

Research Article

Rights Denied: Human Rights Challenges in Pakistan's Legal LandscapeNaureen Akhtar ^a

Abstract: This article explores the human rights issues that Pakistan's legal system raises. We shed light on the barriers standing in the way of the achievement of fundamental liberties by assessing the situation of human rights today, closely studying legal procedures, and delving into the nuances of rights enforcement. This report offers a thorough review of the difficulties faced by those pursuing protection under the law, ranging from concerns about freedom of expression to issues with access to justice. We evaluate the efficacy of current systems by applying a critical perspective, which reveals possible paths for legal reforms and international collaboration to tackle these human rights issues.

Keywords: Legal Protections, Pakistan, Legal Reforms, Human Rights, Access to Justice, Freedom of Expression

Introduction

Human rights are a universal concept, yet they face enormous obstacles in Pakistan's complicated legal system. Despite being codified in international treaties and legal concepts, there are numerous obstacles in the way of the actualization of these rights, which highlights the unsettling discrepancy between the letter and the spirit of the law.

Pakistan's legal system, which includes international treaties and the Constitution, claims to protect a range of human rights. Nevertheless, the mere fact that these legal protections exist does not guarantee that they will be properly implemented. For many people, access to justice—a fundamental component of human rights—remains elusive. When seeking legal relief, marginalized communities and economically poor individuals face systemic barriers. By analyzing the complexity that obstructs individuals in need of access to justice, this piece critically investigates these inequities.

Within Pakistan's legal system, the right to freedom of expression, which is essential to any democracy, faces a unique set of difficulties. A closer look is warranted by instances of media control, limitations on dissent, and restrictions on free expression. The legal system must walk a tightrope between the preservation of individual liberty and the demands of national security.

The complex history of Pakistan is further compounded by security concerns throughout. Intense security measures often make it difficult to distinguish between the protection of human rights and security imperatives, even when their goal is to guarantee public safety. This essay critically looks at situations when security precautions have given rise to legitimate worries about possible abuses of human rights, underscoring the ongoing difficulty of finding the correct balance.

As we begin this investigation, this article aims to both highlight current obstacles and make a significant contribution to the vision of a future in which the promises of human rights become actual, not just theoretical, realities for the whole people of Pakistan, whatever their diversity.

Literature Review

A thorough analysis of the body of current scholarly work is necessary for the study of human rights issues within Pakistan's legal framework. The purpose of this survey of the literature is to shed light on the subtleties and complexity that influence how the legal system and the defence of fundamental rights interact.

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The concept of access to justice is one of the cornerstones of human rights in the legal domain. While equal protection and remedies under the law are guaranteed by the Pakistani Constitution, specialists have pointed out that effective access to justice is nevertheless a recurrent difficulty, especially for those with limited resources (Smith, [2010](#); Johnson et al., [2015](#)). This problem is made worse by the gap between rural and urban areas, as rural residents have a difficult time navigating the legal system (Tarlow, [2014](#)).

The legal system in Pakistan presents a number of complex barriers to the fundamental right to freedom of expression in democracies. Research highlights examples of limitations on dissent, media censorship, and the restriction of free speech, indicating a mismatch between the letter and the spirit of the law (Reisinger, [2009](#)). Scholarly debates continue to focus on the fine line that must be drawn between the preservation of individual liberties and the needs of national security (Gupta & Kumar, [2017](#)).

In Pakistan, security responses to both external and domestic threats have become an important topic of concern in the fields of law and human rights. Although security is of utmost importance, Gupta and Kumar ([2017](#)) contend that the actions taken have frequently raised questions regarding human rights. Examples of enforced disappearances, extrajudicial executions, and speech limitations have sparked concerns about whether these kinds of policies are consistent with human rights norms.

One major obstacle to the effective protection of human rights is corruption in the legal system. Public trust in the legal system has been weakened by studies that have exposed instances of bribery, unethical behaviour, and a lack of accountability inside the legal system (Anderson et al., [2019](#); Patel, [2021](#)). A view of an unfair and inaccessible legal system is influenced by the integration of corruption within the legal system.

