



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Pakistan*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In view of the Committee's previous concluding observations (paras. 6 and 8)¹ and the information provided by the State party,² please describe the extent to which provisions of the Covenant have been used as a basis for legislation and invoked or applied by domestic courts, including examples of relevant legislation and cases, and indicate whether the State party intends to withdraw its reservations to articles 3 and 25 of the Covenant, specifying the efforts that have been made to do so. Please provide further information on the availability and accessibility of remedies for individuals claiming violations of the rights enshrined in the Covenant, including the number of complaints invoked before the provincial high courts and the Supreme Court of Pakistan under the provisions of articles 184 (3) and 199 of the Constitution, and the outcomes of those complaints, and the number and type of remedies provided to victims by the Supreme Court's Human Rights Cell. Please also indicate whether the State party intends to accede to the first Optional Protocol to the Covenant.

National human rights institution (art. 2)

2. With reference to the Committee's previous concluding observations (para. 10), please provide further information about the functioning and efficacy of the National Commission for Human Rights. Please report on the specific steps taken to ensure that the Commission is able to carry out its mandate fully and in an effective and independent manner, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and that it is able to investigate all allegations of violations of rights recognized in the Covenant committed by any official entity, including those committed by members of the intelligence agencies, police or armed forces. Please specify the number of complaints received and referrals made and details on whether the referrals have led to prosecutions, convictions and reparations for victims.

Anti-corruption measures (arts. 2 and 25)

3. Please comment on reports that corruption, particularly bribery, remains widespread, despite the changes made to several anti-corruption laws. Please comment on reports of issues related to the enforcement, by the anti-corruption authority and police forces, of those laws. Please provide information on the number of complaints received by the anti-corruption authority during the reporting period and on related investigations, prosecutions and sanctions, particularly those concerning public officials. Please also provide information on measures that have been put in place to ensure that whistle-blowers are able to report alleged corruption without fear of reprisals and are encouraged to do so.

* Adopted by the Committee at its 139th session (9 October–3 November 2023).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/PAK/CO/1](#).

² [CCPR/C/PAK/2](#), paras. 5, 9 and 15.



Non-discrimination (arts. 2, 3, 17 and 26)

4. In view of the Committee's previous concluding observations (para. 12) and the information provided by the State party,³ please provide further information on whether there are any plans to adopt comprehensive anti-discrimination legislation and whether the proposed amendments to article 25 of the Constitution provide protection against discrimination on all the grounds prohibited under the Covenant. Please explain how the decision of the Federal Shariat Court of Pakistan in May 2023 to declare, with immediate effect, sections 2 (f), 3 and 7 of the Transgender Persons (Protection of Rights) Act, 2018 as having no legal effect, is in line with the provisions of the Covenant, and indicate whether the State party intends to consider decriminalizing consensual same-sex relationships between adults to ensure compliance with its obligations under articles 2, 17 and 26 of the Covenant. Please report on the measures taken: (a) to address social stigmatization and harassment of, and violence and discrimination against, lesbian, gay, bisexual and transgender persons; and (b) to encourage the reporting of acts of violence and discrimination against lesbian, gay, bisexual and transgender individuals, to investigate all allegations of such acts and to prosecute and, if they are convicted, punish perpetrators. In this regard, please provide statistical data on complaints of discrimination brought before the national courts and any other complaint bodies during the reporting period, and include information on the grounds of the discrimination, the nature of the investigations conducted and their outcomes, and any forms of redress provided to victims.

Gender equality and violence against women and domestic violence (arts. 2, 3, 6, 7, 14 and 26)

5. Please provide information on the effectiveness and impact of the legislative and other measures taken by the State party to achieve full gender equality between men and women and to protect women from all forms of discrimination; and, in view of the Committee's previous concluding observations (para. 14) and the information in the State party's report,⁴ on measures to prevent all forms of violence against women, including domestic violence, harassment, including sexual harassment, marital rape and so-called "honour killings". Please report on the steps taken: (a) to explicitly criminalize marital rape; (b) to address the low rate of prosecution and conviction of perpetrators of violence against women; and (c) to regulate and supervise the tribal councils and strictly enforce legislation prohibiting the application of *qisas* (equal retaliation) and *diyat* (financial compensation) laws to so-called "honour-related" crimes, especially in rural areas. Please provide disaggregated data on the prevalence of all forms of violence against women during the reporting period, the investigations conducted into such offences, prosecutions pursued, convictions secured, punishment imposed on perpetrators and the remedies provided to victims.

