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Submission of the **Human Rights Commission of Pakistan (HRCP)** with the support of the **World Organisation against Torture (OMCT)** to the UN Committee against Torture in view of the Committee's Examination of Pakistan's second periodic report under Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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1. Introduction

The Human Rights Commission of Pakistan (HRCP) in collaboration with the World Organisation against Torture (OMCT) provides the below information to the UN Committee Against Torture (“the Committee”) ahead of the review of Pakistan’s second periodic report. It reflects the author’s key concerns about Pakistan’s fulfilment of its international human rights obligations as a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”, “the CAT”). While the Committee raised various key concerns and provided recommendations to Pakistan in the previous review in 2017, Pakistani authorities continue to fail to fully meet the legal obligations under the Convention to address torture and other cruel, inhuman or degrading treatment or punishment. Since the last review, the authors are particularly concerned about the Torture and Custodial Death (Prevention and Punishment) Act, 2022 and its implementation (section 2), extrajudicial killings (section 3), enforced disappearances (section 4), the death penalty (section 5), the ill-treatment of persons deprived of liberty, in particular lack of access to healthcare, detention overcrowding and the underlying reason of ineffective administration of justice (section 6), the failure to protect women and girls from gender-based violence (section 7), and the failure to protect religious minorities from mob violence and faith-based torture (section 8). This submission is primarily based on HRCPs own documentation and fact finding, direct testimonies as well as secondary news reports, court records, legal and policy documents.

2. Torture and Custodial Death (Prevention and Punishment) Act, 2022

2.1. Definition of Torture and the Element of Mental or Psychological Suffering

In its Concluding Observations 2017 for the first periodic review¹, the Committee had urged the state party to take necessary measures to incorporate into its legislation a specific definition of torture that covers all the elements of the definition contained in article 1 of the Convention. The definition of torture provided in the law enacted by the state party in 2022 does not cover the element of mental pain and suffering as contained in article 1. In this regard it would be pertinent to further recall that the previous private members’ bills presented before the parliament in 2017 and 2020 carried the element of mental pain or suffering. By the time the current law was presented the element of mental pain or suffering had been eliminated.² The bill presented by Senator Sherry Rehman had been passed in the Senate and was transmitted to National Assembly in 2020 but was never presented before the Assembly for vote. An amended version was presented by the then government which was objected to by members of the then opposition.³

The Torture and Custodial Death (Prevention and Punishment) Act, 2022 (‘TCDA’ or the ‘2022 Act’) defines torture as follows

‘Torture’ means an act committed by which severe physical pain or physical suffering, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason

¹ Concluding Observations on the initial report of Pakistan. UN CAT/C/PAK/CO/1. 1 June 2017. <https://docs.un.org/en/CAT/C/PAK/CO/1>.

² See former Senator Farhatullah Babar’s bill (2017) https://senate.gov.pk/uploads/documents/1486994660_395.pdf; Senator Sherry Rehman’s bill (2020) at https://www.senate.gov.pk/uploads/documents/1672801397_803.pdf.

³ Report of the Standing Committee on Interior on the Torture and Custodial Death (Prohibition and Punishment) Bill 2021. https://www.na.gov.pk/uploads/documents/62e28e10415e2_124.pdf.

based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

In the List of Issues framed by the Committee for the state party in 2025, this issue was particularly raised with the state party in response to which it has been submitted in the replies received from the state party that the Pakistani courts interpret the prohibition of torture broadly, encompassing both physical and psychological harm which approach reflects ‘Pakistan’s commitment to implementing the definition of torture holistically and in line with the Convention against Torture’.⁴ Four cases from higher courts in particular have been relied upon to support the assertion⁵. Further, it has been recalled by the state party that these are binding precedents for lower courts. Such assertions, however, do not take into consideration the oft-observed phenomenon that district level courts fail to take into account precedents from higher courts while they err on the conservative side. In doing so, the lower courts often apply law conservatively and wrongly while relying on literal interpretation of statutes⁶. It may further be pointed out that the definition of torture available in the text of the law is the only version which would be readily accessible to doctors and members of investigation agencies. In this regard, it may also be recalled that the Istanbul Protocol which is the UN-recognized set of international guidelines for investigating and documenting torture requires medical practitioner’s expert report to include opinion on the psychological impact of torture in the following terms

(d) An interpretation as to the probable relationship of physical and psychological findings to possible torture or ill-treatment. A recommendation concerning any necessary medical and/or psychological treatment or further examination(s) should also be given

Given the fact that the sanctions provided in the law for acts of torture deal only with physical consequences (as discussed below in the context of Article 4 of the Convention and section 4 of TCDA), absence of the mental and psychological harm in the definition could lead to serious challenges in drawing reliable medical expert reports, among other issues.

It appears from the state party’s replies that there is no disagreement in principle on the inclusion of mental suffering within the scope of torture. It is then only reasonable that the statutory definition of torture be expanded in its scope to include the element mental pain and suffering as provided in the definition in the Convention’s article 1.

Recommendation:

- Review legislation to ensure that it includes a definition of torture in the law that is in full conformity with the Convention and covers all the elements contained in Article 1 including the element of mental and psychological harm.

⁴ List of Issues in relation to the second periodic report of Pakistan. UN doc. CAT/C/PAK/Q/2. 23 May 2025. <https://docs.un.org/en/CAT/C/PAK/Q/2> ; and for Replies of Pakistan to the list of issues in relation to its second periodic report (‘Replies of Pakistan’). UN Doc. CAT/C/PAK/RQ/2. 15 October 2025. <https://docs.un.org/en/CAT/C/PAK/RQ/2>.

⁵ Replies of Pakistan to the list of issues in relation to its second periodic report (‘Replies of Pakistan’). UN Doc. CAT/C/PAK/RQ/2. 15 October 2025. <https://docs.un.org/en/CAT/C/PAK/RQ/2>. Paras. 7–8.

⁶ The plain text rule, or plain meaning rule, is a fundamental principle of statutory interpretation which requires courts to apply the ordinary, everyday meaning of legal text when it is clear and unambiguous. It prioritizes the statute’s literal language, assuming the legislature meant what it has put in the text, avoiding external sources of interpretation.

2.2. Prohibition of Torture and Lawful Sanctions

The definition of torture in TCDA excludes from its scope, ‘pain or suffering arising only from, inherent in or incidental to lawful sanctions’ as does Article 1(1) of the Convention. A question may be raised as to how the words ‘lawful sanctions’ may be interpreted in the Pakistani context; Does ‘lawful’ mean under international or national law? In this context the following may be considered.

This particularly controversial clause was carried to the Convention from the 1975 UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, in the 1975 Declaration, it was made subject to lawful sanctions as an exception to torture only ‘to the extent consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners’. In the 1975 Declaration, the lawful sanctions clause accordingly was meant to apply to certain disciplinary measures against prisoners below the threshold of corporal punishment. Placing a detainee in a dark cell and similar measures are prohibited by the Standard Minimum Rules. While Pakistan at the UN voted in favour of these rules, they are not part of its legal framework.

The lawful sanction clause in the definition of torture in TCDA is particularly problematic because of the Pakistan Prison Rules 1979 and the Pakistan Prison Act 1894, which are not compatible with international standards, including the Nelson Mandela Rules.⁷

In particular, Rule 36 of the Mandela Rules emphasizes that ‘discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well-ordered community life.’ Rule 39 stipulates that no prisoner shall be sanctioned except in accordance with the terms of law, principles of fairness and due process. The Rule further contemplates proportionality between a disciplinary sanction and jail offence, prohibits inflicting punishment twice for the same offence, and requires keeping a proper record of all disciplinary sanctions imposed.

It would be pertinent to refer also to the United Nations’ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which establishes a prisoner’s right to be heard by the authorities before imposing disciplinary action (Principle 30).

In this regard, the Pakistan Prison Rules 1978 need to be revised significantly in light of developments that have taken place in international law in the last 50 years. For instance, Rule 584(4) of the Prison Rules allows the major punishment of ‘separate confinement for a period exceeding fourteen days, but not exceeding three months.’⁸ Since there is no data on prison practices under the Rules, it is not known how these provisions are implemented by prison authorities. This appears to be in violation of the Mandela Rules, which prohibit prolonged solitary confinement.

The Mandela Rules define solitary confinement as the confinement of prisoners for 22 hours or more than a day without meaningful human contact, and prolonged solitary confinement refers to solitary confinement for a period in excess of 15 consecutive days. In particular, Mandela Rules prohibit:

- Indefinite solitary confinement
- Prolonged solitary confinement
- Placement of a prisoner in a dark or constantly lit cell
- Corporal punishment or the reduction of a prisoner’s diet or drinking water
- Collective punishment.

The Prisons Act 1894 does not define and align ‘solitary confinement’ in accordance with the current international law. It stipulates

⁷ See rules 580-591 read with sections 45-47 of the Prisons Act, 1894.

⁸ Rule 584(4) of the Pakistan Prison Rules 1978.

29. Solitary confinement. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoners to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Further, Section 30 of the Prisons Act prescribes that every death row prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

In this regard, it is pertinent to point out that prisoners accused of blasphemy and/or prisoners sentenced to death are routinely isolated and put in solitary confinement. One such case is that of Junaid Hafeez who has been in solitary confinement for blasphemy since 2014, even prior to his conviction and death sentence in 2019.⁹

Moreover, the continued recognition of corporal punishment in domestic law raises serious concerns in the context of the lawful sanctions clause. The Abolition of the Punishment of Whipping Act, 1996, abolished whipping as a sanction under all laws, rules, and regulations, except in relation to Shari'a-based hadd offences. Whipping therefore continues to exist as a lawful penalty in a narrow category of cases. While its application appears to be extremely rare in practice, there was a case reported from 2024, according to which a session court in Karachi sentenced a man to 80 lashes under Section 7(1) of the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979, reportedly for falsely accusing his former wife of adultery.¹⁰ It may have been the first instance of corporal punishment imposed in decades. Nonetheless, it demonstrates that whipping remains an available judicial sanction in Pakistan.

Recommendations:

- Clarify and amend the definition of torture in the Torture and Custodial Death Act to ensure that the 'lawful sanctions' clause is interpreted strictly in line with the Convention and cannot be invoked to justify acts amounting to torture or cruel, inhuman or degrading treatment or punishment.
- Review and amend all relevant legislation to eliminate provisions permitting corporal punishment, including whipping for hadd offences, and to ensure that practices such as prolonged solitary confinement cannot be justified under the 'lawful sanctions' exception.

2.3. Appropriate Penalties (Article 4)

Article 4(2) of the Convention requires each State Party to make acts of torture 'offences punishable by appropriate penalties which take into account their grave nature'. Section 8 of the TCDA incorporates by reference the offences and punishments provided for different kinds of harms in chapter XVI of the penal code which is titled as 'offences affecting the human body'. As the title indicates, the harms covered in chapter XVI are all of a physical nature including murder and attempted murder or manslaughter, voluntary and involuntary (sections 300-303, 315-322) and various kinds of hurts including the causing of miscarriage. (sections 328A, 332-338).¹¹ Since the punishment for 'custodial death' is provided separately

⁹ Al Jazeera. (2019). Pakistani academic Junaid Hafeez sentenced to death for blasphemy. <https://www.aljazeera.com/news/2019/12/21/pakistani-academic-junaid-hafeez-sentenced-to-death-for-blasphemy>.

¹⁰ Dawn. (2024). Man in Karachi sentenced to 80 lashes for denying child's paternity. <https://www.dawn.com/news/1826325>.

¹¹ Incorporation by reference is a method of drafting legislation and interpretation which allows a new law to make previously existing law an integral part of itself, as if the provisions of the old law were directly included in the text

in section 9 of the 2022 TCDA; therefore, application of sec. 8 may be understood to be limited to various kinds of physical harms i.e. hurts provided in sections 332-338 of the penal code and leaving out the psychological effects or mental suffering. It is, thus, in this context that the absence of the element of mental and psychological suffering and pain (as mentioned above in the section on definition) from the definition of torture in TCDA becomes even more problematic: the punishments provided in terms of sanctions for ‘harms’ without providing punishment for psychological hurt strengthens the impression that the definition of torture was intentionally limited to physical pain and suffering.

Sections 332-338 of the PPC pertain to hurts are part of the ‘Islamic’ penal law. In Islamic law, hurt(s) may be forgiven by the victim(s) with or without compensation (as *diyat*); however, the TCDA appears to make the offence of ‘torture’ non-compoundable and even non-bailable,¹² thus making the prosecution and penal consequence mandatory. It is not clear whether the TCDA would as *lex specialis* take precedence over the PPC. For each kind of hurt, a penalty in the form of *Arsh* (compensation paid to the victim) is mandatory but the other punishment of imprisonment is discretionary, i.e., for every kind of hurt provided in the PPC, it is an option / discretion available to the court to only make an order for compensation in monetary terms as *Arsh* or *Daman*¹³ as a certain percentage of *Diyat* for various kinds of hurts.¹⁴ For instance, while Section 334 of the PPC provides punishment for the serious offence of dismemberment of part of the human body, the court may not necessarily sentence the offender to imprisonment.

Clearly, the inadequacy of the definition of torture coupled with complete absence of proportionate penalties for mental and psychological harm resulting from acts of torture makes the state party’s enactment fundamentally flawed.

