



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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English only

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**Committee against Torture**

**Concluding observations on the initial report of Pakistan**

**Addendum**

**Information received from Pakistan on follow-up to the  
concluding observations\***

[Date received: 31 May 2019]

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\* The present document is being issued without formal editing.



### **Paragraph 7c**

#### **Ensure that police officers who engage in torture are prosecuted and punished with penalties that are commensurate with the gravity of the offense of torture, as required by article 4 of the Convention**

1. The Government has introduced reforms to enhance the operational capacity, accountability mechanisms and professionalism of Police Department. Strong accountability mechanisms and necessary checks and balances are in place in the Police Department and efforts are being done to further strengthen them and ensure their implementation across the board.

2. Government of Pakistan has prepared Torture and Custodial Death (Prevention & Punishment) Bill, 2018, in consultation with relevant stakeholders, to harmonize the national legislation with the provisions of the subject Convention. The subject Bill will address the issues pertaining to definitions and punishment for torture.

3. Any case of alleged police torture or misbehavior get immediate attention and are thoroughly investigated. Whenever, case of violation of any Rules/Regulations by any police officer is brought to the attention of the competent authority (Regional Police Officer/City Police Officer/District Police Officer), departmental action is immediately initiated against the concerned officer. If the accused officer is found guilty after due departmental inquiry, he/she is awarded punishment.

4. Different ground of punishments i.e. Major (Dismissal, Removal from Service, compulsory retirement, forfeiture of approved services, reduction in pay rank, and recovery from pay/pension) Minor (withholding of increment, withholding of promotion, reduction of lower stages or stages in pay scale, censure, extra drill quarter guard and fine) have been given to personnel. Some of the actions undertaken include:

- In the province of Punjab, all field units have been sensitized to adopt forensic methods and modern investigation techniques to curb the nefarious element;
- In Punjab overall 233 constables, 88 Head constables, 205 Assistant Sub Inspectors, 189 Sub Inspectors, 64 Inspectors, 7 Deputy Superintendents Police were punished for different violations i.e. Torture, death in custody, misuse of official power, misbehavior and illegal confinements during 2017;
- In Khyber Pakhtunkhwa, 4605 constables, 667 Head constables, 507 Assistant Sub Inspectors, 423 Sub Inspectors, 65 Inspectors, 19 Deputy Superintendents of Police were punished for different violations during 2013–2015;
- In Sindh, 18 constables, 3 Head constables, 2 Assistant Sub Inspectors, 3 Sub Inspectors, 1 Inspector of Police were punished for different violations including torture, illegal custody/confinement and misbehavior during 2016–2017;
- In Balochistan, 818 major punishments have been imposed to police officials i.e. ASP/DSP, Inspectors, Sub-Inspectors, ASIs and Constables for their negligence from duty, torture, absence from duty and criminal cases. At the same time, 1418 officials of different Cadre were censured for different grounds during 2015–2016.

### **Paragraph 9c**

#### **Take immediate measures to ensure the establishment and operation of effective police oversight bodies, particularly Public Safety Commissions, at the district and provincial levels throughout the State party**

## **Paragraph 11a**

**Take all necessary measures to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body, that perpetrators are duly prosecuted and, if found guilty, convicted with penalties that are commensurate with the grave nature of their crimes**

## **Public Safety Commissions/Redressal Mechanisms against Police**

5. Public Safety Commissions have been established under the Police Order 2002. They have been entrusted in task of bringing harmony between public and police as well as eliminating notorious “Thana Culture”. The Commission has been tasked to regulate the Police system and check against any discrimination or bias in the performance of duty. The National and Provincial Public Safety Commissions are doing commendable job of being independent watch dogs and keeping close eye on any abuse of power or any complaints of torture of misbehavior.

## **National/Federal Public Safety Commission**

6. In the performance of its duties, the National Public Safety Commission (NPSC) oversees the functioning of the Federal Investigation Agency, Pakistan Railways Police, Anti-Narcotics Force, Frontier Constabulary, Pakistan Motorway and Highway Police, any other Federal Law Enforcement Agency and Anti-smuggling Wing of Customs exercising police powers.

