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Editorial

Dear Readers,

The Pakistan Institute for Parliamentary Services continues its research and capacity building initiatives as per its annual workplan for the 2022-23. PIPS has emphasized especially on playing the role as a bridge between the people and their elected representatives by holding sessions on Constitution, Parliament and National Cohesion. The Institute recently hosted numerous events on Constitution, Working of Parliament and role of parliamentary caucuses with more than 350 university and school students as well as interns from the National Parliament.

This Issue of the PIPS Parliamentary Research Digest includes absorbing articles on the basic human right of education especially for the girl-child; a tribute article for the great Kashmiri freedom leader and statesman Syed Ali Shah Geelani; and an article on women empowerment as envisaged by the consensus 1973 Constitution as well as the clear vision and direction prescribed by the founding fathers of Pakistan – Quaid e Azam Muhammad Ali Jinnah and the poet philosopher Allama Dr Muhammad Iqbal. Additionally, this issue includes a summary report of Int'l Workshop on Connecting Parliamentary Research Services around the world held in Brussels on Sept. 20, 2023, where PIPS participated to share its case study as one the premier parliamentary research services providers in the world.

Team PIPS congratulates all on the blissful Birth Anniversary of the Prophet Muhammad (Peace be upon Him) to be celebrated on Friday, 29th September, 2023, reiterating his universal message of compassion, forgiveness, equality, fraternity and mercy for all. We welcome feedback of our invaluable readers. Please Do not hesitate to send your feedback or contact for any of our services at research@pips.gov.pk

Muhammad Rashid Mafzool Zaka

Director General (Research)



Deputy Chairman, Senate of Pakistan / Vice President BoGs, PIPS, Honourable Senator Mirza Muhammad Afridi presided the Seminar with Young Leaders Parliament and presented the souvenirs to organizers and facilitators commending their efforts on Tuesday, September 12, 2023

SENATE OF PAKISTAN

RESOLUTION NO. 551

“The House recalls 5th August 2019, as a “Black Day” when BJP led Government, abrogated Articles 35-A and 370 of India’s Constitution and took away the autonomy of Jammu and Kashmir and divided the state into two Union territories.

The House rejects India’s illegal and unilateral actions of 5 August 2019 which are in direct violation of UNSC Resolutions and are aimed at changing the demographic structure of Indian Occupied Kashmir, suppressing the realization of the inalienable right to self-determination of the Kashmiris as well as violating their civil, political, economic, social and cultural rights;

The House expresses deep concern over the additional draconian human rights violations being committed by the Indian Government further increasing the impunity of Indian occupation forces, resulting in egregious violations of basic human rights and fundamental freedoms of the Kashmiri people in IOJK;

The House reaffirms the principles and objectives of the UN Charter regarding the sanctity of the universal realization of the right of peoples to self- determination and recalling the numerous unimplemented UN Security Council Resolutions on Jammu and Kashmir dispute which declare that the final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people;

The House strongly deplores the state sponsored terrorism and crimes against humanity by Indian occupation forces against people of IOJK;

The House acknowledges the efforts of the international human rights organizations, international media, international parliamentary fora especially European Parliament for expressing concerns over the gross human rights violations in Indian Occupied Kashmir;

The House Calls upon the international community to support the freedom struggles of the people of Indian Occupies Kashmir both morally, legally and materially as the international community supporting Ukraine morally and materially in the current Russian Ukraine war; and

This House recommends that the Government should expedite its diplomatic efforts to continuously highlight the Kashmir issue at the UN Human Rights Council, including through periodical brief and joint letters to the President of the Human Rights Council and all international Human Rights bodies about the evolving developments in Indian Occupied Kashmir.”

*Moved by Senator Kamran Murtaza on his behalf
and on behalf of Senator Molana Abdul Ghafoor
Haideri, Mushtaq Ahmed and Molvi Faiz
Muhammad and unanimously passed by the Senate
of Pakistan.*

Islamabad, the 7th August, 2023.

ANALYSIS

Syed Ali Shah Geelani – a self-less indigenous Kashmiri Freedom Leader**Ayesha Tariq Khan**

Assistant Director (Research), PIPS

“To a freedom fighter, hope is what a lifebelt is to a swimmer- a guarantee that one will keep afloat and free from danger.” Nelson Mandela

Kashmir is the unfinished agenda of the independence June, 1947 Partition plan whereby Muslim Majority areas were to perpetually become part of Pakistan. Yet more than seventy years have passed and the Kashmiris suffer the most at the hands of state-terrorism by the illegal occupation by India. The cruel clutches and brutality of Indian Forces on daily basis as well as the restrictions to profess basic human rights by the Indian Government are taking thousands of Muslim lives in Jammu Kashmir. The more than 7.5 lac Indian Forces have captured the valley in an unabated curfew for the local population as Indian troops’ continue their cruel actions on Kashmiris since 1947-48. Through most tyrannical and difficult times, Syed Ali Shah Geelani remain the hope and beacon light for the Muslims of Kashmir in their just movement for self-determination.

Syed Ali Shah Geelani was a prominent Kashmiri freedom leader and statesman. The father of indigenous and popular Kashmiri freedom movement, Syed Ali Shah Geelani¹, was an epitome of bravery and courage. He was the leader on whom the Kashmiri people had unwavering and unmitigated trust towards their freedom and independence from the state terrorism and illegal occupation by India. He was born in 1929 in Jammu Kashmir and breath his last in September 2021, in Srinagar while being under house hold by Indian Forces.²

Initially, he started his career as a Secretary of a unit of the Jammu and Kashmir National Conference Party. From there, he got active in Quit Kashmir Movement. Later he was appointed as a reporter in the National Conference’s *Akhbar-i-Khidmat*. He then started his further studies, and took a charge of teacher in Srinagar thereafter. He then developed his love for the writings of Syed Abul A’la Maududi, which were mainly based on freedom. Soon, he developed interest in the cause of Jama’at-i-Islami Jammu and Kashmir (JIJK), and became a member of JIJK in 1953.³

Jama’at-i-Islami Jammu and Kashmir JIJK is one of the popular local party in the Illegally-Occupied Jammu and Kashmir, which aims mainly at the freedom and independence of Kashmir from Indian occupied forces and their cruel behaviors. Its writings and ideologues have had a significant influence on Kashmiri Muslims. It supports and engages in all forms of peaceful, democratic, and productive communication in order to spread its beliefs and accomplish its goals. As a contemporary popular reformist movement organization founded on the Islamic ideology of the Quran and Sunnah, JIJK has developed a unique style and methodology for spreading the message of Islam and providing the Muslim community with appropriate guidance in putting the principles and laws that define the Islamic way of life into practice. JIJK seeks to demonstrate that the Islamic ideology and way of life are the most applicable and appropriate

¹ Levina, “Profiling Syed Ali Shah Geelani– Bub Jihad, Father of Jihad and Jihadis like Burhan Wani in Kashmir”, *Resonant News*, July 8th, 2020. <<https://resonantnews.com/2020/07/08/profiling-syed-ali-shah-geelani-bub-jihad-father-of-jihad-and-jihadis-like-burhan-wani-in-kashmir/>>

² Al Jazeera, “Syed Ali Shah Geelani: Kashmir separatist leader dies at 92”, *Al Jazeera*, September 1st, 2021. <<https://www.aljazeera.com/news/2021/9/1/syed-ali-shah-geelani-dies-after-prolonged-illness>>

³ Yoginder Sikand, “The Emergence and Development of the Jama’at-i-Islami of Jammu and Kashmir (1940s-1990)”, *Modern Asian Studies*, Vol 36, No. 3, July 2002, pg. 719. <https://www.jstor.org/stable/3876651?read-now=1&seq=16#page_scan_tab_contents>

solutions to the problems facing the modern world through its carefully considered and meticulously organized programming. Moreover, Jama'at's operations were limited to the spreading of ideas, mostly through Urdu literature and publications, until the freedom was attained.⁴ The freedom movement was started and continued in Kashmir since its illegal occupation by India in 1948 of what is to be the integral part and jugular vein of Pakistan being will of majority Kashmiris. In this context, many renowned people including Syed Ali Shah Geelani joined hands in the just freedom movement.

Syed Ali Shah Geelani was elected as the Honorable Member of Jammu and Kashmir Legislative Assembly three times; 1972-1977, 1977-1982 and 1987-1990.⁵ He resigned from MLA seat in the last term, due to widespread rigging during elections of 1987⁶. After that, he remained active in raising his voice against the brutal activities by Indian Forces in Jammu and Kashmir. It is a clear manifestation that being a true democrat he tried to win the freedom through representation in elected assembly but when India oppressed the Kashmiris to an extent that elections in the occupied valley became a fraud, the Muslim majority was left with no option but to boycott the elections, which had miserably less than 2% voter turn-out.

The **All Parties Hurriyat Conference (APHC)** was formed in 1993, having alliance of 26 social, political and religious parties and Syed Ali Shah Geelani was one of the founding members of this alliance, served as its chairman from 1998-2000. The main aim of APHC was clearly to run a lawful and just popular Kashmiri Freedom from India's illegal occupation⁷. The people of Kashmir recognized the APHC as the last hope for their freedom. The people supported and raised slogans with the APHC against the brutality against Indian Forces. In 2003, Syed Ali Shah Geelani became the leader of his own faction of APHC, called as All Parties Hurriyat Conference (G), having 24 parties⁸. He also formed his own party named Tehreek-e-Hurriyat in 2004, after quitting Jama'at-i-Islami.⁹

Syed Ali Shah Geelani as a Selfless Freedom Leader:

Syed Ali Shah Geelani was a key figure in the Kashmiri freedom movement, and many of his followers considered him to be a generous and selfless leader committed to the democratic basic human right of Kashmiri freedom. Geelani has drawn both praise and criticism for his long-standing activism and firm commitment that he considered as the right to self-determination for the people of Jammu and Kashmir.