Recommendation:

- The law should be amended to stipulate penalties for the offence of torture, custodial death and custodial rape as well as CIDT independent of any other statute including chapter XVI of the penal code

of new law. The previously existing law’s provisions are considered as if they were written into the new law. This method fictionally embeds the referenced provisions within the new legislation.

¹² Section 8 of the TCDA.

¹³ ‘Arsh’ (ارش) means the compensation specified in this Chapter to be paid to the victim or his heirs; daman’ (ضمنان) means the compensation determined by the court to be paid by the offender to the victim for causing hurt not liable to arsh: sections 299 (b) and (d) of the PPC.

¹⁴ Explanation: Arsh is monetary compensation for various kinds of hurts caused. It is defined in section 299(b) of the Pakistan Penal Code. Hurt is determined as a percentage of diyat which is the compensation for the offence of murder. Diyat is calculated in monetary terms equivalent to 30,630 grams (thirty thousand six hundred thirty grams) of silver. Thus, Arsh may be calculated as a percentage of the total equivalent value (in terms of currency in force) for various kinds of Arsh. Diyat is officially determined amount which is notified every year by the Government of Pakistan in accordance with the varying rate for silver. For the year 2024/25, Rs. 8,103,955 (eight million one hundred three thousand nine hundred and fifty-five only) has been determined as the value equivalent to 30,630 grams of silver. See Notification for Diyat for the financial year 2024-25. https://www.finance.gov.pk/circulars/circular_02102024.pdf.

2.4. Compoundability of Death Caused by Torture in Custody

While section 9 of the TCDA makes the offence of death caused by torture in detention to be punishable the same way as murder may be under the Penal Code, it also makes it compoundable thus opening the way to impunity.

Recommendation:

- Ensure that acts amounting to torture are not subject to compoundability.

2.5. Prevention of Cruel, Inhuman, or Degrading Treatment or Punishment (Article 16)

In General Comment 2 the Committee against Torture while recognizing that States parties identify or define certain conduct as ill-treatment in their criminal codes, it points out that ‘in comparison to torture, ill-treatment may differ in the severity of pain and suffering and does not require proof of impermissible purposes’. The Committee emphasizes that ‘it would be a violation of the Convention to prosecute conduct solely as ill-treatment where the elements of torture are also present’.¹⁵

Section 2(g) of TCDA defines ‘cruel, inhuman or degrading treatment’ as including ‘any deliberate or aggravated treatment inflicted by a public official or a person acting on his behalf against a person under their custody, causing suffering, gross humiliation, or degradation of the person in custody’. This definition is problematic in the context of the Convention that does not require intent (deliberate infliction) for pain and suffering to amount to cruel, inhuman, or degrading treatment. It is also unclear what ‘aggravated treatment’ means whether this is severe pain and suffering or whether it requires other circumstances to be present, such as duration or repetition of the treatment.

The use of CIDT is not prohibited by making it punishable per se in the TCDA. Section 3 prescribes that a statement or information obtained by using torture or CIDT shall not be admitted in evidence in any proceedings. It is only when a public official knowingly uses such information or statement in evidence that such official becomes liable to be punished with imprisonment which may not exceed one year. This provision is intended to prevent the use of information extracted as a result of ‘torture’ and ‘cruel, inhuman or degrading treatment’ rather than making the latter appropriately punishable.

Under section 3(2) of TCDA, a public official becomes liable to be sentenced to imprisonment of up to one year or with fine which may not exceed hundred thousand rupees or both, for using information or statement extracted through torture or CIDT. This provision does not take into account all possible consequences which the accused may have to face till such time when the crime committed by a public servant may come to surface. Therefore, this provision needs to be amended to take into consideration various possible scenarios and consequences of using evidence extracted through torture or CIDT so that the principle of proportionality is duly applicable.

Recommendations:

- Amend the definition of cruel, inhuman or degrading treatment in the Torture and Custodial Death Act to bring it into full conformity with the Convention, in particular by removing the requirement of

¹⁵ CAT. General Comment 2. UN Doc. CAT/C/GC/2. 24 January 2008. para. 2.

‘deliberate’ conduct, clarifying the meaning of ‘aggravated treatment,’ and ensuring that the scope of protection is not unduly restricted.

- Adopt effective legislative and practical measures to prevent and address acts of cruel, inhuman or degrading treatment, including by ensuring that such acts give rise to appropriate sanctions and remedies, and by revising section 3 of the Act so that accountability is not limited to the use of evidence obtained through such treatment

2.6. Punishment for not Reporting Torture

The law i.e. TCDA does not make it expressly obligatory upon public officials to mandatorily report torture. Sections 8-11 are the penal provisions of the law. None of them contains penalty for those who knowingly fail to report instances of torture.

Recommendation:

- Ensure that the law provides for prosecution of those public officials who knowingly fail to report instances of torture.

2.7. FIA as the Investigation Agency (Articles 12-13)

Section 5 of the 2022 Act gives the exclusive jurisdiction to the Federal Investigation Agency (FIA) to investigate complaints of torture and custodial deaths.

One of the factors why FIA may have been assigned the role of investigating agency could be to make the process beyond reproach on the ground of bias and conflict of interest as would be the case of the provincial and regional police were to be given the power to investigate. However, the law does not seem to provide for adequate safeguards against conflict of interest, potential bias, and abuse of power at the FIA which could become a serious challenge in holding the policing and other law enforcement agencies.

In this regard, an important aspect seems to have escaped the attention of the legislature. FIA’s Director General (DG) is almost always selected from the Police Service of Pakistan (PSP), the elite police group from where the police officers are selected to run provincial and regional police departments including at district and provincial or regional levels. Moreover, the FIA’s DG is appointed by the federal government which is in effect an appointment made on the recommendation of the Prime Minister.¹⁶ There’s no public forum where the credentials of the proposed public servant(s) for the job are examined.

For instance, the current DG Usman Anwar is a senior police officer from the Police Service of Pakistan (PSP) who served as Inspector General of Punjab Police from January 2023 until February 2026. He was appointed DG of the FIA of Pakistan in February 2026. During his tenure as provincial police chief he has been involved in a number of controversies sometimes even serious ones relating to the proper administration of justice.¹⁷ His transfer from the province of Punjab came in the wake of, though not necessarily because of, allegations of torture by police on a man who had complained against the incident

¹⁶ Associated Press of Pakistan (2022). PM appoints new DG FIA. <https://www.app.com.pk/national/pm-appoints-new-dg-fia/>.

¹⁷ See Express Tribune (2026). Punjab replaces police chief amid criticism over Bhati Gate manhole tragedy. <https://tribune.com.pk/story/2590554/punjab-replaces-police-chief-amid-criticism-over-bhati-gate-manhole-tragedy>.

in which his wife and daughter died after falling into a uncovered manhole. The reporting of the incident caused much embarrassment for the provincial government.

Most of the FIA's senior officials also belong to the PSP. There is therefore a potential for conflict of interest when incidents of torture concerning the police will be reported. Since there is no mandatory requirement in the law to disclose conflict of interest or bias, it is not clear how such a conflict shall be resolved. It may be pointed out that not a single case of torture has been reported to have been investigated and sent for prosecution by the FIA under the TCDA since its enactment in 2022. Further, very few cases of torture and custodial deaths are reported and inquired into or investigated at the level of provincial police departments. For instance, sections 174-176 of the Code of Criminal Procedure require all suspect unnatural deaths to be reported to the concerned judicial magistrate to be duly inquired into. There is no data available whether the provincial police departments proactively comply with the mandatory requirements of the Code of Criminal Procedure.

It was during the tenure of the former IG, that the province of Punjab witnessed one of the worst phases of extrajudicial killings in encounters with the police. Despite several credible reports including fact findings and directions from courts, the allegations of torture and encounter killings were not inquired into. The Lahore High Court in 2025 gave clear directions to then Inspector General of Police Usman Anwar who now holds the position of Director General FIA's office, to look into the cases of extrajudicial killings in accordance with law.¹⁸ It may be recalled that fake police encounters resulting in extrajudicial killings is a longstanding challenge that the various Pakistani policing agencies have not been able to resolve in accordance with internationally recognized principles and obligations imposed under international human rights law.¹⁹

Further, FIA itself has acquired over the decades an ever-expanding role as a law enforcement agency. It started as an anti-corruption policing organization for the public / civil servants who worked for the federal government. With the passage of time, it also acquired the responsibility to act as a law enforcer under various laws relating to international travel and emigration.²⁰ It is also burdened with the responsibility to investigate several other crimes including human smuggling and human trafficking across international borders. All these laws give the FIA a number of policing powers. Under rising international criticism, the FIA has recently taken disciplinary action against its delinquent officers.²¹ There is however no external independent oversight and accountability mechanism and institution.

In addition, also officers of the FIA have been accused of torture and was unable to properly investigate and prosecute its agents. In a case of torture to death in custody in 2020 only resulted in the dismissal of the four perpetrators, none of them was held criminally responsible due to poor investigation and prosecution.²²

¹⁸ See Dawn. (2025). Punjab IGP told to review Crime Control Department encounters. <https://www.dawn.com/news/1926231>. Al Jazeera (2026). Pakistan's Punjab police kill 900 people in eight months: What's going on?. <https://www.aljazeera.com/news/2026/2/18/pakistans-punjab-police-kill-900-people-in-eight-months-whats-going-on>.

¹⁹ Dawn. (2026). Crime control or state criminality? Policing, power and impunity in Punjab. <https://www.dawn.com/news/1969181>. Rusi. (2019). Encounter Killings' as a Method of Policing Karachi. <https://www.rusi.org/networks/shoc/informer/encounter-killings-method-policing-karachi>.

²⁰ The Friday Times. (2025). Valid Visas, Yet Offloaded: The FIA's Controversial 'Profile Checking' At Pakistani Airports. <https://www.thefridaytimes.com/23-Nov-2025/valid-visas-yet-offloaded-fia-s-controversial-profile-checking-pakistani-airports>.

²¹ Dawn (2026). 214 FIA officers punished in four months for human trafficking, fraud. <https://www.dawn.com/news/1964621>.

²² Dawn. (2025). SC affirms stat's duty to protect right to life, prevent custodial violence. <https://www.dawn.com/news/1958151/sc-affirms-states-duty-to-protect-right-to-life-prevent-custodial-violence>.

The FIA has historically faced challenges in hiring human resource to discharge its functions.²³ With the ever-increasing workload and lack of orientation of the institution, it is highly doubtful that the FIA can meaningfully discharge its obligations to hold perpetrators of torture accountable.

Another significant limitation of that arises with the FIA as the investigative agency lies in the restricted scope of its enforcement mechanisms with regard to members of the armed forces. The FIA does not exercise jurisdiction over military personnel. Allegations against members of the armed forces are dealt with within the framework of the military justice system under the Pakistan Army Act, 1952, which operates largely outside civilian oversight. As a result, acts amounting to torture or ill-treatment committed by military or intelligence personnel risk falling outside the effective reach of the TCDA.

Recommendations:

- Take measures to ensure that FIA's own staff is duly held accountable under the TCDA law in cases of torture
- Ensure that senior officials at the FIA are appointed through a transparent mechanism which takes into account the past performance of the public official proposed to lead the FIA;
- Incorporate in the law mandatory requirement for disclosure of conflict of interest
- Ensure independence of the investigation agency and its individual officers concerned with the investigation of torture and custodial deaths
- Ensure that the FIA has adequate financial support, capacity and other resources including adequate human resource to enable it to discharge its obligations in its functions under various laws especially under the TCDA.
- Ensure that all allegations of torture and ill-treatment, including those involving members of the armed forces and intelligence agencies, fall within the jurisdiction of independent civilian oversight and investigative bodies.

2.8. Role of the National Commission for Human Rights

Section 5 of the 2022 Act assigns the National Commission for Human Rights (NCHR) the mandate to supervise torture investigations conducted by the FIA. The plain dictionary meaning of the word 'supervise' is to observe and direct the execution of a task.

The law is, however, silent regarding the specific details to determine the exact manner in which the NCHR would perform its functions to supervise investigation. Further, it is not clear why the role of the NCHR be limited to supervise only at the stage of investigation and not be extended to prosecution given that both the FIA and prosecution agency are part of the government in more ways than is generally understood.

The Rules notified in November 2025, that intend to operationalize the TCDA, prescribe that there shall be a Unit comprising of members chosen from various institutions including a senior police officer and a senior officer of the FIA, a nominee each from the Federal Prosecution Agency and NCHR, among others. This Unit shall be dedicated to investigate complaints of torture and custodial deaths. The Rules are completely silent on how NCHR shall perform its supervisory functions. On the contrary, the rules clearly deny NCHR any such role.

Similarly to the FIA, the NCHR does not have the power to investigate matters relating to the armed forces. The NCHR is expressly barred from doing so in the National Commission for Human Rights Act, 2012. It may only seek a report from the Federal Government in such cases.

²³ The Epress Tribune. (2020). FIA performance below par due to lack of manpower. <https://tribune.com.pk/story/2136657/fia-performance-par-due-lack-manpower>.

