



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

Distr.: General  
24 April 2017

Original: English

---

**Committee against Torture**  
**Sixtieth session**

**Summary record of the 1508th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 19 April 2017, at 3 p.m.

*Chair:* Mr. Modvig

**Contents**

Consideration of reports submitted by States parties under article 19 of the Convention  
(*continued*)

*Initial report of Pakistan (continued)*

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.17-06435 (E) 240417 240417



\* 1 7 0 6 4 3 5 \*

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Initial report of Pakistan (continued) (CAT/C/PAK/1)*

1. *At the invitation of the Chair, the delegation of Pakistan took places at the Committee table.*
2. **Mr. Zafarullah Khan** (Pakistan), replying to questions raised at the 1506th meeting, said that, following a turbulent period in his country's history, efforts were being made to ensure respect for democracy, the rule of law and human rights. Since 1979, the country had been in a state of war. Together with its Western partners, Pakistan had created, trained and nurtured groups that had since come to pose a threat. The country had hosted millions of Afghan refugees, many of whom remained in the country. The current, democratically elected Government had a progressive agenda and had devised an ambitious three-year human rights action plan and a timeline for its implementation. In that context, it was inaccurate to characterize Pakistan as a country that had done little to ensure respect for human rights. Pakistan was a member of the international community and was bound by international law and human rights standards.
3. The initial report of Pakistan gave an overview of the situation in the country in terms of general principles and the existing legal framework and, for that reason, it did not include large amounts of data. It seemed that the definition of torture contained in article 1 of the Convention was broader in scope than had been recognized. In Pakistan, torture had been defined and established as a criminal offence in a number of laws. The adoption of a new law setting out a more comprehensive definition of torture was at an advanced stage, but, owing to the complexities of the democratic process in the country, it had not yet been approved. He would dispute the accuracy of some of the data used to assess the situation in Pakistan. For example, although it had been claimed that Shafqat Hussain had been a minor at the time of the offence for which he had been sentenced to death, it had been established by the Supreme Court that he had not been. Also, it was inaccurate to state that 10 per cent of persons on death row were minors.
4. Police officers could be prosecuted for torture under both police laws and ordinary criminal law, and those found guilty could be dismissed from their posts. It had recently been decided that all allegations made against public officials should be referred to the newly established National Commission for Human Rights. Such allegations received wide media coverage, which brought further pressure to bear on the Government. Following an allegation of torture by a public official, a First Information Report was usually filed, but other mechanisms were also available to victims. For example, they could file a complaint directly with the relevant court. The retroactive effect of the Actions (in Aid of Civil Power) Regulation should be interpreted in the context of the threat of terrorism, which had made it necessary to intern a small number of persons.
5. In terms of the burden of proof, the Pakistani legal system was comparable to the English legal system. In any trial, the prosecution was required to prove *actus reus* and *mens rea* beyond reasonable doubt. The problems associated with the police culture of Pakistan, or *thana* culture, could be traced back to the colonial period, and efforts were being made to improve the situation. Moreover, new training courses were being designed, and various police academies had been set up. An independent judicial inquiry had been launched into the death of Aftab Ahmad, and a number of officials had been dismissed from their posts and detained in connection with the case.
6. An extensive military operation had been launched against militants in the west of the country, and considerable financial resources had been made available for its execution. It had been decided that terrorists arrested in connection with the operation should be tried in Pakistan and, to that end, it had been necessary to establish military courts, an undertaking that had been supported by all political parties. There were stringent criteria governing the referral of cases to military courts, and only persons who had committed specific acts of terrorism in the name of religion could be tried in such courts. To date, military courts had heard 308 cases and handed down 161 convictions.

