

RIGHTS BEHIND WALLS: INTERNATIONAL LAW AND PRISON REFORMS IN PAKISTAN

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ABSTRACT

This article examines how international law—treaties, UN standards, and human-rights bodies—has influenced prison reforms in Pakistan. It provides a concise literature review, evaluates gaps between international obligations and domestic practice (overcrowding, pre-trial detention, healthcare, torture), and proposes actionable reforms to align Pakistan’s prison system with international norms. The paper draws on UN instruments, reports from international NGOs, national commissions, scholarly literature, and recent judicial and policy developments to offer evidence-based recommendations.

Keywords: Prison reform, international law, Pakistan, human rights, Nelson Mandela Rules, custodial torture, pre-trial detention

INTRODUCTION

Prisons are where the state’s duty to protect collides with its power to punish. International law – comprised of treaties (e.g., ICCPR, CAT), UN standards (Nelson Mandela Rules), and treaty-body recommendations – establishes minimum safeguards for persons deprived of liberty. Pakistan, as a party to many international instruments and subject to UN scrutiny, faces a persistent challenge: translating international norms into day-to-day improvements in prison conditions and criminal-justice practices. This paper asks: What impact has international law had on Pakistan’s prisons, and what reforms remain necessary to bring practice into compliance?

2. Method: scope and sources

This is a doctrinal and policy analysis synthesizing: UN treaty texts and concluding observations; reports by Human Rights Watch, Amnesty International, UNODC, and national

bodies (NCHR, HRCP, JPP); academic studies; relevant domestic law (Prisons Act, 1894 and Pakistan Prison Rules); and recent court and media reporting. The aim is not empirical fieldwork but critical synthesis to inform policy and advocacy.

3. Literature review

3.1 International standards and obligations

The International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) are central to custodial rights (United Nations, 1966; OHCHR/CAT observations). The UN Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules”) set operational benchmarks for humane custody (UNODC). Treaty bodies regularly urge states to reduce overcrowding, ensure healthcare, eliminate torture, and narrow use of pre-trial detention

(OHCHR; CAT 2017 concluding observations).

3.2 Pakistan's legal framework and historical path-dependence

Pakistan's prisons are primarily governed by colonial-era statutes (Prisons Act, 1894) and subsequent rules—the legal architecture critics say is outdated and punitive rather than rehabilitation-focused (Prisons Act, 1894; Oxford Centre commentary). Scholars note that antiquated laws, combined with weak resources, perpetuate overcrowding and poor health services (Memon, 2022; Islam et al., 2024).

3.3 Empirical assessments of conditions

Human Rights Watch and Amnesty International have documented overcrowding, inadequate healthcare (including during COVID-19), prolonged pre-trial detention, and allegations of torture and custodial deaths (HRW, 2023; Amnesty, 2020; State Dept. reports). National watchdogs—NCHR and HRCP—echo these findings, highlighting high rates of under-trial detainees and limited facilities for women and juveniles (NCHR-UPR Report; HRCP reports).

3.4 Drivers of reform: courts, international pressure, and civil society

Research and reports demonstrate three principal levers for reform: judicial interventions, international scrutiny (treaty body recommendations, UN special procedures), and civil-society advocacy (JPP, HRCP). Yet tensions exist between domestic sovereignty claims and international legal obligations, particularly when political-security considerations (e.g., use of military or special courts) intersect with detention policy (Reuters; Amnesty).

4. The impact of international law on Pakistan's prisons analysis

4.1 Positive impacts and compliance pathways

1. Norm-setting and policy framing.

International treaties and UN standards provide a prescriptive language used by reform-minded judges, human-rights defenders, and prison administrators to argue for

modernization (Nelson Mandela Rules; UNODC).

2. Judicial activism referencing international norms.

Pakistani courts have, at times, relied on international human-rights norms to shape bail policy, medical access, and humane treatment directives (recent provincial court directions on prison improvements).

3. Programmatic support and technical assistance.

UNODC, donor agencies, and NGOs have provided technical assistance (training, health programs, alternatives to incarceration) that align domestic practice with international guidance.

4.2 Persistent gaps between norms and reality

1. Overcrowding and pre-trial detention.

A majority of inmates in many facilities are under-trial detainees; overcrowding remains severe, exacerbating spread of disease and undermining rehabilitation (NCHR; HRCP; Amnesty).