Recommendations:

- Ensure that NCHR is duly empowered to perform its functions as a supervisory body for the purpose of investigation by granting it powers to beneficially put to use and to make its role as supervisor more meaningful for the benefit of the victims of torture;
- Enhance and expand the role of NCHR to at least monitor if not supervise prosecution to the advantage of the victims of torture;
- Ensure that NCHR has the capacity and resources including adequate human resource to enable it to discharge its obligations in its supervisory role.

2.9. Rules to Give Effect to the TCDA

The Ministry of Interior Government of Pakistan has framed rules in terms of section 20 of TCDA which were notified in November 2025. It is a matter of concern that that the Federal government has framed these rules three years after passing the law without framing rules for investigation. The scope of the rules is extremely limited which will not help achieve the aims of the legislation.

The Rules require setting up of a unit to be called the Custodial Death and Torture Investigation Unit within the agency i.e. the FIA which is given the charge to investigate torture under TCDA. The Rules are meant mainly to provide for (a) specially constituted Unit dedicated to investigating complaints of torture and other offences under TCDA; and (b) procedure for ‘preliminary inquiry’ which will be conducted by the Unit with the help of an officer of the FIA which will be submitted before the DG, the FIA for appropriate order.

Under the Rules, the preliminary inquiry is required to be completed in 15 days after receiving a complaint of torture, death in custody, or custodial rape. This appears to be contrary to what is stipulated in section 7(2) of TCDA which requires an inquiry to be completed within 7 days to give a finding whether a *prima facie* case is made out or not.

In ordinary criminal cases, the Code of Criminal Procedure (CrCP) prescribes 14 days for investigation and submission of investigation report unless it is extended by the concerned court. Section 13(1) of TCDA requires that investigation must be completed within 30 days from the date of submission of complaint. This period of 30 days may only be extended by 5 days. Section 13 further prescribes that trial of offences under the TCDA shall be completed within three weeks from the date of submission of investigation report. This points to the fact that parliament found it appropriate to deal with torture related offences in a time sensitive manner though the timeframe provided does not follow the recognized standards as provided in the Istanbul Protocol which require investigation to begin within hours and in no more than a few days i.e. without undue delay. UN Special Rapporteur has emphasized the need to commence investigation into instances of torture within 24-48 hours.

It is not understandable why did the Ministry of Interior found it necessary to prescribe 15 days for a mere ‘preliminary inquiry’. The timeframe under delegated secondary legislation cannot trump the letter and spirit of the substantive primary law passed by parliament. Moreover, the domestic framework should follow internationally prescribed standards on the subject.

While the 2025 Rules prescribe that the Custodial Death and Torture Investigation Unit shall have a member nominated by the National Commission for Human Rights (NCHR), it does not prescribe the role of such a member while a preliminary inquiry shall be conducted. The substantive law i.e. TCDA prescribes that the FIA shall investigate the complaints under the supervision of NCHR.

Recommendations:

- Elaborate the role of NCHR at the stage of preliminary inquiry in accordance with the primary legislation to ensure that the role assigned to the NCHR is not lesser than its role as supervisory in the primary law (TCDA);
- Ensure that preliminary inquiry is treated as part of the investigation;
- Ensure by including in the Rules express requirement that investigation shall be started without any delay and the maximum period for investigation may not be extended beyond 30 days except in compelling circumstances.
- Detailed investigation rules be framed to facilitate quick processing of complaints and gathering of evidence including medical examination at the earliest;
- Istanbul Protocol be adopted as part of the domestic legal framework in order for inquiry and investigation;
- Provide penalties in the law to deal with delinquent officers causing delays, negligence and misconduct of other kinds in investigation and prosecution of cases

2.10. Punishment for ‘Malafide’ Complaints

The 2022 Act prescribes punishment for ‘malafide’ complaints in section 11. The manner in which it prescribes punishment is vague as it is done by reference. Section 11 stipulates that once it is ‘established’ that the complaint filed is tainted with malafides, ‘it shall be punished with the same punishment as is prescribed under section 8 for the perpetrators’. Section 8 incorporates by reference the offences and punishments provided for different kinds of harms in chapter XVI of the penal code which is titled as ‘offences affecting the human body’. As the title indicates, the harms covered in chapter XVI are all of physical nature including murder and attempted murder or voluntary and involuntary manslaughter (sections 300-303, 315-322) and hurts (sections 328A, 332-338). No physical harm is caused due to false or malafide complaint. It is thus not understandable why was it found appropriate to stipulate punishment for malafide complaints in vague manners and by reference to crimes of physical nature.

There are already relevant provisions in place in the criminal and civil laws of Pakistan. Malicious prosecution in Pakistan, where a false criminal case is filed without reasonable cause, is actionable and punishable under section 182 of the penal code (PPC). Penalties include up to 7 years of imprisonment for fabricating false evidence (sec.193 PPC) up to 2 years for criminal defamation (sec.500 PPC), as well as fines, alongside the option of civil suits for damages for malicious prosecution or for defamation under the Defamation Ordinance, 2002 etc.

Recommendation:

- Amend the TCDA and repeal section 11.

2.11. Right of Torture Victims to Redress and Fair and Adequate Compensation (Article 14)

The TCDA fails to stipulate for fair and adequate compensation and redress to be provided to the victims of torture or their dependents in case of death due to torture. The Committee against Torture has noted that the term ‘redress’ in article 14 encompasses the concepts of ‘effective remedy’ and ‘reparation’. It has been noted that full redress includes five forms of reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.²⁴ The TDCA does not address any of these forms of redress.

The compensations under sections 332-338 of the PPC to which the TCDA refers to in forms of *Arsh* or *Daman*, are not compensations from the government but rather the individual perpetrator. This is not compatible with the Convention, as acts of torture engage State responsibility, requiring the State to provide adequate and effective reparation to victims, irrespective of the individual liability of the perpetrator.

Recommendation:

- Amend the law to incorporate the various constituent elements of redress including a framework to provide fair and adequate compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition

2.12. The Absence of the Principle of ‘non-refoulement’ in the Law (Article 3)

Article 3 of the Convention contains the principle of ‘non-refoulement’ of persons to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture. As an inherent element of the prohibition of torture and other forms of ill-treatment, the principle of non-refoulement is characterized by its absolute nature without any exception. The law ought to prescribe that any person in Pakistan or in any territory in its control or administration, if deported to another State runs substantial risk of their being subjected to torture or ill-treatment, they should be allowed to remain there so long as the risk persists. For the purpose of fully implementing article 3 of the Convention, a State party should take legislative, administrative, judicial and other preventive measures against possible violations of the principle of ‘non-refoulement’.²⁵

2.12.1. Deportation of Afghans refugees and asylum seekers

In September 2023, Pakistan initiated the ‘Illegal Foreigners’ Repatriation Plan’ (IFRP), mainly targeting Afghans present in the country.²⁶ Since then, the government has ‘repatriated’ or deported over one million Afghans including previously accommodated refugees since the Russian invasion in 1979 as well as those who had entered Pakistan after Taliban’s return to power in 2021.²⁷ The latter category in particular has been described as vulnerable as they included those who could become victim of Taliban’s wrath for various reasons. When Pakistan first announced the IFRP in October 2023, over three million Afghans, including ‘refugees’, lived in Pakistan with various legal statuses. The IFRB though worded so as to sound neutral, in fact made the Afghans who recently entered or were present in Pakistan particularly vulnerable to the enforcement policies. According to the IFRB, in the first phase, ‘foreigners’ were to be identified as ‘illegal’, ‘unregistered’, or ‘overstaying foreigners’ and were to be forcefully deported or ‘repatriated’ while

²⁴ CAT. General Comment no. 3. UN Doc. CAT/C/GC/3, 13 December 2012, para. 2.

²⁵ CAT. General Comment no. 4. UN Doc. CAT/C/GC/4, 4 September 2018, para.18.

²⁶ ‘Illegal Foreigners’ Repatriation Plan’. <https://rimap.unhcr.org/node/63575>.

²⁷ UNHCR. (2026). UNHCR - Pakistan Voluntary Repatriation of Afghan Refugees (1 January - 31 January 2026). <https://reliefweb.int/report/pakistan/unhcr-pakistan-voluntary-repatriation-afghan-refugees-1-january-31-january-2026>.

simultaneously specifically targeting Afghans in the following words: ‘concurrent efforts for evacuation of Afghans to third countries’.

The first phase of the plan required all ‘illegal foreigners’ to leave the country by November 1, 2023, or face deportation. The official language failed to distinguish between refugees and asylum seekers who may lack formal documentation due to various circumstances and other undocumented migrants. It also failed to provide a mechanism to identify and distinguish persons who ran the risk of being tortured and ill-treated if they were to be deported.²⁸

Section 3 of the Foreigners Act, 1946 empowers the Federal Government to regulate or restrict the entry of foreigners into Pakistan or their departure there from or their presence or continued presence therein. Section 14(2) of the Foreigners Act prescribes that anyone enters Pakistan without valid documents shall be punished with imprisonment up to ten (10) years and fine up to ten (10) thousand rupees. Sec. 14 (1) also prescribes whoever violates the Foreigners Act or any order issued under it shall be subject to imprisonment for three years and a fine. Section 14A further stipulates that any accused person who is guilty of an offense under section 14(2) cannot be released on bail unless they are considered prima facie innocent. Section 14B allows a foreigner who is serving a sentence under the Act to leave Pakistan with the Federal Government's consent. Section 14C further states that a foreigner who is imprisoned under the Act for not having permission to stay in Pakistan cannot be released even after the sentence expires and must remain in custody until arrangements for deportation are finalized, up to a period of three months. This means that the detention period could be extended indefinitely.

2.12.2. The case of Rahil Azizi

It is in this legal background that in June 2023 the case of an Afghan woman Rahil Azizi reached the Islamabad high Court. The case highlights the need to amend the relevant laws and policies by incorporating the principle of non-refoulement as contained in article 3 of the Convention against Torture.

Rahil Azizi had fled Kabul in August 2021, after the withdrawal of the United States and its allied forces and the takeover of the government by the Taliban. She had previously worked for the Afghan police in the previous regime ousted by the Taliban and feared persecution by the Taliban government. Azizi had no time and no hope to be able to get a visa to enter Pakistan forcing her to reach Pakistan without valid travel documents. Once in Pakistan she approached the Islamabad police. Initially, Azizi was sent to a shelter for women, but was soon arrested by the FIA and was charged under Pakistan’s Foreigners Act and was sent to Central Jail in the city of Rawalpindi, where she was imprisoned for nine months.

It was at that point in 2022 that Rahil Azizi succeeded in getting bail through legal support. Azizi was released and placed under the supervision of an official working with the UNHCR, with permission granted by Pakistan’s Ministry of Interior. The UNHCR subsequently issued Azizi with an Asylum-Seekers Certificate. A formal asylum application of Azizi was awaiting a decision by the UNHCR. The UNHCR Pakistan office at Islamabad secured for Azizi a ‘Humanitarian Woman at Risk’ resettlement status from Australia in April 2023. She then needed an exit permit to leave Pakistan but this was denied by the MOI as criminal proceedings against her were still pending in the ministry’s record. It was at this point that Azizi’s lawyers filed a Petition under article 199 of the constitution to get the criminal proceedings with the Islamabad High Court.

During the proceedings at the high court, several dimensions of ‘legal treatment’ of asylum seekers in Pakistan were revealed.

²⁸ Pakistan's deportation policy: Questioning its adherence to non-refoulement at <https://www.jus.uio.no/ikrs/english/research/projects/beyond/the-beyond-blog/pakistan%E2%80%99s-deportation-policy-questioning-its-adhe.html>

The high court judgment²⁹ referred to and relied on the CAT and the ICCPR, in particular citing article 3(1) of the CAT, which obligates States parties not to ‘expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture’. The court held that Rahil Azizi must be accorded full protection in the context of the case facts of unlawful entry. The court held that section 14 of the Foreigners Act ought to be read and interpreted in light of the provisions of CAT, ICCPR and the Refugee Convention, among other legal obligations under the national and international obligations. Further, the judgment examined the question of how to deal with the unlawful entry of an individual into Pakistan without a visa and fearing for their life and liberty. The judgment notes that the court was presented with no evidence to establish that Azizi knowingly and illegally entered in Pakistan instead of entering Pakistan to save her life. The court also held that to interpret the offence under section 14 as a strict liability offence would fall foul of the principle of *non-refoulement* enshrined in Article 3(1) of CAT inter alia.

Rahil Azizi’s case demonstrated that there is no mechanism to ensure that each foreigner’s case seeking protection by way of asylum may be examined individually; and that such a person be informed of the reasons why she may be deported and what her legal rights are under the Convention international human rights obligations of the state.

Recommendations:

- Amend the TCDA and the Foreigners Act to incorporate the principle of non-refoulement as contained in Article 3 of the Convention;
- Establish a procedure under the law to ensure that each person’s case is examined individually and not collectively and such person to be fully informed of the reasons (a) why the person is the subject of a procedure that may lead to a decision of deportation and (b) of the rights legally available to appeal / review such a decision.

2.13. The Death Penalty as a Sanction in Law against torture

The TCDA provides that custodial deaths and custodial rape may be punished in the same way as murder and rape stipulated in the Penal Code. This means that the death penalty is a possible punishment for torture. Several studies have demonstrated that the death penalty has no deterrent effects on the respective crimes that are punishable by death.

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Recommendation:

- Repeal and omit from law capital punishment for custodial death and rape.