He also raised his voice for Kashmiris at the international forums. He asked the United Nations (UN) for its intervention in the issue of Kashmir. He also highlighted to the UN about the human rights violation going on in Kashmir by the Indian Forces. He reminded the UN about the its categoric resolutions about Kashmir that promised that decision of Kashmir will be

⁴ Dr Mohd Shafi Bhat, "Emergence, Development and Role of Jamaat-i-Islami Jammu and Kashmir (JIJK)", *Research Journal of Humanities and Social Sciences*, Vol. 3, No. 4, 2012. < <https://rjhssonline.com/HTMLPaper.aspx?Journal=Research%20Journal%20of%20Humanities%20and%20Social%20Sciences;PID=2012-3-4-10> >

⁵ India News, "Syed Ali Shah Geelani, Face Of Kashmiri Separatist Politics, Dies At 92", *NDTV*, September 02, 2021. < <https://www.ndtv.com/india-news/kashmiri-separatist-leader-syed-ali-shah-geelani-dies-at-92-2526758> >

⁶ Muhammad Raafi, "Congress Confesses 1987 Elections were Rigged", *KashmirLife.net*, June 25, 2016. < <https://kashmirlife.net/congress-confesses-1987-elections-were-rigged-109325/> >

⁷ Neil Aggarwal, "KASHMIRIYAT AS EMPTY SIGNIFIER", *tandfonline*, Vol. 10, No. 2, PP- 222235, 2008. < <https://www.tandfonline.com/doi/epdf/10.1080/13698010802145150?needAccess=true> >

⁸ Tariq Bhat, "Separatist Leader Syed Ali Shah Geelani quits Hurriyat Conference", *The Week Magazine*, June 29, 2020. < <https://www.theweek.in/news/india/2020/06/29/separatist-leader-syed-ali-shah-geelani-quits-hurriyat-conference.html> >

⁹ Asad Hashim "Profile: Syed Ali Shah Geelani", *AlJazeera*, Aug 01, 2011. < <https://www.aljazeera.com/news/2011/8/1/profile-syed-ali-shah-geelani> >

undertaken by the people of Kashmir by holding a plebiscite.¹⁰ Geelani also asked Organization of Islamic Countries (OIC) for resolution of Kashmir issue, as he believed that the violation of rights of self – determination of Muslims of Kashmir should be the issue of whole Muslim Ummah¹¹.

His passport was detained in 1981 by Indian regime, and since then he was not given the passport for any travel abroad, except once for *Hajj pilgrimage* in 2005.¹² He was diagnosed with the renal cancer in 2007 and the doctors advised the treatment abroad, but the Indian government refused to provide him passport, until the pressure was developed on the Indian government.¹³ In 2015, he was not allowed to meet his ailing daughter in Saudi Arabia, which was yet again a blatant violation of human rights.¹⁴

Human rights violation is common in Indian illegally Occupied Jammu and Kashmir, but the house arrest of an ailing person is considered to be the extreme human rights violation. The freedom fighter, Syed Ali Shah Geelani, to which the people of Kashmir looked as a hope, was detained in his own house, since 2008.¹⁵ In 2013, he fell ill due to severe chest infection, but he was again house arrested shortly after he returned to Srinagar after his treatment of chest infection.¹⁶ He also had been accused of many charges in registered FIRs including Sections 124A (sedition), but none of these were proved.¹⁷

As he was pro Pakistani, political leader and a hope of freedom and independence for Kashmiri, his coffin was wrapped in the Pakistani flag, and buried with it. Pakistan government awarded Syed Ali Shah Geelani with the highest civil award, Nishan-i-Pakistan, on the independence day of Pakistan, 14th August 2020, for his bravery, courage and determination against the Indian Forces and his consistency towards the freedom of Kashmiris.¹⁸

Moreover, Abdul Hakeem wrote a book on the journey and struggles of Syed Ali Shah Geelani, titled 'Paradise on Fire; Syed Ali Shah Geelani and the Struggle for Freedom in Kashmir'.¹⁹ There is no doubt that Syed Ali Shah Geelani has influenced not only the people of Kashmir but also the people over all the world, that any news related to him would have effected most of people of the globe.

¹⁰ Ashiq Hussain, "Separatist leader Geelani asks UN, world to intervene over Kashmir violence", *Hindustan Times*, July 17, 2016. < <https://www.hindustantimes.com/india-news/separatist-leader-geelani-asks-un-world-to-intervene-in-kashmir-terror/story-yBZ7Jul6DN9M4Pqw86b0yK.html> >

¹¹ Kashmir Observer, "Geelani asks OIC to play role in resolving issues facing Muslim Ummah", *Kashmir Observer*, September 19, 2017. < <https://kashmirobsrver.net/2017/09/19/geelani-asks-oic-to-play-role-in-resolving-issues-facing-muslim-ummah/> >

¹² India, "Ailing Kashmiri separatist allowed to go abroad for medical treatment", *Gulf Times*, March 09, 2007. < http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=136912&version=1&template_id=40&parent_id=22 >

¹³ Ibid.

¹⁴ Shazia Yousaf, "Nationality row over Kashmiri leader passport denial", *Anadolu Agency website*, May 05, 2015. < <https://www.aa.com.tr/en/world/nationality-row-over-kashmiri-leader-passport-denial/44638> >

¹⁵ Reuters Staff, "Geelani put under house arrest – police", *Reuters*, February 08, 2008. < <https://www.reuters.com/article/idINIndia-33881920080603> >

¹⁶ India Today, "J&K Police puts Geelani under house arrest again ahead of rally in volatile area", *India Today*, November 17, 2013. <https://www.indiatoday.in/india/north/story/syed-ali-shah-geelani-jammu-and-kashmir-police-baramulla-palhalan-rally-217711-2013-11-16> >

¹⁷ "Govt: No sedition charges against Geelani & Arundhati", *Business Standard*, Jan 20, 2013. < https://www.business-standard.com/article/economy-policy/govt-no-sedition-charges-against-geelani-arundhati-110102900017_1.html >

¹⁸ Geo News, "Nishan-e-Pakistan Award conferred upon Kashmiri leader Syed Ali Shah Geelani", *Geo News*, Aug 14, 2020. < <https://www.geo.tv/latest/302735-nishan-e-pakistan-award-conferred-upon-syed-ali-shah-gilani> >

¹⁹ Abdul Hakeem, "Paradise on Fire: Syed Ali Geelani & the Struggle for Freedom in Kashmir", *The Islamic Foundation*, January 2013.

Syed Ali Shah Geelani was against house arrested in 2019, after the Indian government abrogated the articles 35A and 370, which gave the special status to Kashmir.²⁰ This house detention proved to be his last house arrest as the whole valley is still in curfew and the political leaders are house arrested. He passed away on September 01, 2021 due to the ailing condition under the house arrest.²¹ The Indian Forces did not let his funeral happen. Only his immediate family was allowed to see him for the last time and offer funeral. He was buried in pitch dark, so that the crowd could not gather up. The Indian forces also shut down the internet in order to stop the spreading of the news of his demise.²²

Syed Ali Shah Geelani was the person who listened and solved the problems of local Kashmiris. As a separatist and freedom fighter, he was detained again and again in his own house, so that the hope of Kashmiri people decreases, and they accept the brutality by Indian Forces. He wrote around 30 books, which give a notion of his humanitarian conduct towards everyone, including the ones who humiliated him.²³

He advocated separatism and right to self-determination for Kashmiris. For Kashmiris independence from Indian Forces, he went through much oppression, detention, and humiliation, but he never gave up, and stood firm for getting what is right for the Kashmiris. He was a pro-Pakistani political figure which made his survival more difficult, as India claims to be secular state but India neither can see human rights violation in Kashmir nor can help such person who wants freedom from brutality.

Geelani spent many years participating in the political activity of Kashmir. He persistently pushed for Kashmiris to have the freedom to choose their own political path and wanted their independence from India. His political career revolved around his dedication to the cause of Kashmiri self-determination. The Kashmiri looked on to him as a fatherly figure that is going to save them from Indian Forces brutality. Syed Ali Shah Geelani was a vocal critic. He had a firm stand on the illegitimate capture of Kashmir by the Indian Forces. He used to speak about the accession of India in 1947 as an illegal step, and always asked for withdrawal of Indian Forces from Kashmir.

He believed that the fate of the Kashmiris should be decided by the Kashmiri people and not through the forceful seizure. He was a fearless and most populaist freedom-leader with uncompromising principles against unjust conditions. He would have kept his interests aside only to ensure the freedom of Kashmiris. He was one of those personalities who did not even care about his family and kept his principle of getting self – determination for Kashmiris ahead.

