



Submission to the UN Human Rights Committee on the Government of Pakistan's Second Periodic Report on Compliance with the International Covenant on Civil and Political Rights (ICCPR)

National Commission for Human Rights, Pakistan

Introduction

1. The National Commission for Human Rights (NCHR) is an 'A' status National Human Rights Institution. Under the Principles related to the status of National Institutions (the Paris Principles) and Section 9 (f) of the National Commission for Human Rights Act, 2012, the NCHR has the power to make recommendations on the Government of Pakistan's compliance with international treaties, including the ICCPR. Further information on the NCHR can be found at: <https://nchr.gov.pk/>
2. The Commission thanks the United Nations Human Rights Committee (the Committee) for the opportunity to provide a written contribution prior to its consideration of the Government of Pakistan's Second report under the ICCPR. The Commission looks forward to further engaging with the Committee.
3. This submission is based on work that has been undertaken by the Commission in accordance with its mandate and functions, or otherwise on publicly available information. The Commission has brought the issues raised in this submission to the attention of the Government of Pakistan.
4. This submission provides information concerning the civil and political rights of key population groups in Pakistan and other thematic issues engaging civil and political rights. In relation to each section, the Commission has referred to the relevant articles of the ICCPR engaged and (where appropriate) the relevant paragraph of the Committee's list of issues prior to reporting dated 29 November 2023.
5. The Commission's proposed recommendations are contained in the body of the text.

General Information

Domestic Enforceability of the ICCPR in Pakistan

1. Pakistan is committed to upholding its international obligations under human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 2010. The Constitution of Pakistan, 1973, enshrines fundamental rights that align with many provisions of the ICCPR, such as the rights to life, liberty, dignity, fair trial, equality, and freedom of expression. These constitutional guarantees form the bedrock of human rights protection in Pakistan and are enforceable through the country's legal system.
2. The superior judiciary, comprising the Supreme Court and High Courts, plays a critical role in the enforcement of fundamental rights under Articles 184(3) and 199 of the Constitution. Citizens can invoke these provisions to challenge violations of their rights, ensuring that domestic courts protect and promote the rights guaranteed by both the

Constitution and international obligations like the ICCPR. Additionally, the Supreme Court's Human Rights Cell provides an accessible and expeditious mechanism to address grievances related to human rights violations, reinforcing Pakistan's commitment to international norms.

3. The judiciary in Pakistan often references international human rights instruments, including the ICCPR, in its judgments. In some cases, even non-ratified conventions are invoked based on principles of customary international law.
4. The National Commission for Human Rights (NCHR), specialized commissions such as the National Commission on the Status of Women (NCSW), National Commission on the Rights of Child (NCRC), and the Federal Ombudsman Secretariat for Protection Against Harassment (FOSPAH) and the Pakistan Information Commission also contribute to the implementation of the ICCPR by monitoring violations, reviewing laws, and recommending reforms. These institutions provide a framework for ensuring that the state's international obligations under the ICCPR are effectively translated into domestic policy and action.
5. Moreover, the Law and Justice Commission of Pakistan (LJCP) has been active in raising awareness about fundamental rights and promoting legal empowerment across the country. Through its initiatives, such as the "Qanoon Fehmi" campaign, the LJCP seeks to enhance public knowledge of legal rights and improve access to justice, further facilitating the enforcement of the ICCPR within Pakistan's legal and constitutional framework.

Selected Issues

The Commission considers all of the information and recommendations provided by the Human Rights Committee (HRC) under the 2017 Concluding Observations on Pakistan's Initial Report to be of importance to the Government of Pakistan's compliance with the ICCPR. However, the Commission wishes to draw the Committee's attention to five priority areas:

National Human Rights Institutions (art 2)

1. The HRC under Concluding Observations issued on Pakistan's Initial Report ("Concluding Observations") recommended that the GoP "adopt all legislative, policy and institutional measures necessary to ensure that the National Commission for Human Rights is able to carry out its mandate fully and in an effective and independent manner, and in full

conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)”¹.

2. The National Commission for Human Rights (NCHR) of Pakistan has been recognized as an A-status institution by the Global Alliance for National Human Rights Institutions (GANHRI).² This accreditation indicates that NCHR operates in full compliance with the Paris Principles, which emphasize a broad-based mandate rooted in universal human rights standards, autonomy from the government, independence guaranteed by law, pluralism, adequate resources, and investigative powers.
3. The NCHR's governance structure also supports its adherence to the Paris Principles. With a tenure of four years, the removal of any member before the completion of this term is as stringent as the removal of a Supreme Court judge, requiring initiation under Article 209 of the Constitution and approval from the Supreme Judicial Council. The Commission, comprising 50% women, ensures diversity in its operations, including gender, ethnicity, and religion.
4. The NCHR is an independent and impartial body which shares its annual financial and performance reports with the Parliament. The Commission's funding is directly allocated through a dedicated one-line budget from the Finance Division, bypassing the Ministry of Human Rights (MoHR). The Chairperson of NCHR serves as the Principal Accounts Officer (PAO), ensuring direct control over financial matters. The Commission's financial independence is further solidified by the approval of its internally drafted rules by the State, reinforcing the legitimacy and operational autonomy of the NCHR.
5. NCHR's broad mandate, as outlined under Section 9(l) of the NCHR Act, empowers it to determine its own actions necessary for promoting human rights. The Commission has statutory powers to investigate human rights violations, equivalent to those of a civil court under Section 13 of the NCHR Act, and can visit detention areas, take suo moto action, and become a party in court proceedings related to human rights violations. Additionally, Section 21 of the NCHR Act provides for the establishment of Human Rights Courts to expedite the trial of offenses related to human rights violations.
6. The NCHR has handled and resolved over 7,908 complaints and suo moto actions, conducted 173 visits to jails and detention areas.³ These activities underscore the Commission's proactive role in monitoring and addressing human rights violations across the country, in line with its mandate. Notable interventions include:

