

**ADVANCE SOCIAL SCIENCE ARCHIVE JOURNAL**Available Online: <https://assajournal.com>

Vol. 03 No. 02. April-June 2025. Page#.10-26

Print ISSN: [3006-2497](#) Online ISSN: [3006-2500](#)Platform & Workflow by: [Open Journal Systems](#)**The Prevalence and Legal Framework of Torture in Pakistan: Analyzing Systemic Challenges****Barrister Dr. Anwar Baig****School of Law, Bahria University, Islamabad****Senior Advocate/Consultant/Lawyer/Researcher/Author - law books****ABSTRACT**

Torture functions as a continuous human rights violation within Pakistan despite legislature protections and international duty requirements. The research studies how often torture occurs in law enforcement and police detention facilities while evaluating the existing legal system which aims to stop and ban such actions. The research incorporates data obtained from human rights organizations as well as legal documents together with media reports and interview data which reveal systematic issues like impunity and insufficient legal specifications and weak enforcement methods without independent oversight. Pakistan joined the United Nations Convention Against Torture (UNCAT) in 2010 but failed to enact domestic legislation which prevented substantial compliance. The authorities use torture during police investigations against women children and members of ethnic groups and these groups constitute the majority of victims. An insufficient approach to making torture criminal leads to both public tolerance and protective immunity practices. The research demonstrates that although judicial bodies sometimes take proactive action they typically lack both adequate capacity and desired support to provide remedy. The research identifies applicable legal and institutional solutions from around the world which Pakistan can use to reduce cases of torture. The author provides actionable policy suggestions that stress immediate legislative action against torture and develop independent oversight organizations and strengthen both police education and victim assistance programs. Resolving Pakistan's torture problems demands comprehensive cultural change throughout the police force and sustained political support in addition to strengthening specific legal protections.

**Keywords:** Torture, Human Rights, Pakistan, Legal Framework, Police Abuse, UNCAT, Accountability, Judicial Reform, Impunity, Criminal Justice.

**Introduction****Background and Context**

Torture as a severe breach of human rights continues to affect various parts of the world most strongly in states whose security agencies operate under weak legal protections and rules of nonaccountability. The enforcement of torture by police alongside national security agencies in Pakistan persists despite fundamental rights protection under the constitution and humanitarian conventions (Amnesty International, 2021). According to Article 14(2) of the Constitution of Pakistan officials are prohibited from engaging in both inhumane treatment and degrading practices and torture but these acts persist frequently (Constitution of Pakistan, 1973). UNCAT became law in Pakistan through national ratification during 2010 yet the country has not

established required domestic legislation to criminalize abuse in line with international protocols (Human Rights Watch, 2022).

### **Statement of the Problem**

As a member state of multiple international agreements Pakistan maintains its battle with ongoing cases of torture which mainly occur throughout police stations and detention facilities. But still criminal legal definitions along with effective enforcement systems and proper accountability measures are missing which intensifies the situation (Asian Human Rights Commission, 2020). Police agencies frequently use torture as an investigation procedure yet they provide no justice for survivors who mostly belong to minority groups.

### **Significance of the Study**

In the context of this research, it could be used for decision-making regarding policy changes as it adds value to the intellectual discourse and policy evolution for the implementation of human rights in Pakistan. This provides prerequisites for the alteration of legal and institutional frameworks, as well as for the reformist initiatives of civil society directed at the eradication of torture. This research, through its comparative analysis and identification of its structural flaws, provides policymakers, scholars, and human rights activists with the tools for the formulation of lasting anti-torture policies.

### **Scope and Limitations**

The scope of this study concentrates on the specific type of torture committed by state officials, in particular police forces, in Pakistan. It utilizes secondary data, legal materials, and a few case study documents. The study refrains from conducting a nation-wide survey owing to resource constraints and access limitations, and focuses primarily on legal and institutional frameworks of torture as opposed to medical or psychological frameworks.

### **Literature Review**

#### **Conceptualizing Torture: Definitions and Global Perspectives**

Torture has been accepted as one of the worst violations of human dignity and fundamental human rights. The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT, 1984) defines torture as any acts that intentionally inflicts severe pain and suffering, be it mental or physical, for the purposes of obtaining information, punishment, intimidation, or coercion by or with the consent of a public official. This definition sets torture as an act of violence perpetrated on an individual by the ruling government which violates international human rights and humanitarian law (Nowak & McArthur, 2008).

Torture is still practiced in both democratic and authoritarian states. It flourishes the most in circumstances where the rule of law is inexistent, there is a lack of judicial supervision, and violence is rampant (Rejali, 2007). Scholars maintain that states remain able to justify or hide torture under the pretext of national security or public order, even in the face of international standards (Simmons, 2009). The global literature also reveals the problem of 'institutional denial' whereby even cases that are well documented become unpunished due to state interests and are thus underreported (Keller & Mahoney, 2020).

#### **Historical Overview of Torture in Pakistan**

In Pakistan, the roots of torture can be found in colonial coercive and policing frameworks that prioritized control over community engagement. Jilani (2019) notes that the British passed The Police Act in 1861 which subserviently centralized governance in a punitive mode which extends to this day. Both military and civilian governments have employed torture as a political tool against dissidents, activists, and ethnic minorities, even post-independence, and continue to do so in the contemporary era (HRCP, 2021).

