

POST CONFERENCE REPORT

# Conference on International Human Rights Law



**19-20 October 2022**

Justice Project Pakistan gives its heartfelt thanks to the Embassy of the Netherlands in Pakistan and the Australian High Commission in Pakistan for making this conference possible. We thank Ms. Joanne Frederiksen, the Acting Australian High Commissioner to Pakistan, for the excellent and thought-provoking remarks she delivered to open the conference.

We would also like to thank the Federal Minister of Law and Justice Mr. Azam Nazeer Tarar for always believing in JPP and for gracing us with his wisdom.

To the beating heart of our conference, the honourable members of the judiciary who attended and gave us the benefit of their decades of experience; Mr. Justice Ali Baqar Najafi, Mr. Justice Syed Shahid Bahar, Mr. Justice Jawad Hassan, Mr. Justice Chaudhry Abdul Aziz, Mr. Justice Yousuf Ali Sayeed and Mr. Justice Anwaar Hussain; we cannot thank you enough, both for making our conference possible and for the work you do every day to uphold the rights of the Pakistani people.

We would like to extend our gratitude to our partners Group Development Pakistan and the Research Society of International Law for their stalwart support over the years and over the course of this conference.

We additionally would like to thank the National Commission for Human Rights and the Parliamentarian's Commission for Human Rights for the brave work they do and the belief they have shown in us, through thick and thin.



Ministry of Foreign Affairs of the  
Netherlands



*Parliamentarians Commission*  
— For Human Rights —



**Group Development  
Pakistan**

**RSIL** | RESEARCH SOCIETY OF  
INTERNATIONAL LAW  
IMPARTIAL ANALYSIS • LEGAL SOLUTIONS



# Table of Contents

List of Abbreviations	01
Executive Summary & Context	03
Panel One - Pre-Trial and Post-Trial Detention	06
Key takeaway and Summary .....	07
Strategic Recommendations .....	09
Panel Two - Rights of Persons with Disabilities	10
Key takeaway and Summary .....	11
Strategic Recommendations .....	13
Panel Three - Economic, Social & Cultural Rights	14
Key Takeaway and Summary .....	15
Strategic Recommendations .....	17
Panel Four: Criminalizing Torture	18
Key takeaway and Summary .....	19
Strategic Recommendations .....	21
Panel Five - Gender Justice and Child Rights	22
Key takeaway and Summary .....	23
Strategic Recommendations .....	25
Panel Six - Climate Justice	26
Key takeaway and Summary .....	27
Strategic Recommendations .....	29
Conference Highlights	30
Challenges and Lessons Learned	32
Impact and conclusion	33

# List of Abbreviations

UN: United Nations

OHCHR: Office of the High Commissioner for Human Rights

UDHR: Universal Declaration of Human Rights

HRC: Human Rights Committee

ICCPR: International Covenant on Civil and Political Rights

CAT: Convention Against Torture

CEDAW: Convention on the Elimination of all forms of Discrimination Against Women

CRC: Convention on the Rights of the Child

ESCR: Economic, Social, and Cultural Rights

CRPD: Convention on the Rights of Persons with Disabilities

FJA: Federal Judicial Academy

NAPA: National Academy for Prison Administration

LAJA: Legal Aid and Justice Society

RSIL: Research Society of International Law

PCHR: Parliamentarian's Commission for Human Rights

ANF: Anti-Narcotics Force

NCHR: National Commission for Human Rights

CSO's: Civil Society Organisations

JPP: Justice Project Pakistan

COP27: United Nations Climate Change Conference 2022



**Azam Nazeer Tarar**, Federal Minister for Law and Justice delivering the opening remarks of the conference.

# Executive Summary

Historically, Pakistan's judiciary has emphasised the difference between national and international law, and has required the translation of the latter into the former through domestic legislation. In recent years, however, there has been a marked increase in the application of international law and of the rights guaranteed to the people under international Conventions by Pakistan's judiciary. There have been several recent judgements stemming from the provincial High Courts and the Supreme Court which have cited international human rights norms contained in UN Conventions such as the ICCPR, CEDAW, CRC, ESCR and the CRPD and interpreted constitutional provisions related to the right of freedom of movement, freedom of expression, the right to life and dignity, and the freedom of association in line with international legal standards.

There is a crucial need to maintain this momentum by highlighting this increased application of international law, and sensitising the judiciary on the international legal standards contained within the conventions and treaties to which Pakistan is a State Party. Furthermore, increased international engagement on a state level necessitates that this sensitisation be extended to government stakeholders, civil society and the general public.