7. No minors had ever been tried by a military court, and, pursuant to a recent amendment of the Anti-Terrorism Act, persons tried in such courts had recourse to a number of safeguards, including the right to appeal to various other courts. There had been fewer than 40 trials under the Protection of Pakistan Act in the two years in which it had been in force. Suspects could be detained for up to 90 days, provided that there were sufficient grounds to justify their detention, but they were able to file petitions to a high court. The international community had on occasion criticized Pakistan for not detaining members of certain terrorist groups. Pursuant to article 10 of the Constitution, the continued detention of a person had to be reviewed by a board of three senior judges. Going forward, efforts would continue to be made to guarantee the security of Pakistan, although there was wide political agreement on the need to phase out the laws in question, and a two-year reform agenda had been developed. A parliamentary committee would be set up to supervise the operation of the special courts. With the support of the United Kingdom, efforts were being made to establish a system to ensure the anonymity of participants in trials connected with terrorism.

8. An independent commission headed by a Supreme Court judge had been set up to handle cases of enforced disappearance. There had been cases in which it had been discovered that persons who had been reported as having disappeared had in fact fled to join terrorist groups. With regard to the case of Zeenat Shahzadi, a special commission of inquiry had been established and would hold its next hearing on 3 May 2017.

9. The Extradition Act of 1972 defined a fugitive offender as a person who had been accused or convicted of an offence in another State and who was in Pakistan. The specific extradition procedure to be enacted in a given case depended on any extradition treaties in force between Pakistan and the receiving State. Extradition orders could not be carried out without judicial approval. They could be appealed to a district court, a high court and the Supreme Court. In 2016, only two extraditions had taken place. Although Pakistan shared information on terrorists, it did not extradite them.

10. The Federally Administered Tribal Areas had originally been established as a buffer zone between the Russian Empire and the British Empire, and the Government had recently approved an ambitious plan for their full integration. In line with that plan, they would come under the jurisdiction of national courts. There were two categories of court in Pakistan, civil and criminal, and each had its own hierarchy of courts, the highest court for both categories being the Supreme Court. There were a number of other, special courts, but they were headed by members of the judiciary, and the usual appeal mechanisms and standards of independence continued to apply. The Federal Shariat Court had very limited jurisdiction, and its judgments could be appealed to the Supreme Court. The judicial system of Pakistan was modelled on the English system and was fully independent. The laws governing the conduct of the police were more or less the same throughout the country. Civil society organizations played a critical role in police training, and the United States and the United Kingdom had provided technical assistance in that regard. The wages of police officers had been doubled, and they were now offered training in counter-terrorism.

11. Jail manuals were detailed documents and were subject to the approval of the provincial authorities. The current Government had set up the Jail Reforms Committee soon after coming to power and had introduced a number of amendments. Special committees conducted monitoring visits to prisons, senior executive authorities had a mandate to conduct unannounced visits, and district and session judges had a duty to conduct similar visits. Prisoners' family members could file petitions on their behalf. In the *Dharshan Mahsi* case of 1989, the Supreme Court had taken cognizance of a petition from a detainee. Although there were no separate prisons for women in some parts of the country, women and children were always held separately from men, including at police stations. A prisoner could be placed in solitary confinement only on the basis of a judicial decision. The maximum length of a single period of solitary confinement was 14 days. Some pretrial detainees were held separately, although not in solitary confinement, for their own safety.

12. The techniques of modern forensic science were gradually being introduced in Pakistan. Pursuant to article 164 of the Qanun-e-Shahadat Order (The Law of Evidence), all evidence gathered through such techniques was admissible. The Quetta Inquiry Commission Report was not a Supreme Court judgment, but a report prepared by a one-

member commission appointed by the Supreme Court. It dealt with the use of the techniques of modern forensic science. Under a law passed two months previously, provision had been made for compulsory DNA testing in rape cases. In addition, police officers received training in how to preserve crime scenes, conduct interviews and gather evidence. In Pakistan, confessions made to police officers were inadmissible in all courts of law. Although efforts had been made to render admissible confessions made to senior police officers in cases related to terrorism, the Supreme Court had established that all such confessions were inadmissible. Confessions made to a magistrate were admissible, but even they had a merely corroborative value and could be retracted at any stage.

