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An Examination of Legal Frameworks and International Obligations Pertaining to Human Rights in Pakistan

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Abstract

The research paper discusses human rights in Pakistan, where the human rights frameworks of the country are identified, the problems with the implementation of the human rights, and the roles of international obligations. The Constitution of Pakistan has guaranteed to respect the right of human rights such as the right to expression of views and the right to religious freedom as well as the right against discriminatory acts. With these inherent guarantees in place, it is still difficult to see to it that there is the practical protection of these rights. Political instability, the lack of effective judiciary, and cultural variance have led to little improvement in the nation since the ratification of the important international human rights documents such as the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) had no significant effect in the country and this has come with a costly operation of exact human rights violation especially when it comes to freedom of religion, gender equality and minority rights. The given study proves that Pakistan has made some progress with respect to ratifying international treaties and integrating human rights principles into the Pakistani Constitution; however, the main issue is the part of the execution. These problems can largely be traced back to lack of an adequate enforcement framework, cultural conservatism and the fact that the judicial system has been affected by the issue of political and military vested interests. The article argues that Pakistan needs to improve its independence of the judicial system, tighten law enforcement and fight deeply rooted cultural and religious biases in order to be closer to the standards of international human rights. The study focuses on the need to address the gap that exists between international human rights principles and domestic practices in Pakistan through radical changes in law, educational efforts, and cross-border collaboration.

Keywords: Human rights, Pakistan, legal system, international obligations, blasphemy law, child labour, legal independence, legal reform, legal enforcement.

Introduction

International relations have always been characterized by human rights, which are being promoted and supported by global institutions and legal frameworks of different states, while in Pakistan, there is still a challenge to maintain human rights and protect them. The country is a signatory to several global treaties and has put up very important legislative frameworks in place to protect human rights but several structural and social factors interfere with the effectiveness of these policies. The complex

political, cultural and social conditions influence human rights in Pakistan. There are many laws in place to protect.

Basic freedoms; however, political insecurity, gender-based inequality, religious bigotry, and insufficient enforcement systems may reduce their effectiveness (Rehman, 2017). Pakistan has fundamental rights in the Constitution such as the right to life, freedom of speech, and equal treatment under the law; however, the mismatch between the constitutional rights and the actual experiences of the citizens is also a major concern (Siddiqui, 2019).

The confirmation of major international agreements like the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) reflects on the fact that Pakistan is concerned with human rights across the world. Although the government has signed several international treaties, it often does not honor its undertakings especially on the safeguarding of minority rights, freedom of speech, and violence against women (Jamil, 2020). The conflict between the domestic laws in Pakistan and international standards of human rights are further complicated by the problems in the justice system, such as corruption, politics, and poor administration (Zahid, 2018).

This paper aims at analyzing the efficiency of the laws in protecting human rights with a specific reference on how the state meets its commitments to international laws. Its paper evaluates a number of legislative tools, evaluating the roles of the judicial system, state, and non-governmental organizations in the development, as well as protection of human rights in the nation. The report looks into how the national legislation concerning human rights in Pakistan is aligned to the international standards and what challenges the country faces in full adherence to the international standards.

Research Questions

1. How well is the national legal system in Pakistan protecting the rights of the individual?
2. What are the major problems of the application of international human rights regulations in Pakistan?
3. How does the compliance with the international treaties in Pakistan influence the situation with the human rights there?

Significance of the Research

This work is important because it will demonstrate the complex interconnection between the legal provisions and the international human rights norms in a developing country like Pakistan. This research will add to the larger debate on the enactment of human rights in Pakistan by examining the disjuncture between the law and practice. It would suggest means in which Pakistan may increase compliance with international human rights standards, which gives lawmakers, human rights activists and global organizations involved in human rights a potential approach.

Research Methodology

The study employs the doctrinal legal research, case study, and comparative legal analysis to determine how effective the legal system of Pakistan is in safeguarding human rights and whether the country adheres to its international human rights. This part will address the study plan, sources of data and the modes of data collection and assessment.

The research design used in this study was qualitative. The main focus is the analysis of the legal texts, international treaties and case laws to comprehend the theoretical and practical aspects of the protection of human rights in Pakistan. The research focusses on the

Intersection of national and international human rights laws, which entails massive examination of legal statements, judicial decisions and reports by international organisations. The paper will also

compare the adherence of the international human rights standards by Pakistan to those of the other South Asian nations.

The research methodology that will be used in this study is doctrinal legal research, which will involve the interpretation and study of legal texts in order to explain the rights and obligations that are outlined in the constitution of Pakistan and international treaties. The main objective would be to test the effectiveness of legal laws to monitor the protection of human rights in real life.

The case study analysis shall also be used by examining certain instances of human rights infringement in Pakistan and the law response to the same. In this way, it is feasible to take a closer look at the way in which legislative protections are implemented and focus on particular issues such as honour killings, forced conversions, and disappearances (Bari, 2016). Lastly, a comparative legal examination will be employed to examine the human rights framework of Pakistan and of its neighbors in the South Asian region, that is, India and Bangladesh, to locate, what Pakistan could do to defend human rights more (Rehman, 2017).