²⁹ Rahil Azizi vs the State and Others: Writ Petition no. 1666 of 2023 available at <https://mis.ihc.gov.pk/attachments/judgements/161521/1/W.P.No.1666of2023RahilAziziVs.TheState638282052901135229.pdf> ; for comment on the judgement and Pakistani law see Arjumand Bano Kazmi, ‘How can Pakistan change its approach to Afghan Refugees and Asylum seekers’ available at <https://lacuna.org.uk/justice/how-can-pakistan-change-its-approach-to-afghan-refugees-and-asylum-seekers/>.

³⁰ The Death Penalty Project. (2022). Deterrence and the Death Penalty. <https://deathpenaltyproject.org/wp-content/uploads/2022/08/The-Death-Penalty-Project-Policy-Deterrence.pdf>. Also see ‘The Question of Deterrence’ in Hood and Hoyle, ‘The Death Penalty’ (Oxford, 2008) pp.317-47; The Death Penalty Information Center (2025). Does the Death Penalty Make Communities Safer?. <https://deathpenaltyinfo.org/dpi-series-facts-about-the-death-penalty-does-the-death-penalty-make-communities-safer>.

3. Extrajudicial Killings

More than three years since its enactment, no convictions under the TDCA have been reported neither for the offence of torture nor in custodial deaths or custodial rape. There is no reliable official data available to confirm one way or the other. In Lahore in 2024 in two cases of torture and extrajudicial killings, the Lahore High Court noted with disappointment the fact of the non-implementation of the TCDA.³¹

The state party in its replies to the List of Issues has relied on a case titled *Surraiya Bibi vs. RPO Sheikhpura & Others* to demonstrate that Pakistan's domestic jurisprudence is evolving in accordance with UNCAT standards. Details of the case demonstrates complete failure of the governmental authorities and more specifically the federal government, the FIA and the NCHR. *Surraiya Bibi's* was a constitutional petition (habeas corpus) filed before the Lahore High Court on 22 September 2023. The petitioner sought direction of the court for the recovery and production of Shahbaz and Muhammad Yar, her brother-in-law and nephew respectively, from unlawful custody by the Punjab police. A senior police official on notice appeared before the court to state that Shahbaz and Muhammad Yar had been killed in an alleged encounter with the police in the early hours of 27 June 2023. It was also stated that a criminal case had been registered regarding the "encounter". The police official also admitted before the court that the dead bodies of the deceased had been buried without information to the families after, as per his claim, autopsies had been conducted of the bodies of the deceased killed by the police in the alleged encounter. Further, no judicial inquiry was conducted as required under section 176 of the CrPC; the case was never reported to the FIA by the Punjab police as there is no mechanism or legal requirement provided in the provincial police's standard operating procedures.

The court noted with dismay that even though it was a fit case for investigation by the FIA under the supervision of the NCHR, as stipulated in the TCDA, the police kept the matter to itself instead of referring the matter to external agency i.e. FIA. The court in one of its earlier orders directed higher police authorities of the province of Punjab and the FIA to let the law take its due course so that it is implemented in letter and spirit.

On 30 January 2024, the Superintendent of Police (Investigation), Saddar Division, Lahore apprised the Court that the investigation in this case had been referred to the FIA for investigation and further proceedings. However, no progress took place for another three months as nothing was submitted to inform the court about the case. On 5 April 2024, the court took notice of the delay in progress on part of the investigating agency and the supervising body NCHR and noted as follows:

“Notably this case was entrusted to federal Investigation Agency in the beginning of January 2024 i.e. three months prior to this moment and yet there has been no discernible progress. Such inaction by the investigating agency is a matter of grave concern that must not be overlooked under any circumstances. When the law prescribes a specific manner for performing an act, and it is not executed in that prescribed way, it casts a shadow of bad faith over the actions of the public official involved.”

The Lahore High Court in its detailed order drew the attention of the then Director General of the FIA towards establishing a specialized wing dedicated to the implementation of the purpose of the Act of 2022. It took the concerned Ministry of Interior more than 18 months to notify rules in November 2025, discussed elsewhere in this report. Two and a half years after the incident, no meaningful investigation or prosecution has taken place.

³¹ See Writ Petition No. 61743-H/2023 titled *Mst. Surriya Bibi vs. RPO Sheikhpura & Others* decided on 30 May 2024 The final order is available at <https://sys.lhc.gov.pk/appjudgments/2024LHC2550.pdf>. CrI. Misc. No. 36448-H/2024 *Mst. Farzana Bibi vs. Capital City Police Officer and others* decided on 13 June 2024. See: Dawn. (2024). Court directive to police against encounters. <https://www.dawn.com/news/1840691>.

According to data gathered by HRCP, police encounters are frequent especially in the provinces of Punjab and Sindh two provinces for which availability of data from news reports is available. HRCP noted in its report for the year 2023 that the official data provided by the Sindh police mentions 3,296 police encounters in just one year in Sindh. Apart from officially provided data, HRCP’s media monitoring shows that at least 618 people were reportedly killed in police encounters in 2023.

In March 2023, it was reported that in the largest province of Punjab, between 2018 to 2022, the Punjab Police was involved in as many as 544 police encounters. 612 alleged offenders involved in various crimes were killed. A breakdown of the data shows, according to the report, that the Punjab Police conducted 58 encounters in the province during 2018; 72 in 2019; 2020 saw a mammoth 96% increase as 141 accused were killed; the number increased to 160 in 2021 and then saw a slight dip in 2022 as 154 accused were killed. From 2018 to 2022, there was a 166% increase in police encounters.³²

In April 2024, the Punjab Police submitted before the Lahore High Court information and data relating to “police encounters” in which judicial inquiries were conducted for the period 22.11.2022—06.04.2024. It was revealed that 1041 cases of police encounters were reported for the period. Out of those 1041 cases, only 29 were referred for judicial inquiry (which is mandatory requirement under the Code of Criminal Procedure ref. to section 176 read with section 174), and 25 judicial inquiries were in fact conducted. No information was submitted to the court by the Punjab Police about the outcome of the inquiries.³³

Regarding the province of Sindh, HRCP has noted in its annual report “State of Human Rights in 2023” that official data provided by the Sindh police mentions 3,296 police encounters in 2023 alone. This was reported in the media with reference to a statement of Sindh police spokesperson who added that 289 suspects were killed in Sindh in 2023. It is widely believed by rights activists that while a certain percentage of the “encounters” between the police and suspects could be genuine and not engineered but a majority of encounters are staged to eliminate individuals who are alleged to have committed crimes which the police is otherwise incapable of resolving.³⁴

The circumstances may be even worse in Balochistan where the counter-terrorism department is reported to be targeting Baloch nationalists whom the government refers to as ‘insurgents’ or ‘rebels’.³⁵

3.1. HRCPs 2026 Fact-Finding on Police Encounters and Extra-judicial Killings

In a fact-finding endeavor, Human Rights Commission of Pakistan has established that at least 670 armed encounters took place during the first eight months since Crime Control Department (CCD) was set up within the Punjab Police Department in 2025. In these CCD-led armed encounters 924 fatalities of suspects

³² Express Tribune. (2023). Punjab Police ‘encounters’ show no signs of decreasing. <https://tribune.com.pk/story/2408909/punjab-police-encounters-show-no-signs-of-decreasing>.

Dawn. (2025). Police encounters drop, fatalities rise in 2024. <https://www.dawn.com/news/1885261/police-encounters-drop-fatalities-rise-in-2024>

The News. (2019). 3,345 killed in police encounters from Jan 2014 to May 2018. <https://www.thenews.com.pk/print/421133-3-345-killed-in-police-encounters-from-jan-2014-to-may-2018>.

³³ Annex-A Encounters and Judicial Enquiries From 22.11.2022 to 06.04.2024 submitted with Letter no. 8559/Inv/L dd. 08.04.2024 from AIG Legal, Central Police Office, Punjab; in Writ Petition no. 61743-H/2023 Titled Mst. Surraiya Bibivs.

³⁴ Dawn. (2024). 289 suspects killed in Sindh ‘encounters’ in 2023. <https://www.dawn.com/news/1804044>

Dawn. (2023). Fake encounters. <https://www.dawn.com/news/1762897>.

HRCP. (2011). Extrajudicial Executions in Pakistan. <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2011-Extrajudicial-executions-in-Pakistan.pdf>.

³⁵ The Friday Times. (2023). Balochistan Unrest: A Shift In Modus Operandi? <https://thefridaytimes.com/25-Nov-2023/balochistan-unrest-a-shift-in-modus-operandi>.

happened. CCD considered the suspects were involved in heinous offences including murders, highway robberies, rape, trade of narcotics etc.³⁶

The Crime Control Department in the Punjab Police was established by amending the law i.e. the Police Order in April 2025. It was set up with the provincial chief minister's desire to see the province free of crimes.³⁷

HRCP's fact-finding mission observes that the striking feature of these armed encounter killings is the extreme casualty imbalance. While more than 900 suspects were killed, only two police officials lost their lives in these incidents. This disparity, averaging more than two fatal encounters daily, combined with the uniform narratives given by police to justify the killings across various districts, indicate an officially adopted practice rather than isolated incidents of misconduct. The mission also notes the method adopted in the incidents of killings in the official reports as follows:

No [First Information Report] FIR describes a suspect surviving long enough for arrest or medical treatment beyond death. Moreover, no FIR or press release records any passerby or civilian being injured or killed, despite an encounter having allegedly taken place. Suspects' vehicles (generally motorbikes) are described just enough to justify police suspicion, while alleged crimes are framed broadly to justify lethal force without evidence. This pattern, repeated across FIRs and press statements, strongly indicates copy-paste structuring rather than incident-specific reporting.³⁸

3.2. The Case of Zubaida Bibi's Family³⁹: CCD-led Extrajudicial Killings

On 28 November 2025, the CCD carried out simultaneous raids in Bahawalpur and Sahiwal, arresting eight male members of Zubaida Bibi's family—five from Sahiwal and three from Bahawalpur. Speaking to the HRCP, she claimed that armed CCD officers entered their homes without warrants; confiscated mobile phones, cash, gold ornaments, and wedding dowry items; and transported the detainees to the CCD office in Lahore.

According to Zubaida, within 24 hours of the arrests, five detainees were reportedly killed in separate encounters across different districts. These included three of her sons Imran (25), Irfan (23) and Adnan (18) and two of her sons-in-law (Nazir and Hassan Jahangir). She told HRCP's mission: 'They broke into our house in Bahawalpur and took everything we owned. We followed them to Lahore and begged for our sons' release. The next morning five of them were dead.' The remaining three—Asghar, Saleem and Javed, also of the same family—were later produced before the court and granted bail.

Speaking to the HRCP mission, Abdul Jabbar, Zubaida Bibi's husband, claimed: 'My sons had no criminal record. They were working men, married with children. Twenty-two children of their family are now orphans.' The family alleged that CCD officials initially refused to release the bodies, requiring court

³⁶ "The CCD's Role in Punjab: HRCP's Fact-Finding Report" Feb. 2026, at <https://hrcp-web.org/hrcpweb/hrcp-calls-for-high-level-judicial-inquiry-into-deaths-resulting-from-ccd-operations/>

³⁷ Dawn. (2025). "Punjab gets another force to tackle serious crime". <https://www.dawn.com/news/1902213>; see the amendments Introduced. <https://punjablaws.punjab.gov.pk/uploads/articles/xxxii-of-2025-the-police-order-amendment-act-2025-pdf.pdf>; See also the Chief Minister Punjab congratulates CCD and Punjab Police on achieving zero crime rate at <https://www.facebook.com/share/r/187aSpd1co/?mibextid=wwXlfr>; also see "Chief Minister Maryam Nawaz Sharif's Key Initiative to Curb Organized Crime and Ensure Public Safety" at <https://www.youtube.com/watch?v=iTgmer8OBDU>.

³⁸ The CCD's Role in Punjab: HRCP's Fact-Finding Report" Feb. 2026, at <https://hrcp-web.org/hrcpweb/hrcp-calls-for-high-level-judicial-inquiry-into-deaths-resulting-from-ccd-operations>

³⁹ Ibid. p.6 .

intervention. When the bodies were returned, they were in visibly poor condition, according to Zubaida Bibi, suggesting prolonged detention and possible torture. The family was reportedly pressured to bury the bodies immediately without independent post-mortem examination.

‘When I filed a petition to register a case against the officers involved,’ said Zubaida Bibi, ‘the police threatened to kill the rest of my family if I did not withdraw the case.’

