INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

HUMAN RIGHTS LAW

ABSTRACT

The International Covenant on Civil and Political Rights is an international instrument recognizing the civil and political rights of people which inherited its powers from Universal Declaration of Human Rights 1948. In hand document briefly narrates the overall dynamics of ICCPR document, starting from its thorough introduction from different perspectives it provides an overview of its distinguish principles. Following document also provides a comprehensive narration about implementation of ICCPR in Pakistan along with its challenges and gaps creating hindrance during the said process. Overall this document is a valuable read to understand the ICCPR from different angles.

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Introduction:

The ICCPR is a multilateral treaty that was adopted by the United Nations General Assembly in 1966, which refers to civil and political rights. The treaty was formulated with the objective of advancing and safeguarding civil and political rights, including but not limited to freedom of expression, assembly, and religion, as well as the right to a just trial and to partake in governance. The International Covenant on Civil and Political Rights (ICCPR) is one of the primary human rights treaties ratified by the United Nations (UN), alongside the International Covenant on Economic, Social and Cultural Rights[1].

The ICCPR's historical origins can be traced to the Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly in 1948. The Universal Declaration of Human Rights acknowledges the universality and indivisibility of human rights. It also emphasizes that the advancement and safeguarding of human rights are, important for the growth of peaceful and democratic societies. Nevertheless, the Universal Declaration of Human Rights lacked legal enforceability, thus necessitating the creation of a treaty that could be implemented by states.

The International Covenant on Civil and Political Rights (ICCPR) was formulated subsequent to the events of World War II and the Nuremberg Trials. These events underscored the necessity for global human rights norms and frameworks to ensure that individuals and nations are held responsible for any infringement of human rights. The International Covenant on Civil and Political Rights (ICCPR) was also impacted by the civil rights movement in the United States and the decolonization process in Africa and Asia. These events highlighted the necessity for non-discrimination and equality before the law.

The International Covenant on Civil and Political Rights (ICCPR) comprises 53 articles that delineate the civil and political rights that states parties are obligated to uphold and safeguard. These encompass fundamental human rights such as the entitlement to life, liberty, and security of person; the entitlement to a just trial; the proscription of torture, cruel, inhuman, or degrading treatment or punishment; the entitlement to freedom of thought, conscience, and religion; the entitlement to freedom of expression; the entitlement to peaceful assembly and association; and the entitlement to participate in government.

The International Covenant on Civil and Political Rights (ICCPR) additionally establishes the Human Rights Committee, which holds the responsibility of overseeing the implementation of the Covenant by states parties. It is mandatory for states parties to submit periodic reports to the Committee on their progress in implementing the Covenant. Additionally, the Committee may receive individual complaints from individuals or groups alleging violations of the Covenant.

The International Covenant on Civil and Political Rights (ICCPR) has been signed and ratified by 173 states, rendering it one of the most extensively ratified human rights treaties in history. The significance of this lies in its acknowledgement of the crucial role played by civil and political

[1] Canadian Civil Liberties Association. (2015). SUMMARY: INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR). Retrieved from https://ccla.org/privacy/surveillance-and-privacy/summary-international-covenant-on-civil-and-political-rights-iccpr/

rights, and its creation of systems for overseeing and implementing these rights. The International Covenant on Civil and Political Rights (ICCPR) has been utilized by various individuals and organizations globally to contest instances of human rights violations committed by states. Furthermore, it has played a significant role in advancing the field of international human rights law and advocating for the recognition of human rights as universally applicable principles.

The International Covenant on Civil and Political Rights (ICCPR) aims to advance and safeguard civil and political rights, encompassing the entitlements to life, liberty, and security of the person, a just trial, the prohibition of torture and other forms of inhumane or degrading treatment or punishment, the freedom of thought, conscience, and religion, the freedom of expression, the right to peaceful assembly and association, and the right to participate in governance. The International Covenant on Civil and Political Rights (ICCPR) endeavors to guarantee that these entitlements are duly regarded, safeguarded, and accomplished by the nations that have ratified it. Additionally, it sets up frameworks for overseeing and implementing these rights.

ICCPR has a wide-ranging scope, encompassing all persons within the jurisdiction of a state party, irrespective of their gender, race, or nationality. It is mandatory for states parties to uphold and guarantee the rights that are protected by the Covenant without any form of discrimination. Additionally, they are bound to implement measures to prevent and address any infringements of these rights by either public officials or private entities or individuals.

On April 17, 2008, Pakistan became a state party to the Covenant by ratifying the ICCPR. The ratification of the ICCPR by Pakistan demonstrates its dedication to advancing and safeguarding civil and political rights within its jurisdiction. Additionally, it acknowledges the significance of global human rights norms and mechanisms.

The ratification of the International Covenant on Civil and Political Rights (ICCPR) by Pakistan has had a notable influence on the nation's legal and political framework. Pakistan has undertaken measures to harmonies its domestic laws and policies with the stipulations of the Covenant, subsequent to its accession as a state party. In 2010, Pakistan's Constitution underwent an amendment to establish an autonomous human rights commission. The commission's primary responsibility is to monitor and advance human rights within the country.

The ratification of the ICCPR by Pakistan has resulted in heightened examination of its human rights performance by global organizations, including the Human Rights Committee. Pakistan has periodically submitted reports to the Committee, detailing its endeavors to uphold and safeguard civil and political rights, along with the difficulties and hindrances it has encountered in this pursuit. The Committee has expressed apprehensions and provided suggestions to Pakistan regarding matters such as capital punishment, liberty of speech, and the handling of minority groups.