From the 1980s to the mid-1990s, custodial deaths, sexual abuse, and forced compliance became more prevalent without any institutional action stemming it (Amnesty International, 2001). From 2010 onwards Pakistan became a part of the UNCAT but has yet to enact laws that legalistically define torture (ICJ, 2020). The lack of political momentum results in an ongoing cycle of torture. Torture, especially in police and military detention facilities, continues to be chronicled between the beatings, electric shocks, and psychological torment inflicted by authorities. They claim to have jurisdiction over these acts, including the HRCP which stands for the Human Rights Commission of Pakistan (HRCP, 2022). The residue left by authoritarian governance coupled with the internal security campaigns, particularly in Baluchistan and Khyber Pakhtunkhwa, and their normalization of torture as a method of control is a grotesque phenomenon (Yusuf, 2020).

### **Theoretical Frameworks on State Violence and Human Rights**

There are many approaches to analyze why certain types of torture persist in state apparatus. Structural violence theory notes the existence of a structure enabling some forms of violence by deeply rooted inequalities and disparities, social marginalization, state apathy, and institutional overload gives rise to conditions where milder forms of violence such as torture are commonplace (Galtung, 1969). Equally important are theories in critical legal studies that argue violence is created by law, through the absence of detailed definitions in vague laws requiring to be abided (Kennedy, 1983).

Viewing it from a sociopolitical angle, Foucault's theory of Discipline and Punishment explains how contemporary societies encompass control through surveillance, imprisonment, and physical manipulation of bodies within the framework of law (Foucault, 1977). This approach is useful when examining Pakistan's informal justice systems and extrajudicial practices alongside official constitutional safeguards.

The human rights theory underscores the multifaceted nature of violation of human dignity, thereby enforcing that torture, regardless of justification, is an absolute transgression of global law, undermining a fundamental principle of international law (Donnelly, 2013). These perspectives in theory underscore the necessity for system-wide changes to institutional violence at the level of state violence.

### **Comparative Studies on Torture in Other Jurisdictions**

Comparative analysis indicates that countries sharing a post-colonial history and a dominantly security-focused governmental apparatus encounter similar obstacles in the efforts to eliminate torture. Take India, for example, where custodial torture is rampant, even with constitutional guarantees to the contrary, because of weak accountability frameworks, political meddling, and corruption (ACHR, 2020). Egypt is another leading example, where international organizations have persistently monitored the country for systematic torture aimed at political repression (Human Rights Watch, 2017).

In sharp contrast to the rest of the world, South Africa and Argentina have incorporated truth commissions, legislative changes, and restructured institutions to systematically deal with the authoritarian legacy of torture, radically changing the torture landscape in these nations (Sarkin, 2008). These cases demonstrate that proactive steps in dealing with the past, robust independent oversight, and political resolve can effectively combat torture.

In addition, Scandinavian models have been noted for the advanced level of police accountability and training on human rights, which emphasizes non-punitive approaches to policing (Bayley, 2001). The comparison suggests that comprehensive anti-torture policies are best developed in low-institutional opacity, judicially autonomous environments, and where civic participation is high.

## Methodology

### Research Design

This research employs a mixed-methods research design, integrating both qualitative and quantitative techniques for comprehensive assessment of the presence and the legal institutionalization of torture in Pakistan. The qualitative aspect consists of thematic analysis of legal documents, reports, and interviews, whereas the quantitative aspect entails statistical evaluation of documented torture incidents and associated institutional data. This combination grants validity and adds layers to the research as multiple methods and data sources provide corroborating evidence (Creswell & Creswell, 2018).

The study is of an exploratory and descriptive nature. Exploratory research sheds light on the underlying factors and the institutional difficulties, while the descriptive element analyzes the patterns, prevalence, and demographic characteristics of the torture events.

### Data Collection Methods

#### Primary Data Collection

- **In-depth discussions with legal practitioners, human rights advocates, police, and journalists were done (n = 15) to understand the practices related to institutional torture and accountability within the framework of institutional torture and accountability**
- **Highly publicized cases of torture were chosen with a purposeful approach to sampling.**

#### Secondary Data Collection

- Reports from **NGOs, government documents, and media archives (2015–2023)** were reviewed.
- Statistical data on reported torture cases were sourced from the **Human Rights Commission of Pakistan (HRCP), Justice Project Pakistan (JPP), and Legal Aid Society (LAS).**

#### Sample Selection

Table 1 summarizes the sources and sample size used for data collection:

Source	Type	Number of Cases/Respondents
HRCP Annual Reports	Torture cases	150+ cases (2015–2023)
Expert Interviews	Primary data	15 respondents
Legal Judgments & FIRs	Legal documents	20 selected case files
Media Reports	Secondary data	30 verified cases
UNCAT & Pakistani Laws	Legal texts	Full review

### Data Analysis Techniques

#### Descriptive Analysis

Descriptive statistics were employed to quantify the **frequency, location, gender, and type of torture**. This involved computing **percentages, frequency distributions, and cross-tabulations** using SPSS v26.

#### Example Findings (Descriptive Analysis):

Variable	Category	Percentage (%)
Gender of Victims	Male	79%
	Female	21%
Type of Torture	Physical Beating	61%
	Electric Shock	17%
	Psychological Threats	12%
	Other	10%

Province	Punjab	48%
	Sindh	28%
	KP	14%
	Baluchistan	10%

### Inferential Analysis

Inferential statistical tests such as **chi-square tests** were used to analyze the relationship between victim demographics and likelihood of experiencing specific types of torture. Correlation analysis was also conducted to assess the relationship between **district-level poverty rates** and **reported cases of custodial violence**.

### Qualitative/Thematic Analysis

Interview transcripts and legal documents were analyzed thematically using NVivo software. Themes such as **impunity**, **legal loopholes**, **institutional denial**, and **political interference** were coded and synthesized.