Historical Background

Human rights history in Pakistan is complex as it is affected by the colonial history of the country. History, unstable political system, and attempts to maneuver modern systems of governance. The Pakistan Constitution plays a very critical role in protecting human rights in the country. It outlines the basic law in the achievement of this. Pakistan still has serious problems with human rights, despite the presence of constitutional rights. These concerns include human rights violations, such as women and religious minorities, freedom of expression, and rights of the poor (Siddiqui, 2019). Pakistan has a legal and social protection of the human rights that encompasses domestic laws and the international responsibilities of the country and the international adherence to human rights standards.

The situation with human rights in Pakistan dates to the times of British colonization, when the legal and governing frameworks were developed to pursue the goals of the colonial state but not secure human rights (Baxi, 2016). The legal system left behind by the colonial days fails to protect the fundamental rights of the entire population. Since the formation of Pakistan as a nation in 1947, attention shifted to building a government that is able to defend the fundamental rights of all citizens which includes women, religious groups and ethnic minorities. Nevertheless, the lack of constant observance of human rights has been weakened by the political unrest in Pakistan, which is marked by military rule, civil unrest, and autocratic rule (Zahid, 2018).

The Pakistani constitution that was adopted in 1973 provides a guideline on human rights protection. In Chapter II, Part II, the Fundamental Rights, which include right to life, right to liberty, right to property, rights to expression and freedom of religion, and rights to minorities are enumerated (Constitution of Pakistan, 1973). Nevertheless, the practice of the fundamental rights has not been uniform, as there has been a constant political instability and a weak judiciary that has in most cases performed poorly in challenging the official acts (Siddiqui, 2019). Human rights situation has been aggravated by political instability and emergence of extremism especially during the 1980s and 1990s. As an example, people have been forced to disappear, their freedom of expression has been suppressed, and women have been marginalized (Hussain, 2017).

Constitution and Human rights of Pakistan

Pakistan has the Constitution that specifically protects fundamental rights. The protection of human rights has proved to be a challenge to the state despite the fact that chapter 2 of the Constitution stipulates that human rights need to be protected. Legal protections are often undermined by systemic problems (corruption, political interference, lack of judicial independence, etc.) (Zahid, 2018).

There are many laws passed in Pakistan that share the same purpose of protecting human rights, and there is the Constitution. Such laws protect children, illegalize domestic violence, and criminalize forced labor. Nevertheless, such regulations have not been applied equally, which has led to a number of people facing problems in getting justice because of legal and social challenges (Rehman, 2017). An example of the law based on addressing the problem of domestic abuse is the Women Protection Bill passed in 2006. Nonetheless, it faces great resistance of conservative organisations and is rarely implemented (Siddiqui, 2019).

International Effect on the Human Rights

The international human rights law has significantly contributed to the human rights laws in Pakistan. Pakistan has developed many laws and policies that deal with human rights, based on its participation in major international documents, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). All these international conventions require Pakistan to make its local legislation compatible with international standards of human rights (United Nations, 2021). Pakistan has not been very faithful to its obligations under different accords. This can be explained by political limitations, religious conservatism, and economic concerns (Amnesty International, 2020). The legal responsibilities of Pakistan related to these treaties should guarantee the basic human rights protection. The opponents state that even though Pakistan is a country that ratifies international agreements, it often does not convert the commitments into domestic policy (Hussain, 2017). The ICCPR also protects freedom of speech; however, journalists in Pakistan have consistently faced harassment, threats and violence (Human Rights Watch, 2020). The gap between the law and the real-world events is an example of the difficulty in applying the international human rights norms in a sovereign state.

Hurdles in the Implementation of Human Rights

There are many obstacles hindering the implementation of human rights law in Pakistan. The politicisation of the judiciary comes in as a major problem. In other instances, courts make rulings that are deeply informed by politics at the expense of the judiciary in promoting human rights (Rehman, 2017). The law is sometimes slow, and when the rights of an individual are violated, the justice is delayed, thus making the process of seeking it to be complicated (Zahid, 2018).

Human rights in the society and law are subject to cultural and religious conservatism. In Pakistan, women have their right are often prevailed by the cultural practices, which results in discrimination, honour killings, and inadequate access to justice (Jamil, 2020). Hindu, Christians, and Ahmadis religious minorities are sometimes persecuted. These organisations are often abused by the blasphemy legislation (Amnesty International, 2020).

Irrespective of these difficulties, civil society organisations (CSOs) and international human rights organisations continue to push for reforms and outcry at violations. This is a reason to believe that gradually the human rights situation in the country will improve, but such changes are a long-standing challenge that cannot occur without great legal, political, and cultural transformation (Baxi, 2016).

Review of Literature

According to the literature on human rights in Pakistan, it suggests that there is a multifaceted and multicultural relationship among the national legal systems of the countries, the international law, and the social and cultural dynamics that determine how the human rights are implemented. This part gives a summary of the legislative guidelines of human rights in Pakistan, the issues that are faced during their implementation. The rights, and the role of international law in the practices of the country. The main focus is on judicial independence, the Enforcement Issues, the cultural resistance,

and the importance of the international frameworks of human rights. National Legal Structure of Human Rights.