With this aim in mind, Justice Project Pakistan<sup>1</sup> organised a two day conference on the 19th and 20th of October 2022, consisting of several themed panel discussions, opened by provincial High Court justices and composed of public officials, international experts and prominent members of civil society. The panellists highlighted the work being done on the ground in terms of implementing the treaty rights, laid out Pakistan's international law obligations and the challenges faced in their implementation, and identified key areas that need to be addressed.

---

<sup>1</sup> <https://jpp.org.pk/>

The conference was well attended, with the audience ranging from lawyers and law students, to diplomats, and state representatives to activists and prominent members of the civil society. A strong print and digital media presence, constant live tweeting and a livestream of the panels further allowed for the proceedings to be shared with the general public and relevant stakeholders who were unable to attend the conference in person.



**Ms. Joanne Frederiksen**, Acting Australian High Commissioner to Pakistan

The High Court justices who opened each panel spoke of the role the judiciary has played in upholding the rights of the people of Pakistan, both those contained in the Constitution, as well as those enshrined in international conventions to which Pakistan is party. In many cases, the Constitution of Pakistan reflected these international legal standards, leading many of the judges to argue that the issue was not in the law, but rather in the awareness of these laws, and their implementation. Several honourable justices highlighted recent judgments passed by themselves and their peers which directly read from international human rights law, or applied a Constitutional standard that aligned with international law.

The experts who were invited to speak on the panels were chosen based on their expertise in the relevant thematic area, and each panel was carefully curated so as to stimulate a well rounded discussion on domestic and international human rights law and their application in Pakistan. The questions put forward to the panellists were framed to keep the discussion both focused on identifying areas where progress was being made and challenges were being faced. Panellists formulated strategic recommendations to the issues being raised, centred around improving the implementation of Pakistan's international human rights law obligations. Subsequently, some of those recommendations, such as those pertaining to the Child Justice System, are currently being discussed between the National Commission on Human Rights, the ICT administration and judiciary and independent technical experts, including the ones invited to this conference.

Hence, as mentioned by several panellists, it seems fair to state that this International Conference on International Human Rights Law is only the stepping stone for “*much more to come!*”.

# Panel One: Pre-Trial and Post-Trial Detention<sup>2</sup>

## Opening Remarks: The Honourable Mr. Justice Ali Baqar Najafi



### Panelists:

1. **Ms. Nekane Levin** - UN Office of the High Commissioner of Human Rights
2. **Mr. Azhar Rasheed** - Director General, National Academy for Prison Administration
3. **Barrister Sarah Belal** - Executive Director, Justice Project Pakistan

### Moderator:

**Barrister Ahmed Pansota**

<sup>2</sup> <https://www.facebook.com/JusticeProjectPakistan/videos/673329017469563>

## Summary and Key Takeaways:

The Honourable Mr. Justice Ali Baqar Najafi opened the first panel of the conference by lauding the key role civil society has played in advocating for and enacting penal reform in Pakistan. He hailed the landmark Safia Bano judgement<sup>3</sup> as being the first step in the right direction and reiterated the need for implementation of the directions laid down in the judgement through legislative reform.<sup>4</sup> Justice Najafi categorically stated that prisoners, whether pre-trial, under-trial or convicted, are under the custody of the courts and the courts are primarily responsible for their well-being.

Ms. Nekane Levin discussed international norms and standards applicable to detention, deprivation of liberty, and incarceration and further shed light on the provisions of various international human rights treaties that deal with detention. It was strongly reaffirmed by the panel that the use of pre-trial detention should be the last recourse as its purpose is merely to enforce the attendance of the accused, to prevent reoccurrence and interference with evidence. The panellists referred to provisions from the UDHR, ICCPR as well as the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), which regulate most aspects of the criminal justice system ranging from the criteria for detention to the training for prison staff.

Mr. Azhar Rasheed emphasised the need to view prison staff training as an essential part of prison reforms, as mandated by the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). The panel collectively expressed concern over the use of torture in prisons and discussed the need to outlaw the practice of torture through legislation, upon which the Federal Minister for Law & Justice, Mr. Azam Nazeer Tarar, spoke up from the crowd and intimated that it would be passed very soon.

Ms. Sarah Belal said that since the judiciary had a fundamental role to play in detention, it had to be brought to the table of stakeholders to engage in conversations about reforming pre and post-trial detention practices. She raised the need to start a multi-stakeholders dialogue, as well as pursue and consolidate efforts to update the existing legislative framework, particularly the Pakistan Prison Rules, to align with international standards and best practices. Ms. Belal also spoke about the need for a special tribunal dedicated to adjudicating matters related to prison administration and addressing prisoners' grievances.