### Ethical Considerations

The study strictly adhered to ethical research standards. Informed consent was obtained from all interview participants, and their identities were anonymized to protect confidentiality. Additional ethical protocols included:

- **Voluntary participation** with the right to withdraw at any time.
- **Data encryption and secure storage** of all digital files.
- **Non-disclosure of sensitive case details** that could endanger victims or whistleblowers.

### The Prevalence of Torture in Pakistan

#### Reported Cases and Statistical Trends

Torture is still a persistent and chronic human rights violation within the borders of Pakistan, specifically in relation to custodial settings. The Human Rights Commission of Pakistan (HRCP) recorded in excess of 150 custodial torture and death cases between 2015 and 2022. It is suspected that these cases, in addition to countless others, go unreported due to systemic intimidation and a culture of fear surrounding the potential consequences (HRCP, 2022). In 2021, at least 62 cases of police torture were documented in Punjab province, which is the most populated province in the country (JPP, 2022). Still, in light of such figures, one must question their validity and ascertain that what reasonable victims alongside their families would consider filing in the first place is far out of belief – these figures are only a portion of reality due to reliance on a flawed justice system devoid of reliable and honest mechanisms.

The difficulty of assessing the scope of torture within a country is exacerbated by Pakistan's lack of a centralized database for reported incidents. Other international bodies have sent appeals to Pakistan such as the United Nations Committee Against Torture which has repeatedly called out Pakistan for failing to put into place adequate mechanisms for storing and accessing reported information (UNCAT, 2021).

#### Patterns and Forms of Torture

The forms of torture documented in Pakistan are peculiarly varied and seem fiercer in nature than those witnessed in other countries. The unchecked nature of the law enforcement agencies power is visible in the methods they employ. Among the most reported practices is the physical beating of the victim using rubber rods, belts, and batons. They also claim the use of electric shocks, prolonged standing, forced stress positions, food deprivation, psychological abuse, and threats of sexual violence, or violence against relatives (Amnesty International, 2020). One particularly inhumane method referred to locally as "murgha" also called squatting posture with

painful arm placement, has also been documented in police stations and juvenile centers (ICJ, 2021).

Using torture is often associated with obtaining a confession during interrogations or as punishment towards political activists, journalists, or members of a minority group. Tortured victims whose Reluctant acceptance of submission has been obtained through coercion are routinely accepted in courts against many international legal principles (Keller & Mahoney, 2020).

### **Torture in Police Custody and Prisons**

As reported by Human Rights Commission of Pakistan in 2023, police custody continues to be the most significant location where torture occurs in Pakistan, with prison facilities also involved in additional forms of cruelty and neglect. A study by the Legal Aid Society sheds light on the state of police interrogations in Pakistan, revealing that over 65% of detainees reported being subjected to physical violence during police interrogations (LAS, 2020). Torture remains commonplace in the sociological context of Pakistan where lack of forensic infrastructure, quality investigative training, and slow case resolution processes exist (Yusuf, 2019).

Within the context of prison institutional violence, torture is often relegated to punitive physical assaults, excessive confinement, neglect of medical attention, and biased treatment due to one's rank, ethnicity, or political views. The Pakistan Prison Rules of 1978 provide limited protection for the prisoners which is almost never enforced. Judicial control of the prison system and other forms of supervision, such as prison visitors' committees, are muted in most areas (HRCP, 2022).

### **Gendered Dimensions of Torture**

The abuse is both sexual and physical for women in custody, making their lives even harder. Women detainees often describe rape threats, strip search threats, groping, and name calling by male staff. Male officers often use strong derogatory language towards women detainees (WAR, 2021). Often, women do not report these violations due to some form of stigma, alongside the lack of female officers at many police stations.

In addition, there are no policies which pertain to women which include safes for detention as well as women trained to be medical examiners to conduct post-custodial examinations. Transgender individuals, most of whom are placed in male prisons, face heightened vulnerability to sexual violence and dehumanizing treatment (HRCP, 2021).

### **Regional Disparities and Vulnerable Groups**

Torture is especially high in the sidelined areas such as Baluchistan, the interior regions of Sindh, and specific areas of Khyber Pakhtunkhwa. There exists rampant militarization, ethnonational conflict, and the softest civilian control which enables security forces to function with near-total authority (Yusuf, 2020). Local and international human rights organizations have reported cases of political activists' enforced disappearances along with extrajudicial torture in Baluchistan (ICJ, 2021).

Relevant subgroups such as ethnic and religious minorities, minors, political captives, and even economically disadvantaged persons face a higher risk of torture due to lack of legal representation and inadequate social services. In a lot of cases, there is no legal support and victims are threatened into silence either through intimidation or financial control (Siddiqui, 2022).

### **Legal Framework on Torture in Pakistan**

#### **Constitutional Safeguards Against Torture**

While the Constitution of Pakistan (1973) does provide some measure, albeit limited, of safeguards against torture, it is not comprehensive. Article 14(2) does provide that "No person shall be subjected to torture for the purpose of extracting evidence". This clause, albeit

fundamental, is quite narrow as its focus is only on the torture of evidence extraction mechanisms, ignoring the wider scope of punitive or extralegal torture (Khan, 2021).

Moreover, Article 9 of the same Constitution ensures the right to liberty and security of the person, whilst Article 10 guarantees protection against arbitrary arrest and detention. In any case, the lack of specific enforcement legislation alongside the absence of implementation guidelines for the constitutional provisions renders the enforcement of constitutional advantages mostly prose in contour (ICJ, 2021). The Supreme Court occasionally cites such provisions, for instance in public interest litigations, but enforcement is erratic.