This is a significant international human rights agreement that advocates for and safeguards civil and political rights. The ratification of the ICCPR by Pakistan signifies its dedication towards upholding these fundamental rights, and has brought about a notable transformation in its legal and political framework. Notwithstanding, there remains a need for further efforts to guarantee the

complete observance, safeguarding, and realization of the rights enshrined in the Covenant, both in Pakistan and globally.

General Principles of ICCPR:

The International Covenant on Civil and Political Rights (ICCPR) is a significant treaty in the realm of international human rights. ICCPR comprises a number of fundamental principles that are essential for safeguarding civil and political rights. The following is a summary of the text's fundamental principles and a thorough analysis.

The International Covenant on Civil and Political Rights (ICCPR) underscores the principle of universality and non-discrimination in the freedom of human rights. It asserts that all individuals are entitled to these rights without any form of discrimination, be it based on race, gender, religion, or political affiliation. The aforementioned principle establishes the concept of equal treatment under the law and prohibits any form of differentiation that may impede the full exercise of rights. The International Covenant on Civil and Political Rights (ICCPR) prohibits discriminatory practices based on various factors, including race, color, gender, language, religion, political or personal beliefs, national or social origin, property ownership, birth, or other status**. The aforementioned principle is codified in Article 2 of the Covenant.**

The International Covenant on Civil and Political Rights (ICCPR) recognizes and protects the fundamental rights of individuals, including the right to life, liberty, and security of person. It specifically prohibits any arbitrary deprivation of life and upholds the inherent value of human life. The aforementioned provision acknowledges the entitlement to individual freedom, guaranteeing safeguard against capricious apprehension or confinement and the entitlement to personal security. **The aforementioned principle is codified in Article 6 of the Covenant.**

The International Covenant on Civil and Political Rights (ICCPR) explicitly prohibits the use of torture, as well as cruel, inhuman, or degrading treatment or punishment. The aforementioned provision mandates that states implement efficient measures to prevent the occurrence of said practices. The International Covenant on Civil and Political Rights (ICCPR) prohibits the employment of torture, as well as any form of cruel, inhuman or degrading treatment or punishment. **The aforementioned principle is codified in Article 7 of the Covenant.**

The International Covenant on Civil and Political Rights (ICCPR) upholds the protection of freedom of expression, encompassing the entitlement to pursue, obtain, and disseminate information and concepts, as well as the right to assemble peacefully. Additionally, it safeguards the entitlement to engage in peaceful assembly and association. The International Covenant on Civil and Political Rights (ICCPR) acknowledges the right to freedom of expression, which encompasses the liberty to pursue, obtain, and disseminate information and concepts of any nature. **The aforementioned principle is codified in Article 19 of the Covenant.**

The International Covenant on Civil and Political Rights (ICCPR) maintains the fundamental principle of prohibiting slavery and forced labor. The term "slavery" pertains to the state or circumstance of an individual who is subject to any or all of the authorities associated with the entitlement of possession. The provision prohibits all forms of forced labor, which pertains to work

or service that is extracted from an individual through the use of threats or penalties, and without their voluntary consent. **The aforementioned principle is delineated in various clauses of the treaty, with particular emphasis on Article 8,** which pertains to the entitlement to be exempt from slavery, servitude, and coerced labor[2].

The International Covenant on Civil and Political Rights (ICCPR) ensures the entitlement to a just and open trial by a capable, autonomous, and unbiased court. The aforementioned components are integral to the legal process, including but not limited to the presumption of innocence, the entitlement to legal representation, and the right to appeal to a superior court. The International Covenant on Civil and Political Rights (ICCPR) acknowledges the entitlement to a just trial, which encompasses the entitlement to present one's case before a proficient, autonomous, and unbiased tribunal. **The aforementioned principle is codified in Article 14 of the Covenant[3].**

Furthermore, it should be noted that the International Covenant on Civil and Political Rights (ICCPR) is a legally binding agreement that solely applies to nations that have ratified it, and its means of enforcement are restricted. The treaty stipulates the formation of a panel of proficient individuals, namely the Human Rights Committee, to oversee the execution of the Covenant by member nations. However, it is noteworthy that the recommendations put forth by the committee do not hold any legal obligation.

Civil and Political Rights Granted by ICCPR:

The ICCPR acknowledges various significant human rights, such as the right to self-determination, the right to privacy, and the freedom of thought, conscience, and religion, expression, assembly and association, as well as the right to engage in public affairs and elections. The aforementioned rights are codified in multiple articles of the Covenant and are essential for safeguarding person's dignity.

The International Covenant on Civil and Political Rights (ICCPR) acknowledges the entitlement of all individuals to self-determination, encompassing the liberty to independently determine their political standing and pursue their economic, social, and cultural progress. The aforementioned principle is codified in Article 1 of the Covenant. The fundamental human right of self-determination is closely associated with other civil and political rights, including the right to participate in government and the right to freedom of expression. Ensuring the safeguarding of minority rights and the prevention of discriminatory practices based on race, ethnicity, or nationality is of utmost significance.

