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Human Rights Committee**Concluding observations on the second periodic report of Pakistan***

1. The Committee considered the second periodic report of Pakistan¹ at its 4154th and 4155th meetings,² held on 17 and 18 October 2024. At its 4175th meeting, held on 1 November 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of Pakistan and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee also expresses its appreciation to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

- (a) The National Gender Policy Framework 2022;
- (b) The Khyber Pakhtunkhwa Domestic Violence against Women Act 2021;
- (c) The Protection of Journalists and Media Professionals Act 2021;
- (d) The Legal Aid and Justice Authority Act 2020;
- (e) The Prevention of Trafficking in Person Act 2018;
- (f) The Juvenile Justice System Act 2018;
- (g) The Transgender Persons (Protection of Rights) Act 2018;
- (h) The Acid and Burn Crime Act 2018.

* Adopted by the Committee at its 142nd session (14 October – 7 November 2024).

¹ CCPR/C/PAK/2.

² See CCPR/C/SR.4154 and CCPR/C/SR.4155.

³ CCPR/C/PAK/RQ/2.

⁴ CCPR/C/PAK/Q/2.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented and reservations

4. The Committee notes the legislation adopted at the federal and provincial levels since the last review, including the list provided by the delegation of the State party, but remains concerned that not all the rights enshrined in the Covenant are adequately incorporated into the domestic legal system. While noting the increasing trend of application of the Covenant by the Supreme Court and some domestic courts, it is concerned that this practice remains discretionary. The Committee regrets that the State party maintains its reservations to articles 3 and 25 of the Covenant (art. 2).

5. **Recalling its previous recommendations,⁵ the State party should ensure that all the provisions of the Covenant are fully incorporated and given full effect in its domestic legal order. The State party should also ensure that domestic legislation is interpreted and applied in full conformity with its obligations under the Covenant. In addition, the State party should ensure that all the rights enshrined in the Covenant are applied by domestic courts at all levels, including through enhancing training of judges, prosecutors, lawyers and public officials in relation to the Covenant. Recalling its previous recommendations,⁶ the State party should take concrete steps toward withdrawing its reservations to articles 3 and 25 to ensure the full and effective application of the Covenant, as well as considering acceding to the First Optional Protocol to the Covenant.**

National human rights institution

6. The Committee welcomes the accreditation with “A” status of the National Commission for Human Rights by the Global Alliance of National Human Rights Institutions in April 2024. However, it remains concerned that some provisions of the National Commission for Human Rights Act 2012 limit the ability of the Commission to undertake full inquiries into complaints of human rights violations by the members of the armed forces and allegations of acts or practices of intelligence agencies that are inconsistent or contrary to human rights. It is also concerned that the current process of selection and appointment of the commissioners does not include broad participation of civil society organizations (art. 2).

7. **Recalling its previous recommendations,⁷ the State party should ensure that the National Commission for Human Rights is empowered to investigate all allegations of human rights violations committed by members of the intelligence agencies and armed forces. It should also continue its efforts to ensure that the National Commission for Human Rights fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by implementing the recommendations of the Global Alliance of National Human Rights Institutions, notably with regard to the adequate participation of civil society organizations in the process of selection and appointment of the commissioners, and by ensuring that it has the human, financial and technical resources necessary to perform its tasks effectively.**

Anti-corruption measures

8. While noting the measures taken by the State party to tackle corruption, the Committee is concerned about reports that corruption remains prevalent at all levels, including in the judiciary; that the judiciary and military are only subject to internal disciplinary systems; and that accountability mechanisms for public officials are often selectively applied and politically motivated. Despite the adoption of the Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Act 2016, it regrets the

⁵ CCPR/C/PAK/CO/1, para. 6.

⁶ CCPR/C/PAK/CO/1, para. 8.

⁷ CCPR/C/PAK/CO/1, para. 10.

lack of comprehensive whistleblower protection legislation at the federal and provincial levels (art. 2 and 25).

9. The State party should increase its efforts to prevent and eradicate corruption at all levels and in particular:

(a) Effectively enforce anti-corruption legislation, strengthen the mechanisms and procedures for combating corruption and ensure that the judiciary, the military and other public officials are subject to effective, independent and transparent anti-corruption mechanisms;

(b) Ensure that all allegations of corruption are promptly, thoroughly and impartially investigated and that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the crime;

(c) Provide effective training to law enforcement officials, prosecutors and judges on detecting, investigating and prosecuting corruption and related offences.

(d) Ensure the effective protection of whistle-blowers and witnesses, including through the adoption of legislation and the establishment of protection mechanisms.

Non-discrimination

10. Despite the provisions of the Constitution related to non-discrimination and equality before the law, the Committee is concerned that the domestic legal framework does not provide protection against discrimination on all the grounds covered by the Covenant. It is also concerned about reports of discrimination against persons belonging to ethnic and religious minorities, including Christian, Ahmadi, Baloch, Hindu, Pashtun and Sikh, as well as discrimination against women and girls, lesbian, gay, bisexual, transgender and intersex persons, and migrants, refugees and asylum seekers (arts. 2, 3 and 26).

11. The State party should ensure that everyone enjoys the human rights enshrined in the Covenant without discrimination. In particular, it should:

(a) Adopt comprehensive legislation prohibiting discrimination, including intersectional, direct and indirect discrimination in all spheres on all grounds prohibited under the Covenant, and ensure access to effective and appropriate remedies for victims;

(b) Strengthen the monitoring and reporting of complaints of discrimination and ensure that all acts of discrimination are promptly and effectively investigated, that perpetrators are adequately sanctioned, and that victims are provided with effective remedies;

(c) Adopt robust measures to effectively prevent acts of discrimination and impunity, including by providing training and awareness-raising programmes to civil servants, law enforcement bodies, the judiciary, public prosecutors and religious and community leaders, and promote respect for diversity among the general public.