#### **Domestic Legislation (e.g., Pakistan Penal Code, Police Order, etc.)**

Sections 330 (hurt caused by a public servant), 348 (wrongful confinement to extort a confession), and even 302 (custodial death) feature in the Pakistan Penal Code of 1860, PPC, albeit in an indirect manner. These provisions do not encompass or prohibit torture as an independent act of violence that conforms to the prerequisites of international law (HRCP, 2022). The Police Order, 2002 delineates the limits of acceptable police behavior alongside accountability mechanisms. Torture is not addressed as an enforceable offense. Prison rules, as well as the Code of Criminal Procedure (CrPC), advocate for humane treatment, but remain silent on tortures committed for the purpose of investigations (JPP, 2021).

There is still a lack of bureaucratic support and political motivation to implement the Torture and Custodial Death (Prevention and Punishment) Act of 2022 despite it being passed (Yusuf, 2022). While the Act does ban torture and custodial death, the supporting structures that would allow these actions to be policed—like watchdog institutions—have not been put in place.

#### **Role of Judiciary in Addressing Torture**

The Pakistan Penal Code of 1860, PPC displays these provisions through Sections 330 (hurt caused by a public servant), 348 (wrongful confinement to extort a confession), and 302 (custodial death) although in an indirect manner. International law requirements for violence do not apply to these provisions since they fail to address torture as a stand-alone violent act (HRCP, 2022).

The Police Order, 2002 delineates the limits of acceptable police behavior alongside accountability mechanisms. The law fails to establish torture as a punishable offense. The Code of Criminal Procedure (CrPC) along with prison rules support humane treatment while omitting any mention of torture during investigative procedures (JPP, 2021).

Even after passing the Torture and Custodial Death (Prevention and Punishment) Act of 2022 the government lacks both the necessary bureaucratic backing and political support to enforce it (Yusuf, 2022). The Act prohibits torture and custodial death yet it lacks essential monitoring institutions which would maintain law enforcement compliance.

#### **Gaps and Ambiguities in National Laws**

The legal framework of Pakistan lacked a specific and detailed definition of torture before the 2022 law was established. The current legal definitions in Pakistan fail to match the UN Convention Against Torture (UNCAT) standards especially when defining psychological and sexual torture and command structure liability and state-approved acts by non-state actors (UN Committee Against Torture, 2021).

The CrPC together with other procedural laws fail to establish protocols for independent medical assessments and automatic judicial oversight of detainee facilities. Law enforcement agencies who control investigative and accountability mechanisms also hold the authority to investigate their own members when abuse allegations arise leading to an institutional conflict of interest (Amnesty International, 2020).

The absence of witness protection programs together with limited legal assistance prevents victims from reporting cases to authorities. The existing gaps allow perpetrators to escape justice because they rarely face punishment (Siddiqui, 2022).

### **International Commitments (e.g., UNCAT and ICCPR)**

Pakistan has ratified the UN Convention Against Torture (UNCAT) in 2010 as well as the International Covenant on Civil and Political Rights (ICCPR) in 2008. The international instruments that Pakistan signed require the country to make torture illegal and establish quick investigation processes and establish safeguards against impunity (UN Treaty Body Database, 2022).

The government of Pakistan has not sent regular compliance reports to authorities while also neglecting to create a National Preventive Mechanism (NPM) under the Optional Protocol to UNCAT. The UN Committee Against Torture issued critical remarks about Pakistan during its 2021 concluding observations because Pakistan lacked sufficient legal protections and failed to generate statistical evidence while restricting independent oversight of detention centers (CAT/C/PAK/CO/1, 2021).

The dualist legal system of Pakistan makes it challenging to implement international law directly since international treaties require domestic legislation for judges to enforce them. International standards remain difficult to uphold because domestic and international frameworks fail to align (Khan, 2021)

### **Institutional and Systemic Challenges**

#### **Weak Enforcement Mechanisms**

One of the core barriers to eradicating torture in Pakistan lies in the **weak implementation of existing legal protections**. While anti-torture clauses exist in the Constitution and in recent legislation, their **practical enforcement is minimal**. Law enforcement agencies and prison authorities routinely violate procedural safeguards, such as producing detainees before a magistrate within 24 hours or providing access to legal counsel (ICJ, 2021).

Enforcement bodies such as **provincial police complaints authorities**, where they exist, are **understaffed, underfunded, and lack the autonomy** to act effectively (HRC, 2022). Moreover, **internal disciplinary proceedings** are opaque, and findings rarely result in criminal prosecutions (Amnesty International, 2020). Victims seeking justice often face a **protracted legal process** fraught with delays, corruption, and intimidation.

#### **Impunity and Lack of Accountability**

Torture persists in part due to systemic cultures of impunity. Perpetrators of torture offenses are seldom scrutinized, much less investigated, prosecuted, or convicted. As per Justice Project Pakistan (JPP) data, from 2010-2020, less than 2 percent of reported torture cases resulted in any form of punishment for the accused (JPP, 2021)

Institutionalized impunity is further reinforced by interagency protective syndicates wherein high-ranking officials shield subordinates from accountability. Police prosecutorial discretion conveys a lower charge level for people in the vast system, especially where the victim belongs to an already marginalized group (Siddiqui, 2022). Reporting abuse internally is further disincentivized due to the absence of whistleblower protection laws.

#### **Role of Law Enforcement Agencies**

Criminal justice institutions—particularly the police, Counter-Terrorism Departments (CTDs), and intelligence agencies—are believed to be guilty of custodial torture time and time again. The application of torture is, for the most part, systematic, particularly in criminal cases where forensic evidence is not available, and confession-based evidence is heavily relied upon (Yusuf, 2020).