Basic rights are guaranteed by the Constitution of Pakistan (1973) and protect the population against being discriminated against and without a reason, as well as against the violation of their personal freedoms (Musharraf, 2019). The rights, including freedom of expression, religion and assembly among others, are openly protected in chapter 2, Part II of the Constitution. According to Karamat (2018), although these laws are rather broad, the Pakistani legal system does not always succeed in adhering to them. It is even more difficult to defend human rights due to corruption, sluggish courts, and lack of accountability in law enforcement. This is particularly in cases where violence against women and minority rights are concerned where the law may not always be in line with the basic tenets of equity and equality.

The Women Protection Bill (2006) was one of the most significant laws in Pakistan to safeguard the human rights. It was expected to prevent violence against women. Nonetheless, conservative groups have been on the offensive against the bill, and it has not done much to protect women honestly (Khan, 2020). This is an example of the fact that even in the context of the changing legislation, culture remains more powerful than official legal safeguards (Mahmood and Ali, 2020).

International Law and Pakistan's Compliance

The two most important of these obligations are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The former and the latter are both signed by Pakistan and make it clear that the government should ensure the protection and propagation of fundamental freedoms. They collaborate to ensure that the fundamental human rights are safeguarded worldwide (Siddiqui, 2020). Having international human rights agreements with Pakistan has also been an issue in terms of making its domestic laws correspond to these agreements despite Pakistan signing them. According to UN Committee of Human Rights (2019), Pakistan has been slow at keeping their promises of following international treaties and that no legal actions have been taken to protect the rights that these treaties assure.

Khan and Chughtai (2021) maintain that the inability to meet international pressure has led to some reforms, and the lack of fulfilling the international obligations is an important barrier. Pakistan has repeatedly been accused by the UN Human Rights Committee (2021) of failing to fulfill its commitments to safeguard the rights of people across the globe by ensuring laws on blasphemy are enforced, discriminating against religious minorities, and polishing women. These loopholes demonstrate that the application of laws in United States is not the same as the international law. The reason is that international accords are less helpful because of the opinion of people and political opposition.

Issues on Enforcement of Human Rights

The fact that the courts are not at liberty to make their own decisions is one of the greatest problems with the protection of human rights in Pakistan. Tariq (2019) is of the opinion that politics and the military is a common occurrence in the Pakistani courts particularly when the case involves a politically sensitive issue. Due to this, the courts have often brought mixed court judgments on human rights issues, particularly the free expression, minority rights, and violence against women. To protect digitally, legislatively, is necessary.

Function effectively, the courts are to be independent. Ali and Shah (2020) emphasize that political and military forces continue to harm the role of the judiciary to defend human rights. It is not only the political influence that enables human rights violations to continue; the fact that human rights legislation is not enforced on a sufficient level is also an issue. According to Adeel (2018), the police

and other law enforcement bodies in Pakistan are not always equipped with the right training and resources to handle cases of child protection and violence against women. The victims who seek justice have to still contend with the social stigma of shame, red tape, and lengthy waits before the court takes off. Things are further aggravated by corruption in the police and courts as it becomes hard to punish people who violate human rights (Hassan, 2020).

Social, Cultural Impediments To Human Rights

The impact that cultural and religious practices which tend to contradict international standards on human rights has a tremendous influence on human rights in Pakistan. The consistent nature of gender-based violence, child marriages, and honour killing demonstrates the set standards in the society that uphold traditional practices at the expense of the human rights of individuals (Khan, 2021). Although such laws as the Women Protection Bill have been adopted, honour killings remain common most particularly in the rural regions. According to Shah and Iqbal (2019), religious conservatism tends to strengthen these cultural norms and impacts the legal and societal perception of women and minority groups. This offers a serious hindrance to the establishment of human rights laws and attainment of gender equality in Pakistan. Sectarian violence and persecution of religious minorities, especially Ahmadis, Hindus, and Christians, explain how religious extremism affects the human rights practice in Pakistan (Jamil, 2020). The ICCPR guarantees the freedom of religion but the laws that criminalize blasphemy and the unfair treatment of religious minorities contradict these commitments of the world. According to Husain (2019), religious intolerance and violations of the human rights of minorities are still observed due to the lack of political will to change or eliminate these laws.

The study indicates that Pakistan has gone a long way in establishing a human rights system of law. Nevertheless, there is still a large issue with defending and upholding these rights. The legal system still has its weaknesses that make it difficult to address human rights appropriately such as courts that are not timely, politics and cultural resistance. Pakistan is a signatory to the international treaties on human rights, yet it has troubles fulfilling its commitments to the rest of the world because of the problems in the society and institutions. It is the disparity between the change in the law and the change in the society that highlights the importance of making significant changes to courts, police, and legal institutions in Pakistan, as well as the ways in which people think about and conceptualize human rights.

Sources of Data

The study will use both primary and secondary sources of information: Main Sources:

In Pakistan, the Constitution of Pakistan is a legal provision that safeguards human rights.

The second part of chapter 2 addresses basic rights.

International Treaties and Conventions: In this section, I will look at the key tools such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) to evaluate the obligations of Pakistan to the international human rights law. Case Law: The analysis will include the landmark cases in Pakistan on human rights violations by the Supreme Court, including those related to blasphemy legislation, gender-based violence, and freedom of expression. We also will examine such critical cases as Asma Jahangir trying to save human rights (Siddiqui, 2019).

