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NATIONAL COMMISSION  
FOR HUMAN RIGHTS  
Government Of Pakistan



# PREVENTION OF TORTURE

TRAINING MANUAL FOR PUBLIC OFFICIALS



National Commission of Human Rights (NCHR)  
Justice Project Pakistan (JPP)

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# INTRODUCTION

Torture represents a severe violation of human rights. It is universally condemned and prohibited under both domestic and international laws. It inflicts immense physical and psychological pain, undermines the principles of justice, and erodes trust between law enforcement and communities. Adopting a human rights-based approach helps public officials gain legitimacy and public trust, which is essential for effective law enforcement.

## A. WHO WILL BENEFIT FROM THIS TRAINING?

This training manual is designed specifically for **public officials who hold an office by virtue of which they are empowered to hold any person in custody and any officers who are responsible for maintaining public order and investigating offences**. These include, but are not limited to, law enforcement agencies such as the police, prison guards, the Federal Investigation Agency (FIA), Anti-Narcotics Force (ANF), Intelligence and Counter-Terrorism Units, Military Police, And Provincial Law Enforcement Agencies (Rangers, Levies, Frontier Constabulary etc.).

## B. WHY DOES THIS TRAINING MATTER?

Public officials have a legal obligation to uphold human rights. Human rights are enshrined in international treaties, national constitutions, and laws. Moreover, ensuring that individuals can fully exercise their fundamental rights and freedoms, helps public officials earn public respect and trust, thereby increasing their effectiveness.

When individuals are treated with dignity and respect, they are more likely to cooperate with law enforcement authorities, provide information, and support investigations. This cooperation enhances the effectiveness of law enforcement efforts and contributes to safer communities.

Additionally, upholding human rights standards helps prevent abuses of power and corruption within law enforcement agencies. Clear guidelines and accountability mechanisms in place ensure lawful behavior and that perpetrators are held accountable for their actions.

Law enforcement agencies often collaborate with international counterparts to address transnational crime, terrorism, and other global challenges. Respecting human rights enhances this international cooperation by demonstrating a commitment to shared values and principles, and improving a country's standing in the international community.

Finally, upholding human rights is essential for the personal and professional integrity of public officials. By adhering to these principles, public officials uphold their own dignity and the dignity of those they serve.

## C. OBJECTIVES OF THIS TRAINING

- Educate public officials regarding the principles of human rights and human dignity.
- Support public officials in carrying out their roles and responsibilities while preserving the human rights and dignity of those in their custody.
- Promote the application of international human rights standards in law enforcement practices
- Encourage and sustain a culture of compliance with international human rights standards in law enforcement practices

### By the end of this training, public officials will:

- Understand the prohibition of torture and ill-treatment under international law and domestic law.
- Know their legal obligations as public officials to refrain from engaging in or condoning torture in any circumstance.
- Be aware of the legal consequences and penalties for those involved in torture and ill-treatment, including potential criminal charges.
- Be familiar with lawful and effective methods of interrogation.

## D. STRUCTURE

This training is divided into **three modules**:

### **MODULE 1: Fundamentals of Human Rights**

- What are human rights
- Types of human rights
- International human rights instruments in general, and specifically those dealing with torture relevant to public officials
- Obligations on the State in the context of universal human rights
- International institutions responsible for upholding human rights and monitoring mechanisms

### **MODULE 2: Prohibition Against Torture: International Law and Standards**

- Law enforcement and investigation within a human rights framework
- What constitutes torture, and cruel, inhuman or degrading treatment
- Why torture is not an effective law enforcement and investigation strategy
- The Mendez Principles as an effective interview and information gathering tool

### **MODULE 3: Laws Prohibiting Custodial Torture in Pakistan**

- Overview of Pakistan's national laws and enforcement mechanisms
- Factors that lead to custodial torture and conditions that help prevent it
- Laws and procedures used by the government to prevent torture and ill-treatment in Pakistan
- Accountability measures and penalties for public officials who commit torture

At the end of each module is a short quiz that you can take to assess your understanding.

# MODULE 1

## INTRODUCTION TO UNIVERSAL HUMAN RIGHTS



### **In this module, we will cover:**

- What are human rights?
- Types of human rights.
- International human rights instruments in general, and specifically those dealing with torture and ill-treatment.
- Obligations on the State in the context of universal human rights.
- Organizations/institutions responsible for upholding human rights.

## A. WHAT ARE UNIVERSAL HUMAN RIGHTS

Human rights can be broadly defined as a set of basic rights and freedoms that the international community has agreed are essential. Human rights are based on the values of tolerance, equality and respect. According to Article 1 of the Universal Declaration of Human Rights, *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”*

Human rights encompass both rights and obligations which are conferred on individuals and States. They define the relationship between individuals/citizens and power structures, in particular the state and law enforcement agencies.

Human rights are **universal, inalienable, interdependent and indivisible**. Human rights are the same for people everywhere - regardless of gender, age, race, ethnicity, nationality, religion, etc. Everyone is entitled to these rights without discrimination: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...”* (Article 2 UDHR).

**Universal:** Human rights are considered universal because they apply to all individuals, regardless of factors such as nationality, ethnicity, race, gender, religion, or any other characteristic. They are not contingent on citizenship or membership in a particular group; rather, they are inherent to all human beings.

**Inalienable:** Human rights are inalienable, because they cannot be surrendered, transferred, or taken away. They are inherent to individuals simply by virtue of being human.

**Interdependent:** Human rights are interdependent, recognizing that the realization of one right often depends on the fulfillment of others. For example, the right to education may be challenging to exercise without the right to non-discrimination, or the right to health may be affected by the right to clean water and sanitation. These rights are therefore interconnected and mutually reinforcing.

**Indivisible:** Indivisibility of human rights means that human rights are interconnected and cannot be treated in isolation. Civil and political rights, such as freedom of speech, are interlinked with economic, social, and cultural rights, such as the right to work or the right to education. The fulfillment of all rights is crucial for the well-being and dignity of individuals.

## B. TYPES OF HUMAN RIGHTS

The principles of human rights are designed to ensure that individuals can live with dignity, freedom, and equality. These rights encompass a wide range of issues, including the right to life, liberty, and security; freedom from discrimination; the right to work, education, and healthcare; and protection from torture, slavery, and arbitrary arrest. They are often grouped under the following categories:

- Civil and political rights
- Economic, social and cultural rights
- Right to equality and non-discrimination

Much progress has been made in advancing many of these human rights globally, but challenges persist. Efforts to promote and protect these rights are crucial in creating a world where all live with dignity and equality.

### ***Civil and Political Rights:***

Civil and political human rights refer to a person's **right to take part in the civil and political life** of their community without discrimination or oppression. These include the following rights and freedoms:

- right to life
- freedom from slavery
- right to a fair trial
- freedom of conscience and religion
- freedom of association and assembly
- right to vote
- right to form a political party
- right to property
- freedom from torture and ill-treatment
- right to personal liberty and security
- right to private and family life
- freedom of expression
- freedom of movement
- equal access to public service
- right to petition

### ***Economic, Social and Cultural Rights:***

Economic, social and cultural rights refer to a person's **rights to prosper and grow** and take part in social and cultural activities. These include:

- right to work and free choice of employment
- right to form trade unions
- right to an adequate standard of living
- right to education
- right to just and favourable conditions of work
- right to social security
- right to health
- right to take part in cultural life and to enjoy the benefits of scientific progress

### ***Equality and Non-Discrimination:***

The universal human right to equality and non-discrimination is a fundamental principle that ensures every person is entitled to **equal treatment and respect, regardless of race, gender, religion, nationality, or social status**. Rooted in the Universal Declaration of Human Rights, this right affirms that all individuals are born free and equal in dignity and rights. It prohibits discrimination, ensuring that everyone has access to the same opportunities and protections under the law. By upholding equality and non-discrimination, societies foster inclusivity, justice, and mutual respect, creating a foundation for human rights, social harmony, and sustainable development worldwide.

## C. GENERAL INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

### ► ***Universal Declaration of Human Rights (1948)***

The Universal Declaration of Human Rights (UDHR) is a milestone document that was drafted by representatives from all regions of the world with different legal and cultural backgrounds. The Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievements for all nations. The UDHR is made up of 30 articles which set out universally accepted fundamental human rights. Pakistan is one of the original signatories as it signed the declaration in 1948.



*Scan to read the full text of the UDHR*

### ► ***International Covenant on Civil and Political Rights (1966)***

The International Covenant on Civil and Political Rights (ICCPR) commits nations to respecting the civil and political rights of individuals, including the right to life, freedom of religion, speech and assembly as well as the right to due process and a fair trial. The ICCPR is the first universal human rights treaty explicitly to include a prohibition of torture and other cruel, inhuman or degrading treatment. Pakistan signed the Covenant in 2008.



*Scan to read the full text of the ICCPR*

### ► ***International Covenant on Economic, Social and Cultural Rights (1966)***

International Covenant on Economic, Social and Cultural Rights commits state parties to grant economic, social and cultural rights to all individuals. These include labour rights, the right to health, the right to an education and the right to an adequate standard of living. Pakistan signed the Covenant in 2004.



*Scan to read the full text of the ICESCR*

## D. INTERNATIONAL HUMAN RIGHTS LAW

### ► **UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**

The UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is the key global treaty guiding states on **how to effectively prohibit and prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment**. It also guides states how to investigate, prosecute, and punish perpetrators and provide relief and redress for victims.



Scan to read the full text of the UNCAT

Key elements of the UNCAT include:

1. **Definition of Torture:** The UNCAT provides a comprehensive definition of torture. It describes torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for purposes such as obtaining information, punishment, intimidation, or coercion.