¹ OHCHR. Principles relating to the status of National Human Rights Institutions (the Paris Principles). General Assembly Resolution 48/13. 20 December 1993

² NCHR given A-Status Accreditation by UN body. Express Tribune. May 19, 2024, Accessed [here](#)

³ See: NCHR At a Glance, URL: <https://nchr.gov.pk/judicial-investigative-monitoring/>

- Ban on Discriminatory Advertisements: NCHR’s investigation into the misuse of the quota system led to a nationwide ban on discriminatory job advertisements.
 - Journalist Complaint Cell: A helpline was established for women journalists facing hate speech and threats.
 - Release of Foreign Fishermen Prisoners: NCHR successfully lobbied for the release of 650 Indian fishermen prisoners.
7. Under Section 9(d) of the NCHR Act, the Commission is empowered to recommend the adoption of new legislation or amendments to existing laws to better protect human rights. The NCHR has been instrumental in reviewing and advocating for several key pieces of legislation, including the Prevention of Electronic Crimes Act, 2016, the decriminalization of suicide, Domestic Violence Bill and the Torture and Custodial Death (Prevention & Punishment) Bill, 2022.
 8. While the National Commission for Human Rights (NCHR) has not directly investigated the internal operations of Pakistan's intelligence agencies or armed forces, it has conducted investigations. For instance, following the May 9th, 2023 protests in Lahore, where the residence of a high-ranking army official was set on fire, NCHR investigated the treatment of arrested protesters to ensure they were not subjected to torture or inhuman treatment.⁴ The findings were compiled into a report and submitted to the Prime Minister for action. The NCHR has also addressed 194 cases of enforced disappearances, successfully resolving or recovering 98 of them, highlighting its critical role in addressing serious human rights concerns in Pakistan.
 9. In February 2024, the Finance Division imposed a ban on the purchase of vehicles, machinery, and equipment under the Public Sector Development Program (PSDP) for the fiscal year 2023-24. This restriction impacts the National Commission for Human Rights (NCHR), which relies on these resources to maintain complaint records, ensure efficient operations, and uphold transparency. Reliable transportation is essential for the NCHR to access all regions of Pakistan and fulfill its nationwide mandate. Additionally, the Commission's growing knowledge production wing requires advanced computer systems to manage research and increasing data volumes. Given the critical importance of these assets, the NCHR respectfully urges the government to reconsider and lift the ban on purchasing physical assets for the Commission.

⁴ See Press Release: NCHR Issues Detailed Report of Jail Visits Held to Investigate Allegations of Torture, Sexual Abuse, June 23, 2023, URL: https://nchr.gov.pk/press_release/press-release-nchr-issues-detailed-report-of-jail-visits-held-to-investigate-allegations-of-torture-sexual-abuse/

10. The social media platform "X" has been inaccessible in Pakistan since February 17, 2024, without a Virtual Private Network (VPN). This restriction impacts NCHR's ability to disseminate vital information, engage with local and international human rights organizations, and monitor the human rights situation within the country.

Recommendations

The NCHR submits the following recommendations to the Government of Pakistan (GoP):

1. The Commission recognizes that the government has not interfered with its work. We urge the government to maintain this position and allow the commission to operate freely and independently in accordance with its mandate under the NCHR Act and the Paris Principles.
2. Lift the ban imposed on the purchase of vehicles, machinery, and equipment under the Public Sector Development Program (PSDP) to allow the NCHR to maintain its operational efficiency and effectiveness in complaint resolution and human rights monitoring.
3. Restore access to social media platforms, including "X," to facilitate the NCHR's ability to disseminate information, engage with stakeholders, and fulfill its mandate of monitoring human rights issues within the country.

Violence against Women and Domestic Violence (art 6, art 9, General Comment 35)

1. In its 2017 Concluding Observations, the Human Rights Committee expressed its concern that, "despite efforts made by the State party, violence against women is still prevalent". It further expressed its concerns by the "very low level of reporting of violence against women, including domestic violence; the lack of prompt and effective investigation of such cases; the low level of prosecution and conviction of perpetrators; and the insufficient level of assistance for victims".
2. The prevalence of violence against women remains alarmingly high. According to the Pakistan Demographic and Health Survey (PDHS) 2017-18, 23% of ever-married women reported physical violence, 26% emotional violence, and 5% sexual violence from their partners.⁵ The economic cost of violence against women and girls (VAWG) in Pakistan is estimated at \$189.7 million annually, including \$146 million in lost household income.⁶

⁵ National Institute for Population Studies (NIPS). Pakistan Demographic and Health Survey (2017-2018). URL: <https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

⁶ NCSW & UN WOMEN. National Report on the Status of Women, 2023. URL:

3. Women face numerous obstacles in accessing justice, including a lack of female police officers (only 1.5% of the force), delays in First Information Report (FIR) registrations, and inadequate police investigations.⁷ The judicial system, often influenced by patriarchal norms, further hinders justice for women. For instance, although 11 rape cases are reported daily, this represents only 41% of actual incidents.⁸ Of the reported cases, a mere 18% progress to prosecution, with an extremely low conviction rate of 0.3%.⁹
4. Deeply entrenched patriarchal norms in Pakistani society and institutions, including the judiciary, perpetuate discrimination against women. These norms manifest in various ways, from judicial attitudes to media portrayals that reinforce gender stereotypes. Women's participation in public life, including journalism, is met with hostility and harassment, often exacerbated by right-wing extremist groups.