The world will always remember Syed Ali Shah Geelani as a selfless, indigenous Kashmiri freedom leader and statesman par excellence, who stood firm to tirelessly sacrifice his all for the just and Muslim-majority freedom movement of Kashmiri people. He served all his life in order to address the issue of Kashmiri people not only to the region but to the world, through international forums with a just, lawful, democratic and peaceful stance. His speeches will continue to inspire millions of Kashmiris to stand for their right of self – determination till they get their basic human right of self-determination and freedom. *May his soul rest in peace. Amen.*

²⁰ Rifat Fareed, “Key Kashmir political leaders arrested by India since August 5”, *Al Jazeera*, Aug 17, 2019. <<https://www.aljazeera.com/news/2019/8/17/key-kashmir-political-leaders-arrested-by-india-since-august-5>>

²¹ Sameer Yasir, “Syed Ali Geelani, Separatist Leader in Kashmir, Dies at 91”, *The New York Times*, Sept 02, 2021. <<https://www.nytimes.com/2021/09/02/world/asia/syed-ali-shah-geelani-dead.html>>

²² Ibid.

²³ General News, “THE MAN BEHIND THE ARMOR: SYED ALI SHAH GEELANI — THE MOVING SPIRIT OF THE KASHMIRI FREEDOM STRUGGLE”, *Kashmir Awareness Organization*, Sept 02, 2021. <<https://kashmirawareness.org/the-man-behind-the-armor-syed-ali-shah-geelani-the-moving-spirit-of-the-kashmiri-freedom-struggle/>>

OPINION

Towards Inclusive and Equal Society: Challenges and Opportunities

Iffat Pervaz

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Abstract: This study investigates how constitutional ideas might be applied to promote inclusivity and equality in society. It addresses the challenges and opportunities of creating inclusive and equal society, in particular because of the systemic injustices that women, minorities, and religious minorities experience. The article outlines several constitutional clauses and acts that support inclusivity and equality, such as non-discrimination, equal legal protection, the right to health, employment, and education, and the right to take part in political and civil life. The article also examines strategies for advancing and defending women's rights, minority rights, pluralism, and religious diversity, including legal reforms, expanding access to job and educational opportunities, and empowering marginalized groups through political engagement and representation.

Systemic inequities that affect people based on their gender, race, ethnicity, religion, or other factors continue to be a significant problem in today's society. To overcome these problems and create more just and equitable society, equality and inclusivity must be promoted. Constitutional provisions that guarantee non-discrimination and equal protection under the law, the right to education, health, employment, ability to take part in political and civic life, freedom of expression and assembly are some means of advancing these objectives. The eradication of marginalization and preservation of minorities' and women's rights through the application of constitutional principles and legal and political reforms, can result in an inclusive society.

It is the essence of a democratic state that every community has access to different spheres of life. Ranging from rights and services, to have a say in processes of decision-making that affects their lives, it is significant to address social exclusion to assure that all members of the society can participate fully and equally in social, economic, and political discourse. The fundamental principle of human rights, according to which "all human beings are born free and equal in dignity and rights," is the foundation of an inclusive society. It is a society where everyone has the ability and desire for engagement in civic, social, economic and political activities, regardless of their backgrounds.¹

To ensure an equal access to fundamental education, public space, amenities, and information as well as the respect for and accommodation of diversity and cultural plurality, legal, regulatory and policy frameworks must be inclusive, uphold, and promote just processes in all areas of implementation. Although social exclusion is explicitly prohibited by Pakistan's constitution, our society as a whole continues to experience exclusion on all levels due to a lack of effective legislation and policy execution. The systematic inequality that exists in our social institutions is one of the key reasons this problem cannot be resolved.

Sources of inequality in modern societies: mitigation through constitution

A complex interplay of inter-related and mutually reinforcing economic, social, demographic and behavioral factors results into social exclusion. It often crosses generations and accumulates over time. The risks of social isolation are more likely to affect the poorest individuals and

¹ Creating an Inclusive Society, "Practical Strategies to Promote Social Integration", UN Org., 2009, <https://www.un.org/esa/socdev/egms/docs/2009/Ghana/inclusive-society.pdf>.

communities.² Social exclusion has begun to change as a result of a strong workforce, easing population pressures, and legislative reforms. These factors are still present in Pakistan, where women and religious/ethnic minorities are underrepresented in social, political, and economic sectors. As a result, our communities still maintain practices and conventions that ignore the issues and challenges that these groups face. Their inclusion can assure that a society and, more broadly, the state, thrive exponentially.

Use of constitution to promote rights of marginalized communities

With respect to religious, ethnic and linguistic composition, Pakistan is a highly plural society. It is one of the world's most complex states; linguistically and ethnically. Much of its conflict is rooted in the clash between its political institutions and diversity.³ The resolution of these conflicts lies in the concept of social inclusion and equality, involving the inclusion of all the constituting groups. Pakistan is a federal as well as Islamic welfare state, so it is crucial to consider how provincial governance structures, laws at the federal and provincial levels in accordance with the constitutional provisions protect minorities when examining laws that apply to the masses. In addition to the formal written laws and regulations, regulatory norms have an effect on indigenous peoples, minorities and women. The 1973 Constitution serves as the country's primary source of law and provides substantive rights as well as standard regulatory norms.⁴

- i. **Rights of Minorities:** Equal rights are guaranteed by the constitution, where it is implied that all people are treated equally and without any form of discrimination in Pakistan, including minorities who live there. There is no discrimination based on religion, race, sex, or descent for anyone who meets the requirements to be a citizen of Pakistan, making them eligible for all types of public service.⁵
- ii. **Rights of Women:** In the chapter on 'Principles of Policy' of the Constitution of Pakistan, the idea of equality of all citizens without exceptions based on everything along with gender, is explicated assuring equal rights. The following articles from the Constitution of Pakistan broadly protects rights of women:

According to *Article 3*, the state is obliged to end all forms of exploitation. *Article 4* emphasizes that everyone has the right to protection and treatment in compliance with the law, without discriminating anyone. Furthermore, this article advocates that some rights cannot be suspended. *Article 5* emphasizes that no discrimination would be done based on an individual's sex, assuring equality and protection before the law. The State can enact particular measures for protection of women and children under the *Articles 25(3) and 26(2)*. *Articles 26 and 27* ensure the equal access to public spaces and equal employment opportunities in public and private sectors. *Articles 11 and 37(g)* forbid prostitution and human trafficking. *Article 32* explicates the special provisions made for representation of women in local government. *Article 34* obliges state to take essential steps for allowing women to participate in all departments of life and social activities. *Article 35* emphasizes that the state should protect the mother, the child, the family, and the marriage. *Article 37(e)* explicates that the state must establish policies to ensure fair working conditions, to prevent the employment of women and children in occupations that are inappropriate for their

² Jonathan Bradshaw, et al. "The Drivers of Social Exclusion; A Review of the Literature for the Social Exclusion Unit in the Breaking the Cycle Series", *Social Exclusion Unit*, September 2004.

³ Veena Kukreja, "Ethnic Diversity, Political Aspirations and State Response: A Case Study of Pakistan" *Indian Journal of Public Administration*, Vol. 66, No. 1, 2020, pp. 28-42.
<<https://journals.sagepub.com/doi/pdf/10.1177/0019556120906585>>

⁴ Shaheen Sardar Ali and Javaid Rehman, "Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspectives", *Routledge*, 2013.

⁵ Iram Khalid and Maqbool Anwar, "Minorities under the Constitution(s) of Pakistan" *Journal of the Research Society of Pakistan*, Vol. 55, No. 2, 2018, pp. 55-62.

<https://www.researchgate.net/publication/344327917_Minorities_under_Constitutions_of_Pakistan>

age or security, and provide maternity benefits for working women. **Articles 51 and 106**, the seats in the legislature are reserved for women.⁶

In order to provide women greater power in the areas of family, inheritance, tax, civil, and criminal laws, Pakistan's parliamentary assembly has passed many bills and acts, representing an effort to protect women's rights to provide them a gender-neutral expression and communication. Some of them are as follows;⁷

1. *The Child Marriage Restriction Act, 1929 is a law that forbids the marriage of any girl under 16 and any guy under 18.*⁸
2. *Pakistan's Domestic Violence (Prevention and Protection) Bill was passed in 2009 with the intention of safeguarding women from abuse and domestic violence. It offers women who have experienced domestic violence legal remedies like restraining orders, protection orders, and compensation.*⁹
3. *Pakistan's Protection Against Harassment of Women in the Workplace Act (2010) forbids harassment of women at work and offers a reliable reporting process for those who have experienced harassment.*¹⁰
4. *A law known as the Prohibition of Anti-Women Activities Act 2011 makes a number of anti-women behavior illegal, including forced marriage, watta satta, the giving and taking of women as payment or resolution of disputes.*
5. *In 2012, the National Commission on the Status of Women Act created the NCSW, an independent statutory agency tasked with reviewing laws and policies that affect women and making recommendations to the government on how to promote their rights.*¹¹
6. *The Zainab Alert, Recovery and Response Act, 2020 is a bill that attempts to speed up the investigation and prosecution of incidents involving missing and abducted children by creating a fast response mechanism.*¹²
7. *In Pakistan, the Anti-rape (Investigation and Trial) Act (2021), intends to enhance the investigation and trial of rape crimes and to better support rape and sexual assault victims.*¹³
8. *The Enforcement of Women Property Rights (Amendment) Act (2021), is a piece of legislation that intends to guarantee that women have an equal right to inherit and own property as well as to give them the means by which to do so.*¹²

⁶ Government of Pakistan, "The Constitution of Islamic Republic of Pakistan", *National Assembly of Pakistan*. 17th August, 1973. <https://na.gov.pk/uploads/documents/1333523681_951.pdf>

⁷ Government of Pakistan, "List of Federal and Provincial Pro-Women Laws", *National Commission on Status of Women* <<https://www.ncsw.gov.pk/Detail/OWYxM2U1MWYtZDZhNS00YTA3LWIwOTItNzBhMmZlMDIxNzlj>>

⁸ Government of Pakistan, "The Child Marriage Restraint Act 1929" *Punjablaws.gov.pk* <<http://punjablaws.gov.pk/laws/147a.html>>

⁹ Government of Pakistan, "Domestic Violence (Prevention and Protection) Bill 2020, *Ministry of Human Rights*. <<https://mohr.gov.pk/Detail/ZmEwNTdhZGItdZGMwZS00OTk5LTgzYTAtMzc2YzVm%20MDFhOTgw>>

¹⁰ Government of Pakistan, "Protection Against Harassment of Women at the Workplace Act", *UN Women Org.* <<https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/asia/protection%20against%20harassment%20of%20women%20at%20the%20workplace%20act%202010/protection%20agaainst%20harassment%20of%20women%20at%20the%20workplace%202010.pdf?vs=2456>>

¹¹ Government of Pakistan, "National Commission on the Status of Women" <https://www.ncsw.gov.pk/>.

