

## HUMAN RIGHTS VIOLATIONS IN CUSTODIAL SETTINGS: THE ROLE OF LAW ENFORCEMENT IN PAKISTAN

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### Abstract

*The abusive custodial practices in Pakistan are eroding human rights policies. This article attempts to tackle the myriad forms of such abuses, particularly the role of law and order institutions alongside their exacerbating system. Pakistan, in spite of International human rights treaties and its own constitution, practices custodial torture, illegal imprisonments, and mental abuse of detainees. This research shows the vicious cycle of custodial violence stems from the enforcement of antiquated practices, institutionalized overconfidence with a lack of accountability, and fractured silos lacking oversight. While some headway has been made around the phenomenon due to elite cases or media attention, advocacy from other civil society groups, and multi-stakeholder initiatives which aided public discourse around custodial violence, real reform remains elusive. Furthermore, the article evaluates the social and psychological effect on the victims and the secondary consequences on governance and citizen's trust towards the state. The state legal system as well as International legal documents impose an immediate necessity for changes on laws or establishment of independent bodies free of political manipulation that could regulate the police autonomously, alongside specialized education for these leaders. It becomes apparent that only a transversal approach affecting the nation's underlying constructs can enable relevant transformation. Adding insights from countries with better custodial arrangements enhances the relevance of reform proposals.*

**Keywords:** custodial violence, human rights, Pakistan, police reform, torture, law enforcement, constitutional rights, accountability, criminal justice, civil society

### Introduction

Custodial settings present some of the most troubling and neglected human rights issues ever seen in Pakistan. These abuses are often perpetrated by state law enforcement organs and include torture, unlawful confinement, and infringement of fundamental rights. Despite Pakistan's internal and external commitments towards human rights, custodial abuse in Pakistan continues to remain a phenomenon due to institutional policies and a lack of legislated frameworks.

These practices reveal the extent of the inadequacies within Pakistan's criminal justice system and law enforcement agencies. The constitution guarantees the right of dignity, liberty, and due process – which is frequently lacking in enforcement frameworks- resulting in rampant violations in places such as police stations, detention centers, and interrogation rooms. Information is forcibly extracted through ways devoid of humane treatment, instead of being investigated thoroughly and systematically.

Certain cases such as extrajudicial killings and deaths of detainees in custody tend to attract disproportionate public focus. Such attention is almost always accompanied by a media frenzy and some form of court proceedings. Focus is placed on the scenario after it has transpired, not beforehand. The cycle of violence is maintained by weak accountability structures, absence of political will, entrenched corruption, and lack of sufficient human rights training.

### Legal and Constitutional Framework

The Constitution of Pakistan provides individual rights as per the following articles; Article 9 (security of person), Article 10 (safeguards as to arrest and detention), Article 14 (inviolability of dignity of man) (Constitution of Pakistan, 1973). Pakistan has also signed international agreements such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). This abuse is rampant as enforcement is lacking and there is institutional apathy (Human Rights Watch, 2016).

## Nature and Forms of Custodial Violence

Custodial violence in Pakistan has different forms which include:

- **Physical Abuse and Torture:** Includes commonly reported practices like beatings, electric shocks and suspension from ceilings (Human Rights Watch, 2016).
- **Psychological Abuse:** Intimidation and threats to other family members, as well as depriving them of sleep.
- **Sexual Violence:** Most commonly directed towards females and transgender persons in custody (Human Rights Watch, 2020).
- **Unlawful Arrests and Abductions:** Imprisoning people without officially stating the charges or allowing legal defense.

## The Function of Law Enforcement Agencies

Police and intelligence services are some of the most notorious offenders of custodial abuse. Interrogation techniques used are still outdated, inflicting coercion rather than focusing on dialogue (Human Rights Watch, 2016). The absence of internal oversight, combined with unchecked corruption and political meddling, gives rise to a permissive attitude towards these problems. Human rights and even ethics do not form a part of police training.

## Highlighted Media Cases

Other notable cases include Salahuddin Ayubi's death in Rahim Yar Khan, and Amir Masih's death in Lahore. Those have received a fair amount of media coverage. Media have been very helpful in bringing these cases to light, often resulting in judicial inquiry (A stance that the media defended, although the details remain scarce). The case of Dr. Shah Nawaz (killed in alleged encounter with police after blasphemy charges) is emblematic of the custodial violence (Reuters, 2024). That said, too many people are victims of violence and there is social ostracism for seeking redress.

