

## RESEARCHED AND COMPILED BY THE REFUGEE DOCUMENTATION CENTRE OF IRELAND ON THE 10 APRIL 2024

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### COI QUERY RESPONSE

#### PAKISTAN – INFORMATION ON TREATMENT OF PEOPLE IN PRISONS IN PAKISTAN.

In March 2024 *Human Rights Watch* points out that: “Historically, in Pakistan's severely overcrowded prisons, prisoners have lacked access to legal assistance and adequate health care, food, and other necessities.”<sup>1</sup> The same report mentioned that: “Human Rights Watch strongly supported your visit last April to the Lahore Central Prison in Punjab province and the inspection of the healthcare facilities and kitchen for women prisoners. While visiting the prison hospital, you directed measures to improve sanitation and access to health care and also ordered a dedicated hospital for the prison and expressed the intention for prison reform throughout the country, using Lahore Central Prison as a pilot project. It is crucial that these reform attempts are completed and followed up all over the country to improve the lives of hundreds of thousands of Pakistanis in prisons.”<sup>2</sup>

*Himal South Asian* in January 2024 reported that: “In September 2022, a complaint was filed before the Islamabad High Court by Imtiaz Bibi. She charged that her son had suffered severe torture at the hands of prison officials at the Central Jail in Rawalpindi. Shortly afterwards, a doctor examined Bibi's son and told the court that his injuries were likely caused by torture. On 21 September, the superintendent of Rawalpindi Central Jail denied the charges. However, the story didn't end there. The next day, the National Commission for Human Rights (NCHR) said in a report that officials at the Rawalpindi prison appeared to have committed gross abuses of power, and that further investigations were warranted. The Chief Justice of the Islamabad High Court then visited the jail, along with several fellow judges as well as representatives from the NCHR, the ministry of human rights and the home department of Punjab province, where Rawalpindi is located. In a final NCHR report filed in October, 26 out of the 35 inmates interviewed said they had experienced torture and other inhuman and degrading treatment in prison. In the pursuit of justice for her son, Imtiaz Bibi had brought attention

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<sup>1</sup> Human Rights Watch (11 March 2024) Pakistan: New Government Should Protect Rights

<sup>2</sup> *ibid*

to the larger pattern of inmates' mistreatment within Rawalpindi's Central Jail."<sup>3</sup> The same document mentioned that: "There has yet been no attempt to address one of the most urgent issues facing Pakistan's prisons, which is overcrowding. As of October 2023, Pakistan held around 100,366 prisoners in its 127 jails, according to primary data obtained by the Justice Project Pakistan..."<sup>4</sup> The document further notes that: "In 2020, in the case of *Khadim Hussain vs Federation of Pakistan and others*, the Islamabad High Court ruled that detention in overcrowded and unsanitary prisons amounted to "cruel and inhuman treatment" for which the state should be held accountable. However, despite this, meaningful reform on this front is yet to follow."<sup>5</sup>

A report issued by *Human Rights Watch* in January 2024 states that: "Prisoners who ask for mental health support are often mocked and denied services."<sup>6</sup>

In August 2023 the *Advocates for Human Rights, World Coalition Against the Death Penalty, Justice Project Pakistan* mentioned that: "Pakistan's prisons are "notoriously unsanitary." In March 2020, the Islamabad High Court noted in a judgment the "unprecedented and grave conditions prevailing in the prisons across the country" and said that the "living conditions and treatment of prisoners in overflowing and inadequately equipped prisons has raised serious constitutional and human rights concerns." The court concluded that, "A prisoner who is held in custody in an overcrowded prison, having lack of sanitation, [is] tantamount to cruel and inhuman treatment for which the State ought to be accountable because it amounts to a breach of fiduciary duty of care." This holding has not resulted in measurable changes to prison conditions in the last three years."<sup>7</sup> The report also states that: "Further, there are reports of torture within Pakistani prisons and detention centers. In 2022, in connection with the *Imtiaz Bibi* case before the Islamabad High Court, the NCHR's inquiry report highlighted an ineffective State response and weak accountability and redress mechanisms. During the inquiry, the NCHR came across numerous instances of torture against the individuals held in the Rawalpindi Jail. Of the 35 people deprived of their liberty who were interviewed, 26 or 74% spoke about instances of torture. All of them spoke about financial extortion for provision of basic necessities in jail. Methods of torture ranged from physical beatings with a rubber tire to solitary confinement."<sup>8</sup> The report also points out that: "Despite this, prisons continue to operate without separate barracks for transgender persons. In 2021, the Sindh High Court noted the lack of these barracks in Sindh prisons was a direct violation of both the Transgender Persons Act and the Sindh Prison Rules and Correction Services Act of 2019."<sup>9</sup> The same report notes that: "Detention conditions on death row are also egregious, with individuals incarcerated in incredibly small and overcrowded cells."<sup>10</sup> The report also mentioned that: "Police often subject individuals on death row to torture in order to illicit

