

**Statement by Senator Kamran Michael
Minister for Human Rights**

**Review of Pakistan's Initial Report on Convention
against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment (CAT)
(18 April 2017)**

Distinguished Chairperson of the Committee, Country-Rapporteurs for Pakistan, Experts of the Committee, ladies and gentlemen,

I have the honour to present Pakistan's initial report on Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

I am pleased to inform the Committee that this Report has been prepared through an inclusive, participatory and consultative process, in which federal and provincial departments as well as all stakeholders, including civil society organizations and NGOs were involved. We thank them for their participation and valuable contributions.

We believe that torture is an abhorrent practice which violates human rights and fundamental freedoms and negates principle of human dignity. Over the years, we, in Pakistan have made efforts to prohibit torture in all its forms. As a State Party to Convention against Torture, Pakistan continues to uphold and make efforts to implement the provisions of the Convention.

Distinguished Experts of the Committee,

Pakistan's commitment to prohibition of torture and protection of human rights precedes its ratification of the Convention. Chapter I of the Constitution of Pakistan guarantees and lays down the framework for the protection of Fundamental Rights of all its citizens without any discrimination, as does Chapter II that lays down Principles of Policy which also outlines substantive framework for the protection of rights. Protection from torture is part of the Human Rights guarantees provided in our Constitution, in particular, Articles 9, 10 and 14. For instance, Article 14 (1) provides that the dignity of man subject to law, and the privacy of home, shall be inviolable, while Article 14(2) states that no person shall be subjected to torture, for the purpose of extracting evidence.

Under the existing legal framework, including Criminal Procedure Code (CrPC) and Pakistan Penal Code (PPC), public servants, under no circumstances, can engage in any act of torture. The Police Order of 2002 imposes penalties, including fines or imprisonment for up to five years, on police officers who torture or abuse a person in their custody. It provides an oversight mechanism in the form of Public Safety and Police Complaints Commissions at all levels of government; federal, provincial and district level. The Police Order also provides safeguard for prisoners and detainees in police custody.

It ensures that any police officer, regardless of any rank, is liable for punishment if he inflicts torture. It also addresses procedures regarding the misconduct of law enforcement personnel, their punishment and the code of conduct for them. After the 18th Amendment, laws and policies have been formulated for the conduct and functioning of police by all provinces.

Pakistan's counter-terrorism laws are in compliance with our human rights obligations. The Anti-Terrorism Act (ATA) of 1997, the prime legislation covering the investigation and adjudication of acts of terrorism provides protections in accordance with human rights norms and standards. The ATA requires a person detained to be produced within twenty-four hours of arrest before a magistrate. Law enforcement agencies may seek further remand from the magistrate, but there is no extension for any investigating agency, unless the circumstances are sufficiently serious to warrant such an action and the court is satisfied that no harm has or will come to the accused. The law also provides witness protection.

The Investigation for Fair Trial Act and the corresponding Investigation for Fair Trial Rules were codified in 2013. The Investigation for Fair Trial Act promulgates additional guidelines for the fair application, issue and execution of warrants.

It also governs the admissibility of evidence obtained under the warrants and provides for committee oversight of cases in which warrants were not issued or issued and misused. The corresponding rules provide for greater transparency in the investigation process. This includes the registration of cases and the review of the admissibility of evidence.

The Qanun-e-Shahadat, Pakistan's Law of Evidence Section 37 also clearly addresses the non-validity of evidence given under threat or promise. It goes on to add that "No confession made to a police officer shall be proved as against a person accused of any offence."

While prohibition of torture is covered under the existing legal framework, currently a new law; The Prohibition of Custodial Torture Bill is being formulated by our Parliament on the prohibition of torture with the view to adopt a comprehensive law, covering all aspects of torture outlined in the Convention.

Distinguished Experts of the Committee,

The Government has taken a number of administrative and policy measures to ensure that all our citizens enjoy human rights and are protected from torture. In this context:

- i. After extensive consultations with all stakeholders including the civil society, Pakistan has launched the historic National Action Plan on Human Rights in February 2016. The comprehensive plan consists of six thematic areas with 16 expected outcomes and 60 actions. The six thematic areas which cover all human rights dimensions include, : (I) Policy, Legal Reforms; (ii) Access to Justice; (iii) Implement Key Human Rights priorities; (iv) International/UN Treaty implementation; (v) Establish and strengthen national human rights institutions; and (vi) Implement and Monitor mechanism for the Action Plan.
- ii. An amount of Rs. 750.00 million has been set aside to put in place institutional mechanisms for realizing the rights proposed in the Action Plan which include Rs. 400.00 million for human rights education, sensitization, awareness raising, research and communication, Rs. 250 million for establishment of a Human Rights Institute for research and training and Rs. 100 million for Endowment Fund to provide free legal assistance to poor victims of human rights violations.

iii. A National Task Force under my Chairmanship, with representation of Federal Ministries and Provincial Law/Human Rights Departments for implementation of the Action Plan has oversight and monitoring functions. To monitor overall human rights issues at the grass root level, district human rights committees have also been set up. Members of these committee include officials from the civil administration, the police and civil society. They are mandated to probe and investigate any form of human rights violations taking place their areas and to submit such report to the National Task force. These formal tiers of oversight play a central role in setting our strategic direction and key priorities, and align our interventions with our national and international obligations.

iv. A National Commission on Human Rights (NCHR) has been established by an Act of the Parliament and made functional since May 2015. It includes a Chairperson, who is a former Judge of the Superior Judiciary, and consists of nine members, one from each province one from FATA, one from the Islamabad Capital Territory (ICT), and one from the Minority Communities.

