



# International Covenant on Civil and Political Rights

Distr.: General  
2 December 2024

Original: English

## Human Rights Committee

### Concluding observations on the second periodic report of Pakistan\*

1. The Committee considered the second periodic report of Pakistan<sup>1</sup> at its 4154th and 4155th meetings,<sup>2</sup> held on 17 and 18 October 2024. At its 4175th meeting, held on 1 November 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of Pakistan and the information presented therein. It expresses its appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

- (a) The National Gender Policy Framework, 2022;
- (b) The Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021;
- (c) The Protection of Journalists and Media Professionals Act, 2021;
- (d) The Legal Aid and Justice Authority Act, 2020;
- (e) The Prevention of Trafficking in Persons Act, 2018;
- (f) The Juvenile Justice System Act, 2018;
- (g) The Transgender Persons (Protection of Rights) Act, 2018;
- (h) The Acid and Burn Crime Act, 2018.

\* Adopted by the Committee at its 142nd session (14 October–7 November 2024).

<sup>1</sup> [CCPR/C/PAK/2](#).

<sup>2</sup> See [CCPR/C/SR.4154](#) and [CCPR/C/SR.4155](#).

<sup>3</sup> [CCPR/C/PAK/RQ/2](#).

<sup>4</sup> [CCPR/C/PAK/Q/2](#).



## C. Principal matters of concern and recommendations

### **Constitutional and legal framework within which the Covenant is implemented and reservations**

4. The Committee notes the legislation adopted at the federal and provincial levels since the last review, including the list provided by the delegation of the State party. Nevertheless, it remains concerned that not all the rights enshrined in the Covenant are adequately incorporated into the domestic legal system. While noting the increasing trend of application of the Covenant by the Supreme Court and some domestic courts, it is concerned that this practice remains discretionary. The Committee regrets the fact that the State party maintains its reservations to articles 3 and 25 of the Covenant (art. 2).

5. **Recalling its previous recommendations,<sup>5</sup> the State party should ensure that all the provisions of the Covenant are fully incorporated and given full effect in its domestic legal order. The State party should also ensure that domestic legislation is interpreted and applied in full conformity with its obligations under the Covenant. In addition, the State party should ensure that all the rights enshrined in the Covenant are applied by domestic courts at all levels, including by enhancing the training of judges, prosecutors, lawyers and public officials in relation to the Covenant. Recalling its previous recommendation,<sup>6</sup> the State party should take specific steps towards withdrawing its reservations to articles 3 and 25 to ensure the full and effective application of the Covenant, as well as considering acceding to the first Optional Protocol to the Covenant.**

### **National human rights institution**

6. The Committee welcomes the accreditation with A status of the National Commission for Human Rights by the Global Alliance of National Human Rights Institutions in April 2024. However, it remains concerned that some provisions of the National Commission for Human Rights Act, 2012, limit the ability of the Commission to undertake full inquiries into complaints of human rights violations by the members of the armed forces and allegations of acts or practices of the intelligence agencies that are inconsistent or contrary to human rights. It is also concerned that the current process of selection and appointment of the commissioners does not include the broad participation of civil society organizations (art. 2).

7. **Recalling its previous recommendations,<sup>7</sup> the State party should ensure that the National Commission for Human Rights is empowered to investigate all allegations of human rights violations committed by members of the intelligence agencies and armed forces. It should also continue its efforts to ensure that the National Commission fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by implementing the recommendations of the Global Alliance of National Human Rights Institutions, notably with regard to the adequate participation of civil society organizations in the process of selection and appointment of the commissioners. It should also ensure that the National Commission has the human, financial and technical resources necessary to perform its tasks effectively.**

### **Anti-corruption measures**

8. While noting the measures taken by the State party to tackle corruption, the Committee is concerned about reports that corruption remains prevalent at all levels, including in the judiciary, that the judiciary and military are subject to internal disciplinary systems only and that accountability mechanisms for public officials are often selectively applied and politically motivated. Despite the adoption of the Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Act, 2016, the Committee regrets the lack of comprehensive whistle-blower protection legislation at the federal and provincial levels (arts. 2 and 25).

<sup>5</sup> [CCPR/C/PAK/CO/1](#), para. 6.

<sup>6</sup> *Ibid.*, para. 8.

<sup>7</sup> *Ibid.*, para. 10.

9. **The State party should increase its efforts to prevent and eradicate corruption at all levels and, in particular:**

(a) **Effectively enforce anti-corruption legislation, strengthen the mechanisms and procedures for combating corruption and ensure that members of the judiciary and the military and other public officials are subject to effective, independent and transparent anti-corruption mechanisms;**

(b) **Ensure that all allegations of corruption are promptly, thoroughly and impartially investigated and that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the crime;**

(c) **Provide effective training to law enforcement officials, prosecutors and judges on detecting, investigating and prosecuting corruption and related offences;**

(d) **Ensure the effective protection of whistle-blowers and witnesses, including through the adoption of legislation and the establishment of protection mechanisms.**

#### **Non-discrimination**

10. Despite the provisions of the Constitution relating to non-discrimination and equality before the law, the Committee is concerned that the domestic legal framework does not provide protection against discrimination on all the grounds covered by the Covenant. It is also concerned about reports of discrimination against persons belonging to ethnic and religious minorities, including Christian, Ahmadi, Baloch, Hindu, Pashtun and Sikh minorities, as well as discrimination against women and girls, lesbian, gay, bisexual, transgender and intersex persons, and migrants, refugees and asylum-seekers (arts. 2, 3 and 26).

