[**A victory for human rights**](https://www.dawn.com/news/1717138/a-victory-for-human-rights)

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JUSTICE eludes most of us, wherever we are. In Pakistan, it barely ever makes a stop. Even when there is a glimmer of accountability, it is ephemeral. Convicted murderers flash victory symbols as they get escorted out of prison into their homes.

Rapists return to the same communities they violated with their heads held high. A legally binding sentence that promises retribution is met with cynicism. That despite a conviction, perpetrators will walk away; unpunished, unreformed.

The tragedy is the wide acceptance of this as fact. That this is the entirely predictable outcome of a criminal justice system that is overburdened, resource-strapped, dogma-driven, corruption-riddled, and beholden to bureaucratic red tape that simply cannot be untangled. Some point to the legal infrastructure itself. The laws, meant to protect victims, are often called ‘too weak’.

Laws that enable the might of the state are ironclad and inescapable. Laws, that are the need of the hour, are often lost as nascent draft bills, somewhere between the Senate and National Assembly. Most never resurface again. It is what it is, we whisper to ourselves. Que sera sera, the state responds.

**Read:** [*Senate body condemns 'custodial torture' of Azam Swati*](https://www.dawn.com/news/1716031)

Only this week, 12 years after it committed to do so, Pakistan [finally passed](https://www.dawn.com/news/1716092) the Torture and Custodial Death (Prevention and Punishment) Bill. Now it’s over to President Arif Alvi to sign it into law.

This is, by no means, a small feat. A hard-fought win for rights groups, victims, the National Commission on Human Rights and leaders like Senator Farhatullah Babar, Dr Shireen Mazari, Senator Sherry Rehman, Maiza Hameed and Farooq Naek who have helped push the boulder up the hill. It is commendable and establishes a clear, codified position against torture at the very top.

The consequences of not having done so until now have been deadly and the lack of a specific criminal offence for torture over the years, which reflects the gravity of the violation, has been tantamount to an unforgivable silence.

Silence that has doubled as an endorsement of the violence that befalls the most vulnerable, resulting in mass desensitisation. We watch grainy videos of victims, click our tongues, and keep scrolling, hoping it doesn’t happen to us.

This public apathy depletes the political cost of letting torture continue, enough to distract the many political leaders sitting in Islamabad today, many of whom are no strangers to torture and its rampant use. Some have alleged being victims themselves.

Earlier this summer, Dr [Shahbaz Gill was seen howling](https://www.dawn.com/news/1705550) as he was transported between prisons, courts and hospitals. The current minister of interior told journalists in 2003 that his head, eyebrows and moustache were shaved in between beatings with rods, in a bid to humiliate him. Most recently, Azam Khan Swati says that the Federal Investigative Agency [stripped and beat him](https://www.dawn.com/news/1716031) following his arrest over a tweet.

The widespread social, political and cultural acceptance of torture demonstrates the value we place on human life and dignity. It is a cheap commodity, misappropriated for political capital, fast but wrongful convictions and the continued oppression of those living in poverty. The result of the dubious legal status of torture has been no accountability, no remedy, and only more cases of its use.

**Also read:** [*Islamabad police accused of covering up custodial torture case*](https://www.dawn.com/news/1715172)

The response to the criminalisation has been muted, drowned in news of political machinations. We seem to have an infinite supply of crises that can be pulled out to distract from ongoing issues that truly are a matter of life and death. If a third of the country is under water, we will instead choose to look at the voting rights of Pakistanis living away on dry, unflooded land.

If inflation is up by over 27 per cent, we will instead obsess over adding a discriminatory clause in marriage registration certificates. If disease is rearing its ugly head in our homes, we will divert public funding to see which party can post the biggest advertisement for their next rally. But we cannot allow our attention to be swayed. If there had been more eyeballs over the fact that neither the Pakistan Penal Code nor Pakistan Criminal Penal Code specifically mention torture, perhaps every reported custodial death could have been a turning point.

There is a reason why the UN Committee Against Torture stated in General Comment 2 that the UN Convention Against Torture requires that the offence of torture be named and defined, as distinct from ‘common assault’. It is to alert victims, perpetrators and the public of the special gravity of torture, its coercive and asymmetric nature, how human beings are turned into the fish in the proverbial barrel for the police to shoot at. Keeping an eye on policy matters gravely, even if it is not there in the headlines — which will almost always turn to the loudest nothing burgers.

But perhaps another reason for the subdued reaction is that the battle-worn people of Pakistan do not have much use for a piece of paper that promises them protection. After all, what’s another law in our lawless land? However, what they do have use for, is that the people who wrote that paper to ensure that promise is fulfilled. That complaint and investigative mechanisms are smooth, swift and presume their innocence. That perpetrators are brought to justice through enhanced scrutiny, regulation and oversight. That those entrusted with enforcing the law do not break it.

Legislation has never been the panacea it is often touted as, but it is the right place to begin. We stand atop a mound of bodies, broken bones and buried inquiries to carefully inspect what happens when President Arif Alvi sets his pen down. The conversation and conversion of the government around torture must be heard by public officials in police stations and prisons. They must all think twice when they mull over their investigative tools. If they do it right, perhaps justice might find her way to Pakistan after all.

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