Sexual orientation and gender identity

12. While welcoming the adoption of the Transgender Persons (Protection of Rights) Act 2018, the Committee is concerned by the decision of the Federal Shariat Court of Islamabad in May 2023 to repeal sections 2(1)(f), 2(1)(n)(iii), 3 and 7 of the Act, which severely limits the scope of protection of the Act, and by reports of various legislative initiatives to introduce regressive amendments to the Act, including to remove the self-identification provision and to require intrusive medical examinations to determine gender status, to replace the term "transgender" with "intersex" (*khunsa*), and to criminalize the provision of gender-affirming healthcare. Furthermore, it is concerned about ongoing discrimination, violence, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons by public and private actors, lack of reporting by victims due to fear of reprisals, and lack of prompt and thorough investigations, leading to impunity for perpetrators. It is also concerned about reports that intersex children and adolescents are subjected to irreversible and invasive medical interventions. It equally remains concerned that same-sex relations between consenting adults remain criminalized (arts. 2, 3, 17 and 26).

13. **The State party should increase its efforts to prevent and address all forms of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. It should in particular:**

(a) **Adopt a legal framework to explicitly prohibit and prevent discrimination, harassment, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons;**

(b) **Uphold and strengthen the provisions of the Transgender Persons (Protection of Rights) Act 2018, and repeal or refrain from adopting any legislative or other measures that limit the scope of protection of the Act;**

(c) **Ensure that all allegations of discrimination or violence motivated by the victim's sexual orientation or gender identity are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the offence, and that victims are provided with effective access to judicial remedies, with full reparations and means of protection;**

(d) **Put an end to irreversible and invasive medical interventions, especially surgical operations, on intersex children who are not yet able to provide fully informed and free consent, unless such interventions constitute an absolute medical necessity;**

(e) **Decriminalize same-sex consensual relations between adults.**

Gender equality

14. While welcoming the various measures adopted by the State party to promote gender equality, the Committee is concerned about the persistence of discriminatory stereotypes and entrenched patriarchal attitudes relating to the role and responsibilities of women, which particularly affect women and girls from rural and impoverished areas. It is also concerned about the low representation of women in public and political life, particularly in decision-making positions. While noting the efforts to harmonize and raise the minimum age of marriage, it remains very concerned that the minimum age for marriage is set differently for girls (16 years) and boys (18 years) in some provincial laws (arts. 2, 3, 23, 24, 25 and 26).

15. **The State party should intensify measures to guarantee *de jure* and *de facto* equality between men and women and combat patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and in society at large. The State party should also step up its efforts to increase the full and equal participation of women in political, economic and public life, notably in decision-making positions, including by adopting special measures and enhancing civic education for young girls and women, and conducting awareness-raising activities on the importance of the participation of women in decision-making. The State party should amend existing legislation to set the minimum age of marriage at 18 years for girls and boys, without exceptions, throughout the State party.**

Violence against women, including domestic violence

16. The Committee takes note of the measures adopted by the State party to address violence against women, such as the Anti-rape (Investigation and Trial) Act 2021 and the Khyber Pakhtunkhwa Domestic violence against women (Prevention and Protection) Act 2021. However, the Committee remains concerned about the high level of violence against women and girls, including murder, rape, kidnapping and domestic violence, as well as the insufficient level of assistance for victims, and the extremely low level of convictions for those crimes, leading to impunity for perpetrators. It is also concerned about the lack of a comprehensive domestic violence legislation throughout the country and that marital rape is not criminalized. It remains concerned that so-called honour killings are still prevalent; that the *qisas* (equal retaliation) and *diyat* (financial compensation) laws are reportedly applied to some of these cases, and that some tribal councils (*jirgas* and *panchayats*) in remote areas continue to exercise jurisdiction over these cases despite the judgement of the Supreme Court of 2019, which declared these tribal councils illegal (arts. 2, 3, 6, 7, 24 and 26).

17. **The State party should continue its efforts to prevent, combat and eradicate all forms of gender-based violence against women. In particular, the State party should:**

(a) **Ensure that its national legislation prohibits and punishes all forms of violence against women, including marital rape, and provides for substantive protection to victims, including by promptly adopting and enacting the Domestic Violence (Prevention and Protection) Bill, and ensuring that the legislative framework is fully in line with the provisions of the Covenant;**

(b) **Guarantee that all cases of violence and harmful practices against women and girls are thoroughly and promptly investigated, that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the offence, and that victims have access to effective remedies, receive full reparation, and also have access to adequate protection and assistance;**

(c) **Ensure the availability of shelters for victims throughout its territory; strengthen the legal, medical, financial and psychological support services; allocate adequate financial and human resources for shelter homes and women protection centers, and regularly monitor those services;**

(d) **Effectively enforce the anti-honour killings laws and all other laws criminalizing violence against women, the prohibition of *qisas* and *diyat*, and the Supreme Court's ruling on the unlawfulness of the system of *jirgas* and *panchayats*.**

Voluntary termination of pregnancy and sexual and reproductive rights

18. The Committee remains concerned that abortion is criminalized in the State party except to save the life of the women or to provide "necessary treatment", a term not clearly defined by law, which lead women to seek unsafe, clandestine abortions that put their lives and health at risk. It is also concerned about reports that medical service providers often refuse to provide abortion or post-abortion care due to personal beliefs and that family members of individuals seeking abortion services have been prosecuted for aiding and abetting. Furthermore, it is concerned about the high rate of maternal mortality and the limited access to contraceptives, and sexual and reproductive health information and services (arts. 2, 3, 6, 7, 17 and 26).