2. Healthcare and deaths in custody.

Reports document insufficient medical care for prisoners, with particular harm to women and those with chronic illnesses (HRW, 2023).

3. Use of special/security courts and due process concerns.

Military and special courts for civilians have raised questions about fair-trial guarantees under international law (Reuters reporting; diplomatic concern).

4. Torture and ill-treatment.

Despite formal prohibitions, allegations of torture and custodial abuse persist, drawing UNCAT scrutiny (CAT concluding observations; OHCHR).

4.3 Reasons for implementation deficit

• Legal antiquity and fragmentation.

The Prisons Act (1894) and related colonial rules lack modern

rehabilitative focus (Prisons Act, 1894; Oxford commentary).

- **Resource constraints.** Limited budgets, infrastructure deficits, and staff shortages block compliance with minimum standards (UNODC reports).
- **Political-security priorities.** Security-led responses can prioritize detention and exceptional justice mechanisms over rights-based reforms (news reporting on military courts and arbitrary detention findings).
- **Weak accountability mechanisms.** Insufficient independent oversight and slow implementation of treaty-body recommendations compound problems (CAT, Human Rights Committee follow-ups).

5. Policy recommendations (informed by international law)

1. **Reduce pre-trial detention through legal and procedural reform.** Implement case-management systems, strengthen bail frameworks, and expand legal aid to reduce the under-trial population in line with ICCPR guidance.
2. **Modernize prison law and rules.** Update or replace the Prisons Act (1894) with legislation reflecting Mandela Rules, rehabilitation objectives, and gender- and age-sensitive provisions.
3. **Strengthen independent oversight.** Institutionalize independent prison monitoring (national preventive mechanism under OPCAT-style standards) and ensure transparency of inspections and data.
4. **Invest in healthcare and pandemic preparedness.** Allocate dedicated health budgets, ensure detainee access to outside specialist care, and integrate prison health into public health planning (UNODC/WHO models).
5. **Train and professionalize staff.** Ongoing human-rights training for police, prison staff, and prosecutors—including prohibition of torture—

coupled with accountability for violations.

6. **Promote alternatives to incarceration.** Expand probation, community service, restorative justice, and parole to reduce overcrowding and facilitate rehabilitation.
7. **Implement treaty-body recommendations systematically.** Establish a cross-ministry implementation plan with timelines and public reporting for UN concluding observations.

6. Conclusion

International law has shaped the vocabulary and some practices of prison reform in Pakistan, but the impact has been partial. Norms from the ICCPR, CAT, and Mandela Rules have been cited by judges, NGOs, and international partners to press for humane treatment and reduced pre-trial detention. Yet systemic challenges—outdated legislation, resource shortfalls, security-driven detention practices, and weak oversight—have hindered full compliance. A rights-based, pragmatic reform agenda anchored in international law and adapted to local realities can reduce overcrowding, eliminate torture, improve health outcomes, and make prisons places of rehabilitation rather than solely punishment.

REFERENCES

Note: the list below collates international instruments, UN/treaty-body documents, NGO reports, academic articles, national reports, laws, and news articles referenced in the text.

Amnesty International. (2020, December 14). *Overcrowding in Pakistan's prisons is a ticking time bomb*. Amnesty International. <https://www.amnesty.org/en/latest/news/2020/12/pakistan-overcrowding-in-pakistans-prisons-is-a-ticking-time-bomb/>

