

## THE TREATY BODY PATHWAY AND THE HUMAN RIGHTS CRISIS IN BALOCHISTAN: A CRITICAL ANALYSIS OF PAKISTAN'S ENGAGEMENT WITH THE ICCPR AND CAT

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### Abstract

The involvement of Pakistan in the system of the United Nations human rights treaty body is often introduced as the manifestation of the international legal standards. By periodically reporting, having constructive dialogue and interaction with expert committees, the state presents an impression of adherence to the international human rights norms. But this official interaction is a stark difference to the actual reality of the conflict-torn areas especially Balochistan. In this paper, the International Covenant on Civil and Political Rights (ICCPR) and the Committee Against Torture (CAT) will critically look at the engagement between Pakistan and the Human Rights Committee and the allegations of continued enforced disappearance, torture, and suppression of civic space in Balochistan. The study uses reports by the treaty bodies, concluding observations, shadow reports and civil society documentation to determine that there has existed a comprehensive and structural compliance gap between international legal standards and domestic standards. It proposes that although the treaty body route exerts normative pressure and international visibility, it has not been able to result in structural reform because the securitization of Balochistan, institutional impunity and lack of efficient civilian control. The paper concludes that the international follow up and meaningful domestic accountability mechanisms will also ensure that Pakistan does not continue to operate in the international accountability treaty bodies as mere performers.

### 1. INTRODUCTION

Pakistan is a country that has recently ratified some of the most important human rights documents in international law; the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) in the year 2010. The world at that time accepted the development with much enthusiasm as a sign of democratization and a desire to align the domestic

law with universal human transactions. The issue of ratification was positioned as a break-even to the past tendency of Pakistani historical ambivalence to international mechanisms of accountability.

Nevertheless, the practical effects of such commitments are more than ten years later still grossly unequal. There could be no better place to

see this contradiction than in Balochistan, the largest but the most politically and economically marginalized province in Pakistan. To a large number of people living in the area, the ratification process has not led towards enhanced security, justice and institutional protection. Rather, claims of forced disappearances, custodial torture, extrajudicial killings, and limitations to the freedom of expression have become the hallmark of the human rights landscape.

Balochistan is situated in a distinctive location in the political geography of Pakistan. The sheer size of its territory, the low density of its people, its advantageous coastline, and mineral resources, together with its centrality to the China-Pakistan Economic Corridor (CPEC) has made it a center of state security policy. The decades-old separatist insurgency has further institutionalized the security-first way of doing things with military and intelligence agencies enjoying an extraordinary level of power with little oversight by civilians. In this regard, the safeguarding of human rights is often sacrificed to the perceived national security imperatives.

This paper will discuss that the involvement of the UN treaty body system in Pakistan has had a significant impact on this fact. The underlying question raised is: can the engagement in treaty body reporting and review serve as a stimulus to change or has it turned into a diplomatic cloak that succeeds in protecting the maintenance of practices that are abusive with a facade of compliance?

### • Understanding the Treaty Body Pathway

The UN treaty body system is one of the most institutionalized systems of following the state compliance with the international obligation of the state in the international human rights. In contrast to coercive enforcement models, treaty bodies are based on dialogue, persuasion and normative pressure. The treaty body pathway is the repetitive nature of the process where states report, consult expert committees, get recommendations and are put under the obligation to make domestic reforms.

This channel is based on the premise that exposure, expertise, and reputational incentives have

the potential to change the behavior of states in the long term. Nevertheless, its efficiency differs considerably with the domestic political environment, institutional capability as well as the extent of civil-military responsibility.

#### ○ Components of the Treaty Body Pathway

The process normally involves four stages that are connected. To start with, the periodic report presented by the state shows legislative, administrative and policy measures taken by the state to fulfill treaty obligations. These reports tend to underline legal changes and organisational efforts and to downplay the structural problems.

Second, the civil society organizations place shadow or alternative reports. These materials are important as they are corrective in nature since they point to discrepancies between the official accounts and the reality on the ground. Shadow reports have played a vital role in reporting on acts of enforced disappearance, torture, and reprisals against activists in case of Balochistan.

Third, in Geneva, there is a public review of treaty bodies. State delegations are already

questioned by committee members, referring both to the official reports and the submissions of civil society. These discussions tend to reveal inconsistency and loopholes of the state reactions.

