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Summary record of the 4154th meeting*

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Chair: Ms. Abdo Rocholl

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* No summary records were issued for the 4152nd and 4153rd meetings.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Second periodic report of Pakistan (CCPR/C/PAK/2; CCPR/C/PAK/Q/2;
CCPR/C/PAK/RQ/2)*

1. *At the invitation of the Chair, the delegation of Pakistan joined the meeting.*
2. **A representative of Pakistan**, introducing his country's second periodic report, said that his country's report and response to the Committee's list of issues were the outcome of a transparent process that had involved all national stakeholders, including relevant civil society and non-governmental organizations. The Constitution guaranteed civil and political liberties, including freedom of speech, and enshrined the principles of equality and non-discrimination. The legal system provided a robust, comprehensive framework of rights and safeguards that protected civil and political freedoms. That framework also included the specialist courts for cases of gender-based violence and child protection cases. His country's commitment to human rights was demonstrated by its ratification of a number of core international human rights treaties, its efforts to harmonize the national legal framework with its international human rights commitments and its acceptance of a wide range of recommendations made during the fourth universal periodic review of the human rights situation in Pakistan.
3. Since the Committee's review of the initial report, significant progress had been made in further aligning domestic law with the Covenant and addressing the Committee's concluding observations. Approximately 70 new federal and provincial laws had been enacted, and free legal assistance had been introduced for marginalized groups through the establishment of the Legal Aid Authority. Since the submission of the second periodic report, legislation had been enacted to provide for maternity and paternity leave and to establish child daycare centres. In addition, the Peaceful Assembly and Public Order Act of 2024 had been introduced to maintain peace and security in Islamabad, and the Christian Marriage (Amendment) Act of 2024 had raised the minimum age of marriage for Christians to 18 years of age.
4. The National Commission for Human Rights had been accredited with category A status by the Global Alliance of National Human Rights Institutions (GANHRI) and, since its inception, had received over 7,000 complaints, conducted more than 170 prison visits and published 50 reports. The Commission's budget had been increased in the past year to enhance its ability to investigate human rights violations. Matters such as gender inequality, children's rights and enforced disappearance were addressed by separate dedicated bodies.
5. Gender equality, the empowerment of women and gender-based violence were addressed in the National Gender Policy Framework of 2022 and provincial initiatives. The participation of women in the technology, engineering and healthcare sectors was increasing, and almost half of all registered doctors were women. Efforts to address gender-based violence and honour-related crimes were starting to yield positive results, with statistics showing declines in such crimes in Punjab, Khyber Pakhtunkwa and Balochistan provinces, along with a decrease in gender-based violence in Sindh province. Developments in child protection included the introduction of the ZARRA mobile application for reporting and tracking cases of child abuse and neglect.
6. Combating hate speech was an urgent priority, and the growth of digital platforms had brought new challenges in that respect. The Prevention of Electronic Crimes Act of 2016, which had recently been amended to address such challenges, defined the offences of online hate speech and harassment, alongside other cybercrimes such as the distribution of child pornography over the Internet and cyberbullying. In 2023, the Federal Investigation Agency had registered 85 cases of hate speech, and the Pakistan Telecommunication Authority had sent more than 4,000 requests to international social media companies to block hate content directed at minority groups. Over the previous five years, 144 cases of hate speech had been registered by provincial law enforcement authorities. The Pakistan Electronic Media Regulatory Authority had issued an advisory to television and media companies on the

importance of immediately reporting any content that promoted religious discrimination or incited violence.

7. His Government was committed to preventing the misuse of the law on blasphemy, which was non-discriminatory and provided equal protection to Muslims and non-Muslims alike. Violence against any minority group was treated seriously; 364 security officers had been deployed on a permanent basis in Punjab Province to protect non-Muslim places of worship, and thousands of additional personnel were deployed temporarily during minority religious festivals.

8. The Commission of Inquiry on Enforced Disappearances had processed more than 10,000 cases of enforced disappearance, including the cases brought to its attention by the United Nations Working Group on Enforced or Involuntary Disappearances; just over 2,000 cases were still under investigation. Freedom of expression was protected by the Constitution, and the media played an indispensable role in fostering dialogue, holding authorities to account and amplifying the voices of marginalized communities.

9. Measures to improve the protection of human rights included the updating of the National Action Plan for Human Rights in 2020 and the launch, also in 2020, of the Human Rights Awareness Programme to educate the general population and public officials about the Government's international human rights commitments. A national mechanism was being developed to bring reporting and follow-up mechanisms into line with United Nations guidelines, and a human rights information management system had been established at the federal and provincial levels to collect data for compilation in the form of human rights indicators and for supporting data-driven policy interventions. Criminal justice system reforms had been introduced to reduce overcrowding in prisons and delays in legal proceedings and to deal with instances of police misconduct.

