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**Human Rights Watch Submission to the United Nations Committee against Torture
in Advance of Adoption of List of Issues: Pakistan
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We write in advance of the adoption by the UN Committee against Torture (the Committee) of the list of issues regarding Pakistan's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). This submission includes information on the ongoing use of torture and ill-treatment by Pakistani police, the use of confessions extracted under torture, the failure to carry out adequate investigations into reports and complaints of abuse, and the lack of domestic legislation criminalizing torture.

Torture and Ill-Treatment in Policy Custody (Arts. 1, 2, 4, 11, 12, 13, 14, 15, and 16)

In Pakistan's latest review, the Committee urged Pakistan to incorporate into domestic legislation a specific definition of torture that covered all the elements of the definition contained in Article 1 of the Convention against Torture. In November 2022, Pakistan enacted a domestic torture law, the Torture and Custodial Death (Prevention and Punishment) Act, 2022. While the law is a step in the right direction, it falls short of international legal standards as it fails to incorporate psychological pain and suffering in its definition. Moreover, the implementation of the law has been wholly inadequate, and torture and ill-treatment in custody remain widespread in Pakistan.

Human Rights Watch research [has found](#) that Pakistani police frequently use torture and other ill-treatment against persons in custody particularly during criminal investigations. Those from marginalized groups are at particular risk. Victims of police abuse have reported long-lasting effects including physical pain or disability, and mental stress.

Torture is [typically used](#) by Pakistani police to obtain confessions and other information from suspects, to extract bribes from those arbitrarily detained, or to mete out punishment based on an assumption of guilt.

Human Rights Watch [has found](#) evidence of beatings including with batons and *littars* (strips of leather), stretching and crushing legs with *roola* (metal rods), sexual violence, prolonged sleep deprivation, and mental torture, including witnessing other people being tortured. There have been [reported](#) deaths in custody from torture.

Pakistan has a constitutional protection against torture being used for obtaining a confession. However, the criminal procedure and evidence law does not explicitly prohibit the use of evidence obtained as a result of torture to be introduced in legal proceedings.

The government has not enacted meaningful and transparent structural mechanisms for police accountability. Police are rarely criminally prosecuted for the use of torture and other ill-treatment. In May 2018, the National Commission for Human Rights, a statutory body, conducted an investigation into 1,424 cases of torture and [found](#) that there was an

absence of meaningful accountability for those responsible for torture and ill-treatment. Pakistan's state party report to the Committee states that in 2021, 624 police officials were punished for offenses of "torture or misbehaviour" in Punjab province. However, details about the nature of the punishment was not provided.

Police officers have attempted to justify the use of physical force as a necessary technique to obtain confessions and ensure convictions. Some officers [have claimed](#) that the police only use "physical methods" condemned by human rights groups when dealing with hardened criminals who need to be "threatened" in order to tell the truth. Senior officials have also said that physical force has often been threatened and used because the police are not trained in sophisticated investigation and forensic analysis methods.

Human Rights Watch recommends that the Committee call on the government of Pakistan to:

- Amend its anti-torture legislation to bring the definition of torture in line with international legal standards.
- Clarify the meaning of article 14(2) of the Constitution by revising the Qanun-e-Shahadat Order 1984 to make inadmissible any evidence obtained on the basis of a police interrogation using torture or other ill-treatment.
- Explicitly define acceptable interrogation techniques in police rules and manuals and prohibit the police or other agencies from using arbitrary detention, torture or other coercive measures to obtain evidence.
- Ensure that police officers implicated in torture and other ill-treatment, regardless of rank, are disciplined or prosecuted as appropriate.
- Require police to videotape all interrogations to protect against the use of torture and other ill-treatment.
- Independently investigate every case of custodial death or encounter killing, and register a First Information Report (FIR) when there is suspicion of deaths due to torture in custody.
- Discipline or prosecute as appropriate superior officers who knew or should have known of acts of torture and custodial killings by officers under their command or control, and failed to prevent their commission or punish those responsible.