Lastly, the committee makes final observations where areas of concern are raised and particular reforms are proposed. Although these observations are authoritative, they are not legally binding and have to rely on the political will, the implementation being followed by the mechanisms.

The continued issue in this process is what scholars explain by a term known as decoupling, which is the incorporation of human rights language on the international level without any subsequent adjustments in the domestic institutions conduct. The involvement of Pakistan into ICCPR and CAT represents this phenomenon in a rather clear way.

### • Pakistan and the Human Rights Committee (ICCPR)

#### ○ The 2024 Review: A Critical Juncture

The second periodic review of Pakistan before the Human Rights Committee in 2024 was an

important milestone in the ICCP participation of the country. The state delegation highlighted the legislative changes, such as counterterrorism reforms and procedural protection. Nonetheless, the question of enforced disappearances was brought up by the committee members time and again, especially in Balochistan.

The Committee was concerned that the cases of disappearances were not isolated cases but a larger trend whereby security agencies were operating with near-impunity. Even though there existed the Commission of Inquiry on Enforced Disappearances (COIED), the Committee observed that there was no criminal responsibility and those committing the acts were not prosecuted.

- **Enforced Disappearances and Article 9**

In Article 9, the ICCPR also provides the right to liberty and security of person that includes the prohibition of arbitrary arrest and detention. Enforced disappearance has become a systematic form of violation of this provision existing in Balochistan. People are supposed to be arrested without a warrant, refused access to a lawyer, and incommunicado without being released.

Disappearances are used as a counterinsurgency method as well as a political control mechanism. Others targeted include students, journalists, human rights defenders and relatives of suspected militants.

**Table 1**

Statistical Trends in Described Withdrawals (Estimated)

Year	Reported Cases Nationwide	Reported Cases Balochistan	New Cases Register	Cases Resolved	Pending Cases
2018	5,121	2,172	1,154	728	4,393
2019	6,023	2,541	1,383	812	5,211
2020	6,785	2,965	1,512	946	5,839
2021	7,247	3,102	1,604	1,032	6,215
2022	7,885	3,387	1,742	1,118	6,767
2023	8,463	3,621	1,836	1,204	7,259

- **Military Courts and Article 14**

Article 14 of the ICCPR provides the right to fair and open trial by an independent and unbiased tribunal. Growth of military courts to prosecute civilians, especially in matters of security has been an issue that the Human Rights Committee has continually raised.

Military courts are a secret in Balochistan, where access to legal representation is restricted, and there is no chance of scrutiny. Prosecutions have been undercut by confessions allegedly obtained through torture, which is a leading issue in many prosecutions.

- **Pakistan and the Committee Against Torture (CAT)**

- **The Definition and Implementation Gap**

The Convention against Torture obligates the states to criminalize torture in accordance with Article 1, which covers both physical and mental sufferings. The adoption of the Torture and Custodial Death (Prevention and Punishment) Act in 2022 in Pakistan has been met with a lot of applause. Nevertheless, appraisals given by treaty bodies show that implementation of the law is still minimal especially where there is conflict.

The physical nature of the scope of the Act overlooks the psychological aspects of torture that are frequently practiced in Balochistan, such as keeping a person in solitude, threatening the family

members, and forcing a person to witness the abuse.

- **Systematic Impunity**

The CAT has been raising its concern regarding the incommunicado detention and absence of independent investigations again and again. The re-emerging victims are usually showing some signs of extreme trauma yet unwilling to file complaints because of fear of being retaliated.

Silence is further brought by the lack of witness protection systems.

- **Balochistan: Securitization and the Marginalization of Rights**

It is possible to discuss the concept of securitization and explain why treaty body recommendations are not so effective in Balochistan. Extraordinary measures become established when an issue is presented as an existential threat to the state. In this situation, human right is usually advanced as the barrier to security instead of security itself.

- **The CPEC Dimension**

CPEC development projects at such a large scale have added to land conflict and displacement anxieties. The activists who are against these projects are often regarded as a security menace, a phenomenon that subjects them to harassment and detention.

- **Media Blackouts**

The limitation of journalists and international observers is a great barrier to independent documentation. This is a blow to the treaty body channel since it prevents the circulation of credible information to UN mechanisms.

