

Sindh Police

Human Rights and Gender Sensitization Policy of Sindh Police

1.0 Introduction

Human rights for the most part are protected through an elaborate mechanism of court based interventions and statutory regulation of police behavior and court procedure. Statutory regulation mostly occurs in the shape of procedural requirements which police and courts must adhere to. In view of the basis of the spirit of these procedural requirements and the protections provided to citizens, Sindh Police is fully cognizant and observant of legal requirements.

Gender sensitivity also forms an integral part of human rights. Human Rights regime not only protects rights of all citizens but allows the state to make special provision for the protection of women and children.

The need to have a new police force which is both gender sensitive and human rights compliant has been recognized by the new Police Order, states that “the police has an obligation and duty to function according to the Constitution, law, and democratic aspiration of the people; and that such functioning of the police requires it to be professional, service-oriented, and accountable to the people”.

The need to emphasize human rights and gender sensitivity has arisen due to public complaints against the police non-responsiveness to citizen’s requests for assistance, arbitrary and unlawful arrests and searches, denial of rights of complainants/victims/witnesses/suspects/accused persons, use of torture, arbitrary and excessive intrusion of privacy, partial and biased investigation, excessive use of force to effect arrest and disperse unlawful assemblies, extra judicial killings etc. The proportion of complaints there is a need to eliminated such concerns completely.

2.0 Human Rights regime in Pakistan

The human rights regime in Pakistan comprises of constitutional provisions, International human rights instruments to which

Pakistan is a signatory, and provisions in the code of criminal procedure and some federal and provincial laws.

The major constitutional provisions include the right to be treated in accordance with law. Article 4 inter alia states: ‘...a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with the law; b) no person shall be prevented from or hindered in doing that which is not prohibited by law; and c) no person shall be compelled to do that which the law does not require him to do’.

Other crucial rights includes right to be informed of the grounds of arrest, right to be produced before a magistrate within 24 hours, protection from being a witness against oneself, protection from torture, and freedom of movement. These rights are complemented by a host of provisions in the code of criminal procedure.

4.0 Objectives

This policy expresses Sindh Police’s firm commitment to work for the promotion and protection of human rights as enshrined in the constitution of Pakistan, Universal Human Rights Declaration, other international instruments, Police Order 2002, Criminal Procedure Code and other laws on the subject. It also expresses its commitment to work towards more gender sensitivity both within the police organization and in police dealings with citizens.

The Policy lays down the efforts Sindh Police will be making for achieving the above stated goal both in the short run and on more sustainable basis i.e. by developing a permanent framework to ensure that police practices are uniformly imbued with a human rights-based approach.

Guiding Principles

To protect human rights, police behavior shall be guided by the following principles:

- i. Police decisions in the area of arrests, detentions, searches, seizures, application of force, treatment of detainees and

police interviews shall conform to human rights compliant legal principles and international best practices.

- ii. Disclosure of information with regard to police actions unless disclosure is likely to raise legitimate public policy concerns.
- iii. Respect for human rights and effective law enforcement are not mutually exclusive notions and effective law enforcement can take place while adhering to human right standards.

Police actions must be politically neutral and non-discriminatory.

7.0 Policy components

The Sindh Police will develop and recommend to the government adoption of standards for regulating Police practices for arrests, seizures, treatment suspects, collection of evidence with Special Forces on Human Rights.

- i. While laying down standards in these areas the following principles shall be observed:
 - Torture or degrading human treatment is not used in any form or for any purpose whatsoever.
 - Use of force is commensurate with the demand of the situation and the nature of the offence and is a measure of last resort.
 - Accused person are informed of their rights and facilitated in their efforts to contact a person of their choice.
 - Special needs of vulnerable persons, such as juveniles, women, minorities, sick and elderly are provided for.
 - Persons in custody are provided healthy food, adequate and clean living space and medical attention.
 - Detained persons are not kept in custody unnecessarily and are released as soon as the cause of their detention is removed.
 - Documentation and investigation of reports and complaints of Human Rights violations
- ii. The Sindh Police will develop and recommend to the Government guidelines for regulation of public assembly.
- iii. Complainants, suspects, detainees and others will be informed of their rights immediately by handing them a letter of rights and where they are illiterate the Police

- Officer shall read the rights in the language they understand in addition to handing over a copy.
- iv. Sindh Police shall develop and institute comprehensive complaint handling and recording procedures.
 - v. The Sindh Police will develop procedures and systems for providing active assistance to the public and the poor, lunatics, disadvantaged and vulnerable people including those in distress. These procedures will inter alia address the following issues:
 - Standards of behavior with the public
 - Procedures for provision of support and protection to the disadvantaged and vulnerable people as noted above.