#### Article 1, UNCAT

*For the purposes of this Convention, the term “torture” means any act by which **severe pain or suffering, whether physical or mental, is intentionally inflicted** on a person for such **purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity**. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.*

2. **Absolute Prohibition:** The UNCAT establishes an **absolute prohibition on torture**, emphasizing that no exceptional circumstances, including a state of war or a threat of war, internal political instability, or any other public emergency, can be used as a justification for torture.
3. **State Obligations:** States that are parties to the UNCAT commit themselves to taking **effective measures to prevent and combat torture** within their jurisdictions. This includes enacting laws that criminalize torture, conducting prompt and impartial investigations into allegations of torture, and holding perpetrators accountable.
4. **Monitoring Mechanism:** The UNCAT establishes a Committee Against Torture, consisting of independent experts, to **monitor the implementation** of the Convention by state parties. States are required to submit periodic reports to the Committee, which issues recommendations to improve compliance. UNCAT reflects the international community’s commitment to upholding human rights and preventing the use of torture and ill-treatment in any circumstance. Countries that are parties to UNCAT undertake specific obligations to ensure the effective prevention and elimination of torture within their territories.

**Pakistan signed the UNCAT in 2008 and ratified it in 2010.**

## WATCH

Scan the QR code to watch Justice Project Pakistan's 2-minute animated introductory video on the ***UNCAT: What Is Torture? UN Convention Against Torture Explained***



### ► ***Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2002)***

The Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), adopted in 2002, is an international treaty that complements the UNCAT. It establishes a preventive system to monitor and prevent torture and ill-treatment in places of detention.

Key elements of the OPCAT include:

- 1. National Preventive Mechanisms (NPMs):** States parties are required to establish National Preventive Mechanisms, independent bodies with the mandate to regularly visit places of detention to prevent torture and other forms of ill-treatment.
- 2. Transparency and Reporting:** The OPCAT promotes transparency by allowing international and regional bodies, known as Subcommittee on Prevention of Torture (SPT), to conduct visits to detention facilities. These bodies provide recommendations to states for improving detention conditions.
- 3. Cooperation and Assistance:** The treaty encourages international cooperation and assistance among states parties to strengthen their capacities in preventing torture and ill-treatment.
- 4. Investigation of Allegations:** States parties are obligated to investigate and respond to allegations of torture or ill-treatment promptly. The OPCAT provides mechanisms for international involvement if necessary.
- 5. Regular Reporting:** States parties are required to submit regular reports to the SPT, detailing the steps taken to implement the provisions of the OPCAT.
- 6. National and International Dialogue:** The OPCAT facilitates a dialogue between the state and the NPMs, as well as between the state and the SPT, contributing to ongoing efforts to prevent torture and improve conditions in places of detention.



*Scan to read the full text of the OPCAT*

► ***Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol)***

The **Istanbul Protocol**, formally known as the **UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, is a set of internationally recognized guidelines adopted in 1999. Developed by human rights experts, forensic scientists, lawyers, and health professionals, the Istanbul Protocol provides a **comprehensive framework for investigating and documenting cases** of torture and other forms of ill-treatment to ensure accountability, justice for victims, and compliance with international law.



*Scan to read the full text of the Istanbul Protocol*

Key Elements of the Istanbul Protocol:

**1. Purpose and Scope:**

- The Istanbul Protocol aims to standardize procedures for the effective investigation and documentation of torture and ill-treatment.
- It provides guidelines for legal, health, and forensic professionals on documenting evidence of torture in a manner that can be used in legal proceedings.

**2. Medical and Psychological Evaluation:**

- Emphasizes a thorough physical and psychological examination of victims by trained professionals.
- Provides detailed guidelines for identifying both physical signs (e.g., scars, fractures) and psychological symptoms (e.g., PTSD, anxiety) that may result from torture.
- Recognizes the importance of documenting not only visible injuries but also the long-term psychological impact of torture.

**3. Interviewing Victims:**

- Outlines principles for interviewing torture survivors, emphasizing sensitivity, respect, and confidentiality.
- Suggests techniques to help survivors recall events in a safe environment and provides guidance for handling trauma disclosures without re-traumatizing the individual.

**4. Legal Standards and Investigation:**

- Stipulates that investigations into allegations of torture must be prompt, thorough, independent, and impartial.
- Investigators are required to collect detailed statements from victims, witnesses, and alleged perpetrators and to ensure that evidence is preserved for use in legal proceedings.

**5. Documentation Standards:**

- Provides guidelines for creating detailed, accurate, and objective reports that include medical findings, psychological evaluations, and the context of the alleged torture.
- Reports generated under the Istanbul Protocol are designed to be admissible in court and are used to support victims' claims and assist in prosecuting perpetrators.

**6. Accountability and Redress:**

- The Istanbul Protocol underscores the responsibility of states to investigate allegations of torture, prosecute offenders, and provide victims with access to justice and redress.
- Emphasizes the role of documentation in holding perpetrators accountable and in supporting claims for reparations or other forms of compensation.

## 7. Training and Implementation:

- Recommends that medical, legal, and law enforcement professionals receive training on the Istanbul Protocol's guidelines to enhance their ability to document and investigate torture.
- Calls for states to incorporate the Istanbul Protocol into national practices and policies as part of their commitment to prevent and address torture.

The Istanbul Protocol is widely regarded as the gold standard for documenting and investigating torture. Its guidelines are recognized by the United Nations and are referenced in international law, including the UN Convention Against Torture (UNCAT). By ensuring that investigations and documentation of torture meet a high standard, the Istanbul Protocol helps protect victims' rights, strengthens legal cases against perpetrators, and contributes to the global effort to eliminate torture.

### ► ***The Méndez Principles on Effective Interviewing for Investigations and Information Gathering***

Recognizing the widespread use of torture during investigations, Juan E. Méndez, submitted a report in 2016 to the United Nations General Assembly as outgoing Special Rapporteur on Torture. It called for the development of a universal set of standards for non-coercive interviewing and associated procedural safeguards during investigations to ensure that no person — including suspects, witnesses, victims, and other persons being interviewed — is subjected to torture, ill-treatment, or coercion while being questioned.



*Scan to read the full text of the Méndez Principles*

The Méndez Principles provide **concrete guidance to authorities on non-coercive interviewing** processes and standards, along with legal and procedural safeguards that should be implemented during investigations. Backed by empirical and scientific research, the Méndez Principles provide guidance for policy-makers and decision-makers on effective interviewing to avoid torture and ill-treatment, while making the investigation and prevention of crime more effective and consistent with human rights standards.

Six core principles lie at the heart of the Mendez Principles: setting the foundations of effective interviewing, in science, law, and ethics (Principle 1); offering guidance on the practice of interviewing (Principle 2), including for persons in situations of vulnerability (Principle 3); and offering guidance on training (Principle 4), accountability (Principle 5) and implementation (Principle 6).

### ► ***The Nelson Mandela Rules***

The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, are a set of 122 internationally agreed standards for the humane treatment of individuals in detention.

These Rules establish a comprehensive framework covering all aspects of prison management, including admission procedures, prohibition of torture, and limits on solitary confinement and the use of restraints and force. They aim to ensure **fair, humane, and respectful treatment of prisoners** worldwide.



*Scan to read the full text of the Nelson Mandela Rules*

While the Nelson Mandela Rules are not a treaty, they serve as an authoritative guide to binding treaty standards and represent “the minimum conditions which are accepted as suitable by the United Nations” for the treatment of those in detention.

Basic principles include:

- 1. Dignity and Respect:** The very first rule prohibits the use torture or cruel, inhuman, or degrading treatment and requires prisoners to be treated with humanity and with respect for their inherent dignity.
- 2. Individualization:** The treatment of prisoners should be individualized, taking into account their personal characteristics, needs, and circumstances. Discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status is prohibited.
- 3. Accommodation and Living Conditions:** Prisoners should be provided with adequate accommodation, including sleeping quarters, sanitation facilities, and access to natural light. Living conditions should be consistent with respect for human dignity. Rule 13 states “that sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating, and ventilation.”
- 4. Healthcare:** Prisoners have the right to access healthcare services, including medical treatment, dental care, and mental health services. Preventive healthcare measures should also be in place. Rule 25(1) “requires every prison to have a healthcare service tasked with evaluating, promoting, protecting, and improving the mental health of prisoners”.
- 5. Discipline and Punishment:** Disciplinary measures should be proportionate and humane, avoiding any form of cruel, inhuman, or degrading treatment. Solitary confinement and other harsh disciplinary measures have specific restrictions and should be used sparingly.
- 6. Contact with the Outside World:** Prisoners are entitled to maintain contact with the outside world, including family, legal representation, and diplomatic representatives. Correspondence, visits, and other forms of communication should be facilitated.
- 7. Education and Work:** Prisoners should have access to education and vocational training opportunities. They should also be provided with opportunities to engage in purposeful and remunerative work.
- 8. Inspection and Monitoring:** Regular and independent inspections of prisons and detention facilities should be conducted to ensure compliance with the Mandela Rules. Monitoring mechanisms should be in place to prevent abuse.
- 9. Training for prison staff:** The rules require proper training for prison staff that promotes a culture of respect and non-discrimination.

The Nelson Mandela Rules reflect a commitment to promoting human rights, dignity, and rehabilitation within the criminal justice system. They provide a comprehensive framework for the treatment of prisoners, emphasizing the importance of upholding basic human rights standards in all aspects of incarceration.