¹² Government of Pakistan, "Zainab Alert, Response and Recovery Act, 2020", *Ministry of Human Rights* <<https://mohr.gov.pk/Detail/MTc4Mjg0MWYtOGNmOC00ZDM2LTk2NTItYzExOWY2ZjBmNjU0>>

¹³ Government of Pakistan, "Anti-Rape (Investigation and Trial) Act, 2020, *Ministry of Human Rights*. <<https://mohr.gov.pk/Detail/YmYyMmExMTUtODA0MC00YWJmLTgzMDgtYmNkM%20DczMWZmYzUz>>

Constitutional, legal and institutional reforms:

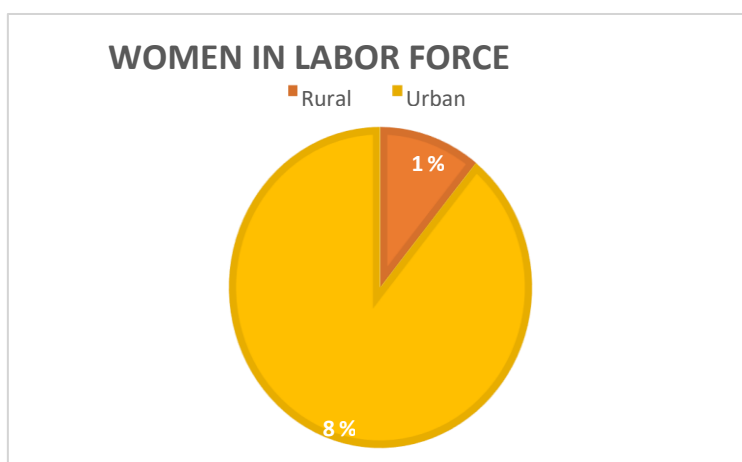
The promotion of inclusion and equity in society depends heavily on constitutional principles like equality and human rights. To have a significant influence, these principles must be used in concrete policies and procedures. This can be achieved by introducing comprehensive legal frameworks, new implementation mechanisms, human rights bills and commission, introducing policies on increased access to education and empowerment, and developing civil societies to provide awareness on these principles. In Pakistan, new institutional frameworks such as the national commission on human rights was launched to promote and protect human rights.¹³ NCHR was established under the umbrella of Ministry of Human Rights of Pakistan, formed for the purpose of establishing and bolstering the institutional frameworks required for promotion and protection of human rights as guaranteed by the Constitution of Pakistan, the Universal Declaration of Human Rights, and the International Human Rights Treaties and Covenants that Pakistan's government has ratified.¹⁴

The Women's Parliamentary Caucus (WPC), a cross-party forum was founded in 2008, that enables collaboration of female lawmakers across party lines for women empowerment. It enables female lawmakers to play an essential role in bringing up important topics and passing legislation for the social, economic, and political development of women. It gives female lawmakers the ability to review and change discriminatory laws and policies and to propose gender-responsive legislation. It promotes the interchange of opinions, knowledge, and expertise on pressing national and worldwide issues.¹⁵

The principle of "equality before the law" is a mechanism that guarantees that all citizens, regardless of class, creed, social standing, or ties to the government, must be held accountable for their wrongdoings by the same rules that will be applied equally. By this standard, the rights of the most marginalized groups in society-including women, people from lower socio-economic strata, and members of ethnic and religious minorities-are upheld and handled fairly by the law.¹⁶ When efficiency of justice prevails, citizens will abide by the obligations and duties towards state and ensure the protection of one another's rights provided by the constitution.

Role of constitutional institutions in addressing systemic inequalities.

In terms of labor force, men make up 84.79 % of the workforce, while women make up only 22.63 % of it. The average income of a Pakistani woman is 16.3 % that of a man.¹⁷ The total number of seats in Pakistan national assembly are 332 out of which only 60 seats are reserved for women and 10 seats are reserved for minorities. Being evidence of the systemic inequalities that exist in our social disparity among different groups of people based on race, gender, ethnicity or religion. Constitutional reforms



¹² Government of Pakistan, "The Punjab Enforcement of Women's Property Rights Act 2021", *PunjabLaws.gov.pk*. <<http://punjablaws.gov.pk/laws/2789.html>>

¹³ Government of Pakistan, "National Commission for Human Rights Pakistan" <<https://www.nchr.gov.pk/>>

¹⁴ Government of Pakistan, "Ministry of Human Rights." <https://mohr.gov.pk/index>

¹⁵ Government of Pakistan, "Women Parliamentary Caucus (WPC)" <https://wpc.org.pk/>

¹⁶ UNDP Pakistan, "The Rule of Law", *UNDP Pakistan*, September 2017.

<<https://www.ajne.org/sites/default/files/resource/publications/7235/dap-v4-ruleof-law.pdf>>

¹⁷ UN Women, "Asia and the Pacific", *UN Women Pakistan*.

<<https://asiapacific.unwomen.org/en/countries/pakistan>>

like the 11th amendment, (on increasing seats of women in National and provincial assemblies) should be introduced, which shall safeguard the rights of women and minorities by providing them increased representation in decision-making.²² Reserved quotas that are present for the religious minorities should be increased so that laws and policies that are discriminatory against certain groups can be addressed.

NATIONAL ASSEMBLY SEATS: NOW VS AFTER NEXT POLLS

Province	General		Women		Total	
	Current NA	Next NA	Current NA	Next NA	Current NA	Next NA
Balochistan	16	16	4	4	20	20
KP	51	45	9	10	60	55
Punjab	141	141	33	32	174	173
Sindh	61	61	14	14	75	75
ICT	3	3	—	—	3	3
Total	272	266	60	60	332	326

Image Source²³

Promoting Pluralism and Religious Diversity

Pakistan has a diverse religious landscape even though it is an Islamic state. The constitution of Pakistan unambiguously provides religious minorities the freedom to exercise their religion without the fear of persecution or discrimination.¹⁸ But these minority groups have faced persecution and violence, creating hatred in religious segments in Pakistan. For social cohesion to be ensured, it is crucial to maintain pluralism, religious harmony and inclusivity. Promoting religious diversity, leading to social cohesion will result in social, economic and political development in Pakistan.

Pakistan has established the National Commission for Minorities in 1998 to address issues faced by religious minorities and promote religious diversity and pluralism in the country. The commission is tasked with investigating violations and making recommendations to the government of the issues faced by minorities.¹⁹ Similarly, the Sindh Minorities Rights Commission Bill was passed in 2015 by the Provincial Assembly of Sindh, with the aim of protecting the rights of minorities in the province.²⁰ The Commission is tasked with monitoring the rights of minorities, its violations and countering mechanisms.

Diversity in decision-making

Diversification promotes and converges multiple skill sets and ideas at one place, which benefits the economy. The ethnic diversity management has been a critical reason for consideration and during various occasions, it has generated problems and an anarchical scenario in Pakistan.²¹ Managing diversity through sound policies is a sine qua non to ensure harmony in society. Such policies will bring about inclusivity, equity and equality among various communities resulting in social cohesion and development of the country. This can be done through the following:

- Providing representation to marginalized communities in decision making bodies.

¹⁸ Government of Pakistan, “The Constitution of Islamic Republic of Pakistan”, *National Assembly of Pakistan*, 14th August, 1973. <https://na.gov.pk/uploads/documents/1333523681_951.pdf>

¹⁹ Government of Pakistan, “National Commission for Minorities” *National Assembly of Pakistan*, 2015 <https://na.gov.pk/uploads/documents/1449492702_297.pdf>

²⁰ Iftikhar A. Khan, “Latest census, Fata merger lead to decline in NA seats”, *DAWN*, 2nd June, 2022. <<https://www.dawn.com/news/1692719>>

²¹ Khizra Mushtaq, “Diversity in Pakistan: A Strength or Weakness”, *Modern Diplomacy*, 10th March, 2023. <<https://moderndiplomacy.eu/2023/03/11/diversity-in-pakistan-a-strength-or-weakness/>>

- Reforms in legal system to ensure justice and rule of law
- Empowering civil societies to spread awareness on interfaith harmony and inclusivity to promote and protect rights of marginalized groups.

