



GUIDELINES

FOR COMPLAINT HANDLING SINDH HUMAN RIGHTS COMMISSION

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I. INTRODUCTION

The Sindh Human Rights Commission (SHRC) is statutory body established under the Sindh Protection of Human Rights Act (SPHRA), 2011.

As per section 4 of SPHRA 2011, complaints handling is one of the core functions of the SHRC to provide an accessible avenue for individuals to address grievances related to human rights violations and abuses or abetment thereof.

II. SCOPE OF STANDARD OPERATING PROCEDURES

The scope of the Standard Operating Procedures (SOPs) is to provide a framework for complaint handling of Sindh Human Rights Commission, which outlines the procedure for receiving, assessing, inquiring and resolving complaints regarding business related abuses of human rights and human rights violations in the Sindh province of Pakistan.

III. LEGAL MANDATE

a. The SHRC is guided by the definition of human rights as provided in Section 2(iv) of SPHRA, 2011 Act as, "the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of the Islamic Republic of Pakistan and enforceable by the law". Furthermore, Section 2(i-a) of SPHRA, 2011 defines "business and human rights" * as means the rights envisaged under the United Nations Guiding Principles (UNGPs) and corporate related human rights abuses

*

The Sindh Protection of Human Rights Act, 2011 (amendment 2023) implies that alongside the fundamental rights guaranteed by Pakistan's Constitution, the SHRC also needs to consider the implications of business practices on the realization of these rights. It encompasses the principles outlined in the UNGPs, which emphasize the obligation of businesses to avoid infringing on human rights, to address adverse impacts on human rights, and to provide redress for any violations / abuses they may cause. The following sections of the Sindh Human Rights (Amended & Integrated) Act, 2023 elaborate the institution's mandate;

- Section (4)(ii-a) of Part-III of the act provides for the Commission to serve as an alternate dispute resolution and accountability mechanism for business-related abuse of human rights and provide easy access to remedy.

- Section (4)(iv-a) of Part-III of the Act provides for the Commission to visit any business or corporate entity, with prior intimation to the concerned private entity's supervisory body or authority, to ascertain the reported violations or abuse and the working conditions of employees, workers or inmates of the supply chain or the value chain, as the case may be.

- Section (4)(v) of Part-III of the Act provides for the Commission to review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and also in the sphere of Business and Human Rights and National Action Plan on Business and Human Rights to

ensure accountability and access to remedy as an alternate dispute forum and to recommend measures for effective implementation of laid down procedure and for due diligence in business enterprises.

These provisions broaden the scope of human rights protection within the mandate of the SHRC, acknowledging that human rights violations / abuses can occur not only through governmental actions but also through corporate operations and practices. Therefore, it implies that SHRC is empowered to inquire, redress and make recommendations regarding human rights abuses in the context of business activities, ensuring accountability and protection of these rights within the corporate sector.

b. The SHRC has the legal mandate and authority under Section 4(i-a)(i-b) of SPHRA 2011 to inquire, either take Suo moto action or upon a petition from a victim or their representative, into complaints of human rights violations or their abetment. It also has the power to inquire cases where public servants have been negligent in preventing such violations.

c. Rule 21(5-7) of the Rules of Implementation the Sindh Human Rights 2013, delineates the powers vested in the Chairperson and Members. Firstly, may issue notices for personal hearings to victims, applicants, petitioners, or any relevant individuals whose input is deemed crucial for a fair resolution of the matter. Secondly, the Commission possesses the prerogative to solicit additional information or affidavits deemed essential for a comprehensive understanding of the case. Furthermore, after carefully considering reports and personal hearings involving applicants, petitioners, and victims, the Commission is empowered to called comments from relevant authorities, institutions, or departments. adopt the procedures of admissibility, referral, dismissal proceeding and finality of disposal of cases and subsequently recommendations for implementation.

d. Commission is empowered under section 4(ii) of the Act to recommend remedial measures to the Government, inclusive of actions to be taken against individuals implicated in human rights violations / abuses.

e. Section 4(v) of SPHRA 2011 empowers the SHRC to assess the safeguards enshrined in the Constitution or any existing laws, including those relating to business and human rights. The SHRC is tasked with reviewing accountability measures, ensuring access to remedies as an alternate dispute resolution forum for violations/abuses in the context of Business and Human Rights and due diligence in business enterprises and making recommendations to improve the implementation of established procedures.

IV. PURPOSE

The SHRC's complaint handling aims to inquire, address and recommend measures to protect human rights, the government regarding , negligence or corporate practices. It aims to ensure justice, accountability and the protection of human rights for all people in Sindh.