HRCF has recommended, among other things, constitution of a high-powered commission of inquiry to examine the facts around deaths of over 900 people in eight months in CCD-led armed encounters. Setting up such a commission would be necessary to establish the patterns in armed encounters, to fix responsibility on individual officers and to track the hierarchical nature of the orders implemented and to prescribe accountability through available legal mechanisms as well as to propose necessary changes in how the policing functions are carried out. HRCF’s Fact-Finding Mission has also demanded that the FIA must initiate independent investigations into all armed encounter-related deaths under the supervision of the NCHR under the TCDA. It has specifically been recommended that these investigations must be conducted by officers with no institutional connection to the Punjab Police and must include forensic examination of crime scenes, ballistic analysis, independent autopsy reports, comprehensive witness testimonies and quarterly public progress reports.⁴⁰

In response to the HRCF’s report, the Punjab Police dismissed the findings of HRCF’s Fact-finding Mission. Instead, the department has chosen to continue the policy of killing suspects in armed encounters led by CCD.⁴¹The Federal Government in whose jurisdiction FIA and NCHR function has not issued any official response. Meanwhile, the armed encounters resulting in casualties in terms of deaths continue in the province. The Punjab government whose credibility has been undermined has not issued any official response. A demand for debate on the issue was raised by members of the opposition in the Punjab Assembly which appears to have been disregarded by the Speaker who belongs to the party in power. In a letter addressed to the Speaker, a member of the Punjab Assembly referred to HRCF’s fact-finding report and asserted that the CCD had “usurped the role of the judiciary”.⁴²

The NCHR has the power to initiate inquiries on its own motion (suo moto) when there is no complaint before it but information is available in the public sphere based on the National Commission for Human Rights Act, 2012.⁴³ This power is, however, not explicitly repeated in the TCDA. The NCHR has so far not taken up the matter. It may be mentioned here that the FIA has not been granted the power to initiate inquiries and investigations into systematic violations of the prohibitions contained in the TCDA. Further, while the TCDA in section 17 expressly makes the provisions of the Code of Criminal procedure applicable to proceedings under the TCDA, the necessary connection of relevant provisions like section 176 (Inquiry by Magistrate into Cause of Death) needs to be expressly stated either in the primary law or the more detailed rules meant for investigation into the incidents of torture.

Recommendations:

- The NCHR and the FIA be given greater powers to initiate inquiries and investigations suo moto by specifically amending the TCDA with the specific aim to inquire into systematic infliction of torture and ill-treatment including extrajudicial killings in staged armed encounters;

⁴⁰ Ibid. p.11.

⁴¹The Nation. (2026). Punjab CCD denies HRCF claims police killed over 900 suspects in 8 months. <https://www.nation.com.pk/21-Feb-2026/punjab-ccd-denies-hrcf-claims-police-killed-900-suspects-8-months> ; see also Voicepk. (2026). First CCD encounter reported after hrcf report on systemic extrajudicial killings. <https://voicepk.net/2026/02/first-ccd-encounter-reported-after-hrcf-report-on-systemic-extrajudicial-killings/>.

⁴² Dawn (2026) PA speaker dilly-dallies on the question of ‘fake’ encounters by CCD. <https://www.dawn.com/news/1979916>.

⁴³ Sec. 9 of the National Commission for Human Rights Act, 2012 s.9 at <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa5lrbA%3D%3D-sg-jjjjjjjjjjjj>.

- Amend the TCDA so as to either expressly incorporate the relevant sections of the CrPC such as section 174 & 176 empowering Magistrates to act on and transmit complaints of torture and extrajudicial killings to the NCHR and the FIA with their findings from proceedings under section 176 CrPC.
- Steps be taken including training and education to ensure that officials of the FIA, members of the NCHR, judicial magistrates in districts, and police authorities at various provincial and regional levels understand their obligations under the CAT.
- Develop a mechanism that protect officials, who decline to follow an undeclared official policy or command from higher authorities, political or otherwise, to pursue armed encounters for extrajudicial killings.
- Establish provisional human rights institutions (like in the province of Sindh) to provide support to and to supplement the work of the National Human Rights Commission.
- Develop witness and whistleblower protection programs for victims of torture and extra-judicial killings, their families and those who challenge the lawfulness of police operations and encounters.

4. Enforced Disappearances

Regarding enforced disappearances, the State Party has submitted in paragraph 74 of its second periodic report (June 2022) that it has introduced legislation to criminalise the abhorrent practice. It states that the “Government of Pakistan has introduced the Enforced or Involuntary Disappearances (Criminal Law Amendment) Bill, 2021 in the National Assembly on 7th June 2021. The National Assembly subsequently passed the Bill on 8th November 2021. The proposed Bill has been advanced for further legislative process in the Parliament.”

The proposed law was subsequently passed by both houses of parliament in an amended form on 21 October 2022. The Enforced or Involuntary Disappearances (Criminal Law Amendment) Bill, 2021 referred to in para. 74 of the Initial Report 2022 submitted by the State Party, as passed by the National Assembly on 8 November 2021 was subsequently passed by the Senate as the Criminal Laws (Amendment) Bill 2022 on 20 October 2022 with some minor amendments and was transmitted to the National Assembly.⁴⁴

From the debate uploaded for National Assembly on the bill it appears that it was transmitted from the Senate of Pakistan and was passed in the Assembly.⁴⁵ If so, it ought to have been transmitted to the President of Pakistan for assent in accordance with articles 75(1) and (2) of the Constitution of Pakistan, which did not happen. The bill was subsequently not published in the official gazette, nor has it been uploaded to the websites of the Senate and National Assembly. The Constitution envisages that even if presidential assent is not granted it would be deemed to have become the law of the land whether published in the official gazette or not. However, conventionally every law passed by any legislature, provincial assembly or parliament, is necessarily published in the official gazette and for past two decades, these have been also published on the official websites of the concerned legislature. It is thus currently unclear whether the Criminal Laws (Amendment) Bill 2022 was enacted or not.

⁴⁴ Dawn. (2022). National Assembly again passes bill criminalizing enforced disappearances. <https://www.dawn.com/news/1716295>. Voicepk. (2024). The Missing Persons ‘Missing’ Bill: A Timeline. <https://voicepk.net/2024/01/the-missing-persons-missing-bill-a-timeline/>. Dawn. (2022). NA again passes bill criminalising enforced disappearances. <https://www.dawn.com/news/1716295>.

⁴⁵ See National Assembly of Pakistan. (2022). National Assembly of Pakistan. https://www.na.gov.pk/uploads/documents/63ecc3ee19589_289.pdf (see debate on the Criminal Laws (Amendment) Bill, 2022 at p. 32).

Enforced disappearances continue to be routinely used by the Pakistani authorities as a tool to target ethnic and political dissidents and human rights defenders, with thousands of cases having been documented by civil society organizations. According to official data from the Commission of Inquiry on Enforced Disappearances (COIED) formed in 2011, a total of 10,592 cases were registered from 2010 to August 2025. Of these, COIED reported that 1,017 were sent to the so-called internment centres, 4,776 individuals returned home, 706 were located in prisons, and 293 were killed or found dead. Another 1,978 cases were disposed of on the grounds that they did not fall under the category of enforced disappearance.⁴⁶

The Defence of Human Rights (DHR) has recorded 3,140 cases since 2006, of which 1,362 victims remain forcibly disappeared. This year, DHR has documented 32 new cases. Other regional movements and organisations paint an equally grim picture: Baloch Yakjehti Committee (BYC) reported 546 cases of enforced disappearance between January to July 2025; Pashtun Tahafuz Movement (PTM) documented 133 cases; and Voice for Missing Persons of Sindh has reported 40 cases from January to July 2025.⁴⁷

It has been reported and observed by civil society organisations recording human rights violations that new cases of missing persons tripled across the country in 2021 as 1460 new complaints were filed as compared to 415 complaints filed the previous year, according to data from the COIED. Despite a high figure of cases, the COIED also set a record in “disposal” of cases over previous years. The commission disposed of 1381 cases as 1073 missing persons reportedly, according to the commission, returned home to their families. The Overwhelming majority of those returning home were from the province of Balochistan, where 910 missing persons were “reunited” with their families after various durations of disappearance, according to figures given by the COIED.⁴⁸ Based on its Terms of References⁴⁹, the COIED declares cases as “solved” once missing persons reappear and no further inquiry into their disappearance is undertaken. Enforced disappearance thus continues with impunity.

The most recent draft bill to criminalise enforced disappearances is titled as the Criminal Laws Amendment Act, 2021 and was passed by National Assembly, but according to the official record, not by the Senate.⁵⁰ This bill defines “enforced disappearance” as an “illegal and without lawful authority arrest, detention, abduction or any other form of deprivation of liberty by an agent of the State or by person or group of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”. This definition is in accordance with the internationally prescribed definition. But in contrast to the earlier bill presented in the Assembly in 2022, it contained a clause to punish for false and frivolous complaints lodged under the law. This became a point of contention between various members of parliament as the debate which took place demonstrates that members from Balochistan were apprehensive that this would discourage people to come forward to record their grievances. It was after this debate on the floor of the House that the law minister Mr. Azam Nazir Tarar announced the withdrawal of this problematic provision. But then the bill was lost by the concerned ministry.

It may further be brought to the attention of the Committee against Torture that the commission on enforced disappearances has been constituted under an executive decree and the Terms of References prescribed for the Commission are far from inadequate. Pakistan’s official commission has done little more than receiving

⁴⁶ In a PR, the Commission of Inquiry on Enforced Disappearances disposes off 103 cases of missing persons in August 2025. https://pid.gov.pk/site/press_detail/30254.

⁴⁷ Dawn. (2025), Govt slammed over inaction on enforced disappearances. <https://www.dawn.com/news/1938540> ; Voicepkpk. (2026). Sixty new cases of enforced disappearances recorded in 202. <https://voicepk.net/2025/12/60-new-cases-of-enforced-disappearances-recorded-in-2025/>.

⁴⁸ <https://coioed.pk/>.

⁴⁹ The ToRs under which the Commission functions have been revised a few times since 2011. ToRs were last revised in 2024; see revised ToRs Notification. <https://coioed.pk/wp-content/uploads/2025/10/Notification-1738-dated-2022.pdf>.

⁵⁰ https://na.gov.pk/uploads/documents/1636462037_177.pdf.

complaints and processing inadequate data since it was established in 2011. Any law meant to criminalise enforced disappearances ought to also establish a legal framework to necessarily and duly take charge of the challenges to inquire into and investigate and make its findings on individual cases as well as systematic patterns discovered and to also prescribe accountability of the state agencies found involved in such violence.

Recommendations:

- Ratify the Convention for the Protection of All Persons from Enforced and Involuntary Disappearances
- Pass a comprehensive law to criminalise enforced disappearances as well as to establish institutional mechanisms in accordance with internationally recognised standards prescribed in the Convention for the Protection of All Persons from Enforced and Involuntary Disappearances;
- Implement the recommendations made by the UN Working Group Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Pakistan Addendum Mission to Pakistan (A/HRC/22/45/Add. 2)

5. The Death Penalty

According to a briefing note released by HRCP and FIDH in 2022, Pakistan is among the countries in the world where the death penalty is used with alarming frequency.⁵¹ HRCP's data shows the Pakistani judicial system convicted and sentenced to death 657 accused between August 2019 and August 2022.⁵² HRCP recorded at least 174 death sentences handed down in 2024 which is a significant increase from 102 awarded in 2023.⁵³ However, no executions were reportedly carried out. In fact, the number of executions fell drastically. While at least 15 executions were recorded in 2019, no executions were carried out between January 2020 and August 2022.

The Death Penalty Statistics Report 2025, jointly published by the National Commission for Human Rights (NCHR) and Justice Project Pakistan (JPP) on the occasion of the 23rd World Day against the Death Penalty shows that as of July 2025, Pakistan holds one of the world's largest known death row populations, with 3,394 prisoners, including 18 women, across 4 provinces, AJK and GB. Having said this, it marks a gradual decline from 3,604 in 2023.⁵⁴

The highest number of death row population imprisoned was in the Punjab prisons, followed by Khyber Pakhtunkhwa. In Khyber Pakhtunkhwa, the longest duration that a current detainee had spent on death row was 30 years, while 1,767 detainees were held in solitary confinement or punishment cells particularly built for the death row prisoners for any length of times. It would be relevant to mention that at least two people received the death penalty for blasphemy in 2024 from the newly established courts that prosecute offences committed in the online space under the controversial Pakistan Electronic Crimes Act 2016.

At various stages of the criminal justice process, there is a clear link between torture and the imposition of the death penalty. For example, evidence and confessions, even when formally recorded in court, may have been obtained through torture. This risk is compounded where suspects lack effective legal representation, either because counsel is not provided at the pre-trial and investigation stages or because they cannot afford independent defence lawyers. In addition, prolonged appeal proceedings may amount to torture in the form of psychological trauma and extreme detention conditions as noted by the Supreme Court of Pakistan in the case of Ghulam Shabbir discussed elsewhere in this report.⁵⁵

Pakistan abolished the death penalty for (i) drug offences in 2023, (ii) for the offence of railway sabotage in 2022, (iii) stripping a woman according to Section 354-A PPC, and (iv) harbouring hijackers according to Section 402C, PPC in 2025. This indicates some progress.⁵⁶ Having said this, Pakistan retains the mandatory death sentence for blasphemy, i.e. insulting the Prophet Muhammad in Section 295 of the Penal Code.

In many cases, death sentences are the result of a combination of deficiencies in the criminal justice system, which have a disproportionate impact on the most vulnerable sectors of society. Flawed and delayed investigations, coupled with the absence of a well-trained defence counsels who can provide meaningful representation, and accountable and equipped police force and an equally weak prosecutorial system, often

⁵¹ HRCP. (2022). Pakistan: Briefing Note on the Death Penalty – 10 October 2022. <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2022-Pakistan-Briefing-note-on-the-death-penalty-EN.pdf>.

⁵² Ibid.

⁵³ See HRCP (2025). State of Human Rights in 2024. <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2025-State-of-Human-Rights-in-2024-REV.pdf>.