By bringing diversity in legislative bodies through quota system or reserved seats for minorities and women, they can be given representation to engage in political discourse and sensitize policies to make them non-discriminatory towards the marginalized communities. This diversity can result in a gridlock between the existing powers and the marginalized groups. Debates on bills and policies can extend for a long period of time so as to suite to every group demands. These extended clashes can cause extremism, violence and hatred in the society. The opportunities to diversity in decision making are far more than its threats, only if proper measures are adapted to mitigate these challenges. This diversity can bring new aspects to decision-making, taking into considerations the needs of different groups i.e., women or minorities. This will lead to empowerment of these relegated communities by giving importance to their opinions and values. The more inclusive policies are developed, put into practice and a diverse range of role models are escalated. The leaders belonging to various backgrounds have genuine insights that offer all-encompassing way forward and help make decisions that prove fruitful for the people.²² Diversity can lead to increased productivity in decision making, political efficacy and a more dependable as well as trustable democracy.

The protection of fundamental rights is emphasized in the Constitution of Pakistan, such as; the right to privacy, freedom of speech, and equality before law.²³ These constitutional provisions ought to be adopted into policies such that challenges that have emerged with the rising technologies e.g., cyber-crimes, phishing, misuse of personal information, fraudulent job providers are a risk to the basic rights of citizens of Pakistan. With the increasing number of people in freelancing and online jobs, it has been witnessed that there are multiple deceptive organizations that are luring people e.g., women, who are trying to find remote jobs, and instead deceive them. Some of the legal reforms that have taken place include the Personal Data Protection Bill 2020 that aims to control how corporations gather, utilize and disclose personal data. Similar to what the commission on the status of women stressed, women and marginalized communities must be given constitutional protection against This will ensure inclusive sustainable development and a just and equitable society.²⁴

²² Inclusive America, "Why Diversity Is Important" *Inclusive America Organization*, 7th August, 2022.

Retrieved from <<https://inclusiveamerica.org/why-diversity-is-important/>>

²³ Government of Pakistan, "The Constitution of Islamic Republic of Pakistan." *National Assembly of Pakistan*, 14th August, 1973. <https://na.gov.pk/uploads/documents/1333523681_951.pdf>

²⁴ UN, "Speakers Stress Digital Violence Must Be Addressed, Inclusion in Technology Strengthened, as Commission Continues Session on International Women's Day" UN Press. 67th Session, 6th Meeting, 8th March 2023. <<https://press.un.org/en/2023/wom2223.doc.htm>>

INFORMATION

Gender Responsive Schools – Key Statistics and Way Forward

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1. Girls' Education: Global Facts and figures

- i. UNESCO estimated 132 million girls around the world were out of school, before covid, including 32 million of primary school age, 30 million of lower-secondary school age, and 67 million of upper-secondary school age.¹
- ii. The pandemic interrupted education for 1.5 billion students worldwide.
- iii. Adolescent girls (12-17) are at highest risk for dropping out of school in low-income countries.
- iv. 40% of low-income countries have not taken any measures to support students who are most at-risk for exclusion.
- v. Three-quarters of all primary-age children who may never set foot in school are girls
- vi. Women still account for almost two-thirds of all adults unable to read.²
- vii. Disparity in girls' education led to deaths of 1 million worldwide due to non-awareness of personal hygiene, appropriate immunization and basic health amongst women not attending school.

2. Why Gender equality imperative in Education?

- i. Despite global progress, more girls than boys remain out of school: 16 million girls will never attend school.
- ii. Women account for two-thirds of the 750 million adults who are illiterate.
- iii. Globally, only 66% of countries have achieved gender parity in primary education. At the secondary level, the gap widens significantly, with only 45% of countries achieving parity in lower-secondary education and 25% achieving parity in upper-secondary education.
- iv. "Limited educational opportunities for girls, and barriers to completing 12 years of education, cost countries between US\$15 trillion and \$30 trillion in lost lifetime productivity and earnings."³
- v. Gender equality in education leads to enhanced lifetime earnings of girls that perpetually contributes towards rise in national growth rates whereas child mortality rates, maternal mortality rates, child stunting and child marriages decline.

3. What Challenges faced by Girls?

- i. **Harmful gender norms:** More than 575 million girls live in countries where inequitable gender norms contribute to violations of their rights, including to education.
- ii. **Poverty: Girls** face multiple disadvantages — such as low family income, living in remote or underserved locations or who have a disability or belong to a minority ethno-linguistic group — are farthest behind in terms of access to and completion of education.
- iii. **School-related gender based violence (SRGBV)** is also a significant issue of gender inequality in education.

¹ UNICEF, **Gender equality in education benefits every child**. See at: <https://www.unicef.org/education/girls-education>, browsed July 12, 2023.

² Concern World-wide, "Education for All," see: <https://www.concern.net/news/girls-education-facts-and-importance> browsed June 12, 2023.

³ The World Bank, **Girls Education Report (2022)**, see at: <https://www.worldbank.org/en/topic/girlseducation> browsed July 12, 2023.

- a. Girls are often forced to walk long distances to school, increasing their risk of gender-based violence (GBV) including sexual harassment exploitation, and abuse.
- b. In the classroom, corporal punishment remains a reality in many schools, impacting overall well-being and also leading to lower attendance rates and higher dropout rates.
- c. Teachers may not be trained to identify or respond to GBV issues in school. They may also be the perpetrators of such violence. With poor accountability mechanisms, an unsafe learning environment will continue without any recourse. ^{ts} in RC Primary School and participants in Concern's Safe Learn.
- iv. **Inadequate sanitation facilities:** Limited access to sanitary products for adolescent girls, coupled with a lack of private space to wash, change, or dispose of them makes it more difficult for girls to attend school when they are menstruating. Additionally, shame and stigma around this gives way to gender discrimination often discouraging girls from attending school when they have their periods.
- v. **Teenage pregnancy and child-marriage:** Girls are forced into early marriages and then expected to drop out of school to tend the home and start a family. In many countries, government policies exclude pregnant girls from attending school. This forces girls to drop out of school early and not return.

4. Right to Education – Pakistan’s Constitutional Framework & Resolve

Article 37 (b) “The State shall...remove illiteracy and provide free and compulsory secondary education within minimum possible period.”

Article 25-A “The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.”⁴

Article 38 (d) “The State...shall provide basic necessities in life, such as food, clothing, housing, education and medical relief, for all citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness and unemployment.”

“Federal and Provincial laws enacted to provide free and compulsory education to all children.

Pakistan signatory and ratification UDHR, ICESCR, ICCPR, CEDAW, CRC (1990)

SDGs internalized in National Development Vision 2030 – SDG 4 “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.” 4. 1. – “By 2030, all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning solutions.”

4.5 – “eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous people and children in vulnerable situations,”⁵

5. Education impacts Girls Future – International Examples

- i. **Safer Health and Families:** Researchers from the World Bank and the International Center for Research on Women examined 15 countries in sub-Saharan Africa (one of the regions of the world that is least conducive to education for girls). They found a strong relationship between education and child marriage. The study also showed that educated women tend to have safer pregnancies and healthier newborns as they tend to plan family. Each additional year of secondary education reduced the chances of child marriage.
- ii. **Education leads to financial empowerment of Women:** According to UNESCO, a single year of primary education can increase a girl’s wages later in life by up to 20%

⁴ The National Assembly of Pakistan, The Constitution of the Islamic Republic of Pakistan.

⁵ Pakistan Institute for Parliamentary Services (PIPS) and Idara-e-Taleem-o-Agahi (ITA), Handbook on Article 25A: Right to Education, Nov., 2019.

in developing countries of Asia and Africa. An extra year of secondary school can increase their wages by up to 25%. What's more, women invest up to 90% of their income back into their family, compared to the average 30–40% that men invest back into their households.

- iii. **Girls Education enhances National GDP:** When 10% more girls in a given country attend school, that country's gross domestic product increases by an average of 3% — which can make a huge difference in a developing economy.

6. Improve readiness of schools for Inclusion in Education

- i. Revision of syllabi to ensure they are gender and disability inclusive.
- ii. Provide safe public transportation for students (especially girl students and female teachers).
- iii. Promote blending learning to incorporate technology for favorable learning environment.
- iv. Improvements in infrastructure and leaning support so that they meet the national accessibility guidelines. These include building of appropriate boundary walls and toilets and audio-visual aids for all schools offering education to girls and children with disabilities.
- v. Counselling and provision of learning resources of girl and students with disabilities.

7. Way Forwards for Pakistan

- i. Members of Parliament must utilize all parliamentary tools to analyze the education budgets from a gender lens, advocating for **gender-just resource allocations** and lobbying within their parties and on the floor of the legislatures for gender responsive allocation and spending in the education sector.
- ii. Gender Parity Index (GPI) must be improved through measures identified for inclusion in education at schools.
- iii. Tech based transformative Gender-responsive digital pedagogies to meet every child's learning needs.
- iv. Federal and Provincial legislatures must work in coordination **to enhance education budget from around 4% of GDP to 7% of GDP** in next three years.
- v. Foremost, the budget call circulars should clearly mention in General Guidelines the percentage of resources (current and development) to be allocated for girls' education.
- vi. The provincial (state) governments should include a dedicated statement with the budget documents, which should provide specific information on policy measures for improving girls education in terms of resource allocation and utilization; state of basic facilities in girls' schools, level wise enrolment and retention of girl students; and detail of the current and development budgets allocated for girls education along with the details of the budgets released for girls education in the last fiscal year.
- vii. At the end of every quarter the provincial governments should present a statement of release and utilization of the allocated resources for girls' education on the floor. of respective provincial assemblies. Civil Society Organizations and citizen groups need to undertake initiatives aimed at tracking the allocation and utilization of public finances for girls' education at provincial, district and tehsil tiers.
- viii. Enrolment Drives for Out of School Children (OSC) should also focus on bringing girls and students from vulnerable communities e.g. poor, people with disabilities and transgender-children in the schools.

