



Alternate Submission to the UN Committee against Torture on the Government of Pakistan's Second Periodic Report under the Convention Against Torture

National Commission for Human Rights, Pakistan

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Introduction

1. The National Commission for Human Rights is an 'A' status National Human Rights Institution. Under the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and Section 9(f) of the National Commission for Human Rights Act, 2012, the Commission is mandated to review and make recommendations concerning Pakistan's compliance with its international human rights obligations, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. The Commission thanks the United Nations Committee against Torture (the Committee) for the opportunity to provide a written contribution prior to its consideration of the Government of Pakistan's Second Periodic Report. The Commission looks forward to engaging further with the Committee during the review process.
3. This submission is based on work undertaken by the Commission in accordance with its mandate, including complaint resolution, detention monitoring visits, thematic research, and engagement with civil society and public authorities, as well as publicly available information. The Commission has brought the issues raised in this submission to the attention of the Government of Pakistan.
4. This submission highlights key issues relevant to Pakistan's compliance with its obligations under the Convention. In each section, the Commission refers to the relevant articles of the Convention and, where appropriate, to the Committee's previous Concluding Observations.

Domestic Enforceability of the UNCAT

5. Pakistan is committed to upholding its international obligations under human rights treaties, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which it ratified in 2010. The Constitution of Pakistan guarantees several fundamental rights that correspond with the Convention's objectives, including the right to life, dignity of man, equality before the law, and protection against arbitrary arrest and detention. These constitutional safeguards provide an important domestic framework for the protection of individuals against torture and ill-treatment and form the legal basis through which international commitments under UNCAT can be implemented in Pakistan.
6. The superior judiciary, comprising the Supreme Court of Pakistan and the provincial High Courts of Pakistan, plays a critical role in enforcing fundamental rights and addressing allegations of torture and custodial abuse. Under Articles 184(3) and 199 of the Constitution, individuals may approach the courts directly for the protection of fundamental rights. These constitutional remedies enable the judiciary to review actions of public authorities and to provide relief where violations

occur, thereby strengthening the domestic enforceability of protections consistent with the Convention against Torture.

7. Pakistan has also taken legislative steps to criminalize torture in line with its obligations under UNCAT. In 2022, Parliament enacted the Torture and Custodial Death (Prevention and Punishment) Act, 2022, which explicitly criminalizes acts of torture, custodial death, and custodial rape by public officials. The law provides penalties for perpetrators and recognizes the rights of victims to seek redress and compensation, thereby aligning domestic legislation more closely with the standards set out in the Convention.
8. Pakistani courts have also demonstrated a willingness to refer to international human rights standards, including the Convention against Torture, when interpreting constitutional rights. For instance, in *Sadaf Aziz v. Federation of Pakistan*, the Lahore High Court held that the practice of so-called “virginity testing” violated constitutional guarantees of dignity and privacy and was inconsistent with international human rights standards, including obligations arising under UNCAT.¹ Similarly, in *Khadim Hussain v. Federation of Pakistan*, the Islamabad High Court examined prison conditions and emphasized the State’s duty to ensure humane treatment of detainees in light of constitutional protections and international human rights norms prohibiting cruel, inhuman, or degrading treatment.² Courts have also recognized that torture encompasses both physical and psychological suffering. In *Jumma Khan v. National Accountability Bureau*, the Balochistan High Court acknowledged that torture may include mental and psychological harm.³ Likewise, in *Mst. Tayyeba Ambareen v. Shafqat Ali Kiyani*, the Supreme Court recognized that humiliation and psychological abuse can amount to cruel and degrading treatment, reinforcing the broader international understanding of torture reflected in UNCAT.⁴
9. Institutional mechanisms further support the implementation of protections against torture. The National Commission for Human Rights (Pakistan), established under the National Commission for Human Rights Act, 2012, is mandated under Section 9 of the Act to inquire into human rights violations either suo motu or upon complaint, review laws and policies, and monitor the implementation of international human rights treaties ratified by Pakistan. The Commission also has the authority to visit prisons and other places of detention to assess conditions and make recommendations aimed at preventing torture and other forms of ill-treatment. Other bodies, including the National Commission on the Status of Women, the National Commission on the Rights of Child, and the Federal Ombudsman Secretariat for Protection against Harassment, also contribute to monitoring and addressing abuses that may involve cruel, inhuman, or degrading treatment, particularly against vulnerable groups.

¹ <https://ohrh.law.ox.ac.uk/sadaf-aziz-v-federation-of-pakistan-the-end-of-virginity-testing-in-pakistan/>

² W.P. No. 4037 of 2019

³ *PCrLJ* 2023 78

⁴ 2023 SCMR 246

Selected Issues

10. The Commission considers all of the information and recommendations provided by the Committee against Torture under the 2017 Concluding Observations on Pakistan's Initial Report to be of importance to the Government of Pakistan's compliance with the CAT. However, the Commission wishes to draw the Committee's attention to three priority areas:

I. Physical Legal Framework and Definition of Torture

11. In its 2017 concluding observations, the Committee against Torture expressed concern that Pakistan had not incorporated a comprehensive definition of torture into its domestic legal framework in accordance with Article 1 of the Convention. The Committee emphasized the need for clear legal provisions recognizing torture as a distinct criminal offence and prescribing penalties commensurate with the gravity of the crime.