10. Despite the progress made, significant challenges remained in terms of the full realization of his country's human rights obligations. His Government was dedicated to fighting terrorism and enforcing United Nations Security Council resolution 1373 (2001) to address the financing of terrorism while maintaining national security and protecting fundamental rights and freedoms. Nonetheless, the deteriorating security situation along the border with Afghanistan was adversely affecting civic life in border areas, and cases of violence, disappearance and terrorist attacks had increased. Gender-based violence was a persistent challenge, and cultural and societal barriers hindered women's full participation in public life. Sectarian violence, forced conversions and religious intolerance were threats that had to be countered in order to protect religious and ethnic minorities. In addition, his country had been hosting more than 4 million Afghans for over four decades with unmatched generosity, but it stood in need of international cooperation to help it shoulder the burden and responsibility which that entailed.

11. He wished to reaffirm his Government's commitment to upholding the Covenant and all international human rights treaties to which it was a party and looked forward to engaging in a productive dialogue with the Committee.

12. **Ms. Bassim** said that she would appreciate details on the extent to which the Covenant had been used as a basis for legislation and had been invoked by the domestic courts. The Committee would be particularly interested in learning what measures had been taken to give Covenant rights full effect in the domestic legal order. Information would also be appreciated on the number of complaints of violations of Covenant rights invoked before the high courts and the Supreme Court and the number and types of remedies provided to victims by the Human Rights Cell. She wished to know whether the State party intended to withdraw its reservations to articles 3 and 25 of the Covenant, what its reasons for maintaining them thus far had been and whether there were plans to accede to the two Optional Protocols to the Covenant. An explanation would be appreciated of the aim of the recently proposed constitutional amendments. She wondered what their impact on the State party's hybrid system would be. Had any public consultations on those proposals been held?

13. While it was good news that the National Commission for Human Rights had been granted category A status by GANHRI, she wished to know what steps had been taken to ensure its ability to effectively and independently carry out its mandate; what measures had been taken to facilitate visits to prisons, including military prisons; and how many complaints

had been received and what their outcomes had been, including in cases where violations had allegedly been committed by members of intelligence agencies or the police or armed forces. Information would be appreciated on the Commission's funding, accountability and the process for selecting its members and for ensuring the continuation of its work when there was a delay in appointing its chairperson.

14. She would appreciate information on the impact of legislation and other measures taken to achieve gender equality, empower women and prevent all forms of violence against women. Information on the status of the 2021 domestic violence bill and on measures taken to ensure the criminalization of rape in all settings, including marital rape, and to raise the prosecution rate would also be welcome. It would be helpful to receive information on the measures taken to regulate the *jirgas* (tribal councils) and enforce legislation that prohibited the application of *qisas* (equal retaliation) and *diyat* (financial compensation) laws in cases of so-called honour-related crimes. Disaggregated data would be appreciated on the prevalence of all forms of violence against women and the resulting investigations, prosecutions and convictions, along with the types of punishments handed down to perpetrators and the types of remedies provided to victims. She also wished to learn more about the availability of shelters for victims of gender-based violence and the measures taken to increase public awareness of the need for gender equality.

15. **Mr. Soh** said that, in view of reports of the under-enforcement of anti-corruption laws, he wished to know what budgetary, staffing and other measures were in place to ensure effective investigations into corruption that were free from political interference and what mechanisms were in place in the internal disciplinary systems of the judiciary and the military to combat corruption. An update would be appreciated on any progress towards the enactment of a whistle-blowers protection law, the establishment of whistle-blowers protection commissions at the national level and in Khyber Pakhtunkhwa Province and the introduction of whistle-blower protection measures in Punjab, Sindh and Balochistan provinces.

16. He wished to know what steps the State party had taken towards adopting comprehensive anti-discrimination legislation. He wished to know, too, what it was doing to address the impunity reportedly enjoyed by perpetrators of crimes against LGBTIQI persons. In addition, he wondered how the underlying causes of underreporting by victims, such as fear of the police, the risk of retaliation and backlash from family or community members, were being tackled, whether there were disaggregated data on reports of violence and discrimination against such persons and, if not, whether there were any plans to collect such data.