Existing Frameworks and Actions

1. Pakistan, with women constituting 48.5% of its population, has embedded gender equality within its Constitution.¹⁰ Articles 8 to 28 guarantee gender-neutral rights, emphasizing equality and protection for all citizens. The Constitution promotes the active participation of women in all spheres of life. Pakistan's commitment to advancing women's rights extends beyond its borders, demonstrated by its ratification of key international agreements, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), various International Labour Organization (ILO) conventions, and the Sustainable Development Goals (SDGs).
2. The country has established a comprehensive legal framework supporting women's rights, encompassing both affirmative actions and penal laws designed to protect and empower women. Significant federal legislation includes:
 - Anti-Rape (Investigation and Trial) Act, 2021 which aims to expeditiously address crimes of sexual violence and abuse, by providing for special procedures for investigation, evidence collection and trial, and by establishing or designating: Special Courts for separate trials, and Anti-rape Crisis Cells
 - Criminal Law (Amendment) Act, 2021

https://pakistan.unwomen.org/sites/default/files/2023-07/summary_-nrsw-inl_final.pdf

⁷ War Against Rape & Aurat Foundation, Pakistan. Women's Access to Justice in Pakistan. URL: https://www.ohchr.org/sites/default/files/documents/HRBodies/CEDAW/AccessstoJustice/AuratFoundationAndWarAgainstRape_Pakistan.pdf

⁸ 11 rape incidents reported in Pakistan every day, official statistics reveal. The News. Nov. 2020. URL: <https://www.thenews.com.pk/latest/743328-about-11-rape-cases-reported-in-pakistan-every-day-official-statistics-reveal>

⁹ Id

¹⁰ Pakistan Bureau of Statistics. Compendium on Gender Statistics - 2019.

- The Enforcement of Women’s Property Rights Act, 2020
- Protection Against Harassment of Women at Workplace Act, 2010
- Criminal Law (Amendment) (Offense in the Name or on the Pretext of Honor) Act, 2016
- Criminal Law (Amendment) Act, 2018 (Anti-Rape Provisions)

Each province has further supplemented these federal laws with its own legislation aimed at protecting women, such as the Punjab Protection of Women against Violence Act, 2016, and the Sindh Domestic Violence (Prevention and Protection) Act, 2013.

3. Pakistan has also established several administrative structures to empower and protect women. These include:
 - Benazir Income Support Program (BISP): Launched in 2008, BISP provides financial aid to approximately 8 million families, benefiting over 32 million individuals, with a focus on women's empowerment through cash transfers to improve living standards, health, and education.
 - Ombudsman Offices: These offices, operating at both federal and provincial levels, address grievances related to women’s rights.
 - Specialized Commissions: The National Commission on the Status of Women (NCSW), the National Commission on the Rights of Child (NCRC), and other specialized bodies focus on women’s issues.
 - Women’s Shelters (Darul Amans): Around 103 shelters nationwide offer protection to women facing violence or abuse.
 - Gender-Based Violence (GBV) Courts: Established to handle cases related to gender-based violence, although their operational status remains inconsistent.
4. Key policy interventions have been implemented to enhance women's empowerment, including:
 - Reserved Seats in Legislatures: Women hold 17%–20% of reserved seats in the National Assembly, Senate, and provincial assemblies.
 - National Financial Inclusion Strategy (NFIS): Launched in 2015, the NFIS aims to increase women's access to financial services, including bank accounts.
 - Digital Financial Services: Initiatives like mobile banking and digital wallets target women in remote areas to improve their financial inclusion.
 - Although Pakistan has passed numerous laws aimed at protecting women, the absence of accompanying rules often renders these laws ineffective. For example, key legislation such as the Juvenile Justice Act (2018), the Torture & Custodial Death Act 2022 and the Anti-Rape (Investigation and Trial) Act (2021) lack the necessary rules for implementation, weakening enforcement and reducing accountability.

Actions taken the National Commission for Human Rights

1. The National Commission for Human Rights (NCHR) has significantly advanced Pakistan's compliance with the International Covenant on Civil and Political Rights (ICCPR) by addressing key human rights issues, particularly related to Gender-Based Violence (GBV) and vulnerable communities.
2. NCHR has processed 7,908 complaints, including 1,271 suo moto actions, with around 3,500 cases focused on GBV, women's rights, and marital disputes. The commission ensured proper police registration of GBV cases, provided pro bono legal aid in 1,200 instances, and referred numerous victims to shelters. NCHR's gap analysis of Darul Amans led to improved shelter conditions across Pakistan.¹¹
3. NCHR played a crucial role in securing a life sentence for Usman Mirza in a high-profile rape case, showcasing its commitment to justice. The commission also lobbied for a domestic violence law in Islamabad, which is currently absent. Additionally, NCHR intervened to protect transgender rights by maintaining the third gender column on CNICs, benefiting 50,000 registered transgender persons.
4. During the 2022 floods, NCHR advocated for gender-sensitive relief aligned with international standards. The commission also launched a helpline (1413) in November 2023, receiving 348 calls for legal advice on divorce, child custody, and maintenance. NCHR's educational initiatives include MOUs with universities to integrate human rights education, focusing on women's rights.

Recommendations:

The NCHR submits the following recommendations to the Government of Pakistan (GoP):

1. Tackle the root causes of gender-based violence by challenging cultural and social norms that support violence against women with impunity. Engage men in advocacy against domestic violence by promoting positive models of masculinity and ensuring zero tolerance for misogyny, especially from those in power.
2. Advocate for equitable posting of women in the public sector, particularly in leadership roles. For instance, despite qualified women in the district administration service, none are posted in field assignments in Sindh. Similarly, rectify discriminatory practices like the denial of a female officer's appointment as Director General Hajj, where she was unfairly awarded zero marks in the interview by the Minister of Religious Affairs.
3. Pass specific domestic violence legislation in Islamabad Capital Territory (ICT) to establish an effective grievance redressal mechanism for victims.