8. Partnerships for Inclusive Education – case study of the British Council with local Stakeholders

- i. **Inclusive School Learning at 900 schools** in Provinces of Khyber Pakhtunkhwa & Punjab through **Schools Connect 2023**
- ii. **Training of 4464 school leaders and 7758 school teachers** viz a viz teaching methodologies, support system & overall positive school culture.
- iii. 1477 schools from all over Pakistan supported by Int’l School Award (ISA)
- iv. **869 ISA winner schools** are champions of girls’ education, SDGs, climate change and Out of School Children (OOSC) – ISA initiative allows direct dialogue & engagement with schools in UK, Pakistan and worldwide.
- v. 2018-2023 – No less than **5000 partnerships** created among schools
- vi. **ILMPOSSIBLE: Take a child to school – more than 250,000 OOSC enrolled** by 11,000 dedicated volunteers throughout Pakistan with 80% retention -27 civil society partners & **30,000 trained youth volunteers in 65 districts across four provinces to address harmful gender attitudes towards girls’ education.**
- vii. **English and Digital for Girls Education programme** – A Non-formal and community-based educational program - **18,000 girls across South Asia** equipped with in business, finances and life-skills through partner organisations

10. Recent initiatives for Inclusive Education in Pakistan

- i. **Towards Zero Out of School Children in Islamabad: Rs 25 bn special fund allocated for bringing Out of School Children OOSC in Islamabad.**
- ii. Enhancement of Technical training of vocational training of students especially girl students and children with disabilities – great step towards inclusion.
- iii. **Devised National Curriculum in 2023 for enhanced inclusion of all religious minorities** (Hindus, Sikhs, Parsis, Christians and all other communities) in coordination with all provinces and finally ratified by all four federating units/provinces of Pakistan.
- iv. **PM launched Pakistan Endowment Fund/** Pakistan Youth Loan Program amounting Rs 14 bn allocated to distribute scholarships amongst students seeking higher education in science, technology, social sciences and allied disciplines. Scholarships disbursed to no less than 1,15,000 students in Southern Punjab.
- v. **Civic Education:** Inclusion of the “Constitution and Ideology of Pakistan,” as core source of national unity in the national curriculum to impart students of their role and responsibilities of citizens.
- vi. **“Computer Coding,”** also made part of essential national curriculum to make boys and girls students Tech-savvy for equipping them with requisite IT skills for optimum progress in whatever discipline they follow as a profession.⁶

⁶ Pakistan Television, Speeches by Hon Prime Minister of Islamic Republic of Pakistan and Federal Minister for Education and Professional Training, on occasion of Inauguration of National Curriculum 2023 on July 12, 2023.

OPINION

Salient Features and Benefits of Amendment in the Prevention of Electronic Crimes Act, 2016

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In today's world of evolution in the Information Technology, our reliance on technology is increasing day by day transforming our society totally dependent on the cyber-space, which is primarily referred to an electronic medium that is used to form a global computer network to facilitate cyber or online communication. Cyber communication is a term applied to communication that is facilitated by internet and also through multimedia means, holds importance in every aspect of our lives and has directly or indirectly affected almost all the sectors of our society. It is part of the governance, economy and defense. Being a necessity, it presents certain challenges. These challenges, of course, are in the realm of making the cyber-environment as secure as possible from Cyber-Crimes not only for the security of our country but also globally, for a safer world that we live in.

I. CYBER CRIME: Defining the Term: The term 'cyber crimes' is used synonymously with computer crime, high tech crime, internet crime, economic crime, or electronic crime. These are labels used by people to describe criminal activity where a computer, network or internet is the source, tool, target, or place of a crime.¹

II. UN CONVENTIONS ON CYBER CRIMES AGAINST CHILDREN

The **United Nations Office on Drugs and Crime (UNODC)** in Article 8 of the **United National Convention against Transnational Organized Crime, 2000** also called **Salvador Declaration**², encourages member states to cooperate, through information-sharing, in an effort to address evolving transnational criminal threats. Article 15 of the same also provides for States "to take appropriate legal measures to prevent, prosecute and punish economic fraud and identity-related crime. The declaration also promotes and support efforts to prevent child sexual abuse and exploitation through the Internet. UNODC Global Program on Cybercrime and focuses on technical assistance and training to U.N member states for prevention, detection and investigation of digital crimes, as provided in Article 41 of the declaration."³ Similarly, the first international instrument comprehensively prohibiting and defining child sexual abuse materials was the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which defined child sexual abuse material as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes."⁴ Moreover, realizing the this global problem online child abuse, led the European States to sign

¹ Cyber Crimes: A case study of legislation in Pakistan: retrieved from:

https://www.academia.edu/28405600/Cyber_crimes_a_case_study_of_legislation_in_pakistan_in_the_light_of_other_jurisdictions

² Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World.

³ Cyber Crimes: A case study of legislation in Pakistan, retrieved from

https://www.academia.edu/28405600/Cyber_crimes_a_case_study_of_legislation_in_pakistan_in_the_light_of_other_jurisdictions

⁴ ECPAT International, "Legislation Addressing Online Child Sexual Exploitation and Abuse", 2022, Disrupting Harm Data Insight: Global Partnership to End Violence Against Children, available at <https://www.end-violence.org/sites/default/files/paragraphs/download/Disrupting%20Harm%20-%20Data-Insight%204%20-%20Legislation%20addressing%20OCSEA.pdf>

directives and conventions such as the **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 2007**, also called Lanzarote Convention, including the Optional Protocol criminalizing child pornography.

III. CYBER SECURITY LEGISLATION IN PAKISTAN

After the 18th amendment of the Constitution there are many areas in which law making have been devolved to provinces, however, cyber laws fall firmly within the purview of federal legislative list. Cyber-laws are relatable to telecommunications which is retained by the federal government as **item 7 of Part I of the Federal Legislative List** given in the constitution. However, cyber laws also relate to Criminal Procedure, Pakistan Penal Code and the Law of Evidence i.e. Qanoon-e-Shahdat Ordinance 1984, over which both the national and provincial legislatures have jurisdiction to legislate up on. The Parliament of Pakistan has promulgated different laws on cybercrimes among the prevention of Electronic Crimes Act 2016. These laws are as following:

1. **The Telegraph Act 1885:** This Act the oldest law in the country relating to communication and transmission of information whether in written, printed, pictorial or spoken form. Amongst other penal consequences, **section 20 and 21** of the Act mention that ‘establishing, maintaining, working, or using a telegraph in Pakistan against the provisions of this Act is an offence punishable with imprisonment and fine’. Moreover, **section 24** of the Act renders, transmission of false and fabricated, or a message, which is indecent or obscene, through a telegraph, unlawful. Additionally **section 25D** of the Act renders a person, causing annoyance or intimidation to any other person through calls, punishable with up to 3 years imprisonment or with fine, or both.
2. **The Wireless Telegraphy Act, 1933:** This Act deals with the possession of wireless telegraphy apparatus, which is any technology used or capable to be used for wireless communication. It prohibits the possession of wireless telegraph apparatus without a license. The Federal Government has power to exempt any person or class of persons from the operation of this Act by making rules on it either generally or on conditions. It also prescribes offences and penalties in case of violation of this Act.
3. **The Pakistan Telecommunication (Re-Organization) Act, 1996:** The Act provides for the regulation of telecommunication industry and transfer of telecommunication services to private sector. Under the Act, the Federal Government can issue policy directives to the PTA relating to the matter of “national security” and relationships with other States and Governments/Territories outside of Pakistan.
4. **The Electronic Transactions Ordinance 2002:** The Ordinance provides protection against any unauthorized access to any information system and renders such act punishable with imprisonment for a term not exceeding 7 years or a fine extendable to one million rupees or both. Moreover, the Ordinance provides protection against illegal or unauthorized alteration, modification, deletion, removal of the data or illegal generation or transmission of any information through or in any other information system.
5. **Investigation for Fair Trial Act, 2013:** This Act authorizes the state to intercept private communications in order to curtail cybercrimes and terrorist activities and track suspected terrorists. The legislation allows security agencies to collect evidence “by means of modern techniques and devices” like call records, intercepting emails and SMS text messages, Internet record, any form of computer based or cell based communication using wire or wireless or Internet Protocol, that will be accepted in a

court in cases registered under anti-terrorism laws and with the extent of terrorist activities provided therein.

6. **The Monitoring and Reconciliation of Telephony Traffic Regulations (2010):** In addition to the acts listed above, section 4 of the Monitoring and Reconciliation of Telephony Traffic Regulations (2010) requires each long distance and international service provider to establish a system that allows for real-time monitoring and recording of traffic on its networks.
7. **The Anti-Money Laundering Act 2010 (AMLA):** There are three main aims of the AMLA, provided in the introduction – prevention of money laundering, fighting terrorist financing, and forfeiture of the assets derived from such activities.