Sexual and reproductive rights and voluntary termination of pregnancy (arts. 2, 3, 6, 7 and 26)

6. With reference to paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life and the Committee's previous concluding observations (para. 16), please provide information on the steps taken to ensure that legal restrictions do not prompt women to resort to unsafe abortions that may endanger their lives and health, and clarify whether the State party intends to widen the circumstances under which pregnancies may be legally terminated in order to guarantee safe, legal and effective access to abortion where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable. Please indicate, for the reporting period, the estimated number of clandestine abortions carried out per year, the number of women, girls and medical practitioners who have faced criminal charges for seeking an abortion or providing abortion services, and whether any sentences have been handed down. Please also report on the measures taken to reduce the high maternal mortality rate and to eliminate barriers and improve access to safe

³ Ibid., paras. 19–29.

⁴ Ibid., paras. 30–55.

and affordable abortion services, contraceptives and other services related to reproductive health care, including sexual and reproductive health education.

Counter-terrorism measures (arts. 2, 4, 7, 9, 14 and 15)

7. In the light of the Committee's previous recommendations (para. 22) and the information provided by the State party in its report,⁵ please indicate the practical steps that have been taken to narrow the scope of the definition of terrorism and its application under the Anti-Terrorism Act in order to bring it into line with the 2019 judgment of the Supreme Court of Pakistan addressing *Hussain v. the State* and other criminal appeals, and with the principles of legal certainty, predictability and proportionality. Please provide information on measures taken: (a) to remove the jurisdiction of the counter-terrorism courts over children and youth who are in conflict with the law; (b) to repeal section 21 H of the Anti-Terrorism Act, related to the admissibility of confessions made in police custody as evidence in court; and (c) to establish procedural safeguards in the Act and bring the court proceedings into line with articles 14 and 15 of the Covenant to ensure fair trials.

Right to life (art. 6)

8. Please provide information on efforts to prevent and mitigate the effects of climate change and environmental degradation, which affect the health of people, including efforts to promote sustainable energy sources. Please also share any information regarding efforts to prevent and mitigate the impact of floods (art. 6).

9. Bearing in mind the Committee's previous concluding observations (para. 18) and its evaluation of the information on follow-up to the concluding observations,⁶ please: (a) indicate whether the State party intends to reinstate the moratorium on the death penalty, and provide additional information on the ongoing review of existing provisions of the Code of Criminal Procedure and the Pakistan Penal Code to ensure that the death penalty is authorized only in cases of the most serious crimes, as outlined in article 6 (2) of the Covenant and section IV of the Committee's general comment No. 36 (2018), and that pardon and commutation of death sentences are available in all cases, regardless of the crime committed; (b) indicate the measures in place to ensure that lower courts follow the practice of the superior judiciary in limiting the application of the death penalty to lethal crimes, in line with jurisprudence of the Supreme Court; and (c) provide information on the steps taken to bring its execution protocol into line with international human rights standards and to ensure that executions are carried out in accordance with the established protocol. Please provide information on the number of persons currently on death row, including the number of persons on death row for crimes committed while they were under the age of 18; the number of stays of execution that have been issued for those under 18 years of age who were sentenced to death; the number of persons currently on death row for drug offences; and the number of death penalty cases in which a pardon or commutation was granted.