In addition, often times institutions set up their own markers of “success” which benefit the officers, such as recovery of arms or confession, instead of adherence to law. This practice considers torture a violation of law, when in fact it serves as a means to an end. That end is perceived as serving justice in critical scenarios, for instance terrorism or political violence (HRCP, 2022). The police hierarchy also means that subordinate officers are not able to request the use of force. This enables senior officers to remain publicly plausible while still sanctioning brute force behind the scenes.

### **Political Interference and Corruption**

Political patronage intertwines with corrupt practices in the system, feeding the failure of institutions tasked with eradicating torture. The enforcement of police dictates is largely done by political heads, particularly in the countryside where feudal elements have captured the local administrative system (Khan, 2021). This system of torture enables the protection, transfer, or even promotion of torture-practicing officers.

The practice of supporting corruption through unscrupulous financial means is also important. Victims or their relatives are targeted and coerced to withdraw complaints for financial gain or worse, threats, which adds additional pressure. The bureaucratic (legal and administrative) framework is practically non-existent and where it exists, it is easily bought and, in most cases, deliberately delayed for time in hopes that the victim will become frustrated and fatigued (JPP, 2021).

### **Lack of Independent Oversight Bodies**

Pakistan's anti-torture framework suffers from a fundamental gap that is the absence of an independent national oversight body, as the Optional Protocol to UNCAT requires. Pakistan has not ratified it. There are some institutional frameworks like ombudsman offices or public safety commissions but they are either lifeless or compromised politically (ICJ, 2021).

There is a complete lack of independent oversight to monitor detention facilities and no independent body exists to investigate torture complaints (CAT 2021). There is no government-sanctioned entity with the power to prosecute public officials for violating human rights. Civil society organizations documenting human rights violations are subjected to harassment, surveillance, or even criminal prosecution, limiting the independent oversight (HRCP, 2022).

### **Inadequate Training and Resources**

Inadequate allocation of training resources for law enforcement agencies is a key factor that contributes to torture. In Pakistan, most police academies do not have modules on contemporary human rights or modern investigative techniques (Yusuf, 2020). Conduct during training is still centered around obedience to authority in a rigid form, and active field officers are given scant training on non-coercive interrogation techniques.

In addition, the police and prison warden services operate from badly funded police stations and jails that are in a state of dilapidation. The facilities do not have minimum standards of surveillance such as CCTV. This not only increases the potential for abuse of power, but also undermines trust in the legal systems institutions (Amnesty International, 2020).

### **Impact of Torture on Society and Governance**

#### **Psychological and Physical Consequences for Victims**

Torture has severe and long lasting physical and mental consequences for victims inflicting harm far greater than the abuse itself. Victims suffer from chronic pain, disability and organ damages due to beatings, electric shocks, and suspension methods employed by police in Pakistan (JPP, 2021). Psychologically, survivors are also crippled by post-traumatic stress disorder (PTSD), depression, anxiety, and suicidal thoughts (Keller & Mahoney, 2020).

These effects build up with the social stigma of being detained, more so in the case of women and children. Survivors are frequently subjected to social isolation, economic marginalization, and unemployment. Where victims die in custody, the bereaved are unable to seek justice or compensation which fortifies the cycle of trauma and poverty (HRCP, 2022).

Additionally, Pakistan's lack of rehabilitative measures for dealing with psychological torture problems makes these issues worse. Victims go without support in the processes of dissociation, reintegration, and healing making them prone to re-traumatization and in some cases, radicalization or criminalization (ICJ, 2021).

#### **Public Trust in Law Enforcement and Judiciary**

Both systemic torture alongside impunity vigorously attacks the public confidence in state institutions, and most importantly the police and judicial system. "Human Rights Commission of Pakistan" argues that when individuals witness or even hear of torture, they start regarding law enforcement in a predatory manner, unlike in the past where law enforcement used to be considered protective (HRCP, 2022). Notably, in 2021 published Gallup Pakistan report, it was clear that above 62% of the respondents stated that they do not trust police acting fairly while only 24% of them were optimistic that courts would serve impoverished citizens justly.

This sort of misplaced trust makes citizens reluctant in reporting crimes, assisting in investigations, or seeking justice through institutionalized procedures. Victims of political violence, ethnic violence, gender-based violence, and domestic violence tend to avoid law enforcement intersectional apprehension of retaliation or further victimization (Amnesty International, 2020).

In addition to the above, the youth as well as the disadvantaged social groups, pose a greater threat in terms of law enforcement clashes at the lower level, violence, protests as well as radicalization. When the judiciary fails to take decisive steps in caretaking abuse it reduces its perception markedly among the people, which also makes people lose trust adding to issue (Siddiqui, 2022).

#### **Implications for Rule of Law and Human Rights**

The barbaric practice of torture shatters any semblance of order in Pakistan's governance structure and obliterates the nation's human rights commitments. Torture not only replaces evidence-based investigation with forced confessions, increasing the likelihood of wrongful convictions, but it is also an affront to the ICJ (ICJ, 2021) loses procedural fairness together with substantive justice.

From an international perspective, Pakistan's reputation and standing in the global arena face scrutiny, specifically concerning the UN Convention Against Torture (UNCAT) and International Covenant on Civil and Political Rights (ICCPR) where Pakistan fails to honor its treaty obligations. Continuous criticism from the UN Committee Against Torture in its 2021 concluding observations has highlighted Pakistan's neglect to implement institutional independent oversight reform (CAT, 2021).