---

<sup>3</sup> PLD 2021 SC 488

<sup>4</sup> <https://jpp.org.pk/safeguarding-the-rights-of-mentally-ill-defendants-the-supreme-court-of-pakistans-landmark-judgment/>

- Justice Najafi has a reform cases- safe prisoners and seek issues of overcrow conditions of dete



“Prisoners are not to be hated. They are victims of society”

- The Honourable Mr. Justice Ali Baqar Najafi

“The conversation about prison reforms in Pakistan hasn’t taken place with the right stakeholders. The problem is that we don’t sit together. We must talk to each other”

- Sarah Belal

“There is a need for regular parole board meetings and systems to reduce overcrowding and support rehabilitation of prisoners showing good behaviour”

- Azhar Rasheed Khan, Director General of the National Academy for Prison Administration

“Pakistan’s achievements as reported in the ICCPR State Report submitted in June 2022 are noteworthy, including no executions since 2019 and safeguards for vulnerable prisoners facing execution”

- Nekane Levin

## Strategic Recommendations:

- Engage all key stakeholders, including the judiciary in a discussion on the endeavour to reform the criminal justice system in Pakistan.
- Implement the Safia Bano judgement through legislative, policy and administrative measures.
- Update Prison Rules to reflect international best practices regarding prison conditions and treatment of prisoners.
- Bring all provincial governments together for joint sessions of training for the prison staff so as to standardise the capacity-building process.
- Curb the practice of torture through legislation.
- Establish a tribunal to deal with violations of prisoners' rights and to address prisoner grievances.

# Panel Two: Rights of Persons with Disabilities<sup>5</sup>

## Opening Remarks: The Honourable Mr. Justice Syed Shahid Bahar, High Court of Azad Jammu & Kashmir



### Panelists:

1. Mehek Naeem, Director Programs, PAHCHAAN
2. Dr. Mowaddat Rana, Professor of Psychiatry & Behavioural Sciences
3. Ms. Sana Khurshid, Lawyer & Disability Rights Activist
4. Barrister Harris Azmat, Lawyer for Disability Rights

### Moderator:

Barrister Harris Azmat, Lawyer for Disability Rights

<sup>5</sup> <https://www.facebook.com/JusticeProjectPakistan/videos/613716457134266>

## Summary and Key Takeaways:

This panel discussion was focused on the international and domestic legal frameworks covering the rights of persons with disabilities. Mr. Justice Syed Shahid Bahar started the session with his opening remarks and talked about the discrimination or social prejudice that people with disabilities face in the Pakistani society. He emphasized the importance of using the correct terms for disabled persons, as discrimination often shows up through language, in the form of metaphors and derogatory terms which cause extreme agony to disabled persons.

Thereafter, the panel discussion was initiated, highlighting the gaps that need to be filled for the full implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in Pakistan. Ms. Mehek Naeem spoke about the lack of educational facilities and the stigma surrounding the education of students with disabilities, stating that ground realities did not reflect the numerous recommendations that have been made on this matter.

The famous case of Safia Bano passed by the Supreme Court in 2021 was highlighted by Dr. Mowaddat Rana as he discussed the wide range of problems associated with the implementation of the directions laid down in the judgement due to a lack of infrastructure and societal mindset. He stressed the need for the federal and provincial governments to follow the directions of the Court and implement the safeguards that have been established for mentally ill defendants at arrest, detention, sentencing, trial and incarceration.

Advocate Sana Khurshid spoke about the acceptance and support that had been displayed by the judiciary towards upholding the rights of persons with disabilities, saying that despite the recommendations of Justice Jawad Hassan in a judgement on access to public spaces for disabled persons, there was still a need for all stakeholders to come together and focus on the implementation of better infrastructure and frameworks.

Barrister Harris Azmat explored the constitutional obligations of the State towards a disabled person and ways in which Government resources could be allocated for the protection as well as the rehabilitation of persons with disabilities. The panelists also stressed the need to create a holistic rights-based framework and mindset in the working of relevant stakeholders to guide the drafting of better laws and inclusive implementation mechanisms.



"The Constitution of Pakistan treats all citizens equally. Then why are differently-abled persons met with discrimination in our society?"

- The Honourable Mr. Justice Syed Shahid Bahar

"Since the naked eye can't see the disability of the mind, we end up discriminating against it."

- Dr Mowaddat Rana

"Disability isn't just when you're in a wheelchair. There are so many types of disabilities out there."

- Sana Khurshid

"We need to change our mindset in order to create an inclusive society."

- Barrister Harris Azmat

"When it comes to the implementation of the CRC and CRPD, we still have a long way to go."