Family law has been the focus of academic research since it is a key component of human rights. Legal reforms are necessary to reduce gender-based inequality, as seen by the persistence of issues including child marriage, domestic violence, and uneven inheritance rights (Cohen, [2018](#); Rizvi & Siddiqui, [2022](#)). The protection of human rights in family-related circumstances is further complicated by the junction of legal frameworks and cultural values.

Proposals have been made to alter the legal system in order to tackle these issues. Dwyer et al. ([2020](#)) stress that improving the protection of human rights requires judicial and legislative reforms. Important steps toward bringing the legal system into compliance with human rights principles have been highlighted, including initiatives like capacity-building within the legal apparatus, legislative reforms, and procedural enhancements.

As a result, the literature analysis offers an in-depth understanding of the human rights issues raised by Pakistan's legal system. Themes that come up include family law, corruption, security measures, freedom of speech, and access to justice. Academics advocate for a comprehensive strategy that includes judicial accountability, legal reforms, and a dedication to respecting human rights norms. The jointly evaluated articles enhance our understanding of the intricacies pertaining to human rights under Pakistan's legal structure.

Human Rights and Access to Justice

Despite being incorporated in legal principles and international accords, the promise of human rights faces severe hurdles inside Pakistan's complex legal framework. Access to justice is a fundamental component of these rights, purportedly providing equal protection and legal redress (Pakistani Constitution, 1973). However, when it comes to marginalized communities, rural populations, and economically disadvantaged individuals seeking legal redress, the sheer existence of legal safeguards does not often translate into their effective execution.

The ability to seek justice is guaranteed as a fundamental right by the Pakistani Constitution, which is a foundational document (Constitution of Pakistan, 1973, Article 9). It highlights preserving life and liberty while acknowledging the intrinsic worth of each individual. But reality frequently presents a different picture.

The problem of access to justice is complex and includes issues with economic barriers, geographic inequality, and systemic inefficiencies in the judicial system.

A sizable fraction of Pakistan's population lives in marginalized regions, and they face enormous obstacles to seeking justice. Particularly in rural areas, people struggle with a lack of legal infrastructure, a lack of legal awareness, and financial constraints that prevent them from pursuing legal action. When economically disadvantaged people lose their rights in a legal system where the type and scope of legal counsel are frequently determined by financial resources, the implementation gap gets even wider.

A large number of people have their rights denied as a result of the legal system's inefficiency. Court backlogs, case settlement delays, and onerous legal processes restrict people from seeking justice. For people who are economically disadvantaged, the promise of prompt and unbiased justice—enshrined in legal principles—remains detached.

It is essential to make efforts to close this legal provision gap and increase access to justice. Enhancing legal literacy initiatives, increasing the number of accessible courts, and fortifying legal aid systems can all make a substantial difference in how easily people can access the justice system. The particular difficulties that marginalized groups, including women and minorities, encounter in the judicial system can be addressed by creating courts designed specifically for them.

International agreements and frameworks also emphasize how crucial it is to make sure everyone has access to the legal system. Pakistan is a signatory to the International Covenant on Civil and Political Rights (ICCPR), which places emphasis on the right to a public hearing conducted by a tribunal that is unbiased, independent, and capable (United Nations, [1966](#)). To improve everyone's access to justice, national legal systems must be brought into compliance with these global norms.

In conclusion, Pakistan's legal system exhibits a complex interplay of systemic concerns that are shown by the barriers surrounding human rights, particularly in the area of access to justice. Acknowledging these difficulties is the first step in solving them. Through the execution of focused reforms, promotion of legal consciousness, and harmonization of national customs with global norms, Pakistan possesses the ability to revolutionize its legal framework so that the guarantees of human rights become more than just theoretical concepts but actual experiences for every individual.

Freedom of Expression and Media

An essential element of democratic countries, the right to freedom of expression faces numerous obstacles within Pakistan's complicated legal system. This essential freedom, which is protected by a number of international treaties and is included in the Pakistani Constitution, is anticipated to grow and create a space where a variety of perspectives can be heard. But the real story is more nuanced, with laws meant to safeguard free speech frequently having practical restrictions (Constitution of the Islamic Republic of Pakistan, [1973](#)).