V. REGISTRATION AND INITIAL ASSESSMENT OF COMPLAINTS

Under complaint rule 21(1) of the Sindh Protection of Human Rights Act 2011

a. Receiving & Registering Complaints

All petitions, applications, and communications addressed to the Commission, whether received physically or electronically, at the SHRC's head office or any regional office shall be promptly acknowledged and recorded in a dedicated and secure register by the registrar/officer authorized and specifically allocated for complaints handling. The Commission may accept complaints in Urdu, Sindhi, English or any other local language filed by any aggrieved person, group of persons/association(s); person or group of persons, regardless of discrimination following within the mandate of SHRC. Furthermore, the Commission SHRC may act upon human rights violations / abuses complaints as referred by any Provincial Commission / Authority and Sindh Assembly's relevant standing committees including the Standing Committee on Law, Parliamentary Affairs and Human Rights and Standing Committee on Labour and Human Resources etc.

The registrar/officer authorized shall register the complaint in the database (HRMIS system) with necessary details, and allocate a unique tracking ID number, subject/category of the complaint along with the date and year of the complaint.

b. Initial Documentation

Upon registration, complaints shall provide including essential details such as the complainant's particulars, date of receipt, nature of the alleged violations / abuses, and summary in brief of corroborative evidence submitted. This documentation process ensures thorough record of complaints, aiding in subsequent reviews, assessments, and case resolutions.

c. Admissibility Criteria

To warrant consideration and further inquiry, complaints must meet specific admissibility criteria; -

i. Violation/abuse of human rights or abetment thereof, encompassing actions by individuals, entities, or institutions that infringe upon the rights relating to life, liberty, equality, dignity, or business-related human rights abuses as per under Section 2(i-a) of the SPHRA, 2011 Act, aligned with National Action Plan on Business and Human Rights and the United Nations Guiding Principles (UNGPs) on Business and Human Rights.

ii. Negligence by a public servant in the prevention of such violations/abuses, including instances where government officials or employees fail to take appropriate action to prevent or redress human rights violations/abuses, whether through their actions or inaction.

Each petitioner should provide detailed and factual information relating to alleged human rights violations/abuses within the jurisdiction of the SHRC. Admissibility is contingent upon the presentation of substantive and verifiable details that directly pertain to human rights infractions or their abetment.

d. Dismissal of Complaints

The SHRC may dismiss a complaint or other communication if it;

- i. Is illegible;
 - a. vague, anonymous or pseudonymous;
 - b. allegations that do not make out any specific violation/abuse of human rights or negligence by a public servant in the prevention of such violation;
 - c. relates to a matter which is sub-judice before the court or tribunal;
 - d. pertains to a matter outside the purview of the SHRC as outlined in the relevant legal statutes or regulatory frameworks, where the SHRC lacks authority to address issues lying beyond its defined scope or any other grounds.
- ii. If Petition, application or other communication or suo-moto notice referred to any other government entity including the subject commission for having parallel jurisdiction.

The registrar/authorized officer shall study and present cases before the Chairperson/Member(s) concerned.

e. Preliminary Review

The registrar/authorized officer shall carry out a preliminary assessment of the complaint received. Following the preliminary assessment, the registrar/authorized officer determine the maintainability/admissibility of the complaint. and will either dismiss the complaint as inadmissible or petition or will refer to the other government entity with competent jurisdiction or proceed to the next stage and propose measures to deal with the complaint in accordance with the law together with a brief narration of the facts. The registrar/authorized officer may advise the complainant of the existing alternative state institution for grievance redressal. Provided that the complainant has not already approached the referred state institution / relevant forum before filing a complaint at the Commission.

The registrar/authorized officer give importance to the urgent matters that demand immediate attention or pose an imminent threat to human rights protection shall put-up before the chairperson/ Member(S) concerned for ensuring swift action where necessary or within 24 hours in case of urgent/important matters.

In case of disposal of petition, application, or communication or suo-moto due to non-admissibility, the registrar/authorized officer after seeking approval from the Chairperson and/or the Member concerned for closure and may refer this complaint to the most suitable institution / relevant forum that has a mandate with intimation to the petitioner or victim with a referral. The same complaint be added in the database as closed with explanatory notes.

f. Intimation to petitioners / Applicants

Upon the preliminary assessment, complainants, where possible, will receive acknowledgement of their complaint's receipt by the Commission through letter, phone, message, email, etc. Should a complaint meet the admissibility criteria, the petitioners intimated about its acceptance for further consideration.