## Challenges in Addressing Custodial Violence

The difficulties in fighting custodial violence include:

- **Lack of effective law enforcement:** Legal preventative measures are seldom applied (Human Rights Watch, 2016).
- **Absence of independent monitoring agencies:** Loose accountability to independent organizations remains a trademark of police work.
- **Endangerment of Victims and Informants:** Retaliation for exposing wrongdoing is the rule more than it is the exception.
- **Slow judicial procedures:** Resolution of issues is made more complicated by complicated bureaucratic processes.
- **Insufficient health services:** A significant proportion of prisoners suffer from chronic illnesses, and they do not receive adequate treatment during captivity (Human Rights Watch, 2023).

## Impact on Society and Victims

Custodial abuse inflicts both psychological and physical harm on individuals, often resulting in the lasting damage of trauma, social isolation, and stigma. Such breaches of law cause a loss of confidence in the judicial and policing institutions of society, which damages the social fabric and governance of the state.

## Role of Civil Society and Human Rights Organizations

The NGOs and human rights organizations have supported victims of abuses by creating awareness, offering documentation, and providing legal services. Other advocates of social change such as HRCP and NCHR still push for policies and accountability. (NCHR, 2022)

## Reforms and Recommendations

To address custodial abuse, Pakistan needs to:

- Formulate policies regarding the Comprehensive Anti-Torture Legislation that is in agreement with global guidelines.
- Create an Independent Police Complaints Authority at the federal and provincial level.
- Implement a program to teach Human Rights to all members of the law enforcement agencies.
- Vigorously assure submission and swift adjudication of all instances of judicial violence (Human Rights Watch, 2016).

## Comparative Perspective

Studying international practices can serve as a learning opportunity regarding reforms in Pakistan. In the U.K, the setting up of the Independent Office for Police Conduct (IOPC) has established a police oversight system which ensures that the police are accountable for their actions. Officers are subjected to compulsory training on human rights and professional conduct and there are also body cameras placed on the police as well as legal aid provided to detainees making these institutions mechanisms.

In India, there remains the issue of torture at police stations. However, there has been active intervention from the judiciary and also intense media scrutiny enhancing reforms. The Indian judiciary has established benchmarks in several crucial decisions such as the *DK Basu v. State of West Bengal* which required that rights of the detainees be posted, the register of those arrested kept, and other mandatory physical checks be done forthwith.

Norway and Sweden, along with other Scandinavian nations, place the most importance in rehabilitation rather than punishment. These countries place emphasis on how the law and authority should be exercised in a given society, even towards law enforcement. Police are part of the custodial facilities subjected to regular inspections making them ethically trained. These cases highlight the need for mechanisms which provide protection under the law and can function independently. Such tactics can be utilized by Pakistan if the socio-political atmosphere changes with the political will supported by strengthened oversight policies, and creating a national dialogue on the rule of law.

## Conclusion

The abuses of human rights in detained settings in Pakistan are not solitary occurrences but rather the outgrowths of a system that fosters impunity at the hands of legal authorities. These abuses – covering physical and psychological violence, unlawful arrest, and extrajudicial homicide – starkly contravene the constitutional guarantees and international obligations on the human rights front.

There is a gap that requires immediate attention, which is the comprehensive approach towards restorative reforms. Restoration dictates the need of a legislative order prohibiting torture in accordance to the convention against torture, as well as independent oversight with accountability frameworks. The teaching foundation of law enforcement, concerning human rights, forensic medicine, and professional ethics, needs elevation. So does the strengthening of civil society, the press, and the judiciary as independent monitors of state violence.

Pakistan should also grasp the more profound repercussions of custodial violence: it undermines the rule of law, diminishes trust in state institutions, and heightens public unrest. Other countries have demonstrated that with political will, active citizens, and international coordination, meaningful change is possible. If Pakistan hopes to develop as a democracy that respects human rights, custodial breaches of human rights as defined by international law must be legislated, effectively implemented, and ethically regarded as state priority.

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