19. **In accordance with article 6 of the Covenant and in the light of para. 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should:**

(a) **Amend its legislation to guarantee safe, legal and effective access to abortion where the health of a pregnant woman or girl is at risk, and when carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or when it is not viable;**

(b) **Take all measures necessary to ensure that the exercise of conscientious objection by medical service providers does not impede effective and equal access across the country for women and girls to confidential, legal and safe abortion services and post-abortion care;**

(c) **Amend its legislation, including articles 338, 338-A, 338-B, 338-C of the Penal Code, to ensure that women and girls who have recourse to abortion, health service providers who attend to them, and persons who assist them to procure an abortion, such as family members, are not subject to criminal proceedings ;**

(d) **Strengthen its efforts to reduce the high rate of maternal mortality and facilitate access across the country to sexual and reproductive health services and education among women, men and adolescents, and to a wide range of affordable contraceptive methods.**

Climate change

20. The Committee welcomes the adoption of measures such as the Climate Change Act 2017 and the National Adaptation Plan 2023. However, it is concerned about the adverse impact of pollution, environmental degradation, climate change and natural disasters on the enjoyment of the human rights of the population, notably the right to life, in particular rural populations and disadvantaged groups that have been disproportionately affected by severe floods, and it regrets the lack of sufficient information on sustainable policies adopted by the

State party to protect persons, including the most vulnerable, from the impact of environmental degradation and climate change (art. 6).

21. **In accordance with article 6 of the Covenant and in the light of the Committee's general comment No. 36 (2018) on the right to life, the State party should intensify its efforts to mitigate the effects of climate change and environmental degradation, adopt a sustainable prevention policy framework and ensure its effective implementation together with the legal framework, including with regard to disaster prevention and preparedness, and take adequate steps to adopt a precautionary approach to effectively protect persons from the negative impacts of environmental degradation, climate change and natural disasters.**

Death penalty

22. While welcoming the elimination of the death penalty for railway sabotage in 2022 and for narcotics offenses in 2023, the Committee remains concerned that domestic legislation punishes with the death penalty more than thirty crimes, including non-violent offenses that do not meet the threshold of the "most serious crimes" within the meaning of the Covenant, including blasphemy. Notwithstanding the information provided by the State party, the Committee is concerned about reports of inadequate age determination procedures leading to juveniles being charged with capital offenses and the lack of legal provisions prohibiting that persons with psychosocial or intellectual disabilities are sentenced to death and executed, following the Supreme Court's judgement in the *Safia Bano* case (2021). It regrets the lack of information on the number of death penalty cases in which a pardon or commutation was granted (arts. 2, 6 and 24).

23. **In the light of the Committee's general comment No. 36 (2018) on the right to life, the State party should refrain from carrying out executions by keeping a *de facto* moratorium; take specific steps towards adopting a *de jure* moratorium, and consider abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant. If the death penalty is maintained, the State party should:**

(a) **Ensure that it is provided only for the most serious crimes involving intentional killing;**

(b) **Guarantee that pardon or commutation of the sentence is available in all cases and develop comprehensive rules for submitting and reviewing mercy petitions that align with international standards, ensuring transparency, certainty, due process, and objectivity;**

(c) **Ensure that the death penalty is not applied to a person who was below 18 years of age at the time of the commission of an offence by amending the Juvenile Justice Systems Act 2018 and ensuring that the accused is treated as a child if doubts remain about the age at the time of the commission of the crime, and by establishing an effective and independent age determination process;**

(d) **Enforce the Supreme Court's judgment in the *Safia Bano* case (2021) and enact legislation prohibiting that persons with psychosocial or intellectual disabilities are sentenced to death and executed.**

Enforced disappearances and extrajudicial killings

24. The Committee is deeply concerned about reports of the increasing trend of enforced disappearances, including those of short duration, as well as torture and extrajudicial and summary executions, allegedly perpetrated by the military, intelligence agencies and the police, including extraterritorially, against human rights defenders, journalists, students, political activists, members of ethnic and religious minorities, public officials, including members of the Senate and the National Assembly, and political opponents and their families. It is also concerned about the lack of information on judicial investigations and prosecutions and reports indicating an alarming degree of impunity surrounding reported cases, which leads to further violations. It remains concerned about the lack of explicit criminalization of enforced disappearances in domestic law and by reports that the national Commission of Inquiry on Enforced Disappearances is not sufficiently independent and that its work has so

far not resulted in any criminal conviction in cases of enforced disappearance (arts. 2, 6, 7, 9, 14 and 16).

25. The State party should take urgent measures to address and prevent the pattern of enforced disappearances. In particular, it should:

(a) **Enact legislation to ensure that all forms of enforced disappearances, including those of short duration, are clearly defined in criminal law and that the associated penalties are commensurate with the gravity of the offence, in accordance with international standards, and ensure that the legislative initiatives on enforced disappearances are developed through meaningful informed participation of civil society, including families of the victims;**

(b) **Review the Actions (in aid of Civil Power) Regulation, 2011 with a view to repealing it or bringing it into conformity with international standards and ensure that no one is held in secret or incommunicado detention;**

(c) **Take all measures necessary to combat impunity and ensure that all allegations and reports of enforced disappearances, extrajudicial and summary executions are promptly, impartially and thoroughly investigated by ordinary courts, and that perpetrators are prosecuted and, if found guilty, sanctioned with penalties commensurate with the gravity of the offences;**

(d) **Discover the fate and whereabouts of disappeared persons and, in the event of death, identify them and return their remains; ensure that families are regularly informed of the progress and results of investigations, that they are provided with the official administrative documents, and receive full and adequate reparations;**