7. A total of forty-six sessions of NPSC have been held since its inception on 6 June, 2006. NPSC is fully functional and providing redressal to public.

8. National Police Bureau is working as Secretariat of NPSC.

9. As per Police Order, following is the composition and mandate of NPSC:

- i. The National Public Safety Commission consists of twelve members and the ex-officio Chairperson;
- ii. Half of the members of the National Public Safety Commission are nominated by the Speaker of the National Assembly from amongst its members three each from the treasury and the opposition in consultation with the Leader of the House and the Leader of the Opposition; provided that at least one member shall belong to each Province, and to Islamabad Capital Territory; and provided further that at least two members shall be women;
- iii. The other half comprising independent members are appointed by the President from a list of names recommended by the National Selection Panel; provided that at least one member shall belong to each Province, and to Islamabad Capital Territory; and provided further that at least two members shall be women.

## **Selection of Independent Members**

10. There is a Selection Panel for independent members consisting of Chief Justice of Supreme Court of Pakistan [or a Judge of the Supreme Court nominated by the Chief Justice] who shall be its Chairperson and one nominee each of President and Prime Minister; provided that such nominee shall not be elected representative or public servant. The selection of independent members is done by consensus.

11. The selection process is to be completed within thirty days from the commencement of the selection process. Independent members need to be of impeccable integrity and proven professional competence in such fields as social work, law, administration, education, corporate sector, etc.

12. The selection panel invites applications or nominations from the public for selection of independent members, and after interviewing eligible and willing candidates, forward

names of persons twice the number of appointments to be made to the President of Pakistan.

### Other Accountability Mechanisms at Federal Level

#### National Commission for Human Rights (NCHR)

13. NCHR, established in 2015, is an independent statutory body which has powers to take cognizance of human rights violations either on suo-moto basis or on petition and can summon persons or inquires into violations of human rights. Its overall mandate is to promote and protect human rights as enshrined in the Constitution of Pakistan and international agreements to which Pakistan is a party. Guided by the Paris Principles and Act XVI of 2012, this is a key institution for the promotion and protection of basic human rights and fundamental freedoms of all. NCHR does not only monitor situation of human rights but also abridges the gap between the civil society and government stakeholders. It also provides a platform for victims to raise their voices and provides an opportunity for redressal of the violations of their human rights.

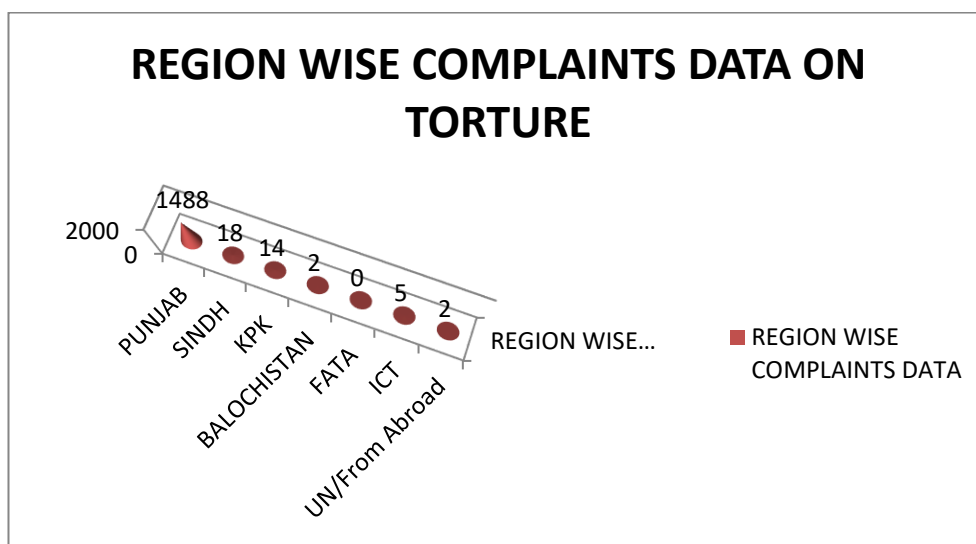
14. Recognizing the spirit of 18th amendment, facilitating easy access to victims of human rights violations and considering the importance of its presence at provincial levels, the Commission has established five (05) regional offices in provincial headquarters and Islamabad Capital Territory. The Commission is also monitoring human rights situation in FATA through its regional office established at Peshawar.

