



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Second periodic report submitted by Pakistan
under article 19 of the Convention, due in 2021***

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* The present document is being issued without formal editing.



Abbreviations

AHTCs	Anti-Human Trafficking Circles
BE&OE	Bureau of Emigration and Overseas Employment
BJA	Balochistan Judicial Academy
CrPC	Code of Criminal Procedure, 1898
CSOs	Civil Society Organisations
DIG	Deputy Inspector General of Police
FDE	Federal Directorate of Education
FIA	Federal Investigation Agency
FIR	First Information Report
GBV	Gender Based Violence
GoP	Government of Pakistan
IATF	Inter-Agency Task Force
ICITAP	International Criminal Investigative Training Assistance Program
ICMPD	International Centre for Migration Policy Development
ICT	Islamabad Capital Territory
IGP	Inspector General of Police
IO	Investigating Officer
JJSA	Juvenile Justice System Act 2018
KJA	KPK Judicial Academy
KPK	Province of Khyber Pakhtunkhwa
MoHR	Ministry of Human Rights
MoI	Ministry of Interior
MoU	Memorandum of Understanding
NCHR	National Commission on Human Rights
NCSW	National Commission on the Status of Women
NGOs	Non-Governmental Organisations
OEPs	Overseas Employment Promoter
PJA	Punjab Judicial Academy
PO	Police Order 2002
PPC	Pakistan Penal Code, 1860
PTIP	Prevention of Trafficking in Persons Act 2018
PVTC	Punjab Vocational Training Council
SC	Supreme Court
SJA	Sindh Judicial Academy
SP	Superintendent of Police
SSP	Senior Superintendent of Police
TEVTA	Technical Education & Vocational Training Authority
UN	United Nations

UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UTPs	Under trial prisoners
VAW	Violence Against Women

Introduction

1. Pakistan ratified Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter referred to as CAT or Convention) on 23rd June 2010. In accordance with Article 19 of the Convention, the Government of Pakistan is pleased to present its 2nd Report on the Convention before the Committee against Torture while focusing on the relevant areas of concerns and recommendations presented during the last State review done in 2017.
2. It is pertinent to highlight that since presenting its last report, Pakistan has taken wide-ranging legislative, policy and institutional steps to fulfil its international obligations under CAT Government in line with Pakistan's renewed focus on upholding rights of its citizens including minorities and other sections of society.
3. While the draft bill "Torture & Custodial Death (Prevention & Punishment) 2021" is still under legislative process, this is, nevertheless, a significant step to ensure that legal standing is given to the rights granted and protections afforded under the CAT. Notwithstanding, other significant achievements have been made by way of enactment of women and child family laws as well as strengthening of law enforcement bodies, capacity building of national human rights institutions and collaboration with members of civil society.
4. A renewed focus has also been placed on awareness of issues related to torture and other forms of violence such as towards prisoners, instances of domestic violence and corporal punishments. The Federal Government in collaboration with Provincial Governments is continuously working towards eradicating such vices and establishing various mechanisms of monitoring, support and rehabilitation for victims of torture or other forms of violence.
5. Pakistan places the utmost importance towards upholding fundamental rights of its citizens by enshrining such rights in its Constitution. One such fundamental right explicitly relates to the '**Inviolability of dignity of man**' ensuring that '*[n]o person shall be subjected to torture for the purpose of extracting evidence*'.

Principal subjects of concern and recommendations

Allegations of widespread use of torture by the police

Information relating to paragraph 7 (a) of the concluding observations (CAT/C/PAK/CO/1)

6. The Federal and Provincial Governments are making strenuous efforts to counter the menace of torture in addition to publicly condemning such practices. In pursuance of zero tolerance policy, the heads of district police units have been successful in significantly reducing incidents of torture against persons in police custody.
7. In the province of Punjab for example, the relevant officials have issued instructions to all field units of Punjab police that all investigations must be carried out in accordance with the law, with directions to all field units to adopt forensic methods and modern investigation techniques to curb this nefarious practice. Furthermore, strict instructions have been given against the use of third-degree torture and making of any private torture cell by the police officials, and a zero-tolerance policy has been adopted for this act by the police. To ensure strict implementation of the aforesaid, all the officers/officials involved in torture are being prosecuted under the relevant provisions of law. There is a strong and disciplined accountability mechanism in the Police Department. Whenever, violation of any Rules/Regulations by any police officer is noted by Regional Police Officer/City Police Officer/District Police Officer, departmental action is initiated against the concerned officer immediately.
8. Departmental action against police officers from the rank of Constable to Inspector (Junior Police Officers) is taken under "Punjab Police Efficiency and Discipline Rules, 1975" by respective Regions / Districts while action against Provincial Police Officers from the rank of DSP and ministerial staff is taken under "the Punjab Civil Servants (E&D) Rules,

1999". After due departmental inquiry, the accused officer is heard by the competent authority and awarded departmental punishment, as per violation of law/instructions. In 2021 alone, 624 police officials were punished for offenses of torture or misbehaviour in Punjab. Additionally, Governments of Sindh and Baluchistan have taken necessary steps to curb the menace of torture. Strict instructions have been disseminated among the field units to adopt scientific method to investigate the detainees without resorting to torture. In the province of Baluchistan, 2 Deputy Superintendent Polices were punished for misconduct and inefficiency under the police internal accountability mechanism.

9. Similarly, in the instance of KPK Police department, a zero-tolerance policy is being adopted against the use of torture by the police officials. A precedent was also set by the Capital City Police, Peshawar, where due to an incident of torture involving one Amir Tahkalle, all concerned police officials were dismissed from service. Similarly, KPK police has taken strict action against police officials, found involved in instances of torture.

Information relating to paragraph 7 (b) of the concluding observations

10. As per the KPK Home & Tribal Affairs Department and the KPK Police Department, implementation of the relevant laws is ongoing, and strict directions have been issued to all field officers from time to time warning, prohibiting the use of torture. Furthermore, KPK Police Act 2017 has also been enacted which penalises the infliction of torture or violence against public. Similarly, Punjab, Sindh and Baluchistan Government have issued instructions to all field police units to refrain from torture and inhumane treatment of persons in custody under relevant laws. Strict departmental action is taken against all the police officials involved in torture, misbehaviour or other offenses of similar nature.

Information relating to paragraph 7 (c) of the concluding observations

11. The Government of Pakistan including Provincial Governments ensure that all field units of the police have been sensitized and directed strictly to remain in the ambit of the law. As highlighted above, strict action is taken against any officer/official, found guilty during such as initiation of proceedings under the relevant civil services laws, efficiency & discipline rules and in a manner commensurate with the gravity of charges. The punishments given to police officials involved in violation of laws are divided into two categories; minor and major punishments which vary from withholding of increments/ promotions as well as dismissal from services in worst case scenarios.

12. Criminal proceedings are also initiated against perpetrators according to penal provisions. In 2019, around 20 cases of police torture in police custody were reported. In 9 of these cases, Challan was submitted in the Court having jurisdiction in the matter. In 2020, only 04 cases were registered and no case was registered in which women or children were victim. The relevant authorities found 01 false complaint of brutality/ torture and 02 cases were challenged which are under trial in the relevant courts. Consequently, the police officers charged with inflicting torture were awarded penalties that commensurate with the gravity of the kind of torture inflicted; 03 police officials have been dismissed from the service, whereas 01 police official has been given a punishment of reversion in accordance with the Police Order 2002. Criminal cases registered against all 04 police officials are under trial.

13. Provincial laws have also been enacted to combat and penalise use of torture by police officials. For example, pursuant to the section 119 of the KPK Police Act, 2017, a punishment of up to 5 years with fine can be imposed in cases of torture.

Information relating to paragraph 7 (d) of the concluding observations

14. At the federal and provincial levels, various initiatives are being undertaken to train judges, lawyers and law enforcement officials on human rights issues, including eradication of torture in custodial settings under national laws and convention against Torture.

15. At the provincial levels, all provincial governments are undertaking training of judges, lawyers and prosecutors. In Punjab, the Punjab Judicial Academy (PJA) is regularly conducting training programs concerning the rights of accused during investigation by police officers, judges and prosecutors. Further trainings concerning police and prosecution coordination, identifying issues, challenges and solutions were also conducted.

16. Furthermore, the PJA initiated the General Training Program between 2017 and 2018 for civil judges and magistrates through which an extensive training exercise was held on “Accessing Expert Evidence (Medico Legal and Forensic)”. The training encapsulated various sub-topics including, but not limited to, appreciation of medico legal report and forensic report.

17. A five-day symposium for district and sessions judges on the subject of “Judicial Forensic Awareness” was conducted in 2017 which focused on various topics such as judges’ roles in forensic admissibility, introduction to DNA, finger prints, digital and ocular video evidence, crime scene examination and court proceedings including forensic evidence.

18. With an emphasis to train district and session court judges, the PJA arranged a three-day symposium on “Judicial Forensic Awareness” in 2018. The training focused on the role of judges in forensic admissibility and understanding evidence, introduction to physical evidence and forensic evidence, introduction to DNA, fingerprints, and digital evidence. In 2020, the PJA included a pre-service training program for district and session judges covering the topic of “Forensic Science in Aid to Criminal Justice System in Pakistan” which covered the subtopic of appreciation of injury statement and medico legal report.

19. In Punjab the Human Rights & Minority Affairs Department arranged four training sessions per year for police officers in Lahore and Faisalabad between 2019-20 and 2020-21. The trainings were conducted in partnership with NGOs like Strengthening Participatory Organization (SPO), Sathi Foundation and Bargad Organization and police officers were sensitized on human rights issues. The training modules included disseminating knowledge on the Action Plan to improve Human Rights situation in Pakistan, the Punjab Human Rights Policy 2018 and the Action Plan to implement this policy, Pakistan’s international obligations under the relevant International Treaties / Conventions Pakistan has acceded to / ratified and the link between Human Rights and Sustainable Development Goals. The police officers also learnt about fundamental rights guaranteed under Constitution of Pakistan, 1973 and all relevant laws including but not limited to the Criminal Law (2nd Amendment) Act 2016.

20. The PJA also conducted a one day joint training workshop for judges, police officers and prosecutors as well as a five 05 days training workshop for police officers in 2019. The objective of the trainings was to improve the criminal justice system, identify challenges and propose solutions to enhance justice delivery in criminal courts with British-Pakistani Police Officers, orienting the police investigators with modern techniques of investigation for presentation of evidence in trial courts and enabling the participants to effectively train other police investigators in collection, preservation and presentation of scientific evidence including training on use of forensic evidence.

21. Additionally, instructions have been issued by the Punjab Home department to all field units of Punjab Police to gather forensic evidence in all reported cases to trace criminals.

22. MoHR and SJA signed a Memorandum of Understanding on 26th April 2019 to collaborate for strengthening the capacity of the High Court judges in the province of Sindh with the aim to acquaint and train judges in domestic and international laws and human rights, schemes and mechanisms in addition to the performance of their duties effectively within the confines of such laws, schemes and mechanisms. Under this MoU, training programmes are being organized based on the recommendations of human rights experts to ensure practical engagement with the judges through use of proven techniques for improved performance of the duties of judges. The training courses for the Civil Judges have been initiated to sensitize the relevant members of the Judiciary of the lower courts in the Province of Sindh.

23. MoHR has also initiated training of all lower judiciary members in Sindh and Baluchistan. In Sindh, 360 judges (150 have completed the course) and 360 prosecution lawyers shall be trained. In Baluchistan, 175 judges and 150 prosecution lawyers shall be trained. Furthermore, in Sindh UNODC trainings under Rule of Law Roadmap program have been conducted to train police, judiciary and public prosecution officers. UNDP is also conducting training of judiciary in Punjab and KPK. In the province of KPK, a total of 75 trainings were conducted with 63 for judicial officers and 12 for court staff. Total number of judicial officers and court staff trained in KPK is 2,167 (1,536 judicial officers and 631 court staff).

24. Further steps taken by the relevant authorities include establishing gender-based violence courts and child rights courts across the country. Trainings have been held for judicial officers to sensitize them on the functioning of the courts. For GBV courts, 88 judicial officers were trained in July 2019 whereas 38 judicial officers and 104 prosecutors were trained in December 2019 at the Punjab Judicial Academy. For child rights courts, 160 judges, 23 prosecutors and 05 government officials have been trained to ensure capacity building and proper enforcement of child protection laws.

25. Baluchistan Judicial Academy (BJA) has organized capacity building/training programs as per their annual work plan 2020. Among all training events in the following training programs, the concept of investigation techniques, forensic science and its methodology were particularly emphasized. Such trainings included training on investigating techniques for the investigating officers of Anti-corruption establishment bureau (ACEB), capacity building training for qazis appointed as Civil Judges and Judicial Magistrates, Orientation Training Program for District and Sessions Judges and Additional District and Sessions Judges, capacity building training program for Investigating Officers of Quetta Police Stations, capacity building training on Child Rights, Protection and Justice for Judicial Officers.