(e) **Assess the mandate of the Commission of Inquiry on Enforced Disappearances and the impact of its work, with a view to ensuring an institution that is fully independent, impartial, transparent and effective in advancing access to justice, remedies and reparations for the victims and their families, and in preventing and combatting impunity, and ensure meaningful consultations and informed participation of civil society in this process;**

(f) **Consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

Counter-terrorism measures

26. While acknowledging the State party's need to take measures to combat terrorism, the Committee remains concerned by the very broad definition of "terrorism" laid down in the Anti-Terrorism Act 1997 despite the Supreme Court's ruling in *Ghulam Hussain v the State* (2019) to limit the scope of the definition. It is also concerned that the Act allows the police to search and arrest individuals without a warrant; permits confessions made in police custody as evidence in court; and imposes short investigation periods and trial deadlines. It remains concerned about the Act's supremacy over other laws on the basis of Section 32, including the Juvenile Justice System Act 2018 and the Juvenile Justice System Ordinance 2000, effectively enabling anti-terrorism courts to have jurisdiction over juveniles. It is further concerned about reports of the disproportionate impact of the application of the law on human rights defenders, members of ethnic and religious groups, journalists, dissidents and activists (arts. 2, 4, 7, 9, 14 and 15).

27. **Recalling the Committee's previous recommendations,⁸ the State party should urgently review the Anti-Terrorism Act 1997 and ensure that the definition of terrorism is clear and precise and complies with the principles of legality, legal certainty and predictability. The State party should also amend the Act to explicitly remove the jurisdiction of the antiterrorism courts over juvenile offenders and introduce procedural safeguards in line with articles 14 and 15 of the Covenant. The State party should ensure that the Act and other counter-terrorism legislation is not invoked or applied to unjustifiably limit any right enshrined in the Covenant, in particular the rights to life, liberty and security of person, procedural guarantees, and freedom of**

⁸ CCPR/C/PAK/CO/1, para. 22.

expression and association or to repress human rights defenders, members of ethnic and religious groups, journalists, dissidents and activists.

Prohibition of torture and other cruel, inhuman or degrading treatment

28. While welcoming the adoption of the Torture and Custodial Death (Prevention and Punishment) Act, the Committee is concerned that it fails to provide a definition of torture and does not include specific and adequate punishment that corresponds with the nature or gravity of the crime of torture, in full compliance with the Covenant and other international standards. It remains concerned about reports of the widespread practice of torture and ill-treatment in places of detention by members of the police, military and intelligence agencies, which has resulted in deaths in custody; an extremely low number of torture prosecutions initiated since the adoption of the Act; and of a lack of prompt and effective investigation of allegations of torture or ill-treatment, and perpetrators who are rarely brought to justice. Furthermore, it is concerned about the lack of independent oversight and investigation mechanisms (arts. 7, 9 and 10).

29. The State party should take immediate measures to end torture and other forms of cruel, inhuman or degrading treatment or punishment. In particular, the State party should:

(a) **Amend its laws to ensure that all elements of the crime of torture are prohibited and sanctioned in accordance with the Covenant and other international standards, and expedite the establishment of regulations under the Act for its full and effective implementation;**

(b) **Conduct thorough, independent and impartial investigations into all allegations of torture, ill-treatment and deaths in custody, in accordance with relevant international standards (Istanbul Protocol and Minnesota Protocol); prosecute perpetrators, and, if convicted, sanction them with penalties commensurate with the gravity of the crime; and provide victims with full reparation;**

(c) **Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening human rights training provided to judges, prosecutors, law enforcement officials, health and forensic personnel, including training on international human rights standards, such as the Méndez Principles;**

(d) **Ensure that all persons deprived of their liberty have access to an independent, secure and effective complaint mechanism for the investigation of allegations of torture and ill-treatment and guarantee the protection of complainants against reprisals.**

Conditions of detention and treatment of persons deprived of their liberty

30. While noting the initiatives taken by the State party to improve the conditions of detention facilities, the Committee remains concerned about the high level of overcrowding and inadequate access to food, clean water, sanitation, feminine hygienic products, and health care. It is also concerned about reports of abuse of women prisoners, including sexual violence, and that individuals accused of blasphemy are often placed in solitary confinement for extended periods of time. It remains concerned about the widespread recourse to prolonged pretrial detention (arts. 7, 10, 14 and 26).

31. The State party should ensure that the conditions of detention fully comply with relevant international human rights standards (Nelson Mandela Rules, Bangkok Rules and Tokyo Rules). It should, in particular:

(a) **Take immediate measures to significantly reduce overcrowding in prisons, improve the conditions of detention and ensure adequate access to food, clean water, sanitation, feminine hygienic products, and health care for persons held in all places of deprivation of liberty;**

(b) **Ensure that allegations of abuse of women prisoners, including sexual violence, are duly investigated and that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the crime;**

- (c) **Refrain from holding individuals in solitary confinement for a prolonged period of time;**
- (d) **Reduce the use of pretrial detention and increase the use of non-custodial measures;**
- (e) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and setting up a national preventive mechanism.**

Elimination of slavery, servitude and trafficking in persons

32. The Committee welcomes the adoption of the Prevention of Trafficking in Persons Act 2018 and the establishment of the National Coordination Committee on Trafficking in Persons in 2022. However, it is concerned about the extent of trafficking in persons and forced and bonded labour, in particular in sectors such as brick kilns, agriculture and domestic work, as well as other forms of abuse, such as sexual abuse of children in domestic work. It remains concerned about the low levels of convictions and the lack of adequate shelter, assistance and rehabilitation services for victims (arts. 2, 7, 8 and 26).