13. In the late nineteenth century, the colonial authorities had introduced the penalty of flogging, but the relevant law had since been repealed. Under the military dictatorship of the 1980s, provision had been made for the penalties of flogging, amputation and stoning. Although those particular penalties remained on the statute books, they had never been applied, and they should be abolished.

14. Two military operations, Operation Zarb-e-Azb and Operation Radd-ul-Fasaad, had been launched to suppress terrorism, and websites and media outlets operated by terrorist groups had been closed down. While there was still much to be done on that front, considerable progress had nevertheless been made.

15. In 1990, Pakistan had repealed a colonial law that in practice had meant that the perpetrators of honour killings received light prison sentences and had introduced in its stead the notions of forgiveness and compounding (“blood money”). However, those provisions had also been misused, leading to the recent adoption of a law to close loopholes and ensure that no one who committed an honour killing escaped prison. Regarding the cases mentioned at the 1506th meeting, Zeenat Rafiq’s mother had been sentenced to death for orchestrating the murder of her daughter, and the brother, cousin and taxi driver in the *Qandeel Baloch* case were on trial. While honour killings were part of the culture in some tribal areas, attitudes were beginning to change. The Government ran shelters in all the provinces and had signed memorandums of understanding with all major non-governmental organizations (NGOs) to provide rehabilitation services to victims. Compensation could be awarded, but more needed to be done to mainstream the practice.

16. Blasphemy was a very sensitive issue and was an offence irrespective of the religion against which it was committed. Steps had been taken to regulate procedures in such cases, including the adoption of an action plan, the removal of jurisdiction over blasphemy cases from the local police and the possibility of imprisonment for making a false allegation of blasphemy. Moreover, religious scholars had begun to speak out about spurious reports of blasphemy. The case of Junaid Hafeez remained before the courts, while that of Mashal Khan, in which a judicial inquiry had been ordered and eight individuals had been charged thus far, might well represent a turning point in how the issue was handled.

17. **Ms. Javeri Agha** (Pakistan), replying to questions raised on the detention of women, said that the country had 86 prisons, four of which were exclusively reserved for women. In provinces where there was no women’s facility, female inmates were held in separate barracks. Women represented 14 per cent of all inmates and their number had declined since 2008. Most were young, uneducated, unemployed and married; over 85 per cent were first-time offenders, and the majority had been convicted on murder or narcotics charges. Except for two facilities, there was no overcrowding problem. There was at least one female guard in all prisons, female doctors were available, and pregnant inmates were treated in the public system. The children of female inmates could remain with their mother until the age of 6 years, and childcare in prisons was provided by NGOs. The Technical Education and Vocational Training Authority would be granting all female inmates in Punjab a loan of between 10,000 and 100,000 Pakistan rupees (PRs) towards technical training, with a view to promoting their reintegration upon release.

18. The Supreme Court had taken an interest in the situation of women’s prisons and, in 2005, had instructed the Federal Ombudsman to conduct a study and make recommendations for improvement. Some of the issues identified by the Ombudsman included the failure to segregate first-time offenders from repeat offenders and perpetrators of petty offences from criminals, the failure to produce suspects for trial, and the inadequate

number of facilities at the district level. In an effort to address those issues, the Ministry of Human Rights had put in place various safeguards and support systems for female inmates, including a fund for prisoners who remained incarcerated because they could not pay compensation to the legal heirs of their victims, and the Women in Distress and Detention Fund, which was currently being transformed. There was also a PRs 100 million fund designed to provide assistance and legal aid to women in cases of rape and torture. The fund's board met monthly to decide on cases, which were then forwarded to the relevant regional office. In addition, the Ministry ran a women's crisis centre in Islamabad, which also doubled as a shelter, as well as a 24-hour hotline that provided legal advice to victims of human rights violations, torture and abuse whether in or out of the prison system. The Government had introduced alternate dispute resolution mechanisms for women involved in inheritance, land or divorce cases; 650 cases that had been pending before the courts had thus been resolved.

