**Pakistan still awaits an anti-torture legislation**

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Pakistan signed UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) on 17thApril 2008. On 23rd June 2010 the same convention was ratified by the Country to uphold its assurance to end torture and inhuman punishments in line with the international human rights standards. However, till date, more than a decade has passed but the countryhas failed to domesticate the law via a new legislation or a legal amendment in the existing law in order to specifically define and criminalise torture in Pakistan. This is not only a serious question mark on Pakistan’s pledge to end torture but is a huge hindrance in protection of human rights of the citizens as well.

Criminalising torture has never been a focused priority area of any government regime in Pakistan. Since 2008, there have only beentwo attempts within the Parliament to pass a law to define and criminalise custodial torture, but both failed out of delay and internal resistances. Firstly, a bill titled as “Torture, Custodial Death and Custodial Rape (prevention and punishment) Bill, 2015 was tabled by theSenator Farhatullah Babar.The Bill bore no fruit as it did not get approval in the National Assembly within the constitutionally stipulated time of 90 days. Another attempt to specifically define and criminalise torture was made in 2020 when Senator Sherry Rehman proposed the “Torture and Custodial Death Bill, 2020”. Unfortunately, this bill also died for internal resistance and lack of support from within the Parliament.

Torture is a normal practice for extraction of evidence and confessions in police custody. No law exists in line with the UNCAT to book police officials who carry out torture on detainees and prisoners.In Pakistan, the cases of custodial torture, deaths and injuries are growing at an alarming level particularly in Punjab province. According to research and studies put forth by some human rights groups and organizations, torture practices include ‘custodial beatings, by hand or with batons and littars (strips of leather), the stretching and crushing of detainees’ legs with roola (metal rods), sexual violence, prolonged sleep deprivation, and mental torture, including forcing detainees to witness the torture of others.'(source)

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It is pertinent to highlight that the victims of such torture are not just men, women and transgender persons but people with mental and physical disabilities as well. Cases like the custodial death of Salahuddin Ayubi, a mentally challenged man arrested for robbing an ATM machine in Gujranwala, ring the bells about the existing lacuna but lead to no concrete developments on legislative fronts.

The issue of custodial torture is not limited to the Punjab province alone. In June 2020, Amir Tehkal was brutally tortured and made naked by policein Peshawar, the capital of Khyber PakhtunkhwaProvince.

The issue of custodial torture will continue to take lives and widen the loopholes in the criminal justice system unless a specific domestic law is passed to categorically define torture as per Article 1 of the UNCAT and then criminalise it in line with Article 4 of the Convention. It is a matter of national as well as international concern that commands of UNCAT are yet to be domesticated in Pakistan. Let us hope that Pakistan as well as the International Human Rights bodies realise this soon and make focused attempts to declare torture an offence in the country.

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