⁵⁴ "The Death Penalty Statistics Report 2025" National Commission for Human Rights (NCHR) and Justice Project Pakistan (JPP) at <https://www.jpp.org.pk/the-death-penalty-in-pakistan-2025> ; see also <https://archive.jpp.org.pk/reports/>

⁵⁵ Criminal Review Petition No. 103 of 2017 in Criminal Appeal No. 643 of 2009 dd. 05.06.2024 cited as Ghulam Shabbir vs the State: PLD 2024 SC 951.

⁵⁶ Dawn, 19 July 2025, "Senate passes bill to end death penalty for key offences" at <https://www.dawn.com/news/1925089>

result in case files containing weak and contradictory statements. The deficiencies of police investigations are normally followed by trials in which weak witness testimonies and confessions obtained under torture or poor quality evidence are rarely considered critically by judges, who often impose the death penalty as a normal punishment especially in murder cases. Defendants with no means to secure qualified and motivated legal counsel are left vulnerable to a system that is set against the poorest and the most vulnerable segments of society.

Deficiencies in the criminal justice system are particularly noticeable in blasphemy cases. A study from 2024 found that more than half of the cases monitored, the accused were detained during the trial (15 out of 24) and, startlingly, in 17 out of the 24 cases, or 71 per cent of all observed cases, there was no progress during the six-month monitoring period. Out of 252 hearings across all 24 cases, 217 resulted in adjournments. The main reason for adjournments was the absence of prosecution witnesses or the complainant(s). In the 15 cases in which the defendants were detained, the average length of time they had spent in detention was 59 months or more than four and a half years.⁵⁷

The flaws of the criminal justice system are brought to light by the excessively high rates of sentences that are overturned or commuted to life imprisonment at the appeal level either at high courts or the Supreme Court of Pakistan. Due to a backlog of thousands of cases at the Supreme Court, cases can drag on for years, even decades, while prisoners are on death row, in prisons notorious for their overcrowding and deplorable conditions.

Sometimes relief comes after death.⁵⁸ In the case of Mazhar Hussain, the Supreme Court exonerated a man in 2016 who was convicted of murder and handed down the death sentence by a sessions court in April 2004. But his acquittal came two years too late. Apparently Mazhar Hussain, whose first appeal against the death sentence was turned down by the Lahore High Court years before, died of coronary failure about two years ago while still in incarcerated.

The blasphemy accused who often belong to the most vulnerable segments of society run a higher risk of spending longer terms in prisons on the death row or otherwise. Such is the case of Anwar Kenneth, a Christian man, who spent 25 long years behind bars, most of which in solitary confinement and on death row in poor mental health. PIMH medical board diagnosed the petitioner as suffering from ‘Bipolar Affective Disorder’ (a disorder causing extreme mood swings, including emotional highs and lows) and that the mental disorder was in the ‘hypomanic’ stage. The medical board also advised admission of the appellant to the institute for treatment.⁵⁹

The case of Junaid Hafeez stands as perhaps the most internationally condemned blasphemy prosecution in Pakistan's recent history, and one that concentrates within a single set of facts almost every systemic failure the law produces. Hafeez, then an academic in his twenties, was arrested on 13 March 2013 in Punjab province on the basis of comments he allegedly posted on Facebook. He was at the time a lecturer at Bahauddin Zakariya University in Multan, where he had studied on a Fulbright scholarship. Hafeez has been held in solitary confinement since his trial began in 2014. His case proceeded before eight different judges, the previous seven having been transferred, and his physical and mental health had reportedly deteriorated significantly by 2018. There is a climate of fear among the judiciary handling the case, which may explain why so many judges were transferred during the proceedings.⁶⁰ On 21 December 2019, a district and sessions court in Multan sentenced Hafeez to death for insulting the Prophet Muhammad under

⁵⁷ Clooney Foundation for Justice. (2024). Blasphemy Trials in Pakistan: Legal Process as Punishment. https://cfj.org/wp-content/uploads/2024/09/Pakistan-Blasphemy-Report_September-2024.pdf.

⁵⁸ “SC acquits man two years after his death”, at <https://tribune.com.pk/story/1195917/sc-acquits-man-two-years-death>.

⁵⁹ Dawn. (2025)., SC acquits man on death row for ‘blasphemy’. <https://www.dawn.com/news/1948035>.

⁶⁰ UN News. (2019). Pakistan blasphemy death sentence ‘travesty of justice’, say UN experts. <https://news.un.org/en/story/2019/12/1054361#:~:text=%22There%20seems%20to%20be%20a,Working%20Group%20on%20Arbitrary%20Detention.>

Section 295-C of the PPC, to life imprisonment for desecrating the Quran under Section 295-B, and to ten years' imprisonment for intending to outrage religious feelings. As of early 2026, Hafeez has been imprisoned for thirteen years. His appeal remains pending. The Lahore High Court announced a hearing of his appeal in March 2025 but then removed the matter from the cause list the day after the announcement.⁶¹

Recommendations:

- Establish a de jure moratorium on the death penalty and move towards the abolition of the death penalty;
- Ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty;
- Further restrict the number of offenses carrying the death sentence to the most serious crimes in accordance with the ICCPR and in conformity with paragraph 2 of the UN Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty;
- Improve the procedure for clemency under article 45 of the Constitution of Pakistan and ensure that mercy petitions addressed by defendants to the President of Pakistan are accepted.
- Establish stronger safeguards against imposition of death penalty for prisoners with psychosocial disabilities;

⁶¹ Dawn. (2025). LHC removes blasphemy convict's appeal from hearing schedule. <https://www.dawn.com/news/1899115#:~:text=updates%20from%20Dawn-,LHC%20removes%20blasphemy%20convict's%20appeal%20from%20hearing%20schedule,his%20trial%20started%20in%202014.>

6. Ill-treatment of Persons Deprived of Liberty

6.1. Access to Healthcare

A study conducted by HRCP in 2023 found serious issues with the food and water being provided to detainees across Pakistan. It also discovered serious flaws in the healthcare system. Similar findings emerged from another report done by Human Rights Watch the same year.⁶²

6.1.1. Shortage of doctors and healthcare equipment

The study commissioned by HRCP confirms based on interviews with the provincial prison authorities that all prisons have a hospital or some kind of infirmary within their bounds. Moreover, the availability of ambulances to deal with medical emergencies at every prison hospital has also been confirmed, even by the Balochistan prison department which, till very recently, suffered acutely from a shortage of ambulances; this fact was also corroborated by the Ministry of Human Rights' 2020 report which mentioned that only four ambulances were available for the province's entire prison population. This is indeed a great step forward in the province's prison services. Over the past few years, the preparedness of these hospitals has also improved with the provision of medical equipment like ECG machines, ultrasound and x-ray machines, and mechanised dental chairs to prison hospitals, at least in the bigger and more crowded district and central detention facilities. However, a severe shortage of doctors and technical staff greatly hampers the accessibility of satisfactory healthcare for detainees, despite the presence of advanced medical equipment. A senior medical officer from Karachi's Malir District Jail pointed out that his hospital has a fully equipped clinical laboratory but lacks the necessary staff to carry out medical tests. Even the "x-ray machine has no operator," he said. The HRCP report notes that according to the figures shared by a senior medical officer from Karachi's Central Jail, 39 out of 85 sanctioned posts for medical officers are vacant. This problem is compounded by the fact that 15 out of 23 prisons are overcrowded, including the two in Karachi and the one in Hyderabad. According to a medical officer, about 500 patients visit the Central Jail Karachi's hospital daily.

6.1.2. Infectious diseases

According to the HRCP report prisons in the state party are hotbeds for infectious diseases, despite some improvements in recent years. Relying on a report shared by the Ministry of Human Rights⁶³, it has been noted that there are 1,823 prisoners suffering from hepatitis, 425 from HIV and 173 from tuberculosis across Pakistan's prisons as of January 2020. These numbers are quite alarming and given the fact that not all incoming detainees undergo a proper medical screening, there is a strong chance that the actual numbers are much higher.⁶⁴

The HRCP report further found that there is serious challenges (a) when it comes to drug addicted detainees whose numbers are high compared to the outside world; (b) delayed hospitalization and serious issues when it comes to recommending hospitalization of seriously ill inmate patients; (c) extremely poor services for mental health.

⁶² Human Rights Watch. (2023). A Nightmare for Everyone": The Health Crisis in Pakistan's Prisons. <https://www.hrw.org/report/2023/03/29/nightmare-everyone/health-crisis-pakistans-prisons>.

HRCP. (2023). The Ailing Prisoner: Access to healthcare in Pakistan's Prisons. <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-The-Ailing-Prisoner-Access-to-Healthcare-in-Pakistans-Prisons.pdf>.

⁶³ <https://portal.mohr.gov.pk/wp-content/uploads/2020/11/PrisonsReforminPakistan.pdf>

⁶⁴ Ibid, 16.

6.1.3. The case of Sultan Mehmood

A case of an elderly, 85-years-old under-trial detainee at Rawalpindi's Central Jail at Adiala illustrates the challenges in accessing healthcare.⁶⁵ Sultan Mehmood died in a district headquarter hospital after protracted illness. He was shifted from jail as he was very sick and very fragile due to old age and disease. He had been in jail since 2019 when he was arrested. Clearly, there is no mechanism which could identify Sultan as a vulnerable ill inmate who deserved to be shifted and treated in a proper hospital sooner than he was. It may be noted that Sultan's case is not an isolated incident. Such incidents are frequent.⁶⁶

Recommendations:

- Ensure detainees are provided with adequate, nutritious, and sufficient food.
- Guarantee continuous access to qualified medical care, including by recruiting and retaining an adequate number of doctors and paramedical staff to provide 24-hour services in all places of detention.
- Ensure that prison healthcare systems are fully integrated into the public health system at provincial and district levels, and that detainees enjoy access to healthcare equivalent to that available in the community, without discrimination.
- Incorporate into domestic law and effectively implement the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), ensuring that prison management practices comply with international standards relevant to the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

6.2. Overcrowding

According to the Prison Data Report 2024 published by the National Commission for Human Rights (NCHR)⁶⁷, overcrowding in prisons across Pakistan is a matter of critical concern as most prisons are housing detainees far beyond their stated capacity. The data provided in the report demonstrates that average population across various provinces and regions under Pakistan's administration stands at 152.2% of the officially stated capacity at the relevant time in July-August 2024.⁶⁸

The persistently high levels of overcrowding are driven by underlying systemic issues such as ineffective bail, probation and parole systems and protracted court proceedings at the trial stage. However, instead of addressing systemic issues, the state party's authorities continue to build new premises to accommodate more detainees.

According to the data made available in the NCHR report, under-trial prisoners constitute 73.41% of the prison population for the year 2024. The report highlights that there is an 'overreliance' on pretrial detention while noting that there is an increase since 2017 when under-trial prisoners made up 66% of the prison

⁶⁵ The Nation. (2026). Under-trial murder prisoner dies at DHQ. <https://www.nation.com.pk/08-Mar-2026/under-trial-murder-prisoner-dies-dhq>.

⁶⁶ See Express Tribune. (2024). Inmate dies due to delay in hospitalization. <https://tribune.com.pk/story/2513613/inmate-dies-due-to-hospitalisation-delay>. See also Dawn (2025). Prisoner dies at DHQ hospital. <https://www.dawn.com/news/1963249>.

⁶⁷ National Commission for Human Rights. Prison Data Report 2024. It provides disaggregated data till July-Aug 2024. <https://nchr.gov.pk/wp-content/uploads/2025/01/prison-data-report-2025.pdf>. See also HRCP. (2023). at p.6. The Ailing Prisoner: Access to healthcare in Pakistan's Prisons" at <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-The-Ailing-Prisoner-Access-to-Healthcare-in-Pakistans-Prisons.pdf>.

⁶⁸ NCHR Report *ibid*, p. 10-11.

population. This increase of about 8% over eight years could be due to ineffective bail mechanisms, prolonged judicial process, and an overreliance on custodial measures.⁶⁹

It is further noted in the NCHR report that measures to address overcrowding include, for instance in Punjab, the introduction of new legislation on parole and probation service (2019, new Offender Management System, and the construction of additional jails. The report mentions that in Punjab, four new jails with a combined capacity of 2,268 detainees were reported to have been commissioned to partially alleviate the burden.

In December 2024, during the court proceedings in a public interest litigation which was instituted before the Lahore High Court⁷⁰ in 2010, it was submitted by the provincial government that infrastructural development increased the capacity to 37,563 inmates showing improvement from the 2010 baseline during which period 13 new facilities were built bringing the total number to 43 in 2024. This included 140 new barracks and 928 additional death cells that had been built since 2010.⁷¹ Yet, the challenge of overcrowding could not be resolved: the court's final order notes that at the time of filing of the petition in 2010, there were thirty-two (32) prison facilities where 52,803 prisoners were lodged against the designated capacity of 21,527 i.e. overcrowding stood at 146%.

It is worth stating here that there is no legal requirement for prisons to carry out independent audit and oversight of the prison facilities. Further, the provincial prison authorities do not proactively make the data relating to prisons available and all efforts made to obtain most recent data maintained by provincial prisons departments went in vain due to their slow response.