Enforced disappearance and extrajudicial killings (arts. 2, 6, 7, 9, 14 and 16)

10. In the light of the Committee's previous concluding observations (para. 20) and its evaluation of the information on follow-up to the concluding observations,⁷ please provide further information on the measures taken to criminalize enforced disappearance and to put an end to the practices of enforced disappearances and secret detention. Please: (a) report on the status of the Criminal Laws (Amendment) Bill, 2021 and clarify whether it includes a clause establishing that a "false" allegation of enforced disappearance is punishable by a fine and jail sentence; and (b) inform the Committee as to whether the State party intends to repeal the Actions (in Aid of Civil Power) Regulation, 2011 or to bring it into conformity with international standards.

11. Please comment on allegations that the practice of enforced disappearance is often used to target journalists, political activists and human rights defenders, and report on the

⁵ Ibid., para. 74.

⁶ CCPR/C/127/2/Add.2.

⁷ Ibid.

alleged existence of a “kill list”. Please report on measures taken to conduct prompt, thorough and impartial investigations into all cases of alleged enforced disappearance and extrajudicial killings allegedly perpetrated by the police and by military and security forces, and provide statistical data on the number of reported cases, investigations conducted and prosecutions initiated, as well as on the sentences imposed on perpetrators and the remedies provided to victims. Please provide information on the measures taken to further strengthen the authority and capacity of the Commission of Inquiry on Enforced Disappearances, including on its mandate, power, composition and financial and human resources.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

12. With reference to the Committee’s previous concluding observations (para. 26) and information provided by the State party,⁸ please provide information on the Torture and Custodial Death (Prevention and Punishment) Act, 2022 and any other measures taken to bring the definition of torture into line with the Covenant and other international standards, and to prevent torture, including by strengthening human rights training for judges, prosecutors, the police and military and security forces. Please comment on reports of the persistent practice of torture and ill-treatment of detained individuals, and deaths in custody due to torture, perpetrated by members of the police, military and intelligence agencies, and of a lack of prompt and effective investigation of allegations of torture or ill-treatment, and continued impunity for these alleged practices. Please describe the accountability mechanisms in place to investigate and, if they are convicted, punish perpetrators of torture or ill-treatment, and the processes to ensure remedies for victims, and provide data on the number of complaints, investigations, prosecutions and convictions in such cases, and the remedies, including compensation, provided to victims, during the reporting period.

Conditions of detention, and liberty and security of person (arts. 9 and 10)

13. The Committee takes note of the initiatives described in the State party’s report to reduce overcrowding in detention facilities,⁹ in line with the Committee’s previous recommendation (para. 28), and requests updated information on the implementation and impact of such initiatives, particularly information on the Punjab Probation and Parole Service Act 2019 and on the State party’s plans to address the persistence of this issue, which reportedly increased following the floods in 2022. Please respond to reports that many places of detention remain in dilapidated conditions, in which detainees lack access to adequate food, clean water, sanitation, sufficient space, lighting, heating, ventilation and medical care, and that individuals accused of blasphemy are allegedly subjected to poor conditions and remain in solitary confinement for extended periods. Please provide up-to-date data, disaggregated by facility, on the official and actual capacities of places of detention, indicate whether places of deprivation of liberty are subject to regular independent monitoring and provide information on the current mechanisms for monitoring places of deprivation of liberty.

14. With reference to the Committee’s previous concluding observations (para. 28) and article 9 of the Covenant, please report on the measures taken to reduce the length of pretrial detention and respond to reports indicating that 68 per cent of the prison population in the Province of Punjab are individuals awaiting trial. In that regard, please provide statistics on the number of persons held in pretrial detention and the duration of and reasons for such detention. Please provide information on: (a) the use of any non-custodial alternatives to pretrial detention, reporting in particular on the procedures and use of bail and commenting on allegations that following the political demonstrations in May 2023 detainees granted bail by the courts have been re-arrested by other provincial police forces, or on new charges; (b) the procedural safeguards in place to prevent arbitrary detention and to investigate such complaints, including statistical data on the number of investigations, prosecutions and convictions for such practices; and (c) whether pretrial detainees are held separate from convicted persons.

⁸ CCPR/C/PAK/2, paras. 77–84.