19. Regarding the existence of a parallel justice system, it should be noted that in the case of the rape of a young girl from Umerkot District of Sindh Province, while it was true that compensation in kind had been awarded, the perpetrator had also been arrested and sentenced to 10 years in prison and a fine of PRs 100,000, given the seriousness of the crime. Tribal *jirgas* and informal local dispute resolution mechanisms were considered to be illegal, a view that had been upheld by various high courts. Nevertheless, because they were an integral part of the sociocultural fabric, efforts had been made to regulate them and give them a limited mandate to support the ordinary judicial system in addressing delays in the adjudication of cases. Thus, the *panchayat* had the authority to hear civil matters and cases involving minor criminal offences. Each *panchayat* was required to have at least two women among its nine-person membership and was overseen by the district court. Its decisions could be appealed in court, and members who were consistently accused of discriminatory decisions could be removed. The *panchayat* system was fully operational in Punjab Province and there were plans to expand it to other provinces. An all-woman *jirga* had been established, which provided legal assistance to women victims, advocated for free education for girls and had been instrumental in the adoption of a ban on child marriage.

20. The National Commission for Human Rights and the National Commission on the Status of Women were both independent statutory bodies that enjoyed full financial autonomy and had investigative powers and the authority to summon individuals, including public servants. The Government strove to support entities that handled human rights violations and regularly referred cases to them. In addition, the Ministry of Human Rights had recently negotiated a 150 per cent increase in the budget of the National Commission for Human Rights, which already accounted for nearly two thirds of the Ministry's expenditures. The chair of the Commission had never been denied authorization to travel abroad; his absence at the dialogue with the Committee could only be due to time or procedural considerations.

21. **Mr. Mangi** (Pakistan) said that a ban on cruelty towards children in all settings, including the home, had recently been introduced into criminal law. Persons who wilfully assaulted, neglected, abandoned or caused physical or psychological harm to a child were liable to imprisonment for 1 to 3 years and a fine of between PRs 25,000 and PRs 50,000. A law on corporal punishment had been adopted in Islamabad Capital Territory and was being implemented in conjunction with the education system, and a number of provinces and regions had also enacted similar laws.

22. The bonded labour system had been abolished countrywide in 1992. Many initiatives had been rolled out to rehabilitate former bonded workers, especially children, and to prevent children from falling into bondage, including the establishment of schools and vocational training centres, the provision of subsistence allowances and the launch of helplines. A child protection authority and a bonded labour task force had also been set up, and a bill prohibiting the employment of children was pending adoption.

23. Pursuant to the adoption of the Prevention and Control of Human Trafficking Ordinance in 2002, relevant provisions had been introduced into the Penal Code, and victims could access rehabilitation services through women's crisis centres and child protection centres. There were an average of 6,000 interceptions per year, and of the cases

handled by the Federal Investigation Agency, nearly half had resulted in the traffickers being fined.

24. **Ms. Gaer** said that she had not yet received a response to her request for information on any convictions brought against State officials for acts of torture and acts “ancillary to torture” as set out in the Penal Code. It was a matter for concern that no independent oversight body had been established with regard to the law enforcement agencies, which therefore remained unaccountable for alleged human rights violations. The delegation had indicated that the Chair of the National Commission for Human Rights had not been denied authorization to travel to the present meeting. However, despite the Chair’s readiness and available funds, the Committee had received reports that he had been informed that he did not have the specific authority to participate in the meeting. That was regrettable, since the Commission’s input would guide the Committee’s forthcoming recommendations to the State party. She requested clarification on whether the Commission was to be tasked with handling complaints against the police and on implementing any cooperation plans to bring police officials to justice. She again asked whether the authorities had initiated any investigations into or prosecutions of cases of torture in response to requests from the National Commission for Human Rights; and why the Commission’s jurisdiction excluded cases related to the intelligence agencies or armed forces. She wondered whether amendments were envisaged to the Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill 2014, particularly with regard to Article 15, which stipulated that the Federal Intelligence Agency must seek directions following receipt of a complaint against any member of the armed forces or the intelligence agencies, thus suggesting possible exemptions from prosecution for such officials.