15. These regional offices are fully operational, hearing and resolving complaints of victims of human rights violation including Torture and contributing in improving human rights situation at provincial levels.

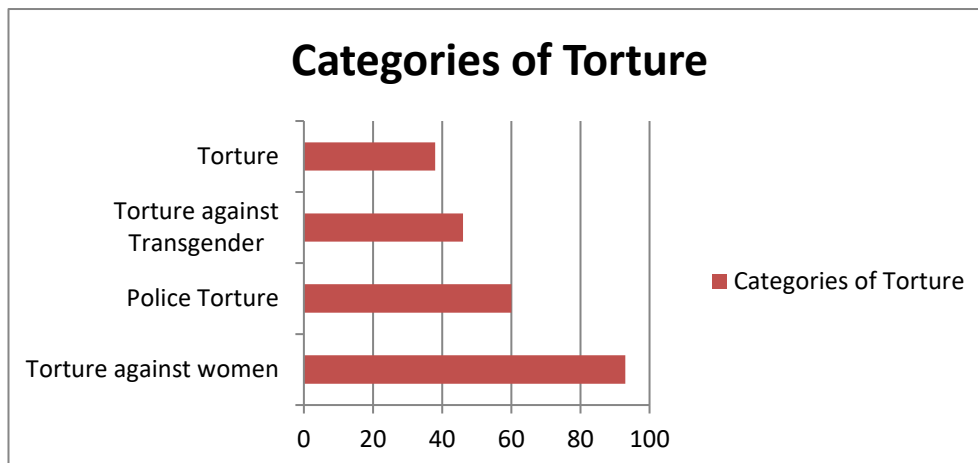
16. The Commission, in addition to its other mandates, is also contributing in effective implementation and follow-up of concluding observations and recommendations of UN treaty bodies.

17. NCHR, being an independent NHRI, effectively deals with any complaints of torture and other cruel inhuman degrading treatment and punishment.

18. NCHR is a quasi-judicial forum. Exercising powers of civil court, it has showed remarkable resilience in dealing with matters relating to custodial torture, forced conversions, domestic violence, extra-judicial killings and blasphemy etc. Since its establishment, NCHR received 1529 complaints of police torture which includes 59 suo-motu notices and provided redress in 29 petitions. Remaining petitions are at different stages and being investigated to fix the responsibility. The Commission has directed the relevant authorities to take punitive actions against perpetrators accordingly. Subsequently concerned authorities are submitting their reports of their actions to the Commission.



### The Chart on Torture



19. NCHR is also mandated to receive complaints against members of military or para-military forces relating to preventive detention, enforced disappearances and extra-judicial killings.

#### Helpline (1099)

20. Ministry of Human Rights has established a **Helpline 1099** for support and service to complaints against police or any other human rights violations.

#### Human Rights Officers (HROs)

21. Human Rights Officers (HROs) are posted in each Police Station of Islamabad to facilitate general public. Their functions are:

- To monitor the activities at the police station and report to Senior Superintendent of Police through Zonal Superintendents of Police;
- To monitor and ensure formal arrest of the accused to be made and present before the court within 24 hours;
- To ensure that all the arrested persons are kept in the lockup;
- To Provide Free Legal aid/advice, in case required by the accused;
- To ensure Women are referred to Women police station for investigation and detention.