¹¹ NCHR et al. More than Shelter: Needs Assessment of Dar ul Amans and Shelters in Pakistan.2023. URL: <https://www.nchr.gov.pk/wp-content/uploads/2023/12/More-Than-Shelter.pdf>

4. Improve coordination among helplines, shelters, and legal aid facilities. Ensure that the Law and Justice Commission and Legal Aid Authority are fully utilized to provide legal assistance to victims.
5. Address the inadequacies in the 103 women's shelters across Pakistan, particularly in Balochistan and Khyber Pakhtunkhwa, where only five shelters exist each. Increase budgets, update operations, and standardize protocols to ensure these shelters function effectively.
6. Implement public awareness campaigns, school programs, and community interventions to educate both women and men, law enforcement, and the judiciary on women's rights and the importance of gender equality.
7. Synchronize the Anti-Rape (Crises Cell and Medico-Legal) Rules 2022 with existing Police Rules and Code of Criminal Procedure, 1898. Ensure timely and professional collection of evidence, supported by adequate funding for crime scene and forensic equipment. The current status of the cells operationalization indicates progress in several critical areas, such as increased reporting of sexual violence cases and the systematic recording of geographically segregated data. The facility provides essential services, including a dedicated landline for the medico-legal office, 24/7 security, and access to relevant medical departments. However, significant gaps remain that hinder full compliance with the Anti-Rape Act 2021. The absence of dedicated human resources—specifically a receptionist, female Medico-Legal Officers (MLOs), and data management personnel—are critical shortcomings. Additionally, the lack of structured consent procedures underscores the need for improvements in both documentation and the safeguarding of survivor privacy.
8. Provide training for judges on gender issues, the impact of domestic violence, and Pakistan's international commitments to ensure judicial decisions align with global standards for protecting women's rights.

Freedom of Conscience and Religious Belief (Articles 2, 18, and 26)

1. Pakistan is a country of immense religious and ethnic diversity, home to communities from various faiths and cultural backgrounds. The Constitution of Pakistan enshrines the principles of equality and non-discrimination, ensuring that every individual, regardless of their religion, enjoys equal rights and protection under the law. However, despite this constitutional promise, the lived experiences of many minority groups in Pakistan reveal a significant disparity between the legal framework and reality.
2. In recent years, there has been a disturbing increase in violence and discrimination against minority communities. Between 2023 and 2024, the Ahmadiyya community faced at least 35 attacks on their places of worship, with 21 Ahmadis arrested on various religious

charges.¹² Moreover, at least 136 cases of alleged forced conversions were reported in 2023, predominantly targeting Hindu women and girls in Sindh.¹³

3. The situation is particularly dire in Punjab and Sindh, where incidents against minority communities surged to 142 in Punjab and 47 in Sindh in 2023 alone.¹⁴ This upsurge is concerning, especially in provinces previously known for relatively fewer terrorism-related incidents.
4. A significant driver of this crisis is the misuse of blasphemy laws, which are frequently used to incite violence against minority groups. This abuse has created an environment of lawlessness, fostering vigilante justice due to widespread distrust in the justice system. The situation is further exacerbated by socio-economic frustrations, lack of education, and deep-seated prejudices. The Commission is deeply concerned by the exponential rise in the number of persons incarcerated under blasphemy charges (705 as of June 21, 2024), the upholding of due process and allegations of entrapment of young persons under cybercrime laws.
5. Recent lynching's, attacks on churches, and other violent incidents underscore the severity of religious and ethnic violence in Pakistan. These events, coupled with ongoing discrimination and harassment, reveal a profound failure in the public's confidence in the justice system and the effectiveness of accountability measures.
6. Barriers to justice for marginalized communities, pervasive online hate speech, and issues such as bonded labor and violence against women remain pressing concerns. While there has been some progress in condemning hate speech and religious violence, a significant gap remains in achieving meaningful societal change.

Existing Frameworks and Efforts

1. The Government of Pakistan has made several attempts to safeguard the rights of minority groups and ensure their political representation. The Constitution reserves seats for religious minorities in both the National and Provincial Assemblies, ensuring their voice in legislative processes. Significant appointments of minorities to ministerial positions, such as Krishna Kumari as a senator and Mahesh Kumar Malani as a Member of the National Assembly, reflect these efforts. Moreover, the government has taken steps to restore and protect religious sites belonging to minorities, such as the renovation of the Katas Raj Temples and the Kartarpur Corridor project.

¹² See NCHR, Situation Report: Monitoring the Plight of the Ahmadiyya Community. 2024. URL: <https://nchr.gov.pk/wp-content/uploads/2024/04/Ahmadiya-Report.pdf>

¹³ US Dept of State. 2023 Report on International Religious Freedom Pakistan.

¹⁴ Id

2. In addition to these efforts, the government has enacted several laws aimed at protecting the rights of minorities:
 - Constitution of Pakistan (1973): Articles 20, 21, 22, 25, 26, 27, 33, and 36 provide comprehensive protections, including the freedom to profess religion, non-discrimination in public spaces, and protection of minority rights.
 - Pakistan Penal Code (1860): Sections 153-A and 295-A criminalize acts promoting enmity between different groups and malicious acts intended to outrage religious feelings.
 - The Protection against Harassment of Women at the Workplace Act (2010): While primarily focused on gender discrimination, it also addresses broader issues of harassment and discrimination.
 - The Sindh Hindu Marriage Act (2016) and The Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act (2014): Provide legal protections for religious minorities, including safeguarding communal properties and formalizing marriage rights.
 - The Criminal Law (Amendment) Act (2017): Enhances penalties for offenses motivated by racial or religious hatred.
 - Anti-Terrorism Act (1997) and Prevention of Electronic Crimes Act (2016): Address the incitement of violence and dissemination of hate speech.
 - Sikh Marriage Act (2024): Enables legal recognition of Sikh marriages and divorces.

