate transparency at virtually no fiscal cost. The legal framework exists; what is missing is enforceable procedural discipline.

II. Institutional Design:

1. Structural Independence of Human Rights Cells:

Human rights cells housed within home departments or police structures face an inherent conflict of interest when receiving complaints about those same institutions. This cannot be resolved through internal safeguards. It requires structural separation. Provincial cells should report to independent provincial human rights commissions created through the proposed legislation, rather than to executive departments such as home secretariats or police leadership. This is not experimental design. It reflects the institutional logic of South Africa's Chapter 9 framework and India's State Human Rights Commissions under the Protection of Human Rights Act 1993, both of which treat independence as a baseline requirement rather than an aspirational goal.

2. Gender and Minority Representation at District Level:

Every district human rights cell should include at least one female officer and one designated minority liaison officer, with defined intake responsibilities.

Evidence from Aurat Foundation and AGHS Legal Aid Cell documentation indicates that complainant engagement increases significantly when female officers are present during intake. This is not symbolic reform; it is a functional access requirement. Implementation does not require legislation. A provincial executive directive, enforced through administrative performance monitoring, would be sufficient. The constraint is political will, not legal design.

III. Complaint System Reform:

1. Standardised Multi-Channel Complaint System:

A unified complaint system should be introduced across federal and provincial levels, integrating web portals, SMS-based submission, and in-person registration.

Each complaint should generate a tracking number with automated status updates. The system must be usable without literacy, including a voice-based intake option through a dedicated helpline. Existing infrastructure—particularly NADRA systems and Punjab/KP e-governance frameworks—already demonstrates technical feasibility. The 1099 helpline for violence against women provides a working model. The missing element is not capacity but design priority.

2. Mobile Human Rights Units:

Mobile complaint and legal aid units should operate on scheduled circuits across high-barrier districts, including rural Sindh, southern Punjab, and the merged districts of former FATA. These units should have complaint intake authority, basic legal referral capacity, and multilingual staffing (including Sindhi, Saraiki, Pashto, and Balochi). The institutional precedent already exists in Election Commission mobile registration systems. The question is not feasibility but whether rights enforcement is treated as equally mobile and essential infrastructure.

IV. Accountability Mechanisms:

1. Mandatory Public Reporting:

All human rights cells should be required to publish annual reports disclosing:

- total complaints received
- complaints referred
- complaints resolved
- pending cases beyond 90 days
- average resolution time
- disaggregated data by category, gender, and region

The NCHR already follows a version of this model under statutory obligation. Extending it through provincial rules or executive notification

would immediately establish a baseline for accountability where none currently exists.

2. Parliamentary Oversight with Civil Society Participation:

Standing committees on human rights at federal and provincial levels should hold biannual public hearings on human rights cell performance. Cell leadership must be required to attend. Civil society organisations with documented monitoring work—such as HRCP, Aurat Foundation, and AGHS Legal Aid Cell—should have guaranteed participation rights. Parliamentary oversight without external input tends to degrade into procedural formality. The most effective reforms in Pakistan’s human rights architecture have historically involved structured civil society participation, particularly in the development of the NCHR framework. That model should be institutionalised rather than treated as exceptional.

Logic Behind These Recommendations:

These recommendations share a single underlying assumption: institutions must be designed so they cannot quietly opt out of accountability. Mandatory reporting, statutory grounding, structural independence, and civil society oversight are not enhancements to an already functioning system. They are baseline conditions for making complaint-based human rights institutions operational rather than symbolic.

Pakistan already possesses the legal architecture, institutional precedents, and civil society capacity required for these reforms. What has been missing is sustained political commitment to building enforcement systems that can constrain administrative discretion. That absence is not abstract. It determines whether a complaint becomes action or disappears into administrative circulation. The woman who travelled by wagon to a district office and was told to return next week remains the most accurate measure of whether any of these reforms succeed.

Conclusion: What the Cell Could Be – and What It Currently Is:

This article began with a woman in Sahiwal. She travelled forty minutes by wagon, carrying a crumpled slip of paper with an address and news of a disappeared husband. She left the human rights cell with a reference number and instructions to return next week. She did not return. That scene was used as an entry point, but by the end of this analysis it reads less like illustration and more like structure. Nearly every feature of institutional design discussed in this article is visible in it: referral without enforcement, absence of follow-up, reliance on written procedure, geographic and financial cost placed entirely on the complainant, and a register that records without compelling action. There is no metaphor in it. It is simply how the system functions.

