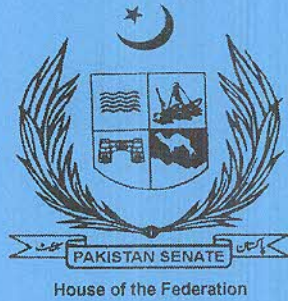


**SENATE OF PAKISTAN
HOUSE OF THE FEDERATION**



Report No.3

**THIRD INTERIM REPORT OF THE SPECIAL
COMMITTEE RELATING TO MARGINALIZED
SEGMENTS OF SOCIETY**

PRESENTED BY

**SENATOR NISAR MUHAMMAD KHAN
CONVENER**

SENATE SECRETARIAT

Subject: **THIRD INTERIM REPORT OF THE SENATE SPECIAL COMMITTEE RELATING TO THE MARGINALIZED SEGMENTS OF SOCIETY**

In pursuance of rule 204 of Rules of Procedure and Conduct of Business in the Senate 2012, the Honorable Chairman Senate in consultation with the Leader of the House and Leader of the Opposition was pleased to constitute the Special Committee relating to Marginalized Segments of the Society with a view to make recommendations and furnish a progress report to the House after every two months.

2. The composition of the Special Committee is as follows:

1. Senator Nisar Muhammad Khan	Convener
2. Senator Rubina Irfan	Member
3. Senator Sassui Palijo	Member
4. Senator Rubina Khalid	Member
5. Senator Muhammad Talha Mehmood	Member
6. Senator Muhammad Ali Khan Saif	Member
7. Senator Sajjad Hussain Turi	Member
8. Senator Mir Kabir Ahmed Muhammad Shahi	Member
9. Senator Sitara Ayaz	Member
10. Senator Samina Abid	Member
11. Senator Saud Majid	Member
12. Senator Zafar Ullah Khan Dhandla	Member

3. The Committee held its first meeting on 9th December, 2016 under the Chairmanship of Senator Nisar Muhammad.

The agenda before the Committee was as under:-

- i. **Briefing by the National Commission for Human Rights pertaining to its role in addressing the issues confronted by the Marginalized Segments in the Country alongwith legislation carried out in this regard.**

- ii. **Point of Order raised by Senator Maulana Hafiz Hamdullah regarding "the violation of fundamental rights of Transgender Community in the Country and their exploitation and suggest required legislative measures to give right place to such segments in the society" in the sitting of the Senate held on 22nd November, 2016.**

4. The Committee obtained a briefing from the National Commission for Human Rights as per the fore stated agenda items. The DG, (NCHR), Ministry of Human Rights apprised the Committee about the efforts/steps taken by the Ministry of Human Rights with regards to addressing the Human Rights violations of the marginalized segments in the country and informed that the Ministry had already devised the complaint Rules wherein the Ministry had no role to play in case of receipt of a complaint except for forwarding it to the NCHR which according to him enjoyed the powers of Civil Courts whereby it can summon anybody in case of Human Rights Violations. He added that the existing Pakistan penal code covers the Trans genders and that there were no separate Rules for them. The Committee was of the view that there was a massive and rampant violation of the rights of the Trans genders in Pakistan beginning from a young age and continued throughout their lives though the Constitution does not discriminate on the basis of gender and ensures the rights of all individuals however the society's behavior towards transgender was appalling.

5. The Committee was also of the view that the NCHR was not being provided the required support and the level playing field by the executive & the Ministry which was in turn hindering its performance and functionality. The representative of Law Division was of the opinion that the General Clauses Act provides that the law is applicable to all the genders. He requested that NADRA should be invited in the next meeting and asked to deliberate upon the issue of providing recognition and identity to the trans genders residing in the country.

6. The Committee directed the NCHR to suggest a way forward in light of a 2012 Supreme Court Judgment therein providing equal rights and civil liberties for transgender citizens including the right to inherent are and equal job opportunities, a unanimous Khyber Pakhtunkhwa Assembly resolution for seeking voting rights for the Trans genders Community and the CADD's Draft Bill on Trans genders rights. The NCHR was directed to formulate recommendations and present its report before the Committee in the next meeting.

7. After carrying out detailed deliberations, the Committee made the following recommendations:

- a. The Committee decided to invite the representative of transgender community in its next meeting for in order to have firsthand information in language of the problems being faced by the transgender community in general.
- b. The NCHR was directed to assist the Special Committee in formulations a policy for addressing and redressing the problems being faced by the transgender Community and urged the Commission for its further involvement and active role through utilization of its inherent statutory powers.
- c. The Committee was of the view that all the efforts of Ministry of Human Rights to address the issues being faced by the transgender community would become counterproductive in case NCHR was not taken on board.
- d. The Committee decided to invite the representatives of NADRA and Election Commission in the next meeting.
- e. The NCHR was directed to prepare a report after formulating recommendations in light of Supreme Court judgment 2012, Khyber Pakhtunkhwa Assembly Resolution and the CADD's draft bill on Transgender Rights and submit a report to the Committee in the next meeting.

9. Afterwards two Committee meetings i.e. 23rd January, 2017 and 14th February, 2017 were held under the Chairmanship of Senator Nisar Muhammad on the following agenda:

- i) **Point of Order raised by Senator Maulana Hafiz Hamdullah regarding “the violation of fundamental rights of Transgender Community in the country and their exploitation and suggest required legislative measures to give right place to such segments in the society” in the sitting of the Senate held on 22nd November, 2016.**
- ii) **Briefing by the National Commission for Human Rights pertaining to its role in addressing the issues confronted by the Marginalized Segments in the Country along with legislation carried out in this regard and also:-**
 - a) **Problems being faced by National Commission for Human Rights in discharging its Constitutional obligations.**
 - b) **The areas where legislation is required for the betterment of National Commission for Human Rights which could be beneficial for the people of Pakistan in general and the Country in particular.**