IV. **THE PREVENTION OF ELECTRONIC CRIMES ACT 2016 (PECA)**

This Act regulates cyber-crime in the whole of Pakistan. One of the main purposes in introducing this Act is also to implement part of the National Action Plan of Pakistan (NAP). With regards to offences of sexual exploitation and especially against a minor:

- (i) The original act under **Section 21** prohibits anyone from making, spreading, transmitting, or intimidating, cultivating, enticing or inducing a person or minor against any **explicit or obscene images or videos of a person and minor through information system**. Rendering such offences against a minor punishable with imprisonment extending up to 7 years and with fine extending to 5 million. Repeat convict is punishable for 10 years imprisonment and fine. Same offence against a person not minor is punishable with imprisonment extending up to 5 years or with fine extending to 5 million or both. The aggrieved person or his guardian, where such person is a minor, may apply to PTA for removal, destruction or blocking access to such obscene materials.
- (ii) The original act under **Section 22** prohibits anyone associated with **Child Pornography** through information system punishable with up to 7 years imprisonment or up to 5 million fine or both.
- (iii) The original act under **Section 24**, prohibits **Cyber Stalking** of an individual or a minor, through information technology, punishable with imprisonment extendable to 3 years or with fine extendable to 1 million rupees or with both

V. **THE CRIMINAL LAWS (AMENDMENT) ACT, 2023 OF PECA 2016**

The amendment law in PECA 2016 focuses on array of offences against child sexual abuses through the means of information system. The amendment act has inserted certain new provisions and also amended certain existing provisions in the original act.

New clauses introduced in PECA 2016

- (i) **Inserted section 2(vi-a)** - defines ‘child’ a person under the age of 18 years.
- (ii) **Inserted section 2(vi-b)** – defines ‘Child sexual abuse content’, representation of child in real or simulated sexually explicit conduct or representation of sexual parts of child for primarily sexual purposes.
- (iii) **Inserted section 2(vii-a)** – defines ‘complainant’, can be a victim, anyone having substantial reasons to believe that the offence under this act is or is likely to be committed, and any official authority.
- (iv) **Inserted section 2(xxvii-a)** – defines ‘sexual explicit conduct’ as an actual or simulated sexual intercourse in all forms.
- (v) **Inserted section 2(xxviii-a)** – defines ‘sexual abuse of a minor’ as described in section, **377A of the Pakistan Penal Code 1890** as “Whoever employs, uses, forces, persuades,

induces, entices, or coerces any person to engage or assist any other person to engage in sexual exploitation or conduct with a minor.

- (vi) **Inserted section 22-A, prohibiting online grooming** (i.e. anyone who intentionally creates or takes steps towards creating relationship of trust with minor through any information system) or intends to facilitate, solicit or commit sexual abuse of a minor or shares or produces sexual content with a minor. Rendering it punishable with imprisonment not less than 5 years and extendable to 10 years with fine not less than 5 Lac extendable to 10 million.
- (vii) **Inserted section 22-B, prohibiting anyone from commercial sexual exploitation of children** who through information system conducts sexual exploitation of minors including child prostitution and child sex tourism in return for money. Such offence is punishable with imprisonment for a term not less than 14 years extendable to 20 years and with fine not less than one million rupees.
- (viii) **Inserted section 22-C, prohibiting anyone from the use of IT for kidnapping, abduction or trafficking**, directly or indirectly, to commit sexual abuse of a minor or exploitation. Such an offence is punishable with imprisonment not less than 14 years extendable to 20 years and with fine not less than one million rupees.
- (ix) **Inserted section 24-A, prohibiting anyone from cyber bullying**, that includes harassing, threaten or target another person posts or sends electronic messages, including pictures or videos by using any social media platform, including chat rooms, blogs or instant messaging. Is punishable with imprisonment not less than 1 year and extendable to 5 years with a fine of up to 5Lac rupees and not less than 1 Lac rupees. A minor or a guardian can apply to PTA for removal, destruction or blocking access of such content or communication. Before blocking such content, PTA is obligated to seek report from FIA regarding the veracity of such content and the likelihood of investigation and prosecution against the offender.
- (x) **Substituted 'section 30. Power to investigate' of the PECA Act**, with the new provision "Power and Procedure to investigate". In addition to FIA, police is also authorized to take cognizance of offences under PECA. Upon taking cognizance police must immediately refer the matter to FIA, for technical opinion and investigation. The Federal or provincial government can also constitute one or more joint investigation teams comprising FIA and any other law enforcement agency for investigating offence under the PECA.
Investigating officer must be above the rank of inspector of police or equivalent. However if a joint investigation team is constituted, it can include officers from other agencies not below BS-18, headed by an investigating officer not below BS-18. Total members of team must be 5 and 3 members' needed to fill quorum for meeting.
Investigating officer of joint investigation team must complete investigation in 45 working days. The court on taking cognizance of the case must conduct trial on weekly basis and decide case within 3 months, failing which the Chief Justice of concerned High Court shall give appropriate directions keeping in view facts and circumstances of the case.
- (xi) **Inserted new section "30-A, Remand"**, provides that the accused detained by investigation officer, must be produced in the Court within 24 hours of the arrest. The investigating officer may apply for remand of the accused to police custody, or custody of any other investigating agency joined in the investigation for which the maximum period allowed must not be more than 14 days at one time. If the accused is not

produced in court with 24 hours than the custody of above nature may be obtained from nearest magistrate with the promise to produce the accused before the court with 24 hours from the custody order of magistrate. The remand of custody given by the designated court cannot be extended beyond 14 days unless shown by investigating Officer, to the satisfaction of the Court, that further evidence may be available and no bodily harm has been or will be caused to the accused. The total period of such remand shall not, in any case exceed 30 days, and such a remand under can be sought before a magistrate.

- (xii) **Inserted new section “30-B. Victim and witness protection.** It obligates the Federal and Provincial governments to establish a victim and witness protection system, governed through appropriate drafted rules featuring (i) special security arrangements for witnesses and victims; (ii) concealment of identity; (iii) distance recording of testimonies through videoconferencing, audio-video links and by the use of modern devices; (iv) re-location of victims and witnesses; (v) provision of reasonable financial assistance; (vi) compensation to legal heirs of protected victims and witnesses; (vii) safe-houses, dar-ul-amans etc.; (viii) such other measures as may be necessary and ancillary.
Till such a system is established the witness protection system and benefits prescribed under Witness Protection, Security and Benefit Act 2017 will be applicable, for both victims and witnesses.
- (xiii) **Inserted new section “30-C. In Camera trial** of offences against minors, and rendering unlawful for any person to publish or broadcast information in relation to such proceedings, except without court permission.
- (xiv) **Inserted new section 31-A. investigation into the child sexual content referred to Pakistan Telecommunication Authority.** The PTA prior to removing or blocking any child sexual content shall transfer such content to nr3c FIA for investigation purposes.
- (xv) **Inserted new section 45-A.** obligating government to develop a mechanism for the support of victims in collaboration with other agencies and civil society.

Amendments introduced in PECA 2016

- (i) **Section 22 is amended**, increases punishment Child Pornography offenders to imprisonment of 14 years extendable to 20 years and with fine which shall not be less than 1 million rupees”.
- (ii) **Section 42 is amended** to include cooperation and assisting the government of Azad Jammu and Kashmir for purposes of investigations or proceedings concerning any offences under PECA.
- (iii) **Section 43(2) is amended**, rendering sections 22A, 22B, and 22C non-bailable, non-compoundable and cognizable by the investigation agency

VI. AMENDMENTS IN QANUN-E-SHAHDAT, 1984

- (i) Substituted the existing section 164 of Qanun-e-Shahadat 1984, allowing admissibility of witnesses and evidence recorded by court through modern devices or techniques including video call, viber, skype, imo, whatsapp, facebook, messenger, line caller and video conference etc.

VII. AEMNDMENT IN PAKISTAN PENAL CODE 1860 (“PPC”)

- (i) Omitted/deleted the PPC provision of Section 292B (Child Pornography) and Section 292C (punishment prescribed for child pornography- less than two years and may

extend up to seven years, or with fine which shall not be less than two hundred thousand rupees and may extend up to seven hundred thousand rupees, or with both”).

CRITICISM

- (i) In the prevailing environment, the justice system is victim-based, therefore, in child pornographic cases the victims do not come forward due to cultural taboos. In the amendment defining ‘Complainant’ or in the law a responsibility could also be given one of the child protection bureaus should cover cases of cybercrimes.
- (ii) Social media applications like Facebook, WhatsApp, Instagram, Snapchat and Gmail are widely used for sharing obscene and explicit videos of minors and individuals in Pakistan. However, except for WeTransfer, all these platforms are based in the United States and there is no mutual legal assistance agreement between the two countries. The lack of an MLA agreement with the US causes catastrophic delays in obtaining internet protocol details of the offenders. An MLA agreement with key countries like the US could make it easier to trace the culprits timely.
- (iii) The custody remand of an accused can be exceeded to further 30 days plus the initial 14 days of remand. The maximum number of 44 days in custody under remand is a significant number of days in confinement.
- (iv) The remand of accused for custody initially is sought from the additional district and session’s judge or an equivalent designated FIA court. However a second set of days for further remand of custody can be sought from a magistrate under section 30-A (2) and (3). This law can be misused by the law enforcement agencies.
- (v) The law fails to establish a database maintaining the record of child sexual abusers, kept by the FIA, police department and NADRA.
- (vi) The law must obligate the concerned agencies to maintain an online record kept by the FIA, police, and NADRA of child sexual abusers deported from other countries.