11. **The State party should ensure that everyone enjoys the human rights enshrined in the Covenant without discrimination. In particular, it should:**

(a) **Adopt comprehensive legislation prohibiting discrimination, including intersectional, direct and indirect discrimination in all spheres on all grounds prohibited under the Covenant, and ensure access to effective and appropriate remedies for victims;**

(b) **Strengthen the monitoring and reporting of complaints of discrimination and ensure that all acts of discrimination are promptly and effectively investigated, that perpetrators are adequately sanctioned and that victims are provided with effective remedies;**

(c) **Adopt robust measures to effectively prevent acts of discrimination and impunity, including by providing training and awareness-raising programmes for civil servants, law enforcement bodies, the judiciary, public prosecutors and religious and community leaders and promoting respect for diversity among the general public.**

#### **Sexual orientation and gender identity**

12. While welcoming the adoption of the Transgender Persons (Protection of Rights) Act, 2018, the Committee is concerned by the decision of the Federal Shariat Court of Islamabad in May 2023 to repeal sections 2 (1) (f) and (n) (iii), 3 and 7 of the Act, which severely limits the scope of protection of the Act. It is also concerned by reports of various legislative initiatives to introduce regressive amendments to the Act, including to remove the self-identification provision and to require intrusive medical examinations to determine gender status, to replace the term “transgender” with the term “intersex” (*khunsa*) and to criminalize the provision of gender-affirming healthcare. Furthermore, it is concerned about ongoing discrimination, violence, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons by public and private actors, the lack of reporting by victims due to fear of reprisals and the lack of prompt and thorough investigations, leading to impunity for perpetrators. It is also concerned about reports that intersex children and adolescents are subjected to irreversible and invasive medical interventions. Moreover, it remains concerned that same-sex relations between consenting adults remain criminalized (arts. 2, 3, 17 and 26).

13. **The State party should increase its efforts to prevent and address all forms of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. It should, in particular:**

(a) **Adopt a legal framework to explicitly prohibit and prevent discrimination, harassment, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons;**

(b) **Uphold and strengthen the provisions of the Transgender Persons (Protection of Rights) Act, 2018, and repeal or refrain from adopting any legislative or other measures that limit the scope of protection of the Act;**

(c) **Ensure that all allegations of discrimination or violence motivated by the victim's sexual orientation or gender identity are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the offence, and that victims are provided with effective access to judicial remedies, with full reparations and means of protection;**

(d) **Put an end to irreversible and invasive medical interventions, especially surgical operations, on intersex children who are not yet able to provide their fully informed and free consent, unless such interventions constitute an absolute medical necessity;**

(e) **Decriminalize same-sex consensual relations between adults.**

#### **Gender equality**

14. While welcoming the various measures adopted by the State party to promote gender equality, the Committee is concerned about the persistence of discriminatory stereotypes and entrenched patriarchal attitudes relating to the roles and responsibilities of women, which particularly affect women and girls from rural and impoverished areas. It is also concerned about the low representation of women in public and political life, particularly in decision-making positions. While noting the efforts to harmonize and raise the minimum age of marriage, the Committee remains deeply concerned that the minimum age for marriage is different for girls (16 years) and boys (18 years) in some provincial laws (arts. 2, 3, 23, 24, 25 and 26).

15. **The State party should intensify measures to guarantee de jure and de facto equality between men and women and combat patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and in society at large. The State party should also step up its efforts to increase the full and equal participation of women in political, economic and public life, notably in decision-making positions, including by adopting special measures and enhancing civic education for young girls and women, and conducting awareness-raising activities on the importance of the participation of women in decision-making. The State party should amend existing legislation to set the minimum age of marriage at 18 years for girls and boys, without exception, throughout the State party.**

#### **Violence against women, including domestic violence**

16. The Committee takes note of the measures adopted by the State party to address violence against women, such as the Anti-Rape (Investigation and Trial) Act, 2021, and the Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021. However, the Committee remains concerned about the high level of violence against women and girls, including murder, rape, kidnapping and domestic violence, as well as the insufficient level of assistance for victims and the extremely low level of convictions for those crimes, leading to impunity for perpetrators. It is also concerned about the lack of comprehensive domestic violence legislation throughout the country and the fact that marital rape is not criminalized. It remains concerned that so-called "honour" killings are still prevalent, that the *qisas* (equal retaliation) and *diyat* (financial compensation) laws are reportedly applied to some of these cases and that some tribal councils (*jirgas* and *panchayats*) in remote areas continue to exercise jurisdiction over these cases, despite the judgment of the Supreme Court of 2019 declaring those tribal councils illegal (arts. 2, 3, 6, 7, 24 and 26).

17. The State party should continue its efforts to prevent, combat and eradicate all forms of gender-based violence against women. In particular, the State party should:

(a) Ensure that its national legislation prohibits and punishes all forms of violence against women, including marital rape, and provides for substantive protection to victims, including by promptly adopting and enacting the Domestic Violence (Prevention and Protection) Bill, and ensuring that the legislative framework is fully in line with the provisions of the Covenant;

(b) Guarantee that all cases of violence and harmful practices against women and girls are thoroughly and promptly investigated, that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the offence, and that victims have access to effective remedies, receive full reparation and also have access to adequate protection and assistance;

(c) Ensure the availability of shelters for victims throughout its territory, strengthen the legal, medical, financial and psychological support services, allocate adequate financial and human resources for shelters and womens' protection centres and regularly monitor those services;

(d) Effectively enforce the anti-honour killings laws and all other laws criminalizing violence against women, the prohibition of *qisas* and *diyat*, and the Supreme Court ruling on the unlawfulness of the system of *jirgas* and *panchayats*.

#### **Voluntary termination of pregnancy and sexual and reproductive rights**

18. The Committee remains concerned that abortion is criminalized in the State party, except to save the life of the woman or to provide "necessary treatment", a term not clearly defined by law, which leads women to seek unsafe, clandestine abortions that put their lives and health at risk. It is also concerned about reports that medical service providers often refuse to provide abortion or post-abortion care due to personal beliefs, and that family members of individuals seeking abortion services have been prosecuted for aiding and abetting. Furthermore, it is concerned about the high rate of maternal mortality and the limited access to contraceptives and sexual and reproductive health information and services (arts. 2, 3, 6, 7, 17 and 26).