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<sup>3</sup> Himal South Asian (22 January 2024) The struggle for prison reform in Pakistan

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*

<sup>6</sup> Human Rights Watch (11 January 2024) World Report 2024: Pakistan

<sup>7</sup> The Advocates for Human Rights, World Coalition Against the Death Penalty, Justice Project Pakistan (18 August 2023) UN Human Rights Committee: Joint Submission in Advance of the Adoption of Issues for the Second Periodic Report of Pakistan in the 138th Session of the Human Rights Committee (26 June - 28 July 2023)

<sup>8</sup> *ibid*

<sup>9</sup> *ibid*

<sup>10</sup> *ibid*

confessions. Courts also rely on these forced confessions in determining an individual's guilt and in sentencing."<sup>11</sup>

The *Human Rights Commission of Pakistan (HRCP)* in June 2023 notes that: "...many of Pakistan's central and district jails are overcrowded, with a significant majority of prisoners being under trial, while their medical facilities are inadequate. There is a constant influx of individuals who are addicted to drugs with precarious health conditions which further burdens the fragile prison healthcare system. Former inmates also report abuses of human rights in prisons as, barring some exceptions, the manner in which custodial staff members deal with captive populations across Pakistan is bereft of compassion. Corruption among the prison staff and impunity for their conduct impacts the grant of health facilities; bribery can buy certain privileges while the poor prisoners are deprived of their rightful share. Moreover, the doctors within the confines of a prison are not motivated to work due to stressful working conditions and long hours. As a result, prisoner's basic rights to health, safety and dignity suffer."<sup>12</sup> The report also points out that: "Two cases narrated by former inmates in separate interviews are strikingly similar, despite the fact that they were kept in custody more than 1,000 kilometres apart. One reportedly took place in a Karachi jail and the other in a Lahore jail. If true, they are an indictment of Pakistan's fragile prison healthcare system. It was reported that two prisoners, one in Karachi and one in Lahore, suffered strokes during their imprisonments that caused a partial paralysis of their bodies, rendering them unable to move about unaided. Left on their own, they could not even attend to their personal needs. Both were taken to the hospitals and then returned to jail. The ailing prisoner in Lahore was admitted into the jail hospital where he was attended by his relative who too was under judicial custody. On the other hand, the prisoner from Karachi was returned to his overcrowded barracks where he was looked after by his fellow inmates without whose help he could not even use the toilet. Both these prisoners, however, were deprived of the medical assistance a patient requires who suffers from partial paralysis. Whatever physiotherapy they received was from those who were imprisoned alongside them."<sup>13</sup> The report also states that: "All the former inmates who were interviewed were unanimous in their assertions that there is a constant scarcity of medicine in jails, and that the medicines administered in the prisons are of substandard quality. Masood Khan, a former judiciary advisor for Adam Smith International's Justice Systems Support Programme (JSSP) in KP, iterated the same concern while talking at the national FGD organised by HRCP: "Medicines used in prisons are sometimes from obscure sources, and their potency is questionable. The lowest bid is the primary consideration for governments."<sup>14</sup>

The *UK Home Office* in May 2023 reported that: "The HRCP stated in June 2022 that 'Allegations of custodial killings and torture in detention centres, police lockups and prisons abound; yet unfortunately, most instances of torture remain invisible. Torture is not only underreported but also difficult to prove in medical reports as has been noted in various credible studies carried out on the subject. Hence the complete impunity for torture."<sup>15</sup>

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<sup>11</sup> *ibid*

<sup>12</sup> Human Rights Commission of Pakistan (HRCP) (2 June 2023) *The Ailing Prisoner: Access to Healthcare in Pakistan's Prisons*

<sup>13</sup> *ibid*

<sup>14</sup> *ibid*

<sup>15</sup> UK Home Office (24 May 2023) *Country Policy and Information Note - Pakistan: Actors of protection (May 2023)*

*Al Jazeera* in March 2023 states that: “A prominent rights group has raised alarm over Pakistan’s overcrowded prisons and called for reforms to the country’s criminal justice system. In a report released on Wednesday, Human Rights Watch (HRW) said Pakistan’s more than 100 jails had at least 88,000 inmates, against the officially approved capacity of 65,168.”<sup>16</sup> This document also notes that: “Pakistan has one of the world’s most overcrowded prison systems,” it said, adding that many prisoners were unable to access medicine and treatment for even basic health needs. Prisoners are forced to live under unsanitary conditions and “lice, fleas, scabies and skin diseases are common in prison,” it said. Besides the lack of healthcare facilities in prisons, the report also highlighted rights abuses faced by the prisoners, including torture, discrimination and lack of access to legal aid.”<sup>17</sup>

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