- Mehek Naeem

## Strategic Recommendations:

- The Medical Board comprising three psychiatrists and two psychologists as envisaged in the Safia Bano judgement should be notified and constituted at the earliest to examine and evaluate cases of mentally ill persons.
- Training of judges should be conducted on a regular basis to sensitise them on issues/problems of persons with disabilities.
- Forensic psychiatric facilities operating in line with international standards should be established in every province and monitored accordingly.
- The Government should conduct a gap assessment of the implementation of the CRPD in Pakistan to find out areas where reform and transformation is required.
- Access to courts and other state institutions should be made easier for persons with disabilities.
- Government should launch campaigns highlighting issues faced by persons with disabilities to sensitise the public and promote a more inclusive mindset
- Persons with disabilities should be included in each and every stage of the reform process by the Government, their views taken into consideration especially at the time of drafting policies and laws for their protection and rehabilitation.

# Panel Three: Economic, Social & Cultural Rights<sup>6</sup>

## Opening Remarks: The Honourable Mr. Justice Jawad Hassan, Lahore High Court



### Panelists:

1. Mr. Saroop Ijaz, Senior Counsel Asia, Human Rights Watch
2. Ms. Gabriela Guzman, UN Office of the High Commissioner for Human Rights
3. Dr. Raheem Awan, Director General, Legal Aid and Justice Authority

### Moderator:

Zoha Shahid, Research Institute of International Law

<sup>6</sup> <https://www.facebook.com/JusticeProjectPakistan/videos/5711575372218836>

## Summary and Key Takeaways:

The sheer breadth of provisions encapsulated in the International Covenant on Economic, Social and Cultural Rights makes any attempt to discuss this treaty and the rights contained therein an extremely ambitious effort. The Honourable Mr. Justice Jawad Hassan and the esteemed panellists who followed him, however, proved more than up to the task.

Justice Jawad extolled the beauty of the 1973 Constitution of Pakistan, insofar as it lays out all the economic, social and cultural rights that exist under international law and grants them to every Pakistani. Highlighting the proactive role the judiciary has, and continues to play in applying these Constitutional provisions, the esteemed High Court Justice notably stated that in places where Pakistan's legislature has not implemented international law standards, the superior courts have read in these rights from international conventions and ensured that the human rights landscape of the country continues to rapidly evolve.

The experts on the panel then proceeded to embark on a nuanced and engaging discussion, guided by Ms. Zoha Shahid, on the situation of economic, social and cultural rights in Pakistan and the role international mechanisms can play in helping states uphold these rights. Mr. Saroop Ijaz brought a much needed level of complexity to the panel by talking about the need for provision of economic, social and cultural rights not just to the wealthy and privileged but to all strata of society. He emphasised the need to modernise our legislation, to improve resource allocation policies and for the provision of these rights to be brought back on the country's political agenda.

Ms. Gabriela Guzman expounded on the wealth of expertise and resources flowing from the UN System to guide states on the respect, protection and fulfilment of economic, social and cultural rights. She pointed out that the treaty body reporting mechanisms in place allow states to assess their progress, reflect on where they stand and chart a path forward with the reviewing committee.

Dr. Raheem Awan acknowledged the judiciary's efforts in upholding the law, stating that the wave of judicial activism in public interest litigation has played a crucial role in upholding the economic, social and cultural rights every Pakistani is due. He stated, however, that legal education in the country needed to be improved, in order to fill vacancies in the judiciary and eliminate the vast backlog of cases in Pakistan's justice system.



“Pakistan has numerous economic, social and cultural rights in its Constitution, and they are being upheld and provided to the people. New judgements are coming out every day, and courts are proactive in upholding these rights”

*- The Honourable Mr. Justice Jawad Hassan*

“There is a wealth of expertise flowing from the UN system that can guide states on respecting, protecting and fulfilling economic, social and cultural rights.”

*- Gabriela Guzman*

“Article 37 and 38 of the Constitution empowers the judiciary and the state to ensure social justice and the right to work of the Pakistani people.”

*- Dr Raheem Awan*

“Protection from extreme poverty is a fundamental right, and no federal or provincial government is upholding it. We have to modernise, divert resources, and bring it back on the political agenda.”

*- Saroop Ijaz*

## Strategic Recommendations:

- Empower and sensitise all levels of the judiciary to uphold the economic, social and cultural rights enshrined in the Constitution of Pakistan for people of all gender, socio-economic, religious and ethnic background;
- Sensitise relevant stakeholders on the UN mechanisms which guide states on the implementation of economic, social and cultural rights
- Adapt or do away with outdated legislations which deal with the provision of these rights to be better suited for the modern era
- Take an intersectional approach to upholding and implementing economic, social and cultural rights of the Pakistani people by raising social and political awareness of these rights
- Improve resource allocation towards sectors that deal with the provision of economic, social and cultural rights
- Improve legal education in Pakistan to strengthen the country's judiciary and expand the criminal justice system.