26. The KPK Judicial Academy (KJA) has also conducted various trainings of judicial officers as well as other stakeholders including police, prosecution and lawyers. The KJA ensures implementation of the provisions of the convention regarding prohibition of torture through capacity building of all the concerned stakeholders on priority basis.

27. Judgements of the superior courts have consistently pressed for statutory compliance by the police officer related to arrest and timely presentation of accused before the courts.

Information relating to paragraph 9 (a) of the concluding observations

28. Effective measures have been taken by all provinces to eliminate harmful practices and ensure the protection against harassment or intimidation in retaliation for making a complaint. In Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan complaints of harassment are inquired and protection to victims and their families is provided on a case-to-case basis. The Government of Pakistan has also drafted a bill (titled The Torture and Custodial Death (Prevention and Punishment) Bill, 2021) to **criminalize** the offence of torture. The Bill, once enacted, shall provide protection to victims and their families from harassment and intimidation. Salient features of the Torture Bill are as under:

(i) **Definition of Torture:** The subject bill defines torture in Section - 2 - (n) as “torture” means an act committed by which severe physical pain or physical suffering, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

(ii) **Inadmissibility of statement extracted through torture.** The bill clearly stipulates that any statement, information or confession obtained by a public official as a result of torture or cruel, inhuman or degrading treatment shall be inadmissible evidence in any proceedings against the person making it.

(iii) **Trial.** Under the bill, the Court of Sessions shall have exclusive jurisdiction to try offences under this Act. Moreover, no adjournments shall be granted during the trial save for in the interest of justice provided that if such an adjournment is granted it shall be not more than thirty days.

(iv) **Punishments.** Various punishments as prescribed in the subject bill are as under:

i. **Punishment for torture.** As prescribed for the type of harm provided in Chapter XVI of the Pakistan Penal Code;

ii. **Punishment for custodial death.** As prescribed in section 302 of the Pakistan Penal Code;

iii. **Punishment for custodial rape.** Whoever commits or abets the offence of custodial rape, shall be dealt with and punished under the law and procedure for rape, and the provisions of this Act shall also be applicable to the accused, mutatis mutandis.

Information relating to paragraph 9 (b) of the concluding observations

29. The Federal Government of Pakistan as well as the Provincial Governments ensure that all field units of the police have been sensitized and directed strictly to remain in the ambit of the law. All officers suspected of committing acts of torture are suspended during the investigations into allegations of torture pending their outcome. Detail is mentioned at para. 7.

Information relating to paragraph 9 (c) of the concluding observations

30. National Public Safety Commission is in place since 2006 under the chair of Federal Minister for Interior. DG, National Bureau is the Secretary, six MNAs of National Assembly and six members from civil society are the members of the Commission. Main functions of National Public Safety Commission are as under:

- National Public Safety Commission will perform its duties as a Commission;
- The Commission will oversee the functioning of the Federal Investigation Agency, Pakistan Railways, Anti-Narcotics Force, Frontier Constabulary, and Pakistan Motorway and Highway Police;
- The Commission will recommend to the Federal Government a panel of three police officers for appointment of Capital City Police Officer for Islamabad and heads of FIA, Pakistan Railways, Pakistan Motorway and Highway Police and Frontier Constabulary (Article 11);
- National Public Safety Commission will recommend premature transfer of Capital City Police Officer Islamabad, FIA, Pakistan Railways, Anti-Narcotics Force, Frontier Constabulary, Pakistan Motorway and Highway Police for unsatisfactory performance of duties (Article 12);
- The Commission will recommend reforms and modernization of laws and procedures in respect of police, prosecution, prisons and probation services;
- The Commission will facilitate the establishment and functioning of Citizens Police Liaison Committees in accordance with Article 168.

Sessions

30bis. A total of forty-six sessions of National Public Safety Commission have been held since its inception on 6 June, 2006. NPSC is fully functional and providing redressal to public. The National Public Safety Commission specifically focuses on complaints related to torture by the police and take necessary action against the perpetrators.

Other Accountability Mechanisms at Federal Level:

Helpline (1099)

31. Ministry of Human Rights established a Helpline 1099 for support and service to complaints against police or any other human rights violations.

Human Rights Officers (HROs)

32. Human Rights Officers (HROs) are posted in each Police Station of Islamabad to facilitate general public. Their functions are:

- To monitor the activities at the police station and report to CPCC and SSP/Operation through Zonal SPs

- To monitor and ensure formal arrest of the accused to be made and present before the court within 24 hours
- To ensure that all the arrested persons are kept in the lockup
- To Provide Free Legal aid/advice, in case required by the accused
- To ensure Women are referred to Women police station for investigation and detention.

33. The Khyber Pakhtunkhwa Police Act, 2017 called for setting up new public safety commissions at the provincial and district levels for which members would be appointed for a three-year term. Accordingly, Government of Khyber Pakhtunkhwa notified District Public Safety Commissions.

34. The Provincial Public Safety Commission, consists of thirteen (13) members as per following:

(i) four (04) members of the Provincial Assembly, to be nominated by the Speaker of the Provincial Assembly comprising two members from treasury benches to be nominated in consultation with leader of the House and the other two from opposition benches to be nominated in consultation with leader of opposition; provided that one member shall be female;

(ii) Advocate General, Khyber Pakhtunkhwa as ex-officio member;

(iii) Eight (08) members, shall be independent members, recommended by the Provincial Scrutiny committee from the following categories:

(a) one retired High Court Judge;

(b) one retired officer from armed forces equivalent to the rank of Major General;

(c) one retired civil servant in BPS-21 or above;

(d) one retired Police Officer in BPS-21 or above; and

(e) four members from civil society including one female and one minority member.

35. Provincial Public Safety and Public Complaint Commission, Baluchistan was established on 14th April 2006. The Commission had become functional after the establishment of temporary Secretariat in October 2006. Present Commission has representation from both legislature and civil society. The Public Safety Commission during its meeting considered all applications including against torture by Police.

36. Sufficient resources have been allocated for this purpose and prompt measures are being undertaken to avoid any delays. At the provincial level, Public Safety and Public Complaint Commission is doing good work and strong measures are being taken by Government to expedite the notification / establishment / functioning of District Public Safety and Public Complaint Commissions. The representation of independent and elected members ensured the participation in planning and monitoring of police and other law enforcing agencies leading to redeeming the trust of common man in police. The performance of commission owes much to the input of the public and forceful leadership of Chairman and members.

37. After transformation of Levies into Police, control of police spreads almost all over the Province of Baluchistan. The role of PPS & PCC is very important as far as the present scenario is concerned as it acts as a bridge between public and police by receiving the grievances of people so that police discharges its duties appropriately without causing any harm or injury to any community.

Internal Accountability mechanisms in Police

38. In Punjab, there is a body named Internal Accountability Branch (IAB) at the regional level as well as Central Police Office (CPO) Headquarters Lahore, where grievances of the applicants are being addressed and steps for their redressal are being taken. Moreover, 8787 is a forum where aggrieved individuals can call / lodge complaints, which is inquired

thoroughly and impartially. District complaints officers have been posted in all districts to entertain the applications / complaints lodged in this regard. Necessary legal as well as departmental action is being taken against those officials found responsible for torture.

39. Similarly, KPK Government is reviewing the amendments in Police Act, 2017, with a view to bringing separate laws for putting in monitoring and complaint regimes.

40. Public Safety Commission is working actively in government of Sindh. In the Sindh Public Safety and Police Complaints Commission in February 2020 approved the annual policing plan submitted by Inspector General of Police Dr. Syed Kaleem Imam. The IGP also presented a list of 23 police officers against whom inquiries or disciplinary actions had been recommended last year. Public Safety Commission also heard the complaints against Police officers and recommended necessary inquiries.

Information relating to paragraph 9 (d) of the concluding observations

41. NCHR, established in 2015, is an independent statutory body which has powers to take cognizance of human rights violations either on suo-moto basis or on petition and can summons persons or inquiries into violations of human rights. Its overall mandate is to promote and protect human rights as enshrined in the Constitution of Pakistan and international agreements to which Pakistan is a party. Guided by the Paris Principles and Act XVI of 2012, this is a key institution for the promotion and protection of basic human rights and fundamental freedoms of all. NCHR can take cognizance and action against the human rights violations including torture under section 9(a), (b) and (i) of the NCHR Act, 2012:

9(a) “suo-moto or on a petition presented to it by a victim or any person on his behalf, inquire into complaints of:

- i. violation of Human Rights or abetment thereof: or
- ii. negligence in the prevention of such violation, by a public servant;

(b) “intervene in any proceeding involving any allegation of violation of human rights pending before a court by making application for becoming a part to the proceeding before such court.”

- i. “direct investigation and inquiry in respect of any incident of violation of human rights.”

42. NCHR does not only monitor situation of human rights but also bridges the gap between the civil society and government stakeholders. It also provides a platform for victims to raise their voices and provides an opportunity for redress of their violations. In Punjab, Central Police Office (CPO) Headquarters Lahore is receiving applications where grievances of the applicants are being addressed and steps for their redressal are being taken.

43. In KPK, the Directorate General Law and Human Rights has taken the initiative to establish and operationalize a Monitoring and Surveillance Unit (MSU) for modernizing the crime investigation system and monitor cases involving human rights violations.

44. In Sindh, the Sindh Protection of Human Rights Act 2011 establishes a complaint handling and investigation mechanism by directly calling the concerned parties for investigation. The Sindh Human Rights Commission has been tasked with the functions specified in the aforesaid act, and ensures protection of citizens against violations of their fundamental rights. Similar mechanisms also exist in other provincial governments including Baluchistan and Punjab.

Information relating to paragraph 9 (e) of the concluding observations

45. In Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan, in case of custodial torture, the Medical Superintendent concerned constitutes a ‘Medical Board’ to assess the injuries caused through acts of torture. Necessary legal action is taken on receipt of any information or complaint.

Impunity for acts of torture by military and paramilitary forces and intelligence agencies

Information relating to paragraph 11 (a) of the concluding observations

46. The judicial magistrate deputed by District and Session Judges interrogates the complaints against the commission of torture. If an officer or official is found guilty, both disciplinary and criminal proceedings are initiated against the perpetrators. The draft bill “Torture & Custodial Death (Prevention & Punishment) 2021” is under process at the federal level and will ensure that complaints against all officers of LEAs are duly prosecuted.

Information relating to paragraph 11 (b) of the concluding observations

46bis. Response is at para. 54.

Information relating to paragraph 11 (c) of the concluding observations

47. Pakistan Army has elaborated legal (backed by Pakistan Army Act Rules and Regulations) and monitory mechanism in place to check and punish any violations of Human Rights by officers and soldiers. The mechanism (both vertically and horizontally) works as an effective deterrent against any possible violations of code of conduct. Moreover, troops engaged in counter terrorism operations respect all legal necessities and operate within the precinct of law. As a policy, maximum efforts are being made to conduct all law enforcement operations within ambit of law. As part of their training, military personnel are sensitized about human rights aspects.

Information relating to paragraph 11 (d) of the concluding observations

48. Rangers and FC being a paramilitary force are controlled by Ministry of interior and not the armed forces directly. Nonetheless, security forces including Rangers have evolved strict Standard Operating Procedures and any violations of Human Rights is dealt according to the law.

Torture in the context of counter-terrorism efforts

Information relating to paragraph 13 (a) of the concluding observations

49. The draft bill “Torture & Custodial Death (Prevention & Punishment) 2021” is under process at the federal level. The aforesaid draft bill defines “torture” to mean an act committed with intent to inflict severe pain or suffering, whether physical or mental, not incidental to lawful sanction upon another person for the purpose of, *inter alia*, obtaining a confession; intimidation; or punishment for a suspected act.

50. The Anti-Terrorism Act was promulgated in 1997 and amended on 24 October 1998 by the Anti-Terrorism (Amendment) Ordinance following various the declaration of several Provisions of the Act as unconstitutional by the Supreme Court in Mehram Ali v. Federation of Pakistan. Thereafter, in August 1999, the Pakistan Anti-Terrorism (Amendment) Ordinance was promulgated which generalized the anti-terrorism courts system throughout the country. However, in 2019, the Supreme Court laid down the guidelines on the applicability of or otherwise of the anti-terrorism law and directed the Parliament to make some essential changes. Ghulam Hussain vs. the State is a landmark judgment by the Supreme Court of Pakistan, authored by Justice Asif Saeed Khosa, which lays down a conclusive and narrow scope of the definition of terrorism and its application with respect to criminal cases. The Court has reached one definitive conclusion after undergoing two different sets of approaches used by the Supreme Court in its earlier judgments i.e., an effect-based approach and an object-based approach. The Court, while ruling in favour of the latter approach, has put an end to the wide discretion that was used by the police, government, and the public in general while invoking the ATA 1997.