22. Following steps have been taken by the Islamabad Capital Territory Police for community policing:

- More accessible and sensitive to community problems;
- Courteous and polite with public;
- Provision of security to public;
- Improved relations between police and public;
- Redressal of the grievances of the public;
- Resolving minor disputes and non-cognizable cases through citizen's committees.

### Steps taken by Provinces

#### Khyber Pakhtunkhwa: Public Safety Commissions

23. The Khyber Pakhtunkhwa Police Act, 2017 called for setting up new public safety commissions at the provincial and district levels for which members would be appointed

for a three-year term. Accordingly, Government of Khyber Pakhtunkhwa notified District Public Safety Commissions. Details are as under:

<i>S. #</i>	<i>Name of District</i>	<i>Date of notification</i>
1.	Bannu	17th August, 2017
2.	Charsada	17th August, 2017
3.	Karak	17th August, 2017
4.	Mardan	17th August, 2017
5.	Lakki Marwat	17th August, 2017
6.	Swabi	17th August, 2017
7.	Buner	13th Sept., 2017
8.	Dir Lower	19th Oct., 2017
9.	Hangu	11th April, 2018
10.	Swat	12th April, 2018
11.	Haripur	28th March, 2018
12.	Battagram	28th March, 2018

24. The Provincial Public Safety Commission consists of thirteen (13) members as per following:

i. Four (04) members of the Provincial Assembly, to be nominated by the Speaker of the Provincial Assembly comprising two members from treasury benches to be nominated in consultation with leader of the House and the other two from opposition benches to be nominated in consultation with leader of opposition; provided that one member shall be female;

ii. Advocate General, Khyber Pakhtunkhwa as ex-officio member;

iii. Eight (08) members, shall be independent members, recommended by the Provincial Scrutiny committee from the following categories:

(a) One retired High Court Judge;

(b) One retired officer from armed forces equivalent to the rank of Major General;

(c) One retired civil servant in BPS-21 or above;

(a) One retired Police Officer in BPS-21 or above; and

(b) Four members from civil society including one female and one minority member.

25. The Provincial Public Safety Commission has been given powers to:

(d) Evaluate the performance of the Police twice a year and submit annual report to the Government and Provincial Assembly;

(e) Take cognizance of police excesses, except matters relating to investigation, of Regional Police Officers and Head of District Police on the request of aggrieved person, and proceed in the manner provided in section 50;

(f) Enquire into the complaints against the members of the Regional Police Complaints Authorities and District Public Safety Commissions;

(g) Coordinate and supervise the functions and evaluate the performance of the District Public Safety Commissions and Regional Police Complaint Authorities;

- (h) Approve Provincial Annual Policing Plan;
- (i) Assist police in redressal of their issues and grievances;
- (j) Recommend to the Government for grants to various police establishments within the Province, for enhancing their capability to perform their functions efficiently as prescribed in the law; and
- (k) Recommend reforms for modernization of laws and procedure in respect of police.

26. For the purpose of enquiries, the Chairman Provincial Public Safety Commission has been notified, an "Enquiry Panel" consisting of five members provided that two of its members shall be from amongst the retired Government servants.

27. When a complaint is received by the Commission, it refers it to the Provincial Police Officer who then holds inquiry within a period of twenty-one (21) days and take appropriate action under the rules. If after receipt of the report, the Commission is not satisfied, the Chairman may direct the Enquiry Panel to inquire the matter and give final decision. The decision shall be conveyed to the relevant Competent Authority for taking appropriate action in accordance with rules and report to the Commission within a period of thirty (30) days about the action taken. The aggrieved person shall have the right of appeal to the Competent Authority as provided in the relevant Efficiency and Disciplinary Rules of Police.

#### **Capacity Building & Trainings**

28. Khyber Pakhtunkhwa police is focusing on capacity building and training of police officials and officers to enable them to adopt community based modern police services and avoid traditional methods of investigation. In this regard, Police School of Investigation, Police School of Intelligence, Police School of Explosive Handling, Police School of Public Disorder & Riot Management, Police School of Information Technology, Police School of Tactics, New Police Training Schools, Joint Police Elite Training Center, have been established.