## ► *The Bangkok Rules*

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, also known as the Bangkok Rules, were adopted by the United Nations General Assembly in 2010 and are named after the location of their adoption, Bangkok, Thailand. The Bangkok Rules provide international guidelines specifically focused on the **treatment of women within the criminal justice system**, aiming to address the unique needs and challenges that women face in detention.



*Scan to read the full text  
of the Bangkok Rules*

Key provisions and principles of the Bangkok Rules include:

- 1. Dignity and Respect:** The rules emphasize the importance of treating women with respect for their inherent dignity and recognizing the equal rights of all individuals.
- 2. Non-Custodial Measures:** Encourages the use of non-custodial measures, such as probation, community service, and suspended sentences, to avoid unnecessary incarceration of women.
- 3. Gender Sensitivity:** Calls for gender-sensitive approaches in all aspects of the criminal justice system, taking into account the specific needs and experiences of women.
- 4. Alternatives to Imprisonment:** Promotes the development and use of alternative measures to imprisonment, especially for non-violent offenses, with a focus on rehabilitation and reintegration into society.
- 5. Healthcare and Hygiene:** Addresses the healthcare needs of women prisoners, including reproductive health services, mental health support, and access to hygiene facilities.
- 6. Children of Incarcerated Women:** Recognizes the rights of children of incarcerated women and calls for measures to ensure that children are not adversely affected by their mother's imprisonment.
- 7. Pregnancy and Childbirth:** Ensures that pregnant women in detention receive appropriate medical care, and childbirth should take place in a healthcare facility outside the prison environment when possible.
- 8. Training and Sensitization:** Recommends training programs for criminal justice professionals to enhance their understanding of gender-specific issues and to promote gender-sensitive practices.
- 9. Rehabilitation and Reintegration:** Emphasizes the importance of rehabilitation and social reintegration programs tailored to the specific needs of women, considering factors such as education, employment, and family support.
- 10. Preventing Violence and Abuse:** Calls for measures to prevent violence, abuse, and harassment against women in detention, including gender-specific risk assessments and appropriate security measures.
- 11. Legal Representation:** Advocates for ensuring that women have access to legal representation and that legal processes consider the unique circumstances and needs of women offenders.

The Bangkok Rules contribute to international efforts to address gender-specific challenges within the criminal justice system and promote the fair and humane treatment of women involved in legal processes. They encourage a holistic approach that considers the distinct vulnerabilities and experiences of women, aiming for a justice system that is both effective and respectful of human rights.

## E. OBLIGATIONS ON STATES UNDER INTERNATIONAL HUMAN RIGHTS

International human rights law confers certain rights and obligations on individuals and states. They also define the relationship between individuals/citizens and power structures, in particular states and law enforcement agencies.

Human rights treaties and conventions impose three obligations on States, which include the duty to respect; the duty to protect; and the duty to fulfill. These obligations apply to all civil, political, economic, social and cultural rights.

The obligations to respect, protect, and fulfill are the foundational framework for international human rights law that outlines the responsibilities of states in promoting and safeguarding the human rights of individuals.

### ***Obligation to Respect:***

The obligation to respect human rights is a fundamental principle that emphasizes the state's responsibility to not interfere or undermine the human rights of individuals.

For example, respecting the right to be free from torture, cruel, inhuman or degrading treatment or punishment means that states shall ensure public officials do not use torture in questioning detainees.

### ***Obligation to Protect:***

States have an affirmative duty to protect individuals from human rights abuses by third parties, including non-state actors. This obligation has both a preventative and remedial dimension, and requires enacting and enforcing laws, creating effective institutions, and implementing policies to prevent human rights violations.

For instance, protecting the right to be free from torture requires the States to ensure that public officials and law enforcement agencies are regulated and monitored. It also requires the State to take legislative and administrative measures against those who violate this right.

### ***Obligation to Fulfill:***

This obligation requires states to take positive and concrete measures to create an environment that allows individuals to enjoy their rights fully. Fulfilling human rights often requires developing and adopting laws and policies, allocating resources, and implementing programs that address socio-cultural and economic factors.

For example, fulfilling the right to be free from torture requires authorities to ensure public officials and law enforcement personnel are trained in acceptable methods of interrogation and questioning.

Pakistan is a signatory to a number of UN treaties and conventions, which make it responsible for upholding and safeguarding certain fundamental freedoms. For the purposes of this toolkit, the ICCPR and the UNCAT stipulate certain rights and prohibit the use of torture and ill-treatment:

ICCPR	Rights guaranteed & obligations imposed on states
<b>Article 7</b>	No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.
<b>Article 10</b>	<ol style="list-style-type: none"> <li>1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.</li> <li>2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons; (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.</li> <li>3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.</li> </ol>
UNCAT	Rights guaranteed & obligations imposed on states
<b>Article 2</b>	<ol style="list-style-type: none"> <li>1. Each State Party shall take effective legislative, administrative, judicial, or other measures to prevent acts of torture in any territory under its jurisdiction.</li> <li>2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency, may be invoked as a justification of torture.</li> <li>3. An order from a superior officer or a public authority may not be invoked as a justification of torture.</li> </ol>
<b>Article 4</b>	<ol style="list-style-type: none"> <li>1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.</li> <li>2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.</li> </ol>
<b>Article 12</b>	Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

## F. MONITORING MECHANISMS

There are mechanisms and organizations at the international level that are tasked with upholding and defending human rights. These include:

### I. *UN Human Rights Council*

The Human Rights Council is an intergovernmental body within the UN comprising 47 States responsible for promoting and protecting human rights in general. Every 4.5 years the Universal Periodic Review-Working Group (UPR-WG) conducts a review which assesses the conformity and adherence of each UN member state to international human rights standards. Recommendations are made to the country under review; the country has the option to accept, reject or note the recommendations.



*Scan to learn more  
about the UPR*

**Pakistan has undergone four Universal Periodic Reviews (UPRs).** The first cycle was in 2008, the second cycle in 2012, third cycle in 2017 and the fourth cycle in 2023.

The **2023 UPR Report on Pakistan** by the UN Human Rights Council highlighted both achievements and areas for improvement in Pakistan’s human rights framework. The report acknowledges legislative progress, including the enactment of laws addressing gender equality, child protection, and anti-harassment measures. However, it underscored ongoing concerns such as misuse of blasphemy laws, enforced disappearances, violence against women and minorities, and the limited implementation of existing human rights protections.

Key recommendations included adopting comprehensive anti-discrimination laws, strengthening protections for vulnerable groups such as women, children, and minorities, and ensuring alignment of national legislation with international human rights standards. Other focus areas include abolishing or limiting the death penalty, addressing poverty through sustainable development initiatives, improving access to education and healthcare, and enhancing efforts to combat trafficking and gender-based violence. The report encouraged Pakistan to strengthen its institutional frameworks, such as the National Commission for Human Rights, to improve monitoring and accountability. The UPR also emphasized the need for Pakistan to fully implement existing laws, increase resource allocation for human rights initiatives, and foster greater cooperation with international human rights mechanisms.

### II. *UN Human Rights Committee*

The Human Rights Committee is made-up of 18 independent experts. It monitors the implementation of the **International Covenant on Civil and Political Rights (ICCPR)** by state parties. All state parties are required to submit regular reports to the Committee on how civil and political rights are being implemented every 8 years. The Committee examines each report and gives its recommendations in the form of ‘concluding observations’.



*Scan to learn more  
about the UN HRC*

**In October 2024, Pakistan had its second periodic review by the Human Rights Committee.** The Committee highlighted progress in legislative measures such as the National Gender Policy Framework and the Protection of Journalists Act but raised concerns about human rights challenges. Key recommendations include integrating ICCPR provisions into domestic law, strengthening the National Commission for Human Rights, combating corruption, and addressing discrimination, gender inequality, and violence against women. The

Committee urged Pakistan to limit the death penalty, prevent torture, improve detention conditions, and ensure protections for freedom of expression and assembly. It also emphasized safeguarding religious minorities, reforming blasphemy laws, and addressing climate change impacts on vulnerable populations. Recommendations also included enhancing judicial independence, reviewing military court jurisdiction over civilians, and improving oversight mechanisms. Follow-up is expected by 2027, with the next report due in 2030.

### **III. UN Committee Against Torture**

The Committee against Torture is made-up of 10 independent experts that monitor implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its state parties. Countries submit reports every four year to the Committee Against Torture on the measures they have taken. Relating to the rights described in the UNCAT, and on the progress the State has made in upholding them.



*Scan to learn more  
about the UNCAT*

**Pakistan submitted its first report to the Committee Against Torture after attaining the GSP+ status and was first reviewed in July 2017.** The Committee expressed concern about the lack of a dedicated legislation criminalising torture, reports of widespread torture, enforced disappearances and extra-judicial killings, and noted the impunity with which such acts are committed by state officials.

Pakistan submitted its second periodic report to the Committee Against Torture in June 2022. While Pakistan was congratulated for having passed the Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Act, 2022, the report acknowledged ongoing challenges, such as continued reports of enforced disappearances, custodial torture and judicial delays.

**Recommendations made included strengthening legal frameworks, enhancing accountability and protecting vulnerable groups.** These recommendations aim to assist Pakistan in fulfilling its obligations under the UNCAT and improving its human rights practices.

### **IV. International NGOs**

International non-governmental organisations, for example the Association for the Prevention of Torture (APT), REDRESS, the World Organisation Against Torture (OMCT), play an important role in protecting and promoting human rights. Their work has contributed to an increased awareness of human rights violations, specifically when they involve torture and CIDT.

