



F. No 2(119)/2022-Chair(NCHR)
GOVERNMENT OF PAKISTAN
NATIONAL COMMISSION FOR HUMAN RIGHTS
5th Floor Evacuee Trust Complex, F-5/1,
Agha Khan Road, Islamabad.



Islamabad, the 26th July, 2022

Subject: **The Torture and Custodial Death (Prevention and Punishment) Bill**

The National Commission for Human Rights (NCHR) is deeply concerned about the rising number of cases of torture in Pakistan. The NCHR strongly urges the National Assembly to pass *The Torture and Custodial Death (Prevention and Punishment) Bill*, which was approved by the Senate in 2021.

2. Evidence shows that torture is considered an ‘inevitable part of law enforcement’ in Pakistan and perpetrators remain safe from accountability.¹ Perpetrators of torture in law enforcement operate with impunity due to the lack of criminalization of torture, a lack of accountability and oversight mechanisms coupled with procedural loopholes, and a widespread culture of acceptance. According to a study on police torture in Faisalabad conducted by Yale University and the Justice Project Pakistan (JPP), over 76% of those detained by the police in the sample size showed evidence of having been tortured while in police custody.² This included beatings, sexual violence, and mental torture.

3. Article 14 of the Constitution of Pakistan declares that “No person shall be subjected to torture for the purpose of extracting evidence.” However, there is no domestic law that defines or criminalizes torture. Although Pakistan ratified the UN Convention against Torture in 2010, it has failed to set up a legal framework to implement its obligations to criminalize torture. In 2017, the UN Committee against Torture reviewed Pakistan’s implementation of CAT and expressed concerns over Pakistan’s failure to criminalize torture. In 2018, the European Commission’s GSP+

¹ “Criminalising Torture in Pakistan: The Need for an Effective Legal Framework,” World Organisation Against Torture (OMCT) and Justice project Pakistan, pp. 5. <https://www.omct.org/site-resources/images/Pakistan-report.pdf>

² Ibid.



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assessment report observed that the torture bill had been pending before parliament without action, and said that Pakistan's legislation failed to explicitly criminalize torture.³

4. The NCHR urges the government to take notice and ensure that *The Torture and Custodial Death (Prevention and Punishment) Bill 2021* is passed by the National Assembly with the highest priority.

Yours Sincerely,

(Rabiya Javeri Agha)
Chairperson (NCHR)

**The Secretary,
Ministry of Interior,
Government of Pakistan,
Islamabad.**

³ The EU Special Incentive Arrangement for Sustainable Development and Good

Governance (GSP+) assessment of Pakistan covering the period 2016 - 2017, Joint Staff Working Document, 2018. https://trade.ec.europa.eu/doclib/docs/2018/january/tradoc_156544.pdf