VI. SUO MOTO NOTICE BY SHRC

The SHRC may initiate Suo Moto action upon identification or reasonable grounds to believe a significant human rights violation/abuse or abetment occurred or imminent, affecting individuals, communities, or specific groups.

a. Urgency and Gravity

The matter should exhibit urgency or significant gravity, potentially leading to severe human rights infringements, necessitating immediate attention and redressal.

b. Public Interest Impact

The violation/abuse should possess a substantial public interest component, affecting a considerable number of individuals or having broader societal implications beyond isolated incidents.

c. Protection of Vulnerable Groups

Instances involving vulnerable groups such as children, women, minorities, transgender, elderly persons, persons with different abilities or marginalized communities, especially when their rights are at risk, shall be considered for Suo Moto action on a priority basis.

d. Systemic or Institutional Concerns

Suo Moto notice may be initiated when systemic deficiencies or institutional failures contribute to recurring human rights violations/abuses or when such issues persist despite previous interventions.

e. Process for Initiation of Suo Moto Action

The SHRC, Chairperson, Members, registrar/authorized person may identify potential human rights violations and abuses through media reports, credible reports, or any information brought SHRC attention.

The SHRC may set up a 3-member committee (inclusive of two members and the Chairperson) to evaluate the admissibility of urgent nature suo moto action. Based on the available information, the Committee may deliberate on whether to initiate the Suo Moto action and take further steps. This decision is generally taken in alignment with the admissibility criteria set by the SHRC to evaluate the gravity, urgency, and validity of the alleged human rights violations and abuses.

on the admissibility of the sou-moto by the Chairperson / the Members, the registrar/authorized officers register the violation/abuse and shall issue a notice or directive, acknowledging the commencement of Suo Moto proceedings concerning the identified human rights violation/abuse. This notice outlines the nature of the violation/abuse and seeks relevant information or documentation.

f. Inquiry and Fact-Finding

The Commission may also proceed with fact-finding missions (if needed), gathering evidence, and conducting inquiries to substantiate the allegations and obtain a comprehensive understanding of the situation.

VII. REFERRAL & REPORT

a. Seeking Information and Reports

Upon confirming the admissibility of a complaint or suo-moto action, the registrar/ authorized officer entrusted with the petitioner oversight shall formally request pertinent information or reports from the relevant institutions / agencies and as well private entities. This request, made following the approval from the Committee or concerned member ensures the timely and comprehensive gathering of necessary data or records about the alleged human rights violations / abuses.

b. Compliance and Follow-Up

To maintain an expeditious resolution process, the registrar/authorized officer in consultation with the Chairperson / Member concerned holds the responsibility to oversee compliance with the Commission's request. If there is a delay or lack of response from the concerned institutions, the Chairperson / Member may issue one or multiple reminders, urging compliance and timely submission of requisite information under intimation to the head of the institution / department.

c. Review and Disposal

Upon receiving reports or achieving a satisfactory resolution from the relevant institutions, the registrar/authorized officer will evaluate the information provided. If the received reports or actions undertaken by the relevant institutions align with the resolution of the complaint and adhere to human rights standards/guidelines, the registrar/authorized officer, shall place before the member concerned and recommend the disposal of the petition / suo-moto.

d. Resolution of a Complaint or Suo Moto Action

The SHRC, if finds a human rights violations / abuses through investigation or enquiry, shall recommend the government for redressal of the issue as well as may recommend monitory, non-monitory or public interest remedial measures.

e. Database Update and Communication

Upon dispose of the matter, the relevant details be updated in the database. An explanatory note detailing the resolution and disposal of the complaint will accompany the closure in the database. Additionally, the Commission shall communicate this decision to the complainant, providing a transparent account of the resolution process undertaken by the Commission.

VIII. IN-PERSON HEARING & DISPOSAL PROCEDURE

a. Summoning and Attendance Enforcement

Upon identification of non-compliance, unsatisfactory reports, or inadequate resolutions, the SHRC exercises the authority granted under Rule 21(5) of the SPHRA Rules 2013. The Commission may issue summons or enforce the attendance of any relevant person or entity before the Commission for an in-person hearing. This ensures their presence and participation in the proceedings.

b. Conducting the In-Person Hearing

The SHRC conducts an in-person hearing to thoroughly deliberate on the matter. The hearing provides a platform for all involved parties to present their perspectives, evidence, and arguments.

c. Resolution Attempts and Outcome

Following due consideration of all relevant stakeholders' inputs, if attempts at amicable settlement through negotiation or conciliation do not yield a successful resolution, the Commission proceeds to formulate its detailed findings and recommendations.

d. Endorsement and Signatures

The detailed findings and recommendations formulated by the SHRC receive endorsement through signatures from all Members/concerned members involved in the in-person hearing. This endorsement signifies collective agreement and validation of the conclusions drawn.

e. Dissemination and Compliance

The SHRC sent recommendation to the competent authority for further necessary action. A copy of the signed findings and recommendations is dispatched to the concerned department or institution / entity for compliance. Simultaneously, relevant stakeholders are provided with the same, ensuring transparency and accountability in the process.