On the domestic front, the lack of control over the torture practice erodes the rule of law. This creates a law enforcement culture that perceives human rights standards as discretionary. This trend weakens democracy and fosters societal fractures and the normalization of violence by the state (Yusuf, 2020).

Torture undermines institutions, slows social cohesion and national development, and erodes trust. A justice institution that tolerates such abuse cannot foster peace, trust, or legal certainty.

## **Case Studies and Empirical Evidence**

### **Selected High-Profile Torture Cases**

The horrific Masih torture case involving a policeman and a Lebanese Daniel Samaritan priest garnered phenomenal social, political and media focus along with intense scrutiny of Pakistan's judicial and law enforcement frameworks regarding systematic abuses inflicted on the vulnerable classical layers of society. The most infamous case is that of Amir Masih, a Christian sanitation worker in Lahore and a police torture victim who died of his injuries in 2019. Masih, aged 35, was a sanitation worker in Lahore. After he died due to police torture in 2019, his family reported to journalists that they were forced to apply for asylum and fled in secret. Masih, aged 35, was employed as a street sweeper for several years and lived on a meager salary of 45 dollars monthly. Alongside heating oil for his home, Masih supported her mother, three siblings, resulting in Masih being responsible for five household members. Because of his religion, he suffered systemic discrimination and social marginalization. Evidence of custodial abuse was also ignored, for example burn marks and bruises. Despite glaring medical evidence, including burn marks, officers who were suspended were not charged (HRCP 2020). Discrimination on religious lines as well as abuse at the hands of law enforcement necessitated violent conflict.

Abbas Nazar, a Bahawalpur Central Jail prisoner and another key suspect, died suddenly in 2020 under suspicious circumstances. An independent inquiry uncovered that Abbas fatally underwent several days of torture by means of staff at the prison (JPP 2021). No reforms intended as the result of the scrutiny witness pose 'vital lack' have been carried out or even made public. In truth, inquiries into the inquiry initiated publicly commenced were inconclusive and unable to finalize nor publish any result.

In the above context, these two examples illustrate evidence of torture even where a country's own statutes and rules on the international regime of a country are in contradiction (Amnesty international 2020).

### **Testimonies from Victims and Human Rights Organizations**

Documentation on the scope, methods, and effects of torture has greatly relied on the empirical accounts gathered by human rights organizations. For example, The Justice Project Pakistan (JPP) has collected hundreds of victim testimonies through interviews, affidavits, and medical evaluations. These accounts reveal the use of systematic beating, sleep deprivation, electric shocks, sexual violence, and family member threats during interrogation (JPP, 2021).

Beatings with rubber pipes while being suspended upside down so as to "encourage" confessions that never occurred was also noted by a 22-year-old detainee. "I said what they wanted to hear, because I thought I was going to die," he told JPP investigators (JPP, 2021).

Testimony collection is not only conducted by HRCP. It is also done by The Human Rights Commission of Pakistan and Amnesty International who annually document patterns in police misconduct and judicial passivity. These accounts play a fundamental role toward bearing witness to survivors and forcing legal and policy change (HRCP, 2022).

### **Role of Media and Civil Society**

The documentation and revealing of torture cases that may go undocumented is single-handedly achieved through the independent media and civil society organizations. Pakistani journalists and media outlets, though facing a lot of pressure, have reported extensively custodial deaths, abuse in detention centers and the system's apathy towards justice. Through investigative reporting, other shows like Shafqat Hussain's execution, where the accused was believed to have been tortured into confessing at the age of 14, received global outrage (BBC News, 2015).

Social media platforms and the internet are some of the best sources for describing violations of human rights as they occur in real-time. The 2022 viral footage depicting a youth manhandled

by Punjab police is one of many videos showing ‘cut and thrust’ of detainee torture. Such recordings have sparked protest, bipartisan clamour (‘demand from government’) and prompted internal investigations, though in most cases there is no conviction (Dawn, 2022).

Non-governmental organizations for human rights such as AGHS Legal Aid Cell, Legal Aid Society and Foundation for Fundamental Rights, actively support victims of human rights abuse both legally and through awareness campaigns. These campaigns however, due to state intimidation, monitoring, violence and enforced restrictions somewhere in the form of oppressive NGO legislation, greatly limit them to a few (ICJ, 2021).

Through these efforts, media and civil society are, under immense strain, the only working systems of accountability, particularly in the absence or impairment of state supervision.

### **Policy Recommendations**

#### **Legislative Reforms and Criminalization of Torture**

Pakistan's legal system suffers from a lack of appropriate legislation pertaining to the criminalization of torture. Even though the Pakistan Penal Code (PPC) contains some provisions regarding bodily harm, along with some form of unlawful detention, it does not in any form, and in any regard, comprehensively define and criminalize torture as international law provides (ICJ, 2021). In order to meet the international standard of law, Pakistan needs to ratify Convention Optional Protocol to the Convention Against Torture (OPCAT) which ensures that all forms of torture are unqualified, and punishable offences, and that gaps in legislation which serve as loopholes to offenders will be dealt with severely. Furthermore, there is a need to create a gap-filler legislation that seeks to provide a specific anti-torture law that calls for law enforcement officials who commit or fail to prevent torture to be automatically charged and prosecuted (Amnesty International, 2020).

Also, amendments to the PPC should be aimed at the diminishing of legal justification for torture, “public safety” or national security on its own, are not justifiable. There needs to be clear legislation protecting persons being prosecuted from torture and the use of torture as evidence in trial, whereby all confessions extracted by means of coercion are inadmissible (HRCP, 2022).