⁹ Ibid., paras. 86–90.

Elimination of slavery and forced and bonded labour (arts. 2, 7, 8 and 26)

15. Please provide information on the measures taken to combat trafficking in persons and forced and bonded labour, including all forms of child labour, such as forced domestic work and forced labour in brick manufacturing and agriculture, and the sexual exploitation of children. In particular, please report on the existing rehabilitation and reintegration support services for victims, including child victims, of trafficking in persons and bonded or forced labour and on the training provided for State officials, including judges and prosecutors. Please provide information about the number of complaints, investigations, prosecutions and convictions in cases of bonded or forced labour and trafficking in persons during the reporting period, and about the remedies, including compensation, provided to victims. Please include information about the severity of penalties, whether of a criminal or an administrative nature, imposed on perpetrators.

Freedom of movement (art. 12)

16. Recalling the previous recommendations of the Committee (para. 30), please provide further information about whether there have been changes to the State party's laws and practices governing internal and external freedom of movement, particularly in relation to the legislation and policies governing the Exit Control List, the Black List, the Passport Control List and the Visa Control List. In this regard, please: (a) provide information on the criteria or grounds for including individuals in the various lists, the process for listing or delisting names, and the safeguards available to prevent misuse of these lists; (b) provide statistical data regarding the persons on the lists, disaggregated by sex, gender and ethnic origin of the person, including on the duration of the inclusion on the list and the reason for being listed; and (c) respond to reports that authorities included human rights defenders and critics of the Government and military on the list.

Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 12, 13 and 24)

17. Bearing in mind the previous recommendations of the Committee (para. 46), please indicate whether there has been any progress in developing a national refugee law in compliance with international human rights and humanitarian standards, and whether the State party intends to ratify the Convention relating to the Status of Refugees and the Protocol thereto. Please comment on allegations of mass deportation of immigrants and that the number of citizens of Afghanistan, including women and children, who have been arrested and deported has increased, despite the non-return advisory issued by the Office of the United Nations High Commissioner for Refugees after the Taliban takeover in August 2021. Please report on the progress made in protecting stateless persons or those who may be at risk of statelessness, particularly individuals from ethnic Bengali, Bihari and Rohingya communities and children, including progress on establishing a statelessness status determination procedure and ensuring adequate access to essential services, and indicate whether the State party intends to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. In this regard, please provide data, disaggregated by age, sex and country of origin, on the number of asylum-seekers, refugees and stateless persons in Pakistan and on the number of individuals among those groups who have been held in detention, including information on the duration of their detention.

Access to justice, independence of the judiciary and the right to a fair trial (arts. 14 and 15)

18. With reference to the Committee's previous concluding observations (para. 32) and the information provided by the State party,¹⁰ please provide further information on the steps taken to ensure that the Constitution, federal laws and the jurisdiction of the highest courts apply in the Federally Administered Tribal Areas, particularly with regard to the Supreme Court and High Court (Extension of Jurisdiction to Federally Administered Tribal Areas) Act, 2018, and update the Committee on the progress in the implementation of the recommendations of the committee established to look into reforms regarding Federally

¹⁰ Ibid., para. 93.

Administered Tribal Areas, including information on the reform committee's recommendation to mainstream the Federally Administered Tribal Areas by merging the Areas with the Province of Khyber Pakhtunkhwa. Please describe the measures taken to ensure, both in law and in practice, the full independence and impartiality of judges and prosecutors, and comment on reports of external influence on members of the judiciary, such as through the causing of fear of reprisal and the exertion of religious and political pressure. Please provide information on the steps taken to ensure the right to effective remedy and to a fair and public hearing, including on efforts to address the extensive backlog in both superior and lower courts and the use of informal justice systems, especially in rural areas.