## G. MODULE 1 RECAP QUIZ

1. Which of the following is not a universal human right?

- A. The right to be free from arbitrary arrest/detention
- B. The right to a fair trial
- C. Right to gain a living by work freely chosen and accepted
- D. The right to go on vacation once a year
- E. Right to just and favorable work conditions

2. List the 3 broad categories of human rights.

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3. What are the 3 obligations universal human rights place on the state?

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4. Pakistan is not a signatory to the ICCPR and therefore not bound to grant its citizens the right to free speech.

- A. True
- B. False

5. Under Pakistani law, custodial torture is illegal.

- A. True
- B. False

6. Which set of rules are considered as international guidelines and standards for the humane treatment of individuals in detention?

- A. Bangkok Rules
- B. Istanbul Protocols
- C. Mandela Rules
- D. Mendez Principles

7. Which set of rules deals with treatment of female prisoners?

- A. Bangkok Rules
- B. Istanbul Protocols
- C. Mandela Rules
- D. Mendez Principles

*Answer Key on Page 42*

# MODULE 2

## PROHIBITION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT: INTERNATIONAL LAWS AND STANDARDS



### In this module, we will cover:

- What constitutes torture under international law
- What constitutes cruel, inhuman and degrading treatment.
- The principles of legality, proportionality and necessity.
- Why torture is not a effective law enforcement strategy or tool.
- Mendez Principles as an alternative for law enforcement agencies.
- NCHR guidelines for interviewing victims of custodial torture.

## A. WHAT CONSTITUTES TORTURE?

### Article 1, UNCAT

*For the purposes of this Convention, the term “torture” means any act by which **severe pain or suffering, whether physical or mental, is intentionally inflicted** on a person for such **purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.** It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.*

According to the UNCAT, there are four distinct elements that define torture.

#### 1. Severe Physical or Mental Pain or Suffering:

Torture involves inflicting **severe physical or mental pain** or suffering on an individual. This pain or suffering must be of a serious nature, which distinguishes it from lesser forms of mistreatment or punishment.

#### 2. Intentional Act:

The act causing pain or suffering must be **intentional**. Torture is not considered accidental or the result of negligence; it is carried out with a deliberate intention to inflict harm.

#### 3. Purpose:

- The act of torture must be carried out **for a specific purpose**, which may include:
- Obtaining information or a confession.
- Punishing a person for an act they or someone else has committed or is suspected of committing.
- Intimidating or coercing the individual or others.
- For reasons of discrimination of any kind.

#### 4. Involvement of a Public Official or Person Acting in an Official Capacity:

Torture must involve the **instigation, consent, or acquiescence of a public official or someone acting in an official capacity**. This includes law enforcement, military personnel, or government agents. Acts of violence by private individuals are not considered torture under the UNCAT unless a public official is involved.

**Article 2** of UNCAT explicit states that torture is not justified under any circumstances and **makes it incumbent on States to take any and all measures to prevent torture** in all territories under their jurisdiction:

“2.1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2.2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.

2.3. An order from a superior officer or a public authority may not be invoked as a justification of torture.”

## B. TYPES OF TORTURE

### *Physical Torture*

- **Beatings:** Using fists, rods, whips, or other objects to inflict pain.
- **Electric Shocks:** Applying electrical current to parts of the body to cause pain.
- **Suspension:** Hanging a person by their arms, legs, or other body parts, often for long periods.
- **Waterboarding:** Simulating the sensation of drowning.
- **Burning:** Using fire, chemicals, or heated objects to burn the skin.
- **Mutilation:** Deliberate infliction of injury that results in permanent disfigurement or loss of limbs.
- **Forced Physical Exertion:** Forcing a person to carry out exhausting physical activities as a form of punishment or coercion.

### *Psychological Torture*

- **Solitary Confinement:** Isolating a person for long periods, often causing severe mental suffering.
- **Sleep Deprivation:** Preventing a person from sleeping for long periods.
- **Threats:** Threatening to kill, harm, or torture the victim or their loved ones.
- **Humiliation:** Forcing the victim to engage in dehumanizing or degrading acts.
- **Mock Executions:** Leading a person to believe they are about to be killed, but stopping short of actual execution.
- **Sensory Deprivation:** Blocking a person's access to sensory stimuli, such as sound, light, or touch, for extended periods.
- **Threat of Rape or Sexual Assault:** Using threats of sexual violence as a form of coercion or intimidation.

### *Sexual Torture*

- **Rape:** Sexual assault as a form of punishment, coercion, or intimidation.
- **Forced Nudity:** Forcing individuals to strip in degrading circumstances.
- **Sexual Humiliation:** Subjecting a person to degrading sexual acts or comments.
- **Invasive Body Searches:** Subjecting individuals to invasive body searches without consent as a form of punishment or degradation.

### *Torture Involving Medical Procedures*

- **Involuntary Medical or Scientific Experiments:** Performing medical experiments without consent.
- **Forced Drugging:** Administering drugs or chemicals to cause pain, disorientation, or compliance.
- **Mutilation or Forced Surgery:** Performing surgical procedures without consent as a form of punishment or control.

### *Torture by Deprivation*

- **Food and Water Deprivation:** Withholding food and water to cause suffering or force compliance.
- **Denial of Medical Care:** Refusing to provide necessary medical treatment for injuries or illnesses.
- **Denial of Basic Sanitation:** Forcing individuals to live in unsanitary conditions that cause physical or psychological harm.

### *Torture for Discrimination*

- **Discriminatory Acts of Torture:** Inflicting pain or suffering due to a person's race, religion, ethnicity, political beliefs, or other characteristics.

### *Collective or Group Punishment*

- **Punishing Family Members:** Inflicting harm on a person's family members to coerce or intimidate them.
- **Group Torture:** Subjecting entire groups to torture for actions or beliefs associated with their community or identity.

### **Forced Confessions**

- Inflicting severe pain or suffering to extract a confession, even if the person is innocent or has no relevant information.

### **Torture in Custody**

- **Torture in Detention:** Acts committed by law enforcement officials, prison officials, or military personnel, such as beatings or psychological torment, during detention or interrogation.

### **Other Forms of Coercion**

- **Forcing Victims to Witness Torture:** Forcing individuals to watch the torture of others, such as family members, to cause psychological trauma.

## **C. WHAT CONSTITUTES CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

### **Cruel, Inhuman, or Degrading Treatment (CIDT)**

refers to a form of ill-treatment or punishment that falls short of the more severe threshold of torture but is still considered unacceptable and in violation of international human rights standards. The terms are often used together, highlighting **a spectrum of mistreatment** that encompasses a range of acts and conditions.

#### **I. Cruel Treatment**

Cruel treatment refers to actions or treatment that cause physical or mental suffering. While the term “cruel” is not always precisely defined, it generally implies a level of severity beyond mere discomfort or inconvenience. It is a broad concept that involves intentional acts that go beyond what is considered acceptable or humane but may not have the extreme level of severity that defines torture.

#### **Key Characteristics:**

- Causes severe physical or psychological pain.
- Often involves unnecessary infliction of pain without legal or justifiable grounds.

#### **Examples:**

- A prolonged denial of medical treatment for a detainee’s serious illness.
- Forced exposure to extreme temperatures for extended periods without causing permanent injury.

#### **II. Inhuman Treatment**

Inhuman treatment involves acts or conditions that cause extreme physical or mental suffering, surpassing what is generally accepted as part of the normal human experience. It signifies a higher degree of severity compared to cruel treatment.

#### **Key Characteristics:**

- Results in severe pain or suffering, but may not have the specific purpose (such as extracting a confession) that defines torture.
- Typically involves grossly degrading living conditions or prolonged deprivation.

#### **Examples:**

- Detaining a person in overcrowded and unsanitary conditions for an extended period.

### **What is the difference between torture and CIDT?**

There are 2 main elements that distinguish torture from CIDT.

1. the severity of the suffering inflicted
2. intent behind the actions.

Torture is marked by severe cruelty and is specifically carried out to cause extreme suffering. While CIDT causes pain or discomfort, it lacks the clear purpose or intense suffering that is associated with torture.

- Forcibly restraining someone in painful positions for long periods of time without purpose.
- Prisoners being subjected to food deprivation that causes malnutrition but not death.

### **III. Degrading Treatment**

Degrading treatment refers to treatment that humiliates or debases an individual's dignity. It encompasses actions that, while not causing severe physical or mental suffering, still subject individuals to treatment that is humiliating or degrading in nature.

#### **Key Characteristics:**

- Aimed at humiliating or demeaning the victim.
- Causes a person to feel worthless or disrespected in a way that violates their dignity, even if there is no severe physical harm.

#### **Examples:**

- Forcing prisoners to strip naked in front of others as a form of punishment or control.
- Subjecting individuals to racially discriminatory treatment or insults.
- Publicly parading detainees in demeaning postures to break their spirit.

These standards are intended to protect individuals from abuse and mistreatment by state authorities, and they apply in various contexts, such as prisons, detention facilities, law enforcement interactions, and other state-controlled environments.

Monitoring bodies, both at the international and domestic level, play a role in assessing and addressing allegations of such treatment and holding states accountable for violations.

## **D. PRINCIPLES OF LEGALITY, PROPORTIONALITY AND NECESSITY**

Certain situations that may require law enforcement officials to use force, for example while arresting a suspect who is resisting the arrest. In such situations, the principles of legality, proportionality, and necessity play a critical role in ensuring that **law enforcement officials' actions, particularly those involving the restriction of individual rights or the use of force, adhere to standards of justice, fairness, and human rights.**

### **I. Principle of Legality**

The principle of legality, a core component of the rule of law, asserts that **actions by the government and its agents must be based on clear and explicit laws.** This means that individuals should not be punished or have their rights violated unless there is a specific law that prohibits the conduct and prescribes a penalty. The principle of legality serves as a safeguard against arbitrary exercise of power and ensures predictability and fairness in the legal system.