Legislative Acts: to evaluate the role of these legislations in protecting human rights in Pakistan, an analysis shall be done on different acts such as Women Protection Bill, Child Protection Laws and the Anti-Terrorism Act.

Secondary Sources

Academic articles: We are going to refer to peer-reviewed journal articles that discuss human rights law, the legal framework in Pakistan, and the interactions between domestic law and international human rights standards. The problem of human rights in Pakistan is vital to the society and is provided by such authors as Zahid (2018) and Rehman (2017).

Reports by the International Organizations: The reports by the Human Rights Watch (2020), Amnesty International (2020), and the United Nations (2021) will be used to get an understanding of how well the Pakistani human rights policies are functioning.

Limitations of the Study

The report aims at providing an in-depth analysis of the situation with human rights in Pakistan; yet, numerous drawbacks should not be overlooked:

1. **Data Availability:** Access to some of the primary data, such as official government reports or case law, may be difficult due to restrictions on access to it by the general public, or due to the difficulty of obtaining access to the latest materials.
2. **Language Barriers:** On some significant legal documents and case law might be available only in Urdu or other local languages, and in that case, it may be more difficult to finish the analysis unless it can be easily located in English.
3. **Political Sensitivity:** Since the human rights problems of Pakistan are political, the roles of the governmental officials and lawyers might not be interested in getting involved with the research, particularly covering such sensitive topics in the government as the blasphemy or military intervention (Zahid,2018).
4. **Past Context:** The study can have challenges accessing information on past human rights abuse particularly in military regimes where abuse was not well documented or where the media failed to do so (Siddiqui,2019).

The study will rely on the credible and easily available data in order to provide an informed insight on the contemporary situation of human rights in Pakistan and the potential of legal structures and global obligations to aid in the preservation of such rights.

The research will be conducted in accordance with ethical principles on how it conducts its data and examines the issue of human rights. The confidentiality of any sensitive material, which will be associated with case study or personal testimony, will remain confidential and anonymous. The study will also ensure that the personal biases or political inclinations do not influence the interpretation of the law or facts. The research will aim at giving an objective and fair evaluation of the human rights situation in Pakistan.

National Legislation and Human Rights

The chief factors that ensure human rights in Pakistan are its Constitution, national laws and the legal precedents provided by the Supreme Court of Pakistan. This section discusses the constitutional rights to human rights, the legislations existing to protect human rights and their adherence to the legislations. In Pakistan, there are too many laws, but they cannot be easily enforced by the government. This is primarily due to the influences of politics, ineffective courts and cultural and societal barriers.

Overview of the Constitution of Pakistan

The most significant element of the Pakistani legal system as far as the protection of the human rights is concerned is the Constitution of Pakistan (1973). Part II of Chapter 2 of the Constitution of Pakistan (1973) enumerates some fundamental rights that all citizens possess e.g. the right to life, liberty and property. The Constitution passes the right to free speech, religion and association and states that people is not supposed to be treated differently due to their race, religion, sex or place of birth. The promises are included in a broader social contract between the state and its citizens.

They should establish an environment where human rights are respected. But the citizens tend to struggle with these rights being implemented. It is also usually difficult to practice these rights due to political instability, the military involvement in the government, and the lack of resources (Siddiqui, 2019). The duty the judiciary has in the protection of fundamental rights is clearly stipulated in the Constitution. The courts have occasionally been subject to political pressure and their performance to defend these rights (Zahid, 2018).

Critical Legislation on Human Rights

With the constitutional rights, a number of national laws have been enacted to further safeguard the human rights particularly the women rights and minority rights and child protection rights. Some important examples are:

Women Protection Bill a bill (2006): This was a bill that was supposed to safeguard women against domestic violence and any other violence that is perpetrated against women. It was intended to eliminate mature laws that were ineffective. However, it remains poorly implemented due to the attitudes of people towards gender roles and the effectiveness of legislation enforcement (Bari, 2016).

The Anti-Terrorism Act (1997): This act was introduced in order to prevent terrorism and ensure that people are not subjected to violence. Nevertheless, its wide-ranging and frequently ambiguous provisions have been applied to restrict free speech and the freedom of assembling peacefully particularly in the context of political disobedience (Siddiqui, 2019).

Child Marriage Restraint Act (1929): According to this law, girls are not allowed to marry before they are 16 years old, but the cultural practices still make the child marriage issue a problem in certain areas of Pakistan (Human Rights Watch, 2020).

Although these laws have been positive there are still many instances where they fail to safeguard human rights as they are supposed to because they are not implemented well. The insufficiency of knowledge, weaknesses within the government, and political favors usually complicate the full implementation of such regulations, particularly in the rural regions where old traditions continue to hold significant weight (Bari, 2016).

Courts and Guarantee of Human Rights

In Pakistan, the role of the courts is very crucial in safeguarding human rights since they are able to interpret the laws, disregard unconstitutional legislations and hold the government responsible. The courts in Pakistan have however been characterized by being slow and have been found to be politicized. According to Zahid (2018), the courts have frequently found it difficult to be independent through military intervention and political pressure, particularly under human rights abuses. The latter is reflected in famous cases of blasphemy and minorities persecution, when courts have received significant sentences under duress, despite the fact the Constitution guaranteed the freedom of religion (Rehman, 2017).