In July 2025, it was reported in the media that the Punjab government had allocated 28 billion rupees to upgrade its prison facilities including building new prisons to reduce overcrowding.⁷² The data made available in the NCHR report shows that the Punjab province at the time held 61,813 prisoners in the available facilities designed for only 37,217. The news report stated that a major initiative was the Lahore Prison Complex which was being built at an estimated cost of PKR 6 billion, with a capacity to accommodate 10,000 inmates. A new district jail in Sialkot is also being constructed at a cost of PKR 4.8 billion, with a capacity of 2,000 prisoners.⁷³

The official figures demonstrate that despite several new facilities having been built since 2010, overcrowding remains a problem, with an 8% rise over eight years between 2017-2024.⁷⁴ According to the World Prison Population List 14th Edition (2024), Pakistan's prison population in August 2022 stood at 87,712. The data available with the Institute for Crime and Justice Policy Research shows the following figures for the prison population:⁷⁵

⁶⁹ Ibid. p. 12.

⁷⁰ Data referred to in the case being referred to is specific to the province of Punjab.

⁷¹ See Dawn. (2024). Detailed verdict on public interest plea: LHC calls for comprehensive jail reforms in Punjab. <https://www.dawn.com/news/1881059>.

⁷² Associated Press of Pakistan (2024). Rs.28 b allocated for 38 jail reform projects across Punjab. <https://www.app.com.pk/domestic/rs28b-allocated-for-38-jail-reform-projects-across-punjab/>.

⁷³ Ibid.

⁷⁴ According to the NCHR publication the under-trial prisoners constituted 73.41% of the prison population at the time data gathering in July-August 2024; whereas under-trial prisoners made up 66% of the prison population in 2017. National Commission for Human Rights. Prison Data Report 2024. It provides disaggregated data till July-Aug 2024. P. 9. <https://nchr.gov.pk/wp-content/uploads/2025/01/prison-data-report-2025.pdf>.

⁷⁵ Helen Fair and Roy Walmsley, World Prison Population List 14th Edition. https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_14th_edition.pdf.

Year	No. of prisoners
2000	78,938
2010	75,586
2015	80,169
2019	80,145
2022 (Aug.)	87,712

It may, therefore, be argued that the challenge of eliminating overcrowding in prisons cannot be met until and unless the underlying issues driving Pakistan’s rising prison populations are addressed. The obvious common sense resolution of the problem lies in three things: releasing a majority of under-trial inmates on bail, or on probation and parole; criminal processes be made more efficient, effective, simpler and fairer for expedited trials; and, finally, the sentencing approach or policies be rationalized particularly by prioritizing non-custodial measures.

One of the main reasons for overcrowding is the overreliance on pretrial detention. According to the NCHR, 73.41% of the prison population for the year 2024 are under-trial detainees, this is an 8% rise over a period of eight years.⁷⁶ The Supreme Court of Pakistan has held that the right to be released on bail is not only a statutory right but also stands on constitutional guarantees thus urging courts below to adopt the practice of granting bail as a matter of rule whereas denial should be an exception as the right to liberty is a fundamental right.⁷⁷ If this principle were to be followed, many detainees would be released on bail.

Similarly, the latest figures available for the province of Punjab as on 12 September, 2025⁷⁸ further illustrate the persistent problem of under-trial prisoners and how it is contributing to overcrowding. The data shows that out of the total prison population of 70,069 in the province, there were 51,428 under-trial prisoners while the officially designated capacity for holding prisoners in all the 43/45 prisons in the province was put at 38,214.

Authorities of Punjab published the following data on their prison population:

Category	Male	Female	Juveniles	Total
Under-Trial	49554	1064	810	51428
Convicts	15921	279	103	16303

⁷⁶ Ibid.

⁷⁷ 2022 SCMR 592, Abdul Saboor vs. The State; Muhammad Tanveer v. State PLD 2017 SC 733 ; see also Dawn, “[Supreme Court reiterates directives on grant of bail](https://www.dawn.com/news/1635933)” at <https://www.dawn.com/news/1635933>

⁷⁸ Prison Statistics <https://prisons.punjab.gov.pk/prisoners-statistics>.

Unconfirmed Condemned Prisoners	2103	11	0	2114
Civil Prisoners	224	0	0	224
Total	67,802	1,354	913	70,069 ⁷⁹

Number of Prisons	45
Designated Capacity	38,214
Total prisoners	70,069
Overcrowding	183.35 % ⁸⁰

Recommendations:

- Take urgent and effective measures to reduce overcrowding in places of detention, including by addressing its root causes, in line with its obligations under the Convention;
- Reduce the excessive use of pretrial detention, including by ensuring that deprivation of liberty is used only as a measure of last resort, and by effectively implementing and expanding access to bail, probation and parole;
- Ratify the Optional Protocol to the Convention against Torture (OPCAT);
- Establish an independent system of regular inspection and oversight of all places of detention, including through independent monitoring bodies;
- Ensure the systematic collection and publication of comprehensive, disaggregated data on the prison population, including on pretrial detention, duration of detention, bail applications, and access to legal counsel.

6.3. Prolonged and Ineffective Administration of Justice

The most significant reason for the prison population being dominated by under-trial detainees is the prolonged and ineffective administration of justice, particularly arbitrary arrests, slow investigation and ineffective prosecution. It would be relevant to state here that investigation and prosecution are far slower than what is reasonably acceptable and legally permissible.⁸¹

A study in 2019 found that in a random sample of 310 capital punishment verdicts that found way into the law reports and journals between 2010-2018, the Supreme Court of Pakistan had overturned death sentence

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Dawn. (2024). Non-submission of challans: High Court seeks report from IGP. <https://www.dawn.com/news/1855117>.

in 78% of the cases, by either acquitting, or commuting the sentence. In 2018 i.e. the last year observed in the report, the Supreme Court had upheld the death penalty in only 3% of the total capital punishment cases heard in the final appeal by the apex court.⁸² Those who are arrested and not released on bail are likely to have spent 10 years or more behind bars before their case is heard by the Supreme Court. In 65% of the acquittals, the Supreme Court had serious doubts about the reliability of police investigation. One common issue with such investigations was regarding the evidence presented that appeared to the court to have been planted, manipulated, or doubtful.

The case of Ghulam Shabbir,⁸³ who was arrested in 1990, illustrates the consequences of prolonged and ineffective administration of justice, marked by excessive delays at every stage of proceedings. His trial alone took four years, followed by six years for the High Court appeal, fifteen years before the Supreme Court decided his appeal, and a further ten years for the final review. By the time his appeal was heard in 2015, he had already spent 25 years in detention—exceeding the duration of life imprisonment under Pakistani law—yet this was not taken into account by the Court. In total, he spent 34 years in prison without remissions, including approximately 24 years on death row. It was only in 2024 that the Supreme Court, at the review stage, commuted his death sentence to life imprisonment.

Due to absence of declaration of information and the aura of secrecy around prisons management and complete absence of independent audit and accountability, it is not clear whether the prison authorities follow domestic standards prescribed in rules for accommodation, health and sanitation. Section 4 of the Prisons Act 1894, Rules 745 to 752 and Chapter 31 of the Pakistan Prison Rules 1978 deal with accommodation of prison inmates as well as sanitary conditions in prison. But no independent information is available regarding the implementation of prescribed standards.⁸⁴

Further, the data maintained by prison authorities is not disaggregated and is not available in such detail as to become a basis for deeper analysis. The details for the under-trial and pre-trial prison inmates are not shared. For instance, it is not known as to how many of the under- / pre- trial detainees have spent 3, 6, 9, 12 months in detention; how many filed applications for bail but were denied bail; how many had access to a defence counsel since their arrest; how many continue to remain behind bars despite the lapse of statutory delay.

Recommendations:

- Accelerate criminal proceedings, in particular at the investigation and trial stages, to ensure that all detainees are brought promptly before a judge and tried within a reasonable time or released;
- Promote the use of non-custodial measures, including alternatives to detention and sentencing reforms, with a view to reducing reliance on imprisonment, particularly for minor and non-violent offences;

⁸² Reprieve (2019). The Pakistan Capital Punishment Study. <https://reprieve.org/wp-content/uploads/sites/2/2019/04/Pakistan-Capital-Punishment-Study.pdf>. See also Rasta (2025). Low Crime Conviction and Capacity Challenges of Police in Punjab.

<https://rasta.pide.org.pk/wp-content/uploads/5th-rasta-conf-low-crime-conviction-and-capacity-challenges-of-police-in-punjab-syed-imran-haider-conference-paper.pdf>.

Dawn. (2025). Conviction rates critically low in gender-based violence cases. <https://www.dawn.com/news/1894972>.

⁸³ Criminal Review Petition No. 103 of 2017 in Criminal Appeal No. 643 of 2009 dd. 05.06.2024 cited as Ghulam Shabbir vs the State: PLD 2024 SC 951.

⁸⁴ Sections 4 & 7 of the Prisons Act 1894, Rules 745 to 752 and Chapter 31 of the Pakistan Prisons Rules 1978 deal with the accommodation as well as sanitary conditions in prison. But no information is available as to how the prescribed standards are followed while designating capacity of the number of prisoners to be accommodated in a prison. Sections 35-36 of the Sindh Prisons and Corrections Services Act, 2019 are identical and sections 37 & 52 deal in some greater detail with the aspects of accommodation and health.

- Take effective measures to address the prolonged and ineffective administration of justice, including delays in investigation, prosecution and adjudication;
- Ensure that investigations are prompt, thorough, independent and reliable, and that evidence obtained through unlawful means is excluded in practice;

7. Failure to Protect Women and Girls from Gender-based Violence

Pakistan's persistent failure to prevent, adequately investigate and punish gender-based violence against women and girls constitutes a violation of its obligations under the CAT in the context of General Comment No. 2 of 2008. Official data for 2024 indicates that at least 405 women fell victim to 'honour' crimes during the year, while domestic violence accounted for at least 1,641 cases of murder and 3,385 cases of beating. Cases of sexual assault continued unabated, with police data pointing to 4,175 cases of rape, 733 of gang rape, 24 of custodial sexual assault and 117 cases of incest-based sexual assault.⁸⁵ These are only the recorded cases. The actual number of cases is likely to be higher.

Across the country and in successive years, the state has demonstrated a pattern of acquiescence in cases of severe violence inflicted on women in the domestic sphere. The case of Sobia Batool—a resident of Naushahro Feroz, Sindh, whose family members allegedly broke her legs in July 2024 in retaliation for her initiating court proceedings against her husband⁸⁶—is emblematic of a deeper structural failure: not only does the state tolerate domestic violence, but it also fails to protect women who seek legal redress from further retaliation. Femicide cases such as that of 27-year-old Noor Mukadam, who was brutally tortured and murdered in Islamabad in July 2022, sparked nationwide protests demanding that the state acknowledge a femicide crisis. However, no systemic legislative or prosecutorial reform has followed.⁸⁷

Child domestic workers have been subjected to similarly extreme abuse: in 2023, 10-year-old Fatima Fariro was found dead with marks of torture in an influential landlord's home in Khairpur, Sindh, having been buried without post-mortem examination. In another notable case in 2023, 14-year-old Rizwana Bibi, a domestic worker employed by a civil judge—ironically in contravention of a Supreme Court judgment prohibiting the employment of domestic workers under 16—was brutally tortured, allegedly by her employer. The fact that the accused was granted protective bail, in all likelihood on account of her influence, reflects a system that is rigged invariably against the most vulnerable.⁸⁸

Despite the welcome passage of the Zainab Alert, Response and Recovery Act 2020, the state has generally failed to establish systemic mechanisms for the prompt investigation, prosecution and punishment of perpetrators, nor has it ensured adequate redress or rehabilitation for survivors, as required under the CAT. Of additional concern is the absence of disaggregated data on violence against children, as urged by the Committee Against Torture, and the failure to ensure that protective legislation is implemented uniformly across all provinces and territories.

⁸⁵ Human Rights Commission of Pakistan. (2025). State of human rights in 2024. <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2025-State-of-Human-Rights-in-2024-REV.pdf>.

⁸⁶ The Guardian. (2024). She wanted a divorce, so her father hacked her legs with an axe: How Pakistan fails women. <https://www.theguardian.com/global-development/article/2024/aug/06/she-wanted-a-divorce-so-her-father-hacked-her-legs-with-an-axe-how-pakistan-fails-women>.

⁸⁷ Al Jazeera. (2022). Pakistan: In high-profile case, Mukadam killer sentenced to death. <https://www.aljazeera.com/news/2022/2/24/pakistan-mukadam-killer-sentenced-to-death>.

⁸⁸ Human Rights Commission of Pakistan. (2025). State of human rights in 2024. <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2025-State-of-Human-Rights-in-2024-REV.pdf>.

7.1. Re-victimisation of Survivors of Rape in the Criminal Justice System

Of significant concern is the fact that Pakistan's criminal justice system, rather than functioning as a mechanism of redress for survivors of gender-based violence—and specifically rape—compounds the original harm and systematically deters women from seeking justice. Under the due diligence obligation, Pakistan needs to investigate, prosecute and provide remedies to victims. However, at every stage of the country's criminal justice process, survivors encounter attitudes and procedures that re-traumatise rather than protect.