### **II. Principle of Proportionality**

The principle of proportionality requires that any interference with individual rights or any **use of force should be proportionate to the legitimate aim it seeks to achieve.** In other words, the severity of the action should be balanced with the seriousness of the offense or threat. This principle helps prevent excessive or unjustified actions by authorities, ensuring that the response is not more severe than necessary.

### **III. Principle of Necessity**

The principle of necessity emphasizes that any restriction on individual rights or the **use of force must be necessary to achieve a legitimate purpose.** It means that less severe measures should be considered and exhausted before resorting to tougher actions. The principle of necessity aims to prevent unnecessary harm or restrictions on individuals' rights and liberties.

These principles collectively contribute to the protection of human rights, the rule of law, and the prevention of abuses of power by state authorities. They are foundational elements in ensuring a just and accountable legal system and serve the following functions:

- a. Rule of Law and Legitimacy:** The principle of legality upholds the rule of law by requiring that government actions are based on clear and explicit laws. This ensures that individuals are aware of what is prohibited and the potential consequences. This also promotes legal certainty and legitimacy of the legal system.
- b. Protection Against Arbitrary Power:** Legality acts as a safeguard against arbitrary exercise of power by the government. It prevents authorities from taking action without a legal basis, thereby protecting individuals from arbitrary arrests, punishment, or other forms of government intrusion.
- c. Prevention of Abuse of Power:** The principles of proportionality and necessity prevent the abuse of state power by requiring that any interference with individual rights or the use of force is proportionate to the legitimate aim and necessary to achieve that aim. This prevents excessive or unjustified actions by authorities.
- d. Balancing Rights and Public Interests:** Proportionality ensures a balance between individual rights and the legitimate interests of the state. It requires that the severity of any interference with rights is proportionate to the importance of the public interest or goal pursued by the government.
- e. Prevention of Unnecessary Harm:** The principle of necessity ensures that government actions are not more intrusive or harmful than required to achieve a legitimate purpose. This helps prevent unnecessary harm to individuals and unnecessary restrictions on their rights.

These principles are integral to the protection of human rights. They guide the drafting of laws, the conduct of law enforcement, and the actions of state authorities in a manner consistent with international human rights standards.

## **E. WHY TORTURE IS NOT AN EFFECTIVE LAW ENFORCEMENT STRATEGY**

Torture and CIDT is illegal, and not an effective law enforcement strategy and tool, because:

- Evidence obtained through torture is deemed inadmissible in legal proceedings.
- Psychological theory and research show that aggressive interrogation methods are ineffective and are likely to increase resistance on the part of the interviewee.
- If torture is continually applied, it can lead to the provision of unreliable information or a false confession.
- The threat or enactment of physical harm to an interviewee induces heightened states of stress, which impair memory retrieval.
- The use of torture and CIDT undermines trust in law enforcement agencies.

Instead, there is **increased evidence supporting the effectiveness of rapport-based information-gathering approaches**. Such approaches promote cooperation, enhance recall of relevant and reliable and credible information.

## F. ALTERNATIVE METHODS

Within law enforcement agencies, there is a need to move away from accusatory, coercive, manipulative and confession-driven practices. These should be replaced with rapport-based interviewing and include the application of legal and procedural safeguards throughout the interrogation and interview process. The objective is to obtain accurate and reliable information while preserving the rights of the accused. Eliciting facts is the aim, not a confession.



This reduces the risk of ill-treatment, produces more reliable information and helps to ensure a lawful outcome of the investigation or intelligence operation.

The **Principles on Effective Interviewing for Investigations and Information Gathering, also known as the Méndez Principles**, provide an alternative to coercive and confession-based interrogation. Additionally, the National Commission for Human Rights has also developed guidelines for interviewing victims of custodial torture.



Scan to read NCHR's  
Manual for Investigating  
Torture Complaints

### ***The Méndez Principles***

Juan E. Méndez, a former UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, developed a set of principles known as the “Méndez Principles on Effective Interviewing for Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment” to guide individuals involved in documenting human rights abuses. These principles aim to ensure ethical, effective, and accurate interviewing techniques when gathering evidence or conducting an investigation.

Key principles of the Mendez Principles include:

#### ***I. Informed Consent:***

Obtain informed consent from the interviewee, ensuring they understand the purpose of the interview, its voluntary nature, and the potential risks and benefits.

#### ***II. Confidentiality:***

Ensure the confidentiality of the interview and protect the interviewee from retaliation or harm resulting from their participation.

#### ***III. Safety and Well-being:***

Prioritize the safety and well-being of the interviewee throughout the process, taking measures to minimize the risk of physical or psychological harm

#### ***IV. Establishing Rapport:***

Build trust and rapport with the interviewee to create a supportive and comfortable environment for sharing sensitive information.

**V. Cultural Sensitivity:**

Be culturally sensitive and aware of the background and experiences of the interviewee, recognizing that cultural factors may influence communication and interpretation.

**VI. Non-Discrimination:**

Treat all interviewees with dignity and respect, irrespective of their background, identity, or status.

**VII. Avoid Leading Questions:**

Use open-ended and non-leading questions to allow the interviewee to express their experiences in their own words, minimizing the risk of suggestion.

**VIII. Documentation and Corroboration:**

Document information thoroughly, accurately, and objectively. Seek corroboration of facts through multiple sources when possible.

**IX. Monitoring and Oversight:**

Implement mechanisms for monitoring and oversight to ensure the quality, integrity, and ethical conduct of the interview process.

**The Méndez Principles at a glance**

## Principles on Effective Interviewing for Investigations and Information Gathering

- 1 On Foundations**  
Effective interviewing is instructed by science, law and ethics.
- 2 On Practice**  
Effective interviewing is a comprehensive process for gathering accurate and reliable information while implementing associated legal safeguards.
- 3 On Vulnerability**  
Effective interviewing requires identifying and addressing the needs of interviewees in situations of vulnerability.
- 4 On Training**  
Effective interviewing is a professional undertaking that requires specific training.
- 5 On Accountability**  
Effective interviewing requires transparent and accountable institutions.
- 6 On Implementation**  
The implementation of effective interviewing requires robust national measures.

Source: Association for the Prevention of Torture. <https://www.apr.ch/knowledge-hub/publications/infographic-mendez-principles-glance>

## To whom do they apply?



**All interviewers:** To all interviews by information-gathering officials, such as police, intelligence, military, administrative authorities, or others acting in an official capacity.

**All interviewees:** Primarily to interviews with suspects in criminal justice investigations, but also to interviews involving witnesses, victims or any other persons of interest. Needs of interviewees in situation of vulnerability are specifically addressed.

## Where do they apply?



**All situations:** From criminal justice investigations to counter-terrorism operations and situations of armed conflict.

**All interviews:** To interviews that are straightforward or complex, as well as to repeat interviews.

**All justice systems:** Involving all legal traditions and cultures, regardless of the national legislation.

## Whom do they assist?



**Justice actors:** Policy makers and authorities in charge of designing, adopting, and executing policies on interviewing and related-justice processes. This includes government representatives, legislators, directors of law enforcement agencies, training academies and disciplinary boards.

**Interviewing professionals:** All those involved in the conduct of interviews, including law enforcement officials, intelligence gathering agencies, judges, prosecutors, defence lawyers, and other authorities in contact with persons throughout the interview process.

**Oversight bodies:** National preventive mechanisms, national human rights institutions, civil society organisations, human rights advocates and others who assist persons deprived of liberty.

# Benefits



**What are the benefits for the interviewers?**

Elicits more accurate and reliable information during interviews

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Strengthens the capacity, efficiency and professionalism of interviewers

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Eliminates reliance on unlawful, ineffective, and counterproductive coercive questioning techniques

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Provides successful, affordable and accessible methods and practices, with minimal resources

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Contributes to more effective information-gathering operations

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**What are the benefits for those interviewed?**

Rights and dignity of persons in heightened situations of vulnerability are better respected

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Physical and mental integrity of all persons detained or interviewed is protected

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Safeguards and due process guarantees for all interviewees are upheld

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No one is subjected to coercion, torture or other ill-treatment

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**What are the benefits for the justice systems?**

Fosters greater public trust in and cooperation with criminal justice systems

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Excludes torture-tainted evidence, and false confessions

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Decreases unreliable information, incidences of wrongful convictions or acquittals and miscarriages of justice

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Safeguards the integrity of justice processes and the effective administration of justice

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Upholds the rule of law

## ***NCHR's Manual for Investigating Torture Complaints***

In line with the Mendez principles the NCHR too has developed guidelines for interviewing victims of custodial torture. These are:

### **1. Protection**

When conducting interviews with victims or witnesses, it is important to consider their need for protection, and to empower the victim; The following measures can be taken to ensure victims' protection:

- interviewing a significant number of people to avoid focusing attention on the one person
- conducting the interview in a safe place where surveillance is minimal
- asking what security precautions, the person believes should be taken at the start and the end of the interview
- inviting the person to keep in contact with you after the interview
- in places of detention, conducting a follow-up visit shortly after the interview and meeting with the same detainees
- never referring explicitly during the interview to statements made by other persons and never revealing the identity of witnesses.