12. The adoption of the **Torture and Custodial Death (Prevention and Punishment) Act, 2022** represents an important step toward strengthening Pakistan's legal framework to prevent custodial abuse and criminalize torture and custodial death.⁵ The legislation was enacted following sustained advocacy by the National Commission for Human Rights (NCHR), civil society organizations, and human rights defenders who highlighted the prevalence of custodial violence and the absence of a dedicated statutory framework addressing torture. The Act establishes a complaint and investigation mechanism under which the Federal Investigation Agency (FIA) is mandated to investigate allegations of torture under the supervision of the NCHR, while Sessions Courts exercise jurisdiction over prosecutions. The Act further provides that evidence obtained through torture is inadmissible in judicial proceedings.

Gaps in the Definition and Scope of Torture

13. A gap analysis conducted by the NCHR and Justice Project Pakistan indicates that the statutory definition of torture does not fully align with the Convention.⁶ One limitation is the **absence of explicit reference to psychological pain and suffering**. Courts in Pakistan have recognized that mental abuse may constitute torture when interpreting Article 14 of the Constitution, which guarantees the dignity of the individual⁷ and have also excluded confessions obtained through coercion where mental torture was established.⁸ However, the absence of explicit recognition of psychological suffering within the statutory definition may limit the scope of protection under the Act and create uncertainty in its application.

⁵ Pakistan National Assembly, The Torture and Custodial Death Prevention and Punishment) Act (Jul. 12, 2021), available at: https://na.gov.pk/uploads/documents/1415360249_881.pdf.

⁶ NCHR and JPP, Gap Analysis: Torture and Custodial Death (Prevention and Punishment) Act 2022 (June 2024), <https://nchr.gov.pk/wp-content/uploads/2024/06/Torture-Custodial-Death.pdf>

⁷ Saifuddin Saif v the Federation of Pakistan. PLD 1977 Lahore 1174

⁸ Id

14. Another limitation concerns the **absence of specific penalties for torture and custodial death**. Instead, the Act relies on existing offences under the Pakistan Penal Code, 1860 (PPC), which primarily criminalizes general offences such as “hurt” and related acts without recognizing torture as a distinct and particularly grave offence. As a result, the penalties available under the PPC do not reflect the seriousness of torture as required under international law.
15. The Act also defines **cruel, inhuman, or degrading treatment or punishment (CIDT)** but does not prescribe specific criminal penalties for such acts. Instead, the Act only provides that evidence obtained through CIDT shall be inadmissible in judicial proceedings. The absence of explicit sanctions may weaken accountability for acts that fall short of torture but nonetheless constitute serious violations of human rights.
16. Another concern relates to the provision criminalizing **malafide complaints**. Penalizing complaints deemed “malafide” risks discouraging victims from reporting torture and may expose complainants to potential retaliation. Such provisions may undermine the protections guaranteed under Article 13 of the Convention, which requires States Parties to ensure that individuals who allege torture are able to complain to competent authorities and are protected against intimidation or ill-treatment. Additional gaps include unclear procedures for complaint registration and investigation, inconsistencies with international standards governing medical examinations, the absence of explicit **non-refoulement provisions**, limited mechanisms for **suo motu investigations**, and the lack of clear provisions regarding **victim compensation and rehabilitation**.

Rules of Implementation

17. In 2025, the Government adopted the **Torture, Custodial Death and Custodial Rape (Investigation and Punishment) Rules** to operationalize the Act. While the adoption of implementing rules represents an important step toward institutionalizing the legislation, the NCHR’s review identified several provisions that risk weakening the safeguards envisaged under the Act.
18. A key concern relates to the **composition of the investigative unit** established under the Rules. The inclusion of serving police officers raises concerns regarding the independence and impartiality of investigations, particularly given that many complaints involve allegations against law-enforcement officials. International standards require that investigations into torture be conducted by bodies that are structurally and functionally independent from those implicated in the alleged abuse.
19. Concerns also arise regarding the **definition and scope of “supervision”** under the Rules. The Rules define supervision primarily as a review of investigative progress. However, the statutory mandate of the NCHR under the National Commission for Human Rights Act, 2012 grants the Commission independent powers of inquiry and oversight and provides that it shall regulate its own procedures. As currently drafted, the Rules risk creating ambiguity regarding the

relationship between the investigative unit and the Commission's oversight mandate. Without a clear delineation of roles, the NCHR's inclusion within the investigative structure may blur the distinction between investigation and supervision and undermine the Commission's ability to exercise independent oversight.