IX. CONFIDENTIALITY AND DATA PROTECTION

All received complaints and related information shall be handled with utmost confidentiality and in adherence to data protection protocols. Access to complaint records will be strictly restricted to authorized personnel involved in the complaint resolution process, ensuring confidentiality and privacy for all parties involved.

X. TIMELINES

a. Any petition, application, communication or suo-moto notice which requires urgent consideration shall be placed before the Chairperson/Member or the Committee as far as possible within twenty-four hours of its receipt.

b. Any petition, application, communication and suo-moto notice shall be placed by the registrar after preliminary consideration to the Chairperson/Member Concerned, as expeditiously as possible, but not later than three days from the date of its receipt or within 24

hours if it is urgent/important matter.

c. All the aforementioned stages, from seeking information to the disposal of the complaint, shall be diligently managed within a stipulated time frame of 90 days from the receipt of the complaint at the Sindh Human Rights Commission Head office or Regional District offices.

XI. INTEGRATION

Dedicated phone, email, website portal, WhatsApp number, and office address of SHRC for complaints lodging.

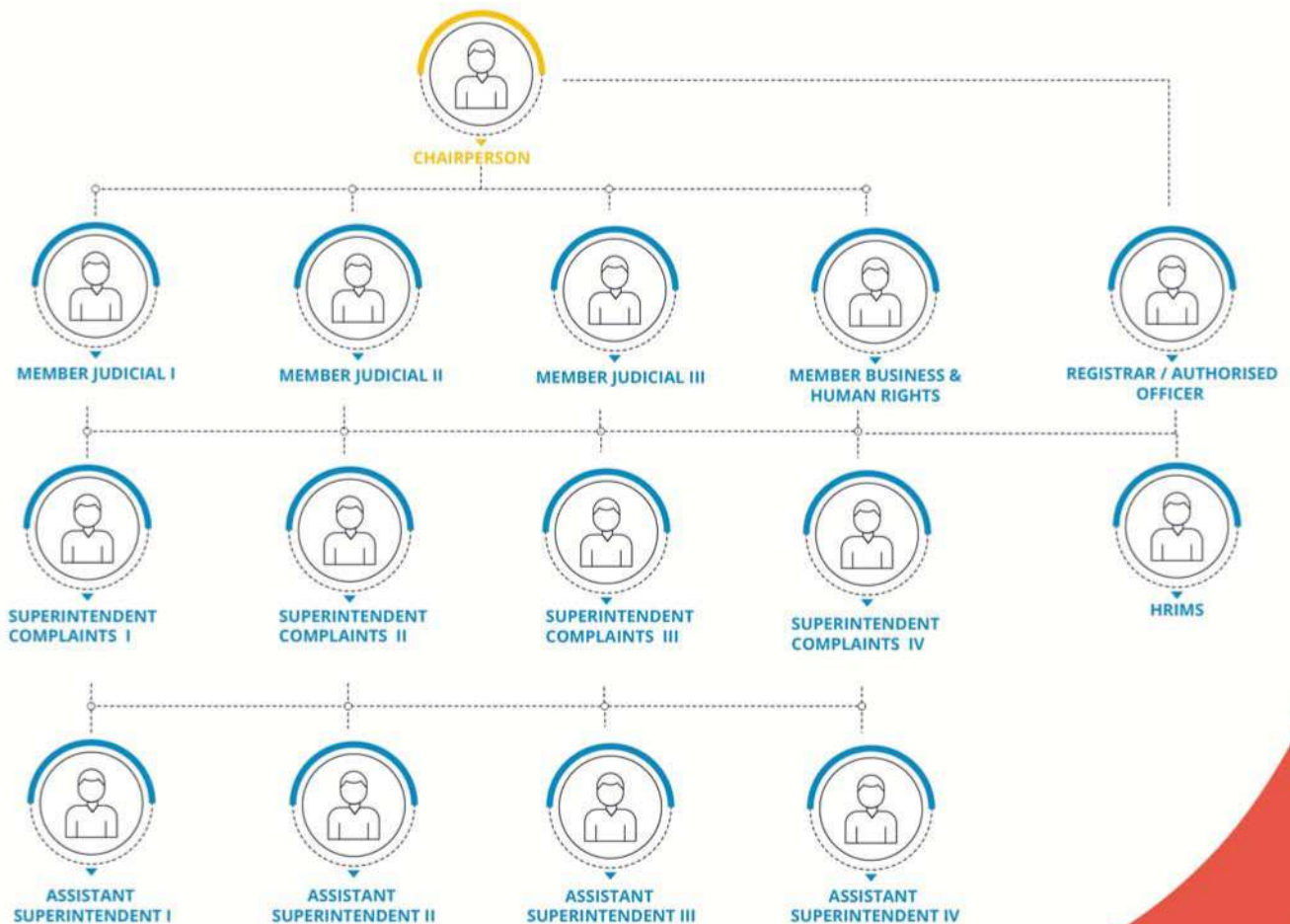
XII. POWERS OF CHAIRPERSON- SHRC

a. The Chairperson may relax provisions of these guidelines on the recommendation of the Member concerned or Registrar/Authorized officer in case of the urgency of the matter as delegated in the Rule of Implementation of SPHR 2013.

b. The Chairperson under Rule 11(4) may assign or delegate the above-mentioned tasks to any member, authorised officer or secretary of SHRC

c. In case of a difference of opinion on any matter regarding complaint handling, the decision of Commission shall be final.

XIII. ROLES AND RESPONSIBILITIES



XIV. COMPLAINT HANDLING FLOW-CHART



Annexure

ANNEXURE-I:

ETHICAL GUIDELINES, GUIDANCE & COUNSELLING

1. Ethical Guidelines for dealing with sensitive issues such as children and survivors of sexual violence;

- a. The Commission's staff may respect the rights of survivors, ensure the informed consent of survivors, their parents, guardians or carers as well as seek support from relevant organisations that are important to them and the complaint process.
- b. SHRC official(s) involved may be prepared to deal with the survivors in distress, may ensure that information provided to survivors is understandable and includes information about their rights and the purpose of the complaint;
- c. SHRC official(s) involved may discuss how you would handle situations where the risk of serious harm to the survivors is foreseeable.
- d. The paramount duty or obligation of the Commission is to act in the best interests of the survivor, and to protect them from any harm to him or her;
- e. The Commission shall uphold the value of struggling for the justice and rights of the survivor ensuring that their rights are protected.