51. This judgment puts an end to the wide discretionary powers of the courts regarding terrorism cases and prevents misuse of the anti-terrorism law. To invoke the provisions of ATA 1997, a three-fold test needs to be satisfied in pursuance of this judgment: a) there must

be actus reus, b) there must be mens rea, and c) the first two conditions must be coupled with an intention to advance an ideological, political, or religious cause. The effect-based test usually relied on only the first prong of this test, but through the present three-fold test, the ambit of the ATA 1997 has been significantly narrowed. With this judgment, the Supreme Court of Pakistan has brought this law in consistency with the prevalent notion of terrorism under local jurisdictions and international law. The judgment also recommends the legislature to limit the scope of the ATA 1997 by amending the preamble of the Act to only include acts of terrorism, and by removing Schedule III from the Act.

Information relating to paragraph 13 (b) of the concluding observations

52. The Parliament passed the 21st Constitutional Amendment and the amendment to the Pakistan Army Act, 1952, to establish the special military courts after the massacre in the Army Public School, Peshawar to deal with terrorism related cases only. This amendment was challenged in the apex court. After a five-month long hearing, the challenges to the 18th and 21st amendments were disposed of by the Supreme Court.

53. These military courts had expired on January 2017 but were given extension for another two years through Constitutional Amendment. These courts have now expired in March 2019. The establishment of the military courts was in accordance with our constitution and international obligations. In this regard, it may be noted that the process of processing cases for the military courts was designed with checks and balances. Thus, out of 869 cases received from the provinces, only 59 prisoners were convicted after observing due process of law through courts including Supreme and High Courts. The following steps were taken to ensure right of fair trial:

- All cases to be tried in Military Courts were to be approved by respective Provincial Apex Committee by Law
- Sanction of the Federal Government for trial or such cases in Military Courts was also a pre-requisite as per law
- Convicted prisoners by Military Court have the right to appeal to Court of Appeals against any judgment passed by Military Courts. They can also appeal before Chief of Army Staff. They further have the right to appeal for mercy to the President under Article 45 of the Constitution of Pakistan.

Information relating to paragraph 13 (c) of the concluding observations

54. The Actions (in Aid of Civil Power) Regulations, 2011 have been formulated strictly in conformity with the international human rights standards. The abuse or misuse of force during operations has been made punishable under the Regulations. All detainees apprehended during operations are kept in declared and notified Internment Centres. The internees' cases are being regularly reviewed by the Oversight Boards notified by the Provincial Governments. Comprehensive provisions including welfare of detainees, de-radicalization, release and disposal of cases are contained in the law. It is pertinent to highlight that FATA is now merged in KPK Province through 25th Constitutional Amendment in 2018. Now all the civil and criminal laws of the land are equally applicable to the areas previously considered to as Federally Administered Tribal Areas.

Definition and criminalization of torture

Information relating to paragraph 15 of the concluding observations

55. Detailed Response is at para. 28 above.

Fundamental legal safeguards

Information relating to paragraph 17 of the concluding observations

56. Under Pakistan's penal as well as procedural laws, a person deprived of liberty has prompt access to lawyers as well as the right to challenge detention before appropriate forums. Pakistan's judiciary also proactively pursues such cases and promptly ensures the provision

of justice as well as basic necessities to persons under detention. Articles 10 and 10-A of the Constitution provides safeguards to arrest and detention as well as Right to fair trial. Similarly under the procedural laws, a person detained by police has to be presented before a magistrate within 24 hours of the arrest or detention. Moreover, the detainees are also provided with a legal counsel in case they are not able to afford one.

Enforcement of the Convention by the judiciary and access to justice

Information relating to paragraph 19 of the concluding observations

57. At the federal level, the Ministry of Human Rights as well as ancillary institutions, such as the NCHR, are actively involved in monitoring human rights violations and ensuring compliance with international treaty obligations.

58. Furthermore, at the provincial level, each provincial government has established similar human rights departments / commissions / directorates to ensure promotion and protection of human rights in their respective regions. This includes reviewing laws and practices which are contrary to the fundamental rights guaranteed under the Constitution of Pakistan as well as those in violation of Pakistan's international obligations.

National Human Rights Commission

Information relating to paragraph 21 of the concluding observations

59. The State has taken various measures to ensure independence and effectiveness of the NCHR. It has been given the status of an independent statutory body with 175 budgetary sanctioned posts and full financial autonomy in line with the Paris Principles. It has also been empowered with some of the powers of the civil court for investigation of human rights violations including the power to summon witnesses.

60. The mechanism for dealing with complaints at NCHR has also been strengthened by notification of the Complaint Rules of NCHR in 2015.

61. The NCHR has also been strengthened by annually increasing its budgetary allocations. In the fiscal year 2018–2019, the total budget allocated to the NCHR was increased by 126% from PKR 92 million. The initial budget for 2019–2020 is PKR 93 million plus an additional allocation of PKR 20 million (a total of PKR 112 million). Competitive salaries are earmarked for the Chairman and members of the NCHR and in some instances are more than the highest-ranking members of the Government officers.

62. The NCHR's last tenure expired in May 2019. The procedure for setting up of the new commission body of the NCHR was initiated in September 2019 and after due process, names were submitted to the Cabinet and opposition to initiate consultative process to finalize the names for appointment to the new commission body. The new Chairperson and members of the NCHR, following the expiry of last Commission's tenure in May 2019 have been appointed in 2021 and the Commission has started its operations.

63. The NCHR's primary functions and powers include, among other things, conducting investigations into allegations of human rights abuse(s), either through petitions filed by individuals or institutions or through suo-moto action; reviewing existing and proposed legislation in relation to human rights principles; conducting research and advising on policy matters pertaining to the situation of human rights in Pakistan; and contributing to national human rights awareness-raising and advocacy. In addition to this, the NCHR also works in close coordination with the Global Alliance of National Human Rights Institutions (GANHRI)/ UNDP to further strengthen its functioning with an ultimate aim to address the grievances of vulnerable sections of the society.

64. The NCHR has developed the Biennial Work-plan (2019–2021) which has been used to develop terms of reference for the new NCHR and framework of cooperation between the MoHR and the NCHR. Furthermore, the annual report of the NCHR was submitted to the Parliament before expiry of the term of commission body of NCHR – the report details the various consultations, workshops, seminars, discussions, fact-finding missions, trainings held by the NCHR on various issues of human rights. The report also includes the number of

complaints received by the NCHR and *suomotu* investigations conducted of matters including the fake encounter of Naezeebullah Mehsud and murder of a transgender in Sahiwal.

65. The aforesaid report also sets out recommendations in areas of human trafficking, police torture, enforced disappearances and bonded labour. According to Annual Report 2018, the NCHR received 2,435 complaints (195 were *suomotu*), out of which 109 were from the Islamabad Capital Territory, 1,385 from Punjab, 300 from Sindh, 147 from KP, 31 from Baluchistan and 6 from other districts of Pakistan. Out of these, 1,539 complaints are in hearing, 520 are under initial investigation and 376 have been dismissed.

66. The NCHR has also formulated Policy Guidelines on Protection of Human Rights Defenders, which include their core functions, support, freedom of expression and right to information, freedom of association and peaceful assembly, freedom of movement, arbitrary and unreasonable restrictions on human rights defenders, threats and intimidation, investigation and legal action as well as the redressal mechanisms at the Federal, Provincial and District levels in 2019.

Information relating to paragraph 23 of the concluding observations

67. The Government of Pakistan considers CSOs and human rights defenders as partners in its endeavour to promote human rights and fundamental freedoms of its citizens. At the Federal Level, “The Protection of Journalists and Media Professionals Act, 2021” has been promulgated by the Parliament of Pakistan in December 2021. Now the Act is in the process of implementation. In this regard, Rules for the said Act are being drafted. Besides, independent Commission under the Act is also being formulated.

68. This law will ensure that all cases of intimidation, harassment, abduction and killing of Human Rights defenders and journalists are reported. The Commission created under the proposed legislation shall be empowered to promptly and thoroughly investigate such cases. This law will guarantee effective remedies to victims and their families including provision of witness protection.

69. At the provincial levels, all provincial governments are also taking measures to promptly and thoroughly investigate the cases of intimidation, harassment, abduction and killing of human rights defenders. No cases of missing persons, intimidation, abduction, torture, or hurt were reported in Khyber Pakhtunkhwa and no previous cases remain pending. However, there were 02 cases of murder last year. Against the 03 cases pending investigation for the offence of killing, 02 judgments have already been passed where the perpetrators have been punished for the offence of killing and in 01 judgment the offence of hurt has been established. Additionally, there are 10 cases pending trial about killing and 01 case pertaining to the offence of hurt. 12 cases pertaining to lawyers are pending trial. There are an additional 03 cases pending investigation; 2 pertaining to lawyers and 01 journalist.

70. The Government of Punjab has also promptly and thoroughly investigated cases pertaining to human rights, lawyers and journalists for the year 2020. In 2020, 20 cases were registered in which lawyers were victims. Out of these, 07 cases were of murder; 08 cases of attempted murder; and 05 cases were registered under the head of kidnapping. However, no case was registered by any aggrieved journalist or Human Rights defender.

71. With regards to welfare of journalists in the province of Khyber Pakhtunkhwa, the “Journalists Welfare Endowment Fund (Amendment) Act 2019 is already being adopted for the welfare of veteran journalists of age 60 or above in case of, *inter alia*, death or injury.

Enforced disappearances

Information relating to paragraph 25 of the concluding observations

72. The Federal Government had constituted a ‘Commission of Inquiry on Enforced Disappearances’ in March 2011 in exercise of the powers conferred upon it under Pakistan Commissions of Inquiry Act 1956 (replaced by Pakistan Commission of Inquiry Act 2017). The Commission, comprising the Chairman and two Members, is headed by a former Judge of the Supreme Court of Pakistan. The Commission of Inquiry on Enforced Disappearances serves as a legal forum for families of alleged disappeared persons to lodge complaints.

During investigation of cases, they are kept informed about progress of their cases. The hearing of the cases is done in their presence. The system is absolutely free of cost as neither there is any fee for lodging a complaint nor the complainants are required to engage lawyers to appear before the Commission. The hearings are also held at the provincial capitals with a view to save expenses of the complainants to travel to the federal capital. During investigation of cases, the Commission has been receiving full co-operation from all stake holders including Federal and Provincial Governments, Intelligence and Law Enforcing Agencies.

73. Consequent to concerted efforts and co-ordination with the stakeholders, the Commission of Inquiry on Enforced Disappearance has been able to dispose majority of the cases. The total number of cases of alleged enforced disappearances received up to August, 2021 was 8122. By August, 2021, 5853 cases were disposed. Out of the 56 cases reported in August, 2021, 45 persons were traced of which 35 were returned to their homes, 05 were found to be confined in internment centers, 04 were confined in prisons, 01 was found dead, and 11 petitions were dismissed as these were not cases of enforced disappearance. Accordingly, as of 31st August, 2021, 2269 cases of alleged enforced disappearances were pending. A total of 371 legal proceedings were held across Pakistan during August, 2021, out of which 180 were conducted in Islamabad, 72 in Lahore, 58 in Karachi and 61 in Quetta.

74. The Actions (in Aid of Civil Power) Regulations, 2011 have been formulated strictly in conformity with the international human rights standards. The abuse or misuse of force during operations has been made punishable under the Regulations. All detainees apprehended during operations are kept in declared and notified Internment Centers. The internees' cases are being regularly reviewed by the Oversight Boards notified by the Provincial Governments. Comprehensive provisions including welfare of detainees, de-radicalization, release, and disposal of cases are contained in the law. Moreover, the medical condition of the detainees' hygiene and mental health is given due consideration. Moreover, Government of Pakistan has introduced the Enforced or Involuntary Disappearances (Criminal Law Amendment) Bill, 2021 in the National Assembly on 7th June 2021. The National Assembly subsequently passed the Bill on 8th November, 2021. The proposed Bill has been advanced for further legislative process in the Parliament.

Monitoring of places of detention

Information relating to paragraph 27 (a) of the concluding observations

75. The provincial Prisons Departments have taken measures to ensure good control of prisoners by strengthening the dynamic component of the security. All the Superintendent Jails have already been directed to adopt zero tolerance policy against the torture. Moreover, in 2020, the Ministry of Human Rights under the directions of Islamabad High Court, prepared a report to review the status of prison conditions in Pakistan. The report also looked into the situation of overcrowding in prisons. The Commission has given comprehensive recommendations to all prisons in Pakistan to ensure comprehensive steps for betterment and welfare of prisons including to adopt zero tolerance policy against torture.

Information relating to paragraph 27 (b) of the concluding observations

76. District & Session Judges do inspect prison of their territorial jurisdiction. Surprise inspections of I.G and DIG Prisons and are common practice to ensure compliance with laws and prison manuals.