17. He would welcome an update on the appeal against the Federal Shariat Court ruling in which self-perceived identity and inheritance rights for transgender persons were deemed to be incompatible with the principles of Islam, and he invited the delegation to comment on the proposed amendments to the Transgender Persons (Protection of Rights) Act of 2018, which appeared to be highly regressive. In that connection, he wondered what measures were in place to protect the rights of transgender and intersex persons, including legal gender recognition and protection from abusive or unnecessary health interventions. It would be helpful to learn, as well, what steps, if any, the State party had taken to address the reported use by the police and others of section 377 of the Pakistan Penal Code, under which same-sex sexual relations were a criminal offence, as a tool for persecution, blackmail and extortion. The delegation's comments on the State party's position concerning the compatibility of section 377 with the Covenant would also be of interest.

18. He would like to learn whether the State party had plans to review its abortion laws to ensure that women were not compelled to resort to unsafe abortions and to clearly define the circumstances in which abortion was a component of necessary treatment. It would likewise be interesting to learn whether plans had been made to provide safe abortion services in cases of rape, incest or severe fetal impairment, what steps were being taken to ensure that medical service providers' personal beliefs did not prevent them from providing appropriate care, whether reports that family members of those seeking abortion had been charged with aiding and abetting them were true and, if so, how many such cases there had been.

19. As maternal mortality was still high in the State party, he wondered what efforts were being made to reduce it and to address disparities in access to maternal healthcare. In that

connection, he wished to learn how the data-driven approaches referred to in the State party's replies to the list of issues (CCPR/C/PAK/RQ/2, para. 50) improved reproductive health outcomes. He would welcome updates on the Punjab Reproductive Health Rights and Family Planning Bill and on similar bills in other provinces. Did they involve clear, time-bound targets and budgetary commitments?

20. **Ms. Kran** said that she wondered what steps were being taken to narrow the definition of terrorism in the Anti-Terrorism Act, to restrict the scope of that law to acts that were covered by standard international definitions of terrorism and to amend or revoke Schedule III of the Act to ensure that only terrorism-related crimes were tried in anti-terrorism courts. She also wished to know what was being done to repeal the Act's provisions for warrantless searches, seizures and arrests and for the establishment of short trial deadlines. Information would be appreciated on any steps taken to ensure that the Anti-Terrorism Act was not used to place undue restrictions on freedom of expression and belief or to target human rights defenders and ethnic minorities.

21. As confessions obtained from persons while they were in police custody were admissible as evidence under section 21-H of the Anti-Terrorism Act, and as a person detained on suspicion of terrorism could be held without charge for up to 90 days, she wondered what measures were being taken to ensure that the Act was compatible with articles 14 and 15 of the Covenant and to repeal section 21-H. She also wondered what steps were being taken to ensure that children brought before anti-terrorism courts were afforded the due process protections provided for in the juvenile justice system and what procedures were in place for protecting children from being recruited or exploited by terrorist groups.

22. It would be helpful to learn what plans had been made to bring the Torture and Custodial Death (Prevention and Punishment) Act of 2022 into line with international standards, including by expanding the definition of torture to include psychological forms of torture, specifying the punishments incurred and drafting regulations compatible with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Principles on Effective Interviewing for Investigations and Information-Gathering. It would be helpful to know how many complaints concerning torture and custodial deaths had been lodged since 2017, what the outcome of those complaints had been, what measures the Government intended to take to ensure that cases of torture were prosecuted and what it was doing to combat torture at the national level. Details on the measures being taken to enhance the effectiveness of the National Commission for Human Rights and the Federal Investigation Agency, which she understood had jurisdiction over cases of torture, would likewise be welcome.

23. In January 2024, the State party's prisons had been operating at more than 150 per cent of their intended capacity and, in most facilities, persons awaiting trial outnumbered convicts. She therefore wished to know what was being done to adopt alternatives to imprisonment, build new detention facilities and address the health issues related to overcrowding. She wished to know what measures were being taken to observe the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), investigate reports of abuse of female prisoners and, in view of the large number of reports of torture, set up an independent oversight and complaints mechanism accessible to inmates.

24. She also wondered what measures the State party was taking to put an end to prolonged solitary confinement, such as in the case of Junaid Hafeez, who had been sentenced to death for blasphemy in 2019, and what was being done to ensure the safety of prisoners accused of blasphemy without placing them in solitary confinement. She would like to know what mechanisms were in place to ensure follow-up to the recommendations made by the human rights observers who, with the State party's permission, visited its prisons.