The Chairperson of the National Commission on the Status of Women (NCSW) is also its ex-officio member. The Commission has been given suo moto powers to take action against cases of all human rights violations in the country. The Act gives the Commission powers to hold inquiries and investigations with regard to violation of human rights anywhere in Pakistan. In accordance with the Paris Principles, the Commission has been made financially independent.

- v. The National Commission on the Status of Women has been further strengthened by giving it financial autonomy and suo-moto powers of a court to take action in case of violations of the rights of women. Special measures have been instituted for women to ensure their full participation in all walks of life. In addition, our Parliament has been very active in adopting legislation to address issues of violence and discrimination against women. For instance in October 2016, Anti-Rape (Criminal Laws Amendment) Bill and Anti-Honour Killings (Criminal Laws Amendment) Bill were passed by the Parliament.

The Government has taken several policy and administrative measures to implement these laws, which we would be pleased to share with the Committee.

- vi. In line with the Action Plan, the National Commission for Minorities has been strengthened. National Council for the Rights of Persons with Disabilities has been set up and National Commission for Rights of Children is being established.
- vii. With regard to prohibition of torture, the Action Plan includes, strengthening of human and technical resources and capacity building of law enforcement agencies, probation officers, prosecutors and medico-legal experts and launching of a comprehensive "Jail Inmates Rehabilitation Program" consisting of Skill Development, medical and psychological care, legal counselling and sports/recreational facilities. It also proposes to improve forensic sciences, upgrade physical facilities and equipments to investigate human rights violations on scientific grounds with the view to give impetus to speedy justice.

viii. All provinces have separate Human Rights Departments which are mandated to deal with the human rights related complaints. There are Human Rights Committees at District levels which can take up complaints and monitor human rights situation in various districts. The relevant departmental disciplinary committees have taken actions if any government official is found guilty of any unlawful action.

ix. The Police Order 2002 specifies the set up of Citizens- Police Committees in all provinces of the country. The Citizens-Police Liaison Committee (CPLC) Sindh has already been functional for the last decade and has played a paramount role in addressing citizens complaints and in helping monitor and prevent crimes. The Police Facilitation Centre of Punjab, E-Policing System in KPK and Computerization of Police Records in Jhang, Punjab, among others, have also assisted in reporting and monitoring cases of torture and crime.

- x. Supreme Court as well as all lower courts have given a number of judgments in favour of victims and perpetrators had been awarded punishment. Human Rights Cells in the Supreme Court and the High Courts have been established for redressal of human rights complaints, including, complaints received against Government functionaries regarding torture.
- xi. The Prisons Act of 1894 and the Prisoners Act of 1900 regulate the care and treatment of prisoners, along with discipline and the punishment of further offences. The Jail Manual outlines care, treatment and necessary arrangement for maintaining safe and humane prison conditions for prisoners.
- xii. Under the prison rules, there are “Jail Committees” operating in every Jail/prison comprising lawyers and Civil Society and headed by the District Judge that conduct regular periodic visits to the jail to inquire about the state of inmates, ensure provision of quality and adequate food and basic necessities. The inmates can freely share their views and problems with the committee which recommends measures to the jail authorities for the redressal of grievances of the inmates.

- xiii. The government has focused on establishing forensic labs and providing the police with modern investigative tools and techniques. Reliance on forensic evidence is increasing in criminal investigations, which is resulting in a significant decrease in the incidents of custodial torture for extracting evidence.
- xiv. A Code of Conduct has been devised by provinces for their police officials and prison staff which also prohibit acts of torture.
- xv. The Code of Conduct for Public Prosecutors in Punjab, under Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 as well as identical laws in other provinces, emphasize that “While providing advice, assistance and support at the investigation stage” it is imperative that the prosecution, “ensure that the investigating services respect legal precepts and fundamental human rights.” The Code of Conduct also requires prosecutors to verify that evidence was lawfully obtained and that victims and witnesses are informed of their rights. Further, the prosecutors must also ensure that appropriate action is taken against law enforcement officials if it is ascertained that unlawful methods were used during investigation.

- xvi. The Human Rights and Gender Sensitization Policies adopted by the provinces in 2007 provide for training on Gender sensitivity and special police procedures pertaining to female suspects, complainants and witnesses. These emphasize that “torture or degrading or inhuman treatment may not be used in any form or for any reason whatsoever.”
- xvii. In 2006, the Ministry of Law, Justice and Human Rights Access to Justice Program management unit introduced Police Reforms in Pakistan with the view to ensure training of police officials in all capacities. Focused initial and continued training is provided to the police officers at all levels. While dealing with the citizens, they are trained to base their actions on the principles of equality, justice and respect for all members of the community without discrimination. In case an officer commits a wrong doing in the exercise of his duty, he is liable for prosecution of such an offence. All Police academies as well as judicial academies have included human rights education in their curriculum including information and training regarding prohibition of torture.
- xviii. A number of programs have been initiated by Government to raise awareness regarding the prohibition of torture, including workshops, seminars and media campaigns.

xix. The free and vibrant media and active civil society also continues to play an important role in raising awareness.

Distinguished members of the Committee,

For Pakistan the commitment to promote and protect human rights in accordance with our international obligations is a national priority. As a progressive, free and democratic country, we openly acknowledge the challenges we face in the context of prohibition of torture, such as, limited resources, strengthening of accountability mechanisms, inadequate forensic equipment and personnel trained in forensic analysis, modernization of investigative techniques, construction of new detention facilities, need for improving training of Law Enforcement Agencies regarding prohibition of torture and awareness raising.

Distinguished Members of the Committee,

The implementation of any Convention is an ongoing process. In the context of Pakistan, the Government has made endeavours to implement the Convention as well as report to the Committee.

My delegation would be pleased to respond to the questions and observations of distinguished Experts of the Committee and looks forward to a constructive and meaningful dialogue.

I thank you.