[**Beyond legislation**](https://www.dawn.com/news/1706189/beyond-legislation)

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WHATEVER one thinks of Shahbaz Gill, he should not be subjected to torture. No one should. It is a violation of international law, of human rights, of all decency and morality. And yet, it is not explicitly illegal in Pakistan.

Even if it were (and one hopes it soon will be), the country’s sociopolitical context offers little hope for the widespread use of torture to be stemmed.

Imran Khan [alleges](https://www.dawn.com/news/1705846/imran-alleges-gill-abused-urges-pti-to-take-to-streets) that Gill has been subject to mental and physical torture, including sexual abuse. Sadly, he will not be the first or last person in custody in Pakistan to face such. Custodial torture is endemic, taking the most horrifying and humiliating forms. It is most widespread in Punjab, and minorities typically bear the brunt.

It is not just the police who engage in torture. The spike in recent years in enforced disappearances has yielded mounting evidence that the military and intelligence agencies engage in similar practices in detention centres. Indeed, the growing involvement of these latter institutions in the practice has likely deterred the passage of anti-torture legislation to date.

The latest version of an anti-torture bill — which would clearly define and criminalise torture, custodial death and custodial rape, and offer redress to victims — is [under review in the Senate](https://www.dawn.com/news/1705654). It is long overdue.

Pakistan signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2008, and ratified it in 2010. Stop-start attempts at passing anti-torture legislation have been underway since 2015, stymied by a lack of political will.

**Read:** [*Criminalising torture*](https://www.dawn.com/news/1634998/criminalising-torture)

PTI lawmakers are now right to question the state’s intentionality regarding the 2022 bill, given Gill’s experience.

Torture won’t be eliminated overnight.

No one expects torture to be eliminated overnight once the bill is passed. It is too ingrained in Pakistani law enforcement, systemically and culturally. More worryingly, Pakistan’s current sociopolitical environment makes the meaningful implementation of any future anti-torture law even more unlikely than if the usual culprits of poor enforcement and weak accountability were at work.

Governments tend not to buy the ethically purist argument that torture is always wrong.

The deployment of torture is often framed as a dilemma, with states arguing that there are certain circumstances under which it is justified. Torture allegations over the past decade against American and British troops indicate that countries with strong anti-torture legislation and better accountability can fall prey to the misconception that torture, while terrible, is necessary; for example, to gather sensitive intelligence that might protect innocent civilians or ward off terrorist attacks.

There is also the ever-present fear that other states that continue to engage in inhumane practices will have an edge, if not morally, then tactically, in terms of access to information.

In these situations, there is a moral hurdle to overcome, or a judgement call to be made, before torture is sanctioned. But that exercise of moral justification is easily disposed when the subject of torture is completely dehumanised and demonised. That is Pakistan’s current predicament: deep polarisation and the normalisation of hate politics will drive rampant justification of the use of torture, despite the passage of any legislation.

If you have labeled someone a ‘chor’, a ‘daku’, a ‘kafir’, a ‘ghaddar’, a ‘liberal-fascist’, or ‘foreign agent’, you have dehumanised them to the extent where torture seems not just acceptable, but morally affirmative. If someone else’s political and religious views or ethno-linguistic background are reframed not only as an affront, but a negation of your own, then torture seems less a dilemma or rights violation, and more a moral imperative.

It will take more than legislation to fi­­ght this deeply ingrai­ned, hateful polarisation. But addressing these sociopolitical perversions will be more essential to the fight against the use of torture than traditional tactics such as strong legislation, police training, oversight, accountability, and the end of impunity for those caught inflicting torture.

In the West, the crackdown on torture has more often been driven by a fear of losing international standing or tarnishing a national reputation than on moral grounds. But reputations are only at risk where there are critics in the form of a free press and human rights or other civil society groups. The fear of being called out for hypocrisy at international fora such as the UN or G20 summits is also motivating.

But Pakistan has a less precious relationship with its reputation, and feels no threat from the media or civil society. And its sociopolitical dynamics, as they veer to extremes, are likely to enable rather than condemn the future use of torture. Sadly, irrespective of what laws end up in the books, torture is likely to persist as a national shame until we reweave our national fabric.

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*Published in Dawn, August 22nd, 2022*