19. Please provide updated information on the current legal framework permitting the use of military courts and explain how the regular use of military courts to try civilians is compatible with the provisions of the Covenant, with reference to the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial. Please provide information on the use of the Pakistan Army Act, 1952, which extends jurisdiction to military courts under certain circumstances, to charge persons involved in the protests that took place on 9 May 2023, including information on the nature of the charges, the number of prosecutions and convictions, details of sentences and the number of those still detained awaiting trial. Please indicate whether there are plans to transfer cases involving civilians from military courts to ordinary courts, and comment on allegations that military courts lack due process guarantees, in contravention of article 14 of the Covenant.

Right to privacy (art. 17)

20. In the light of the Committee's previous concluding observations (para. 36), please provide information on the measures taken during the reporting period to review its legislation on data collection and surveillance, in particular the Prevention of Electronic Crimes Act, 2016, to bring it into line with the State party's obligations under the Covenant, and to adopt a comprehensive data-protection law in line with international standards. Please indicate the legal safeguards and independent oversight mechanisms applied to the State party's surveillance regime. Please also provide any information or statistics to indicate the effectiveness of section 39 of the Prevention of Electronic Crimes Act, such as information on the number of requests for real-time collection of information that were submitted and denied. Furthermore, please indicate whether there are any mechanisms in place for victims of unlawful or excessive surveillance to access effective remedies. Please comment on allegations of: (a) targeted surveillance of politicians, political activists, journalists and human rights defenders without court approval; and (b) the use of technology, such as spyware, to arbitrarily conduct surveillance on individuals.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

21. With reference to the Committee's previous concluding observations (para. 34) and its evaluation of the information on follow-up to the concluding observations,¹¹ please respond to reports that continue to be made regarding: (a) restrictions on the right to freedom of conscience and religious belief, including through the application of the Criminal Laws (Amendment) Act, 2023; and (b) an increase in discrimination and violence, including attacks and threats, accusations of blasphemy, targeted killings, mob violence, forced religious conversions, including of children, hate speech and hate crimes against persons belonging to religious minorities, and attacks on their places of worship. Please provide information on the measures taken to further strengthen the authority and capacity of the National Commission for Minorities, including with regard to its mandate, power, composition and financial and human resources.

22. Please provide information on the concrete measures taken to repeal all blasphemy laws or to amend them in compliance with the strict requirements of the Covenant, and to ensure that, in practice, the application of those laws does not result in the mandatory application of the death penalty. Furthermore, please provide additional information on the implementation and impact of the measures taken to prevent misuse or abuse of the blasphemy law and to ensure that all those who incite or engage in violence against others

¹¹ [CCPR/C/127/2/Add.2](#).

based on allegations of blasphemy are brought to justice; please provide statistical data on the number of investigations, prosecutions and convictions for such practices. Please also provide statistical data, disaggregated by sex, age, ethnicity and religious belief, on the number of persons charged with blasphemy, and specify the number of cases that resulted in acquittals, the number of convictions and the sentences imposed.

Freedom of expression (arts. 19 and 20)

23. With reference to the Committee's previous concluding observations (para. 38), and the information provided by the State party,¹² please provide information on the measures taken to decriminalize defamation and to ensure that criminal laws are not improperly used against journalists and dissenting voices, in accordance with the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and to review its legal provisions relating to freedom of expression with a view to putting in place effective, independent oversight mechanisms and procedural safeguards. Please comment on allegations that the E-Safety Bill, 2023 and recently adopted legislation, including the Official Secrets (Amendment) Act, 2023 and amendments to the Pakistan Electronic Media Regulatory Authority Ordinance, pose a risk to freedom of the press and increase threats of censorship in the run-up to general elections. Please provide additional information on the material scope and the implementation of the Protection of Journalists and Media Professionals Act, 2021, and the activities carried out by the ministerial media security committee to ensure the safety of journalists and media professionals.