- **Civil Society as a Fragile Bridge**

The civil society organizations are important in bridging local realities and international forums. Pakistan Human Rights Commission (HRCP) and other organizations have reported the violations in Baluchistan over the time. Nevertheless, activists are monitored, harassed by the law, and threatened, which sends a chilling effect on interaction with the UN.

● **The Implementation Gap: An Analytical Overview Table 2**  
Implementation Indicators (2010-2025)

Period	International Commitments	Domestic Response	Ground Outcomes	Gap
2010-2012	ICCPR ratification	No criminalization	Rising cases	Very High
2013-2015	UPR, ICCPR reporting	Weak COIED	No convictions	Very High
2016-2018	CAT ratification	Draft laws stalled	Continued abuses	High
2019-2021	Follow-ups	Institutional inertia	Case backlog	High
2022-2023	Strong UN criticism	Partial reforms	Marginal change	Moderate- High
2024-2025	Ongoing scrutiny	No structural shift	Persistent impunity	Moderate- High

- **Legislative Gaps in the 2022 Torture Act**

There is a structural accountability barrier that exists due to the absence of mental torture and the delegation of investigations to civilian agencies that have no jurisdiction over military personnel. This defect of design makes the law in Balochistan quite inefficient.

### Quantitative Trends (2024-2025)

**Table 4**

Regional Delivery of Disappearances (June 2025)

District	Reported	Released	Unknown
Kech	83	12	71
Dera Bugti	42	5	37
Quetta	19	4	15
Mastung	7	2	5

- **Gendered Dimensions of the Crisis**

Women in Balochistan have become a victim as well as leaders in the human rights struggle in the state. With the emergence of women movements, the upsets about the half-widows and socio-economic exclusion have acquired a new face making people interested in the intersections between civil, political and socio-economic rights.

- **The Failure of the Commission of Inquiry (COIED)**

Though it has taken thousands of cases, COIED has not succeeded in convicting a criminal. Its non-independence has been condemned by treaty bodies and maltreatment of families of victims has been reported by the bodies.

- **International Scrutiny and GSP+ Leverage**

The GSP+ trade status of Pakistan with the European Union generates a compliance economic incentive. The increasing anxiety in the EU Parliament about Balochistan jeopardizes this privileged access, providing minor but significant bargaining power to the civil society.

- **Methodology and Sources of Analysis**

This paper follows the qualitative approach of both doctrinal and socio-legal approaches based on the analysis of the international human rights law and empirical evidence recorded by the civil society. In order to reduce official bias and underreporting, the

- **Militarization of Justice and Article 14**

Military courts are normalized which is an extension of civilian dominance. In Balochistan, this has made parallel legal order institutional where transparency and due process take a second place to security goals.

research uses multiple sources of information over and above the information submitted by the state, to facilitate information triangulation.

Primary sources include:

Thoughts on the Human Rights Committee and the Committee Against Torture. The reports by the state parties to the ICCPR and CAT included in Pakistan. Pakistani and international human rights shadow reports. Reporting by the UN Working Group on Enforced or Involuntary Disappearances (WGEID). Secondary sources are scholarly literature on treaty compliance, the theory of securitization, civil-military relations, and comparative research of human rights implementation in conflict-prone areas. Balochistan has been purposefully chosen. Being a peripheral but a strategically important province, it makes a good case study of how international human rights requirements are refracted through domestic power. It is not a statistical completeness study, but rather one that is analytically rich, putting things together, institutional behavior, and structural constraints.

- **Treaty Bodies and the Limits of “Constructive Dialogue”**

The concept of UN treaty body system is based on the fact that states will partake in good faith dialogue with autonomous experts. But the involvement of Pakistan is an example of how constructive dialogue can be inhibited in securitized situations. In the reviews of ICCPR and CAT, Pakistani delegations

often: Focus on intent of legislation and not enforcement results. Assume that the abuses of attributes are one-off cases, or are committed by rogue actors. Make Frame Balochistan a counterterrorism exception zone. This rhetoric technique enables the state to be seen as cooperative, but without structural concessions. The diplomatic norms and the inability to enforce the rules and act of treaty bodies frequently lead to repetition of concerns and no significant consequences. Consequently, conversation does run the danger of being ritualized, a repetitive process of exchanging where critiques are accepted but not internalized.