77. Prisons Department Punjab also ensures surveillance of the inmates and deters the excesses of the officials. Various officers of the Punjab Human Rights & Minority Affairs Department have been authorized to make unannounced visits of the Prisons in Punjab. 09 visits have been conducted in District Jail, Sheikhpura, District Jail, Toba Tek Singh, Central Jail, Lahore, Borstal & Juvenile Institution, Bahawalpur, Central Jail, Bahawalpur, Camp Jail, Lahore, Central Jail, Faisalabad and Central Jail, Gujranwala. Improvements have been made in the Central Jail, Lahore on the recommendations of Punjab Human Rights & Minority Affairs Department. These include on-going construction of 7 new wards for mentally ailing prisoners, posting of senior psychologist & junior psychologists for treatment of mentally ailing persons. Engaging psychologists from outside hospitals for regular visits,

provision of alternate menu for non-Muslims according to their faith have been reflected in menu displays clearly, and provision of weather appropriate uniform to prisoners. All prison officers are being sensitized regularly about visits of Prisons by Human Rights Officers for better understanding and coordination in the public's best interests.

78. Detail Prison Report prepared by Commission Constituted under the instructions of honourable Islamabad High Court is at <http://www.mohr.gov.pk/SiteImage/Misc/files/PrisonsReforminPakistan.pdf>.

Information relating to paragraph 27 (c) of the concluding observations

79. Like other democratic countries, decision to become party to any international treaty or its Optional Protocol is taken after comprehensive discussions and deliberations amongst all stake holders. The proposal to ratify the Optional Protocol to the CAT is still undergoing internal discussions.

Conditions of detention

Information relating to paragraph 29 (a) of the concluding observations

80. The Government has taken various measures to ensure cases of death in custody are promptly and effectively investigated. In the event of any death in prisons, under Pakistan Prisons Rule 1978, Rule 735, the Judicial Magistrate conducts inquiry to determine the cause of death. The inquest report is submitted to all stakeholders including trial court, appellate court, Home Secretary and I.G Prisons. The same is the case at the district level as well, as cases of deaths in custody are thoroughly investigated by the relevant District Judicial Magistrates. It is pertinent to highlight that from 2018 to 2021, no case of death in custody was reported in Sindh. Meanwhile, only 1 case was reported in KPK from 2019 to 2021 and the perpetrators were held to account. Similarly, no deaths in police custody occurred in Punjab and Balochistan. Concurrently, instances of torture by police throughout Pakistan are reported, thoroughly investigated and the perpetrators are punished. Under the Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill, 2021, punishments under the offenses of custodial death and torture are being enhanced.

Information relating to paragraph 29 (b) of the concluding observations

81. District Complaint Cells have been established to probe such issues. The Punjab Prisons has already established an independent and confidential complaints system in all prisons as well as Inspectorate of Prisons Punjab for the redressal of grievances of general public.

82. Grievances of the public are directly reviewed by the I.G. Prisons and necessary directions are passed at the spot. In addition to this all the superintendent Jails across the country have been directed to daily sit at least for 01 hour outside their respective jails at some convenient place and redress the grievances of the general prison population. Complaint boxes have been fixed inside as well as outside Jail to develop the direct communication among the inmates, and the keys of complaint boxes are not with jail administration. However, the Superintendent Jail conducts a daily visit of the jail and hears out the complaints of prisoners. If any complaint of physical assault is received, disciplinary action is taken against the official / officer or prisoner who is found guilty of any such activity. Surprise inspections of DIG Prisons and I.G. Prisons also help in the surveillance of the inmates and to deter the excesses of the officials. For example, complaints on police officials involved in torture in Punjab Prisons were identified as a result of confidential complaint system. In 2020–2021, 12 police officials faced major and minor punishments as a result of the complaint redressal system. Similarly, 24 police officials in KPK were punished under complaints of torture. Similarly, police in Sindh and Baluchistan are also punished under the complaint redressal system.

Information relating to paragraph 29 (c) of the concluding observations

83. In 2020, the Ministry of Human Rights under the directions of Islamabad High Court, prepared a report to review the status of prison conditions in Pakistan. The report also looked

into the situation of overcrowding in prisons. The data collected revealed that currently the prison population in Pakistan is approximately 77,000 inmates.

84. As compared to the total population, the overall authorized capacity of prisons across Pakistan is only for 56,634 inmates. However, all females are provided with cots for sleeping, and there is no issue of overcrowding in female barracks / prisons. In Punjab alone, 29 out of the 41 prisons are overcrowded, whereas in Sindh, 8 prisons are overcrowded.

85. In order to address this issue, the respective departments/ ministries have been taking several steps. In Punjab, between 2012 and 2018, 08 District Jails, 01 High Security Prison and 01 Sub Jail have been constructed. Construction of 02 new jails i.e. District Jail Lodhran and High Security Prison Mianwali are also underway. Additionally, conversion of 02 judicial locks ups in to sub jails is also in process. These steps will further reduce the overcrowding from 42% to 30%.

86. With respect to alternate measures to imprisonment, the Government of Punjab is reducing overcrowding by release of prisoners on parole and release of prisoners involved in petty crimes on furnishing of security bonds. The conversion of the Directorate of Parole and probation into Probation and Parole Service is also complete and implementation of the new Parole Act 2019 & amendments in Good Conduct Prisoners' Probation Release Act 1926 (approved by Provincial Cabinet) will be carried out soon. The drafting of Parole Rules under the aforesaid Act has been completed and a Parole Board has been constituted. Amendments in Probation of Offenders Ordinance 1960 have also been approved by Provincial Cabinet.

87. The issue of overcrowding in the jails in KPK and Baluchistan has been progressively addressed. In KPK recently Peshawar jail has become functional and Swat jail would also become functional soon. In order to ensure that there is no overcrowding, Camp Courts are held on each Friday by Judicial Magistrates for disposal of petty nature cases. Some 2,860 cases have been disposed off through these camp courts. Moreover, 29 poor and convicted prisoners were released upon payment of Diyat (i.e. financial compensation). The Prisons Department KPK has also carried out a census and identified prisoners that can be released on parole. In addition to the foregoing, the Prisoners Management Information System (PMIS) has been installed in 14 jails in Khyber Pakhtunkhwa, wherein 6 modules of prison record, hospital record, store inventory and staff record have been digitized.

88. In Sindh, construction of several prisons is underway. The District Prison Malir is being extended to strengthen the existing compound wall. New Prisons are planned in Thatta District with a capacity of 500 prisoners. Moreover, construction of additional 10 new barracks is underway in Malir Prison Karachi and construction of additional 04 new barracks is underway in District Prison Shikarpur. The Sindh Prisons and Correction Services Act, 2019 has been promulgated to safeguard the fundamental rights of all prisoners, and ensure that they are given safe custody, and assisting them with rehabilitation into society as law-abiding citizens. Under the Act, the Provincial Government had begun the process of releasing elderly offenders who had served half of their sentences and those who were gravely ill but had not been guilty of any serious crime or terrorism.

Information relating to paragraph 29 (d) of the concluding observations

89. In 2020, the MoHR under the directions of Islamabad High Court, prepared a report to review the status of prison conditions in Pakistan and to bring the condition of prisons in line with the Nelson Mandela Rules. The report contained several recommendations to the relevant prison authorities to make prison conditions more humane.

90. Additionally, a study was also carried out by a Committee created by the Prime Minister under the leadership of the MoHR to look into the plight of female prisoners in Pakistan and review prison rules in light of the Bangkok Rules.

91. The report of the Committee contained findings and submitted recommendations to improve the situation of women in prisons, which included fast tracking revision of existing laws in line with international standards, reducing the under-trial population of prisoners in Pakistan, development of sentencing alternatives and post-release programs for these women, combating issues of mental health and training of prison staff to treat these prisoners in a more humane manner. The report made specific references to certain provisions in the

Pakistan Prison Rules 1978 and identified how they can be revised in light of international standards.

92. The Committee also noted that 66.7% of the total female prison population comprised of UTPs, noting the urgent need to address this issue. The report recognized that some women may have additional parental responsibilities and the same must be considered at the time of sending these women to prisons. Furthermore, the Supreme Court gave the directions in April 2020 to release certain prisoners due to the COVID pandemic concerns. These included under-trial female prisoners. The criteria upheld by the Supreme Court included all “Accused persons charged for offences under non prohibitory clauses or under vagrancy law or offences carrying less than three years sentence may be considered for bail and the benefit shall be extended to all women/juvenile UTPs.” The Committee also recommended the release and pardon of the 15 foreign women prisoners in jail. Approximately 450 female and juvenile inmates that fulfilled such criteria have been considered for release.

93. The Sindh Prisons and Corrections Services Act 2019 was passed on 11th June 2019 and Sindh Prison Rules were revised and notified on 14th May 2020. These laws have introduced a new legal scheme that is gender sensitive and provides for progressive rules on admissions, classifications, rehabilitative initiatives, and other entitlements. Punjab is also currently reviewing and revising its Prison Act and Rules, which are at a final stage.

94. In Sindh, for example, medical officers are posted at each prison for providing health facilities to the prisoners. Furthermore, specialists of various diseases from the Sindh Health Department also visit prisons on a weekly / fortnightly basis to examine prisoners and provide requisite health services.

95. Furthermore, the Pakistan Prison Rules, 1978 contain provisions for adequate medical assistance to be provided to all prisoners irrespective of their sentence, including death row prisoners. The Rules state that all prison departments across Pakistan should be adequately equipped and staffed with medical officers and psychologists. According to ‘Prison Reforms in Pakistan Report’, Punjab has 42 medical officers and 37 psychologists, Sindh has 17 medical officers, Khyber Pakhtunkhwa has 17 medical officers and 09 psychologists and Balochistan has 09 medical officers in the province.

Information relating to paragraph 29 (e) of the concluding observations

96. According to Chapter 9, Rules 227 and 231 of the “Classification and Separation of Prisoners” under the Pakistan Prison Rules 1978, the pre-trial detainees are held separately from convicts, women from men and minors from adults.

97. In Punjab, all the Detention Centers, Jails, Prisons have separate cells of male and female. One Women Jail for keeping female prisoners is functioning at Multan. In other Jails, one special portion is set-apart for keeping female prisoners. Female block is administered by female staff. No male staff member is allowed to enter into female block. After conviction, these female prisoners are shifted to Women Jail, Multan, Central Jail Sahiwal, Central Jail Lahore, Central Jail Rawalpindi, Central Jail Gujranwala, District Jail Faisalabad, as the case may be.

98. Due to the recent developments in law pertaining to rape and sexual offences, amendments in PPC and CrPC, as well as judgments by the superior courts are making a positive impact. Punjab Women Helpline 1043 received 5,530 total number of calls during the year 2020 on Violence / Torture including rape, sexual abuse, while in 2019 number of calls were 9,316. This shows some decrease in the VAW.

99. Punjab Commission on the Status of Women Helpline 1043 is actively working to address women related issues.

Information relating to paragraph 29 (f) of the concluding observations

100. The Government of Pakistan is committed to ensuring the safety of citizens and no person is placed under solitary confinement in Prisons across Pakistan.

Information relating to paragraph 29 (e) of the concluding observations

101. In Punjab and other provincial governments including Sindh, KPK and Baluchistan, the Superintendent Jail has no power to impose bar fetters to any prisoner. However, the bar fetters are imposed for the safe custody of those prisoners who are involved in heinous crimes after approval from the Inspector General of Prisons Punjab, Lahore subject to concurrence of learned District & Session Judge concerned.

Violence against women and so-called “honour killings”

Information relating to paragraph 31 (a) of the concluding observations

102. A number of laws have been enacted in recent years ensuring that violence against women in any form is curbed to the maximum extent possible. These laws include:

- Protection Against Harassment of Women at Workplace Act, 2010
- Criminal Law (Second Amendment) Act, 2011 (Acid Control and Acid Crime Act)
- Criminal Law (Third Amendment) Act, 2011 (Anti Women Practices Act)
- The Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016
- Criminal Laws Amendment (offences related to Honor Killing) Act, 2016
- The Enforcement of Women’s Property Rights Act, 2020
- Provincial Domestic Violence Acts.

103. Moreover, Government of Pakistan has promulgated Anti-Rape (Investigation and Trial) Ordinance, 2020. Special Courts will be established under Section 3 of the Ordinance. Judges of these Courts shall have the same powers as the Court of Sessions. Anti-Rape Crisis Cells shall be established in relation to offences. Crisis Cell will conduct medico-legal examination within six 6 hours from the time of receipt of information from police. Legal assistance will be provided to victims of rape through the Legal Aid and Justice Authority, established under the Legal Aid and Justice Authority Act, 2020. Under the Ordinance the Court shall decide the case preferably within four months.

104. Government of Pakistan has also amended The Protection against Harassment of women at the Workplace (Amendment) Act, 2022. According to amendment Act, the definition of harassment has been extended. The definition of employee also has been extended and it has included a student, a performer, an artist, a sports person, an intern, a domestic worker and home-based worker as well. Under the amended Act the definition of workplace also has been expanded, now educational institutions, gigs, concerts, studios, performance facilities, courts, high ways and supporting facilities have also been included. Moreover, the definition of hostile environment also amended and new legislation it includes discriminatory and pre-judicial mind set or notion resulting in discriminatory behaviour on basis of gender.