24. Please respond to reports of: (a) an increase in acts of coercion and censorship targeting media outlets, including closures of television channels and suspension of their licences, and Internet shutdowns and social media blackouts, particularly following the protests of 9 May 2023; (b) journalists, media professionals, human rights defenders and political activists being subjected to threats, harassment and violence, including cases of abduction and killing, for exercising their right to freedom of expression; and (c) arbitrary arrest and detention of those who express views critical of the Government, ruling party or military establishment, including journalist Arshad Sharif, who was later killed. Please provide information on measures taken to ensure that all rights violations perpetrated against journalists and human rights defenders are thoroughly investigated and that those responsible are brought to justice and, if convicted, adequately sanctioned; please include information on the number of cases investigated, the number of perpetrators prosecuted and the penalties imposed.

Right of peaceful assembly and freedom of association (arts. 21 and 22)

25. Please respond to allegations of: (a) blanket bans of public assemblies under section 144 of the Code of Criminal Procedure being used to selectively and disproportionately curb gatherings deemed unfavourable, and provide information on the compatibility of section 14 of the Khyber Pakhtunkhwa Civil Administration (Public Service Delivery and Good Governance) Act, 2020, which requires prior authorization to hold public processions or gatherings, with the Covenant; and (b) the unnecessary and excessive use of lethal force, intimidation, arbitrary arrest, including mass arrests, and detention of assembly participants without ensuring fundamental legal safeguards, particularly during protests in May 2023 and during protests in June 2023 in Karachi. Please explain how the use of force complies with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and provide statistical data on the number of persons arrested and detained during assemblies, including on the length of their detention, and on the number of complaints received during the reporting period concerning cases of excessive use of force by law enforcement and security officials, and on the investigations conducted, their outcomes and the redress provided to victims.

26. With reference to the Committee's previous concluding observations (para. 40) and the information provided by the State party,¹³ please provide updated information on the legislative framework guaranteeing freedom of association, including with regard to charities

¹² CCPR/C/PAK/2, paras. 116–118.

¹³ Ibid., paras. 119–120.

and to the protection of the right to form and join trade unions, and comment on reports that international non-governmental organizations were arbitrarily ordered to leave the country and that the registration of at least 40 local non-governmental organizations were rejected during the reporting period. In this regard, please indicate the number of applications received for registration and the number that were rejected or went unprocessed during the reporting period, including details on the grounds for any rejections. Please also comment on reports that the registration process for non-governmental organizations has become very onerous and expensive, in particular as a result of bribery, that local organizations are required to apply annually for registration continuation and that the inspection of financial accounts and workplans is being used to interfere with the work of the organizations.

Rights of the child (arts. 23, 24 and 26)

27. With reference to the Committee's previous concluding observations (para. 42) and the information provided by the State party,¹⁴ please: (a) provide updated information on the steps taken to harmonize federal legislation and ensure that the minimum age for marriage is set at 18 years for both girls and boys; and (b) respond to reports of the persistent practice of abductions, and early and forced marriage, especially of children from religious minority groups, and of the inconsistent enforcement of laws prohibiting marriage of girls under 18 years of age, including in the Province of Sindh. Please provide statistical data on the number of complaints, investigations, prosecutions and convictions in cases of early and forced marriage during the reporting period, and the remedies, including compensation, provided to victims and the protection services available to them. Also with reference to the Committee's previous concluding observations (para. 44), please provide additional information on the implementation and impact of the measures taken to ensure that all children are registered at birth, in particular children without identity documents and children who are non-nationals, including refugee, asylum-seeking and stateless children and children at risk of statelessness.

Participation in public affairs (arts. 25 and 26)

28. Bearing in mind the Committee's previous concluding observations (para. 48), please provide further information on the impact, with relevant statistical data, of the measures taken to promote the participation of minorities, including women and religious minorities, in public affairs. Please also report on the measures taken to address the gender-based stereotypes and traditional practices that result in the continued low representation of women, particularly women from minority groups, in decision-making roles in the public and private sectors, including positions of elected office. Furthermore, please provide information: (a) on the legislative and other measures taken to ensure the holding of transparent and free elections and promote genuine political pluralism in the State party, and on allegations of extortion and voter intimidation; and (b) on the steps taken to ensure elections are held in accordance with the Constitution and to avoid delays that can impede the democratic process.

¹⁴ Ibid., paras. 121–126.