#### **Quasi-judicial and non-judicial mechanism especially departmental check and balance to discourage Torture**

29. Under Section 74 of the Police Act 2017, Criminal Justice Coordination Committees (CJCC) have been established in all the districts of Khyber Pakhtunkhwa. Main functions of CJCC are: keep under review the operation of the justice system, promote understanding, cooperation and coordination in the criminal justice system and promotion of good practices.

#### **Raising of Specialized Units**

30. Khyber Pakhtunkhwa Government has established following specialized units in Police departments to improve the efficiency and affectivity of the force:

- (a) Counter Terrorism Department;
- (b) Rapid Response Force;
- (c) Women Elite Unit;
- (d) Cellular Forensic Cell.

31. SOS alert service has also initiated for education institutions and sensitive establishments.

#### **Consultative Decision Making**

32. Following Consultative Decision making process has been adopted for better performance audit:

- (a) Police Policy Board;

(b) Streamlining of Police process through issuance of operational and policy guidelines and introduction of Empirical Performance Audit Mechanism.

### **Community Engagement**

33. Following mechanisms have been evolved for engagement of community in policing and to maintain Law & Order situation:

- iv. Dispute Resolution Councils;
- v. Police Access Service;
- vi. Police Assistance Lines;
- vii. Public Liaison Councils;
- viii. Model Reporting Rooms.

### **Balochistan**

34. Provincial Public Safety and Public Complaint Commission was established in Balochistan on 14th April 2006. The Commission had become functional after the establishment of temporary Secretariat in October 2006. Present Commission has representation from both legislature and civil society.

35. At the provincial level, Public Safety and Public Complaint Commission is performing its functions according to its mandate and strong measures are being taken by Government to expedite the notification, establishment, and functioning of District Public Safety and Public Complaint Commissions. The representation of independent and elected members ensures the participation of different stakeholders in planning and monitoring of police and other law enforcing agencies leading to enhancing the trust of common man in police.

36. After transformation of Levies into Police, control of police has spread almost all over the Province of Balochistan. The role of PPS & PCC is very important as far as the present scenario is concerned as it acts as a bridge between public and police by receiving the grievances of people so that police discharges its duties appropriately without causing any harm or injury to any community.

### **Child Protection Unit**

37. The Child Protection Unit was established at CPO with the collaboration of UNICEF. Child Protection Unit (a Friendly Unit/ outlet) was established in Quetta City. The objective is to provide protective services to the children in contact and conflict with law directly or through referrals and guidance and to discourage traditional methods. The Child Protection Unit is working diligently to achieve its objectives.

### **Forensic Scientific Laboratory**

38. The Balochistan Police Department has established Forensics Science Laboratory, which has been working under the supervision of Director Crimes Branch Balochistan Quetta. This Laboratory has examined cases of various criminal natures, i.e Narcotics (Charas, Heroin, Opium, Alcohol) and Biological Specimens (Murder, Rape, and Vehicles) on behalf of the Balochistan Police and other law enforcement agencies in Balochistan This laboratory has played a great role to extract the evidence on scientific grounds instead of using torture and other traditional methods.

### **E Complaint System**

39. E Complaint system has been established in Balochistan. Any citizen can lodge his/ her complaint against any malpractice, corruption and torture through email.



## **Sindh**

### **Public Safety Commissions**

40. The Sindh Home Department has notified District Public Safety and Police Complaints Commissions. The offices are operational in Karachi, Hyderabad, Badin, Dadu, Thatta, Matiyari, Jamshoro, Mirpurkhas, Sanghar, Umerkot, Tharparkar, TandoAllahyar, Sukkur, Khairpur, Ghotki, Shaheed Benazirabad, Naushero Feroze, Larkana, Shikarpur, Jacobabad, Kashmore, Kamber and Sujawal.