HRCP's own experience of operating a complaints cell indicates that the police, as survivors' first point of contact, often refuse to register first information reports in cases involving marital rape or where the survivor has had a prior consensual relationship with the accused. Interrogations tend to focus on establishing the survivor's 'character' rather than the facts of the offence. Moreover, despite being declared unconstitutional by the Supreme Court in 2021, the two-finger virginity test continues to be used by medico-legal officers: UN Women's analysis of case files from Punjab found that 50% of files recorded its use.⁸⁹

A 2022 survey among judges in Punjab found that 70% believed that rape occurred because men could not 'control' themselves when provoked by women's 'behaviour'—a finding that is reflected in case files that document judges acquitting accused persons on the basis that the survivor had not cried out or resisted, without any consideration of well-documented psychological responses to trauma.⁹⁰ Disappointingly, in January 2026, the Supreme Court of Pakistan set aside a rape conviction, changing it to 'fornication' (consensual sexual relations) and reducing a 20-year sentence to five years and a fine because of the complainants lack of resistance and absence of physical marks. As the National Commission on the Status of Women observed after the verdict, consent cannot be inferred from 'silence, delayed reporting, or lack of resistance.'⁹¹ Yet the courts continually fail to recognise the realities of trauma, fear and coercion in cases of sexual violence.

Even courts set up to process cases of gender-based violence have continued to fall short. In 2022, of the 27 notified gender-based violence courts in Sindh, fewer than half had separate waiting areas for survivors and accused, fewer than a third had screens to shield survivors during testimony, and in none of the concluded cases analysed did prosecutors file applications for survivor protection measures, nor did judges act proactively upon observing survivor distress.⁹²

Compounding this is the state's failure to provide adequate protective infrastructure for survivors of gender-based violence. This is starkly illustrated by the condition of Pakistan's public shelter homes or *dar ul amans*, which HRCP has itself characterised as functioning more as detention centres than places of refuge.⁹³ Although Pakistan is obliged to ensure the provision of remedies and rehabilitative support to victims of violence under the CAT, *dar ul amans* remain chronically overcrowded, poorly staffed and managed by personnel without gender-sensitive training. Indeed, the institutional orientation of these shelters has historically been towards reconciliation between survivor and abuser, or between survivor and family, rather than towards the survivor's autonomous recovery.

What is important to note is that private shelters, such as Dastak in Lahore, have demonstrated that a rights-based, survivor-centred model is both feasible and valued by residents. Women report greater agency,

⁸⁹ UN Women. (2022). A study capturing the journeys of GBV survivors through the the justice system of Punjab. https://pakistan.unwomen.org/sites/default/files/2023-07/gbv_survivors_report_2022_final_10_march_2023.pdf.

⁹⁰ Ibid.

⁹¹ Dawn. (2026). Consent on trial: How Pakistan's courts are failing rape survivors. <https://www.dawn.com/news/1966003>.

⁹² UN Women. (2022). A study capturing the journeys of GBV survivors through the the justice system of Punjab. https://pakistan.unwomen.org/sites/default/files/2023-07/gbv_survivors_report_2022_final_10_march_2023.pdf.

⁹³ Human Rights Commission of Pakistan. (2020). State of human rights in 2019. <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2020-State-of-human-rights-in-2019-EN.pdf>.

mobility and security in such settings.⁹⁴ The contrast between private and public provision is, therefore, not a product of resource constraints alone, but of political choices about the protections to which women are entitled under national and international human rights law. Taken together, the lack of adequate shelters, combined with a criminal justice process that re-traumatizes survivors, means that for the majority of women subjected to gender-based violence, no meaningful avenue of protection or remedy exists.

7.2. State acquiescence in Jirga-ordered Violence against Women

Pakistan's sustained tolerance of jirga-imposed punishments against women constitutes state acquiescence under General Comment No. 2. As male-only tribal councils operating outside any regulatory or judicial framework, jirgas have continued to order punishments that inflict severe pain and suffering on women for the purposes of punishment, coercion and/or gender-based discrimination. These include gang rape ordered as retribution, the exchange of girls through *vani* and *swara* practices to settle disputes between men, and extrajudicial executions in the name of 'honour'.⁹⁵

The May 2025 execution of Bano Bibi in Balochistan, which was filmed and circulated globally, is an extreme example of abusive and discriminatory jirga ruling. A local jirga ordered the execution of Bano Bibi and her husband, who had married of their own accord, because tribal leaders had declared them guilty of engaging in an 'immoral' relationship.⁹⁶ Critically, state authorities have not merely failed to prevent jirgas from adjudicating such cases, but they have also actively legitimised them, with officials attending jirga proceedings and treating them as *de facto* judicial institutions, particularly in Balochistan, Sindh, southern Punjab, and former tribal areas.

The Supreme Court of Pakistan itself declared jirgas unconstitutional in 2019, finding them incompatible with Pakistan's obligations under the ICCPR and CEDAW,⁹⁷ but this ruling has produced no meaningful change on the ground. Law enforcement remains systematically absent in jirga-related cases unless compelled to act by viral media coverage, as occurred in the Bano Bibi case, where authorities had knowledge of the killing weeks before it reached public attention and took no action until the footage became impossible to ignore. The subsequent suspension of a deputy superintendent for failing to report the incident confirms that this was not a failure of information, but an institutional choice to shield perpetrators.⁹⁸

Women threatened by jirga decisions have no reliable access to safe shelters, witness protection or relocation assistance. Law enforcement continues to condition investigation on family-initiated complaints, even in cases where families are the perpetrators or are coerced into silence. Following the Bano Bibi killing, for example, the chief minister of Balochistan, Sarfraz Bugti, acknowledged that no first information report had been filed, stating that no one was willing to come forward as a complainant.⁹⁹ However, the obligation to investigate and prosecute acts of violence in the context of the CAT does not

⁹⁴ UN Women. (2022). A study capturing the journeys of GBV survivors through the justice system of Punjab. https://pakistan.unwomen.org/sites/default/files/2023-07/gbv_survivors_report_2022_final_10_march_2023.pdf.

⁹⁵ Just Security. (2025). When law fails women: Jirgas, gender violence, and the collapse of international accountability. <https://www.justsecurity.org/119947/jirgas-gender-violence-international-accountability/>.

⁹⁶ Reuters. (2025). Viral 'honour' killing in southwest Pakistan triggers national outrage. <https://www.reuters.com/world/asia-pacific/viral-honour-killing-southwest-pakistan-triggers-national-outrage-2025-07-28/>.

⁹⁷ Dawn. (2019). SC holds jirgas violative of Pakistan's world commitments. [https://www.dawn.com/news/1458038#:~:text=The%20Newspaper's%20Staff%20Reporter%20Published,Discrimination%20against%20Women%20\(CEDAW\)](https://www.dawn.com/news/1458038#:~:text=The%20Newspaper's%20Staff%20Reporter%20Published,Discrimination%20against%20Women%20(CEDAW).).

⁹⁸ Just Security. (2025). When law fails women: Jirgas, gender violence, and the collapse of international accountability. <https://www.justsecurity.org/119947/jirgas-gender-violence-international-accountability/>.

⁹⁹ Ibid.

rest with private individuals; it rests with the state. Although reactive legislation, such as the Anti-Rape (Investigation and Trial) Act 2021 and the Zainab Alert Act 2020, has been enacted in the wake of individual cases that provoked public outrage, what remains unaddressed are the parallel extrajudicial systems through which much of the violence against rural and tribal women is authorised and carried out.

The UN Committee Against Torture itself noted in 2017 that jirgas had imposed violent punishments on women and called on Pakistan to ensure these mechanisms are not sanctioned by authorities.¹⁰⁰ Despite this sustained international scrutiny, Pakistan has continued to treat jirgas as politically indispensable partners in governance, extending to them the *de facto* recognition that the Supreme Court has constitutionally denied them.

Recommendations:

- Take urgent and effective measures to prevent and respond to gender-based violence against women and girls, including domestic violence, so-called “honour” crimes and sexual violence, in line with its obligations under the Convention and the Committee’s General Comment No. 2;
- Ensure that all allegations are promptly, effectively and impartially investigated, that perpetrators are prosecuted and punished with appropriate penalties, and that victims are protected from reprisals and have access to effective remedies, including rehabilitation;
- Ensure that the criminal justice system functions as a mechanism of protection rather than re-victimisation for survivors of sexual violence;
- Prohibit in practice all invasive and degrading medico-legal practices, including the “two-finger test”;
- Ensure that law enforcement officials, prosecutors and judges apply gender-sensitive, trauma-informed approaches, including with regard to consent;
- Ensure the availability of accessible, adequately resourced and rights-based shelters and support services for survivors of violence;
- Prevent and eradicate violence against women and girls ordered by jirgas
- Ensure that the definition and assessment of consent in sexual violence cases are fully aligned with international human rights standards, recognising that consent must be voluntary and cannot be inferred from silence, lack of resistance or delayed reporting.
- Ensure that courts and law enforcement authorities do not rely on harmful stereotypes or assumptions regarding victims’ behaviour;
- Provide mandatory training to judges, prosecutors, police and medico-legal personnel on the concept of consent and trauma-informed approaches, to ensure that evidentiary assessments reflect the realities of coercion, fear and psychological responses to violence.

8. Mob Violence and Faith-based Torture

The state's failure to protect religious minorities from blasphemy-related mob violence, torture and lynching constitutes a grave breach of its due diligence obligations under the CAT, particularly where state authorities have been present during, or forewarned of, attacks and failed to intervene effectively.

Although the December 2021 lynching of Priyantha Diyawadana—a Sri Lankan national tortured, killed and set on fire in Sialkot, Punjab, following accusations of blasphemy—was condemned internationally

¹⁰⁰ CAT. Concluding Observations on the initial report of Pakistan. UN Doc. CAT/C/PAK/CO/1, 1 June 2017. para. 30 and 31.

and resulted in some arrests, the underlying structural impunity for blasphemy-motivated violence remains unaddressed.¹⁰¹ This was confirmed by the May 2024 case of Nazeer Masih, a Christian man beaten to death by a mob in Sargodha, Punjab, using sticks, stones, bricks and steel rods. An HRCP fact-finding mission established that the police had received the initial blasphemy complaint and failed to take preventive action; that Mr Masih was beaten in the presence of police officers, whose response in dispersing the mob was wholly inadequate; and that a mosque loudspeaker and WhatsApp messages were used to mobilise the mob after the initial police visit—a sequence of events the state had both the knowledge and capacity to interrupt.¹⁰²

Both cases illustrate that Pakistan's blasphemy laws have created the conditions for state-acquiesced torture and the extrajudicial killing of members of religious minorities. No meaningful legal reforms have been undertaken to protect accused individuals from mob violence or to ensure accountability for officers who fail to protect individuals from torture.

Recommendation:

- Strengthen measures to prevent and respond to mob violence, in particular against religious minorities, including by ensuring that law enforcement authorities act with due diligence to prevent foreseeable attacks, that failures to act are investigated and sanctioned, and that victims have access to effective remedies.

¹⁰¹ Human Rights Commission of Pakistan. (2025). Under siege: Freedom of religion or belief in 2023/24. <https://hrcp-web.org/hrpweb/wp-content/uploads/2020/09/2025-Under-siege-EN.pdf>.

¹⁰² Human Rights Commission of Pakistan. (2024). Allegations of blasphemy and mob violence in Mujahid Colony, Sargodha. <https://hrp-web.org/hrpweb/wp-content/uploads/2020/09/2024-Allegations-of-blasphemy-and-mob-violence-in-Mujahid-Colony-Sargodha.pdf>.

9. About the Authors

Human Rights Commission of Pakistan (HRCP)

Established in 1986 and registered in 1987, the HRCP is the country's apex independent human rights body. A non-political, not-for-profit organisation, HRCP is committed to realising the entire ambit of human rights—civil, political, economic, social, and cultural—for all citizens and persons present in the country. HRCP uses the framework provided by the fundamental freedoms guaranteed in the Constitution of Pakistan as well as international human rights instruments, to some of which Pakistan is a state party.

HRCP believes that this goal must be realised without any distinction or discrimination on grounds of gender, race, religion, sect or belief, ethnicity, area of origin, disability, sexual orientation, gender identity, or socioeconomic status. To this end, HRCP works closely with vulnerable, marginalised and excluded groups, such as women, children, members of ethnic and religious minorities, workers, peasants, and survivors of human rights abuses. HRCP's flagship annual report, *State of Human Rights*, is widely considered the most comprehensive document available on this subject. Its monthly newsletter in Urdu, *Jehd-e-Haq*, reaches over 3,000 people across Pakistan.

The organisation's secretariat is based in Lahore, with regional offices in Karachi, Hyderabad, Peshawar, Quetta, Turbat, Multan, and Gilgit. HRCP's Centre for Democratic Development operates from Islamabad. Our offices work with volunteers at the district level, augmented by hundreds of active members in cities and towns across Pakistan.

World Organisation against Torture (OMCT)

The OMCT works with 200 member organisations to end torture and ill-treatment, assist victims, and protect human rights defenders at risk wherever they are. Together, we make up the largest global group actively standing up to torture in over 90 countries. We work to protect the most vulnerable members of our societies, including women, children, indigenous peoples, migrants and other marginalized communities. To achieve this, we advocate with governments to change or implement their laws and policies, we help victims seek justice and strive to hold perpetrators to account. Because torture can never be tolerated, and human dignity is not negotiable.