In some situations, the Supreme Court of Pakistan has played a very significant role in advancing the human rights. Under forced disappearance cases, such as, the Supreme.

Court has intervened and ordered investigations into what security agents did. The decision of this court has highlighted the relevance of critical human rights concerns and has provided a voice to individuals who are mostly overlooked (Jamil, 2020).

Yet, the absence of a legal infrastructure, numerous cases on the backlog, and corruption in junior courts complicate the task that the judiciary has to do, thus contributing to the delays in justice (Siddiqui,2019).Then there is the fact that many people which include some of the police officers are not very knowledgeable of the law which makes it hard to do the job of a judge. The reason is that the knowledge about the legal rights and access to justice remains unaware among many people.

Issues confronting Law Enforcement of Human Rights

The greatest issue with the implementation of the human rights laws in Pakistan is that the law and practice are not always equal. Pakistan has a good legal system on paper but culture, political pressure and corruption in the justice system tend to complicate following. Some of the main problems are:

Gender Inequality and Violence: Although legislation, such as the Women Protection Bill (2006), exist, honour killings, domestic violence and acid attacks are still prevailing in Pakistan, particularly in the rural areas. The implementation of laws to ensure women are secured is difficult and the victims are socially stigmatized when attempting to seek the assistance of the law (Bari,2016).

Religious Minority: The law of blasphemy in Pakistan continues to be one of the most controversial issues in the country. They are systematically applied to attack religious minorities, in particular, Christians, Hindus, and Ahmadis. The constitution provides freedom of religious expression, and the laws on blasphemy nonetheless infringe upon the rights because the accused are not always safeguarded against harassment and violence by courts and police (Amnesty International, 2020).

Child Protection: In spite of laws that are in place to protect children, child labour, early marriages and abuse are however very prevalent. Child Protection and Welfare Bureau is not yet well-equipped with money and resources, and it is more difficult to address these issues (Human Rights Watch, 2020).

Political and religious conservatism in Pakistan is more difficult to take steps on matters of human rights as well. Religious devotion also often leads to religious minorities being discriminated against and the patriarchal ideology continues to stand in the way of granting women their rights even with laws that exist to protect them (Jamil, 2020).

The national legal system of human rights in Pakistan is constituted by the Constitution of Pakistan and other laws that advocate it. This framework defends fundamental rights. However there are numerous difficulties in implementation, political interference, societal, and cultural impediments that complicate implementing these rights a lot. Pakistan has come a long way in formulation of laws to safeguard the rights of women, children and the minorities. But, these laws are not practiced due to poor enforcement and societal poor attitude. Although in most occasions the judiciary aids in guarding human rights, it finds it difficult to provide the effective remedy to the breach of the rights. In order to ensure that human rights are meaningfully safeguarded, Pakistan must enhance its legal and institutional capacity, increase the independence of the courts and transcend social and political challenges.

Human Rights Commitments on the International Level

Pakistan is a signatory to international human rights, as the country signed several significant conventions of the United Nations (UN) establishing the global norms of the observance of basic human rights.The foundations of the contemporary standards of human rights are the Universal Declaration of Human Rights (UDHR), adopted by the General Assembly in 1948. UDHR itself is

not legally binding, although it has spawned several binding treaties (such as ICCPR and ICESCR) which Pakistan has officially ratified. Pakistan must also make its national laws and government policies consistent with the rights and values that are reflected in these documents. (United Nations, 2021).

ICCPR (1966): The ICCPR guarantees much of the civil and political rights including the right to life, freedom of speech, religion and freedom of torture. Pakistan is a signatory to the ICCPR, and this implies that the country would safeguard these rights. However despite the fact that the ICCPR criminalizes such a move, there have been numerous cases of their infringements particularly in matters pertaining to the freedom of speech and the freedom of religion. To take a case example, the blasphemy laws in Pakistan are still a hot topic despite the fact that they go against the promise of freedom of religion in the ICCPR(Amnesty international,2020).

ICESCR (1966): Pakistan is also a signatory to the ICESCR that stipulates that economic, social and cultural rights should be guarded. These rights are like right to employment, right to education and the right to decent standard of life. Pakistan has made significant strides in these areas though there are several issues that need to be addressed particularly in the reduction of poverty, health care and education (Jamil, 2020).The international human rights instruments demand that Pakistan makes the necessary steps to safeguard the following rights. The issue is that they need to be enforced, though despite the fact that Pakistan is a signatory to these treaties, its legal system does not tend to adhere to the regulations that are established by the international law (Bari, 2016).

Difficulties in the Enforcement of International Standards of Human Rights

Pakistan has sworn to abide by the international human rights law but it finds it extremely difficult to do so on its territory. These issues are political, societal and institutional in nature and cause them to be more difficult to uphold human rights.