# Panel four: Criminalizing Torture<sup>7</sup>

## Opening Remarks: The Honourable Mr. Justice Chaudhry Abdul Aziz



### Panelists:

1. Ms. Rabiya Javeri Agha, Chairperson National Commission for Human Rights
2. Ms. Christine Chung, South Asia Team Lead, UN Office of the High Commissioner for Human Rights
3. Dr. Khurram Sohail Raja, Forensic Science Expert
4. Mr. Aamir Zulfiqar Khan, Deputy Director General, Anti-Narcotics Force

### Moderator:

Mr. Chaudhry Muhammad Shafique, Parliamentarian's Commission for Human Rights

<sup>7</sup> <https://www.facebook.com/JusticeProjectPakistan/videos/791360578788293>

## Summary and Key Takeaways:

The widespread use of torture by public officials in Pakistan has never been more highlighted than it is today, making the remarks made by the Honourable Mr. Justice Chaudhry Abdul Aziz, as well the ensuing panel discussion, a highly engaging and pertinent use of two hours.

Justice Abdul Aziz brought his vast expertise to the fore in his address, recounting numerous anecdotes of cases he has adjudicated in the past that interspersed with his astute interpretation of Pakistan's Constitution and the criminal legislation which effectively prohibit the use of torture in Pakistan. He emphasised that there must be better implementation of safeguards against torture, and that legislation must be passed, in consultation with public officials and criminal justice system stakeholders, to effectively criminalize torture.

NCHR Chairperson Ms. Rabiya Javeri Agha spoke about the groundbreaking work the NCHR is doing in addressing torture complaints in Adiala Jail, and stressed the importance of increased resources for victim redressal, and mechanisms for the rehabilitation of incarcerated juveniles who are highly vulnerable to torture.

Speaking on the basis of fourteen years of experience as a member of a District Medical Board examining Medico-Legal Certificates (MLCs), Dr. Khurram Sohail Raja stated that there is a pervasive trend of covering up these excesses by public officials in the lower levels of provincial criminal justice systems. He stated that it was his hope that legislation criminalising torture would help eradicate this culture of impunity.

Ms. Christine Chung elaborated on the international law prohibitions on torture laid out in numerous international treaty bodies, chief of which is the UN Convention Against Torture. She further highlighted the vibrance and strength of Pakistan's civil society, stating that the UN believed that those on the ground were the ones leading the fight against torture.

Mr. Aamir Zulfiqar shared a policeman's perspective on the issue, importantly stating that torture by police officials reflected not just on the police, but that these practices evolve as a result of the wider society and social values. He spoke of the need to improve the police's capacity to carry out technical and forensic investigations, which would begin with improved resource allocation and community policing initiatives.



"Judicial confession, if proved not to have been recorded voluntarily, is discarded. Laws mandate courts to ensure any confession made is voluntary."

- *The Honourable Mr. Justice Chaudhry Abdul Aziz*

"[...Torture] issue is intrinsically linked to money. Public officials don't get paid enough, so a culture of extortion has been created."

- *Rabiya Javeri*

"I have observed more than 3500 cases of Torture in Faisalabad alone, while the person inflicting torture has never been held accountable."

- *Dr. Khurram Sohail Raja*

"Most cases of torture that have been referred to me have been genuine. In one case, victims complained that the police injected spices and salt into their bodies' cavities. We sent the swabs to the lab, and found that this heinous act had actually taken place."

- *Dr. Khurram Sohail Raja*

"I have observed more than 3500 cases of Torture in Faisalabad alone, while the person inflicting torture has never been held accountable."

- Christine Chung

"We can set up a plan for a model district, where we post the best officers, create a specialised investigative cadre, and carry out a study to see how effective it is in improving technical investigations and eliminating reliance on torture."

- Amir Zulfqar

## Strategic Recommendations:

- Enact legislation compliant with the UN Convention Against Torture that effectively defines and criminalizes custodial torture by public officials in Pakistan
- Capacity-build and sensitise all relevant criminal justice stakeholders to raise awareness about the prevalence of torture and the need to eliminate its use
- Establish observation homes, rehabilitation centres and reintegration programmes for the welfare of juvenile prisoners who have been released from jail in line with the Juvenile Justice Systems Act 2018
- Establish a fully funded and equipped specialised investigation unit as part of a pilot study in a police station in Punjab, to determine the effects of reliance on technical and forensic investigations as opposed to torture

# Panel Five: Gender Justice and Child Rights<sup>8</sup>



## Panelists:

1. **Ms. Farkhanda Aurangzeb**, Balochistan Member, National Commission for Human Rights
2. **Ms. Valerie Khan**, Gender & Child Rights Expert
3. **Ms. Sahar Bandial**, Advocate of the High Courts

## Moderator:

**Zoha Shahid**, Research Institute of International Law

<sup>8</sup> <https://www.facebook.com/JusticeProjectPakistan/videos/673072681106495>

## Summary and Key Takeaways:

This panel discussion revolved around the issues pertaining to the rights of women and children in Pakistan, as both segments are considered to be the most marginalised in the country in terms of availing legal remedies. The panelists started the discussion by highlighting the plight of women and juvenile offenders stuck in the criminal justice system of Pakistan. It was observed that women and children were the most vulnerable in society due to structural, institutional and socio-cultural challenges, as well as weak safeguards to protect them from malicious investigation and prosecution.