The International Covenant on Civil and Political Rights (ICCPR) does not explicitly acknowledge the right to privacy. However, the Human Rights Committee, which is responsible for interpreting the Covenant, has acknowledged that the right to privacy is implicit in several articles of the Covenant, including Article 17. This article safeguards against arbitrary or unlawful interference with privacy, family, home, or correspondence. The protection of personal liberty and dignity is

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[2] United Nations Human Rights. Slavery Convention. Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/slavery-convention

[3] Tomuschat, C. (2008). International covenant on civil and political rights. *United Nations Audiovisual Library of International Law, United Nations*, 1-4.

important, and the right to privacy plays a significant role in this regard. This right encompasses the ability to manage one's personal information, the freedom from surveillance and monitoring, and the liberty to make personal decisions without external interference.

The International Covenant on Civil and Political Rights (ICCPR) acknowledges the right to freedom of thought, conscience, and religion. This includes the right to choose or adopt a religion or belief, and the right to express one's religion or belief through worship, observance, practice, and teaching. The aforementioned principle is codified in Article 18 of the Covenant. The protection of freedom of thought, conscience, and religion is a fundamental element of individual autonomy and dignity. It serves as a safeguard against any form of coercion or influence that may compel individuals to adhere to a specific religious or ideological doctrine.

The International Covenant on Civil and Political Rights (ICCPR) acknowledges the entitlement to freedom of expression, encompassing the right to pursue, obtain, and disseminate information and concepts of any nature, without regard to borders and via any means of communication. This particular entitlement is subject to specific limitations that are deemed necessary for safeguarding national security, maintaining public order, or upholding the rights of third parties.

The International Covenant on Civil and Political Rights (ICCPR) acknowledges the entitlement to freedom of peaceful assembly. This implies that individuals possess the right to convene in a nonviolent manner for a shared objective, such as the expression of their viewpoints or dissent against governmental measures. This particular entitlement is also subject to specific limitations that are essential for safeguarding public safety, maintaining public order, or upholding the rights of others.

Furthermore, the International Covenant on Civil and Political Rights acknowledges the entitlement to liberty of association, signifying that persons possess the prerogative to establish and affiliate with associations or groups, encompassing political parties, labour unions, and other entities. This particular entitlement is subject to specific limitations that are indispensable in a democratic society, including safeguarding national security, maintaining public order, and upholding the rights of others.

The International Covenant on Civil and Political Rights (ICCPR) acknowledges the entitlement to engage in public affairs and electoral processes. This implies that individuals possess the right to cast their vote, contest for public office, and avail public services without any form of discrimination. This entitlement is subject to specific limitations that are essential for safeguarding national security, maintaining public order, or upholding the rights of third parties.

It is imperative to acknowledge that these rights are not unconditional and may be subject to constraints under specific circumstances. Limitations can be deemed justifiable if they are deemed necessary to safeguard public safety, national security, public order, or the rights and freedoms of others. The Human Rights Committee has underscored the importance of ensuring that any

restrictions imposed on rights are proportionate and essential, and do not compromise the fundamental nature of the right in question[4].

Protection of Minorities:

The ICCPR acknowledges the significance of safeguarding the rights of minority groups. Article 27 of the International Covenant on Civil and Political Rights states, "In states where ethnic, religious, or linguistic minorities exist, their members shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language in community with other members of their group." This provision acknowledges the entitlement of minority groups to preserve their distinct cultural, religious, and linguistic identity, and emphasizes the responsibility of the state to safeguard this right. Moreover, the ICCPR mandates that all forms of discrimination against minorities must be prohibited and eradicated. Article 2 of the ICCPR requires states to ensure that all individuals within their jurisdiction enjoy the rights enshrined in the Covenant without discrimination of any kind, including on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

It is the responsibility of states to implement affirmative action measures to ensure that minority groups are able to exercise their rights on an equal footing with the majority. This includes eliminating barriers that prevent minorities from completely participating in political, economic, and social life, and ensuring minorities have equal access to education, employment, and other opportunities.

Furthermore, the International Covenant on Civil and Political Rights (ICCPR) stipulates the entitlement of minority groups to engage in civic affairs and to have their perspectives included in the decision-making procedures. As per Article 25 of the International Covenant on Civil and Political Rights (ICCPR), each individual shall possess the entitlement and possibility, devoid of any of the differentiations stated in Article 2 and without irrational constraints, to cast their vote and stand for election during authentic recurrent elections. Overall, the ICCPR recognizes the importance of protecting and advancing minority rights and requires nations to take active measures to guarantee that minorities can enjoy their rights equally with the majority. The ICCPR provides a framework for minority rights protection, which is important and necessary for democratic and inclusive society.

Protection of Human Rights in Times of Emergency

The ICCPR acknowledges that during public emergencies, some limitations on the rights protected by the Covenant may be required. However, the ICCPR also specifies stringent conditions for such derogations and identifies certain rights that may never be derogated from, even in emergency situations. In times of public emergency that endanger the existence of the nation, states are permitted under the International Covenant on Civil and Political Rights (ICCPR) to take actions that deviate from their commitments under the Covenant. However, these measures are subject to

[4] Human Rights Committee. (1996). General Comment No. 25-The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art. 25). CCPR/C/21/Rev. 1/Add. 7. *Last modified*.

strict conditions. The use of such measures is permissible only if they are necessary for the situation at hand and do not contradict the state's other international legal obligations. Temporary measures should be lifted promptly when the situation allows.