- Committee against Torture (CAT). (2017). *Concluding observations on the initial report of Pakistan* (CAT/C/PAK/CO/1). Office of the United Nations High Commissioner for Human Rights. <https://www.ohchr.org/en/documents/ concluding-observations/catcpakco1-committee-against-torture-concluding-observations>
- Human Rights Watch. (2023, March 29). "A Nightmare for Everyone": The Health Crisis in Pakistan's Prisons. Human Rights Watch. <https://www.hrw.org/report/2023/03/29/nightmare-everyone/health-crisis-pakistans-prisons>
- International Covenant on Civil and Political Rights, opened for signature Dec. 16, 1966, 999 U.N.T.S. 171. United Nations Treaty Collection. https://treaties.un.org/pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-4
- Nelson Mandela Rules (United Nations Standard Minimum Rules for the Treatment of Prisoners). (2015). United Nations Office on Drugs and Crime. <https://www.unodc.org/>
- Office of the High Commissioner for Human Rights (OHCHR). (2017). *Press release: Committee against Torture examines initial report of Pakistan*. <https://www.ohchr.org/en/press-releases/2017/04/committee-against-torture-examines-initial-report-pakistan>
- Oxford Centre for Criminology (blog). (2022, Sept 2). *Prison reform in Pakistan: What is needed and why?* University of Oxford. <https://blogs.law.ox.ac.uk/centre-criminology-blog/blog-post/2022/09/prison-reform-pakistan-what-needed-and-why>
- Pakistan – Prisons Act, Act No. IX of 1894. (1894). Government of Pakistan / Punjab Laws online. <https://punjablaws.gov.pk/laws/13.html>
- Pakistan Prison Rules. (1978). *Pakistan Prison Rules (under Section 59 of Prisons Act, 1894)*. Punjab Prisons portal. <https://prisons.punjab.gov.pk/system/files/Pakistan%20Prison%20Rules.pdf>
- National Commission for Human Rights (NCHR). (2023). *NCHR UPR Report* (PDF). <https://nchr.gov.pk/wp-content/uploads/2023/09/NCHR-UPR-Report.pdf>
- Human Rights Commission of Pakistan (HRCP). (Annual reports). *State of human rights and prison conditions* (selected reports). <https://hrcp-web.org/>
- Justice Project Pakistan (JPP). (n.d.). *Prison Reform*. JPP. <https://jpp.org.pk/prison-reform>
- Islam, M., Watto, O. M., Hussain, S. A., & Sarfraz, M. (2024). *Criminal Justice Reforms and Human Rights in Pakistan: A Comparative Analysis with Australia, the UK, and Canada*. *Current Trends in Law and Society*, 4(1), 19–26. <https://doi.org/10.52131/ctls.2024.0401.0029>
- Memon, H. A. (2022). *A new paradigm for offender rehabilitation in Pakistan*. *Journal of Defence & Strategic Studies (JDSS)*. <https://ojs.jdss.org.pk/journal/article/download/354/248/429>
- United States Department of State. (2023). *Pakistan 2022 Human Rights Report*. U.S. State Department. https://www.state.gov/wp-content/uploads/2023/02/415610_PAKISTAN-2022-HUMAN-RIGHTS-REPORT.pdf
- UN Office on Drugs and Crime (UNODC). (2019). *Results-based annual report and technical guidance on prison rehabilitation projects*. UNODC. https://www.unodc.org/pdf/missions/RB_Annual_Report_2019.pdf
- Reuters. (2024, July 1). *Detention of Imran Khan violates international law, UN working group says*. Reuters. <https://www.reuters.com/world/asia-pacific/former-pakistani-prime-minister-khan-arbitrarily-detained-says-un-working-group-2024-07-01/>
- Reuters. (2024, Dec 26). *Pakistan military court sentences 60 civilians up to 10 years in prison*. Reuters. <https://www.reuters.com/world/asia-pacific/pakistan-military-court-sentences-60-civilians-up-10-years-prison-2024-12-26/>

- Dawn News. (2024, Dec 26). *LHC calls for comprehensive jail reforms in Punjab*. Dawn. <https://www.dawn.com/news/1881059>
- Amnesty International. (2011). *Pakistan: Reservations and concerns regarding human rights treaties*. Amnesty briefing (on reservations). <https://www.amnesty.org/fr/wp-content/uploads/2021/07/asa330062011en.pdf>
- OHCHR / UN Treaty Collection – ICCPR (treaties.un.org). (n.d.). *ICCPR status and Pakistan’s reservations*. https://treaties.un.org/pages/showDetails.aspx?clang=_en&objid=0800000280004bf5
- Refworld (UN document collection). (2017). *Concluding observations on the initial report of Pakistan (CAT/C/PAK/CO/1)*. <https://www.refworld.org/policy/polrec/cat/2017/en/117674>
- Ecoi.net / country reports. (2022). *Pakistan: Prison conditions, treatment of prisoners (summary of sources)*. <https://www.ecoi.net/en/document/2086791.html>
- Amnesty International. (2020). *COVID-19 and release of prisoners – analysis and case examples (Pakistan)*. [See Amnesty International report cited earlier]. <https://www.amnesty.org/>
- Scholarly and legal commentary on colonial legacies in prison law: selected articles and legal notes (aggregated). (2022). *Prison law reform commentary (Oxford/academic blogs and law reviews)*. <https://blogs.law.ox.ac.uk/centre-criminology-blog/>