25. **Ms. Tigroudja**, noting that Pakistan was extremely vulnerable to such extreme weather events as deadly heatwaves and catastrophic floods, said that she would welcome information on the sustainability measures taken both to mitigate and to prevent the adverse impacts of pollution and climate change on the rights enshrined in the Covenant. In that

connection, the delegation might explain the workings of the environmental tribunals set up by the provincial governments.

26. She would also welcome a description of the measures taken to combat enforced disappearance, which was still a major problem in the State party, along with assassinations and extrajudicial killings, and of the recourse available to survivors. She also wondered why there had been so little progress towards ensuring that enforced disappearance constituted a specific criminal offence. It would be helpful to learn why the human rights activist Sammi Deen Baloch had not been allowed to travel to Geneva to meet with the Working Group on Enforced or Involuntary Disappearances, what exactly had happened to the late journalist Arshad Sharif, why the authorities had not acted upon the Supreme Court's January 2024 order for the public disclosure of information about the funding and members of the Commission of Inquiry on Enforced Disappearances and, above all, whether there were any plans to reform the Commission in order to ensure that it operated effectively.

27. **The Chair**, welcoming the amendments that had removed the death penalty as a possible punishment for the sabotage of railways and for narcotics offences, said that she nonetheless wished to know whether there had been any legislative progress towards ensuring that other crimes, including some, such as blasphemy, that did not meet the criteria set out in the Committee's general comment No. 36 (2018) on the right to life, were not capital offences. She would welcome the delegation's comments on the steps taken to commute the sentences of persons who had been sentenced to death for crimes other than those of the most serious nature. Information on the measures taken to ensure that the State party's lower courts handed down death sentences only for lethal violent crimes would also be welcome. It would be helpful to learn whether any plans had been made to draft new sentencing guidelines for narcotics offences, given the fact that many people convicted of such offences were still on death row, and whether plans had been made to revise the State party's obsolete prison rules, not least to ensure that executions did not involve undue suffering.

28. Although no one under the age of 18 could be sentenced to death, it appeared that the courts had the final say as to how old a defendant was deemed to be and that, in cases where there was uncertainty as to the person's age, the courts did not give them the benefit of the doubt. She would thus like to know how a defendant's age was determined, how many people were on death row for crimes they had committed as minors and whether the executions of any such persons, or of any minors placed on death row before 2018, when the Juvenile Justice System Act had been adopted, had been stayed. She would also like to know whether the new Government had plans to reintroduce the bill that would prohibit the execution of persons with severe psychosocial disabilities, in application of the ruling of the Supreme Court in the case *Safia Bano v. Home Department*. In addition, she wondered how many petitions for clemency had been granted, what practical safeguards were in place to prevent arbitrary detention, whether cases of arbitrary detention had been investigated during the period under review and, if so, how many.

The meeting was suspended at 4.15 and resumed at 4.35 p.m.

29. **A representative of Pakistan** said that his country had advanced its implementation of the Covenant through its constitutional and legal framework. The fundamental rights enshrined in the Constitution mirrored those enshrined in the Covenant. The right to life, for example, was set forth in article 9 of the Constitution in much the same way as it was in article 6 of the Covenant. Constitutional bodies such as the Supreme Court, high courts, the Federal Shariat Court and administrative tribunals were empowered to take cognizance of issues related to the Covenant. Since 2017, the year of the country's previous appearance before the Committee, lawmakers in both Islamabad and the provinces had adopted numerous laws that had a bearing on Covenant rights.

30. The legal system of Pakistan offered a robust, structured foundation for protecting human rights through multiple tiers of courts, specialized tribunals and executive mechanisms. The system ensured that individuals could obtain access to justice at various levels and seek redress for violations of their rights. The courts consistently upheld the principles of the Covenant through the application of articles 184 (3) and 199 of the Constitution. Under article 184 (3), the Supreme Court was empowered to enforce fundamental rights in relation to questions of public importance; article 199 granted high

courts the authority to issue orders and writs for the protection of fundamental rights. Between 2018 and 2023, the judiciary had processed 30,492 petitions in human rights cases, most of which had been heard by the high courts under article 199 of the Constitution.

31. The courts consistently referenced articles of the Covenant when ruling on significant human rights cases, including those that involved issues such as life imprisonment, the reservation of places in competitive examinations for minorities and persons with disabilities, the demolition of places of worship and the protection of the family and of prisoners' and minority groups' rights. For example, in 2022, the Supreme Court had ruled that preventing members of a non-Muslim minority ethnic group from professing and practising their religion within their place of worship was unconstitutional. In 2018, the Supreme Court had discussed minority rights in the Asia Bibi case, in which a Christian woman had been accused of blasphemy. The Court had found that the confession she was alleged to have made could not be considered voluntary nor be relied upon as the basis for a conviction, especially in a capital punishment case.