105. Focus has now shifted towards the effective implementation of the aforesaid laws to ensure that crimes of violence against women are eradicated in Pakistan. In addition to the above, a number of laws are pending at the drafting stage, providing protections and other basic rights to women, and shall be enacted at the earliest. Such draft bills include the following:

- Reproductive Health Care and Rights Bill 2013
- The ICT Domestic Violence (Prevention and Protection) Bill, 2020.

106. Khyber Pakhtunkhwa Commission on the Status of Women assisted the provincial government in the drafting and finalization of the Domestic Violence against women (Prevention and Protection) Act 2021 which was passed in January 2021. Under the law, protection committees are to be organized which will assist in identification of women facing violence and access to legal, psychological and shelter services of women survivors of violence. It is pertinent to highlight that KPK Commission on Status of Women was approached by 25 aggrieved women facing various forms of violence. KPCSW with the assistance of Police Dispute Resolution resolved the cases. Moreover, provisions of the PPC

are part of the Basic and Service Training Courses for Police Officers as well as School of Investigation. Each Police Station and District Police Office have female Police Officer's Desk to attend to female complainants. The cases against women are immediately reported to the Inspector General of Police, KP and they are pursued in courts through District Public Prosecutors. Women victims and witnesses are the responsibility of the Police Stations under the District Police Officers and are supervised by the chain of command. Seminars and Special Training Courses have been designed for police officials dealing with investigation of cases relating to women. Periodic visits to schools, colleges, universities and general public are being held to create awareness and educate people about how and where to report cases of violence against women.

Information relating to paragraph 31 (b) of the concluding observations

107. Gender Crime Cell at the National Police Bureau compiles data on crimes against women including sexual violence, acid throwing, domestic violence, honour killing, and harassment at the workplace and law enforcement agencies use this statistical data to make relevant policies for the protection of women's rights, monitor implementation of laws and to make effective arrangements for their enforcement. The data is compiled from multiple sources including registered cases in police stations (FIRs), registered court cases and news reports on crimes against women. According to its data, since January, 2018 to June 2021, a total 1710 honour Killing cases, 6527 murder cases and 14456 rape cases were reported in the country. Steps to curb the GBV include following:

(a) **Access to Justice/Legal Assistance:** To ensure the necessary legal assistance and support to women and ensure their access to provide legal remedies, the Legal Aid and Justice Authority Act, 2020 has been enacted which provides legal, financial and other assistance for access to justice to the poor and vulnerable segments of society in criminal cases and for matters ancillary thereto. The Legal Aid Authority under the said Act has been established and fully functional. The Board of Governors of the Authority has been notified. The Director General of the Authority has been appointed who is the administrative head of the Authority. The Government of Pakistan has also established a statutory endowment fund called the Access to Justice Development Fund (AJDF). One of the objectives of the AJDF is legal empowerment by providing funding under the Legal Empowerment Fund Window, a share of which is utilized for free legal aid/assistance to deserving litigants. The funds are provided through District Legal Empowerment Committees (DLEC). Till date, an amount of PKR 60 Million has been released to DLECs established in 114 Districts across the country and legal assistance granted to 2832 deserving litigants across Pakistan. Furthermore, the MoHR Human Rights Relief and Revolving Fund provides financial assistance of up to PKR 50,000 to deserving and needy women. The Women in Distress and Detention Fund provides rehabilitation to women released from incarceration and shelters/crisis centres - an amount of PKR. 46 Million is available with MoHR for disbursement under this head. At the provincial level, in Sindh, the Women Development Department has undertaken extensive province wise Alternative Dispute Resolution (ADR) programs for women in collaboration with Karachi Centre for Dispute Resolution and pro bono lawyers. Around 1200 women were given ADR support to resolve civil & family disputes. Furthermore, free legal aid and advisory services are being provided through the public private partnership mode (with LAS) in 11 Districts of Sindh. Four crisis centres are also giving out legal aid, with dedicated panels of pro bono lawyers. The Social Welfare Department, Balochistan provides free legal aid and financial compensation to victims of discrimination, women with disabilities and religious minorities. The Punjab Bar Council's Legal Aid Society provides legal aid to marginalized men and women.

(b) **Courts:** Furthermore, the National Judicial (Policy Making) Committee has directed Pakistan's high courts to set up 116 separate courts across the country to hear cases of gender-based violence (GBV), cases would be assigned to session or additional session judges trained by the Punjab Judicial Academy (PJA) in collaboration with Asian Development Bank. Furthermore, 16 separate family court complexes have been established in the District Headquarters of Punjab and the Lahore High Court has inaugurated Pakistan's first Gender Based Violence Court in 2016. The number of GBV Courts designated in province of Punjab are 36 and the number of judicial officers assigned to GBV cases are 36. In province of Sindh, 27 courts have been designated as GBV Courts and the number of

judicial officers assigned to GBV cases are 46. In KPK, the number of designated GBV courts are 29, and number of judicial officers assigned to GBV cases are 32. In Province of Balochistan, there is one GBV court and 1 judicial officer assigned to GBV cases. In Islamabad Capital Territory (ICT), 2 GBV courts have been designated and one judicial officer has been assigned to GBV cases.

(c) **Police Stations/Desks:** Women friendly helpdesks have been established at 98% of all Police Stations across Punjab and there are three women police stations (at Lahore, Rawalpindi, and Faisalabad). All Islamabad police stations have women's helpdesks. Human rights and women rights desks have also been established in police stations in over 15 districts in KP. The KP Integrated Victim Support Network has also been set up to link up a network of relevant services providers (police, hospital, social welfare shelters, etc) which is to be introduced in five districts – Swat, Peshawar, Mardan, Charsadda, Abbottabad. Meanwhile in Sindh and Baluchistan, District Complaint Cells, Women Complaint Cells, Safe Houses, Police Helplines and Police Stations have mechanisms to deal exclusively with women related issues. Sindh also has a helpline (0800-70806) and the Sindh Legal Advisory Call Centre to provide legal advice to women and victims of gender-based violence. Meanwhile, in January 2021, the Baluchistan government launched 'Baluchistan Women Helpline: 1089' for registration of complaints against women harassment at home and work place. The women could register their complaints on the helpline regarding harassment, domestic violence, harassment at work place and property issues.

(d) **Shelters:** Various shelters homes (Dar ul Amans), women crisis centres and safe houses are functional at the federal and provincial level to provide residence and rehabilitation to marginalized women. The Women's Shelter working under MoHR provides shelter to women and children. In the ICT, a Family Protection & Rehabilitation Centre for Women (FPRCW) has also been established, which provides counselling, legal, and medical aid to women. Services available at FPRCW include psycho social, and legal counselling, individual and group therapy to overcome depression and trauma, medical and legal aid, outreach visits, reconciliation, reintegration and social rehabilitation. FPRCW also provides temporary accommodation and food, basic education, professional vocational training and runs its own toll-free helpline service (111-12-13-14). In Balochistan, three Shaheed Benazir Bhutto Centres for Women (SBBCW) are functional at Sibi, Khuzdar, and Quetta and three more centres are being established at Ketch, Loralai, and Naseerabad districts. In addition, Dar-ul-Aman shelters are also facilitating hundreds of women each year. Besides, a 50-bed old home for women is also under construction in Baluchistan. Similarly, the government of Sindh has established Women Complaint Centers (WCC) and Shaheed Benazir Bhutto Centres for Women through which, during last two years, more than 500 victims of domestic violence and honor killing rape, acid throwing, child custody and dissolution of marriage have been given legal aid and socio-psychological counselling. They have also provided 154 women with psycho-social counselling in cases of violence, 150 women received psycho-therapeutic counselling, 64 received legal counselling and 27 received free legal aid. Seven complaint cells have also been established to respond to victims of gender-based violence. In addition, safe homes and protection centers have also been established at district level in Sindh under the supervision of the Deputy Commissioners of the districts to provide shelter and relief to women victims of violence. In Punjab, women survivors of violence are provided with shelter, welfare and rehabilitation services in women's shelters (Dar-ul-amans) in all 36 districts. A systematic research on shelter homes by the PCSW shows marked improvement in the services being delivered by these Dar-ul-amans, including legal, health and psychological services. A Violence against Women Centre (VAWC) in Multan was established in March 2017, at the cost of PKR 232 million. The center provides 24/7 services including but not limited to first aid, police reporting, FIR lodging, prosecution, medical examination, forensics and post-trauma rehabilitation under one roof. All these facilities are run and managed by female staff. The project was initially estimated to provide protective and rehabilitation services to 1200 women a year, but has already catered to 3078 victims in the last two years. The staff at that center is trained to provide professional services to victims of offences such as domestic violence, rape, and harassment and family disputes. The Provincial Government of KP has established four female shelter homes in districts Peshawar, Mardan, Swat and Abbottabad while two additional shelter homes are being established in Haripur and Mansehra. The Social Welfare Department is also running nine welfare homes

for destitute and orphan children. There are two welfare homes dedicated to female children in districts Nowshera and Malakand. KPCSW conducted monitoring visits to DarulAmans/women shelters in Peshawar and Swat. The UN Women and Social Welfare and Women Empowerment Department were supported in review and revision of SOPs for DarulAmans/women shelter homes through a one-day workshop.

(e) **Medical Assistance:** NCSW has lobbied with provincial governments for the establishment of a one window facility for women victims of violence in all major hospital across the country. Government of Sindh has sent directives to all districts to establish one window facilities for women victims of violence – two hospitals located in Karachi and Khairpur have been established. Under these facilities, efforts are being made to ensure that such facilities are provided across the country.

(f) **Helplines:** To provide legal advice on human rights violations, the Ministry of Human Rights has established a helpline (1099). Similar helplines have also been established at the provincial level. KP has established a toll-free helpline BOLO (Speak) for the assistance of survivors of GBV and women with disabilities. Punjab has also established a women’s helpline (1043) to provide a platform to register their complaints and grievances. Public Prosecution Department Punjab has established 17 Legal Advice Centres for women at the district level, where female prosecutors provide legal aid. Sindh also has a helpline (0800-70806) and the Sindh Legal Advisory Call Centre to provide legal advice to women and victims of gender-based violence. In January 2021, the Baluchistan government launched ‘Baluchistan Women Helpline: 1089’ for registration of complaints against women harassment at home and workplace.

(g) **Special Committees:** Under the Anti-rape (Investigation and Trial) Ordinance, 2020, Ministry of Law & Justice shall appoint special committee comprising such members as it may deem fit on pro bono or honorary basis. The committee shall take all necessary steps for the effective compliance of the Ordinance. The committee may seek information or require the performance of actions by officers of the Federal and Provincial authorities.

Information relating to paragraph 31 (c) of the concluding observations

108. Under the Protection of Women Act, 2005 offence of honour killing is enumerated as fasad-fil-arz, for which the court may not allow the sentence to be waived or compounded by the blood relatives of the victim. The perpetrators of the crime cannot get escape from the punishment. Under section 311 of PPC, the courts can award punishment as a Tazir (secular punishment), even if the legal heirs of the deceased pardon the killer under Qisas and Diyat law.

109. In 2012, the NCSW filed a petition before the Supreme Court of Pakistan regarding Jirgas and Panchayats. A general declaration with regard to the legality of this informal system was sought with the prayer to declare it illegal and ultra vires of the Constitution of Pakistan and its provisions ensuring the dignity, life and liberty of a human. The NCSW pursued the case vigorously since 2012 and as a result Jirga / Panchayat or parallel legal justice system was declared illegal, null and void by the Supreme Court in January 2019.

110. As a follow up to the above judgment, provincial governments are developing policy guidelines and SOPs

Information relating to paragraph 31 (d) of the concluding observations

111. Violence against women and girls includes physical, sexual, psychological, emotional, political and economic abuse and exploitation. The State has enacted various legislations to address different forms of violence like harassment, deprivation from inheritance, domestic violence, acid throwing, rape etc. Specific laws to address domestic violence exist in all provinces except ICT and Khyber Pakhtunkhwa (KP). In KP, the Domestic Violence Bill has been approved by the Cabinet and has been forwarded to the Provincial Assembly by the Law Department and shall be notified after floor discussion in the Provincial Assembly. Once the Domestic Violence Bill is enacted, a proper mechanism will be laid down in the province to help survivors and victims of domestic violence as well as to prosecute and punish the accused persons.

112. In Sindh, the Domestic Violence (Protection and Prevention) Act was passed in 2013; Balochistan has promulgated the Balochistan Domestic Violence (Prevention and Protection) Act, 2014 and Punjab has enacted the Punjab Protection of Women against Violence Act, 2016. These laws aim to protect women from instances of domestic, sexual, psychological and economic abuse, stalking and cybercrime.

113. KPCSW, in collaboration with ShirkatGah, held Policy consultations with six parliamentarians and civil society organizations on Child/Early Marriage to advocate for the KP Child Marriage Restraint Bill. KPCSW reviewed the KP Govt. Labour Policy 2018 from a Gender Perspective and is part on the Task Force of the Members of Provincial Assembly and Labour Department for drafting the Home-based Workers Bill to ensure that women workers are protected from violence and exploitation. Moreover, Government has also promulgated Anti Rape (Investigation and Trial) Ordinance, 2020, details are at para. 103.