33. **The State party should take all measures necessary to effectively prevent, combat and punish trafficking in persons, forced and bonded labour. In particular, it should:**

- a) **Establish mechanisms for the systematic and regular monitoring of workplaces in the formal and informal sectors, including domestic work, in order to prevent forced and bonded labour and other forms of abuse and exploitation, including sexual abuse of children in domestic work;**
- b) **Ensure that cases of trafficking in persons and forced or bonded labour are promptly, thoroughly and impartially investigated, that those responsible are appropriately sanctioned and that victims are provided with full reparation;**
- c) **Redouble its efforts to identify victims of trafficking in persons, forced and bonded labour, and provide them with appropriate protection and assistance, ensuring that the geographical coverage and quality of shelters is adequate, especially in rural and marginalized areas;**
- d) **Allocate sufficient financial, technical and human resources to all institutions responsible for preventing, combating and punishing trafficking in persons and forced and bonded labour, as well as to institutions in charge of providing victims with protection and assistance;**
- e) **Study and address the root causes of the persistent practice of forced and bonded labour and improve its prevention policies.**

Freedom of movement

34. The Committee remains concerned about reports on the frequent use of the Exit Control List, the Fourth Schedule list under the Anti-Terrorism Act 1997 and other control lists and measures to arbitrarily restrict the freedom of movement of dissenting persons, journalists, activists, members of ethnic minorities and human rights defenders, leading to the confiscation of their passports, detention and monitoring of their movement, as in the recent cases of Sammi Deen Baloch in September 2024 and Mahrang Baloch in October 2024. It is also concerned about the requirement for individuals applying for passports or national identity cards to list their religious affiliation, which has a discriminatory impact on Ahmadis as they are required to declare themselves as non-Muslims, contrary to their beliefs and self-identity, in order to obtain these official documents (art. 2, 12 and 26).

35. **Recalling its previous recommendations,⁹ the State party should review and amend its legal framework and policies relating to the Exit Control List, the Black List, the Passport Control List and the Visa Control List with a view to bringing them into compliance with article 12 of the Covenant, ensure that they do not restrict freedom of movement on unjustified grounds, and establish independent and effective oversight**

⁹ CCPR/C/PAK/CO/1, para. 30.

mechanisms, including access to courts, to prevent arbitrary restrictions to the freedom of movement. The State party should also ensure that its legislative and policy framework on passport and national identity card application procedures fully comply with the provisions of the Covenant, notably articles 2, 12 and 26, in particular by removing the mandatory declaration of religious affiliation.

Treatment of aliens, including migrants, refugees and asylum-seekers

36. The Committee welcomes the decision by the State party to extend the validity of the Proof of Registration cards until June 2025, an identity document held by over 1.3 million Afghan refugees. However, it remains concerned about the lack of a legislative and institutional framework governing the protection of refugees and asylum-seekers and establishing an asylum procedure. It is also concerned about the adoption of the Illegal Foreigners Repatriation Plan in September 2023, which has reportedly resulted in a large number of Afghans being forcibly deported without an individual assessment of their protection needs. It is also concerned about reports of many Afghan nationals living in the State party facing additional harassment by law enforcement authorities after the adoption of the Plan, creating further difficulties with their already precarious situation, including housing and employment, and having to rapidly leave to Afghanistan out of fear of arrest and detention (arts. 7, 9, 12, 13 and 24).

37. **In line with the recommendations made by the Committee on the Elimination of Racial Discrimination,¹⁰ the State party should accelerate efforts to adopt an asylum and refugee law establishing an asylum procedure in conformity with relevant international standards, and ensure that individuals with international protection needs are effectively protected against forced return. The State party should also ensure that immigration detention is used only as a measure of last resort and in the most restrictive manner; increase the use of alternatives to detention that are respectful of human rights; ensure that those in detention have access to legal aid services and language interpretation, and that their living conditions and treatment are in conformity with international standards. The State party should consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.**

Birth registration and statelessness

38. While acknowledging the efforts deployed by the State party, the Committee remains concerned about the low level of birth registration, including of refugee, asylum-seeking and stateless children, which has an adverse impact on their legal protection and enjoyment of human rights such as health care and education. While noting that the Citizenship Act 1951 incorporates the principle of *jus soli* and provides for birth right citizenship to every child born on the territory of the State party, the Committee is concerned about reports that access to citizenship for children born in Pakistan remains very difficult, including for Afghan children and children in the Bengali, Bihari and Rohingya communities, which results in stateless children (arts. 2, 16, 24 and 26).

39. **The State party should increase its efforts to facilitate the issuance of birth certificates for all children born in Pakistan, including refugee, asylum-seeking, and stateless children, and carry out campaigns, particularly in remote areas of the country, to raise awareness of the birth registration procedure and the importance of birth registration for all children. The State party should ensure the implementation of citizenship laws without any discrimination and adopt all measures necessary to prevent statelessness, including by favourably considering the requests of citizenship by foreign children at risk of statelessness. The State party should also consider acceding to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Independence of the judiciary

40. While noting the information provided by the State party's delegation during the dialogue on the proposed 26th constitutional amendment and the adoption process, the

¹⁰ CERD/C/PAK/CO/24-26, para. 32.

Committee is concerned about the lack of prior, broad, transparent and effective consultations with judges, prosecutors, lawyers, bar associations and civil society on the proposal, particularly given the impact of the revisions on the independence of the judiciary and on the process of judicial appointments, including with regard to the reconstitution of the Judicial Commission, the appointment of the Chief Justice through a special parliamentary committee, and the introduction of constitutional benches in the Supreme and High courts to be constituted by the Judicial Commission. It regrets the lack of information on the legal framework and institutional mechanisms to guarantee the independence of prosecutors and on the mechanisms for their recruitment, appointment, promotion disciplinary action and dismissal. It is also concerned about reports of frequent harassment, intimidation and threats, including by non-state actors, against judges and prosecutors involved in politically sensitive cases, corruption, terrorism and blasphemy related cases (art, 2, 8 and 14).