Actions taken by the National Commission for Human Rights

1. The National Commission for Human Rights (NCHR) has played a pivotal role in addressing the challenges faced by religious and ethnic minorities in Pakistan. Below are the key initiatives undertaken by the NCHR to uphold and protect the rights of minorities:
 - Complaints were received regarding government job advertisements targeting Christians and Hindus exclusively for sanitary worker positions. NCHR demanded that the government ban discriminatory advertisements in public job advertisements and a nationwide ban was imposed.
 - Published "Unequal Citizens: Ending System Discrimination against Minorities," focusing on the conditions of sanitary workers, predominantly from Christian and Hindu communities. Recommendations included replacing manual unclogging of sewers with machines, providing adequate Personal Protective Equipment (PPE), ensuring living wages and hazard pay, and registering workers with the Employees' Old-Age Benefits Institution (EOBI).
 - Took suo motu notice of desecration of Ahmadi graves in Punjab. NCHR intervention led to registration of cases against 23 nominated and 15 unknown accused.

- Following the lynching of a Sri Lankan citizen, Priyantha Kumara, in Sialkot, NCHR took suo moto notice, conducted site inspections, and monitored the case, leading to the conviction of 87 individuals within three months, setting a record for swift justice delivery.
- EmpowHER Project, aimed at protecting the rights of marginalized women through football and targeted communities such as Hazara women in Balochistan, Chitral and Lyari, Karachi. The project addressed gender-based violence, access to public space, mental health challenges, and worked to build confidence and resilience among participants.
- Between December 2021 and June 2024, NCHR handled 189 cases related to minority rights, advocating for a minimum marriage age of 18, establishing a Marriage Rights Helpline (1412), taking suo motu notices of forced marriages and abductions, and intervening in cases of desecration of religious properties. NCHR interventions secured the recovery of several minors abducted in forced conversion and marriage including a 12 year old girl from Rawalpindi, one child from Okara and a young woman from the Sikh community.
- Numerous visits to jail and regular monitoring of individuals accused under blasphemy laws, highlighting a significant increase of 6,300% in number of cases registered under blasphemy law over last three and a half year period
- Following the Jaranwala incident, NCHR's open letter to the Prime Minister led to the establishment of a high-level investigation committee on religious harmony and the immediate reconstruction of damaged churches and homes.
- Suo Moto intervention into Bashir Masih's case of custodial death led to the arrest of police culprits in Sumbarial District, Sialkot
- Ensured enforcement of minimum wages for janitorial staff in following public sector organizations such as Pakistan Post Office, National Savings, Capital Development Authority, Cantonment Board, and National Institute of Health.
- Held hearings to ensure the reclamation of encroached temple land in Narowal, and Fatehjung.
- Agitated for reform in the Religious Education Curriculum so that seven religious minorities (Bahai, Buddhism, Christianity, Hinduism, Kalash, Sikhism and Zoroastrianism) could study their own faiths in school.

Recommendations

The National Commission for Human Rights submits the following recommendations to the Government of Pakistan (GoP):

1. Establish a comprehensive, all-party consensus policy to combat religious extremism. Engage political parties, religious groups, and stakeholders to create a cohesive

strategy that addresses growing radicalism and hate speech. This policy should empower law enforcement to act decisively against extremists.

2. Scrutinize blasphemy cases, especially those involving young individuals and cases under the Prevention of Electronic Crimes Act (PECA). Train first responders to recognize mental health issues in accused individuals, and implement robust witness protection laws to ensure fair trials.
3. Ensure transparency and fairness in the implementation of minority employment quotas..
4. Address bonded labour by improving access to justice for affected minorities. Strengthen labor unions, expedite brick kiln registrations, incentivize automated machinery, and enhance the capacity of District Vigilance Committees. Focus on accurate data collection and prohibit child labour in brick kilns.
5. Develop transparent and equitable hiring policies for minorities at all government levels... Provide access to justice and equal wages for minority employees.
6. Implement standard operating procedures (SOPs) for investigating religious and ethnic violence. Establish special prosecutors, fast-track courts, and specialized police units for handling minority violence and blasphemy cases. Utilize geofencing, CCTV, and rapid response teams to enhance investigation and response capabilities.
7. Importantly, pursue reforms in the madrassa education system as outlined in the National Action Plan 2015. Engage in nationwide consultations with religious groups to emphasize human rights and citizenship responsibilities, promoting a more tolerant society. Ensure zero tolerance for false accusations of blasphemy and vigilante mob action.
8. Enforce the directives of the Justice Jilani Judgement SMC1 of 2014. Develop strategies for religious tolerance, reform school curricula, protect places of worship and address online hate speech.
9. Introduce and enforce comprehensive policies to combat hate speech both online and offline. Amend existing laws to effectively address hate speech while respecting free speech. Strengthen reporting mechanisms and combat online hate using frameworks like the Rabat Plan of Action and UN Charters.
10. Launch nationwide awareness campaigns to foster a culture of tolerance and respect for religious diversity. Educate the public on the dangers of hate speech and promote coexistence among different communities.
11. Build police capacity to handle minority-related cases effectively. Establish specialized task forces with professional training to protect minority places of worship and address community-specific challenges.
12. Implement measures to curb radical ideologies that incite violence and undermine the rule of law. Introduce educational reforms and awareness programs in schools and madrasas to promote tolerance and inclusivity from a young age.