19. In accordance with article 6 of the Covenant and in the light of the Committee's general comment No. 36 (2018) on the right to life (para. 8), the State party should:

(a) Amend its legislation to guarantee safe, legal and effective access to abortion where the health of a pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or when it is not viable;

(b) Take all measures necessary to ensure that the exercise of conscientious objection by medical service providers does not impede effective and equal access across the country for women and girls to confidential, legal and safe abortion services and post-abortion care;

(c) Amend its legislation, including articles 338, 338-A, 338-B and 338-C of the Pakistan Penal Code, to ensure that women and girls who have recourse to abortion, health service providers who attend to them and persons who assist them to procure an abortion, such as family members, are not subject to criminal proceedings;

(d) Strengthen its efforts to reduce the high rate of maternal mortality and facilitate access for women, men and adolescents across the country to sexual and reproductive health services and education, and to a wide range of affordable contraceptive methods.

#### **Climate change**

20. The Committee welcomes the adoption of measures such as the Pakistan Climate Change Act, 2017, and the Pakistan National Adaptation Plan, 2023. However, it is concerned about the adverse impact of pollution, environmental degradation, climate change

and natural disasters on the enjoyment of the human rights – notably the right to life – of the population, in particular rural populations and disadvantaged groups that have been disproportionately affected by severe floods. The Committee regrets the lack of sufficient information on sustainable policies adopted by the State party to protect persons, including the most vulnerable, from the impact of environmental degradation and climate change (art. 6).

**21. In accordance with article 6 of the Covenant and in the light of the Committee’s general comment No. 36 (2018) on the right to life, the State party should intensify its efforts to mitigate the effects of climate change and environmental degradation, adopt a sustainable prevention policy framework and ensure its effective implementation together with the legal framework, including with regard to disaster prevention and preparedness, and take adequate steps to adopt a precautionary approach to effectively protect persons from the negative impacts of environmental degradation, climate change and natural disasters.**

#### **Death penalty**

**22.** While welcoming the elimination of the death penalty for railway sabotage in 2022 and for narcotics offences in 2023, the Committee remains concerned that domestic legislation punishes with the death penalty more than 30 crimes, including non-violent offences that do not meet the threshold of the “most serious crimes” within the meaning of the Covenant, including blasphemy. Notwithstanding the information provided by the State party, the Committee is concerned about reports of inadequate age determination procedures leading to juveniles being charged with capital offences, and the lack of legal provisions prohibiting persons with psychosocial or intellectual disabilities from being sentenced to death and executed, following the Supreme Court judgment in the *Safia Bano* case (2021). It regrets the lack of information on the number of death penalty cases in which a pardon or commutation was granted (arts. 2, 6 and 24).

**23. In the light of the Committee’s general comment No. 36 (2018) on the right to life, the State party should refrain from carrying out executions by maintaining a de facto moratorium, take specific steps towards adopting a de jure moratorium and consider abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. If the death penalty is maintained, the State party should:**

(a) **Ensure that it is provided only for the most serious crimes involving intentional killing;**

(b) **Guarantee that pardon or commutation of the sentence is available in all cases and develop comprehensive rules for submitting and reviewing mercy petitions that align with international standards, ensuring transparency, certainty, due process and objectivity;**

(c) **Ensure that the death penalty is not applied to any person who was under the age of 18 years at the time of the commission of an offence by amending the Juvenile Justice System Act, 2018, ensuring that the accused is treated as a child if doubts remain about his or her age at the time of the commission of the crime, and establishing an effective and independent age determination process;**

(d) **Enforce the Supreme Court judgment in the *Safia Bano* case (2021) and enact legislation prohibiting persons with psychosocial or intellectual disabilities from being sentenced to death and executed.**

#### **Enforced disappearances and extrajudicial killings**

**24.** The Committee is deeply concerned about reports of the increase in enforced disappearances, including those of short duration, torture and extrajudicial and summary executions allegedly perpetrated by members of the military and the police forces and of intelligence agencies, including extraterritorially, of human rights defenders, journalists, students, political activists, members of ethnic and religious minorities, public officials, including members of the Senate and the National Assembly, and political opponents and

their families. It is also concerned about the lack of information on judicial investigations and prosecutions and about reports indicating an alarming degree of impunity surrounding reported cases, which leads to further violations. It remains concerned about the lack of explicit criminalization of enforced disappearances in domestic law and at reports that the national Commission of Inquiry on Enforced Disappearances is not sufficiently independent and that its work to date has not resulted in any criminal convictions in cases of enforced disappearance (arts. 2, 6, 7, 9, 14 and 16).

**25. The State party should take urgent measures to address and prevent the pattern of enforced disappearances. In particular, it should:**

(a) **Enact legislation to ensure that all forms of enforced disappearance, including those of short duration, are clearly defined in criminal law and that the associated penalties are commensurate with the gravity of the offence, in accordance with international standards, and ensure that the legislative initiatives on enforced disappearance are developed through the meaningful, informed participation of civil society, including families of the victims;**

(b) **Review the Actions (in Aid of Civil Power) Regulation, 2011, with a view to repealing it or bringing it into conformity with international standards and ensure that no one is held in secret or incommunicado detention;**

(c) **Take all measures necessary to combat impunity and ensure that all allegations and reports of enforced disappearances and extrajudicial and summary executions are promptly, impartially and thoroughly investigated by ordinary courts and that the perpetrators are prosecuted and, if found guilty, sanctioned with penalties commensurate with the gravity of the offences;**

(d) **Discover the fate and whereabouts of disappeared persons and, in the event of death, identify them and return their remains, and ensure that families are regularly informed of the progress and results of investigations, that they are provided with the official administrative documents and that they receive full and adequate reparations;**