- Comparative Perspective: Why Similar States Respond Differently**

A comparative experience shows that the treaty bodies are able to impact the domestic reform in some circumstances. Nations which developed out of dictatorship-like regimes in the past- Argentina or Chile- relied upon treaty involvement to aid in the process of transitional justice and accountability. In three major aspects, Pakistan is different: Deep-rooted military independence on the civilians. Courts giving deference to national security stories. Poor security of human rights protectionists. Pakistan has not had a political rupture that once again established civil-military relations as is the case with transitional states. Treaty obligations therefore are external and not internalized legal constraints.

- Enforced Disappearances as a Governance Tool**

In Balochistan, enforced disappearance is not only a strategy applied in the security domain but also a form of state. The habit causes ambiguity, disintegrates social connections, and stifles the mobilization.

Families of those disappeared usually do not protest publicly after the first attempts, being afraid of reprisals. The result of this is what is termed by scholars as silence compliance in which coercion takes place without obvious force.

The disappearance is onward violation as it is seen by treaty bodies until the fate of the victim is clear. However the legal system of Pakistan classifies it as an administrative problem instead of a crime which is essentially contrary to international law.

- The Psychological Architecture of Torture**

The CAT framework is that torture is not only physical torture. Psychological torture is rampant and organized in Balochistan.

Reported practices include:

Criminal threats to the family members. Forced witnessing of abuse Extensive deprivation of senses. Mock executions These forms do not leave any visible scars but create long term trauma.

The fact that the 2022 Torture Act does not explicitly include psychological torture is indicative of the reluctance to specify the categories of abuse that are nearly impossible to record but equally traumatizing.

- Short-Term Disappearances and Legal Evasion**

The emergence of short-term disappearances is a survival measure by security agencies. The extent to which the authorities keep the person imprisoned for weeks instead of months or years makes the people less seen internationally but gives the authorities coercive power. This is a strategy that takes advantage of the loopholes in the legal system of Pakistan: Detainees are set free before the habeas corpus petitions can grow to maturity. Victims are afraid of being re-arrested in case they report. The evidence does not last a long time. This practice continues to be enforced disappearance under a treaty law point of view. But it is ambiguous and therefore difficult to document and hold accountable.

- Gender, Resistance, and the Reframing of Victimhood**

The development of women movements in Balochistan has changed the human rights narrative. The activists of women have redefined the disappearance as a breach of law, but rather a social harm experienced by the family and even communities.

Civil, coupled with socio-economic rights are intertwined as seen in the phenomenon of half-widows. There are no death certificates that women receive, which means that they cannot receive inheritance, social welfare, and legal redress, a form of state-imposed limbo that has been received half-heartedly by treaty organs.

## • COIED as an Accountability Substitute

The Commission of Inquiry on Enforced Disappearances is a figurative accountability instrument. It is designed in a way that focuses on disposing the cases and is more focused on recovering than being responsible.

This type of institutional organization is consistent with what scholars have termed as administrative pacification, a process of diminishing the level of pressure of the population without changing the distribution of power. This tactic has been condemned many times by the treaty bodies but still Pakistan submits COIED as an indication of compliance.

## • International Political Economy and Conditional Compliance

The association between human rights and trade preferences under the GSP+ scheme of the EU creates a material incentive which is not present in the treaty bodies as such. Trade regimes have real leverage, unlike UN mechanisms.

Nevertheless, conditional compliance can threaten surface level reform, where legislation is enacted because it meets specification, but is not actually pursued. The case of the Torture Act in Pakistan can be used to exemplify this threat.

## • Counter-Arguments and State Narratives

The Pakistani state develops a number of counter-arguments: Exceptional operations are necessary in national security. There are judicial remedies which are available. The foreign players do not have the contextual knowledge. Although the security concerns are valid, the international law does not allow the derogation of the prohibition of torture or the forced disappearance. Furthermore, courts cannot serve as solutions where victims have the fear of being retaliated.

## • Reimagining the Treaty Body Pathway

To be relevant in the contexts such as Balochistan, the treaty bodies need to be reformed: Increased follow-up processes with reduced review cycles. Monitoring requirements on a country basis. Safety of activists who are UN engaged. In the absence of

these, treaty engagement will be procedural and not transformative.