### **Human Rights Cells**

41. Government of Sindh has established Human Rights Cells initially in four districts as Public redressal mechanism. These Cells are working in Hyderabad, Sukkar, Larkana & Mirpurkhas. The Cells are established at DIG office. Sub Inspector of Police is looking after these cells and the focal persons are appointed from civil society in these cells. These cells are working as monitoring mechanisms, besides building capacity of police officers with regard to international and domestic human rights legislation and practices.

### **Sindh Human Rights Commission**

42. The Commission deals with the complaints regarding the violation of human rights and negligence by public servants in the prevention of such violations. The Commission recommends remedial measures including action against the persons involved in human rights violations. Besides it gives policy recommendations to Government with a view to protect human rights.

43. The commission members also conduct jail visits to assess the living conditions of the inmates and make recommendations to improve the same. It also reviews the safeguards provided in the law and Constitution and recommend measures for their effective implementation, besides making recommendations for the effective implementation of treaty bodies to which Pakistan is signatory.

### **IG Police Complaint Cell**

44. Police Department has established complaint cell/complaint management system. It is one window facilitation and online complaint portal where any aggrieved person can directly register complaint against police or any other human rights violation through SMS, E-mail or call.

45. At the same time Helpline 9110 is also working for tracking and registering complaints.

### **Madadgar Helpline 15**

46. Sindh Police has established Madadgar Helpline 15 for quick response to public grievances including grievances against the police.

## **Punjab**

47. The officers/officials involved in torture are being prosecuted under the relevant provisions of law. Strict measures have been taken to avoid torture by the police. All field units have been sensitized to adopt forensic methods and modern investigation technique. Government of Punjab has also established following institutional mechanisms to address the public grievances against the police.

### **E complaint System**

48. IG Police has established this system to facilitate the general public against police including torture and registration of FIRs.

### **Punjab Commission on the Status of Women**

49. The Government of Punjab has established Punjab Commission on the Status of Women to address the women issues including inspecting jails, sub-jails, Darul Amans and Women's Centres or other places of custody, where women and girls are kept.

50. Punjab Commission on the Status of Women has established a Helpline for women. It caters for any complaints from women against police as well. The Helpline team proactively creates awareness amongst public through outbound awareness calls. Another crucial part of the Helpline is the media outreach strategy which includes Whatsapp and SMS messaging, public awareness sessions, advertising of the Helpline on rickshaws, newspaper and mass print advertising, and promotional campaigning.

### **Human Rights Task Force**

51. The Government of Punjab has also established Human Rights task force at provincial and district level under the chair of Provincial Minister for Human Rights and Minorities Department. Provincial Human Rights Departments have launched their Provincial Human Rights Policy/Strategy in 2018 to further improve human rights situation in the province.

### **Punjab Forensic Lab**

52. The Government of Punjab has established Punjab Forensic Lab to receive physical evidence from law enforcement agencies on criminal and civil cases, analyze and provide accurate results of forensic analysis in timely manner, and testify in Courts of Law on analytical findings. This lab is also providing services to other Provincial Governments and Law Enforcement Agencies and playing a pivotal role to discourage the traditional methods including torture to extract the evidence.

### **Public Safety Commission**

53. In Punjab, District Public Safety Commissions were notified in 2007 for 3 years till 2010. After that no District Provincial Safety Commissions were notified and are dysfunctional since then. As the quorum of Committee could not be completed due to non-functioning of Local Government, which is a necessary component of the Committee and situation is same till date. However, after the promulgation of Local Government Act, 2019 and new elections, the quorum of the Committee would complete and the District Public Safety Commissions would be constituted soon afterwards.

### **Conclusion**

54. Human Rights agenda is of priority for the Government, since it believes that real positive change cannot come at the grass root level and sustainable development cannot be achieved without addressing the basic needs and protection of fundamental freedoms. It is a work in progress and we will continue to strengthen our democratic institutions for improving public service delivery for our citizens.

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