Action Plan for implementation

- Standards as above noted shall be prepared and enforced by December 30th 2007.
- Booklets containing detailed information on rights and privileges of complaints/victims/witnesses/suspects/accused would be developed and published by December 2007.
- Sindh Police would initiate a media campaign through print and electric media by July 2007 for creating awareness among masses regarding their procedural and substantive rights while interacting with the police and remedies incase of violations.
- The Government will be recommended to initiate an annual award for senior and junior police officers for adherence to human rights starting from 2007.
- Provincial and district training plans would include courses on Human Rights. These courses will be developed and introduced by July 2007.
- The annual report on policing and state of crime in Sindh would include a separate section on complaints, findings, and action taken on violations of human rights.
- Human rights indicators will be built in monitoring, evaluation and inspection systems.
- A human rights protection unit will be established in the Central Police Office which will monitor human rights cases. Human Rights unit would also advise the Central Police Office on policy, training and operational matters related to promotion and protection of human rights. This unit would

be responsible for creating a database of all complaints regarding human rights violations received either through police offices / judiciary / ombudsman / public safety commissions / media, civil society organization or through any other source.

- Annual confidential reporting system would be appropriately amended to reflect the human rights record of the officer.
- An effective mechanism for internal monitoring and investigation of human rights violations would be prepared.
- Complaint handling procedures shall be finalized and instituted by December 2007.
- Complaints registers shall be placed in all police stations and other police establishments by December 2007.
- Findings of each internal investigation into a complaint of human rights violation at the hands of a police officer would be made public, wherever necessary.

GENDER SENSITIZATION

Need

The State needs to be cognizant of the special needs of men and women in certain situations. As stated earlier equal treatment may not produce equal access to rights thus special provisions may need to be put into place for vulnerable and disadvantaged groups. Due to the male dominated nature of Pakistan society women are a disadvantaged group and hence qualify for special treatment.

Provisions for Gender sensitivity in Pakistan

Constitutional provisions allow special dispensation for gender reasons where required. Thus it allows posts to be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of either sex. As stated earlier the constitution allows affirmative action by allowing the State to make special provisions for the protection of women and children.

The Principles of Policy require the State to take action to ensure full participation of women in all spheres of national life, and to protect the mother and the child. On a lesser level the Code of criminal procedure has special provisions with regard to searching

of premises occupied by women and there are special rules for the search of the person of a woman.

Objectives

The overall objective of this Policy is to empower women in a meaningful manner and mainstream gender issues in police working and procedures in a manner consistent with the country's constitutional framework, legal principles and values.

The policy take note of the Gender Reforms Action Plan (GRAPS) and its aims to bring the gender perspective in police functioning and practices.

Guiding principles

The police policy on gender sensitization is guided by the following principles:

- i. That Gender is a cross cutting theme and hence gender needs to be a factor in the shaping of all working procedures and institutional policies.
- ii. That attitude and behavior of police officials should take into account special needs of women.
- iii. That women being a disadvantaged group need to be positively supported in accessing justice.
- iv. That special provisions and efforts need to be undertaken for better representation of women in the police and their mainstreaming.

Policy components

- i. The Sindh Police shall develop and adopt special procedures (and obtain approval of the Government where necessary) for regulating the treatment of women, who interact with the police during an investigation and their detention in a police station. These procedures will inter alia provided for the following:
 - Prior approval of supervisory police office for obtaining remand of female suspects
 - Conduct if Interview / interrogation of women suspects in the presence of a female police officer
 - Quick registration of cases of domestic violence

- Quick medical examination of female rape and hurt victims
 - Fast processing of cases of female suspects for release where the offence is bailable or the cause of detention has been removed
- ii. The Sindh Police will develop and adopt guidelines for handling cases of domestic violence and sexual offences in a discreet and professional manner in which the dignity of women is protected
 - iii. Strict implementation of special procedures pertaining to women suspects, complaints and witnesses
 - iv. Capacity building of police officers in special procedures pertaining to women as outlined above.
 - v. The Sindh Police will put into place an action plan for mainstreaming women police officers and encourage enrollment of women in all ranks.

Action Plan for implementation

- Special procedures for handling women suspects, complaints and witnesses including guidelines for handling cases of domestic violence and sexual offences in a discreet and professional manner, shall be put into _____ place by June 2008.
- Regular monitoring reports will be obtained regarding implementation of special procedures and guidelines pertaining to women/cases of domestic violence and sexual offences.
- Women officers will police officers will be encouraged for posting on field assignments.
- Violations of sexual harassment policy shall be proceeded with immediately.
- A gender sensitization campaign would be launched in 2007 which will increase awareness amongst police officers with regard to special needs of women, special procedures pertaining to females and inform the female public about their rights.
- Provincial and district training plans would include courses on Gender sensitivity and special police procedures pertaining to female suspects, complaints and witnesses. These courses will be developed and introduced by December 2007.

- The annual report on policing and state of crime in Sindh would include a separate section on crimes against women in areas of domestic violence and sex.