



Human Rights Commission of Pakistan



PRESS RELEASE

Pakistan: UN Day for victims of torture – An urgent call to enact anti-torture legislation compliant with the UN Convention against Torture

Lahore–Geneva, 25 June 2015. On the occasion of the International Day in Support of Victims of Torture, June 26, the World Organization against Torture (OMCT) and the Human Rights Commission of Pakistan (HRCP) call on the government of Pakistan to adopt anti-torture legislation and provide for effective remedies to victims of torture.

Five years ago, Pakistan ratified the UN Convention against Torture committing itself to enacting an effective legal framework preventing and criminalizing torture as well as protecting torture victims.

“This day should remind us all that torture and other forms of cruel and inhuman or degrading treatment are still a sad reality in our country”, said Zohra Yusuf, Chairperson of the HRCP. *“Five years on it is time to translate commitment into reality and adopt an effective anti-torture law”,* she added.

In an open letter submitted today to the National Assembly, OMCT and HRCP welcome the draft Torture, Custodial Death and Custodial Rape Bill that is currently pending before the National Assembly. While the draft bill provides for important protections for torture victims, both organizations have set out key amendments to render the law effective.

The day commemorating torture victims reminds us that the very purpose of such laws is to provide an effective framework for the protection of victims and their right to a remedy and redress. Torture victims face an uphill battle to prove torture committed typically outside the public spotlight by state officials. Anti-torture legislation has to provide every possible means to make the right to complain realistic and to protect victims and witnesses who take the courage to do so.

Clauses such as in the draft law that punish malafide complaints will have a grossly intimidating effect and run counter to the very idea of the law to ensure effective remedies. Our experience shows that such provisions not only discourage victims from coming forward, they are also abused in cases in which a torture complaint has been rejected for lack of evidence and not because of ill intent.

Likewise important are prompt and impartial investigations. We are seriously concerned about the special protection extended to the military and intelligence agencies. If the investigating body has to seek instruction and direction from the Federal Government upon receiving a complaint directed against the military or intelligence agency, remedies will systematically fail.

“Our global experience in Asia and beyond has shown over and over that these type of provision produce a legacy of abuse. Military and intelligence agencies have been in many parts of the world notorious for human rights violations. We have to understand that protecting torturers or rapists from accountability is neither good for the morale of the troops nor does it serve security”, said Gerald Staberock, OMCT Secretary General. “Provisions such as this one have served in many places as licence for torture”.

An effective protection of torture victims also requires meaningful redress including compensation and rehabilitation. We therefore regret that compensation is the sole form of redress in the Draft Bill and only available once a person is found guilty which would limit the effect of such provision greatly. The Committee against Torture has repeatedly stated that the Convention requires member states to enact other forms of redress including restitution, access to rehabilitation, satisfaction and guarantees of non-repetition. Anti-torture legislation needs to put the interests of the victims first. On the day dedicated to torture victims it is time that Pakistan steps up to its responsibility and provides effective remedies and protection to those who suffer pain and trauma.

To remind the government of its promises and international obligations, the HRCP conducts a series of events, including rallies in several districts as well as public awareness events. The events are also part of OMCT’s global campaign ‘nothing can justify torture’ with similar actions around the globe.

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Please find attached the open letter to the National Assembly Secretariat.

The OMCT wishes to thank the European Commission and the National Endowment for Democracy for their financial support to the OMCT activities on June 26 that are part of its campaign of “nothing can justify torture under any circumstances”.