It was pointed out by Ms. Farkhanda Aurangzeb that even after the enactment of various pro-women and pro-child laws, the situation in Pakistan has not improved, as the laws lack an effective implementation mechanism. She spoke of how the state machinery and the lower judiciary in Pakistan is not aware of the latest developments taking place in the area of child rights and gender justice. Most of the members of the lower judiciary are not even aware of domestic laws that protect women and children, let alone international conventions that Pakistan has ratified to date, which gives rise to the need for awareness campaigns surrounding each new law and development.

While discussing the international law obligations to which Pakistan is beholden, Ms. Valerie Khan brought the attention of the audience to the issues that plague juveniles caught up in the justice system, and how despite historical positive steps and jurisprudence, many practices common to Pakistan still run contrary to international law obligations under the CRC and ICCPR. The working of detention facilities in Pakistan did not give a fair chance to juvenile prisoners wanting to repent. They are also deprived from legal aid because of which they are forced to live in close proximity with adult prisoners which ruins their chances of a normal life even after their release.

Speaking on her experience as a lawyer with expertise in gender justice, Ms. Sahar Bandial narrated the deep-rooted stigmas and stereotypes that exist against women in the justice system, yet noted that judgements such as the Sadaf Aziz decision to outlaw the two-finger virginity test were extremely important steps being taken by the legal community and the judiciary. The panelists agreed that the need to adopt a restorative approach when dealing with children in conflict with the law had become extremely relevant, as children need assistance or response(s) that would help them improve and reintegrate into society. The discussion on this panel also covered the problems in the implementation of transgender rights. It was highlighted that various

attempts have been made in Pakistan to ensure that transgenders are treated in accordance with the law and the Constitution, yet there is still an urgent need to eradicate the harmful stereotypes surrounding their community and combat the abuse, exploitation and discrimination they face by establishing inclusive and adequate protections and conducting awareness campaigns.

In the end, it was concluded that the strongest way to protect the marginalised segments of society from abuse is through a holistic multi-sectoral approach that includes legal empowerment and legal awareness which would strengthen confidence-building measures between the marginalised segments and all the justice sector actors.

“Implementation of laws does not exist when it comes to juvenile justice.”

- Ms. Farkhanda Aurangzeb

“If convicted, juveniles are not supposed to be in prisons, they need to be in rehabilitation centres.”

- Valerie Khan

“Having women in the justice system can help understand what a female litigant is going through.”

- Sahar Bandial

“There’s a general culture of not believing women in the criminal justice system”

- Sahar Bandial

“As per our constitution, any male/female/trans/non-binary child has all the rights regardless of gender.”

- Valerie Khan

## Strategic Recommendations:

- More women should be included in decision-making roles, especially in the judiciary
- The criminal justice institutions should be sensitised on women's rights and child rights
- The Juvenile Justice Committees envisaged under the Juvenile Justice System Act 2018, must be operationalized at the earliest with adequate diversion programs
- Language in judgments of courts should be improved gender- sensitive terms should be used for rape victims and victims of sexual assault.
- The percentage of women in all justice sector institutions must be increased
- The state should focus on enforcing the JJSA in its letter and spirit and establishing the required observation homes and rehabilitation centers.
- Medical test should be the last resort if other documents are available to verify the age of the child
- Provisions of Anti-Rape (Investigation and Trial) Act 2021 must be operationalized
- Provision of shelter and other protections must be prioritized for the vulnerable and at-risk transgender community
- The provisions of the Transgender Persons (Protection of Rights) Bill 2018 should be fully implemented
- Massive awareness-raising campaigns must be organized to uplift and integrate the most vulnerable segments of society
- Modules on child justice and gender justice should be included in the curriculum of lower court judges
- Examples of indigenous good practices to promote gender justice should be capitalised upon
- A full fledged outcome-oriented national action plan on child justice should be developed with concerned stakeholders, funded and implemented urgently
- Donors must support a full fledged program on child justice in partnership with the civil society