32. A network of commissions and administrative bodies had been established at the federal and provincial levels to enhance the availability of remedies for human rights violations. Key institutions included the National Commission for Human Rights, the National Commission on the Status of Women, the National Commission on the Rights of the Child, the Commission of Inquiry on Enforced Disappearances, the Federal Ombudsman Secretariat for Protection against Harassment and the Legal Aid and Justice Authority. In addition, the National Industrial Relations Commission provided legal and financial remedies for aggrieved individuals, and workers' welfare boards administered welfare schemes that included the provision of financial assistance. Workplace safety and labour laws ensured non-discrimination in wages, working conditions and employment rights.

33. In 2011, the Government had reviewed its reservations to articles 3 and 25 of the Covenant, which had been made at the time of ratification. As a result of the review process, the scope of the reservations had been narrowed so that the articles would be applied in conformity with constitutional requirements and sharia law in, for example, the area of inheritance. Notwithstanding the reservations, the Government continued to implement articles 3 and 25 of the Covenant by promoting, inter alia, gender equality initiatives, the National Gender Policy Framework and the Sustainable Development Goals and by ensuring political participation of all citizens without discrimination.

34. Pakistan had made significant strides in addressing and combating all forms of discrimination. The principle of non-discrimination, highlighted in the preamble to the Constitution, underpinned the country's legal and institutional structure. Article 25A of the Constitution stated that all citizens were equal before the law and were entitled to equal protection of the law. Article 26 prohibited discrimination in respect of access to public places, and article 27 stated that no citizen qualified for appointment in the service of Pakistan might be discriminated against in respect of any such appointment. Article 33 provided that the State must discourage parochial, racial, tribal, sectarian and provincial prejudices among its citizens. Specialized laws had been enacted to address all forms of discrimination in accordance with the Constitution and the Covenant.

35. The Government noted that the media and civil society groups had made allegations of enforced disappearance. Article 9 of the Constitution clearly stipulated that no person might be deprived of life or liberty save in accordance with the law. Therefore, the unlawful custody of any individual, without informing him or her of the charges or the reason for the arrest, would be a breach of constitutional rights. Article 10 enshrined due process safeguards, and the Penal Code was implemented in accordance with Covenant requirements. The National Commission for Human Rights investigated human rights violations, including enforced disappearances. The Right to Information Act of 2017 granted the public the right to access information held by the authorities and thus enabled families and human rights organizations to seek information concerning the whereabouts of missing persons. Sections 155 and 156 of the Police Order of 2002 established penalties for misconduct by police officers and the misuse of force. Persons apprehended during police operations were detained in official internment centres and their cases were regularly reviewed by oversight boards.

36. The families of persons who had allegedly disappeared could lodge complaints with the Commission of Inquiry on Enforced Disappearances. The Commission had the legal authority to summon law enforcement agencies and officials and could order government bodies to provide information. Law enforcement and intelligence agencies cooperated fully with the Commission. The Commission had already addressed a large number of cases, and the number of missing persons had fallen significantly since its establishment. The Commission also engaged with the Working Group on Enforced or Involuntary Disappearances, in keeping with the commitment of Pakistan to maintain a constructive dialogue on human rights issues with the United Nations system.

37. The judiciary, too, had played a crucial role in addressing enforced disappearances. The Supreme Court and the high courts had ordered law enforcement agencies to locate missing persons and prosecute persons suspected of perpetrating enforced disappearances. In a landmark case, the Supreme Court had ruled that the prohibition of enforced disappearance had attained the status of *jus cogens* and was categorized as a peremptory norm. Consequently, although Pakistan was not a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance, the courts could nonetheless apply the Convention's provisions. The Supreme Court had also decided that further legislation was required to control the unauthorized detention of persons. In another case, the Islamabad High Court had taken up a petition concerning the disappearance of Baloch students and had appointed a commission under the supervision of a prominent Baloch politician to investigate their disappearance.

38. Of a total of 10,354 cases of enforced disappearance reported to the Government, including those referred to it by the Working Group on Enforced or Involuntary Disappearances, 8,077 cases had been disposed of (77 per cent of the total). In more than half of those cases, the missing individuals had been traced or had returned home. Investigators often found that missing persons had disappeared voluntarily, for example, by going into hiding, travelling abroad illegally or moving to another city in search of work without telling their family. Many persons reported missing had been lawfully detained; others had died as a result of sickness or accidents. In some cases, individuals who had gone missing had been found to have been involved in terrorism-related incidents. All those factors, taken together, served to underscore the complexity of the situation and the need for meticulous investigations.