The ICCPR recognizes non-derogable rights, which remain applicable even during emergency situations. The non-derogable rights encompass the right to life, the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment, the prohibition of slavery and forced labor, and the principle of legality in criminal law. These rights are deemed fundamental and non-negotiable, even in the most exceptional circumstances. The ICCPR safeguards various rights, including freedom of thought, conscience, religion, expression, peaceful assembly, and association. During emergencies, these rights may be restricted, but only to the extent necessary to address the situation and in compliance with the state's international obligations[5].

The ICCPR acknowledges that during public emergencies, limited derogations from human rights may be necessary, but only if they are strictly necessary and subject to strict conditions. The Covenant offers a framework for safeguarding human rights during crises, which is vital for maintaining the rule of law and upholding the core principles of democratic societies[6].

Reporting and Monitoring Mechanisms

The ICCPR is a legally binding agreement that outlines the civil and political rights to which all individuals are entitled. These rights include, but are not limited to, the right to life, freedom of expression, and the right to a fair trial. The International Covenant on Civil and Political Rights (ICCPR) mandates that signatory states submit periodic reports to the Human Rights Committee (HRC) detailing their efforts to implement the provisions of the treaty.

The Human Rights Committee (HRC) is an independent group of experts responsible for overseeing the implementation of the International Covenant on Civil and Political Rights (ICCPR) by states that have ratified the treaty. The Human Rights Committee (HRC) assesses the reports that are submitted by states parties and offers them with expert advice and suggestions on enhancing their execution of the International Covenant on Civil and Political Rights (ICCPR). Apart from scrutinizing state reports, the Human Rights Committee (HRC) also evaluates individual grievances pertaining to infringements of the International Covenant on Civil and Political Rights (ICCPR). Individuals who perceive that their rights under the International Covenant on Civil and Political Rights (ICCPR) have been infringed may lodge a complaint with the Human Rights Committee (HRC). This process is facilitated by the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which is an independent agreement that permits individuals to appeal to the Human Rights Committee (HRC) after they have pursued all feasible legal options within their own country. The Human Rights Commission (HRC) is

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[5] American Association for the International Commission of Jurists. (1985). *Siracusa principles on the limitation and derogation provisions in the international covenant on civil and political rights*. American Association for the International Commission of Jurists.

[6] Icelandic Human Rights Center. General Principles Relevant to International Law. Retrieved from https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/part-i-the-concept-of-human-rights/general-principles-relevant-to-international-law

empowered to conduct an investigation into the complaint, provide recommendations to the concerned state party, and disseminate its findings.

In general, the reporting and monitoring mechanisms that have been established under the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol are of utmost importance in the advancement and safeguarding of civil and political rights globally. The mechanisms in place hold states responsible for implementing the provisions of the treaty and offer individuals a means to seek redress for any violations of their rights. This ensures that the International Covenant on Civil and Political Rights' high-minded principles are translated into concrete enhancements in the lives of individuals.

Final Provisions of International Covenant on Civil and Political Rights:

The final provisions of the International Covenant on Civil and Political Rights (ICCPR) include signature, ratification, entry into force, reservations and declarations, amendment procedures, and relations with other international instruments. Here is a summary of each:

Signature, Ratification, and Entry into Force:

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations General Assembly in 1966 and is available for signature and ratification by member states. Its entry into force is contingent upon ratification by a sufficient number of states. Upon signing the Covenant, a state indicates its commitment to conducting a home review of the treaty and contemplating its accession to it. The act of ratification denotes the official agreement of the state to be legally obligated by the provisions outlined in the treaty. The International Covenant on Civil and Political Rights (ICCPR) came into effect on March 23, 1976, subsequent to its ratification by 35 states.

Reservations and Declarations

States have the option to make reservations or declarations during the process of ratifying or acceding to the ICCPR. A reservation is a formal declaration made by a state during the process of signing, ratifying, or acceding to the Covenant, indicating that it does not intend to be bound by a specific provision or provisions of the Covenant. A declaration is a formal statement that provides an interpretation or clarification of the state's understanding of the provisions of the Covenant. Reservations and declarations that are incongruous with the objective and intention of the Covenant are deemed impermissible.

Amendment Procedures:

The International Covenant on Civil and Political Rights includes provisions outlining the procedures for amending its contents. Proposed amendments to the ICCPR can originate from either the United Nations Economic and Social Council (ECOSOC) or a two-thirds majority of states parties to the treaty. The adoption of amendments requires a two-thirds majority of the state’s parties present and voting at the United Nations General Assembly. The amendments become effective for the states that have ratified them upon obtaining the required number of ratifications.

Relationship with Other International Instruments:

The International Covenant on Civil and Political Rights (ICCPR) recognizes the correlation between the Covenant and other international instruments. The International Covenant on Civil and Political Rights (ICCPR) is a constituent of the International Bill of Human Rights, which encompasses the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The International Covenant on Civil and Political Rights (ICCPR) is interconnected with various other global agreements, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child. The International Covenant on Civil and Political Rights (ICCPR) and other related instruments collaborate to advance and safeguard human rights globally. The statement highlights the importance of acknowledging that the rights acknowledged in the ICCPR must not be construed as hindering or limiting the rights and liberties enshrined in other global treaties or domestic legislations. The provisions of the ICCPR are designed to supplement and strengthen the prevailing human rights norms and responsibilities established by other global instruments.