# Panel 06 - Climate Justice<sup>9</sup>

## Opening Remarks: The Honourable Justice Mr. Yousaf Ali Sayeed



### Panelists:

1. **Barrister Rafay Alam**, Environment lawyer and Activist
2. **Dr. Abid Qayyum Sulehri**, Executive Director, Sustainable Development Policy Institute
3. **Mr. Benjamin Schachter**, Environmental and Climate Change Team, UN Office of the High Commissioner for Human Rights

### Moderator:

**Rina Saeed**, Environment Journalist

<sup>9</sup> <https://www.facebook.com/JusticeProjectPakistan/videos/897236918349333>

## Summary and Key Takeaways:

Climate justice is one of the most pressing questions of the hour, especially in the context of the recent floods that have impacted Pakistan in an unprecedented manner. The panel discussed the urgent need to implement climate justice in Pakistan, which lands at the intersection of human rights, climate change, and sustainable development.<sup>10</sup> The keynote speaker Hon'ble Justice Mr. Yousaf Sayeed in his address stated that droughts, floods, heat waves, rising sea levels, and ocean acidification were not natural disasters, but man-made ones as they were the ramifications of our failure to protect the environment. The hon'ble justice mentioned international agreements and conventions that aim to protect the climate as well as the noteworthy judgments regarding climate that were authored by the justices of Pakistan such as the one in the Asghar Leghari case. Hon'ble Justice also touched upon the topic of intergenerational justice and emphasised the need to protect the environment for future generations.

The esteemed panellists had a constructive conversation on climate justice. Mr. Benjamin Schachter began his address by extending condolences for the recent devastation in Pakistan due to floods and in the aftermath of climate destruction. He went on to emphasise the need for climate justice; a term that is used to combine the areas of human rights and development to achieve a rights-based approach to addressing climate change and discussed ways of preventing and compensating for climate harm borne by the least developed nations. He said there was a strong and urgent need to protect human rights from the for-profit exploitation of nature.

Dr. Abid Sulehri spoke of taking domestic action to curb climate change. He proclaimed that we, as a state, were responsible for our own share in the damage, and in the absence of an international mechanism for redressal, Pakistan itself needed to work on protecting the climate.

Mr. Rafay Alam strongly advocated for reparations for the most vulnerable countries that have been the most affected by the disasters brought about by the developed nations' unbridled exploitation of natural resources and ecosystems. He also explained the imminent harm that the world faced in great detail and the fact that humanity cannot afford any further climate change at all. The esteemed panelists discussed international conferences and agreements in detail to outline the necessary steps that Pakistan needs to take in order to mitigate climate disasters.

---

<sup>10</sup> UNHRC Resolution 48/13 on the human right to a clean, healthy and sustainable environment: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/289/50/PDF/G2128950.pdf?OpenElement>

To end the conference, Justice Anwaar Hussain gave a recap of the proceedings of the past two days, delivering a moving address on the importance of justice, tolerance, and taking action. Speaking about the important role that relevant stakeholders must play, Justice Anwaar closed by stressing that honesty, above all else, was a requirement in order for us all to take responsibility for the future of this country.



“There is a case to be made for an international climate court, similar to other international arbitration courts or tribunals.”

- *The Honourable Mr. Justice Yousaf Ali Sayeed*

“There is potential for an array of meaningful domestic legislation to advance the cause of climate justice.”

- *The Honourable Mr. Justice Yousaf Ali Sayeed*

“There is no safe amount of climate change.”

- *Barrister Rafay Alam*

“We are in a sixth extinction. We should stop saying loss of biodiversity. It’s a loss of life. Loss of biodiversity is loss of life.”

- *Barrister Rafay Alam*

“The sign of a successful negotiation is that everyone leaves the table unhappy. Our job is to keep applying pressure.”

- *Dr Abid Qayyum Sulehri*

“Safe and stable climate is a human right.”

- *Mr. Benjamin Schachter*

“Rights-based approaches to climate change are more effective and sustainable because they are more locally appropriate, legitimate and relevant.”

- *Mr. Benjamin Schachter*

“It is not the eyes which are blind but the heart. And thank god my heart is not blind. Blind eyes can be tolerated but blind hearts cannot be.”

- *The Honourable Mr. Justice Anwaar Hussain*

## Strategic Recommendations:

- Recognition of ecocide as a crime against humanity by the international community.
- HRC should provide adequate redress mechanisms for those most affected by climate change.
- Adaptation and implementation of international agreements regarding climate change must be undertaken by the state.
- Pursuing reparations for loss and damage should be the key policy stance taken at the COP27 in 2022, with the Government of Pakistan demanding that countries and companies bearing primary responsibility for climate change be responsible for paying damages to lower polluters for the destruction they are facing.