(e) **Assess the mandate of the Commission of Inquiry on Enforced Disappearances and the impact of its work, with a view to ensuring an institution that is fully independent, impartial, transparent and effective in advancing access to justice, remedies and reparations for the victims and their families, and in preventing and combating impunity, and ensure meaningful consultations and the informed participation of civil society in that process;**

(f) **Consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

#### **Counter-terrorism measures**

26. While acknowledging the State party's need to take measures to combat terrorism, the Committee remains concerned at the very broad definition of "terrorism" laid down in the Anti-Terrorism Act, 1997, despite the Supreme Court ruling in *Ghulam Hussain v. the State* (2019) to limit the scope of the definition. It is also concerned that the Act allows the police to search and arrest individuals without a warrant, permits confessions made in police custody as evidence in court and imposes short investigation periods and trial deadlines. It remains concerned about the supremacy of the Act, on the basis of section 32, over other laws, including the Juvenile Justice System Act, 2018, and the Juvenile Justice System Ordinance, 2000, which effectively enables anti-terrorism courts to have jurisdiction over juveniles. It is further concerned about reports of the disproportionate impact of the application of the Act on human rights defenders, members of ethnic and religious groups, journalists, dissidents and activists (arts. 2, 4, 7, 9, 14 and 15).

**27. Recalling the Committee's previous recommendations,<sup>8</sup> the State party should urgently review the Anti-Terrorism Act, 1997, and ensure that the definition of**

<sup>8</sup> Ibid., para. 22.

terrorism is clear and precise and that it complies with the principles of legality, legal certainty and predictability. The State party should also amend the Act to explicitly remove the jurisdiction of the anti-terrorism courts over juvenile offenders and introduce procedural safeguards in line with articles 14 and 15 of the Covenant. The State party should ensure that the Act and other counter-terrorism legislation is not invoked or applied to unjustifiably limit any right enshrined in the Covenant, in particular the rights to life, liberty and security of person, procedural guarantees and freedom of expression and association, or to repress human rights defenders, members of ethnic and religious groups, journalists, dissidents and activists.

#### **Prohibition of torture and other cruel, inhuman or degrading treatment**

28. While welcoming the adoption of the Torture and Custodial Death (Prevention and Punishment) Act, 2022, the Committee is concerned that it fails to provide a definition of torture and does not include specific and adequate punishment that is commensurate with the nature or gravity of the crime of torture, in full compliance with the Covenant and other international standards. The Committee remains concerned about reports of the widespread practice of torture and ill-treatment in places of detention by members of the police, the military and intelligence agencies, which has resulted in deaths in custody. It also remains concerned about the extremely low number of torture prosecutions initiated since the adoption of the Act and the lack of prompt and effective investigation of allegations of torture or ill-treatment, and that perpetrators are rarely brought to justice. Furthermore, it is concerned about the lack of independent oversight and investigation mechanisms (arts. 7, 9 and 10).

29. **The State party should take immediate measures to end torture and other forms of cruel, inhuman or degrading treatment or punishment. In particular, the State party should:**

(a) **Amend its laws to ensure that all elements of the crime of torture are prohibited and sanctioned in accordance with the Covenant and other international standards, and expedite the establishment of regulations under the Torture and Custodial Death (Prevention and Punishment) Act for its full and effective implementation;**

(b) **Conduct thorough, independent and impartial investigations into all allegations of torture, ill-treatment and deaths in custody, in accordance with the relevant international standards (the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death), prosecute perpetrators and, if convicted, sanction them with penalties commensurate with the gravity of the crime and provide victims with full reparation;**

(c) **Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors, law enforcement officials and health and forensic personnel, including training on international human rights standards, such as the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);**

(d) **Ensure that all persons deprived of their liberty have access to an independent, secure and effective complaint mechanism for the investigation of allegations of torture and ill-treatment and guarantee the protection of complainants against reprisals.**

#### **Conditions of detention and treatment of persons deprived of their liberty**

30. While noting the initiatives taken by the State party to improve the conditions in detention facilities, the Committee remains concerned about the high level of overcrowding and inadequate access to food, clean water, sanitation, feminine hygiene products and healthcare. It is also concerned about reports of abuse of women prisoners, including sexual violence, and that individuals accused of blasphemy are often placed in solitary confinement



for extended periods of time. It remains concerned about the widespread recourse to prolonged pretrial detention (arts. 7, 10, 14 and 26).

**31. The State party should ensure that conditions of detention fully comply with the relevant international human rights standards (the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)). It should, in particular:**

(a) **Take immediate measures to significantly reduce overcrowding in prisons, improve the conditions of detention and ensure adequate access to food, clean water, sanitation, feminine hygiene products and healthcare for persons held in all places of deprivation of liberty;**

(b) **Ensure that allegations of abuse of women prisoners, including sexual violence, are duly investigated and that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the crime;**

(c) **Refrain from holding individuals in solitary confinement for a prolonged period of time;**

(d) **Reduce the use of pretrial detention and increase the use of non-custodial measures;**

(e) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and setting up a national preventive mechanism.**

#### **Elimination of slavery, servitude and trafficking in persons**

**32. The Committee welcomes the adoption of the Prevention of Trafficking in Persons Act, 2018, and the establishment in 2022 of the National Coordination Committee on Trafficking in Persons. However, it is concerned about the extent of trafficking in persons and forced and bonded labour, particularly in sectors such as brick kilns, agriculture and domestic work, as well as other forms of abuse, such as sexual abuse of children in domestic work. It remains concerned about the low level of convictions and the lack of adequate shelter, assistance and rehabilitation services for victims (arts. 2, 7, 8 and 26).**

**33. The State party should take all measures necessary to effectively prevent, combat and punish trafficking in persons, forced and bonded labour. In particular, it should:**