Elimination of Slavery and Forced and Bonded Labor (arts. 2, 7, 8 and 26)

1. Pakistan faces a significant issue with modern slavery, with approximately 3 million individuals trapped in conditions of forced labor.¹⁵ This predominantly includes debt bondage, where individuals, typically male workers, secure loans or salary advances from employers, labor contractors, or landlords. These workers are then forced to labor at reduced wages until their debts are repaid. This practice is particularly prevalent in sectors such as brick kilns, agriculture, and domestic work.
2. The scope of bonded labor often extends to family members, with women and children compelled to work to repay debts incurred by their male relatives. This inherited debt perpetuates a cycle of bondage across generations. The lack of written contracts and legal aid exacerbates the vulnerability of these laborers, leaving them open to exploitation. Additionally, Pakistan's fragile economy and inefficiencies in the judicial system deter formal lending practices, contributing to the persistence of bonded labor. Weak enforcement of social welfare programs and laws, combined with systemic discrimination and outdated labor laws, further perpetuate the exploitation of bonded laborers.
3. In 2021, over 20,000 cases of bonded, forced, and child labor were reported, though many cases likely go unreported due to the fear of retaliation and lack of awareness among victims.¹⁶

Existing Frameworks and Efforts

1. Pakistan ratified several key International Labour Organization (ILO) conventions, including those on the Abolition of Forced Labour (Convention No. 105) and the Worst Forms of Child Labour (Convention No. 182). Pakistan's Constitution and various laws provide a framework to address issues of slavery, forced labor, and human trafficking. Notably, Article 11 of the Constitution explicitly prohibits slavery, forced labor, and human trafficking. Additionally, the Bonded Labor System (Abolition) Act of 1992 was enacted to outlaw bonded labor and nullify any existing debts tied to this practice.
2. The Pakistani government has introduced several key laws and policies to combat trafficking and forced labor. The Prevention of Trafficking in Persons Act (PTPA) 2018

¹⁵ Modern slavery: Pakistan's latest climate change curse. Al Jazeera. Sept 2023. URL: <https://www.aljazeera.com/opinions/2023/9/1/modern-slavery-pakistans-growing-climate-change-curse>

¹⁶ Breaking The Chains: How To Tackle Bonded Labour in Pakistan?. FES Asia. 14.08.2023. URL: <https://asia.fes.de/news/breaking-the-chains-of-bonded-labour-in-pakistan.html>

criminalizes both labor and sex trafficking, stipulating penalties that range up to seven years' imprisonment and fines for trafficking involving adult male victims, and up to ten years' imprisonment and fines for crimes involving female or child victims. Another significant piece of legislation is the Federal Bonded Labor System Abolition Act (BLSA), which imposes penalties of two to five years' imprisonment and fines for individuals engaged in bonded labor.

3. Efforts to enforce these laws have been substantial. In 2021, the government conducted investigations into 1,936 trafficking cases, which included 856 cases related to sex trafficking and 988 cases of forced labor. Of these investigations, 1,236 individuals were prosecuted under the PTPA, and 105 traffickers were convicted. The Federal Investigative Agency (FIA) has played a crucial role in these efforts, allocating 1.07 billion PKR (approximately \$4.73 million) for investigations and employing 781 personnel dedicated to trafficking and migrant smuggling.¹⁷
4. Despite these substantial efforts, significant challenges persist. Training deficiencies remain a major issue, as labor inspectors often lack adequate training and resources, which limits their effectiveness. For instance, while Punjab conducted over 53,000 child labor inspections in 2022, the enforcement faced notable challenges.¹⁸ Additionally, coordination issues between federal and provincial agencies have hindered effective enforcement, illustrating a need for improved collaboration and streamlined efforts.

Actions Taken by the National Commission for Human Rights (NCHR)

1. The National Commission for Human Rights (NCHR) has undertaken extensive field visits and consultations in Punjab, a region known for its significant issue with bonded labor, particularly in brick kilns. The 2023 report produced by NCHR reveals the widespread exploitation of bonded laborers and identifies critical issues such as local authorities' complicity and inadequate monitoring mechanisms.¹⁹
2. The NCHR's 2023 report emphasizes the need for comprehensive reforms to address bonded labor. Key recommendations include improving access to justice by enhancing legal support and resources for bonded laborers, and strengthening labor unions to protect workers' rights. The report also calls for a revision of brick kiln registration processes to make them more efficient and incentivize compliance. Additionally,

¹⁷ US Dept of State. 2023 Trafficking in Persons Report. URL: <https://www.state.gov/reports/2023-trafficking-in-persons-report/pakistan>

¹⁸ US Dept of Labor. 2022 Findings of the Worst Form of Child Labor Pakistan. URL: <https://www.ecoi.net/de/dokument/2098538.html>

¹⁹ National Commission for Human Rights. 2023. The Issue of Bonded Labour in Pakistan. URL: <https://nchr.gov.pk/wp-content/uploads/2023/08/The-Issue-of-Bonded-Labour-in-Pakistan.pdf>

promoting the use of automated machinery in brick production is suggested as a way to reduce dependence on manual labor.

3. The NCHR has outlined several specific recommendations such as enhancing the capacity of District Vigilance Committees (DVCs) which are crucial for effective enforcement of anti-bonded labor laws. Improving data collection through mobile units for registration and better data management is also recommended. The report advocates for promoting ethical buying practices in brick procurement and calls for the facilitation of training programs for relevant organizations and officials.
4. In its report on irregular migration, titled "Perilous Journeys: Unravelling Irregular Migration from Pakistan," the NCHR highlights the severe risks faced by migrants, including exploitation and trafficking. The report suggests establishing dedicated awareness units in areas prone to smuggling, creating specialized investigation units at the district level, and improving coordination among stakeholders to enhance data sharing and response efforts.
5. In collaboration with the International Organization for Migration (IOM) and the Embassy of Denmark, the NCHR is actively engaged in strategic outreach initiatives. These efforts aim to disseminate findings and raise awareness at the provincial level. Launch events in Lahore and Karachi are being organized to address local challenges and develop effective solutions for the issues related to irregular migration and human trafficking.

Recommendations

The National Commission for Human Rights submits the following recommendations to the Government of Pakistan (GoP):

1. Promptly enforce the Children (Pledging of Labor) Act, 1933, the Employment of Children Act, 1991, and the Bonded Labor (Abolition) Act, 1992. Ensure that bonded laborers' past debts are terminated and that vigilance committees fulfil their responsibilities effectively. Employers previously engaged in bonded labor should be prohibited from serving on these committees.
2. Establish a dedicated police force to enforce labor laws, with a specific focus on bonded labor. Ensure this force is adequately trained and resourced.
3. Guarantee that workers in all sectors, including agriculture, carpet-weaving, and brick production, have the right to organize and be represented by unions for collective bargaining. Redefine "essential" economic activities to apply only to truly strategic areas and ensure union rights are protected even in these sectors.
4. Order prompt, impartial investigations of violations of the Bonded Labor (Abolition) Act. Publicize the cancellation of debts being "repaid" by bonded laborers and make it clear that such debts are null and void.