41. In accordance with article 14 of the Covenant and in the light of the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to fair trial, the State party should take all the measures necessary to safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors, in particular by reviewing the constitutional and legislative framework on the independence of the judiciary and on the process of judicial appointments, including by holding transparent and broad public consultations, to align them with the Covenant and with relevant international standards, such as the Basic Principles on the Independence of the Judiciary. The State party should also take specific measures to prevent judges and prosecutors from being influenced in their decision-making by any form of political pressure, harassment, intimidation, threats or other unlawful interference, including by ensuring that procedures for the selection, appointment, promotion, removal and disciplining of judges and prosecutors are in compliance with the Covenant and relevant international standards. The State party should also allocate adequate human and financial resources to the justice system.

Military courts

42. The Committee remains concerned about the use of the Pakistan Army Act 1952 to prosecute civilians in military courts. It is also concerned about reports that indicate a very high rate of convictions handed down by military courts and that those convicted have been sentenced to death in the majority of cases between 2015 and 2019. It is further concerned that military courts lack independence and that civilians tried in military courts do not benefit from the same due process guarantees as those provided for in the civilian judicial system. While noting the ruling of the Supreme Court of October 2023 that declared the military trial of civilians unconstitutional and contrary to international human rights standards, the Committee regrets that the ruling was suspended and is concerned that the civilians remaining in the military courts may not be released until the Supreme Court issues a final order (arts. 2 and 14).

43. In accordance with articles 14 and 15 of the Covenant and in the light of the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and recalling its previous recommendations,¹¹ the State party should take prompt measures to review the legislation on military courts, abrogate their jurisdiction over civilians and their authority to impose the death penalty, and bring their proceedings into full conformity with articles 14 and 15 of the Covenant in order to ensure a fair trial. The State party should also release on bail all civilians detained under the jurisdiction of military courts.

Right to privacy

44. The Committee remains concerned that the Prevention of Electronic Crimes Act grants overly broad power to authorities to access and retain personal data, and to share it with foreign governments, without judicial authorization and sufficient oversight. It is also concerned about reports of the increase of surveillance measures and mechanisms in the State party, such as: a) the authorization granted to the Inter-Services Intelligence in July 2024 to

¹¹ CCPR/C/PAK/CO/1, para. 24.

intercept calls and text messages of citizens under Section 54(1) of the Pakistan Telecommunication (Re-Organisation) Act 1996, and b) the installation of a mass surveillance system (Lawful Intercept Management System) imposed on telecommunications companies, with the capacity to intercept data and telecom records of up to four million users without any regulatory oversight or judicial authorization. It is further concerned about reports of targeted surveillance and monitoring of individuals by the intelligence agencies, in particular human rights defenders, journalists, political activists, politicians and individuals critical of the government, including through the use of digital technologies such as spyware (arts. 17 and 19).

45. The State party should promptly adopt a comprehensive data protection law that ensures transparency, accountability, and the protection of privacy of data in line with international human rights standards. The State party should ensure that legislation regarding surveillance, content and data regulation and related activities and any other interference with privacy is in full compliance with article 17 of the Covenant and with the principles of legality, proportionality and necessity. The State party should also establish independent oversight mechanisms, including independent and impartial judicial review of surveillance activity, and ensure access to effective remedies.

Freedom of conscience and religious belief, non-discrimination and prohibition of advocacy of national, racial or religious hatred

46. The Committee is deeply concerned about reports of the increase of discrimination, hate speech, hate crimes, mob violence, harassment and intimidation against religious minorities, in particular Christians, Ahmadis, Hindus, Shia and Sikhs, as well of the destruction of their places of worship and cemeteries, as was the case in Jaranwala in August 2023. It is also concerned about the lack of effective protection of these minorities by the authorities and the lack of accountability for these crimes. It remains concerned by blasphemy laws, including sections 295 and 298 of the Pakistan Penal Code, that carry severe penalties, including the death penalty, which have a disproportionate impact on religious minorities. It is also concerned about the increasing number of persons incarcerated under blasphemy charges, the high number of blasphemy cases based on false accusations, violence against those accused of blasphemy, fostering vigilante justice, and allegations of entrapment of persons, in particular young persons, on accusations of on-line blasphemy under cybercrime laws (arts. 2, 14, 18, 19 and 26).

47. In accordance with article 18 of the Covenant, in the light of the Committee's general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, and recalling its previous recommendations,¹² the State party should ensure respect for freedom of thought, conscience and religion for all and prevent, combat and address all forms of discrimination and violence against religious minorities. In particular, it should:

(a) **Increase its efforts to prevent and investigate promptly, thoroughly, independently and impartially all acts of discrimination and violence and instances of hate speech and incitement to public violence against religious minorities, and ensure that perpetrators, including central, regional and local authorities, law enforcement officials and those inciting to violence by loudspeaker from mosques or otherwise, are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the offence, and that victims are provided with reparation;**

(b) **Take effective steps to prevent physical attacks and the destruction of places of worship and cemeteries, and provide adequate reparations to all affected communities, including through the reconstruction of places of worship and the provision of compensation to all persons affected;**

(c) **Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant; put an end to the use of cyber-crime laws such as the Prevention of Electronic Crimes Act 2016 to prosecute and detain individuals accused of breaching blasphemy laws online; effectively investigate allegations of massive abuse**

¹² CCPR/C/PAK/CO/1, para. 34.

of blasphemy laws in connection with cyber-crime laws and publish the results of the inquiries;

(d) Take all the measures necessary to prevent violent attacks against persons accused of blasphemy, in particular those under police custody or in detention, and investigate these attacks, including mob lynchings and killings, ensuring that all perpetrators are prosecuted, convicted and appropriately sanctioned;

(e) Ensure that all those who incite or engage in violence based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished.