(a) **Establish mechanisms for the systematic and regular monitoring of workplaces in the formal and the informal sectors, including domestic work, in order to prevent forced and bonded labour and other forms of abuse and exploitation, including sexual abuse of children in domestic work;**

(b) **Ensure that cases of trafficking in persons and forced or bonded labour are promptly, thoroughly and impartially investigated, that those responsible are appropriately sanctioned and that victims are provided with full reparation;**

(c) **Redouble its efforts to identify victims of trafficking in persons, forced and bonded labour and provide them with appropriate protection and assistance, ensuring that the geographical coverage and quality of shelters is adequate, especially in rural and marginalized areas;**

(d) **Allocate sufficient financial, technical and human resources to all institutions responsible for preventing, combating and punishing trafficking in persons and forced and bonded labour and to institutions in charge of providing victims with protection and assistance;**

(e) **Study and address the root causes of the persistent practice of forced and bonded labour and improve policies for its prevention.**

### Freedom of movement

34. The Committee remains concerned about reports of the frequent use of the Exit Control List, the Fourth Schedule list under the Anti-Terrorism Act, 1997, and other control lists and measures used to arbitrarily restrict the freedom of movement of dissenting persons, journalists, activists, members of ethnic minorities and human rights defenders, leading to the confiscation of their passports, detention, and monitoring of their movements, as in the recent cases of Sammi Deen Baloch in September 2024 and Mahrang Baloch in October 2024. It is also concerned about the requirement for individuals applying for passports or national identity cards to list their religious affiliation, which has a discriminatory impact on Ahmadis, as they are required to declare themselves non-Muslims, contrary to their beliefs and self-identity, in order to obtain these official documents (art. 2, 12 and 26).

35. **Recalling its previous recommendations,<sup>9</sup> the State party should review and amend its legal framework and policies relating to the Exit Control List, the Black List, the Passport Control List and the Visa Control List with a view to bringing them into compliance with article 12 of the Covenant, ensure that they do not restrict freedom of movement on unjustified grounds, and establish independent and effective oversight mechanisms, including access to courts, to prevent arbitrary restrictions to the freedom of movement. The State party should also ensure that its legislative and policy frameworks on passport and national identity card application procedures fully comply with the provisions of the Covenant, notably articles 2, 12 and 26, in particular by removing the mandatory declaration of religious affiliation.**

### Treatment of aliens, including migrants, refugees and asylum-seekers

36. The Committee welcomes the decision of the State party to extend until June 2025 the validity of the Proof of Registration cards – identity documents held by over 1.4 million Afghan refugees. However, it remains concerned about the lack of a legislative and institutional framework governing the protection of refugees and asylum-seekers and establishing an asylum procedure. It is also concerned about the adoption of the Illegal Foreigners Repatriation Plan in September 2023, which has reportedly resulted in a large number of Afghans being forcibly deported without an individual assessment of their protection needs. In addition, it is concerned about reports that, since the adoption of the Plan, many Afghan nationals living in the State party have faced additional harassment by law enforcement authorities, further complicating their already precarious situation, including with regard to access to housing and employment, and that some of them have had to leave hurriedly for Afghanistan out of fear of arrest and detention (arts. 7, 9, 12, 13 and 24).

37. **In line with the recommendations made by the Committee on the Elimination of Racial Discrimination,<sup>10</sup> the State party should accelerate efforts to adopt an asylum and refugee law establishing an asylum procedure in conformity with relevant international standards, and ensure that individuals with international protection needs are effectively protected against forced return. The State party should also ensure that immigration detention is used only as a measure of last resort and in the most restrictive manner, increase the use of alternatives to detention that are respectful of human rights, and ensure that those in detention have access to legal aid services and language interpretation and that their living conditions and treatment are in conformity with international standards. The State party should consider ratifying the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967.**

### Birth registration and statelessness

38. While acknowledging the efforts deployed by the State party, the Committee remains concerned about the low level of birth registration, including of refugee, asylum-seeking and stateless children, which has an adverse impact on their legal protection and their enjoyment of human rights, such as healthcare and education. While noting that the Pakistan Citizenship

<sup>9</sup> Ibid., para. 30.

<sup>10</sup> CERD/C/PAK/CO/24-26, para. 32.

Act, 1951, incorporates the principle of *jus soli* and provides that every child born on the territory of the State party has the right to citizenship of Pakistan, the Committee is concerned about reports that access to citizenship remains very difficult for some children born in Pakistan, including Afghan children and children in the Bengali, Bihari and Rohingya communities, which results in them becoming stateless (arts. 2, 16, 24 and 26).

**39. The State party should increase its efforts to facilitate the issuance of birth certificates for all children born in Pakistan, including refugee, asylum-seeking and stateless children, and carry out campaigns, particularly in remote areas of the country, to raise awareness of the birth registration procedure and the importance of birth registration for all children. The State party should ensure the implementation of citizenship laws without any discrimination and adopt all measures necessary to prevent statelessness, including by favourably considering requests for citizenship for foreign children who are at risk of statelessness. The State party should also consider acceding to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.**

#### **Independence of the judiciary**

40. While noting the information provided by the State party's delegation during the dialogue on the proposed twenty-sixth constitutional amendment and the process for its adoption, the Committee is concerned about the lack of prior, broad, transparent and effective consultations with judges, prosecutors, lawyers, bar associations and civil society on the proposal. It is particularly concerned, given the impact of the revisions on the independence of the judiciary and on the process of judicial appointments, including with regard to the reconstitution of the Judicial Commission, the appointment of the Chief Justice through a special parliamentary committee and the introduction of constitutional benches in the Supreme and High courts to be constituted by the Judicial Commission. The Committee regrets the lack of information on the legal framework and institutional mechanisms to guarantee the independence of prosecutors and on the mechanisms for their recruitment, appointment, promotion, disciplinary action and dismissal. It is also concerned about reports that judges and prosecutors involved in politically sensitive cases and cases relating to corruption, terrorism and blasphemy are frequently subjected to harassment, intimidation and threats, including by non-State actors (arts. 2, 8 and 14).