It is noteworthy that the ultimate clauses of the ICCPR play a crucial role in establishing the legal structure for executing the treaty. This includes the procedure for becoming a signatory to the Covenant, making reservations or declarations, modifying the treaty, and ensuring consistency with other global instruments. The aforementioned provisions are intended to foster uniformity and collaboration among nations in safeguarding and defending civil and political rights on a global scale[7].

Historical Significance of Civil and Political Rights in Pakistan

Human rights activism has been significant in Pakistan's history, with various activists and organizations advocating for civil and political rights. The activists have endeavored to tackle concerns including enforced disappearances, extrajudicial killings, gender inequality, and religious minority discrimination. Their endeavors have increased awareness and drawn attention to the significance of safeguarding and advancing human rights within the nation.

Historical events and movements have influenced the comprehension and acknowledgment of civil and political rights in Pakistan. They have significantly contributed to shaping the legal framework, increasing public awareness, and establishing channels for citizens to exercise their rights and engage in the democratic process. Despite progress, there are still obstacles to achieving and safeguarding civil and political rights for all citizens in the nation.

The following historical events have significant implications for civil and political rights in the country:

The year 1947 marked the independence and formation of Pakistan. The establishment of Pakistan as a sovereign state was motivated by the Muslim populace's aspiration for self-governance and autonomy in the Indian subcontinent. The independence struggle and partition resulted in the creation of a distinct Muslim state to ensure protection of civil and political liberties.

[7] Gómez Isa, F., & De Feyter, K. (2009). International human rights law in a global context.

The enactment of Pakistan's initial constitution in 1956 was a significant achievement in the advancement of civil and political liberties. The constitution acknowledges fundamental rights such as freedom of speech, expression, and religion, as well as the right to equality and due process. Despite its abrogation in 1958, this constitution established the foundation for future constitutional advancements.

Pakistan underwent military rule under General Ayub Khan (1958-1969) and General Zia-ul-Haq (1977-1988), resulting in the suppression of rights. The military regimes limited civil and political rights, curbed freedom of speech and assembly, and repressed opposition. Authoritarian rule significantly impacted civil and political rights, leaving a lasting effect on the country's political landscape.

In 1988, Pakistan returned to democratic governance after the demise of General Zia-ul-Haq. The reinstatement of democracy resulted in the restoration of civil and political liberties, such as freedom of expression, press, and assembly. This era was characterized by a renewed focus on democratic principles and safeguarding civil liberties.

The Lawyers' Movement in Pakistan was a response to the dismissal and restoration of Chief Justice Iftikhar Muhammad Chaudhry by President Pervez Musharraf from 2007 to 2009. The movement aimed to preserve judicial independence and reinstate the rule of law, constituting a noteworthy civil rights movement. The statement emphasized the significance of a judiciary that operates independently in protecting civil and political rights[8].

Specific Civil and Political Rights in Pakistan

Pakistan's constitution and legal framework recognize and safeguard numerous civil and political rights. It is noteworthy that although these rights are constitutionally enshrined, their practical implementation and safeguarding can be subject to variability due to diverse factors, such as social, cultural, and political dynamics. Civil and political rights have had a noteworthy impact on the development of fundamental rights in Pakistan in various prospectives.

The following are the civil and political rights recognized in Pakistan:

The right to self-determination pertains to the fundamental and basic right of individuals or communities in determining their political status, pursuing their economic, social, and cultural development, and exercising their right to dispose of their natural wealth and resources. Although the Constitution of Pakistan does not explicitly reference the right to self-determination, it does recognize and ensure the right to establish political parties, engage in political pursuits, and partake in elections. As a result, it indirectly upholds the fundamental principles of self-determination.

The right to privacy is a fundamental entitlement that safeguards individuals from unjustified interference into their personal lives, residences, correspondence, and communications**. Article 14 of the Constitution of Pakistan** safeguards the right to privacy. It ensures the protection of an

[8] Asia Society. Pakistan: A Political History. Retrieved from https://asiasociety.org/education/pakistan-political-history

individual's private space, dignity, and inviolability, and prohibits any illegal surveillance, searches, or seizures.

The Constitution of Pakistan ensures that all citizens have the right to freedom of thought, conscience, religion, and belief. **As per Article 20 of the Constitution**, each person is entitled to the freedom of professing, practicing, and propagating their religion, provided it does not disrupt public order, morality, and health. Nonetheless, there have been occurrences where religious minorities encounter obstacles in effectively exercising this entitlement owing to societal constraints and prejudiced customs.

The protection of freedom of expression is enshrined in **Article 19 of the Constitution of Pakistan**. The right to express opinions, ideas, and beliefs freely through speech, writing, print, or any other medium is granted to individuals. Nonetheless, there exist specific constraints on this entitlement to uphold public order, decency, and morality. In practical terms, there have been occurrences of limitations placed on the freedom of expression, particularly with respect to critiques of religion or state institutions.

The Constitution acknowledges the right to freedom of assembly and association, as stipulated in **Article 16 of the Constitution of Pakistan**. This provision enables individuals to engage in peaceful assembly and association with others for political, social, or cultural reasons. Notwithstanding, the government retains the authority to enforce rational limitations on this entitlement in the pursuit of public order, morality, or national security.