Freedom of expression and safety of journalists and human right defenders

48. The Committee is concerned about arbitrary restrictions, in law and in practice, on freedom of expression online and offline, including the broad and alarmingly frequent use of Internet shutdowns, such as the Internet blackout and social media outage during the May 2023 protests and the suspension of mobile Internet services on the day of the 2024 general election, as well as the blockage of social media platforms and of online content on vaguely defined grounds. It is also concerned about the chilling effect that criminal defamation laws, blasphemy, sedition and counter-terrorism laws, and other recently passed legislation have on the exercise of freedom of expression by journalists, activists, human rights defenders and members of ethnic and religious minorities, including the Pakistan Criminal Code (section 124-A, 295 to 298, 499 and 500), the Prevention of Electronic Crimes Act 2016, the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2021, the Pakistan Electronic Media Regulatory Authority (Amendment) Act 2023, the Official Secrets (Amendment) Act 2023, the Pakistan Army (Amendment) Act 2023 and the Punjab Defamation Act 2024. It is further concerned about reports of increased coercion and censorship over media outlets for airing criticism against the Government, military and the intelligence agencies, including closures and suspension of licenses for television channels, notably by the Pakistan Electronic Media Regulatory Authority. While noting the adoption of the Protection of Journalists and Media Professionals Act 2021, the Committee remains concerned about frequent reports of enforced disappearance, torture, killing, threats, harassment and intimidation of journalists, human rights defenders and civil society actors perceived as critical of the Government or promoting sensitive issues, by State and non-State actors, and about the high level of impunity for these crimes (arts. 6, 7, 19 and 20).

49. In accordance with article 19 of the Covenant and in the light of the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:

(a) Take immediate steps to ensure that everyone can exercise the right to freedom of expression online and offline without interference, including by reviewing or repealing the legislation mentioned above as well as by putting an end to measures that unduly restrict freedom of expression, such as Internet shutdowns and the blocking of websites and online resources and ban on social media platforms, and by establishing an independent and effective oversight body to review and monitor decisions regarding internet censorships and throttling; and ensure that any restrictions on the exercise of freedom of expression meets the strict conditions outlined in the Covenant;

(b) Refrain from adopting any measure or law that may result in further undue restrictions to the exercise of the right to freedom of expression, such as the use of a nationwide firewall system and the E-Safety Authority Bill 2023, and ensure broad consultations with relevant stakeholders, including civil society organizations, journalists, media professionals and the technical community;

(c) Consider decriminalizing defamation and ensure that criminal laws, sedition and counter-terrorism legislation are not used to silence journalists, human rights defenders, members of ethnic and religious minorities and dissenting voices;

(d) Ensure that all allegations of enforced disappearance, torture, killing, and intimidation of journalists, human rights defenders and civil society actors are investigated, that perpetrators are brought to justice and appropriately sanctioned and that victims receive appropriate reparations;

(e) **Guarantee that human rights defenders, journalists and civil society actors can operate safely, freely and independently without fear of being subject of persecution, intimidation, harassment or reprisals;**

(f) **Take all measures necessary to support a genuinely pluralistic media landscape and ensure a safe and enabling environment for the work of journalists, including by fully implementing the Protection of Journalists and Media Professionals Act 2021 and swiftly establishing the Commission for the Protection of Journalist and Media Professionals provided for in article 12 of the Act.**

Right of peaceful assembly

50. The Committee is concerned about legislation that unduly restricts the exercise of right of peaceful assembly, such as the Peaceful Assembly and Public Order Act 2024 and section 14 of the Khyber Pakhtunkhwa Civil Administration (Public Service Delivery and Good Governance) Act. It is also concerned about reports that blanket bans on assemblies are frequently imposed under section 144 of the Code of Criminal Procedure, which disproportionately ban gatherings deemed unfavourable to the government?. It is also concerned about the use of provisions on sedition and unlawful assembly of Pakistan Penal Code, the Anti-Terrorism Act 1997 and the Maintenance of Public Order Ordinance, which has resulted in the prolonged detention of protestors, notably human rights defenders, political opponents, activists and members of ethnic and religious minorities. It is further concerned about reports of recurring instances of intimidation, enforced disappearances, torture, excessive use of force and mass and arbitrary arrests of participants in assemblies, as it has been the case during the women's Aurat march, the Baloch Long march, the Baloch Raji Machi, the Pashtun Qaumi Jirga, among other protests and assemblies (arts. 2, 6, 7, 9, 19, 21 and 26).

51. **In accordance with article 21 of the Covenant and in the light of the Committee's general comment No. 37 (2020) on the right to peaceful assembly, the State party should:**

(a) **Bring its legislative framework governing peaceful assembly into full compliance with the Covenant and ensure that any restrictions imposed are in strict compliance with article 21 of the Covenant;**

(b) **Ensure that all allegations of excessive use of force, enforced disappearances, torture and arbitrary detention are promptly, impartially and effectively investigated, that those responsible are brought to justice and that all victims of such acts receive full reparation;**

(c) **Guarantee, in law and in practice, the full exercise of the right of peaceful assembly, including by women's organizations, ethnic and religious minority organizations, opposition groups and political parties, and ensure fully free media coverage of these assemblies;**

(d) **Provide appropriate training on the use of force and the employment of non-violent means of crowd control to law enforcement officials, including on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