1. **Political and Religious Sensitivities:** The primary factor that makes it difficult to translate international human rights standards into practice in Pakistan is the clash between the international human rights principles and the local political and religious views. As an example, the blasphemy laws in the country that have been applied in attacking the religious minority as well as suppressing freedom of expression obviously violate the stipulations of the ICCPR on the freedom of religion and expression (Siddiqui, 2019).
2. **Judicial and Law Enforcement Failures:** The Judiciary in Pakistan is expected to defend fundamental rights but this aspect is not always achievable due to political interference and poor institutions. The judicial system has been reluctant to press any case against religious minorities, gender-based violence, and freedom of speech and the police never reacts in time (Zahid, 2018). The following are the underlying issues that complicate the process. country respects human rights in the country, and also adheres to international regulations.
3. **Social and cultural norms:** The social and cultural context in Pakistan also contributes to the difficulty in defending the human rights. Patriarchal principles, sectarianism, and religious fundamentalism continue to influence the popular opinion and block the way of the initiatives taken to guarantee the rights of women, children, and religious minorities. Indicatively, honour killings, child marriages and violence against women still persist even with laws protecting them, partially due to cultural practices that contravene the international human rights practices (Bari, 2016). These cultural obstacles usually prevent individuals in accessing justice and legal security.
4. **The lack of knowledge concerning human rights and the inability to resourcefully implement them** is also quite an issue that contributes to the difficulty of keeping human rights. Lots of individuals are unaware of their rights regarding the law, and the police do not always have the

resources and personnel necessary to adequately address breaches of human rights (Human Rights Watch, 2020).

The role of International Organization and the UN in the Promotion of Human Rights

The role of the United Nations (UN) and other international organisations in influencing the situation of human rights in Pakistan is big. The Human rights situation in Pakistan is periodically examined by the UN who urges the government to implement the changes. It does so by the means of commissions such as the Human rights council and the activities of special rapporteurs. Another global organisation, Amnesty International and Human Rights Watch also mention that there are still rights problems in the country, primarily associated with freedom of speech, gender equality, and rights of religious minorities.

The Human Rights Committee that oversees the decisions of states in accordance with the ICCPR and the Committee on Economic, Social, and Cultural Rights which monitors the ICESCR also audit Pakistan on its international human rights obligations periodically. These groups suggest recommendations, which serve as a guideline on the law reform and improved methods of safeguarding human beings. However, as Jamil (2020) and Zahid (2018) note, the administration has been slow in implementing these recommendations, and politics and the absence of actual interest of the government have come in most of the time.

The National Human Rights Commission in Pakistan

The National Commission for Human Rights (NCHR) established in 2012 is highly significant in ensuring a check on the human rights and assisting them in Pakistan. The NCHR has the role of investigating human rights abuses, creating awareness and recommending reform to the government, however, despite the power it has, the NCHR has been criticized as lacking the finances or strength to do its work well (Human Rights Watch, 2020). Sometimes the work of the commission is hampered by political and procedural issues, and the commission cannot compel government officials and law enforcement organisations to act upon its advice, which is legal.

Case Study: Confidence of Pakistan to Global Human Rights Norms

There is much concern on the effectiveness of protection of human rights in Pakistan. Critics from both within and without the country have indicated discrepancies between the legal system of the country and its status on human rights. In the following section, Pakistan has entered into several international human rights treaties yet they continue to struggle to translate their commitments into actual performances on the ground and this section will examine some of the individual case studies that will examine how the freedom of speech, freedom of religion, gender equality and treatment of minorities are observed in practice within the country. Through these case studies, this research will compare the legal system in Pakistan against the international standards and determine areas that require improvement to be done.

Case Study 1: Freedom of Religion and Laws against Blasphemy

One of the most critical issues in human rights in Pakistan is the enforcement and impacts of the blasphemy laws of Pakistan. These legislations were initially intended to safeguard religious values; they have been misapplied in most instances at the expense of religious minorities as compared to others like Christians, Hindus, and Ahmadis. Pakistan is a signatory to International Covenant on Civil and Political Rights (ICCPR) since 2010. This treaty secures the right to practice religion, and prevents people against any form of religious discrimination. But it has been claimed by many that the laws of blasphemy are used in Pakistan to persecute religious minorities. In 2010, the world took notice of the issues that the blasphemy laws of Pakistan posed after a Christian woman, Asia Bibi was convicted of blasphemy and her case became a symbol of the issue (Siddiqui, 2019).

Due to the promises to the world, Pakistan must ensure religious freedom and ensure that citizens are not persecuted because of their beliefs. However, the high cost of minority groups and mobs and the vigilante justice are still a very significant issue as the laws against blasphemy are not fair and are used against minority groups. According to Amnesty International (2020), many of the individuals who are accused of blasphemy are killed without trial, displaced or relocated. The case study indicates that the legal requirements in the international law require by Pakistan are quite contrary with the actual application of these rules in the real world.

Case Study 2: Violence against Women and Women Rights

Pakistan is a signatory to a number of international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which Pakistan ratified in 1996 (United Nations, 2021). But the gender-related violence remains a significant issue in the country. Women Protection Bill (2006) was enacted to ensure that women are not exposed to domestic violence and other forms of abuse. This legislation is a long stride, but it has not been applied effectively. According to Human Rights Watch (2020), honour killings, acid attacks or domestic violence remain prevalent, particularly in the rural population, where patriarchal values are deeply ingrained.

Fauzia Azeem (Qandeel Baloch), was an honour killing in 2019 when her brother murdered her. This led to an outcry on the national and global front. Although, female rights in Pakistan are safeguarded in the country, gender-related violence remains difficult to prevent since population tolerates it, and the laws are not always written. The ineffective court system, cultural has seen the Supreme Court of Pakistan interfere with these cases. Things have been aggravated by attitudes, and police inaction (Bari, 2016). This case study demonstrates that the gap within legal reforms and social reality still exists. It indicates that Pakistan is struggling to meet all its international obligations in gender equality and violence against women.