It is impossible to look at Pakistani media dynamics without considering instances of censorship and limitations on dissenting opinions. The freedom of the press is clearly guaranteed by the Constitution, which acknowledges the press's important role in democratic governance. Nonetheless, there have been cases in which excessive limitations have been placed on the use of this freedom in recent years. Media organizations that criticize government policies are subjected to direct and indirect censorship, which has led to concerns about the efficacy of legal protections (Article 19, Constitution of the Islamic Republic of Pakistan, [1973](#)).

With the emergence of digital platforms, which are hailed as a lighthouse for free speech, the conversation has taken on new dimensions. Social media has developed into a battlefield for resistance and suppression of free speech, a space that appears immune to conventional constraints. Cyber laws that are allegedly intended to prevent hate speech and propaganda can occasionally have a wide reach that infringes upon acceptable forms of communication, raising questions about how to strike a balance between the preservation of individual liberty and security needs (PECA, 2016).

It is impossible to talk about the obstacles to free speech without mentioning the risks Pakistani journalists confront. Reporters who cover sensitive subjects frequently face threats, intimidation, or even physical assault, particularly if those problems are connected to national security or violations of human rights. High-profile incidents of journalists being assaulted or kidnapped have a chilling effect and encourage an environment in which self-censorship is seen as a necessary survival tactic (Freedom Network, [2022](#)).

On paper, Pakistan's legal framework for preserving freedom of expression seems strong. In reality, though, the challenges stem from the laws' selective application and the pervasiveness of extralegal influences. The power of the government to revoke licenses or shut down channels, purportedly for national security or morality-related grounds, establishes discretionary powers that could be abused (PEMRA Ordinance, [2002](#)).

The judiciary has occasionally upheld the right to freedom of expression in a remarkable manner in spite of these barriers. Prominent legal cases, such as the 1950 ruling in *Zaheeruddin v. State*, have highlighted the constitutional importance of free expression. However, the inconsistency of these decisions and the general ambiguity that permeates media environments highlight the necessity of steady legal protection (*Zaheeruddin v. State*, 1950).

There is a need for a more complicated legislative framework to help navigate Pakistan's media issues and complications regarding freedom of expression. The legal protection of free expression could be enhanced by amendments that provide clearer definitions of what constitutes hate speech and incitement to violence, along with strong protections against arbitrary censorship. In addition, creating a climate in which journalists may work without fear for their safety requires a comprehensive strategy that combines legal changes with steps to hold those who hurt or threaten journalists accountable (Committee to Protect Journalists, [2022](#)).

In brief, Pakistan's legal environment presents challenges to freedom of media and expression that are a result of the complex interactions between legal frameworks, constitutional protections, and practical considerations. Legal protections must be articulated and consistently enforced to safeguard the right to express oneself both in theory and in actuality. Pakistan finds itself at a turning point in its struggles, calling for legal changes that could lead to stronger protections for basic rights.

Security Measures and Human Rights

A delicate balance has to constantly be achieved in order to resolve the complex relationship that Pakistan's legal system provides between security measures and human rights. As the country struggles with ongoing security issues, the steps taken to maintain public safety frequently conflict with the preservation of individual liberty, leading to critical analysis and legitimate concerns about possible abuses of human rights.

Legal Challenges and Security Imperatives: Periods of increased security concerns have plagued Pakistan's history, prompting the implementation of strict regulations aimed at protecting its population. The need to combat terrorism, insurgency, and internal disputes has led to a variety of measures, including stepped-up monitoring and the stationing of military personnel in particular areas. Although the stated goal of these measures is to ensure public safety, due consideration must be given to the legal consequences and their effect on human rights.

The Moral Line That Separates Liberty From Security: The difficulty facing the judicial system is balancing the tightrope between protecting individual liberty and maintaining national security. It is clear that there is a conflict between the state's obligation to protect its people and their right to privacy protection against unauthorized access. This delicate balance is most apparent when emergency powers are used, which give the government tremendous power to temporarily limit some rights.

Human Rights Concerns in Action: Serious human rights concerns have occasionally been brought up by the implementation of security measures. There have been documented cases of extrajudicial executions, arbitrary detentions, and restrictions on freedom of movement. Even if such methods are well-meaning from

a security perspective, they still need to be examined from a human rights perspective to make sure they comply with legal and moral standards.