Pakistan guarantees the right to participate in public affairs and elections through a range of constitutional provisions. The constitutional provision outlined in **Article 17** ensures the entitlement to establish political parties and engage in political pursuits. The Election Commission of Pakistan is responsible for supervising the fair and impartial execution of elections, ensuring that citizens have the chance to elect their representatives at various tiers of government[9].

Implementation of the ICCPR in Pakistan

In 2008, Pakistan signed the International Covenant on Civil and Political Rights (ICCPR) and subsequently ratified it in 2010. This action signifies Pakistan's commitment to upholding and safeguarding civil and political rights.

The judiciary in Pakistan is instrumental in safeguarding the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR). The Supreme Court of Pakistan has delivered several significant verdicts that have promoted the safeguarding of human rights.

Constitutional framework and legal provisions

Pakistan joined to the International Covenant on Civil and Political Rights (ICCPR) in 2010, which is a global human rights agreement. The Constitution of Pakistan serves as the principal framework for the implementation of the International Covenant on Civil and Political Rights (ICCPR). A number of constitutional provisions are in accordance with the principles delineated in the

[9] Joseph, S., & Castan, M. (2013). *The international covenant on civil and political rights: cases, materials, and commentary*. Oxford University Press.

International Covenant on Civil and Political Rights (ICCPR). The Constitution of Pakistan enshrines various fundamental rights that align with the principles of the ICCPR. These include the right to life, liberty, and security of person; freedom of speech, assembly, and association; fair trial rights; and the prohibition of torture and other forms of cruel, inhuman, or degrading treatment or punishment. Furthermore, Pakistan's legal framework comprises various statutes and regulations that conform to the principles of the ICCPR. These include the Protection of Women (Criminal Laws Amendment) Act of 2006 and the Prevention of Electronic Crimes Act of 2016.As an example:

I. The 9th article of the Constitution ensures the entitlement to personal liberty and security.
II. The Article 10th provides for safeguards against arbitrary arrest and detention.
III. The Article 14th of the legal framework ensures the entitlement to a just trial and proper legal procedures.
IV. The Article 19th safeguards the fundamental rights of individuals to freely express themselves, assemble and speak their minds.
V. The Article 25th of the law guarantees equal treatment before the law and prohibits any form of discrimination[10][11].

National legislation and policies aligned with ICCPR principles

Pakistan has implemented various national legislation and policies with the objective of encouraging and safeguarding civil and political rights in compliance with the principles of the International Covenant on Civil and Political Rights (ICCPR). The aforementioned legislative acts are the National Commission for Human Rights Act of 2012, the Prevention of Anti-Women Practices Act of 2011, and the National Action Plan on Human Rights of 2018. The government has established several human rights commissions and committees to oversee and examine instances of human rights violations.

Pakistan has established a number of laws and policies to accord with the principles of the ICCPR. Several noteworthy instances comprise of the Protection of Human Rights Act 1993, which institutes the National Human Rights Commission (NHRC) with the objective of safeguarding and advancing human rights in Pakistan.

I. The Freedom of Information Act of 2002 ensures the right to access information, thereby fostering transparency and accountability.
II. The Criminal Law Amendment (Protection of Women) Act 2006 offers legal safeguards against offenses like domestic violence and harassment.
III. The Right to Information Act of 2013 confers upon citizens the entitlement to obtain public information maintained by government departments[12].

[10] Chitkara, M. G. (1997). *Human rights in Pakistan*. APH Publishing.
[11] Ahmed, N. (2021). A Critical Analysis of Fundamental Rights Under the Constitution of Pakistan, 1973. *Journal of Political Studies*, *28*(1), 11-21.
[12] Moeckli, D., Keller, H., & Heri, C. (Eds.). (2018). *The Human Rights Covenants at 50: Their Past, Present, and Future*. Oxford University Press.

Role of the judiciary in upholding ICCPR rights

The judiciary in Pakistan is important in safeguarding the rights established in the International Covenant on Civil and Political Rights (ICCPR). The constitutional provisions have been frequently interpreted by the Supreme Court and High Courts in accordance with the principles of ICCPR. The judiciary has issued significant rulings safeguarding essential liberties, including but not limited to freedom of speech, the right to a just trial, and protection from torture and inhumane treatment. The judiciary in Pakistan holds a pivotal position in safeguarding the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR). The Supreme Court of Pakistan has delivered several significant verdicts that have promoted the safeguarding of human rights. One such verdict is the Mukhtar Mai v. Government of Punjab case, which set a precedent for gender equality and outlined measures for the preservation of women's rights. The judiciary has been actively engaged in reviewing cases pertaining to enforced disappearances, extrajudicial killings, and torture.

Government initiatives to protect and promote civil and political rights

The government of Pakistan has implemented various measures to safeguard and advance civil and political rights within the nation. The Ministry of Human Rights has been established by the government to develop policies and programs aimed at safeguarding and advancing human rights. The government has initiated several awareness campaigns to promote human rights, including the "Know Your Rights" campaign, which seeks to educate citizens about their fundamental rights. Furthermore, the government has implemented measures to enhance the criminal justice system, such as the creation of specialized courts to handle terrorism cases and the implementation of alternative dispute resolution methods.