Freedom of association

52. The Committee remains concerned that the legal and policy framework and procedures governing the activities of national and international non-governmental organizations, including the Policy for regulation of International Non-governmental Organizations in Pakistan 2015, the Policy for local NGOs/NPOs receiving foreign contributions 2022 and the Punjab Charities Act 2018, unduly restrict the exercise of the right to freedom of association. It is particularly concerned that these policies and legislation introduce cumbersome and costly annual registration procedures; restrictive regulations on foreign funding; and provide authorities with extensive monitoring powers, which has reportedly resulted in constant investigations and harassment by security agencies and other government offices. It is also concerned about several instances of civil society organisations and ethnic minority grassroots movements being arbitrarily placed on the First Schedule list

of proscribed organizations under the Anti-Terrorism Act 1997. It is further troubled by the long-standing ban on student unions and about reports that university students are required to sign an affidavit rejecting any political activity as a precondition for admission to the university, as well as reports that students, in particular Baloch and Pashtun students, are frequently subject to arbitrary disciplinary hearings and suspensions due to their political activity (arts. 2, 22 and 26).

53. The State party should adopt all measures necessary to ensure the effective enjoyment of the right to freedom of association, bring its policy and legal framework and registration procedures into full compliance with the Covenant and ensure that any restrictions imposed are in strict compliance with article 22 of the Covenant. The State party should also remove all undue restrictions on the ability of civil society organisations to receive international and domestic funding and put an end to the use of the Anti-Terrorism Act 1997 to criminalize civil society organizations and grassroots movements. The State party should take measures necessary to lift the ban on student unions throughout its territory and cease any measures or practices that unduly limit the right to peaceful assembly and freedoms of association, expression and opinion of students, including political opinion and political activity within universities.

Rights of the child

54. The Committee takes note of the measures adopted by the State party to protect the rights of the child, such as the adoption of the National Commission on the Rights of the Child Act 2017. However, it is concerned about reports of the persistent practice of abducting girls who belong to religious minorities and forcing them to marry -- regardless of their age and the prevailing law -- and convert to Islam under the threat of violence, which results in rape, trafficking and other forms of sexual and gender-based violence against these girls. It is also concerned about reports of the widespread impunity surrounding these cases. It is further concerned that victims are usually not returned to their families during investigations but forced to stay with their abductors, including members of organized criminal groups, or placed in unnecessary and inappropriate alternative care facilities, with no or limited regard for child protection standards, exposing victims to further risk of exploitation, abuse and harmful practices (arts. 23, 24 and 26).

55. Recalling its previous recommendations,¹³ and in line with the recommendations made by the Committee on the Elimination of Racial Discrimination,¹⁴ the State party should intensify its efforts to eradicate forced conversions and forced marriages of girls, including by strengthening its legal framework and enforcement mechanisms. The State party should also ensure that all allegations of forced conversions and forced marriages of girls are promptly, impartially and effectively investigated, that those responsible are brought to justice, and that all victims have access to effective remedies and support services such as adequate shelters, legal aid, psychological counselling and rehabilitation programmes.

Participation in public affairs

56. The Committee notes the measures adopted by the State party to promote the participation and representation of women and persons belonging to minorities in the public and political life, including the adoption of quotas in national and provincial assemblies. However, it remains concerned that the minority quotas apply only to religious minorities. It is concerned about reports of frequent instances of harassment, intimidation, threats and violence targeting women for exercising their right to vote or to participate in politics or public life, in particular in areas or communities where gender stereotypes and patriarchal structures prevail. It is further concerned about reports on insufficient education on civil and political rights, leading young people, especially from disadvantaged groups, to disengage from politics and thus become de facto excluded from the political and electoral processes. It is also concerned about the requirement for Ahmadis to declare themselves as non-Muslims to register in the electoral list or to register in a separate non-Muslim list, which has an

¹³ CCPR/C/PAK/CO/1, para. 42 and 44.

¹⁴ CERD/C/PAK/CO/24-26, para. 26.

adverse and discriminatory impact on the exercise of the right to vote, freedom of religion and self-identity of Ahmadis (arts. 2, 18, 25, and 26).

57. Recalling its previous recommendations,¹⁵ the State party should take all measures necessary to ensure the full and effective enjoyment of the rights enshrined in article 25 of the Covenant by all citizens, including women and members of ethnic and religious minorities. In particular, it should:

(a) Review its regime of temporary special measures, including quotas for minorities, to ensure that they also apply to ethnic minorities;

(b) Redouble its efforts to combat patriarchal attitudes and stereotypes which result in the *de facto* disenfranchisement of women and their exclusion from public and political life, in particular in rural areas, and ensure that all allegations of intimidation, threats and violence targeting women for exercising their right to participation in public affairs are effectively investigated and that those responsible are brought to justice;

(c) Develop or strengthen educational programmes on civil and political rights and awareness-raising activities on the importance of the participation of young people and women in public affairs;

(d) Bring its electoral legal framework into full compliance with the Covenant, in particular by eliminating discriminatory provisions and including all voters in the electoral list regardless of their religious beliefs, and guarantee the equal enjoyment by all citizens of the rights recognized in article 25 of the Covenant.

D. Dissemination and follow-up

58. The State party should widely disseminate the Covenant, its second periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report, the written replies to the Committee's list of issues and the present concluding observations are translated into the official languages of the State party and should consider translating them into other languages commonly used in the State party.

59. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 8 November 2027, information on the implementation of the recommendations made by the Committee in paragraphs 27 (Counter-terrorism measures), 40 (Independence of the judiciary) and 49 (Freedom of expression and safety of journalists and human rights defenders) above.

60. In line with the Committee's predictable review cycle, the State party will receive in 2030, the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

¹⁵ CCPR/C/PAK/CO/1, para. 48.