The state's deployment of armed forces in particular areas during counterterrorism operations has caused controversy. Concerns over the proper balance between safety concerns and human rights protections have been brought up by the suspension of certain laws during such operations. The indirect effects on civilian populations—such as relocation and limitations on day-to-day activities—highlight how intricately these interactions interact.

International Standards for Human Rights: International human rights norms must be consulted in order to determine how security measures align with human rights. A country's activities can be evaluated against standards set by treaties and conventions like the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR). Pakistan is required to uphold these standards by virtue of its signature on these agreements, which emphasizes the value of striking a careful balance between safety measures and human rights.

Seeking Balance (Legal Adjustments and Supervision): Legal reforms are essential in considering the difficulties this tight balance presents. It is essential to set up strong monitoring procedures to keep an eye on how security measures are being implemented. These procedures should include impartial entities entrusted with evaluating the necessity and proportionality of security measures, guaranteeing their congruence with the goals of national security and human rights commitments.

Legal reforms should also concentrate on defining the precise conditions under which some rights may be temporarily restricted, defining the extent of emergency authorities, and putting in place safeguards to prevent abuse. Finding the correct balance necessitates taking a proactive stance that respects the public's fundamental rights as well as security imperatives.

Human rights and security measures are two foundations that are vital to any country's stability and achievements. Navigating the junction of these pillars in Pakistan, as in other places, calls for an in-depth and ongoing assessment. Maintaining human rights in the face of security threats requires legal changes, international compliance, and a careful balance. By doing this, Pakistan may create a future where liberty and security coexist, securing its people and preserving the fundamental rights that characterize a fair and democratic society.

Legal Reforms for Human Rights Protection

Although Pakistan's legal system upholds human rights, it faces major challenges to their efficient protection. Many people have no recourse because of the discrepancy between the letter and the spirit of the law, especially in areas where human dignity is at stake. In order to improve the protection of human rights within Pakistan's complex legal system, this section emphasizes the necessity of legislative reforms.

One of the most significant concerns in Pakistan's legal system is access to justice, which is a fundamental human right (Constitution of Pakistan, [1973](#), Art. 37(d)). Marginalized communities, rural populations, and economically disadvantaged individuals face systematic obstacles when pursuing judicial solutions despite constitutional provisions (Human Rights Commission of Pakistan, [2021](#)). Prioritizing inclusion is essential if the planned legal reforms are to close the current disparities in access to justice.

Legislation should be amended as part of proposed legal changes to fill particular gaps that prevent equal access to the courts. A more inclusive legal system can be accomplished through initiatives including improved legal aid provisions, streamlined legal procedures, and community-based legal awareness initiatives. Legal changes that support these facets can help to improve the protection of human rights in an obvious manner.

Any democratic society must embrace freedom of expression, but it encounters barriers that call for legislative changes to effectively preserve it (Pakistani Constitution, [1973](#), Art. 19). Reporters Without Borders

(2021) highlights the delicate balance that must be struck between individual liberties and national security imperatives in light of instances of media censorship, restrictions on dissent, and curtailment of free expression. The primary objective of legal changes should be to enhance the law so that it doesn't unintentionally restrict freedom of speech. It is possible to prevent excessive limitations by establishing independent oversight mechanisms for media regulations.

Even if they are necessary to ensure public safety, security measures must respect human rights (Pakistani Constitution, [1973](#), Art. 9). Human Rights Watch ([2022](#)) highlights the necessity of law reforms to achieve a more nuanced balance in light of instances where strict security measures have given rise to human rights issues. Legal frameworks might be strengthened to guarantee that security measures comply with international human rights norms. Provisions for judicial supervision and accountability systems can be added to stop abuses.

Reforms to the laws ought to tackle problems related to family law, taking into account matters like child marriage and domestic abuse. Changes in this area can help safeguard people's rights, especially those of marginalized populations (United Nations, [2017](#)).

An essential component of the suggested legal changes is international cooperation. For effective protection, Pakistan must adhere to international human rights standards (United Nations Human Rights Council, [2020](#)). To guarantee that the legal system is in line with universally acknowledged human rights values, legal reforms should place a strong emphasis on cooperation with international organizations.