20. Additional procedural concerns relate to **complaint handling and investigative timelines**. The Rules permit a fifteen-day preliminary inquiry prior to the initiation of a formal investigation, in addition to the thirty-day investigation period prescribed under the 2022 Act. These provisions may delay the prompt initiation of investigations into torture allegations. The Committee against Torture has consistently emphasized that allegations of torture must be investigated promptly and effectively to ensure the preservation of evidence and the protection of victims and witnesses.⁹

Implementation and Enforcement Challenges

21. Monitoring conducted by the NCHR indicates that significant challenges remain in the practical implementation of the legislation.¹⁰ In practice, many allegations of torture continue to be pursued under general criminal provisions of the Pakistan Penal Code rather than through the specialized mechanisms established under the Act. This inconsistent application has created uncertainty among investigative authorities regarding jurisdiction and procedures. The absence of clear procedural guidance has also contributed to delays in the registration and investigation of complaints, thereby weakening the protection afforded to victims and undermining the deterrent effect of the legislation.
22. Recent judicial developments indicate emerging efforts to operationalize the Act. In *Sarriya Bibi v. RPO Sheikhpura (2024)*, the Lahore High Court emphasized the need for awareness-raising and sensitization training for public officials to ensure effective implementation of the law.¹¹ In the same year, the Prosecutor General of Punjab invoked the Act to prosecute a torture complaint submitted by a member of the transgender community, while a Magistrate referred another case to the Federal Investigation Agency for investigation under Section 6 of the Act.

Actions taken by the National Commission for Human Rights

23. Since the adoption of the Act, the National Commission for Human Rights (NCHR) has undertaken a range of legislative, institutional, and operational measures aimed at strengthening safeguards against torture and supporting the effective implementation of the law. Prior to the enactment of the legislation, the NCHR actively advocated for the adoption of a comprehensive anti-torture framework. In July 2022, the Commission formally communicated with parliamentary committees

⁹ Blanco Abad v Spain, CAT Communication No. 59/1996, 14 May 1998, §8.2

¹⁰ See, NCHR. Annual Report, 2024. Available at: <https://nchr.gov.pk/wp-content/uploads/2025/04/Annual-Report-2024.pdf>

¹¹ 2024 LHC 2550

to support the passage of the Torture and Custodial Death Bill, emphasizing Pakistan's obligations under the Convention against Torture.

24. Following the adoption of the Act in November 2022, the NCHR conducted internal legal reviews to clarify its statutory role as the supervisory body for investigations conducted by the FIA under Sections 5 and 22 of the Act. These reviews included mapping the Commission's oversight mandate, identifying jurisdictional overlaps, and developing an institutional roadmap for implementation.¹²
25. To support effective investigation and documentation of torture allegations, the Commission developed a **Manual on the Effective Investigation and Documentation of Torture**, drawing on the Istanbul Protocol and other international standards.¹³ The manual provides practical guidance on interviewing victims, documenting evidence, and ensuring investigations comply with international human rights standards.
26. The NCHR has also developed the **NCHR Protocol for Receiving, Processing, and Resolving Torture Complaints**, which establishes structured procedures for complaint registration, preliminary assessment, supervision of investigations, and victim protection. The Protocol aims to ensure that allegations of torture are addressed promptly, independently, and in accordance with international standards.¹⁴
27. Between 2023 and 2025, the Commission engaged extensively with government institutions, including the Ministry of Interior, the Federal Investigation Agency, provincial Home Departments, and prison authorities, to facilitate the implementation of the Act. These engagements addressed issues such as coordination mechanisms, access to detention facilities, and the provision of data on torture complaints and custodial deaths. In June 2024, the NCHR also established a **dedicated legal oversight unit** tasked with monitoring investigations and coordinating the Commission's supervisory responsibilities under the Act.

Recommendations

28. In light of the above, the Committee may wish to recommend that the State party:
29. Amend the definition of torture in the Torture and Custodial Death (Prevention and Punishment) Act, 2022 to explicitly include psychological pain and suffering, in line with Article 1 of the Convention.
30. Introduce specific criminal penalties for torture and custodial death that reflect the gravity of the offence and are consistent with international standards.
31. Establish explicit criminal sanctions for cruel, inhuman, or degrading treatment or punishment (CIDT).

¹² See Annual Report, 2024

¹³ NCHR. The Manual for Investigating Torture Complaints. Available at: <https://nchr.gov.pk/wp-content/uploads/2023/05/Manual-for-Investigating-Torture-Complaints.pdf>

¹⁴ NCHR. Protocol for Receiving, Processing, and Resolving Torture Complaints. Available at: <https://nchr.gov.pk/wp-content/uploads/2025/10/NCHR-Protocol-for-Receiving-Processing-Resolving-Torture-Complaints.pdf>

32. Remove or amend provisions criminalizing malafide complaints to ensure that victims can safely report allegations of torture without fear of retaliation.
33. Ensure the independence of investigative mechanisms, including by excluding officials from institutions that may be implicated in alleged torture.
34. Clarify the supervisory mandate of the National Commission for Human Rights to ensure that the Commission can exercise independent oversight over investigations.
35. Strengthen procedural safeguards, including clear standards for complaint registration, prompt investigations, transparent closure procedures, and victim notification.
36. Ensure effective implementation of the Act, including through training of law-enforcement officials, prosecutors, and judicial authorities.