25. While she agreed that changes in social attitudes were crucial for bringing about real transformation, some *jirga* decisions did not even meet the country’s human rights obligations under national or international law. Under the Frontier Crimes Regulation 1901, the Federal Government could admit decisions of the *jirga* even where they conflicted with federal law. Citing a case in which the perpetrators of an honour killing had been released under a *jirga* ruling, she asked whether the State party envisaged repealing or amending the Frontier Crimes Regulation in order to strengthen protection for women against violence. She also asked whether the Alternate Dispute Resolution bill would ensure that *jirga* decisions could not prevail over Federal law.

26. She invited the delegation to comment on a Human Rights Watch report alleging the forced return of 600,000 Afghan nationals, including 365,000 registered refugees, between July 2016 and February 2017 generated by coercion by the authorities, including police raids and the closure of Afghan refugee schools. She asked what was being done to prevent police conduct leading to coercive expulsion of Afghan nationals.

27. She asked whether there had been cases in which judges had refused to accept confessions suspected of having been extracted under torture. She would like updates on the case of enforced disappearances in the district of Malakand; any investigations into reports of torture by military, intelligences or border control services alleged to have been involved in cases of enforced disappearances; and the case of enforced disappearances of four human rights activists in January 2017. Could the delegation confirm that human rights defenders who shared information with the Committee for the purpose of the present consideration would not face reprisals?

28. **Ms. Belmir** said that further efforts and political will were needed to establish a definition of torture in national legislation that was in line with the Convention. The wide definition of terrorism set forth in the Anti-Terrorism Act covered acts not directly related to terrorism and consequently placed a larger number and range of crimes within the jurisdiction of the anti-terrorism courts, resulting in few convictions of real terrorists. The fundamental principle of the right to a fair trial appeared not to be upheld, particularly with regard to proceedings in the special anti-terrorism and military courts. Reports showed that obstacles to fair trials in those courts included protracted appeals processes, absence of witnesses, a lack of witness protection and acquittals of flagrantly guilty parties. Further, the International Court of Justice considered that the anti-terrorism courts, particularly given that they conducted secret hearings, did not observe international standards. She asked whether the mandates of those courts would be renewed.

29. The absence of a mechanism to determine the age of accused persons prior to proceedings had resulted in minors being prosecuted and sentenced as adults in the special courts for anti-terrorism and for narcotics, and in the sharia courts. Citing specific cases of juveniles tried as adults and sentenced to death, she said that such a practice, which had also been raised by the Human Rights Committee, amounted to an alarming disregard for international human rights standards. She asked whether the State party envisaged establishing a forensic age estimation mechanism to ensure that minors could only be tried in juvenile courts.

30. Despite assurances that whipping, stoning and amputation were not practised by the police or military, and denials by the police to that end, images had been published to the contrary and she invited the Government to investigate. With regard to the mass expulsion of Afghan refugees, the Afghan nationals who remained lived in fear and were subject to blackmail and harassment by the police, who acted with impunity. More detailed information would be appreciated regarding that situation and the Government's response to it.

31. **Mr. Zafarullah Khan** said that the Committee was basing its arguments on non-governmental and unverified sources and was disregarding the Government's reports. The delegation had indicated the data sources used and it deserved to be heard. The State party was making enormous efforts to improve the human rights situation in the country, and it should not be compared to developed countries but judged in its historic context. Simply levelling criticism was not conducive, and the Committee should encourage the State party in its efforts and engage with it like the democratic and self-respecting State that it was.