### **2. Sensitivity**

- The interviewee must be allowed to narrate his/her story candidly and they must be listened to attentively.
- Ask questions that respond to what the person is telling you. Do not simply move through a set list of questions and ignore what you are being told.
- Be sensitive to how the interviewee feels about the information they are sharing with you and be sensitive to non-verbal signs, such as body language.
- Allow moments of silence in the interview - do not rush the person.
- Be aware of your own body language.
- Maintain a friendly, polite, and sympathetic attitude towards the interviewee.
- Be sensitive to cultural differences in questioning and being questioned. Even if you want to probe for information - or if you do not believe the story you are being told - it is important to respect the interviewee and allow them to tell their story in their own words and at their own pace.

### **3. Professional ethics**

The Istanbul Principles dictate that the professional ethics of both medical and legal professions apply at all times throughout the duration of investigation and documentation.

## G. MODULE 2 RECAP QUIZ

- 1. Which document defines torture as ‘... any act by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person...’?**
  - A. The Geneva Conventions
  - B. UNCAT
  - C. The Universal Declaration of Human Rights
  - D. The Rome Statute
- 2. According to UNCAT Article 2, can exceptional circumstances be invoked as a justification for torture?**
  - A. Yes, in times of war
  - B. Yes, during internal political instability
  - C. Yes, in public emergencies
  - D. No, exceptional circumstances can never justify torture
- 3. What differentiates cruel, inhuman, and degrading treatment from torture? (select as many options you feel are correct)**
  - A. The severity of pain inflicted
  - B. The purpose behind the treatment
  - C. The duration of the treatment
  - D. All of the above
- 4. Which of the following is an example of degrading treatment? (select as many options you feel are correct)**
  - A. Prolonged solitary confinement
  - B. Using excessive force during arrests
  - C. Humiliating an individual without causing severe physical or mental suffering
  - D. All of the above
- 5. Which principle requires that government actions must be based on clear and explicit laws?**
  - A. Principle of Necessity
  - B. Principle of Proportionality
  - C. Principle of Legality
  - D. Principle of Human Rights
- 6. Which principle emphasizes that any use of force by the state must be necessary to achieve a legitimate purpose?**
  - A. Principle of Proportionality
  - B. Principle of Necessity
  - C. Principle of Legality
  - D. Principle of Justice

**7. Why is torture considered ineffective as a law enforcement strategy?**

- A. It is time-consuming
- B. It can lead to unreliable information or false confessions
- C. It is too costly
- D. It requires specialized training

**8. What approach can be used as an alternative to coercive interrogation methods?**

- A. Use of lie detectors
- B. Rapport-based information-gathering approaches
- C. Increasing physical intimidation
- D. Enhanced surveillance techniques

*Answer Key on Page 43*

# MODULE 3

## LAWS PROHIBITING TORTURE IN PAKISTAN



### **In this module, we will cover:**

- Facts and figures pertaining to torture in Pakistan.
- Factors that lead to torture as well as conditions that can prevent it.
- Domestic laws prohibiting torture.
- Penalties for inflicting torture.
- Domestic monitoring mechanisms.

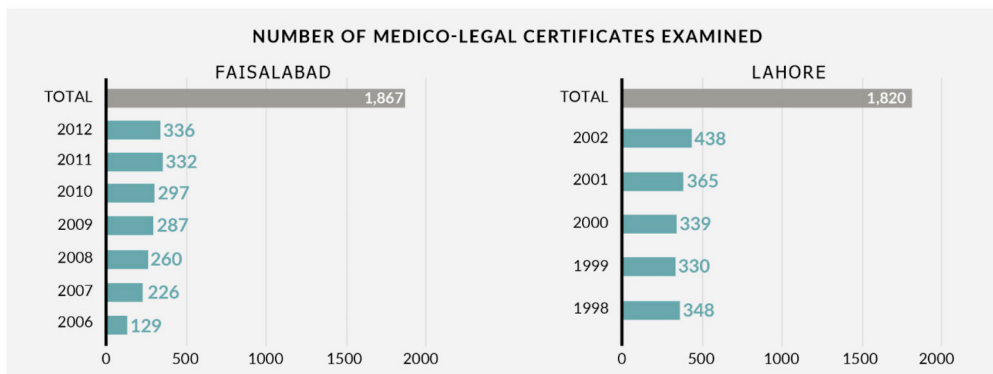
## A. TORTURE BY THE NUMBERS

Police brutality and torture are widespread and systematic in Pakistan; however, the full scope of the phenomenon remains understudied due to a lack of data despite its prevalence.

Amnesty International, Human Rights Watch, Justice Project Pakistan and HRCP have all highlighted this issue and the need for effective accountability mechanisms for torture. Until 2022, there had been no legal framework or mechanism that ensured investigation and accountability of acts of torture or ill-treatment.

### TORTURE BY THE NUMBERS

For a Medico-Legal Certificate to be prepared, a torture allegation has to be made at a judicial forum, which results in a majority of cases remaining unreported. Despite that hindrance, hundreds of complaints were made against the Punjab police in two major cities – Lahore and Faisalabad.



Source: Justice Project Pakistan (2019). Policing as Torture. <https://jpp.org.pk/report/pub-policing-as-torture/>

## B. FACTORS THAT ALLOW AND PREVENT MISCONDUCT BY PUBLIC OFFICIALS

Although torture is illegal in Pakistan, there are numerous reports of custodial torture carried out by public officials. It is important to acknowledge and be aware of systemic issues and other factors that facilitate misconduct, as well as factors and conditions that can prevent misconduct.

### Factors that can facilitate misconduct include, but not limited to:

- Lack of resources and understaffed law enforcement agencies
- Pressure of work
- Punitive violence
- Lack of specialized training and of scientific knowledge and techniques
- Relative isolation of an organisation from other organisations and society
- Dominance of male participants
- Discrepancy between what is legal and what appears legitimate
- Badly developed communication skills on the part of the police and/or on the part of the detainee/interviewee

### Conditions that can prevent misconduct include, but are not limited to:

- Well-developed communication structures between management and law enforcement officers
- Diverse working environment
- Management recognises and praises good police work
- Clear awareness of human dignity as a principle of human rights and law enforcement
- Multiple and varied contact with different public groups, including minority groups
- Diversity of composition (age, sex, ethnic origin, religious orientation etc.)

## C. DOMESTIC LAWS PROHIBITING TORTURE

While there are a number of legal provisions in the Code of Criminal Code 1898 (CrPC), Pakistan Penal Code 1860 (PPC) and the Police Order 2002 that indirectly seek to protect individuals from ill-treatment and unlawful detention, none of them specifically address torture as a criminal offense. The CrPC contains various indirect safeguards against ill-treatment and unlawful detention, but does not directly address custodial offenses nor does it criminalize torture. The PPC criminalizes certain acts of violence but does not directly address torture as a separate criminal offense as defined in international law. While the Police Order 2002 modernizes police functions, it lacks detailed provisions addressing torture. The Torture and Custodial Death (Prevention and Punishment) Act 2022 explicitly criminalises torture, custodial death and custodial rape, as well as cruel, inhuman, and degrading treatment. It also creates specific accountability mechanisms and complaint procedures.

### Constitution of Pakistan 1973

**Article 14** expressly states “No person shall be subjected to torture for the purpose of extracting evidence.”

**Article 10** provides safeguards as to arrest and detention, ensuring that persons have access to fundamental rights even when deprived of liberty.

**Article 9** protects the right to life and liberty, stating these cannot be taken away “unless in accordance with the law.”

Aspect	Torture Act, 2022	CrPC	PPC	Police Order/Rules
<b>Definition of Torture</b>	Comprehensive definition under Section 2(n).	No specific definition of torture.	No explicit definition; relies on general terms (e.g., hurt, wrongful detention).	Silent on defining torture.
<b>Prohibition of Torture</b>	Absolute prohibition with severe penalties (up to 14 years).	Indirect safeguards (e.g., Sections 46, 167).	General prohibition under Sections 332, 337-K, and 348.	Silent on torture; general emphasis on professionalism.
<b>Investigative Mechanism</b>	Exclusive jurisdiction to FIA supervised by NCHR.	General police investigations.	No dedicated investigative mechanism; applies general laws.	General supervisory framework under Police Order.
<b>Medical Examinations</b>	Mandatory if torture is suspected.	Discretionary under magistrate’s direction.	No explicit provision for mandatory medical examinations.	No specific provision for medical oversight.
<b>Specific Offenses</b>	Explicit criminalization of custodial torture, custodial death and custodial rape.	Does not address custodial offenses directly.	Covers related offenses under Sections 332, 337-K, 348.	Silent on custodial offenses.
<b>Accountability Mechanisms</b>	Clear provisions for disciplinary and criminal penalties.	General accountability provisions for procedural lapses.	General penalties under PPC for abuse of authority.	Vague accountability mechanisms for police conduct.
<b>Admissibility of Evidence</b>	Evidence obtained through torture is inadmissible.	No explicit provision rejecting such evidence.	Silent on admissibility of evidence obtained through torture.	Silent on evidentiary issues related to torture.
<b>Judicial Oversight</b>	Mandatory oversight by magistrates and courts.	Limited to procedural safeguards (e.g., Sections 167, 164).	Courts indirectly address torture through related cases.	No specific oversight provisions on torture cases.