## • Complementary Mechanisms: The WGEID and the Treaty Body Nexus

Although the HRC and the CAT concentrate on the state obligations, both act in collaboration with another vital UN mechanism, which is the Working Group on Enforced or Involuntary Disappearances (WGEID). It is important to know the difference between these bodies in order to analyze the pressure on Pakistan.

### ○ Humanitarian vs. Legal Mandates

The WGEID works under a humanitarian and the main aim of this is to establish the fate or location of the disappeared. It reports individual cases to the government via the secret urgent appeal system. On the contrary, the HRC and CAT act on a legal basis to determine whether a treaty is being abused by the state.

This is essential to Baluchistan. Thousands of Pakistan cases have been currently pending in the WGEID. The state participation in WGEID is more cooperative in the tone since the Working Group does not make binding judgments. The data provided by the WGEID are however used by the Treaty Bodies to create a "pattern of conduct. By referring to the backlog of WGEID cases when the HRC accuses Pakistan of systematic disappearances, it is frequently referring to the backlog.

### ○ The Visit Request Standoff

One of the key arguments that have been made in the 2024 Concluding Observations is that Pakistan will not permit a country visit by the WGEID. Since 2010, the Working Group has been requesting a visit, which is yet to be fulfilled. To the HRC, this rejection has been viewed as a form of transparency. The Treaty Body Pathway is a useful method of punishing Pakistan following this non-cooperation; readings of the reports of the HRC carry with them an assumption of guilt; this is due to the fact that independent investigators do not have an opportunity to be in the conflict zone.

- **Strategic Recommendations for Reform**

On the analysis of 2017 and 2024 review cycles, the recommendations below represent a roadmap towards Pakistani shifting its approach to Balochistan towards a tactical concession and substantive compliance.

- **Legislative Reforms**

Make Enforced Disappearance a crime: Parliament should adopt the Criminal Law (amendment)

Bill free off the notorious false reporting provision. The crime should be non bailable and it should not be subject to any statutes of limitations which is in line with the international

convention of protection of All persons against enforced disappearance (ICPPED).

Reform the Anti-Terrorism Act (ATA): The definition of terrorism in Section 6 of the ATA needs to be reduced in order to exclude speech, assembly, and political dissent. This would avoid automatic referral of civil society cases to the Anti-Terrorism Courts (ATCs).

Reconsider the Army Act: The clauses that permit the trial of civilians in military tribunals need to be abolished. Any cases concerning civilians in the military custody ought to be handed over to civilian High Courts.

- **Institutional and Judicial Reforms**

Ratify OPCAT: Pakistan ought to accept the optional protocol to the convention against torture (OPCAT). It would form a National Preventive Mechanism (NPM) endowed with discretion to make unannounced visits to every detention facility including those operated by the intelligence agencies. Forensic Independence: The ability of Punjab Forensic Science Agency ought to be emulated in Balochistan. Forensic evidence should be examined independently of the police in cases involving so-called staged encounters and deaths in custody.

- **Diplomatic and Civil Society Engagement**

Open Access: The UN Special Procedures, namely, the Working Group on Enforced Disappearances and the Special Rapporteur on Torture, should be invited by the government to visit Balochistan on a regular basis.

**Protect Rights Defenders:** There must be a specific law concerning the human rights defenders and it must be made sure that the interaction with the UN does not result in an inclusion into the Exit Control List (ECL) or Fourth Schedule.

## Conclusion

The treaty body system has its potential as well as drawbacks as evidenced by Pakistan involvement in ICCPR and CAT. Although global attention has made the atrocities in Balochistan completely invisible, it did not break the architecture of it.

The fact that enforced disappearance and torture have continued to be practiced reflects a greater constitutional imbalance; one in which the security organs are not placed under the control of the civilian. This contradiction cannot be resolved by treaty bodies but it is the necessary forums of documentation, resistance and normative pressure.

As long as Pakistan grapples with an enforced disappearance as something not inconvenient but as a standard practice, the treaty adherence will be largely preformative and the citizens of Baluchistan will be left living in the realm of the legal grey zone in the fringes of international protection.

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