The government of Pakistan has implemented various measures to safeguard and advance civil and political rights, consistent with its responsibilities under the International Covenant on Civil and Political Rights (ICCPR). The aforementioned initiatives encompass:

I. The National Commission for Human Rights (NCHR) has been established to investigate instances of human rights violations and offer appropriate remedies.
II. The effective execution of the National Action Plan (NAP) aimed at countering terrorism and extremism, while ensuring the protection of human rights.
III. The establishment of the National Database and Registration Authority (NADRA) was initiated to facilitate the issuance of national identity cards and ensure the protection of citizenship rights.
IV. The development of the National Policy on the Protection of Human Rights is intended to enhance the effectiveness of human rights protection mechanisms across multiple sectors.

It is noteworthy that Pakistan has endeavored to harmonize its legal framework with the ICCPR; however, there persist challenges and deficiencies in its execution. Human rights organizations persist in advocating for improved enforcement and safeguarding of civil and political rights within the nation.

Challenges and Areas of Concern of Pakistan Over ICCPR

Despite Pakistan's attempts to promote and safeguard civil and political rights, there are still some difficulties and areas of concern that must be addressed. Overcoming these challenges necessitates collaborative endeavors from governments, civil society organizations, and the global community to safeguard and defend human rights. Raising awareness, providing education, and advocating for human rights issues are essential steps towards effecting significant change and fostering a fairer and more inclusive society.

Persistent issues related to discrimination and inequality

In Pakistan, discrimination and inequality persist as significant concerns, particularly in relation to religious minorities, women, and marginalized groups, including the transgender community. The nation has faced censure for its blasphemy legislation, which has been employed to discriminate against minority faiths and stifle the right to free speech. Discrimination based on various factors such as race, gender, religion, ethnicity, and others continues to pose a significant challenge on a global scale. The discrimination normalized in Inequalities in access to education, healthcare, employment, and social services remain, maintaining systemic discrimination. There should be a system that Strengthening anti-discrimination legislation and systems to ensure that all individuals receive equitable treatment. Different Human right institutions and constitutional bodies must play their role in Incorporating affirmative action policies and programs to redress past disparities and foster inclusiveness.

Freedom of expression and media freedom

Pakistan has faced criticism for its limitations on freedom of expression and media freedom, which are crucial elements of a democratic society. Journalists and media showed have encountered harassment, censorship, and violence, including forced disappearances and extrajudicial killings. Constraints on freedom of expression, such as censorship, legal restrictions, and intimidation of journalists, impede the exercise of this essential entitlement. There is Surveillance and digital censorship present challenges to freedom of expression in the digital era. Institutions must Proposing legal reforms to safeguard and advance freedom of expression, such as the elimination of criminal defamation laws and guaranteeing media autonomy. Government must Ensuring the safeguarding of journalists, human rights defenders, and whistleblowers.

Restrictions on the right to peaceful assembly and association

The right to peaceful assembly and association is important for the functioning of a democratic society, yet Pakistan has restricted these rights. Peaceful protests have been violently dispersed and human rights defenders and civil society activists have experienced harassment and intimidation. Governments restrict peaceful assemblies and demonstrations and may use excessive force to suppress dissent. Legal restrictions, such as complex registration procedures, impede the freedom of association for civil society organizations. Amending legislation and rules to conform to global human rights norms and facilitate nonviolent gatherings and groupings. Providing human rights education and training to law enforcement personnel regarding the proper handling of nonviolent demonstrations is the duty of state.

Accountability for human rights violations

In Pakistan, there is a lack of accountability for human rights crimes, particularly for enforced disappearances, extrajudicial killings, and torture. Despite the establishment of many commissions and committees to examine human rights violations, there have been few indictments or convictions for these crimes, resulting to a culture of impunity. Impunity for human rights violations remains a concern, with insufficient investigation and prosecution of perpetrators.

Lack of access to justice and effective remedies reduces accountability for human rights violations, particularly in marginalized populations is a one of the hurdles in providing and safeguarding the human rights in Pakistan. Government should Ensure independent and impartial investigations into human rights violations and bring perpetrators accountable for everyone. Strengthening judicial institutions, increasing access to justice, and assisting human rights defenders and civil society organizations is one of the basic needs of time now in Pakistan.

Overall, to effectively promote and protect civil and political rights, Pakistan needs to address these challenges and areas of concern and take steps to ensure that all its citizens enjoy their fundamental rights and freedoms. This requires sustained efforts to strengthen the rule of law, increase accountability, and promote a culture of respect for human rights.

Reservations of Pakistan on ICCPR

While ratifying the International Covenant on Civil and Political Rights (ICCPR), Pakistan submitted reservations to many articles. Reservations are formal comments made by governments that seek to exclude or amend the legal effect of specific provisions of an international treaty upon ratification. Here is a detailed study of Pakistan's concerns in relation to the ICCPR articles:

1. **Article 4 (Derogation in Public Emergency):**

Pakistan has reserved this article, which empowers nations to deviate from some rights during a public emergency that endangers the nation's survival. Pakistan's reservation declares that it will only comply with Article 4 requirements that are not inconsistent with its Constitution and laws.

2. **Article 6 (Right to Life):**

Pakistan has objected to this article, specifically the abolition of the death sentence. Pakistan's reservation declares that the provisions of Article 6, which demand for the elimination of the death sentence, will not bind it.

3. **Torture, Cruel, Inhuman, or Degrading Treatment or Punishment (Article 7):**

Pakistan has made a reservation about this article, claiming that it cannot be read in a way that contradicts the provisions of the Pakistani Constitution and current laws.