32. Draft legislation against torture was pending while discussions were held to finalize a definition of torture in line with the Convention. Part of the Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill 2014 had been passed and set out harsh punishment for custodial rape. The Alternate Dispute Resolution bill had also been adopted, implementation of which would help to reduce the backlog of cases before the courts. Following consultation with civil society, certain types of cases, such as those relating to family affairs, would remain with the court system. *Jirga* decisions, while still issued, were not legal or valid and were not taken into account by the authorities. *Jirga* councils were being abolished in the Federally Administered Tribal Areas and replaced with court systems. A raft of legislation on judicial reform had been adopted over the previous year, which aimed to, inter alia, prevent delays and cut costs by detecting groundless cases. The judiciary was fully independent and court proceedings, with the exception of those conducted in military courts, were open to observers. He strongly rejected unfounded allegations to the contrary. Only by bringing about changes in attitudes and values, and by raising awareness of human rights among the public, would new laws become effective in practice. The Pakistani people deserved the societal transformation that would accompany the transition from an authoritarian, feudal and despotic state to a democratic society, and efforts were being made to accelerate that process.

33. Minors convicted of an offence were entitled to submit statements attesting their age to trial courts, high courts or the Supreme Court. All evidence, including medical documentation and civil and school registers, was taken into account in the judiciary's determination of the accused's age. Certain cases of accused persons declaring that they were under age had been proved unfounded by the Supreme Court. Various laws had been adopted to prohibit punishments such as whipping, stoning and amputation.

34. The State party had accommodated 5 million refugees for many years and currently supported 2.5 million refugees without assistance from the international community. All refugees had access to housing and education. An agreement had been reached in consultation with international stakeholders to return Afghan refugees by mid-2018, and work was being carried out to strengthen border control. While some refugees had indeed been subjected to abuses, such singular events should not overshadow the country's unparalleled hospitality towards refugees.

35. **Mr. Bruni** said that he wished to learn more about the status of the 2002 Police Order within the national legal framework. It was not clear whether the jail committees were operational or not. If they were, he would like to know how they worked, whether

they were able to meet privately with inmates of all categories, including those detained for terrorist offences, and whether they could act independently of prison authorities. He would appreciate an explanation of the reasoning behind the State party's reservation to article 20 of the Convention.

36. **Mr. Hani** said that he understood that the prohibition on corporal punishment applied throughout the country. Could the delegation provide assurances that no individual province could choose to reinstate it? In view of the fact that the Pakistan Army was frequently involved in operations abroad, he wished to know whether officers had received training in international humanitarian law. Was there a mechanism to investigate allegations of excessive use of force during such operations?

37. **The Chair** said that many of the Committee's requests for statistical information had gone unanswered, including his own question about the statistical basis for the claim that incidents of custodial torture had decreased. The Committee needed precise statistics to enable it to form a picture not just of a State party's laws but of the application of those laws in practice. The delegation had acknowledged the need for improvement, particularly in accountability mechanisms, and he was therefore concerned that the national action plan for human rights seemed to make no mention of such mechanisms. Robust police accountability mechanisms were a vital part of torture prevention, and he wished to know if the Government intended to take action in that regard.

38. **Ms. Gaer** said that the Committee was not a court of law and it treated all States impartially. Its questions had been based on information provided by the Government and by non-governmental agencies, and members had been struck by the wide discrepancy between the two sources. She hoped that the delegation could provide more factual data. For example, she had not heard of a single case in which a police or State official had been held criminally liable for acts of torture or acts "ancillary to torture", and she was concerned that there was climate of impunity with regard to such offences.

39. **Mr. Afghan Khan** (Pakistan) said that numerous reforms had been introduced to enhance the operational capacity of the police, and Pakistan did in fact have strong and disciplined accountability mechanisms. The most serious and persistent obstacle to further reform was a historical legacy of coercive policing, as enshrined in the Police Act of 1861. The 2002 Police Order had been a significant breakthrough and, although Sindh province had reverted to the law of 1861, policing in Punjab, Khyber Pakhtunkhwa and Balochistan was regulated by that Order or by similar local ordinances, meaning that 80 per cent of Pakistan was governed by approximately the same rules.

40. Complaints against the police could be made through various channels. At the lowest level local mayors, on the basis of information received, had the power to direct district police chiefs to redress grievances. Incidents could also be reported to, among others, the Provincial Police Complaints Authority or the Federal Police Complaints Authority, as well as to public safety commissions at the district, provincial, federal and national levels.