II. Allegations of Widespread Use of Torture and Ill-Treatment by Police and Law Enforcement

(Articles 2, 11, 12, 13 and 16)

Context

37. In its 2017 Concluding Observations on Pakistan's Initial Report, the Committee against Torture expressed concern regarding consistent reports of torture and ill-treatment by law enforcement officials for the purpose of obtaining confessions from persons in custody. The Committee highlighted the absence of effective accountability mechanisms, including the lack of criminal investigations and penalties against officials responsible for torture, deaths in custody, abuse of authority, misconduct, and unlawful detention.
38. Despite the existence of legal prohibitions against torture, allegations of torture and ill-treatment by police and other law enforcement officials remain widespread in Pakistan. Reports indicate that torture is frequently used during arrest, interrogation, and pre-trial detention, particularly for the purpose of extracting confessions or information during criminal investigations.¹⁵ The persistence of these practices has been attributed to a number of structural factors, including the socio-cultural acceptance of coercive interrogation methods, broad police powers of arrest and detention, procedural loopholes in criminal investigations, and weak oversight and accountability mechanisms.¹⁶
39. Arrests conducted by police are often characterized by the use of excessive or disproportionate force. For example, the National Commission for Human Rights (NCHR) investigated allegations of abuse involving individuals detained in connection with protests that took place on **9 May 2023** following the arrest of the

¹⁵ Agha, R. J. (2024, June 26). Eradicating torture. [DAWN.COM](https://www.dawn.com/news/1842059/eradicating-torture).
<https://www.dawn.com/news/1842059/eradicating-torture>

¹⁶ Global Torture Index 2025: Fact Sheet: Pakistan. Available at: <https://www.omct.org/site-resources/files/factsheets/Factsheet-Pakistan.2025.pdf>

Chairperson of the Pakistan Tehreek-e-Insaf (PTI).¹⁷ The investigation covered Central Jails in Karachi, Peshawar, Lahore, Rawalpindi, and Quetta, as well as prisons in Nowshera, Swat, and Sheikhpura. During these visits, detainees reported late-night arrests and the use of disproportionate force during apprehension intended to intimidate and instill fear. Several detainees also reported damage to property and confiscation of personal belongings during arrest. The majority of detainees interviewed were unaware of their rights under the Punjab Prison Rules and stated that they had not been informed of the grounds of their arrest. While no allegations of torture or sexual abuse were reported during these visits, the NCHR expressed concern regarding procedural lapses in safeguards relating to arrest, detention, and access to legal representation.

40. Concerns regarding the use of excessive force during arrests have also arisen in other contexts. On 23 January 2026, lawyers Imaan Mazari and Hadi Ali Chattha were reportedly roughly arrested by Islamabad police while travelling from the Islamabad High Court to appear before the District and Sessions Court. They were forcibly removed from their vehicle and taken to an undisclosed location, and Chattha reportedly sustained injuries to his knee during the altercation. The arrestees reported that they were not produced before any medical authority for examination within 24 hours of detention, in violation of provisions under the Pakistan Prison Rules.

Legal Framework and State Practice

41. While confessional statements made to police are generally inadmissible as evidence against the accused, law enforcement officials reportedly continue to rely on torture to extract confessions or information from suspects. Article 40 of the Qanun-e-Shahadat Order 1984 provides an exception to this rule, allowing information obtained during police custody to be admitted in evidence if it subsequently leads to the discovery of a fact. This provision may create for coercive interrogation practices, as information extracted during interrogation can later be relied upon in court if supported by subsequent discoveries.
42. Under Section 167(1) of the Code of Criminal Procedure 1898, suspects must be produced before a magistrate within twenty-four hours of arrest. In practice, however, detainees are frequently held for longer periods without judicial oversight. During this time, detainees may be subjected to intimidation, coercion, and physical abuse. Access to legal counsel or family members is also often delayed or denied.
43. Women being investigated, other than those arrested, cannot be detained at the police station for anytime longer than necessary to record information that they are willing to provide, while no such women, under any condition, shall remain with the police between sunset and sunrise. Once arrested, a woman must immediately be presented before a magistrate. If she is admitted into judicial remand, she shall

¹⁷ See NCHR. Report on Allegations of Torture and Sexual Abuse of Prisoners in Connection with May 9th Protests (2023). Available at: <https://nchr.gov.pk/wp-content/uploads/2023/06/Allegations-of-Torture-and-Sexual-Abuse-of-Prisoners-in-Connection-with-May-9th-Protests.pdf>

immediately be transferred to police headquarters or other ‘properly equipped sub-divisional female judicial lock-ups’ (Police rules, 1934, Rule 26.18-A. (3)).