Case Study 3: Child Labour and Protection

Child labor remains a large issue in Pakistan regarding human rights. Although countries have legislations such as the Child Protection Act (2010) and even signed the Minimum Age Convention of the International Labour Organisation (ILO), child labour is still widespread particularly in fields of brick-making, agriculture, and household chores. The fact that Pakistan is a signatory to the United Nations Convention on the Rights of the Child (CRC) which they signed in 1990 implies that the country should ensure that children are not exploited to give them their money and should not engage in work that endangers their health. (2021) United Nations. Even these rules are yet to be well enforced and millions of children continue to go out to work under bad conditions.

A good example is the child labour that is very common in the brick kiln industry of Pakistan, with children being forced to work under hazardous conditions and being abused and exploited in general. According to Human Rights Watch (2020), despite the efforts of the civil society groups to eliminate this practice, many children continue to be trapped in poverty and exploitation inherent in the industry. The weaknesses of the implementation of child protection laws in Pakistan present a good example of the existing gap between the international human rights standards and their practical use, both nationally.

Case Study 4: The Exodus of the people of Balochistan

Balochistan, which is one of the most neglected region of Pakistan, has experienced numerous cases of human rights violation since the people of this region have been forced to go out of their homes due to war, military operations and also by the state authorities. The current situation in Balochistan is drawing attention of several people across the world and particularly human rights organizations

such as Amnesty International (2020), which has documented forced disappearance of political activists and representatives of ethnic minorities being murdered without trial.

According to the ICCPR, all people are entitled to self-determination and the right not to be detained without any explanation. Others have alleged that these rights have been violated in Balochistan by Pakistan. According to the human rights activists and local press, thousands of individuals have been displaced due to military actions, and this has led to the abuses of civil liberties and human rights violations (Zahid, 2018). The international organisations have blamed the government of failing to security people in the region and failing to investigate disappearances. This goes further to demonstrate how far the acts of the Pakistan on the ground reflect on what the country promised to do according to international law.

The case studies discussed in the above sections indicate the extent to which there are differences between what Pakistan has promised to do regarding human rights around the world and the actual situation on the ground about human rights violations in Pakistan. Although there are laws in place regulating it, the case studies indicate that Pakistan continues to struggle with following through on its international obligation, maintaining an independent court system, and being more willing to enforce laws in making sure that Pakistan is not engaging in blasphemy, assault against women, child labour, and transnational trafficking. policies comply with the international human rights standards.

Discussion and Analysis

This section is very detailed in the findings of the previous sections by examining the disparities between the legal commitments undertaken by Pakistan under the international human rights treaties as compared to the actual implementation of the human rights in the nation. The discussion is concerning the issues that the legal system of Pakistan has in ensuring that human rights are well secured. It also discusses the effects of political, social and institutional factors and reforms that are required to bridging the gap between international promises and domestic reality.

Analysis of the Legal Gaps

Although Pakistan is a signatory of important international human rights treaties, and has good constitutional guarantees, it still has significant legal loopholes that render it difficult to fully protect human rights. These gaps can primarily be attributed to the fact that legal laws are not being adhered to properly, the courts do not necessarily achieve the same rules and politicians possesses excessive power over the legal system.

1. **Constitutional vs. Practical Reality:** The rights that the constitution of Pakistan guarantees include the right to life, free speech, and freedom against discrimination (Constitution of Pakistan, 1973). However, due to the inefficiencies of institutions, it is not always an easy task to actually enforce these rights, particularly the gender equality and religious freedom, where the protection of minority rights is sometimes overshadowed by the religious conservatism and politics (Siddiqui, 2019).
2. The biggest issue in the law in Pakistan is that the judges are not independent and thus it is difficult to enforce human rights laws. Zahid (2018) discusses the fact that the Pakistani judiciary has struggled to defend fundamental rights because a political pressure and military intervention have increased the difficulty of doing so. Judicial failures to deliver justice failed to occur irregularly in the cases of honour killings, forced conversions, and violations of freedom of expression, which is often caused by political reluctance or prejudice in the society (Rehman, 2017). This poor implementation of the laws continues to keep human. violation of rights is becoming a thing and renders people unbelievable in the laws.

3. The cultural and religious norms, particularly in the rural regions, render it quite difficult to translate human rights laws into action. The patriarchal norms, sectarianism, and prejudice against religious minorities remain rather high in the society. Gender-based violence or honour killings are a few examples which are not prosecuted well as society condones them (Bari, 2016). This social inertia still hampers the efforts of legislation aimed at promoting gender equality and protecting vulnerable groups.

International Law and Domestic legal system

Pakistan has had a patchy adherence to the international human rights law. Its own laws have signed a lot of international treaties which include ICCPR and ICESCR, yet the government does not adhere to these. was not necessarily in compliance with the standards of these accords. Pakistan has its human rights checked against by the UN human rights committee and other organizations on a regular basis. Nevertheless, the international recommendations are often difficult to implement due to the political interests and backlash at home (Jamil, 2020).