**41. In accordance with article 14 of the Covenant and in the light of the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to fair trial, the State party should take all the measures necessary to safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors. In particular, it should review the constitutional and legislative framework on the independence of the judiciary and on the process of judicial appointments, including by holding transparent and broad public consultations, to align them with the Covenant and with relevant international standards, such as the Basic Principles on the Independence of the Judiciary. The State party should also take specific measures to prevent judges and prosecutors from being influenced in their decision-making by any form of political pressure, harassment, intimidation, threats or other unlawful interference, including by ensuring that procedures for the selection, appointment, promotion, removal and disciplining of judges and prosecutors are in compliance with the Covenant and relevant international standards. The State party should also allocate adequate human and financial resources to the justice system.**

#### **Military courts**

42. The Committee remains concerned about the use of the Pakistan Army Act, 1952, to prosecute civilians in military courts. It is also concerned about reports that indicate a very high rate of convictions handed down by military courts and that those convicted were sentenced to death in the majority of cases tried between 2015 and 2019. It is further concerned that military courts lack independence and that civilians tried in military courts do not benefit from the same due process guarantees as those provided for in the civilian judicial system. While taking note of the Supreme Court ruling of October 2023 declaring the military trial of civilians unconstitutional and contrary to international human rights standards, the

Committee regrets that the ruling was suspended. The Committee is concerned that the civilians whose cases remain in the military courts may not be released until the Supreme Court issues a final order (arts. 2 and 14).

43. **In accordance with articles 14 and 15 of the Covenant and in the light of the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and recalling its previous recommendations,<sup>11</sup> the State party should take prompt measures to review the legislation on military courts, abrogate their jurisdiction over civilians and their authority to impose the death penalty, and bring their proceedings into full conformity with articles 14 and 15 of the Covenant in order to ensure a fair trial. The State party should also release on bail all civilians detained under the jurisdiction of military courts.**

#### **Right to privacy**

44. The Committee remains concerned that the Prevention of Electronic Crimes Act, 2016, grants the authorities overly broad powers to access and retain personal data and to share it with foreign Governments, without judicial authorization and sufficient oversight. It is also concerned about reports of the increase in surveillance measures and mechanisms in the State party, such as: (a) the authorization granted to the Inter-Services Intelligence in July 2024 to intercept telephone calls and text messages of citizens under section 54 (1) of the Pakistan Telecommunication (Re-Organisation) Act, 1996; and (b) the installation of a mass surveillance system (Lawful Intercept Management System) imposed on telecommunications companies, with the capacity to intercept data and telecom records of up to 4 million users without any regulatory oversight or judicial authorization. It is further concerned about reports that the intelligence agencies are conducting targeted surveillance and monitoring of individuals, in particular human rights defenders, journalists, political activists, politicians and individuals critical of the Government, including through the use of digital technologies such as spyware (arts. 17 and 19).

45. **The State party should promptly adopt a comprehensive data protection law that ensures transparency, accountability and the protection of data privacy in line with international human rights standards. The State party should ensure that legislation regarding surveillance, content and data regulation and related activities and any other interference with privacy is in full compliance with article 17 of the Covenant and with the principles of legality, proportionality and necessity. The State party should establish independent oversight mechanisms, including independent and impartial judicial review of surveillance activity, and ensure access to effective remedies.**

#### **Freedom of conscience and religious belief, non-discrimination and prohibition of advocacy of national, racial or religious hatred**

46. The Committee is deeply concerned about reports of the increase in discrimination, hate speech, hate crimes, mob violence, harassment and intimidation against religious minorities, in particular the Christian, Ahmadi, Hindu, Shia and Sikh minorities, as well as the destruction of their places of worship and cemeteries, as was the case in Jaranwala in August 2023. It is also concerned about the lack of effective protection of these minorities by the authorities and the lack of accountability for these crimes. It remains concerned by blasphemy laws, including sections 295 and 298 of the Pakistan Penal Code, that carry severe penalties, including the death penalty, which have a disproportionate impact on religious minorities. It is further concerned about the increasing number of persons incarcerated under blasphemy charges, the high number of blasphemy cases based on false accusations, violence against those accused of blasphemy, fostering vigilante justice, and allegations of entrapment of persons, in particular young persons, on accusations of online blasphemy under cybercrime laws (arts. 2, 14, 18, 19 and 26).

47. **In accordance with article 18 of the Covenant, in the light of the Committee's general comment No. 22 (1993) on the right to freedom of thought, conscience and**

<sup>11</sup> CCPR/C/PAK/CO/1, para. 24.

religion, and recalling its previous recommendations,<sup>12</sup> the State party should ensure respect for freedom of thought, conscience and religion for all and prevent, combat and address all forms of discrimination and violence against religious minorities. In particular, it should:

- (a) Increase its efforts to prevent and investigate promptly, thoroughly, independently and impartially all acts of discrimination and violence and instances of hate speech and incitement to public violence against religious minorities, and ensure that perpetrators, including central, regional and local authorities, law enforcement officials and those inciting violence by loudspeaker from mosques or otherwise, are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the offence, and that victims are provided with reparation;
- (b) Take effective steps to prevent physical attacks and the destruction of places of worship and cemeteries, and provide adequate reparations to all affected communities, including through the reconstruction of places of worship and the provision of compensation to all persons affected;
- (c) Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, put an end to the use of cybercrime laws such as the Prevention of Electronic Crimes Act, 2016, to prosecute and detain individuals accused of breaching blasphemy laws online, and effectively investigate allegations of massive abuse of blasphemy laws in connection with cybercrime laws and publish the results of the inquiries;
- (d) Take all the measures necessary to prevent violent attacks against persons accused of blasphemy, in particular those in police custody or in detention, and investigate these attacks, including mob lynchings and killings, ensuring that all perpetrators are prosecuted, convicted and appropriately sanctioned;
- (e) Ensure that all those who incite or engage in violence based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished.