39. The Government recognized the disruptive impact of the disappearance of a loved one and provided comprehensive support packages in the amount of 5 million rupees (PRs) for the families of missing persons. That support covered legal costs and provided direct financial aid to meet daily expenses and other needs. The packages might also include access to counselling services in order to help family members overcome emotional trauma.

40. **A representative of Pakistan** said that his country had a robust constitutional and legal framework to protect people from unlawful detention and ensure their right to a fair trial. Oversight mechanisms ensured that detainees were treated with dignity and their rights protected. Steps had been taken to address overcrowding and improve conditions of detention. For example, the Government promoted alternative dispute resolution procedures, with a focus on rehabilitation, as a means of reducing prison admissions. It had also established a probation and parole service. A model prison with the capacity for 4,000 prisoners was under construction in Islamabad and was expected to be operational in the coming months. To ensure the health of female prisoners, provincial governments had introduced programmes that included the supply of essential hygiene products in women's facilities and regular health check-ups performed by female medical officers. Separate sanitary facilities and bathing areas had been constructed to ensure the privacy and dignity of women prisoners.

41. Conditions of detention were regularly monitored to ensure compliance with national and international standards. Solitary confinement could be used in specific circumstances, but its duration was limited and it was subject to strict regulations and oversight. Several measures had been taken in respect of pretrial detention. Bail was typically granted to prisoners who had been awaiting trial for over a year. Prisons maintained separate facilities for convicted and remand prisoners. Under the Code of Criminal Procedure, the courts had the power to acquit accused persons at any stage of proceedings, including prior to trial. In civil cases, the focus was on resolving issues without resorting to incarceration.

42. The Government was committed to fulfilling its obligations under the Covenant and the Convention against Torture with regard to the treatment of persons deprived of their liberty as well as the rest of the population. The Torture and Custodial Death (Prevention and Punishment) Act of 2022 had broadened the definition of torture to include severe pain or physical suffering inflicted intentionally to obtain information or a confession. The investigation of cases involving suspected offences covered by that law must be completed within 30 days of the submission of the complaint. The Government ensured that allegations of police torture or misconduct were thoroughly investigated. Officers found guilty of such offences faced appropriate penalties, which could include dismissal, compulsory retirement, reduction in rank or financial penalties.

43. In addition to the legal framework, institutional measures were in place that supported the investigation of suspected cases of torture. The Federal Investigation Agency had established internal accountability branches at the regional level which received complaints of torture by law enforcement officials. The Agency also operated a hotline that aggrieved persons could call to make a complaint. During the reporting period, the Agency had received a total of 39 complaints, leading to thorough and impartial investigations and the opening of disciplinary and criminal proceedings against 28 officials. Upon registration of a criminal case, the official concerned would be suspended from duty immediately pending the inquiry. Strong accountability mechanisms were in place within the police departments of all provinces. Police departments had been issued with strict instructions to adopt scientific methods of investigation and to avoid any form of torture.

44. The National Commission for Human Rights played a key role in overseeing prison conditions and had the authority to inspect facilities and report on violations. It also monitored human rights violations through communications with the federal and provincial governments and conducted formal investigations into custodial death, torture and rape cases. The Ministry of Human Rights, in collaboration with relevant stakeholders, conducted regular human rights training and orientation sessions on topics such as torture, gender-based violence and the rights of transgender persons.

45. Pakistan was fully committed to promoting gender equality, addressing violence against women and combating domestic violence. Since the review of its previous report, Pakistan had enacted a number of key laws, such as the Anti-Rape (Investigation and Trial) Act of 2021, which ensured robust protection and swift justice for rape victims; the Protection against Harassment of Women in the Workplace (Amendment) Act of 2022; and the Enforcement of Women's Property Rights Act of 2020, which ensured women's rightful inheritance and access to property. The Criminal Law (Amendment) (Offences Relating to Rape) Act of 2016 and the Criminal Law (Amendment) Act of 2010 established strict penalties for offences such as rape, harassment and honour killings. Specialized courts had been set up across the country to hear cases involving gender-based violence. The courts were specifically designed to provide a supportive and sensitive environment for victims and to ensure the timely administration of justice. Women's shelters had been established in various provinces; they offered medical care, psychological counselling and legal assistance to survivors of violence. At the provincial level, the Punjab Protection of Women against Violence Act of 2016 further strengthened the State's capacity to protect women from abuse.