# Conference Highlights

The riveting opening remarks and discussions that formed each panel of the conference repeatedly drew the appreciation of the audience, particularly upon the provision of solutions to the key issues surrounding detention, disability rights, torture and climate change. The wide occupational range of those present allowed for a free-flowing debate amongst the audience and participants on various issues, including those that had been discussed in the panels, and provided an excellent networking opportunity particularly for the younger lawyers and law students in attendance.

The presence of prominent members of the judiciary was instrumental to the success of the conference. Their opening remarks offered a keen insight into the legal landscape of Pakistan and the way it interacts with international law, and the questions they asked of the panelists helped elevate the level of debate. Their attendance, coupled with the presence of UN experts and diplomats,

The conference also allowed JPP to present the Benchbook app<sup>11</sup> on a large touchscreen in the hall. The app, developed with the assistance of the Research Institute of International Law and LAWGIC LLP, is a curated resource database which provides members of the judiciary with an authoritative resource for human rights related research. Using an advanced search engine, judges can easily upload and view judgements, laws, government reports, policy papers, journal articles and numerous other documents.

While many aspects of the conference were, in their own right, highlights and cause for celebration, including the fact that the personalised hashtag of the conference, #IntLawPK, as well as the term Justice Project Pakistan, were trending on Twitter for hours on the second day, a standout moment arose

towards the end of the fifth panel on Gender Justice & Child Rights. Members of the JPP team were informed that the Torture and Custodial Death (Prevention & Punishment) Bill 2022, which JPP has conducted numerous advocacy and communications campaigns on for several years, was passed by the Senate of Pakistan. This momentous news was announced upon the conclusion of Panel 5, to and was greeted with thunderous applause, given the fact that the panel on criminalising torture had taken place earlier that day, with consensus from the panelists on the need to pass this bill.

# Challenges and Lessons Learned

Given the unique political context, organising a multi-stakeholder conference was always going to present its own unique set of challenges. The event was initially supposed to be held at the Federal Judicial Academy in Islamabad, in order to focus on sensitising the judiciary of Pakistan's lower courts. However, the Academy did not receive authorization from the Chief Justice's office due to other urgent matters that needed to be attended, and the conference was shifted to the Marriott Hotel, Islamabad. While this made it difficult to invite lower court judges, the change in venue allowed for greater freedom in selecting panelists, moderators and attendees. Furthermore, the greater degree of control that came with holding the conference in the Marriott allowed the conference team to respond to technical and logistical challenges that arose during the conference with more ease and flexibility.

In addition to the volatile political environment, and the agitation caused by the former PM Imran Khan's announcement of his intention to begin a long march across the country, the retirement this year of five Supreme Court judges, and the matter of their replacement, was cause for great commotion in the judiciary in the weeks leading up to the conference. For this reason, it was nearly impossible to invite sitting Supreme Court justices to attend, as most of them were heavily involved in the nomination process.

However, this obstacle allowed for a great deal of reflection on the aims and purpose of the conference. It was decided that the inclusion of judges from the provincial High Courts was both more beneficial in terms of establishing long term relationships with the judiciary, and provided the opportunity to highlight less known instances of application of international law outside of the Supreme Court.

---

<sup>11</sup> <https://benchbook.pk/>

# Impact and Conclusion

At a time where state institutions across the country are being subjected to tumultuous change and the priority item on the political agenda is control of government, the need for an unwavering and progressive judiciary to uphold and enforce the rights of the citizens of Pakistan is stronger than ever. The conference aimed to underscore the efforts being made by judges of Pakistan's superior courts, raise awareness and sensitise justice system stakeholders on the application of international law in Pakistan, and provide a platform for the formulation of evidence-based strategic solutions and frameworks on implementing these rights and laws.

The conference was largely successful in these aims, offering a two day forum for the exchange of ideas, spreading of awareness and most importantly, for charting a path forward through collaboration of actors such as judges, UN experts, government officials, diplomats and civil society representatives. It was crucial that this conference provided a much needed impetus to the momentum that is being built by the judiciary of Pakistan, and that it served to both reinforce the efforts already being made, as well as inform and inspire other stakeholders to add their strength to these efforts and proliferate the application of international human rights law in Pakistan.

It is important, however, that this wave of judicial activism and the implementation of human rights protections continue beyond the courtroom and conferences such as these. This report is an attempt to ensure that the proceedings and solutions that arose from the hours of panel discussions are enshrined in the written word, and that they may serve as both a guideline for those wishing to bring about positive reform in the human rights landscape of the country, as well as a reminder to those present of what is possible when you

bring like-minded individuals who have dedicated their lives to the future of this country in a room together. In short, this report is a beautiful Pakistani message of hope.