#### **Freedom of expression and safety of journalists and human right defenders**

48. The Committee is concerned about arbitrary restrictions, in law and in practice, on freedom of expression online and offline. Such restrictions include the broad and alarmingly frequent use of Internet shutdowns, such as the Internet blackout and social media outage during the protests in May 2023 and the suspension of mobile Internet services on the day of the general election in 2024, as well as the blockage on vaguely defined grounds of social media platforms and online content. The Committee is also concerned about the chilling effect that criminal defamation laws, blasphemy, sedition and counter-terrorism laws and other recently adopted legislation have on the exercise of freedom of expression by journalists, activists, human rights defenders and members of ethnic and religious minorities. Such legislation includes the Pakistan Criminal Code (sects. 124-A, 295–298, 499 and 500), the Prevention of Electronic Crimes Act, 2016, the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021, the Pakistan Electronic Media Regulatory Authority (Amendment) Act, 2023, the Official Secrets (Amendment) Act, 2023, the Pakistan Army (Amendment) Act, 2023 and the Punjab Defamation Act, 2024. The Committee is further concerned about reports of increased coercion and censorship of media outlets for airing criticism of the Government, the military and the intelligence agencies, including closures and suspension of licences for television channels, notably by the Pakistan Electronic Media Regulatory Authority. While noting the adoption of the Protection of Journalists and Media Professionals Act, 2021, the Committee remains concerned about frequent reports of enforced disappearance, torture, killing, threats, harassment and intimidation of journalists, human rights defenders and civil society actors perceived as critical of the Government or promoting sensitive issues, perpetrated by State and non-State actors, and about the high level of impunity for these crimes (arts. 6, 7, 19 and 20).

<sup>12</sup> Ibid., para. 34.

49. In accordance with article 19 of the Covenant and in the light of the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:

(a) Take immediate steps to ensure that everyone can exercise the right to freedom of expression online and offline without interference, including by reviewing or repealing the legislation mentioned above and by putting an end to measures that unduly restrict freedom of expression, such as Internet shutdowns, the blocking of websites and online resources and bans on social media platforms, and by establishing an independent and effective oversight body to review and monitor decisions regarding Internet censorship and throttling, and ensure that any restrictions on the exercise of freedom of expression meet the strict conditions outlined in the Covenant;

(b) Refrain from adopting any measure or law that may result in further undue restrictions on the exercise of the right to freedom of expression, such as the use of a nationwide firewall system and the E-Safety Bill, 2023, and ensure broad consultations with relevant stakeholders, including civil society organizations, journalists, media professionals and the technical community;

(c) Consider decriminalizing defamation and ensure that criminal laws, sedition and counter-terrorism legislation are not used to silence journalists, human rights defenders, members of ethnic and religious minorities and dissenting voices;

(d) Ensure that all allegations of enforced disappearance, torture, killing and intimidation of journalists, human rights defenders and civil society actors are investigated, that perpetrators are brought to justice and appropriately sanctioned and that victims receive appropriate reparations;

(e) Guarantee that human rights defenders, journalists and civil society actors can operate safely, freely and independently without fear of being subjected to persecution, intimidation, harassment or reprisals;

(f) Take all measures necessary to support a genuinely pluralistic media landscape and ensure a safe and enabling environment for the work of journalists, including by fully implementing the Protection of Journalists and Media Professionals Act, 2021, and swiftly establishing the Commission for the Protection of Journalists and Media Professionals provided for in article 12 of the Act.

#### **Right of peaceful assembly**

50. The Committee is concerned about legislation that unduly restricts the exercise of the right of peaceful assembly, such as the Peaceful Assembly and Public Order Act, 2024, and section 14 of the Khyber Pakhtunkhwa Civil Administration (Public Service Delivery and Good Governance) Act, 2020. It is also concerned about reports that blanket bans on assemblies are frequently imposed under section 144 of the Code of Criminal Procedure, particularly to ban gatherings deemed unfavourable to the Government. It is further concerned about the use of the provisions on sedition and unlawful assembly in the Pakistan Penal Code, the Anti-Terrorism Act, 1997, and the Maintenance of Public Order Ordinance, 1960, which has resulted in the prolonged detention of protestors, notably human rights defenders, political opponents, activists and members of ethnic and religious minorities. Moreover, the Committee is concerned about reports of recurring instances of intimidation, enforced disappearances, torture, excessive use of force and mass and arbitrary arrests of participants in assemblies, as was the case during the Aurat (Women's) march, the Baloch Long march, the Baloch Raji Machi (Baloch National Gathering) and the Pashtun Qaumi Jirga (Pashtun National Court), among other protests and assemblies (arts. 2, 6, 7, 9, 19, 21 and 26).