46. To address gender gaps, several institutional initiatives had been implemented at the federal and provincial levels. The National Gender Policy Framework outlined strategic priorities for enhancing women's roles in government, education and business and for promoting their participation at all levels of society. Provincial governments had introduced gender desks and gender-sensitive inspection teams to ensure fair representation and equal pay and to put a stop to workplace harassment. A mobile application and a women's hotline had been launched to provide real-time support to victims of violence.

47. Article 227 (1) of the Constitution prohibited laws repugnant to Islamic injunctions, thus preventing the State from decriminalizing same-sex relations. Articles 2, 17 and 26 of the Covenant did not explicitly urge the decriminalization of same-sex relationships between adults. However, article 26 of the Covenant, which mandated equality before the law and prohibited discrimination on any ground, was fully reflected in the Constitution and in legal safeguards that ensured equal protection and non-discrimination across various aspects of life.

48. The manner in which jirgas (tribal councils) and panchayats (village councils) functioned was in violation of the international commitments Pakistan had made under the Covenant to ensure that everyone had access to courts and tribunals and was treated equally before the law and at all stages of judicial proceedings. It was also in violation of articles 4, 8, 10A, 25 and 175 (3) of the Constitution. Jirgas and panchayats had no constitutional or legal basis whatsoever for adjudicating on civil or criminal matters. However, they might operate within the limits of the law insofar as they acted as arbitration, mediation, negotiation or reconciliation forums between parties to civil disputes.

49. **A representative of Pakistan** said that the National Commission for Human Rights was the cornerstone of the country's human rights architecture and was vested with extensive powers. For instance, the Commission had the authority to take action *suo moto* on any complaints or issues raised in the media. It had a judicial mandate to receive complaints and conduct civil proceedings and the power to call witnesses and order information to be provided to it. It could also review legislation, conduct research and advise the Government on policy matters. Sections 14 and 15 of the National Commission for Human Rights Act addressed the question of the Commission's powers in the event that the armed forces or the intelligence services were responsible for a violation. In such cases, the Commission had the right to seek a report from the Government on the complaint or violation and the right to publish that report. The Government ensured the Commission's administrative independence and provided it with the necessary funding. Indeed, since 2021, the Commission's budget had swelled from PRs 70 million to PRs 183 million. The Commission's chairperson and members were appointed in a transparent manner. The Government, through public notice, invited suggestions for suitable persons for appointment. The Prime Minister, in consultation with the Leader of the Opposition in the National Assembly, forwarded the names of three candidates for each post to a parliamentary committee, which ultimately selected the members in accordance with established eligibility criteria.

50. The Commission had fielded more than 7,000 complaints, taken action *suo moto* in 1,271 cases and conducted 173 visits to prisons. One major issue that had been reported following the events of 9 May 2023 had concerned the mistreatment of female prisoners. The Commission, together with other human rights organizations, had visited the Adiala prison in Rawalpindi and had subsequently published a report on the visit. On the Commission's recommendation, legal action had been taken against the prison's officials, seven of whom had been removed from their posts.

51. The Government's approach to the death penalty was measured and consistent with the Constitution and the safeguards on the right to life enshrined in the Covenant. The moratorium on the death penalty had been lifted following the 2014 attack on the Army Public School in which 150 people had lost their lives. However, the Government continued to review legislation on capital punishment. At the time of ratification of the Covenant, there had been 33 laws that provided for capital punishment. Two of those laws had since been amended to remove the provision for capital punishment, and the Ministry of the Interior was considering removing the death penalty from sections 354-A and 402-C of the Penal Code concerning, respectively, attacks on women's modesty and the harbouring of hijackers. Capital cases were heard only by district and session judges, not by the lower courts. A system of appeals had been established under sections 408–411 of the Code of Criminal Procedure. Of the 3,219 persons currently on death row, only 12 had been convicted of narcotics offences. Pakistan observed due process of law and respected the right to a fair trial as enshrined in article 10A of the Constitution.

52. Pakistan was among the countries most vulnerable to climate change, despite being responsible for less than 1 per cent of global greenhouse gas emissions. Under the Pakistan Climate Change Act of 2017, the Government had established a climate change authority and a climate change council to formulate, coordinate and monitor the implementation of climate policies. The National Climate Change Policy detailed measures for promoting climate-resilient development and climate change adaptation and mitigation. Pakistan had committed to halving its greenhouse gas emissions by 2030 and to generating 60 per cent of its energy from renewable sources. Various programmes, projects, initiatives and policies had been launched in support of the Government's climate action efforts. Pakistan participated actively in international climate forums, in which it adhered to the principle of common but

differentiated responsibilities. The country's four environmental tribunals sat in Karachi, Lahore, Peshawar and Quetta. As at 2022, they had received 1,091 complaints, mostly related to air pollution and the industrial use of hazardous materials. In a recent judgment, the Supreme Court had ruled that the State had an obligation to protect ecosystems and natural habitats, since environmental protection was integral to the right to life.