Information relating to paragraph 31 (e) of the concluding observations

114. In 2016, the GoP introduced amendments in the criminal laws including Pakistan Penal Code 1860, Code of Criminal Procedure 1898, and Qanun-e-Shahadat Order 1984 and enacted the Criminal Law (Amendment) (Offences in the name or on pretext of honour) Act, 2016 and Criminal Laws Amendment (Offences relating to Rape) Act, 2016. The GoP is also conducting extensive awareness campaigns and training of law enforcement agencies to effectively implement these laws. Moreover, Police Stations, Helplines, Women Complaint Centers, and designated Women Desks at Police Stations also aid and assist in monitoring and implementing laws, including domestic violence laws and laws against honor killing, rape, etc.

115. Furthermore, the Gender Crime Cell at the National Police Bureau compiles data on crimes against women including sexual violence, acid throwing, domestic violence, honor killing, and harassment at the workplace and law enforcement agencies use this statistical data to make relevant policies for the protection of women's rights, monitor implementation of laws and to make effective arrangements for their enforcement. The data is compiled from multiple sources including registered cases in police stations (FIRs), registered court cases and news reports on crimes against women.

116. The NCSW has an overarching role of monitoring, examining and analyzing the relevant government policies in respect of the women's rights situation in the country, including violence against women. Using a systemic approach, NCSW has developed standardized indicators on VAW, and on the basis of these indicators, a template has been developed and shared with Gender Crime Cell at the National Police Bureau with the request to provide information on a quarterly basis on reported cases of VAW from all over Pakistan.

117. NCSW also undertakes visits to prisons as part of its monitoring process to document the number of female prisoners in jails, nature of their crimes and necessary follow up with the intention to carry out a research study and develop a data bank on female prisoners. NCSW is also working in collaboration with MoHR to develop indicators (including for domestic violence) for the Human Rights Management Information System (HRMIS) that will assist the State in policy making.

118. NCSW has noted with concern that the only type of domestic violence being recognized is spousal violence. The Pakistan Demographic Health Survey (PDHS) reports that 34% of married women have experienced spousal, physical, sexual or emotional abuse. The most common type of spousal violence is emotional violence (26%) followed by physical violence (23%). As a result, the draft Domestic Violence Bill is currently under consideration in Parliament which proposes to expand the definition of 'domestic violence'.

119. NCSW has also been monitoring the incidence of acid crimes in the country in collaboration with an NGO called Acid Survivors Foundation – there has been a 50% reduction in acid crimes and the rate of reporting on acid crimes has increased under the amendment Acid Crime Law (2011). NCSW is also monitoring the implementation of the Cyber Crime Act, 2016, especially when women victims are involved. NCSW has also conducted a research study on the access to justice for victims of sexual assault under the Women Protection Act, 2006 – the study conducts an in-depth analysis of randomly selected rape cases tried in Lahore and Islamabad High Courts.

120. Active enforcement of anti-rape laws to deal with cases of rape of minors has been witnessed country-wise. For instance, in KP, in a case of alleged rape and murder of a minor girl in District Nowshera from KP in January 2020 and for a similar case in Hangu reported in February 2020, the culprits were successfully arrested. Similarly, convicts in a rape and murder case of a minor girl from District Mardan were handed life imprisonment by an anti-terrorism court in 2018. Moreover, in a landmark initiative, the KP Government has notified Child Courts in the Province. Similarly, Peshawar High Courts have recently notified twenty-one of its Judicial Officers to deal with cases of Gender Based Violence until GBV Courts are notified.

121. Khyber Pakhtunkhwa Government has taken some measures to approve laws, e.g. amending legislation on Harassment of Women at Workplace Act 2010 to remove the lacuna in the establishment and operationalization of office of Ombudsperson under the law in 2018, enactment of Enforcement of Women's Property Rights Act, 2019 and revamping the Khyber Pakhtunkhwa Commission on the Status of Women Act, 2009 to give the Commission financial and administrative autonomy.

Trafficking and forced labour

Information relating to paragraph 33 (a) of the concluding observations

122. At the federal level, 02 new acts i.e. Prevention of Trafficking in Persons Act, 2018 and Prevention of Smuggling of Migrants Act, 2018 have been promulgated to prevent and combat trafficking in persons especially women, children and curb the human trafficking and smuggling of migrants by land, sea and by air. This has brought Pakistan's domestic legal framework in line with international best practices and standards. The perpetrators under aforesaid new acts are prosecuted and convicted with the sentences commensurate with the gravity of the crimes.

123. Section 3(2) of Prevention of Trafficking in Persons Act, 2018 describes punishment for the persons involved in trafficking in persons. The said section is reproduced below; *"If the offence of Trafficking in Persons under sub section (1) is committed against a child or a woman, the person who commits the offence shall be punished with imprisonment which may extend to ten years and which shall not be less than two years or with fine which may extend to one million rupees or with both."*

124. Section 4 of Trafficking in Person Act 2018, relates to aggravating circumstances like infliction of serious injury, life-threatening illness or death of the victim or another person; activity of an organized criminal group; confiscation or destruction of any travel document of the victim; or repetition of the offence by the same offender. In these cases, the offender shall be punishable with imprisonment which may extend to fourteen years and which shall not be less than three years and fine which may extend to two million rupees.

125. FIA, in collaboration with UNODC, have drafted Rules for both the aforesaid laws. These rules provide elaborate procedure for operationalization of the above laws. During review phase the rules were circulated to FIA Zonal Directorates, MOFA, MOI, MoHR, Women Development Department, Provincial IGs Police, Child Protection Bureau, Social Welfare Department and members of IATF. The rules were approved by the Cabinet on January 12, 2020.

126. In order to curb the issue of migrant smuggling, Bureau of Emigration and Overseas Employment (BE&OE) takes action against those OEPs who violate terms and conditions laid down in Emigration Ordinance 1979 and Rules made thereto and / or subject to individual complaints received against them.

127. The BE&OE has enforced migration rules on recruiting agents. Moreover BE&OE initiated an awareness campaign for safe and legal migration of Pakistani citizens through print electronic and social media to educate intending emigrants about legal migration process. The BE&OE also shared more than 900 cases with FIA for necessary action against illegal recruiters whereas BO&OE cancelled 50 and suspended 19 licenses in the last 04 years.

128. The FIA has established an Immigration Wing to regulate the exit from and entry into Pakistan of passengers travelling from and arriving into the country through 26 notified

immigration check posts. The FIA has enhanced its capacity to intercept any illegal smuggling on the notified points by instalment of equipment to check documents fraud / forgery and has also done extensive training of staff to detect illegal smuggling through use of forged documents.

129. FIA is using advance technology like Integrated Border Management System (IBMS) at all FIA Immigration Check Posts (Entry/ Exit Point like UN Light, Magnifying Glass, Scanners, and CCTV Cameras) to combat human trafficking.

130. FIA has also established Research & Analysis Centre (RAC) at FIA HQ to analyse the latest trends and latest routes being adopted by illegal immigrants. FIA and Police showed significant improvement to register cases under new trafficking laws in addition to PPC and provided necessary support to victims as per their needs. The provincial police reported 15 cases and 2 convictions in trafficking cases during 2020. The FIA registered 18 cases under the Prevention of Trafficking in Persons Act, 2018 and reported 26 men and 04 women human traffickers and 16 men, 7 women victims of trafficking. 08 cases have been challenged, 8 are under trial and 10 cases are under investigation. 03 accused were convicted in 02 cases. This is significant progress as compared to 2019.

131. FIA has also established 26 Anti Human Trafficking Circles and Police Stations in 07 FIA Zonal Directorates to investigate and prosecute human traffickers. 6 international cases of human trafficking were successfully prosecuted whereby all accused were arrested and victims were brought back to Pakistan and reunited with their families.

132. In these cases, apart from identifying 23 victims of trafficking, FIA referred 6 of them for legal assistance and assistance was also provided to female victims of trafficking abroad. The international trafficking cases were dealt by FIA's link office in Muscat which provided multiple services to victims of human trafficking.

133. FIA is an active member of an Inter-Agency Task Force (IATF) established to coordinate the efforts of different Federal and Provincial Agencies to curb the menace of human trafficking and illegal immigration through porous western border. In 2020, Inter-Agency Task Force (IATF) intercepted 1,524 individuals during the reporting period in HTMS-associated illegal border interventions. Intensive crackdown against human traffickers by Provincial Police forces led to significant decline in trafficking within the country. Efficient and alert law enforcement response got the accused arrested and rescued the victims to safety.

134. FIA has also established 24/7 helpline for complaints and support. National Action Plan 2020 -2025 was prepared by FIA , with assistance of UNODC. The plan provides a blueprint that FIA will use to coordinate action and track results against human trafficking. It will also provide a structure and a sequence of actions to achieve the goals outlined by the agency in conjunction with the recommendations from international partners.

135. The P5 Strategy (Prevent, Protect, Partnership, Pursue and Prosecute) will enable FIA to clearly illustrate its primary objectives, key performance indicators and commitment to a victim centered approach with a clear mandate to pursue and prosecute criminals, traffickers and migrant smugglers, both in Pakistan and internationally. The Link offices in Greece, Oman and Iran played an active role in identifying and referring victims of human smuggling and trafficking. Link office Oman timely acted on complaint of 7 victims of trafficking and rescued them and got the accused arrested.

136. In collaboration with UNODC, FIA organized anti-trafficking specific training for female investigation officers from police and FIA. Focus of the training was to have specialized female investigation officers well versed with investigation of trafficking crimes, victims' special needs, need for victim referral and rehabilitation. Pakistan has entered into following bilateral, multilateral or regional law enforcement cooperation with other countries related to Human Trafficking.

137. Pakistan has bilateral Human Trafficking related Law Enforcement Cooperation with Australia, Azerbaijan, Oman and the UK; trilateral agreements between Iran – Turkey – Pakistan and Pakistan – Greece – Turkey; and Quadrilateral agreements exist between Pakistan – Afghanistan – Iran – Turkey, and Pakistan – Greece – Iran – Turkey.

138. At the federal and provincial level, various initiatives are being undertaken to eradicate and combat domestic drivers of trafficking and forced labour. The GoP has also launched “Ehsaas” program, the objective of which is to reduce inequality, invest in people, and lift lagging districts. The program is for the extreme poor, orphans, widows, the homeless, the disabled, those who risk medical impoverishment, for the jobless, for poor farmers, for labourers, for the sick and undernourished; for students from low-income backgrounds and for poor women and elderly citizens including minorities. During the last one and half years July 2020 to December, 2021 under EhsaasKafaalat Regular Payment Total beneficiaries served 10,528,494 and Total withdrawal (in Pak Rs. million) 128,426.

Information relating to paragraph 33 (b) of the concluding observations

139. Government of Pakistan has also amended The Protection against Harassment of Women at the Workplace (Amendment) Act, 2022. According to amendment Act, the definition of harassment has been extended. The definition of employee also has been extended as well and it has included a domestic worker and home-based worker as well. Moreover, Child Domestic Labour has been inserted in the list of occupations listed in Part-I of the Schedule of the Employment of Children’s Act, 1991 with the approval of the Cabinet on 16th June, 2020. A notification had been issued on 30th July, 2020.

140. At provincial level, the Government of Khyber Pakhtunkhwa has enacted “The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015” for the elimination of the bonded labour.

141. According to the aforesaid law, any person who compels to render any bonded labour shall be punishable with imprisonment for a term, which may extend to 05 years but shall not be less than 02 years, or with fine which may extend to 200,000 rupees but shall not be less than 50,000 rupees or with both.

142. However, in Khyber Pakhtunkhwa, the incidence of bonded labour is very rare. If any such incident is found, it is resolved amicably through jirga system. The KP Law department is vetting rules for prevention of bonded labour. Soon these rules will be notified. Once the rules under the Bonded Labour System (Abolition) Act, 2015 are formulated, the Department will reactivate and re-establish the District Vigilance committees (DVCs) at District level. These DVCs will be notified properly and they will ensure the implementation of the law at grass root level.

143. For the effective implementation of this law, the Labour Department has also established a unit called “Child and Bonded Labour Unit (C&BLU)” in the Directorate of Labour.

144. 12 new posts have been created for the aforesaid unit, including 07 posts of social mobilizers. Recruitment on some of the posts was pending due to the formulation of the service rules. Now these rules are notified, therefore, these posts are now being sent to public service commission for recruitment.

145. Moreover, a complaint-based mechanism was introduced in the form of workers facilitation desks. These desks are established / setup in 13 districts in order to facilitate workers who have any kind of issue including debt bondage. This mechanism helps / assists the department to take timely and effective action against the relevant culprits. In the past, whenever such complaint was received, the department with the help of other concerned departments would resolve it. Other than this, the department also promptly handles complaints that are received via the Prime Minister’s Citizen Portal.