BENEFITS

- (i) Broad definition of ‘complainant’ in section 2(vii-a), vitiates the defense of an offender that the complainant individual unrelated to the victim therefore, is not an aggrieved person, hence cannot file complaint. However, the complainant who is unrelated to victim must evidently show substantial reason to believe that offence was or was likely to be committed for him or her to file complaint.
- (ii) The new amendments in PECA 2016, regarding prevention and control of cyber-crimes against children has further strengthened the legal framework with the direct approach that was most needed in today’s day and age of vast use of information technology with an unfortunate increase in online sexual abuses against children.
- (iii) The laws uses the updated definition of child sexual abuse
- (iv) The offences online grooming, solicitation and enticement of children and sexual exploitation is in conformity with the international practices and laws that are in place for example in UK, USA, and European countries, etc.
- (v) The new amendments have made a great attempt in making better coordination between Police, FIA, PTA and other related institutions to curb such crimes.
- (vi) The new amendments successfully targets offences of Cyber bullying, Online grooming, Cyber enticement, Sexual exploitation of children, Exposure of harmful online contents,

Kidnapping, Abduction or Trafficking of minor for abuse of sexual conduct, Non-commercial exploitation.

- (vii) It increases the ambit of Police cognizance of the offences under PECA, Composition of joint investigation team by the federal or provincial governments if deem necessary.
- (viii) Upon granting the cognizance to Police of the offence under PECA, the police department may be increased and trained on dealing the victims and all relevant information on lodging complaints to further strengthen the cases of victims under PECA.
- (ix) The rank of inspector of police and above is authorized as an investigating officer for cases of online child sexual abuses, therefore the police department may designate specific investigating officer for such cases in the police stations across the country.
- (x) It gives more authority to PTA by sending cases of cyber bullying to FIA under section 24-A, blocking unlawful contents by PTA.
- (xvi) It gives power PTA to receive complaints and remove or block any child sexual content after sending such content to FIA for investigation purposes, under section 31-A.
- (xi) The amendments introduces in Qanoon e- Shahadat a new form of admissibility of witnesses recorded by the court through modern devices and techniques including video call, viber, Skype, IMO, whatApp, Messenger, Line caller and video conference.
- (xii) The punishments of offences under sections 22-A, 22-B and 22-C has been increased to a maximum of 10 years and more. Such punishments can be said to be in conformity with the heinousness of the crime against children. Moreover, as a common rule in the courts grant of bail is somewhat considerable in courts for offences that renders punishment less than 10 years imprisonment.

PIPS Session at Int'l Workshop on Connecting Parliamentary Research Services around the world, Sept. 20, 2023, Brussels

PIPS Strategic Studies Desk

September 20th, 2023- live from Brussels 01.00 pm - Islamabad, 4:00pm PST: On 20 September 2023 AGORA Parliamentary Development Community of Practice held a workshop on “Mapping and connecting parliamentary research services around the world” co-organised by [INTER PARES](#) | Parliaments in Partnership – EU Global Project to Strengthen the Capacity of Parliaments, the [UK's Parliamentary Office of Science & Technology](#), and the European Centre for Parliamentary Research and Documentation ([ECPRD](#)). The workshop brought together parliamentary research and development practitioners, and scholars in a friendly, open and interactive online environment that enabled sharing, learning and connecting with peers: the event gathered 198 participants coming from more than 65 countries.

The Pakistan Institute for Parliamentary Services (PIPS), placed in one of the top tier institutes in the global mapping of parliamentary research mechanisms, was invited to present its case-study of progress at the prestigious panel of the workshop to elucidate the theme **“Mapping and connecting parliamentary research services through the world”**, at the International Virtual daylong Workshop organized by AGORA Parliamentary Development Community of Practice and INTER PARES, an EU global project on strengthening capacity of parliaments. The online workshop was stirred by senior parliamentary research experts from recognized parliamentary institutions in UK, Austria, Canada, Czech Republic, Ghana and Pakistan in addition to academics and researchers. The workshop aimed at the importance of research evidence in the parliamentary research for better legislature. Research evidence is a vital resource for parliaments as they scrutinise, debate and approve policies and legislation. Although parliamentary libraries and research services are found around the world, their role in helping parliaments to access and use academic research is under-appreciated and poorly understood.



There have been suggestions, for instance, that around 90% of legislatures lack effective science advice mechanisms. Those that are most often recognised and valued are found in northern European democracies (Tyler & Akerlof, 2019). This online workshop, hosted by the AGORA Parliamentary Development Community of Practice, aimed to show a different picture of this landscape. Parliamentary Academic Fellows with the UK's Parliamentary Office of Science & Technology Dr Vicky Ward and Dr Mark Monaghan shared work they have done to map the services helping parliaments across the world to access and harness research evidence. Many of these are much more sophisticated than has previously been presumed, and a large number are to be found outside northern Europe. **Jonathan Murphy**, Head of Programme at INTER PARES and **Lydia Harriss**, Senior Adviser and Physical Sciences Lead at the Parliamentary Office of Science and Technology, House of Commons, UK welcomed the community with inspiring opening remarks.

During the workshop participants heard from Parliamentary Academic Fellows with the UK's Parliamentary Office of Science & Technology **Dr Vicky Ward** and **Dr Mark Monaghan** on the work they have done to map the services helping parliaments across the world to access and harness research evidence. The topic of the first session was “Parliamentary Research Services: What, Who, Where and Why”. The first session had two sub sessions.



AGORA Parliamentary Development Community of Practice online workshop

Mapping and connecting parliamentary research services around the world

20 September (Wednesday) 2023

13:00 – 16:00 CEST (Brussels time)
07:00 – 10:00 EDT (Washington D.C. time)
21:00 – 00:00 AEST (Canberra time)



Dr Ida Kelemen, coordinator of the Parliamentary Libraries, Research and Archives at ECPRD, and Head of Parliamentary Research Service at Hungarian National Assembly, presented the European landscape of parliamentary research services as well as hearing about Vicky and Mark's



work, and ECPRD activities, the workshop provided an opportunity to share and learn more about the work of parliamentary research services and their role in building strong parliaments around the world from colleagues representing parliaments of Austria, Canada, Czech Republic, Ghana, Pakistan. Mr. Muhammad Rashid Mafzool Zaka, Founder Member and Director General (Research) PIPS, spoke to the workshop in the second session, titled, "Engaging with Academic Research: The

View from Parliamentary Research Services". He gave his remarks on the importance of academic research in parliamentary work where research has to come up to the standards of authenticity of evidence gathered, credibility of sources, reliability of methodology, all presented in precise balanced form within prescribed deadlines. Ms. Fakiha Mehmood Deputy Director (Research), Mr. Muhammad Rizwan Manzoor Assistant Director (Research), Mr. Qaiser Iqbal Librarian, and Ms. Ayesha Tariq Khan Assistant Director (Research) and Mr Fayaz Gul Asstt Librarian also participated in the online workshop and its multiple breakout sessions. Ms. Ayesha Tariq Khan took the minutes of the workshop for PIPS.



across Europe".

Dr. Vicky Ward, Parliamentary Academic Fellow, Parliamentary Office of Science and Technology, UK, and **Dr. Mark Monaghan**, Parliamentary Academic Fellow, Parliamentary Office of Science and Technology, UK spoke on the first sub session, titled, "The Global Mapping - Parliamentary Research Services across the World". **Dr. Ida Kelemen**, Head of Parliamentary Research Service at Hungarian National Assembly spoke on the second sub session titled "Parliamentary Research Services

The topic of the second session was “Engaging with Academic Research: The View from Parliamentary Research Services”. **Dr. Christoph Konrath**, Head of the Department of Scientific Support and Coordination in Parliamentary Matters, Austrian Parliament and **Dr. Christoph Clar**, Expert, Parliamentary Administration, Austrian Parliament, **Dr Heather Lank**, Parliamentary Librarian of Canada and **Ms. Lalita Acharya**, Senior Director, Economics, Resources and Environment Division, Library of Parliament, Canada, **Dr. Štěpán Pecháček**, Director of the Parliamentary Institute, Chamber of Deputies, Parliament of the Czech Republic, **Mr. Abraham Ibn Zackaria**, Deputy Director of Research in the Parliament of Ghana, and **Mr. Muhammad Rashid Mafzool Zaka**, Director General(Research) and Founder Member, Pakistan Institute for Parliamentary Services highlighted the importance of academic research in parliamentary research services, its challenges and way forward.



The panel presentations followed by absorbing interactive deliberations in the eight breakout sessions in the evening session on the imperative topics of: 1. Visibility, value and use of parliamentary research services; 2. Accessing and managing information; 3. Capacity, demand and resource constraints; 4. Balancing depth and timeliness; 5. Professional development and career progression; 6. Evaluating the impact of research services; 7. Working across policy areas and cultures; 8. Maintaining impartiality; *and last but not the least*, 9. Working with non-parliamentary agencies and academics. The final remarks were given at the end of the workshop and discussion was held among the participants on how to convert challenges to opportunities. The workshop brought together parliamentary research and development practitioners and scholars in a friendly, open and interactive online environment that enables sharing, learning and connecting with peers.



“ It is my belief that our salvation lies in following the golden rules of conduct set for us by our great law-giver-the Prophet (Peace be upon him) of Islam. Let us lay the foundation of our democracy on the basis of true Islamic ideals and principles. Our Almighty Allah has taught us that our decisions in the affairs of the State shall be guided by discussions and consultations.” ~ *Father of the Nation, Quaid-e-Azam Muhammad Ali Jinnah*

Speech on 14th February 1948 at Shahi Darbar Sibi



PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES
DEDICATED TO PARLIAMENTARY EXCELLENCE

Pakistan Institute for Parliamentary Services was established in Dec 2008 through an Act of the Parliament to promote research, provide training and to provide facility of information to the Parliamentarians in performance of their duties and for matters connected therewith and ancillary thereto.

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