#### **Strengthening Oversight and Independent Investigations**

An independent institution could be a National Human Rights Commission with investigatory powers which can look into claims of torture. The commission must be free from government and police control to guarantee impartiality and trust (ICJ, 2021).

An independent agency could maintain a centralized database containing the allegations of torture which in turn allows to monitor the allegations of abuse and also identify certain trends (Amnesty International, 2020). Reports of torture must be decriminalized for civil society organizations and media so that they can publish without worrying. All investigations should be executed in accordance with accepted international standards of impartiality, transparency, and due process.

#### **Police and Judicial Reforms**

Changes to the police and torture practices need to happen in tandem. The elimination of torture as a practice requires reforms to both the police and judiciary. Enhancing police practices entails offering thorough non-torture training sessions on human rights, non-calculant interrogation techniques, and routine legal procedure compliance (Yusuf, 2020). Responsibility for internal oversight needs to be stricter at the police department level, with stronger protections for officers who disclose torture under the department’s whistleblower policy (JPP, 2021).

Judges need to actively pursue prosecutions against law enforcement officials and officers involved in torture; identification of negligence needed for prosecution is not sufficient. This entails extending human rights education to judges presiding over wicked cases in which torture

is likely (abuse may happen). In addition, independence shall not be compromised which would lead towards politically driven obstruction of torture inquiry (Siddiqui, 2022).

### **Victim Support and Rehabilitation Mechanisms**

Psychosocial support, such as psychological counseling, social work, medical care, and financial assistance, is essential for victims of torture to help rehabilitate them and reintegrate them back into society. Pakistan needs to set up specialized victim support centers that provide both medicine and legal aid to refurbished victims of torture. (HRCP, 2022) In addition, public programs aimed at stigma reduction alongside programs that enable and incentivize victim reporting will be critical to ensuring that survivors are not further marginalized.

The government also has to consider establishing a national fund for the purpose of compensating victims of torture. Such a fund would be a token of responsibility and an aid to victims of state violence. (Amnesty International, 2020)

### **Enhancing Public Awareness and Legal Literacy**

Increasing public knowledge on human rights, laws against torture, and resources available is important. Pakistan should utilize public educational campaigns to make sure citizens know their rights according to international human rights law and domestic laws (Yusuf, 2020). Such campaigns should focus on marginalized populations who are more likely to be subjected to torture like ethnic minorities, political dissenters, and people living in poverty.

Additionally, civic education within schools and community centers can empower citizens to know how to report abuses, defend their rights legally, and seek justice in case they are subjected to torture or mistreatment (JPP, 2021).

## **Conclusion**

### **Summary of Findings**

The study points out the wide gaps in legal protection, institutional accountability, and victim assistance concerning torture in Pakistan's law enforcement and judicial systems. Constitutional provisions and international obligations on the country's part have also been rendered useless on account of pervasive impunity and absence of political determination to initiate prosecution against violators. Physical and mental ailments of the victims exacerbate public alienation from state institutions and weakens the rule of law.

### **Revisiting Research Questions**

This study aimed to address the following research questions:

1. **What is the prevalence and legal framework surrounding torture in Pakistan?**
  - Findings indicate that while torture is widespread, Pakistan's legal framework remains insufficient to effectively **criminalize** and **prosecute** it, resulting in a **culture of impunity**.
2. **What are the systemic challenges preventing the eradication of torture?**
  - Key challenges include **weak enforcement**, **lack of independent oversight**, and **political interference** in law enforcement agencies.
3. **How can institutional and policy reforms improve the situation?**
  - Legislative, judicial, and police reforms, alongside the establishment of **victim support mechanisms**, are essential to breaking the cycle of torture and **restoring trust in state institutions**.

### **Future Directions for Research**

Future research should focus on the long-term effects of torture on societal cohesion, as well as the role of regional disparities in shaping the incidence of torture. There is also a need for more comparative studies between Pakistan and other South Asian countries, which might reveal innovative solutions for tackling state violence in similar contexts. Research should also explore

the impact of public awareness campaigns and the role of international human rights organizations in combating torture (Amnesty International, 2020).

## References

1. Amnesty International. (2020). *Pakistan: Torture and the failure to act*.
2. Amnesty International. (2020). *Pakistan: Torture is an instrument of investigation, not the last resort*.
3. Amnesty International. (2020). *Pakistan: A culture of impunity*.
4. Amnesty International. (2020). *Pakistan: Rampant abuse in custody must end*.
5. Amnesty International. (2001). *Pakistan: Torture, death in custody and extrajudicial execution*.
6. Amnesty International. (2021). *Pakistan: Human Rights Overview*. <https://www.amnesty.org>
7. American Psychological Association. (2023). *Ethical principles of psychologists and code of conduct*. <https://www.apa.org>
8. Asian Centre for Human Rights (ACHR). (2020). *India's Torture Culture*.
9. Asian Human Rights Commission. (2020). *Torture in Pakistan: A National Disgrace*. <https://www.humanrights.asia>
10. BBC News. (2015, August). *Shafqat Hussain: Pakistan hangs man despite torture claim*.
11. Bayley, D. H. (2001). *Democratic policing*. Oxford University Press.
12. Belmont Report. (1979). *Ethical principles and guidelines for the protection of human subjects of research*. National Commission for the Protection of Human Subjects.
13. CAT. (2021). *Concluding observations on the initial report of Pakistan (CAT/C/PAK/CO/1)*. United Nations Committee Against Torture.
14. Constitution of Pakistan. (1973). Article 14(2).
15. Creswell, J. W., & Creswell, J. D. (2018). *Research design: Qualitative, quantitative, and mixed methods approaches* (5th ed.). SAGE Publications.
16. Dawn. (2022, July 16). *Punjab police under fire after torture video goes viral*.
17. Donnelly, J. (2013). *Universal human rights in theory and practice* (3rd ed.). Cornell University Press.
18. Foucault, M. (1977). *Discipline and punish: The birth of the prison*. Pantheon Books.