5. Vigorously prosecute employers involved in bonded labor and those who abuse laborers. Hold state officials and police officers accountable if they fail to enforce laws or cooperate with employers to maintain servitude. Consider increasing penalties, making offenses non-bailable for repeat offenders, multiple victims, or cases involving violence.
6. Guarantee that bonded laborers can exercise their right to freedom of movement, live where they choose, and return to their villages without restriction.
7. Repeal Section 7 of the Electoral Rolls Act, 1974, which denies bonded laborers the right to vote, ensuring their full participation in the democratic process.
8. Connect bonded laborers to national and provincial social safety-net programs and ensure effective functioning of District Vigilance Committees for the eradication of bonded labor.
9. Develop alternative employment opportunities in the formal economy for bonded laborers and those at risk of bonded labor. This should be a core element of policies aimed at reducing the informal economy. Enhance availability of affordable credit to decrease reliance on advances from employers, which often lead to bondage.
10. Launch extensive campaigns to inform the public about the illegality of bonded labor and build demand for its abolition. Conduct programs for women, adolescent girls, and boys to recognize signs of forced marriage or trafficking. Engage the media to expand coverage on modern slavery issues and their impact on citizens' rights.
11. Encourage trade unions to address bonded labor in their organizing efforts and develop comprehensive strategies for supporting bonded laborers.
12. Continue to enhance the skills and resources of government officials and functionaries involved in abolishing bonded labor, ensuring effective law enforcement. Provide reintegration support for victims through economic inclusion, skill development, vocational training, and educational outreach programs.
13. Establish processing facilities for human trafficking victims at ports and airports, building on existing UNODC assistance. Improve mechanisms for identifying trafficked children, collaborating with child protection cells. Enhance the capabilities of provincial police forces to address internal trafficking effectively.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

1. In its Concluding Observations, the Committee expressed concern that the Government of Pakistan has neither defined “torture” nor criminalized the act of torture in compliance with international standards. Specifically, it mentioned that “torture is allegedly widely employed by the police, military and security forces and intelligence agencies; and that allegations of torture are not promptly and thoroughly investigated, and perpetrators are rarely brought to justice.”

2. Torture continues to be accepted as an inevitable part of law enforcement in Pakistan, and perpetrators of torture are granted impunity through a combination of socio-cultural acceptance, lack of independent oversight and investigation mechanisms, widespread powers of arrest and detention, procedural loopholes and ineffective safeguards.
3. Torture in Pakistani prisons is also common. The NCHR has reported that 26 people in detention alleged they experienced torture and inhuman and degrading treatment of different types during NCHR's visit to the Adiala Jail in Rawalpindi.²⁰
4. The Committee, in its 2017 Concluding Observations also expressed concern over overcrowding and inadequate detention conditions in Pakistani prisons, as well as the high proportion of persons held in prolonged pre-trial detention. It also recommended that Pakistan "intensify its efforts to reduce prison overcrowding and improve the conditions of detention, particularly health care and hygiene" and use pre-trial detention only in exceptional cases and not for long periods of time.
5. Pakistan's prisons continue to be "notoriously unsanitary."²¹ In March 2020, the Islamabad High Court noted in a judgment the "unprecedented and grave conditions prevailing in the prisons across the country" and said that the "living conditions and treatment of prisoners in overflowing and inadequately equipped prisons has raised serious constitutional and human rights concerns."²² The court concluded that, "A prisoner who is held in custody in an overcrowded prison, having lack of sanitation, [is] tantamount to cruel and inhuman treatment for which the State ought to be accountable because it amounts to a breach of fiduciary duty of care."
6. The NCHR at both the federal and provincial levels has conducted visits to prisons in all provinces. Its findings reflect the grave issue of overcrowding in prisons which was further exacerbated during the COVID-19 pandemic. The visit to the District Jail Lahore found that the prison had a capacity of 2,000 individuals, however, 3,814 prisoners were housed there which led to issues of ventilation, lack of medical facilities and equipment including transportation. It has also been reported that the number of under trial prisoners continues to increase prison populations, which without an increase in resources, exacerbates current human rights inequalities and violations. In Karachi and Lahore, out of 4,181 prisoners, 3,410 are under trial.²³ This is almost 82% of the prison population in these two jails.

²⁰ National Commission for Human Rights. 2022. Report on torture at Adiala jail. URL: <https://www.nchr.gov.pk/wp-content/uploads/2022/11/Report-on-Torture-at-Adiala-Jail.pdf>

²¹ Human Rights Watch. A nightmare for everyone: The Health Crisis in Pakistan's prisons. 2023. URL: <https://www.hrw.org/report/2023/03/29/nightmare-everyone/health-crisis-pakistans-prisons>

²² Id

²³ National Commission for Human Rights. 2022. Submission to the Universal Periodic Review. URL: <https://www.nchr.gov.pk/wp-content/uploads/2023/09/NCHR-UPR-Report.pdf>

7. The Report on Prison Reform by the Ministry of Human Rights (MoHR) highlights significant gaps in Pakistan's Prison Rules when compared to international standards like the Mandela Rules and Bangkok Rules.²⁴ The report reveals that the Prison Rules do not sufficiently emphasize the dignity of prisoners, lack electronic management systems, and fail to mandate the timely transfer of prisoners to their home districts, which only occurs 30 days before release. Additionally, while prisoners are initially screened for physical and mental health issues, the report notes a concerning lack of ongoing medical treatment throughout their incarceration. These findings underscore the urgent need for reforms to align Pakistan's prison system with international human rights norms.