The central argument has been that Pakistan’s human rights cells do not primarily fail because of neglect or underfunding, but because of design. They were created without adjudicatory authority, without statutory insulation, and without binding accountability mechanisms. As a result, they operate as receptacles for grievances rather than institutions capable of producing enforceable outcomes. Across the preceding sections, this claim has held consistently. The constitutional framework, while expansive in rights language and strengthened by judicial interpretation, remains structurally anchored in litigation. That produces a gap between rights that are legally robust and rights that are institutionally unreachable for most citizens.

At the administrative level, the system is fragmented across multiple bodies with overlapping jurisdiction and no clear hierarchy of enforcement. Within that landscape, human rights cells occupy the weakest position: referral-based, internally embedded within executive departments, and without independent authority to compel action. At the ground level, as Section IV showed, this structure maps almost precisely onto social vulnerability. Bonded labourers in Sindh, transgender persons in Khyber Pakhtunkhwa, women in southern

Punjab who have never encountered a formal rights mechanism, and families exposed to blasphemy-related violence are not peripheral cases. They are the populations for whom the system is most frequently invoked and least able to function.

There is, however, an important qualification. The failure is not absolute.

The National Commission for Human Rights has produced meaningful inspection reports. The federal complaint mechanism has, in specific disappearance cases, functioned as a coordination point producing partial accountability. Individual officers, operating within structurally weak institutions, have occasionally generated outcomes that exceed institutional design. These instances do not undo the structural critique. But they matter analytically. They suggest that effective human rights administration is not impossible within Pakistan's institutional ecosystem. It exists intermittently, as an exception rather than a norm.

That distinction is important: the problem is not absence of possibility, but absence of routinisation. What exists is not a functioning system, but a system in which functionality occasionally appears despite its design rather than because of it. The recommendations in Section VII are grounded in that distinction. They are not written for an idealised state, but for institutions that already possess constitutional authority and administrative space to act, particularly provincial governments after the Eighteenth Amendment.

They are also directed at actors who already operate within the system: civil society organisations that document its failures, legal practitioners who navigate its gaps, and parliamentary committees that retain oversight authority even when it is underused. The core assumption is simple: the architecture for reform already exists. What is missing is the decision to treat enforcement capacity as a necessary feature of human rights administration rather than an optional one.

A Final Note:

The woman from Sahiwal will not read this article. She was never the audience. But she remains its reference point.

The question that runs through every section is ultimately simple. Would her experience have changed if the system described here functioned differently? Would there have been follow-up, clarity, protection, or even a basic sense of institutional responsibility?

The Constitution already answers that question in principle. The administrative system, as currently structured, answers it in practice. Until that gap closes, human rights cells in Pakistan—however visible, however numerous, however formally present—remain less an instrument of enforcement than a record of the distance between rights that exist on paper and rights that exist in life.

REFERENCES:

- Constitution of the Islamic Republic of Pakistan 1973, Articles 8–28, Articles 29–40, Article 184(3), Article 199, Article 10-A.
- The Eighteenth Amendment to the Constitution of Pakistan.
- National Commission for Human Rights Act 2012. (NCHR)
- Bonded Labour System (Abolition) Act 1992, Government of Pakistan.
- Transgender Persons Act 2018, Government of Pakistan.
- Ministry of Human Rights, Government of Pakistan – Human Rights Cell.
- Right of Access to Information Act 2017.
- Asma Jilani v Government of Punjab* PLD (1972 SC 139).
- Benazir Bhutto v Federation of Pakistan* (PLD 1988 SC 416).
- Darshan Masih v The State* (PLD 1990 SC 513).
- Shehla Zia v WAPDA* (PLD 1994 SC 693).
- Sindh High Court Bar Association v Federation of Pakistan* (PLD 2009 SC 879).
- Anita Turab v Federation of Pakistan* (2012 Islamabad High Court).

Missing Persons Suo Motu Cases – Supreme Court of Pakistan, proceedings under Article 184(3).

Ministry of Human Rights (MoHR)

Punjab Police Human Rights Cell

Human Rights Commission of Pakistan (HRCPP)

Human Rights Watch – *World Report 2025: Pakistan Chapter*.

Human Rights Watch – *World Report 2024: Pakistan Chapter*.

Aurat Foundation – *Annual Report on Violence Against Women in Pakistan*.

Asma Jahangir and Hina Jilani – *The Hudood Ordinances: A Divine Sanction?*

Hamid Khan – *Constitutional and Political History of Pakistan*.

Herald Magazine (Dawn) – investigative features on bonded labor in Sindh and Punjab, and on the functioning of district-level state institutions.

Trans Action Pakistan – documented case reports on violence against transgender persons in KPK and institutional response failures (2022–2024).

European Commission – *GSP+ Assessment Report: Pakistan* (most recent cycle). Brussels: European Commission.

Office of the United Nations High Commissioner for Human Rights (OHCHR) – *Universal Periodic Review: Pakistan – Third Cycle* (2023).