44. Pakistan’s legal framework contains a number of procedural safeguards intended to prevent torture and ill-treatment in custody. Rule 25.19 of the Punjab Police Rules 1934 provides that where medical opinion is required in police cases, the individual concerned must be examined by the highest available medical authority within the district medical staff. Similarly, Rule 18 of the Pakistan Prison Rules requires that every prisoner be examined by a medical officer within twenty-four hours of admission to prison.
45. In Punjab, the Health Department has established a three-tier medico-legal examination system. Initial examinations are conducted by Medical Officers or Women Medical Officers at rural health centres, tehsil headquarters hospitals, district headquarters hospitals, and teaching hospitals. A second examination may be conducted by the District Standing Medical Board (DSMB), chaired by the Medical Superintendent of the District Headquarters Hospital and including the District Health Officer and District Surgeon as members. DSMBs are also empowered to examine cases of alleged police torture under the *Instructions Regarding the Conduct of Medico-Legal and Postmortem Examination, 2015* issued by the Surgeon Medico-Legal Punjab. Despite the existence of these safeguards, implementation remains inconsistent. Medical screenings are routinely conducted when detainees are admitted to prison; however, prison staff and medical personnel often lack specialized forensic training necessary to identify and document signs of torture.¹⁸ Documentation of injuries is frequently incomplete, and psychological assessments are rarely conducted.
46. Pakistan’s most recent State party report to the Committee against Torture notes several initiatives aimed at preventing torture by public officials, including the adoption of modern forensic investigative techniques, training programmes for police officers, prosecutors, and members of the judiciary, and a stated policy of “zero tolerance” for torture. The report also indicates that 624 police officials in Punjab were punished in 2021 for offences categorized as “torture or misbehaviour,” and that 20 cases of torture in police custody were reported in 2019.¹⁹ However, the report does not provide detailed information regarding the nature of these disciplinary measures or whether they resulted in criminal prosecutions. It also does not adequately address concerns regarding under-reporting of torture due to fear of reprisals, lack of access to complaint mechanisms, and weak accountability frameworks.

¹⁸ Human Rights Watch (HRW). *A Nightmare for Everyone: A Health Crisis in Pakistan’s Prisons* (2023). Available at: <https://www.hrw.org/report/2023/03/29/nightmare-everyone/health-crisis-pakistans-prisons>

¹⁹

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

47. In May 2018, the National Commission for Human Rights (NCHR) initiated a landmark inquiry into allegations of torture following a complaint submitted by Justice Project Pakistan (JPP). The inquiry examined 1,424 confirmed cases of torture by Faisalabad police. In February 2019, the Commission published *Police Torture in Faisalabad*, the first comprehensive report on torture issued by a state body in Pakistan. The report concluded that little or no action had been taken against police officials identified as responsible for acts of torture.²⁰
48. NCHR also initiated suo moto action on the extra-judicial killing of Dr. Shahnawaz Kumbhar by Mirpur Khas police on September 18, 2024, requesting reports from the Inspector General of Sindh Police and the Federal Investigation Agency (FIA). The case was pursued under the Torture and Custodial Death (Prevention and Punishment) Act, 2022. Hearings were held at the NCHR Karachi Regional Office on November 14, 2024, attended by NCHR Headquarter representatives, FIA officials, and the deceased's family. The FIA reported that Dr. Shah Nawaz was arrested under Section 295-C of the Pakistan Penal Code (PPC) and later extrajudicially killed in police custody. FIRs were filed against 21 police officials, including senior officers, and one civilian, under multiple sections of the PPC, Anti-Terrorism Act (ATA), and the Torture and Custodial Death (Prevention and Punishment) Act, 2022.
49. The NCHR has also conducted over 220 monitoring visits to prisons across the country to investigate allegations of abuse involving detainees arrested in connection with the May 9, 2023 protests. These visits were carried out by teams comprising NCHR officials and representatives of civil society organizations, including Justice Project Pakistan and the Human Rights Commission of Pakistan.
50. The NCHR has also conducted visits to 150 police stations across the country, examining conditions of detention and identifying possible cases of torture and ill-treatment. The Commission's findings from these visits will be consolidated in an investigative report to be released later in 2026.
51. In 2024, NCHR also took suo motu notice of the alleged rape of two children at a police station in Islamabad by a police officer and convened a hearing on the matter. The SP, along with other police officials, appeared before the Commission to provide updates on the case. NCHR expressed serious concerns, particularly given that the accused was a police officer, which raised fears of possible intimidation, bias, or mishandling of the investigation. A case has been registered and the matter is now sub judice.

²⁰ NCHR. Police Torture in Faisalabad. A comprehensive inquiry report on systematic torture by police in District Faisalabad from 2006-2012. Available at: <https://nchr.gov.pk/wp-content/uploads/2023/09/Police-Torture-in-Faisalabad.pdf>

Recommendations

In light of the persistent allegations of torture and ill-treatment by police and other law enforcement officials, the Committee may wish to recommend that the State party take additional measures to ensure full compliance with its obligations under Articles 2, 11, 12, 13 and 16 of the Convention.