2. Preservation, Guidance and Protection

- a. The Commission, in its discretion, may provide guidance to the complainant(s) in lodging their complaints or referral to an appropriate remedial institution, in case their complaint does not fall under the Commission's mandate;
- b. Take necessary steps to preserve the identity of persons involved, facilitate aggrieved person(s) in need to be protected from threats to life, harassment, intimidation or in need of medical, psychosocial or legal services, by referring them to the states' relevant institutions;
- c. Keep the hearing open to the public unless determining that disclosure may prejudice or frustrate the successful conduct or if there is a threat to the life of a person involved;

3. Counselling

- a. Counselling is a process through which individuals may be helped to manage their lives or a particular situation better. Counselling may be complementary to any other services provided by the Commission including an ongoing investigation or mediation. The Commission may adopt international best practices for the identification of complainants, and the counselling of survivors. Some categories of complainants who may require counselling;

- i. People from disaster-affected areas, or victims / survivors of Civil disturbance on locally induced conflicts
- ii. Victims of torture, cruel, inhuman and degrading treatment or punishment;
- iii. The victims of physical, sexual or mental violence including domestic violence;
- iv. Bereaved or deeply stressed people;
- v. Persons suffering from anxiety, short-tempered or persons with a low mood, drug addicts, youth, vulnerable, children and people with chronic illnesses

ANNEXURE-II:

MISCELLANEOUS :

1. Monitoring and Implementation

- a. The SHRC official(s) involved may follow a schedule to ensure the resolution of complaints in accordance with the stipulated timeframe and to produce weekly, monthly and quarterly progress reports and share them with the Chairperson or Member(s) concerned;
- b. The Commission may make necessary arrangements to monitor the implementation of any recommendations made after the course of investigation or inquiry into a complaint.

2. Cost: The Commission shall not charge any fee for the handling of complaints.

3. Remedies: The SHRC, in line with international best practices, may introduce remedial measures for human rights violation victims. Following is a brief description of the proposed remedies;

- a. **Monitory Remedies:** for a victim / survivors to be compensated for personal losses or expenditure due to violation of human rights; general damage or injury to the person's dignity, feelings and self-respect as a result of discrimination.
- b. **Non-monitory Remedies:** may involve correction of a discriminatory behaviour, job reinstatement or provision of services to the applicant.
- c. **Public Interest Remedies:** policy or institutional reforms or changes in practices to ensure future compliance or prevent similar discrimination from happening in the future.



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