19. Gallup Pakistan. (2021). *Public Perception of Police and Judiciary in Pakistan*.
20. Galtung, J. (1969). Violence, peace, and peace research. *Journal of Peace Research*, 6(3), 167–191.
21. Human Rights Watch. (2017). *Egypt: Routine abuse in prisons*.
22. Human Rights Commission of Pakistan (HRCP). (2020). *Annual report on human rights in Pakistan*.
23. Human Rights Commission of Pakistan (HRCP). (2022). *State of Human Rights in Pakistan*.
24. Human Rights Commission of Pakistan (HRCP). (2021, 2022). *State of Human Rights in Pakistan*.
25. Human Rights Watch. (2022). *World Report 2022: Pakistan*. <https://www.hrw.org>
26. ICJ. (2021). *Addressing Torture: Legal Reforms and Accountability*.
27. ICJ. (2021). *Justice Denied: The Criminalization of Torture in Pakistan*.
28. ICJ. (2021). *Challenges to Criminalization of Torture in Pakistan*. International Commission of Jurists.
29. ICJ. (2021). *Torture in Pakistan: Challenges to criminalization and accountability*.
30. ICJ. (2021). *Pakistan: Challenges to criminalization and accountability of torture*.
31. International Commission of Jurists (ICJ). (2020). *Pakistan: Failure to criminalize torture*.
32. JPP (Justice Project Pakistan). (2021). *Torture in Custody: A Culture of Impunity*.
33. JPP (Justice Project Pakistan). (2021). *Torture in Custody: The Institutional Silence*.
34. JPP (Justice Project Pakistan). (2021). *Torture and impunity: A legal and institutional analysis*.
35. JPP (Justice Project Pakistan). (2021). *Torture and Impunity: Legal System Failures in Pakistan*.
36. JPP (Justice Project Pakistan). (2021). *Torture and impunity: A review of Pakistan's legal system*.
37. JPP (Justice Project Pakistan). (2022). *Torture and impunity in Punjab's police*.

38. Jillani, A. (2019). *Policing and human rights in Pakistan*. Lahore Journal of Law and Policy.
39. Keller, A., & Mahoney, M. R. (2020). *The psychological aftermath of state torture in Pakistan*. *Health and Human Rights Journal*, 22(1), 67–78.
40. Keller, A., & Mahoney, M. R. (2020). Structural barriers to accountability: Torture in Pakistan. *Health and Human Rights Journal*, 22(1), 49–60.
41. Keller, A., & Mahoney, M. R. (2020). No accountability: Torture and impunity in the post-9/11 era. *Health and Human Rights Journal*, 22(1), 49–60.
42. Kennedy, D. (1983). The role of law in economic thought: Essays on the fetishism of commodities. *American University Law Review*, 33(4), 563–591.
43. Khan, A. (2021). Political patronage and police reform in Pakistan. *Pakistan Law Review*, 8(2), 45–63.
44. Khan, A. (2021). Constitutional protections against torture in Pakistan: A critical assessment. *Pakistan Law Review*, 9(2), 113–130.
45. LAS (Legal Aid Society). (2020). *Custodial practices in Pakistan: Legal realities and procedural gaps*.
46. Nowak, M., & McArthur, E. (2008). *The United Nations Convention Against Torture: A commentary*. Oxford University Press.
47. Rejali, D. (2007). *Torture and democracy*. Princeton University Press.
48. Sarkin, J. (2008). *Carrots and sticks: The TRC and the South African amnesty process*. Intersentia.
49. Siddiqui, M. (2022). *Legal and Institutional Barriers to Accountability for Torture*.
50. Siddiqui, M. (2022). *Barriers to justice in torture cases in Pakistan*.
51. Siddiqui, M. (2022). Legal disenfranchisement and the poor: Pakistan's structural barriers to justice.
52. Simmons, B. A. (2009). *Mobilizing for human rights: International law in domestic politics*. Cambridge University Press.
53. UNCAT. (2021). *Concluding observations on the initial report of Pakistan*. United Nations Committee Against Torture.
54. UN Committee Against Torture (CAT). (2021). *Concluding observations on the initial report of Pakistan (CAT/C/PAK/CO/1)*.
55. UN Treaty Body Database. (2022). *Status of Ratification: Pakistan*.



56. WAR (War Against Rape). (2021). *Women in custody: The invisible survivors of state abuse*.
57. Yusuf, H. (2019, 2020). *Militarization, police reforms and accountability in Pakistan*. Carnegie Endowment for International Peace.
58. Yusuf, H. (2020). *The Role of the Judiciary in Combating Police Torture in Pakistan*.
59. Yusuf, H. (2020). *The intersection of state violence and security narratives in Pakistan*. Carnegie Endowment for International Peace.
60. Yusuf, H. (2020). *Police Reform in Pakistan: Institutional Resistance and Reform Fatigue*. Carnegie Endowment for International Peace.
61. Yusuf, H. (2022). Political will and legal inertia: The case of anti-torture legislation in Pakistan. *Carnegie Endowment for International Peace*.
62. Yusuf, H. (2020). *Conflict, accountability and the state: The case of Balochistan*. Carnegie Endowment for International Peace.