52. Ensure the effective and consistent application of the Torture and Custodial Death (Prevention and Punishment) Act, 2022 in all cases involving allegations of torture or custodial abuse. Authorities should ensure that complaints are registered and investigated under the specialized framework established by the Act rather than relying exclusively on general criminal provisions.
53. Strengthen safeguards during arrest and detention by ensuring that individuals are promptly informed of the reasons for their arrest and their legal rights, including the right to legal counsel and the right to notify family members. Authorities should also ensure strict compliance with the requirement that arrested persons be produced before a magistrate within twenty-four hours.
54. Ensure that all allegations of torture and ill-treatment are promptly, thoroughly, and impartially investigated by authorities that are independent from the law enforcement bodies potentially implicated in the alleged abuse. Ensuring the institutional independence of investigative mechanisms is essential for effective accountability. Measures should also be adopted to eliminate coercive interrogation practices. These measures may include strengthening oversight of interrogation procedures, introducing mandatory audio or video recording of interrogations, and expanding the use of modern forensic investigative techniques.
55. Review evidentiary rules governing statements made during police custody to ensure that legal provisions do not create incentives for coercive interrogation practices.
56. Minimize preventive detention by introducing strict conditions for its use, including time limits, judicial oversight, prompt and regular review, and proportional thresholds for legitimacy. Redirect juvenile offenders to rehabilitation centres.
57. Strengthen the documentation of torture by ensuring that medical examinations of detainees are conducted in accordance with the Istanbul Protocol. This includes providing specialized forensic training to medical personnel, ensuring that examinations are conducted independently and confidentially, and incorporating psychological assessment into examinations where torture is alleged.

III. Custodial Conditions and Ill-Treatment

(Articles 2, 11 and 16)

Context

58. In its 2017 Concluding Observations on Pakistan's initial report, the Committee against Torture expressed concern regarding prison overcrowding, inadequate detention conditions, and the high proportion of individuals held in prolonged pre-

trial detention. The Committee recommended that Pakistan intensify efforts to reduce prison overcrowding, improve detention conditions - particularly with respect to health care and hygiene - and ensure that pre-trial detention is used only as an exceptional measure and for limited periods.

59. Similar concerns have been raised by domestic courts. In March 2020, the Islamabad High Court observed that “unprecedented and grave conditions” prevailed across prisons in Pakistan, noting that the treatment of prisoners in overcrowded and poorly equipped facilities raised serious constitutional and human rights concerns.²¹ The Court held that detention in overcrowded prisons lacking sanitation may amount to cruel and inhuman treatment and constitute a breach of the State’s duty of care toward individuals in custody.
60. Inspections conducted by the National Commission for Human Rights (NCHR) across multiple provinces indicate that overcrowding remains a persistent structural problem across several detention facilities. At Central Jail Adiala in Rawalpindi, the inmate population has consistently exceeded 8,000 despite a sanctioned capacity of approximately 2,200. The facility also houses approximately 1,800 prisoners from Khyber Pakhtunkhwa despite being located in Punjab. Similar overcrowding was documented at District Jail Lahore, where more than 6,000 inmates were confined in a facility designed for approximately 2,000 prisoners. At Central Jail Sahiwal, 1,883 prisoners were detained against a capacity of 1,565, while inspections at other facilities recorded similar congestion.
61. Overcrowding has resulted in cramped sleeping arrangements, poor ventilation, and heightened exposure to extreme heat during summer months. Infrastructure deficiencies were also observed in several facilities. Barracks at Central Jail Rawalpindi experienced high temperatures and limited ventilation, while prisoners reported difficulties accessing adequate drinking water in certain areas. Segregation blocks at Camp Jail Karachi lacked sufficient sunlight and ventilation, and structural damage and sanitation issues were observed at the Holding Centre in Karachi. Prison transport vehicles at Adiala Jail were also reported to be in poor and inhumane condition. While structural deficiencies were noted across several facilities, inspections also identified isolated improvements in certain areas. For example, Central Jail Rawalpindi has installed a *roti* (flat bread) plant capable of producing approximately 6,000 *rotis* per hour, and women’s wards at Central Jail Karachi were observed to be relatively orderly and hygienic, with filtered drinking water and refrigeration facilities available.

Healthcare and Mental Health Service

62. Healthcare services in detention facilities remain uneven and frequently overstretched. During a visit to Adiala Jail in January 2023, the Commission observed that only one doctor was available for approximately 6,000 inmates, and essential medicines—including insulin and psychiatric medication—were reported

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>

to be unavailable. At District Jail Lahore, healthcare services were similarly overstretched, with a single doctor reportedly attending to hundreds of patients each day. The dispensary at Central Jail Rawalpindi lacked essential medicines and trained paramedical staff, while medical facilities at Camp Jail Karachi contained outdated equipment. By contrast, Kot Lakhpat Jail in Lahore operates a 54-bed hospital staffed by six doctors working in shifts and serving inmates from multiple districts. Central Jail Karachi reported the presence of two psychologists and four doctors.

63. Mental health services remain particularly limited across many facilities. Prisoners accused under blasphemy provisions and held in isolation at Adiala Jail reportedly displayed signs of psychological distress, while counselling services remained minimal. In February 2024, a mentally ill prisoner in Adiala Jail killed two fellow inmates in a psychiatric ward using improvised objects, highlighting deficiencies in psychiatric supervision and mental health management within prison facilities.