146. In addition to legislation, the Khyber Pakhtunkhwa Employees Social Security Institution (ESSI) has also initiated its efforts to extend the umbrella of social safety networks to the workers in the brick kiln industry of the province. This is one of the greatest initiatives of the department towards ensuring the rights of the workers. Once ESSI is successful in bringing the workers of the brick kilns under the umbrella of social safety networks, the Directorate of Labour will initiate the process of registration of these brick kilns. For now the registration is not easy as these workers have more than one employer at the same time. However, once they are registered under the social safety network, they will be bound under one specific kiln, which will make it easy for the department to register them.

147. In Baluchistan, the Bonded Labour System (Abolition) Act 1992 & Rules 1995 are in force; they are implemented in the workplace through regular labour inspection, and the reports of the inspections are duly submitted to the chief inspector of Factories (central Authority).

148. Apart from this, the Department is in the process of registering the brick kiln sector. During this process, the labour inspection is also carried out, and the labourers are contacted in person and are asked about work bondage.

149. So far, no case has been reported. Currently 34 brick kilns are registered that have employed 776 male and 48 female workers, however, 148 brick kilns remain unregistered with over 1,000 workers employed in these brick kilns.

150. Furthermore, the Baluchistan Bonded Labour System (Abolition) Bill, 2021 is on the provincial Assembly Floor; the fines have been increased in the Bill along with imprisonment. Also, the labour inspection system is being strengthened; monthly inspection reports are being regularly submitted, and monthly targets for inspection are set for all inspectors to keep the inspections progressive.

151. In Punjab, the following steps have been taken by the Labour & Human Resource Department of the Government of Punjab: 50 Non-Formal Education Centers each in Gujrat, Faisalabad, Sargodha and Bahawalpur have been established under the project titled “EBLIK-4D”. The initiative was undertaken for vulnerable sector of children involved in the worst forms of child labour and is in line with Article 25-A (Compulsory Education) of the Constitution of Islamic Republic of Pakistan.

152. It is pertinent to mention here that the monetary incentives under the scheme include payment of Rs. 2,000 to the family of each enrolled child and Rs. 1,000 per month to each enrolled child subject to verification of attendance from the relevant school authorities. The Punjab Government earnestly believes in the reality and has the motto “A Child Employed is a Future Destroyed”.

153. The Government of Punjab, in order to eradicate and combat trafficking and forced labour, has constituted District Vigilance Committees (DVCs) under Bonded Labour System (Abolition) Act 1992 in each district of the province under the Chairmanship of Deputy Commissioner.

154. Other than this, the Punjab Labour Department has established a cell called the “Resource Cell and Reporting system (RC&RS)” via an ADP Scheme in the Directorate of Labour of worth Rs. 25.197 million. No such arrangements existed in the province before the establishment of this cell.

155. As regard to strengthening of Labour Inspection System, an ADP Scheme “Business Reengineering & Strengthening of Labour Inspectorate” of Labour & Human Resource Department Punjab (2019–2020) is working on strengthening of Labour Inspection System by introducing real-time based Labour Inspection through Android tablets and capacity development of the labour inspectors by giving them the required training. 225 male and female Inspectors are deputed for Labour Inspection and each Inspector is required to undertake inspections as per quota.

156. New Labour Inspection Regime has been enforced in Punjab, whereby modality of labour inspections reporting has been switched to online reporting. This shall help the senior management to examine and review the performance of Labour Inspectors, and reduce chance of exploitation.

157. At the same time, capacity building of Labour Inspectors is being focused. For convenience of employers, they are being helped through a scheme of self-declaration. Also, inspections of establishments are being limited to not more than 20% selected through fair balloting process. However, inspections on the basis of any complaint shall continue without creating any element of fear or harassment.

158. For the purposes of capacity building of labour inspectors, the industrial relation institute and Saeed Ahmad Awan Center for the Improvement of Working Conditions and Environment (SAACIWCE) are two state of the art training institutions, which are being effectively utilized for the capacity building of Inspectors and social partners.

159. These institutions are serving around 23,000 industries and establishment in Punjab to build the capacity of labour Inspection Staff, employers and workers and trade union representatives in the areas of occupational safety and health, labour laws and improvement of the working environment in industries. These institutions are also providing counselling and advisory services to workers and working of development training / information materials for promoting awareness on the issues of Labour Rights. During the period of 2018 and 2019, the total number of training organized in said institutions was 33 and the beneficiaries were more than 1,503.

160. With respect to the province of Sindh, the Sindh Bonded Labour System (Abolition) Act 2015 has been enacted, which stipulates the complete abolishment of bonded labour in Sindh.

161. Furthermore, 15 District Vigilance Committees have been notified at district level, consisting of elected representatives of the area, members of district administration and Bar associations, press and Social Service and Labour Department for the purposes of monitoring compliance with the aforesaid act. The Directorate General of Labour, Sindh has registered 715 Brick Kilns all over Sindh to combat the menace of bonded labour.

Information relating to paragraph 33 (c) of the concluding observations

162. Pakistan has persisted with legislative, administrative, law enforcement, public awareness, research and capacity building initiatives to control human trafficking and migrant smuggling. Gender-sensitive federal anti-trafficking legislation, provincial legislations for vulnerable groups, prompt law enforcement response in trafficking related cases have been hallmark of the national campaign against human trafficking.

163. The recently enacted Prevention of Trafficking in Persons Act 2018 (PTIP) provides for redress, compensation and rehabilitation of victims of human trafficking. There are various provisions in PTIP that encourage victims of trafficking to voluntarily participate in investigation and prosecution. These provisions manifest in various forms such as security, legal aid, necessary medical and first aid, food and shelter care, police protection and privacy so that victims can participate in investigation and prosecution of trafficking in persons cases.

164. Under PTIP, victims are not to be treated as criminals but may be produced as witnesses in cases. The government is obligated to provide adequate protection to victims, if safety of such victims or witnesses, is at risk by safeguarding the physical safety of a victim and taking necessary measures to relocate them or by limiting the disclosure of their names, addresses and other identifying personal information.

165. Rules under the PTIP have also been notified, which have elaborated provisions on protection and safety of these victims including identification of victims, their medical and psychological treatment, legal assistance through strict evidentiary measures like in-camera proceedings, special measures for recording of their statements through video links and restricted exposure of these victims on media. Moreover, the PTIP also provides for court-mandated payment of compensation to the victim by an offender under section 545 of the CrPC.

166. At the Federal level, MoUs have been also signed between the Federal Investigation Agency (FIA) and local NGOs under which food, clothing and psycho-social counselling facilities will be provided to victims of human smuggling and trafficking. During first phase of the project, 04 major airports at Islamabad, Lahore, Karachi and Peshawar will benefit from the MoU. Later, it will be rolled out to all airports.

167. Under the first phase of the MoU signed between FIA and Allah Walay Trust, deportees shall be facilitated through provision of free healthy and hygienic food for the deported persons arriving at the Karachi (JIAP), Islamabad (IIAP), Lahore (AIIAP) and Peshawar (BKIAP). Refrigerators and a microwave oven shall be provided for food storage and heating purposes. Allah Walay Trust shall also ensure replenishment of food in the storage on need basis. FIA will provide place for food serving, flight schedule in advance to trust and allow access of Allah Walay Trust Team in these Airports for food placement.

168. The MoU, signed between FIA and Akhuwat Foundation, shall work towards rehabilitation of emigrants and deportees including victims of human trafficking. Under this

MoU, poor and needy immigrants entering Pakistan shall be introduced to skill development and Akhuwat Foundation's loan facilities for their rehabilitation. The Akhuwat Trust will provide to these deportee's weather-appropriate clothing and shoes, hygiene kits, dry foods like biscuits and juices, psychological support, stipends to assist with the transportation costs of travelling from the airport to their home along with pamphlet with information about interest-free loans from Akhuwat Foundation and vocational training courses from TEVTA and/or PVTC.

169. During the reporting period, 6 victims of human trafficking were provided with legal support, shelter and documentation, 26 victims were provided with food and personal hygiene, 84 victims were provided with clothing, 08 victims were provided with medical aid. Psychological counselling was also organized for these victims.

170. The provincial police referred 799 victims, including 756 women, 41 children and 01 adult victim of trafficking. Victim identification has increased by 60% since total trafficking victims tune to 36,697 in 2020 by the labour, FIA and provincial police forces in the cases registered under the PTIP and different PPC Sections associated with internal trafficking.

171. The number of victims referred to care facilities during 2020 stood at 11,803, which is again substantial increase as compared to previous years.

172. There has also been a visible improvement in victim identification and referral mechanism systems. A national victim referral system has been initiated with UNODC and IOM. Focused capacity building measures have been taken with respect to all stakeholders dealing with trafficking cases in collaboration with UNODC, IOM, ICITAP, ICMPD and local NGOs.

173. Financial resources have also been allocated for protection of vulnerable sections of society and mass awareness amongst public regarding trafficking issue remained top priority of the government. The provincial Departments reported allocation of PKR 1186.075 million for Victim Support Services, PKR 522.8563 million for Surveys and Research Studies, PKR 1677.268 for infrastructure Development and PKR 904.889 million for Operational Expenses. UNODC has allocated PKR 5.3 million for research, PKR 24 million for awareness, PKR 26 million for capacity building. Earlier, PKR 33 million were allocated for Victim Support and Facilitation Center.

174. A link office in Oman has been established by FIA as a result of good diplomatic ties with the relevant authorities in Oman i.e. Royal Oman Police and Ministry of Labour and Manpower regarding the detection, prevention, prosecution and victim identification of the cases relating to human trafficking in Oman especially those that involve women and children.

175. The respective Agencies in Oman coordinate with the link office and share the basic information in such cases, which has resulted in successful culmination of cases. Deportees are immediately provided travel documents to reduce the time-period of repatriation from 03 months to a week. Additionally, the mode of transportation has been changed from sea to air. The Link Office ensures round-the-clock coordination with Police, Immigration and Labour authorities to ensure timely provision of services to victims. Victims are also provided unconstrained credit facility so that they may contact their families in Pakistan while they are being held in retention centres.

176. In 2020, the FIA Link Office in Muscat, Oman have provided funds to cover the repatriation costs of the victims of human trafficking including one-way flight tickets and medical expenses. Legal support was also provided to victims by securing services of lawyers to plead cases in Omani Courts as per guidelines issued by the Hon'ble Supreme Court of Pakistan.

177. Deportees being held in retention centres and jails in Oman were also provided sanitary items by the Pakistan Embassy including soap, washing powder, toothpastes, toothbrushes, papers, pens etc.

178. Recently, the FIA has also commenced such operations in its new link offices in Tehran (Iran) and Athens (Greece).

179. In 2021, the Norwegian Ministry of Justice and Public Security (the Ministry of Justice), and UNODC Country Office Pakistan (COPAK) have scaled up its program of

assistance with different Law Enforcement Agencies (LEAs) particularly Federal Investigation Agency (FIA), Customs and Rifles in Baluchistan Province. A Victim Reception and Facilitation Centre (VRFC) is being established at Taftan border area of Baluchistan. The centre will help improve prosecutions by protecting victims of trafficking so they serve as witnesses in criminal cases, focusing on dismantling criminal networks and prosecuting agents, transporters, traffickers and smugglers. It will also improve information collection and sharing activities.

Refugees and non-refoulement

Information relating to paragraph 35 (a)–(c) of the concluding observations

180. In Pakistan, more than 1.4 million Afghan refugees are registered and possess valid proof of registration (PoR) cards, which facilitates their free movement across the country and ensures their access to basic amenities and opportunities like employment, health care, education, water and other public services at par with Pakistani citizens. In 2018, under the Afghan Citizen Card project, around 84,000 previously undocumented refugees have been documented by the Government of Pakistan. Any instances of harassment or hostility, if reported, are immediately dealt with and mitigation measures are taken. Pakistan has never discriminated against Afghan refugee children in respect of provision of education and considers it imperative to invest in human capital. Despite challenges, the Government of Pakistan has generously encouraged and supported access of Afghan children to public and private education institutions.

181. The Government of Pakistan is currently deliberating with the Government of Afghanistan to ensure the dignified return of Afghan refugees under the Afghanistan Pakistan Action Plan for Peace and Solidarity. Although Pakistan has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Government is dealing with Afghan refugees as per the non-refoulement principle of international law. Afghan refugees living in Pakistan are being dealt with in accordance with the national policy on management and repatriation, Tripartite Agreement, Solution Strategy for Afghan Refugees and Afghanistan Pakistan Action Plan for Peace and Solidarity. Recently, the Prime Minister of Pakistan also allowed Afghan refugees to operate bank accounts.

Information relating to paragraph 35 (d) of the concluding observations

182. The hospitality, generosity and compassion shown by Pakistan to Afghan refugees is exemplary. Since last 4 decades, more than 3 million Afghan refugees reaching a peak of 5 million at the peak of the crises have been living in Pakistan and given all necessary protection and basic facilities. Moreover, unlike many developed countries, which have closed borders on very small refugee populations even, local host communities in Pakistan have treated the Afghans as their brethren.