## I. Torture and Custodial Death (Prevention and Punishment) Act, 2022

On 3rd November 2022, the Torture and Custodial Death (Prevention and Punishment) Act 2022, passed into law. This marked the first time in history that Pakistan effectively enacted legislation criminalizing torture. The Act defines torture and CIDT, and **prescribes punishment against public officials who commit, abet or conspire to commit torture, custodial death or custodial rape.**

### Section 2(n) defines torture as:

“an act committed by which **severe physical pain or physical suffering**, is **intentionally inflicted** on a person **for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind**, when such pain or suffering is **inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity**. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

According to the Act, **“cruel, inhuman or degrading treatment”** means and includes any deliberate or **aggravated treatment inflicted by a public official** or a person acting on his behalf against a person under their custody, causing suffering, gross humiliation or degradation of the person in custody.” **(Section 2(g))**

### Section 2(j) defines custodial rape as:

“custodial rape” means and includes any person taking advantage of his position and committing rape or sexual abuse on a person in his custody or in custody of a public official subordinate to him;

### Section 2(h) defines custodial death as;

“custodial death” means the **death of a person while in custody, directly or indirectly caused by and attributable to acts of torture** committed upon the deceased while in custody,

It further explains;

**Explanation-I-** Custodial death includes death occurring in police, private or medical premises, in a public place or in a police or other vehicle or in jail. It includes death occurring while a person is being arrested or taken into detention or being questioned; and

**Explanation-II-** Custodial death also includes all cases where the death of a person after his release from custody is directly caused by and may be substantially attributed to acts committed upon the deceased while in custody;

## ► **Penalties Under the Torture and Custodial Death (Prevention and Punishment) Act, 2022**

The Torture and Custodial Death (Prevention and Punishment) Act, 2022 introduces stringent penalties specifically aimed at curbing torture, custodial deaths, and other abuses by public officials in Pakistan. According to the the Torture and Custodial Death (Prevention and Punishment) Act 2022, if a public official knowingly uses evidence obtained through torture they may face imprisonment or a fine. Any evidence obtained through torture is not admissible in a court of law.

Additionally, there are also corresponding provisions in the **Pakistan Penal Code (PPC)** that penalize various forms of harm, wrongful confinement, and assault. Overall, the 2022 Act expands on penalties in the PPC and lays out more targeted penalties and protections for detainees. This section highlights the penalties outlined in the 2022 Act and the PPC.

### **a. Penalty for Custodial Torture:**

Under the Act, a public official can be punished with **imprisonment** for a term of **up to 5 years** and may also be fined **up to PKR 1 million**. This penalty is meant to reflect the seriousness of torture, even if it does not lead to death or severe permanent injury. Besides the imprisonment and fine, the officer involved may face departmental action, which could lead to **suspension** during investigations.

#### **Corresponding Penalty under PPC:**

- **Section 337-K** (Hurt to extort confession): This section addresses physical harm inflicted to extract a confession or information. Punishments include imprisonment, though specifics on fines may vary.
- **Section 348** (Wrongful confinement to extort confession or compel restoration of property): This section criminalizes wrongful confinement for the purpose of extortion, with penalties that may include imprisonment.

### **b. Penalty for Custodial Death:**

**Under the Act**, if a person dies as a result of torture in custody, the public official responsible is subject to **life imprisonment**. Additionally, the public official may be required to pay a fine of **up to PKR 3 million**.

#### **Corresponding Penalty under PPC:**

- **Section 302** (Punishment of qatl-i-amd or intentional murder): This section stipulates life imprisonment or the death penalty for intentional murder, depending on the circumstances.
- **Section 319** (Qatl-i-khata or accidental killing): If the death is considered accidental, the penalties are less severe but may still involve compensation. However, for intentional custodial death, life imprisonment under Section 302 aligns with the penalty under the 2022 Act.

### **c. Penalty for Custodial Rape:**

Public officials convicted of custodial rape can face **life imprisonment**. The convict can also be fined **up to PKR 2 million**, payable to the victim.

#### **Corresponding Penalty under PPC:**

- **Section 376** (Punishment for rape): Under this section, rape is punishable by life imprisonment or the death penalty, depending on the severity and specifics of the case. The PPC does not always specify fines for custodial rape, which the 2022 Act addresses explicitly to provide financial compensation to victims.

#### d. Gender-Sensitive Provisions:

The act includes specific provisions to protect women, such as the requirement that female detainees must not be held or interrogated by male officers without a female officer present.

**Section 354-A, PPC** (Assault or use of criminal force to woman and stripping her of her clothes): This section addresses the assault of women in a manner that violates their dignity. However, specific gender-sensitive provisions about the presence of female officers during interrogation are not directly covered in the PPC, making the 2022 Act more comprehensive in this regard.

#### ► **Complaints and Investigations of Offences under the Torture and Custodial Death (Prevention and Punishment) Act, 2022**

The Federal Investigation Agency (FIA) is designated as the authority to investigate complaints of torture. The National Commission for Human Rights (NCHR) possesses the mandate to supervise these investigations.

**Section 5. Investigation of offences.**— (1) Notwithstanding anything contained in any other law for the time being in force, the Agency shall have the exclusive jurisdiction to investigate the complaints against any public officials who have committed offence under this Act:

Provided that the Agency shall investigate the complaints under the supervision of the National Commission for Human Rights.”



Scan the QR code to watch Justice Project Pakistan’s a 2-minute animated video that explains the **monumental benefits and importance of the Torture and Custodial Death (Prevention and Punishment) Act 2022:**

#### **Who Can File a Complaint?**

- **Victim:** Any individual who has suffered torture, custodial rape or CIDT which constitutes an offense under the Act.
- **Legal Heir/Representative:** In case of death in custody, the family or legal heirs of the deceased can file the complaint.
- **Witnesses:** Any person who has witnessed the act of torture can also file a complaint.
- **Human Rights Organizations:** Non-governmental organizations and human rights bodies can assist in filing complaints.

#### **Where to File the Complaint?**

- **Magistrate:** Complaints can be filed before a **Session Judge** or a **Magistrate of the First Class**, who has jurisdiction over the area where the torture or custodial death took place.
- **Federal Investigation Agency (FIA):** The FIA is empowered to investigate complaints of torture under the 2022 Act.
- **National Commission for Human Rights (NCHR)**

### ***Investigation Process***

- **Independent Investigation:** The law mandates that the investigation must be impartial and conducted by an independent officer, especially if the accused is a police officer or other law enforcement official.
- **Suspension of Accused Official:** During the investigation, the accused public official may be suspended to prevent tampering with evidence or intimidation of witnesses.
- **Forensic Evidence and Autopsy (in Custodial Death):** In cases of custodial death, an autopsy report and forensic evidence will be critical in determining the cause of death.

### ***Protection and Rehabilitation for Victims***

- **Protection of Victims and Witnesses:** The law provides for the protection of the complainant, victim, and witnesses to prevent any retaliation by the accused officials.

### ***Important Considerations***

- **Timeframe:** Complaints should be filed as soon as possible after the incident, although there is no strict time limit in the law.
- **Legal Representation:** Victims are encouraged to seek legal representation to ensure their rights are protected during the investigation and trial process.
- **Medical Evidence:** In cases of torture, a **medical examination** should be sought immediately to document injuries.

## **II. Police Order 2002**

The Police Order 2002 was promulgated on 14 of August 2002 and it replaced the Police Act of 1861. There are 19 chapters, 188 articles and 4 schedules. Its primary objective is to reform and regulate the police. The preamble clearly states “... the police has an obligation and duty to function according to the Constitution, law, and democratic aspirations of the people;” and aims to create a police service, which is “professional, service-oriented and accountable to the people”. Furthermore, it envisages a police service, which is also efficient in prevention and detection of crime as well as maintenance of public order.

In regards to torture, Section 156 specifically penalizes vexatious entry, search, arrest, seizure of property, and torture, etc. by a police officer, with a fine and prison term that can extend to five years.

# PROCEDURE UNDER THE TORTURE AND CUSTODIAL (PUNISHMENT AND PREVENTION) ACT



## MAGISTRATE ORDERS

Magistrate can initiate a medical examination during physical remand if he deems reasonable grounds exist (Sec 6)

## COMPLAINT

Complaint made either orally or in writing (Sec. 2(c))



## INVESTIGATION

The investigation officer (FIA) is to initiate the investigation and complete it within thirty days. (Sec 5)

\*An additional 5 days may be granted.



## ARREST & TRIAL

Arrest made, and competent authority to be informed  
Session court is to try the case and the trial to conclude within 3 weeks. (Sec. 7 & 13)



## DEPARTMENTAL INQUIRY

An internal departmental inquiry is to be launched and if there is prima facie evidence, the accused is to be suspended or transferred to a different location within 7 days.



Scan to read the full text of the full text of the Torture and Custodial Death (Prevention and Punishment) Act 2022

## **D. DOMESTIC MONITORING MECHANISMS**

In every society, certain institutions are tasked with safeguarding and promoting human rights. These bodies play a vital role in preventing abuses, ensuring accountability, and providing justice to those whose rights have been violated. In Pakistan, a combination of governmental, judicial, and non-governmental institutions work collaboratively to uphold human rights standards. This section provides an overview of these key institutions and their responsibilities, from law enforcement agencies to NGOs, which together create a system of checks and balances essential for protecting citizens' rights.

### **I. Law Enforcement Agencies**

Law enforcement agencies, including the police, Federal Investigation Agency (FIA), and prison authorities, are on the frontline of public safety and play a direct role in upholding human rights. Their responsibilities go beyond crime prevention and include ensuring that the rights of individuals, especially those in custody, are respected. These agencies are obligated to follow legal procedures that prevent torture, abuse, and inhumane treatment, making it crucial for officers to be properly trained and supervised. Effective law enforcement not only safeguards public security but also upholds the rule of law by treating all individuals fairly and humanely.