Sanitation, Hygiene, and Living Conditions

64. Pakistan Sanitation and hygiene conditions vary across detention facilities but remain inadequate in several prisons. At the Holding Centre in Karachi, the Commission documented unhygienic conditions, insufficient ventilation, and sanitation units requiring repair. At Central Jail Rawalpindi, blocked or leaking sanitation facilities were observed and prisoners reported irregular water supply. In contrast, kitchen facilities at Kot Lakhpat Jail Lahore maintained acceptable hygiene standards during inspection.

Access to Justice and Pre-Trial Detention

65. Inspections also revealed systemic challenges relating to prolonged pre-trial detention and access to justice. At Central Jail Rawalpindi, several undertrial prisoners remained incarcerated despite having been granted bail due to their inability to furnish surety bonds. At District Jail Lahore, detainees were reported to have remained in pre-trial detention for more than two years. In facilities in Karachi and Lahore, approximately 82 percent of the prison population consisted of undertrial prisoners. In addition, delays were observed in the processing of parole applications and mercy petitions. At Central Jail Sahiwal, 29 prisoners convicted under section 302 of the Pakistan Penal Code had completed more than two-thirds of their sentences and were eligible for parole, yet their cases remained pending before the Directorate of Reclamation and Probation. Four condemned prisoners in the same facility had mercy petitions pending before the President between 2017 and 2023.

Juvenile and Women in Detention

66. Concerns have also been raised by the Commission regarding the treatment of juveniles in detention. Earlier visits to Adiala Jail revealed inadequate segregation between juveniles and adult detainees. At Central Jail Sahiwal, 30 juveniles were

detained, although some education and vocational activities were available. The Commission also reviewed the detention of a juvenile accused under blasphemy provisions at Central Jail Faisalabad and emphasized the need for strict compliance with safeguards under the Juvenile Justice System Act 2018. Women's detention facilities in certain prisons demonstrated comparatively better physical conditions. At Central Jail Rawalpindi, 150 women were housed in a separate ward staffed by female officers. At Central Jail Sahiwal, 25 women were detained, including three undertrial mothers with infants, and vocational programmes such as stitching and embroidery were available. However, delays in court hearings were still reported.

Detention Conditions for Individuals Accused of Blasphemy

67. The Committee against Torture previously expressed concern regarding the prolonged solitary confinement of individuals imprisoned on charges of blasphemy. The National Commission for Human Rights subsequently conducted an independent inquiry examining the treatment of blasphemy suspects in prisons across the country.²² The inquiry documented systemic failures in ensuring safe and humane detention conditions for these prisoners. Individuals accused of blasphemy are frequently placed in segregated barracks or isolated units for their own protection from other inmates. In practice, however, these measures often result in overcrowded and restrictive conditions that may amount to cruel, inhuman, or degrading treatment. Detainees reported inadequate access to basic facilities, exposure to extortion and intimidation, and prolonged isolation.
68. Several incidents further illustrate these concerns. Blasphemy suspect Husnain Ali reportedly died in custody after alleged mistreatment by Federal Investigation Agency officials and was hospitalized shortly before his death due to severe pain. Another detainee, Naik Muhammad, filed a complaint alleging custodial torture; although his complaint was not formally investigated, documentation obtained by the Commission included photographs showing bruising and other injuries.
69. The case of Junaid Hafeez illustrates the long-term consequences of such practices. Hafeez has been held in solitary confinement at Central Jail Multan since 2014, reportedly as a protective measure due to threats from other prisoners.²³ He has remained confined in a small cell under continuous surveillance for more than a decade while his appeals have proceeded very slowly through the judicial system. Prolonged solitary confinement of this nature exceeds the threshold defined under the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which classify isolation exceeding fifteen days as prolonged solitary confinement and prohibit its use where it amounts to cruel, inhuman, or degrading treatment.

²² NCHR. NCHR Investigation into Blasphemy Cases October 2023 - 2024. Available at: <https://nchr.gov.pk/wp-content/uploads/2024/10/Blasphemy-Report-Oct-2024.pdf>

²³ <https://www.aninews.in/news/world/us/human-rights-watch-urges-pakistan-to-quash-longstanding-blasphemy-case-of-academic-junaid-hafeez20260227113305/>

Legal Framework and Current Efforts

70. Pakistan's legal framework contains several provisions addressing custodial abuse and police misconduct. Article 14(2) of the Constitution prohibits torture for the purpose of extracting evidence. Legislative provisions governing police conduct are also contained in the Police Order 2002 and provincial police laws, including the Khyber Pakhtunkhwa Police Act 2017 and the Sindh Police Act 2019, which establish disciplinary sanctions and complaint mechanisms relating to police misconduct.
71. Legislative reforms addressing detention conditions include the Punjab Probation and Parole Service Act 2019 and the Sindh Prisons and Corrections Services Act 2019. Sindh Prison Rules were notified in 2020 and partially align with international standards including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the Bangkok Rules governing the treatment of women prisoners.
72. Government reports also indicate efforts to construct new prisons and expand alternatives to detention, including probation and parole programmes and diversion mechanisms for juveniles under the Juvenile Justice System Act 2018. However, gaps remain between existing prison regulations and international standards, particularly with respect to prison management systems, healthcare services, and the protection of prisoner dignity.