53. **Ms. Tigroudja** said that it would be useful to learn more about the sustainability measures that the State party had been taking to protect the environment. She wished to point out that the Committee's concerns about enforced disappearance were based not on media reports or the allegations of non-governmental organizations, but on the findings of the Working Group on Enforced or Involuntary Disappearances, which for several years had been documenting cases of enforced disappearance in Pakistan. It should be recalled that, in its general comment No. 36 (2018) on the right to life, the Committee described enforced disappearance as "a unique and integrated series of acts and omissions representing a grave threat to life" and stated that "the deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the State is accountable". A provision in the Penal Code prohibiting arbitrary deprivation of liberty therefore was not sufficient, as it did not cover the notion of enforced disappearance. Furthermore, as the Committee was concerned that the Commission of Inquiry on Enforced Disappearances did not have sufficient authority or independence, she wished to know what measures had been taken by the ordinary criminal justice system to address cases of enforced disappearance. How many investigations had been conducted and how many convictions had been handed down?

54. **Ms. Kran** said that she would appreciate further details concerning the practical application of the Covenant in the State party. In particular, she would be grateful for data on the number of complaints, prosecutions and convictions in cases of torture and deaths in custody. It would be useful to hear about any plans to provide training on torture prevention for law enforcement, military and security personnel and the judiciary. She wondered, too, if the State party had any plans to bring its legislation on torture into line with international standards. It would be interesting to know what steps Pakistan was taking to protect women in prisons and the children accompanying them and whether independent human rights observers had a mandate to visit detention facilities. Information might also be provided on legislative measures to ensure that, in cases of custodial death or torture, victims and their families could obtain remedies, including compensation.

55. **Mr. Soh**, noting that some questions had gone unanswered, said that he would appreciate information on the most recent updates to the National Service Delivery Standards and Guidelines for High-Quality Safe Uterine Evacuation/Post-Abortion Care, on key provisions of those standards and guidelines, and on how they were being implemented across all provinces. What steps were being taken to disseminate them so that women and girls were fully informed of their right to safe abortion services?

56. **Ms. Bassim** said that she would be grateful for further clarification regarding the financing and accountability of the National Commission for Human Rights and the participation of civil society organizations in the selection and appointment process. She would also be interested to know how firmly the Government regulated and supervised the jirgas in order to ensure the effectiveness of the prohibition of various harmful practices and prevent the emergence of a parallel justice system. She would like to hear about any awareness campaigns designed to change attitudes and to promote women's advancement, especially in rural areas.

57. **The Chair** said that she would appreciate answers to the questions posed in relation to the application of capital punishment for the offence of blasphemy, the protocols for carrying out executions and the training of executioners. She would welcome clarification of whether safeguards were in place to ensure that persons under the age of 18 years were not tried as adults in capital cases. Given that the law had been changed so that persons convicted of narcotics offences would no longer be subject to the death penalty, she wondered why 12 such persons remained on death row.

58. **A representative of Pakistan** said that the Government regarded the prevention of enforced disappearance as a matter of the utmost importance. The Commission of Inquiry on Enforced Disappearance was fully empowered and headed by a Supreme Court judge. It could receive petitions referred by the National Commission for Human Rights or submitted directly by citizens. Complaints were investigated and government bodies could be ordered to furnish information. Cases were dealt with firmly, including in cases where the police or a security agency was found to be responsible, and perpetrators faced serious consequences.

59. **A representative of Pakistan** said that the measures taken by the Government for the protection of women in detention were aligned with international standards, including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), which emphasized the need for gender-sensitive prison management and the protection of female prisoners from all forms of abuse. The Government was reviewing prison regulations to ensure the safety, dignity and rehabilitation of women in detention, focusing on tailored healthcare, mental health support and measures to prevent gender-based violence. Thanks to comprehensive training programmes, prison staff acquired the skills required to recognize and to address the unique needs of female prisoners. A data management system was being developed to monitor staff training and performance that would track key metrics with a view to ensuring accountability and continuous improvement. By fostering a more informed and empathetic environment, the Government aimed to create safer and more supportive conditions for women in detention.

The meeting rose at 6.05 p.m.