Existing Framework and Efforts

1. In October 2022, the Government passed the Torture and Custodial Death (Prevention and Punishment) Act which defines and criminalizes torture, and imposes sanctions and punishment for public servants who employ torture. The Act “provide[s] for the prevention of all acts of torture, custodial death and custodial rape perpetrated by public servants or any person acting in an official capacity.
2. The Federal Investigation Agency (FIA) holds exclusive jurisdiction to investigate complaints against public officials, however Sec 5 of the Act gives NCHR supervision over the FIA. More than a year since the passage of the Act, however no functional wing has been set up dedicated to investigating custodial torture, and there is no complaint mechanism for such cases on FIA’s official website, unlike for all other federal offences falling under its ambit.²⁵ Additionally, the rules for the Torture Act have not been finalised.
3. The Constitution of Pakistan under Article 14(2) prohibits the use of torture in extracting evidence. Article 156(d) of the Police Order 2002 also establishes penalties for those who inflict torture or violence on any person in custody. Similar to the Police Order, 2002, section 119 of the KP Police Act, 2017 and section 156 of the Sindh (Repeal Of The Police Act, 1861 And Revival Of Police Order, 2002) (Amendment) Act, 2019 also criminalise torture and other police excesses. In addition, section 36 of the Sindh Police Act, 2019 provides an oversight mechanism outside the police hierarchy to impose a check on cases of police excesses including torture.

²⁴ Ministry of Human Rights. Report by the Commission Constituted by the Islamabad High Court in W.P 437 of 2017: Prison Reforms in Pakistan. URL: <https://mohr.gov.pk/siteimage/misc/files/prisonsreforminpakistan.pdf>

²⁵ NCHR and JPP. Gap Analysis: Torture and Custodial Death (Prevention and Punishment) Act, 2022: URL: <https://jpp.org.pk/report/gap-analysis-torture-and-custodial-death-prevention-and-punishment-act-2022/>

4. Since the 2017 Concluding Observations, Pakistan also promulgated the Punjab Probation and Parole Service Act 2019 and the Sindh Prisons and Corrections Services Act 2019 to safeguard prisoner's rights. The Sindh prison rules have been notified in 2020 which comply with the minimum requirement set by the Bangkok Rules, however the remaining provinces and the federal government are behind in reviewing the Prisons Act or its accompanying rules. The Sindh Prisons and Corrections Services Act seeks, in part, to transform prisons into more rehabilitative spaces.

Actions taken by the National Commission for Human Rights

1. The NCHR received a total of 1,305 cases from 2018 to 2022.
2. NCHR investigated allegations of torture at Central Jail (Adiala), Rawalpindi at the behest of Chief Justice Athar Minallah on the basis of a complaint of custodial torture filed by Ms. Imtiaz Bibi before the Islamabad High Court. Following multiple visits to the jail to investigate and meet with inmates, NCHR prepared an inquiry report for the Islamabad High Court. During the inquiry, the NCHR came across numerous instances of torture against the individuals held in the Rawalpindi Jail. Of the 35 people deprived of their liberty who were interviewed, 26 or 74% spoke about instances of torture. All spoke about financial extortion for provision of basic necessities in jail. Methods of torture ranged from physical beatings with a rubber tire to solitary confinement.²⁶
3. Following the inquiry report, action was taken against officials working within Adiala Jail: seven officials were removed from service; four officials were suspended for 90 days; and 38 officials were transferred out of Adiala Jail. A complaint cell and oversight committee were set up for Adiala Jail (notified by NCHR) to inquire into complaints of torture. Following the inquiry report, the NCHR also prepared a manual for police and medico-legal examiners on the best practices of investigating torture complaints based on domestic law and international standards.
4. Through pro bono legal support, NCHR was able to secure the release of 100+ juveniles who had been incarcerated at Rawalpindi and Quetta jails

Recommendations

²⁶ See *Khadim Hussain v. Secretary, Ministry of Human Rights (IHC Prison Reforms case)*, Writ Petition No. 4037 of 2019, Islamabad High Court, per Chief Justice Athar Minallah, Mar. 14, 2020, http://mis.ihc.gov.pk/attachments/judgements/WP-4037-2019_637216920356707546.pdf

The National Commission for Human Rights submits the following recommendations to the Government of Pakistan (GoP):

1. Amend the Torture and Custodial Death (Prevention and Punishment) Act to increase compliance with the international standards by expanding the definition of torture to include psychological torture, repeal the provision penalising complainants for 'malafide complaints', define and criminalise cruel, inhuman or degrading treatment and sexual violence, and provide a mechanism for reparations, compensation, and rehabilitation. Frame enabling rules and regulations under the Act which reflect the principles established in the Mandela Rules, Istanbul Protocol, Mendez Principles and Minnesota Protocol.
2. Take immediate steps to reduce overcrowding in prisons by implementing alternatives to detention, especially for pre-trial detainees. Improve the living conditions within prisons to meet international standards, with particular attention to sanitation, healthcare, and ventilation.
3. Implement electronic management systems across all prisons in Pakistan to improve the management of the prison population, track prisoner transfers, and ensure that medical treatments are systematically recorded and continued.
4. Accelerate the review and amendment of prison rules and related legislation at the provincial level to ensure full compliance with the Mandela Rules and Bangkok Rules. Ensure that all provinces adopt prison reforms that emphasize the dignity and rights of prisoners.
5. Implement the Punjab Probation and Parole Service Act 2019 and similar laws in other provinces effectively, ensuring that these services are accessible and adequately resourced to support the reintegration of offenders into society.
6. Fully operationalise the Juvenile Justice Act (JJA) 2018 to prevent the unnecessary incarceration of children in conflict with the law. Introduce and set up a system of diversion and protection centers as outlined in the law.



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