41. Departmental action was initiated immediately if a police officer was suspected of any violation, including torture, death in custody or illegal confinement. Following due inquiry, guilty officers, irrespective of their rank, could face disciplinary action such as dismissal, compulsory retirement, loss of pay or demotion. Penalties for lesser offences might consist in withholding wage increments and promotions or, for lower ranks, censure and extra drill. A total of 1,281 police officers, including a number of senior officials, had been punished in Punjab province, and 6,286 in Khyber Pakhtunkhwa province. He would provide the Committee with a list of cases in Punjab and Sindh in which police officers involved in violations had been subjected to disciplinary action and faced criminal charges. It was important to recall that the police were themselves victims of violence and terrorism and that they were working in very difficult circumstances.

42. **The Chair** said that despite the difficulties that the law enforcement authorities faced, it was still important that they should be accountable for their actions.

43. **Mr. Ahmad** (Pakistan) said that the Pakistan Army had wide experience of working in international environments, including over 50 years' involvement in United Nations

peacekeeping missions. Officers were well trained and fully cognizant of international human rights and humanitarian law. Pakistan had withdrawn most of the reservations it had entered when it ratified the Convention in 2010; however, it saw no reason to withdraw the outstanding reservation to articles 8 and 20 as its national mechanisms were adequate to address the issues involved. No reprisals had ever been, or would be, taken against human rights defenders.

44. The Juvenile Justice System Ordinance provided protection for the rights of accused persons under the age of 18 years. To benefit from such protection, a person's age had to be established, and evidence to that effect could be presented and/or corrected at various stages of investigative and judicial proceedings. In three or four cases involving the death penalty, the courts, following a careful examination of the merits, had been unable to establish the juvenility of accused persons.

45. The question of refugees had to be seen in a global context, in which countries across the world were closing their borders and introducing stricter asylum policies. For over 37 years and at a cost of hundreds of billions of dollars, Pakistan had been home to millions of Afghan refugees and, despite not being a party to the Convention Relating to the Status of Refugees, it had assumed obligations that went beyond those laid forth in that document. A perceived improvement of the situation in Afghanistan had led to a spike in returns, and a policy of voluntary repatriation had been embraced by the Pakistan and Afghan authorities with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR).

46. The Human Rights Watch report on the situation of Afghan refugees was misleading and inaccurate. It was not supported by UNHCR and had been rejected by the Pakistan Government. In fact, shortly after the publication of the report, a tripartite meeting had been held at which the Afghan authorities and UNHCR had expressed their approval at the manner in which the Pakistan Government was handling the repatriation. There was no policy of coercion, the complaints that had been received had been promptly addressed by the Ministry of States and Border Regions, and Pakistan remained wedded to the policy of voluntary repatriation. The international community had a responsibility to support a resolution of the issue of Afghan refugees, and it was unfortunate that the policy should be jeopardized by a lack of resources.

47. **Mr. Mangi** (Pakistan) said that the culprit in the recent murder of a transgender person in Khyber Pakhtunkhwa had been apprehended and an inquiry had been launched into mismanagement by hospital authorities involved in the same case. A bill to protect the rights of transgender persons was currently being considered by Parliament in consultation with stakeholders. The total number of juveniles in Pakistan who were either awaiting trial or had been convicted amounted to just 1,222. A bill to reform the system of juvenile justice had been approved by Cabinet and would shortly come before Parliament.

48. **Mr. Michael** (Pakistan) said that Pakistan took its international human rights obligations very seriously and wished to reiterate its firm commitment to the prohibition of torture in all forms. It would continue to implement the Convention, enforce relevant laws, strengthen mechanisms and allocate resources to promote and protect human rights, in accordance with international obligations and national priorities. Pakistan attached great importance to the work of the treaty bodies and hoped that they would continue to work transparently and impartially. He trusted that the Committee's concluding observations on the initial report of Pakistan would reflect the country's challenges and its historical and regional context, and would take account of the responses given by his delegation.

*The meeting rose at 6 p.m.*