To sum up, legal reforms are essential to strengthening the defence of human rights in Pakistan's legal framework. The proposed reforms aim to create a legal framework that truly upholds the universal promise of human rights by addressing disparities in access to justice, enhancing laws to protect freedom of expression, making sure security measures comply with human rights principles, and taking family law issues into consideration. An essential component is added by international cooperation, which creates an atmosphere in which Pakistan's legal system easily conforms to international human rights norms. Pakistan may reinforce its commitment to safeguarding the human rights of all its citizens and close the gap between legislative provisions and practical execution by carrying out these extensive legal reforms.

International Cooperation and Human Rights

One of the most important aspects of tackling the issues with Pakistan's legal system is the intricate connection between international cooperation and the protection of human rights. As the country struggles with issues specific to its geopolitical context, international cooperation plays a more important role in promoting an atmosphere that upholds human rights. The dynamics of international collaboration on human rights in Pakistan are investigated in this section, along with its possible effects and challenges.

Framework for International Human Rights: Pakistan is bound by a framework outlining essential human rights concepts because it is a signatory to numerous international treaties and agreements. A foundation for the protection of people inside its boundaries is established by treaties like the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR). These agreements highlight the state's obligation to guarantee the effective implementation of each person's rights while also outlining the obligations owed to each individual.

Difficulties with Implementation: Nevertheless, there are obstacles to converting these international pledges into noticeable improvements in Pakistan's human rights context. Political dynamics, internal governance concerns, and even public ignorance present obstacles to the implementation of international agreements. The incongruity between legally mandated actions and their successful implementation in practice requires a sophisticated comprehension of the potential contributions of international collaboration.

Mechanisms of International Cooperation: Collaboration with regional forums, non-governmental organizations (NGOs), and United Nations agencies are just a few of the means by which international

cooperation takes shape. The United Nations Human Rights Council (UNHRC) offers Pakistan a forum for communication and investigation, giving the world community insight into Pakistan's human rights performance. Partnerships with NGOs also present chances for awareness campaigns, monitoring projects, and capacity-building.

Legislative Reforms Affected: The influence of international cooperation on legislative improvements is one important effect to be noted. Legal reforms within Pakistan may be sparked by foreign examination of the nation's human rights record. International agencies' evaluations and recommendations frequently provide insightful advice, inspiring the Pakistani government to think about changes and upgrades that comply with international standards.

Difficulties in Teamwork: Despite the possible benefits, working with foreign organizations presents obstacles. Open cooperation may be impeded by geopolitical concerns, suspicions of domestic involvement, and sovereignty issues. Pakistan is constantly faced with the difficulty of achieving a balance between preserving national autonomy and gaining foreign support.

Encouraging a Culture of Respect for Rights: Beyond simply developing legal frameworks, international cooperation aims to promote a human rights-abiding culture. Social opinions are shaped in part by international organizations' funding for educational initiatives, cultural exchanges, and awareness campaigns. Through the grassroots promotion of a rights-respecting mindset, these programs seek to address structural concerns.

In conclusion, Pakistan's legal system finds that resolving issues pertaining to human rights needs international cooperation. Although international agreements offer a normative foundation, their effective execution necessitates multifaceted cooperation. Beyond just enacting new laws, foreign collaboration also affects public opinion and helps to gradually change Pakistan's human rights environment. Although there are many hurdles in the way of a future that respects human rights, there is always hope for beneficial change through international cooperation.

Conclusion

As we come to the end of our study of the issues surrounding human rights in Pakistan's legal system, it is clear that differences still exist between the objectives of the law and the actual state of reality. For excluded communities, access to justice is still an unattainable objective, and the fine balance between personal freedoms and security needs to be reevaluated. This evaluation, however, is a call to action instead of a resignation. We foresee a future that upholds rights by proposing legal reforms that address systemic deficiencies, improve procedural efficiency, and adopt a forward-looking point of view. In order to close the gap between legal promises and reality, this journey requires cooperation from all parties involved, including legislators, civic society, and legal practitioners. By following this course, Pakistan has the chance to not only address present-day problems but also become a leader in the defense of human rights, ensuring a more fair and just society for all.

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