51. In accordance with article 21 of the Covenant and in the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should:

(a) Bring its legislative framework governing peaceful assembly into full compliance with the Covenant and ensure that any restrictions imposed are in strict compliance with article 21 of the Covenant;

(b) **Ensure that all allegations of excessive use of force, enforced disappearances, torture and arbitrary detention are promptly, impartially and effectively investigated, that those responsible are brought to justice and that all victims of such acts receive full reparation;**

(c) **Guarantee, in law and in practice, the full exercise of the right of peaceful assembly, including by women's organizations, ethnic and religious minority organizations, opposition groups and political parties, and ensure fully free media coverage of those assemblies;**

(d) **Provide law enforcement officials with appropriate training on the use of force and the employment of non-violent means of crowd control, including on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

### **Freedom of association**

52. The Committee remains concerned that the legal and policy framework and procedures governing the activities of national and international non-governmental organizations, including the 2015 policy on the regulation of international non-governmental organizations in Pakistan, the 2022 policy on local non-governmental organizations and not-for-profit organizations receiving foreign contributions and the Punjab Charities Act, 2018, unduly restrict the exercise of the right to freedom of association. It is particularly concerned that those policies and legislation introduce cumbersome and costly annual registration procedures and restrictive regulations on foreign funding, and provide the authorities with extensive monitoring powers, which has reportedly resulted in constant investigations and harassment by security agencies and other government offices. It is also concerned about several instances in which civil society organizations and ethnic minority grass-roots movements have been arbitrarily placed on the First Schedule list of proscribed organizations under the Anti-Terrorism Act, 1997. It is further troubled by the long-standing ban on student unions and about reports that university students are required to sign an affidavit rejecting any political activity as a precondition for admission to university, as well as reports that students, in particular Baloch and Pashtun students, are frequently subjected to arbitrary disciplinary hearings and suspensions due to their political activity (arts. 2, 22 and 26).

53. **The State party should adopt all measures necessary to ensure the effective enjoyment of the right to freedom of association, bring its policy and legal framework and registration procedures into full compliance with the Covenant and ensure that any restrictions imposed are in strict compliance with article 22 of the Covenant. The State party should also remove all undue restrictions on the ability of civil society organizations to receive international and domestic funding and put an end to the use of the Anti-Terrorism Act, 1997, to criminalize civil society organizations and grass-roots movements. The State party should take the measures necessary to lift the ban on student unions throughout its territory and cease implementing any measures or practices that unduly limit the right to peaceful assembly and the freedoms of association, expression and opinion of students, including political opinion and political activity within universities.**

### **Rights of the child**

54. The Committee takes note of the measures taken by the State party to protect the rights of the child, such as the adoption of the National Commission on the Rights of the Child Act, 2017. However, it is concerned about reports of the persistent practice of abducting girls who belong to religious minorities and forcing them to marry – regardless of their age and the prevailing law – and to convert to Islam under the threat of violence, which results in rape, trafficking and other forms of sexual and gender-based violence against these girls. It is also concerned about reports of the widespread impunity surrounding these cases. It is further concerned that victims are usually not returned to their families during investigations but forced to stay with their abductors, including members of organized criminal groups, or placed in unnecessary and inappropriate alternative care facilities, with little or no regard for

child protection standards, exposing victims to further risk of exploitation, abuse and harmful practices (arts. 23, 24 and 26).

55. **Recalling its previous recommendations,<sup>13</sup> and in line with the recommendations made by the Committee on the Elimination of Racial Discrimination,<sup>14</sup> the State party should intensify its efforts to eradicate forced conversions and forced marriages of girls, including by strengthening its legal framework and enforcement mechanisms. The State party should also ensure that all allegations of forced conversions and forced marriages of girls are promptly, impartially and effectively investigated, that those responsible are brought to justice, and that all victims have access to effective remedies and support services such as adequate shelters, legal aid, psychological counselling and rehabilitation programmes.**

#### **Participation in public affairs**

56. The Committee notes the measures adopted by the State party to promote the participation and representation of women and persons belonging to minorities in public and political life, including the adoption of quotas in national and provincial assemblies. However, it remains concerned that the minority quotas apply only to religious minorities. It is concerned about reports of frequent instances of harassment, intimidation, threats and violence targeting women for exercising their right to vote or to participate in political or public life, particularly in areas or communities where gender stereotypes and patriarchal structures prevail. It is also concerned about reports of insufficient education on civil and political rights, leading young people, especially those from disadvantaged groups, to disengage from politics and thus become de facto excluded from political and electoral processes. It is further concerned about the requirement for Ahmadis to declare themselves non-Muslims in order to register on the electoral list or to register on a separate non-Muslim list, which has an adverse and discriminatory impact on the exercise of the rights of Ahmadis to vote, to freedom of religion and to self-identify (arts. 2, 18, 25 and 26).

57. **Recalling its previous recommendations,<sup>15</sup> the State party should take all measures necessary to ensure the full and effective enjoyment of the rights enshrined in article 25 of the Covenant by all citizens, including women and members of ethnic and religious minorities. In particular, it should:**

(a) **Review its regime of temporary special measures, including quotas for minorities, to ensure that they apply also to ethnic minorities;**

(b) **Redouble its efforts to combat patriarchal attitudes and stereotypes that result in the de facto disenfranchisement of women and their exclusion from public and political life, particularly in rural areas, and ensure that all allegations of intimidation, threats and violence targeting women for exercising their right to participation in public affairs are effectively investigated and that those responsible are brought to justice;**

(c) **Develop or strengthen educational programmes on civil and political rights and awareness-raising activities on the importance of the participation of young people and women in public affairs;**

(d) **Bring its electoral legal framework into full compliance with the Covenant, in particular by eliminating discriminatory provisions and including all voters in the electoral list regardless of their religious beliefs, and guarantee the equal enjoyment by all citizens of the rights recognized in article 25 of the Covenant.**

#### **D. Dissemination and follow-up**

58. **The State party should widely disseminate the Covenant, its second periodic report and the present concluding observations, with a view to raising awareness of the**

<sup>13</sup> Ibid., paras. 42 and 44.

<sup>14</sup> CERD/C/PAK/CO/24-26, para. 26.

<sup>15</sup> CCPR/C/PAK/CO/1, para. 48.



rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country and the general public. The State party should ensure that the periodic report, the written replies to the Committee's list of issues and the present concluding observations are translated into the official languages of the State party and should consider translating them into other languages commonly used in the State party.

59. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 8 November 2027, information on the implementation of the recommendations made by the Committee in paragraphs 27 (counter-terrorism measures), 40 (independence of the judiciary) and 49 (freedom of expression and safety of journalists and human rights defenders) above.

60. In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

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