Blasphemy Laws: Pakistan has continued to experience one of the most debatable issues as far as international human rights norms are concerned and that is the blasphemy laws. These are laws that penalise individuals who are suspected of offending Islam or the Prophet. They have been misapplied excessively against religious minorities which contradicts the ICCPR principles of freedom of religion and freedom of expression (United Nations, 2021). The fact that Pakistan is not ready to act or eliminate these regulations despite the fact that other nations are urging it to do so, demonstrates the disparity between the international human rights requirements and how the legislation functions in Pakistan (Amnesty International, 2020). **Women Rights and Gender Equality:** The international law, particularly the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) indicates that the rights of women must be taken care of completely. Nevertheless, the legal and social institutions of Pakistan remain highly patriarchal. Tradition and the lack of proper enforcement mechanisms have complicated the ways women could receive the protection they require, such as the Women Protection Bill. The constant rise in the number of honour killings and domestic violence incidents proves that legal amendments are not sufficient to change the attitudes of society members towards the rights of women (Bari, 2016). The example of Pakistan not following the rules of CEDAW shows how challenging it is to apply international standards of human rights in the country with such deep gender biases (Jamil, 2020).

The inability of Pakistan to establish a proper child labour regulation is an indication that it is not as child friendly as the international standard. The widespread use of child labour in the industries such as as brick kilns and agriculture is in violation of the economic rights provided by the ICESCR and the safeguarding guarantees provided to child by the CRC (Human Rights Watch, 2020). This case study demonstrates the way in which the policies that are pursued by Pakistan tend to contradict its responsibility in safeguarding the human rights of people in the global arena. The International Organizations and their influence on the development of the human rights practices International organizations such as the United Nations, Human rights watch and Amnesty international have played a significant role in highlighting the abuse of human rights in Pakistan and making change demands. The groups are the ones that maintain a watch on things and make note of what is going wrong and how to improve things. According to Zahid (2018), the Pakistani government will never be compelled to make lasting changes only because of international pressure; it must have a political will of Pakistan.

The UN Human Rights Council has issued Pakistan numerous reports to which they insist Pakistan should improve in terms of human rights but the findings have not been very effective due to the political opposition in Pakistan. In Pakistan, the civil society organisations (CSOs) which have often

been funded by foreign human rights organizations have played a major role in facilitating legal reforms and aiding the victims of malpractices in human rights. Nevertheless, remnants of opposition towards reforms are still witnessed in many aspects, in particular, the aspects related to the freedom of religion and gender equality (Bari, 2016).

Conclusion & Key Findings

Legal Loopholes in the Protection of Human Rights: The Pakistani Constitution provides fundamental rights such as the right to life, freedom of speech, and freedom of religion. Nevertheless, these rights are frequently abused due to the political factor, judicial ineffectiveness, and social and cultural standards according to which the human rights violations persist (Siddiqui, 2019). Two relevant examples that demonstrate how constitutional defenses are not always effective in reality include blasphemy laws and gender-based violence (Jamil, 2020). **Issues of Enforcement:** The political and military interference has also resulted in the court losing independence thus complicating the legal system to defend human rights (Zahid, 2018). In addition, the police departments do not always have sufficient funds and personnel and it becomes difficult to address the human rights violation in the populations, who are already vulnerable (Bari, 2016).

International Law and Domestic Adherence: Pakistan is an inconsistent adherent to the international human rights law. The nation is a signatory to numerous international treaties yet it has not been adhering to them. This indicates that the government is not eager to change anything, and that the citizens in the country remain opposed to reforms in such areas as religious freedom, women rights, and child protection (Rehman, 2017). The case studies on the blasphemy laws, honour killings, and child labour indicate the need to have more effective ways to synchronise the domestic laws and international undertakings of Pakistan.

Recommendations for Reform

Pakistan needs to implement huge transformations in its legislations and to engineering its organizations to seal the legal loopholes in guarding of human rights. The problems that should be addressed include: **Judicial and Institutional Reforms:** To ensure that human rights are well upheld, there is need to ensure that the court becomes more independent. The courts must not be politicized but equipped with the resources and expertise to deal with human rights matters in a fast and efficient manner. The priorities of the legal reforms should be focused on the regular application of the constitutional guarantees, especially in the cases of the religious minorities and gender-based violence (Zahid, 2018).

Law Enforcement and Accountability: More resources should be allocated to the police departments to be retrained and be able to adequately deal with the instances of human rights violations. Police accountability and transparency will help ensure that individuals who have suffered law enforcement agencies and especially women and children can receive justice (Siddiqui, 2019). The police should be reformed to establish special departments that address cases of child labour, domestic violence, and minority rights. **Cultural and Social Awareness:** In order to make long term advancement in human rights, we must alter the way in which the population believes about the gender, religion, and minority groups. Attitude change in society that currently justifies practices like honour killings, child marriage and sectarian violence may be achieved through public awareness campaigns and educational programs that lead to a better understanding of human rights and social justice (Bari, 2016). **International Cooperation:** Pakistan should demonstrate its readiness towards International human rights by collaborating with UN treaty bodies and international human rights organizations. This must not be restricted to the signing of treaties but going further to appropriate enforcement of recommendations by international organizations, such as the UN Human Rights Council and the Human Rights Committee (Jamil, 2020).

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