183. A number of processes have been initiated including Afghanistan Pakistan Action Plan for Peace and Solidarity APAPPS (between Pakistan and Afghanistan), Tripartite Agreement (between Pakistan, Afghanistan and UNHCR), for the dignified and safe return of Afghan nationals to high priority areas set by the Afghan government. Recently, Support Platform for Solution Strategy for Afghan Refugees (SSAR) was launched in line with the Global Compact on Refugees to maximize the international resources for the protection of Afghan refugees in Pakistan and Iran as well as strengthening the framework for their voluntary and safe return to Afghanistan. In order to have a reliable data of Afghan refugees, which could lead to their better protection and provision of necessary services, Government of Pakistan and UNHCR are undertaking an extensive exercise for issuance of PoR cards to registered Afghan refugees.

184. Overall, the management and registration system, protection and other amenities provided to Afghan refugees in Pakistan are considered exemplary and adequate by the international community, and duly recognized by the UNHCR and others including the Afghan government.

Due diligence to prevent violence by non-State actors

Information relating to paragraph 37 (a) of the concluding observations

185. The Government has notified the National Commission for Minorities with extended terms of references. The Ministry of Religious Affairs and Interfaith Harmony is also preparing a National Interfaith Harmony Policy in consultation with stakeholders. Human Rights Wing of Ministry of Human Rights is giving special attention to the protection of rights of minorities under the National Action Plan to improve Human Rights situation in Pakistan. The Commission will function to protect members of vulnerable groups. Moreover, Pakistan has enacted laws as well as taken administrative actions to address the issues faced by the minorities with great success. The Government takes instances of mob violence very seriously and take stern action against those involved as witnessed in the mob lynching and killing of Sri Lankan factory manager in Sialkot. Ministry of Religious Affairs & Interfaith Harmony has drafted Interfaith Harmony Policy after consultation with all stakeholders at Federal and Provincial level.

Information relating to paragraph 37 (b) of the concluding observations

186. The Government of Pakistan has taken prompt action under the relevant laws / rules through the Police in this regard. All Provincial governments are vigilant in this regard and constitute special teams of Police and intelligence institutions to investigate such instances of torture.

Corporal punishment

Information relating to paragraph 39 of the concluding observations

187. Pakistan has taken measures both at the Federal and Provincial levels to eradicate and explicitly prohibit all forms of corporal punishment in all settings. The Federal government is also working on Prohibition of Corporal Punishment Bill. Meanwhile, the Federal and Provincial Governments have issued policy direction / instruction to all educational institutions to prohibit corporal punishment.

188. Awareness campaign with slogan of “Maar Nahe Pyar” (love over violence) has massively been disseminated through electronic and print media. The Federal Directorate of Education (FDE) in Islamabad has prohibited corporal punishment in schools and is in the process of developing a complaint and monitoring mechanism for students.

189. In this regard, the FDE has adopted a zero tolerance policy on corporal punishments in schools/colleges. All heads of educational institutions have been provided with detailed instructions in this regard. Furthermore, examples of corporal punishments are also defined to include, *inter alia*, any type of punishment using physical force and intended to cause certain degree of pain or discomfort, however light it might be (e.g. hitting, smacking, spanking, slapping, shaking, pinching etc.) and other forms of non-physical punishments which are cruel and degrading.

190. The Punjab Education Department has completely banned the use of corporal punishment in all educational institutions and adopted zero tolerance policy towards corporal punishment and instructions have been issued for strict compliance. It is also in the process of developing legal and administrative mechanisms to stop corporal punishment, train teachers on alternative disciplinary methods, and create awareness about it among students. Moreover, in order to curb the menace of torture and corporal punishment in Punjab, all field units have been sensitized to adopt forensic methods and modern investigation techniques when investigating cases. In Punjab, a total of 233 constables, 88 Head constables, 205 Assistant Sub Inspectors, 189 Sub Inspectors, 64 Inspectors, 7 Deputy Superintendents Police have been punished for different violations including torture, death in custody, misuse of official power, misbehaviour and illegal confinements.

191. The Education Department has set Model Kids Rooms in all public schools in Punjab and is running 150 child friendly schools in Lahore. The Department arranged regular lectures / awareness sessions for teachers during in-service trainings and included the topic as one of the regular agenda items of the departmental meetings.

192. At district level, focal persons have been nominated to monitor the compliance with the zero tolerance policy vis-a-vis corporal punishment.

193. Efforts have also been made to pass effective legislation prohibiting corporal punishment at the Federal level. The Islamabad Capital Territory Act, 2021 has been passed in the joint session of the Parliament and being tabled to the President of Pakistan for his assent. The National Institute of Special Education (NISE), National Mobility & Independence Training Centre (NM&ITC) and Vocational Rehabilitation & Employment of Disabled Persons (VREDP) regularly organize training sessions to sensitize parents and guardians to nonviolent form of discipline and raise awareness on the harmful effects of corporal punishment. Effective institutional mechanisms also exist to ensure compliance.

194. Some provincial governments have already enacted such laws. The Government of Sindh has enacted the Sindh Prohibition of Corporal Punishment Act, 2016. Corporal punishment or any other humiliating or degrading treatment to children by any person in all forms are prohibited.

195. The Baluchistan Child Protection Act, 2016 has been enacted which prohibits corporal punishment in children's home. It criminalizes cruel or harmful treatment or abuse of a child by a care-giver. It also criminalizes physical torture from adults or other children. In Baluchistan, 818 major punishments have been imposed on police officials i.e. ASP/DSP, Inspectors, Sub-Inspectors, ASIs and Constables for their negligence from duty, torture, absence from duty and criminal cases. Additionally, 1418 officials of different Cadre have been censured for different grounds. The Baluchistan Prisons Department is providing awareness to its officers on the ban on torture. Furthermore, the Baluchistan Prisons Department only detains those citizens who have been awarded punishment/ sentences for their crimes for the competent Court of Law.

196. The Government of KPK has also prohibited use of corporal punishment in government schools. Anyone violating section 34 of the Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 may be imprisoned for a period of 06 months, with a fine of up to Rs 50,000. Moreover, strict directions have been issued to all field police officers in KPK, from time to time, of warning/ prohibiting police from torture. The Provincial Legislature enacted Police Act 2017, in the province of KPK and in order to protect the lives, properties and honour of the people, section 119 was inserted which provides punishment of imprisonment up to five years with fine for inflicting torture or violence against Public. Strict departmental action is being taken against the officials involved in torture to curb the menace of torture. The accused in custody of police are being dealt with in accordance with section 61 & 167 of CrPC. District complaint cell under the supervision of SP/ complaint is functional receiving complaints. Anyone found guilty is being dealt with iron hands. As an example, in KP, 4605 constables, 667 Head constables, 507 Assistant Sub Inspectors, 423 Sub Inspectors, 65 Inspectors, 19 Deputy Superintendents of Police have been punished for different violations. In Sindh, 18 constables, 3 Head constables, 2 Assistant Sub Inspectors, 3 Sub Inspectors, 1 Inspector of Police have been punished for different violations including torture, illegal custody/confinement and misbehaviour. Concurrently, KPK government has also provided legal safeguards under relevant domestic laws to stop the practice of torture. Additionally, Section 119(d) of KP Police Act 2017 provides punishment for police officers including torture or violence to any person in police custody. Proper campaigns have been launched through social media and other sources to inform public. It is pertinent to highlight that Government of GB has also enacted the Prohibition of Corporal Punishment Act, 2016.

197. The Government of Punjab has also drafted the Punjab Prohibition of Corporal punishment Bill 2020, which is under process. The directions regarding Corporal Punishment have already been implemented strictly in lower formations in schools through Chief Executive Officers (District Education Authorities) across Punjab. The Punjab Government is in process of developing subsequent legal and administrative mechanisms to stop corporal punishment, train teachers on alternative disciplinary methods, and create awareness about it among students. The Education Department has set Model Kids Rooms in all public schools in Punjab and is running 150 child friendly schools in Lahore. Also, in Punjab, all field units have been sensitized to adopt forensic methods and modern investigation techniques when investigating cases. In Punjab, a total of 233 constables, 88 Head constables, 205 Assistant Sub Inspectors, 189 Sub Inspectors, 64 Inspectors, 7 Deputy Superintendents Police have

been punished for different violations including torture, death in custody, misuse of official power, misbehaviour and illegal confinements.

198. The awareness campaign regarding harmful impact of corporal punishment have already been disseminated among all the public & private schools and adornment of banners containing the slogan “Maar NahiPiyar” displayed outside of schools gate. In case of any issue, telephone numbers of District & Provincial hierarchy have been displayed at the prominent place of the schools. Action is taken against the defaulters under the relevant applicable rules.

Juvenile justice

Information relating to paragraph 41 of the concluding observations

199. In order to increase efforts to ensure effective mechanisms for age-determination of juveniles and appeal mechanisms for such determinations, Pakistan has replaced the Juvenile Justice System Ordinance 2000 with Juvenile Justice System Act 2018 (JJSA). The JJSA, in line with international obligations, prohibits award of capital punishment to those who are below the age of 18 years at the time of commission of offence.

200. Special efforts are made to ensure that any minor accused of a crime receives independent and effective legal counsel. Under the JJSA, every juvenile or child victim of an offence has the right of legal assistance at the expense of the State. It is also mandated under the law to inform the juvenile of such a right within 24 hours of taking him into custody.

201. The JJSA also provides for the establishment of a Juvenile Justice Committee for disposal of juvenile cases through diversion. Under this regime, an alternative process of determining the responsibility and treatment of a juvenile shall be made on the basis of his social, cultural, economic, psychological and educational background, without resorting to formal judicial proceedings. Further, the Juvenile Justice Committee is bound to dispose of cases through diversion within a period of 01 month from the date of the referral.

202. In addition to the JJSA, the Government of Pakistan has also enacted the Legal Aid and Justice Authority Act 2020 whereby all vulnerable people, including juveniles, are provided legal aid and assistance free of cost.

203. With respect to determination of age, the JJSA provides that where a person alleged to have committed an offence physically appears to be or claims to be a juvenile for the purpose of this Act, the officer in charge of the Police Station or the investigation officer shall make an inquiry to determine the age of such person on the basis of his birth certificate, educational certificates or any other pertinent documents.

204. In the absence of such documents, age of such accused person may be determined on the basis of a medical examination report by a medical officer.

205. Moreover, when an accused person who physically appears to be a juvenile for the purpose of this Act is brought before a Court under section 167 of the CrPC, the Court before granting further detention shall record its findings regarding age on the basis of available record including the report submitted by the police or medical examination report by a medical officer.

206. The rules being drafted under the JJSA provide for a mechanism for appeal. The juvenile or any other person on his behalf, if not satisfied by the age-determination of a medical officer may apply to the Juvenile Court to pass an order for re-determination of age by the special board.

207. The Rules under JJSA have been drafted and are undergoing internal discussions with all relevant ministries.

Redress

Information relating to paragraph 43 (a) of the concluding observations

208. The Government of Pakistan is committed to address instances of torture by law enforcing officials. The Government has introduced various reforms to enhance the

operational capacity, accountability mechanisms and professionalism of the Police Department. Strong accountability mechanisms and necessary checks and balances are already in place in the Police Department and efforts are being done to further strengthen them and ensure their implementation across the board. Being a parliamentary democracy with an independent judiciary, vibrant civil society and free and open media, any cases of alleged police torture or misbehaviour are immediately highlighted and thoroughly investigated.

209. Various accountability mechanisms also exist to ensure that no person is subjected to torture. NCHR, established in 2015, is an independent statutory body which has powers to take cognizance of human rights violations either on suo-moto basis or on petition and can summon persons or inquire into violations of human rights. Its overall mandate is to promote and protect human rights as enshrined in the Constitution of Pakistan and international agreements to which Pakistan is a party. Guided by the Paris Principles, this is a key institution for the promotion and protection of basic human rights and fundamental freedoms of all. NCHR also provides a platform for victims to raise their voices and provides an opportunity for redress of their violations.

210. To facilitate easy access to remedies to the victims of human rights violations and considering the importance of its presence at provincial levels, the Commission has established five (05) regional offices in provincial headquarters and Islamabad Capital Territory. These regional offices are fully operational, hearing and resolving complaints of victims of human rights violation including torture and contributing in improving human rights situation at provincial levels.

211. Police departments are also focusing on capacity building and trainings of police officials and officers to enable them to adopt community based modern police services and avoid traditional methods of investigation through police academies and other institutions. Federal and provincial Judicial Academies are also imparting trainings to Judges and Prosecutors on a regular basis to curb the menace of torture and to strengthen the accountability mechanisms.

Information relating to paragraph 43 (b) of the concluding observations

212. All prisoners are treated equally and services are provided by the relevant Prisons department without any discrimination.

Data collection

Information relating to paragraph 45 of the concluding observations

213. National Police Bureau of Pakistan collects data regarding prevalence of torture and ill-treatment, among other forms of crimes and criminal practices, which are disaggregated under different categories. Data regarding investigations of complaints, investigations and convictions related to CAT purview has been appropriately highlighted throughout the report.