### **II. The National Commission for Human Rights (NCHR)**

Complying with its international obligations, Pakistan established a National Commission for Human Rights (NCHR) through The National Commission of Human Rights Act, 2012, in accordance with the Paris Principles. As an impartial state body, the NCHR works independently of the Government and is directly accountable to the Parliament of Pakistan. Under section 9 of the Act, one of the functions of the Commission, inter alia, is to inquire into the complaints of human rights violations, and negligence on part of public servants to prevent these violations, either on petition or suo moto. The section also entrusts the Commission with the function of visiting prisons, any place of detention or any other institution or place under the control of the Government or its agencies, where convicts, under trial prisoners, detainees or other persons are detained, in order to ascertain the legality of their detention as well as to find out whether the provisions of the applicable laws or other provisions relating to the inmates living conditions and their other rights are being complied with.

The mandate and scope of functions of the NCHR has been broadened by the Torture and Custodial Death (Prevention and Punishment) Act, 2022, which empowers the NCHR to supervise the investigations into allegations of torture being conducted by the Federal Investigation Agency (FIA).

### **III. Courts**

The judiciary serves as a powerful guardian of human rights, providing a platform where individuals can seek redress for violation of rights. Courts interpret and enforce laws, ensuring that justice is served through fair trials and unbiased rulings. In cases of human rights abuses, the courts can hold perpetrators accountable and protect individuals from arbitrary detention or mistreatment. By setting legal precedents, courts help shape policies and practices that align with constitutional and international human rights obligations, strengthening the legal framework and ensuring the protection of individuals' rights.

### **IV. Parliamentary Committees**

Parliamentary committees play an important role in reviewing human rights issues, proposing new legislation, and holding public hearings to examine government actions, particularly the Senate and National Assembly Human Rights Committees. These committees, often composed of elected

representatives, oversee human rights policies and work to address gaps in the legal system. Through inquiries, reports, and recommendations, parliamentary committees help ensure that the government remains accountable to the people and that laws reflect the principles of justice, equality, and human rights. Their work strengthens democratic governance and contributes to an environment where rights are safeguarded.

## **V. Non-Governmental Organizations (NGOs)**

NGOs are essential advocates for human rights, providing support to victims, documenting abuses, and raising awareness of issues that may otherwise go unnoticed. These organizations often conduct independent investigations, gather data, and publish reports on human rights conditions. They also provide legal aid, counseling, and assistance to victims of abuse. By working with communities and advocating for policy changes, NGOs hold both state and non-state actors accountable, pushing for reforms that promote greater respect for human rights. Their efforts complement governmental mechanisms and add an essential layer of oversight and advocacy within the human rights framework.

Together, these institutions create a comprehensive network of support, monitoring, and enforcement, ensuring that human rights principles are upheld within the country. Their collaboration and oversight are essential for maintaining transparency, accountability, and justice in society.

## E. MODULE 3 RECAP QUIZ

- 1. Which domestic law in Pakistan specifically addresses the prohibition of custodial torture?**
  - A. The Pakistan Penal Code (PPC)
  - B. The Torture and Custodial Death (Prevention and Punishment) Act, 2022
  - C. The Police Order 2002
  - D. The Constitution of Pakistan
  
- 2. What role does the National Commission for Human Rights (NCHR) play in preventing custodial torture in Pakistan?**
  - A. Conducting training for public officials and law enforcement officers
  - B. Monitoring human rights violations and making recommendations
  - C. Providing legal representation to victims of torture
  - D. All of the above
  
- 3. Which international treaty ratified by Pakistan obligates the country to prevent torture and other cruel, inhuman, or degrading treatment?**
  - A. International Covenant on Civil and Political Rights (ICCPR)
  - B. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
  - C. Convention Against Torture (CAT)
  - D. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
  
- 4. Under Pakistani law, which body is primarily responsible for investigating allegations of custodial torture?**
  - A. The Federal Investigation Agency (FIA)
  - B. The National Accountability Bureau (NAB)
  - C. The Supreme Court of Pakistan
  - D. The Ministry of Human Rights
  
- 5. What is one of the key factors that contribute to the occurrence of custodial torture in Pakistan?**
  - A. Lack of adequate training for public officials and law enforcement officers
  - B. Strict enforcement of human rights laws
  - C. Transparency in the criminal justice system
  - D. High public awareness of human rights issues
  
- 6. Which Pakistani law enforcement agency is responsible for implementing the Torture and Custodial Death (Prevention and Punishment) Act, 2022?**
  - A. Pakistan Rangers
  - B. Federal Investigation Agency (FIA)
  - C. National Accountability Bureau (NAB)
  - D. Police Department
  
- 7. What measures are included in the NCHR guidelines to prevent custodial torture?**
  - A. Regular monitoring of detention facilities
  - B. Training public and law enforcement officials on human rights
  - C. Providing legal aid to victims of torture
  - D. All of the above

*Answer Key on Page 44*

# ANSWER KEY

## MODULE 1 RECAP QUIZ

**1. Which of the following is not a universal human right?**

*Answer:* D. The right to go on vacation once a year

**2. List the 3 broad categories of human rights:**

*Answer:*

Civil and political rights

Economic, social and cultural rights

Right to Equality and non-discrimination

**3. What are the 3 obligations universal human rights place on the state:**

*Answer:*

Obligation to respect

Obligation to protect

Obligation to fulfil

**4. Pakistan is not a signatory to the ICCPR and therefore not bound to grant its citizens the right to free speech:**

*Answer:* B. False

**5. Under Pakistani law, custodial torture is illegal.**

*Answer:* A. True

**6. Which set of rules are considered as international guidelines and standards for the humane treatment of individuals in detention?**

*Answer:* C. Mandela Rules

**7. Which set of rules deals with treatment of female prisoners?**

*Answer:* A. Bangkok Rules

# ANSWER KEY

## MODULE 2 RECAP QUIZ

1. Which document defines torture as ‘... any act by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person...’?

*Answer:* B. UNCAT

2. According to UNCAT Article 2, can exceptional circumstances be invoked as a justification for torture?

*Answer:* D. No, exceptional circumstances can never justify torture

3. What differentiates cruel, inhuman, and degrading treatment from torture? (select as many options you feel are correct)

*Answer:* A and B.

- A. The severity of pain inflicted
- B. The purpose behind the treatment

4. Which of the following is an example of degrading treatment? (select as many options you feel are correct)

*Answer:* D. All of the above

- Prolonged solitary confinement
- Using excessive force during arrests
- Humiliating an individual without causing severe physical or mental suffering

5. Which principle requires that government actions must be based on clear and explicit laws?

*Answer:* C. Principle of Legality

6. Which principle emphasizes that any use of force by the state must be necessary to achieve a legitimate purpose?

*Answer:* B. Principle of Necessity

7. Why is torture considered ineffective as a law enforcement strategy?

*Answer:* B. It can lead to unreliable information or false confessions

8. What approach can be used as an alternative to coercive interrogation methods?

*Answer:* B. Rapport-based information-gathering approaches

# ANSWER KEY

## MODULE 3 RECAP QUIZ

**1. Which domestic law in Pakistan specifically addresses the prohibition of custodial torture?**

*Answer:* B. The Torture and Custodial Death (Prevention and Punishment) Act, 2022

**2. What role does the National Commission for Human Rights (NCHR) play in preventing custodial torture in Pakistan?**

*Answer:* B. Monitoring human rights violations and making recommendations

**3. Which international treaty ratified by Pakistan obligates the country to prevent torture and other cruel, inhuman, or degrading treatment?**

*Answer:* C. Convention Against Torture (CAT)

**4. Under Pakistani law, which body is primarily responsible for investigating allegations of custodial torture?**

*Answer:* A. The Federal Investigation Agency (FIA)

**5. What is one of the key factors that contribute to the occurrence of custodial torture in Pakistan?**

*Answer:* A. Lack of adequate training for public officials and law enforcement officers

**6. Which Pakistani law enforcement agency is responsible for implementing the Torture and Custodial Death (Prevention and Punishment) Act, 2022?**

*Answer:* B. Federal Investigation Agency (FIA)

**7. What measures are included in the NCHR guidelines to prevent custodial torture?**

*Answer:* A. Regular monitoring of detention facilities



The **National Commission for Human Rights (NCHR)** holds an “A” status accreditation from the Global Alliance of Human Rights Commission (GANHRI), recognizing its full compliance with the UN Paris Principles and its independence as Pakistan’s premier human rights institution. With a comprehensive mandate to promote and protect human rights, NCHR has established itself as a leading voice in prison reform and prisoners’ rights. NCHR’s work encompasses providing pro bono legal aid to prisoners, conducting systematic prison monitoring, investigating human rights violations, and advising the government on legislative and policy reforms in line with Pakistan’s constitutional and international obligations. Through these efforts, NCHR has secured the release of over 100 juvenile prisoners, implemented substantial jail reforms following its investigative reports, and contributed significantly to international human rights mechanisms including the Universal Periodic Review (UPR) and various UN treaty bodies.

For more information, visit [www.nchr.gov.pk](http://www.nchr.gov.pk)

**Justice Project Pakistan (JPP)** is a legal action non-governmental organisation dedicated to representing the most vulnerable Pakistani prisoners facing the harshest punishments. JPP investigates, advocates, educates, and litigates, building public and political support as well as legal precedents that will lead to systemic reform of the criminal justice system in Pakistan. Our work combines strategic litigation, fierce domestic and international public and policy advocacy campaigns, and building the capacity of stakeholders who can improve the representation and treatment of individuals facing capital punishment in Pakistan and abroad. In recognition of our work, in December 2016, JPP was awarded with the National Human Rights Award, presented by the President of Pakistan.

For more information, visit <https://jpp.org.pk/>  
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