Actions Taken by the National Commission for Human Rights

73. The National Commission for Human Rights has conducted inspections of detention facilities across all provinces to monitor prison conditions and investigate allegations of torture and ill-treatment. Between 2018 and 2022, the Commission received more than 1,300 complaints relating to detention conditions and custodial abuse. At the direction of the Islamabad High Court, the Commission conducted an inquiry into allegations of custodial torture at Central Jail Adiala following a complaint submitted by Imtiaz Bibi. During interviews with detainees, 26 out of 35 prisoners reported incidents of torture or ill-treatment, including beatings, solitary confinement, and financial extortion in exchange for access to basic services.
74. Following the inquiry, administrative action was taken against several prison officials, including dismissals, suspensions, and transfers. A complaint cell and oversight committee were subsequently established to address allegations of abuse within the facility. The Commission has also developed guidance materials for police officers and medico-legal examiners outlining best practices for investigating torture complaints in accordance with domestic law and international standards.²⁴ Through pro bono legal assistance, the Commission has facilitated the release of more than 180 juveniles detained in Rawalpindi and Quetta prisons. The NCHR continues to conduct prison inspections, document detention conditions,

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supervise investigations under the Torture and Custodial Death Act, and engage with relevant authorities to address structural issues affecting prisoners' rights.

Recommendations

In light of the persistent allegations of torture and ill-treatment by police and other law enforcement officials, the Committee may wish to recommend that the State party take additional measures to ensure full compliance with its obligations under Articles 2, 11 and 16 of the Convention.

75. Adopt comprehensive strategies to address chronic prison overcrowding, including expanding the use of non-custodial measures, reforming bail procedures, strengthening probation and parole mechanisms, and implementing diversion programs for minor offences. Ensure pre-trial detention is used only as a last resort and for the shortest possible period, with regular judicial review.
76. Improve physical conditions in detention facilities, ensuring adequate living space, ventilation, sanitation, and access to safe drinking water in all barracks and holding facilities. Urgently repair damaged sanitation systems and remedy structural deficiencies affecting ventilation and lighting. Upgrade transport vehicles used for detainee transfers to meet minimum standards of safety and human dignity.
77. Strengthen healthcare services in prisons by ensuring sufficient medical personnel, including doctors, paramedics, and mental health professionals, are available in all facilities. Ensure continuous supply of essential medicines, including for chronic and psychiatric conditions. Develop dedicated mental health protocols for prisoners with psychological conditions, delivered by qualified professionals in properly supervised facilities.
78. Ensure sanitation, hygiene, and nutrition standards meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), including clean sanitation facilities, adequate bathing arrangements, and sufficient nutritious food.
79. Strictly enforce separation of juveniles from adult detainees, ensuring access to education, vocational training, and psychosocial support. Women prisoners should have access to gender-sensitive healthcare services, including maternal care, and facilities should safely accommodate mothers with children.
80. Review detention practices affecting individuals accused of blasphemy to prevent prolonged or indefinite solitary confinement. Use solitary confinement only in exceptional circumstances, for strictly limited periods, and subject to independent review in line with Nelson Mandela Rules.
81. Strengthen independent oversight and complaint mechanisms within prisons. Ensure prisoners have confidential, accessible channels to report torture, ill-treatment, or extortion, and that all complaints are promptly, impartially, and effectively investigated, with perpetrators held accountable through criminal or disciplinary proceedings.
82. Equip all prisons with adequate medical facilities, including medical officers, psychologists, fully stocked hospital pharmacies, and prison hospitals capable of

primary and secondary care. Ensure specialized care for prisoners with pre-existing psychological conditions, victims of torture, and neuro-diverse persons. Allow access to medical records for prisoners, legal representatives, and family members.

83. Establish Standard Operating Procedures with strict time-limits for assessment, treatment, and rehabilitation of under-trial prisoners and convicts with psychosocial or intellectual disabilities, in line with international safeguards.
84. Arrange training for trial court judges, prosecutors, lawyers, and court staff on protections and safeguards for persons with psychosocial and/or intellectual disabilities, including forensic mental health assessments at federal and provincial levels.
85. Ensure children living with mothers in prison receive nutritious, age-appropriate food. Provide uninterrupted access to clean drinking water through water filters, with regular testing. Ensure all prisoners have adequate hygiene and sanitation items, including soap, shampoo, and sanitary pads.
86. Reduce the number of prisoners per cell in line with official capacity, and schedule regular inspections of sewage and waste management systems to maintain proper sanitation standards, particularly in barracks.
87. Improve legal aid frameworks for defendants unable to afford private representation. Prevent unnecessary arrests by revising police performance criteria to de-incentivize high arrest numbers. Amend or repeal legislation criminalizing petty offences that disproportionately impact marginalized and destitute groups, including begging, loitering, water theft, kite-flying, encroachment, and trespassing.



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