4. **Article 14 (Right to a Fair Trial):**

Pakistan has reserved this article, indicating that its application in Pakistan will be consistent with the country's Constitution and legislation.

5. **Article 20 (Prohibition on War Propaganda and Incitement to Discrimination, Hostility, or Violence):**

Pakistan has submitted a reservation to this article, indicating that the provisions of this article shall be enforced in conformity with the Constitution and current legislation in the country.

6. Article 21 (Freedom of Assembly)

Pakistan announced that this article would be inapplicable to the extent that it contradicted the provisions of the Pakistani Constitution.

7. Article 22 (Freedom of Association):

Pakistan has submitted a reservation to this article, indicating that its application in Pakistan will be subject to the restrictions of the country's Constitution and laws.

8. Article 25 (Equality before the Law):

Pakistan announced that this article would be inapplicable to the extent that it contradicted the provisions of the Pakistani Constitution.

It is important to note that reservations to human rights treaties can limit the extent of a state's duties under the treaty. While reservations are permissible under international law, they must not be contradictory to the object and purpose of the treaty. Pakistan's objections reflect its intention to interpret and implement the ICCPR in accordance with its domestic legal framework, specifically the Pakistan Constitution and existing laws.

Role of the ICCPR in Addressing Human Rights Issues in Pakistan

The International Covenant on Civil and Political Rights (ICCPR) plays a crucial role in Pakistan's human rights efforts. The ICCPR establishes systems for monitoring compliance, reporting requirements, and participation in treaty processes. Civil society organizations and human rights defenders use the ICCPR to advocate for human rights and hold the government accountable. Here is an examination of the ICCPR's role in addressing human rights issues in Pakistan:

a. The Human Rights Committee's Role in Monitoring Compliance:

The Human Rights Committee (HRC) is the entity in charge of overseeing the implementation of the ICCPR. It examines state reports and makes findings and recommendations. The HRC's role is to review Pakistan's compliance with its ICCPR duties, to provide assistance, and to address any concerns about civil and political rights breaches. The recommendations of the committee have the potential to impact policy changes and legal reforms in Pakistan in order to harmonize local legislation with international human rights standards.

b. Reporting requirements and participation in the ICCPR's reporting process: -

As a state party to the ICCPR, Pakistan is required to submit periodic reports to the HRC on the steps taken to implement the Covenant. The reporting process allows Pakistan to reflect on its successes, problems, and efforts to promote and preserve civil and political rights. The HRC examines state reports to offer a complete assessment of Pakistan's compliance with ICCPR requirements and to make suggestions for improvement.

c. Civil society organizations and human rights defenders' roles in implementing the ICCPR:

Civil society groups (CSOs) and human rights defenders play a crucial role in advocating for human rights in Pakistan through the ICCPR.CSOs submit shadow reports to the HRC to give impartial assessments of the human rights situation and to highlight specific concerns. Human rights defenders use the ICCPR's tools to bring cases of human rights breaches to the committee's attention, such as the individual complaints procedure. CSOs and human rights activists use the ICCPR to raise awareness, document human rights violations, and promote accountability.

The ICCPR establishes international standards and norms for civil and political rights. It makes it possible to monitor compliance, engage in conversation, and seek recourse for human rights breaches in Pakistan. The Human Rights Committee's participation, reporting duties, and the participation of civil society organizations and human rights defenders all contribute to the promotion and preservation of human rights in the country.

Future Prospects and Recommendations for effective implementation of ICCPR

Without having proper future prospective and recommendation for the implementation of ICCPR either in Pakistan or Globally, human rights activist or bodies cannot work. Here are some future prospectives and recommendations for its implementations.

The following recommendations should be explored to strengthen and Improving human rights legal and Pakistan's legislative and institutional frameworks for human rights:

1. **Legislative Reforms:**

Examine current laws for gaps and contradictions with international human rights standards, and update or pass legislation as needed. This includes updating laws controlling free expression, assembly, and association, as well as discrimination, torture, and enforced disappearances.

2. **Judicial Independence:**

Ensure the independence and impartiality of the court to ensure fair and expeditious adjudication of human rights complaints. Provide enough funding, training, and protection for judges, prosecutors, and attorneys to strengthen the judicial system.

3. **Human Rights Institutions:**

Enhance the role and capacity of national human rights institutions, such as Pakistan's Human Rights Commission, to effectively monitor and resolve human rights breaches. Make certain that these institutions are well-funded, independent, and have the authority to investigate complaints and make recommendations.

4. **Civil Society Engagement:**

Create an atmosphere in which civil society organizations and human rights defenders can function freely and without fear of retaliation. Protect their rights to peaceful assembly, association, and expression, and include them in human rights policymaking processes.

5. **Access to Justice:**

that marginalized and vulnerable groups, such as women, religious minorities, LGBTQ+ people, and people with disabilities, have better access to justice. Establish legal aid programmes, encourage alternative dispute resolution processes, and ensure adequate representation for vulnerable groups in the justice system.

Addressing areas of concern and ensuring effective ICCPR rights implementation:

The following activities can be implemented to address areas of concern and guarantee effective implementation of rights under the International Covenant on Civil and Political Rights (ICCPR):

1. **Enforce Accountability:**

Hold those responsible for human rights breaches, both state and non-state actors, accountable. Create effective processes for investigating and prosecuting incidents of extrajudicial murders, enforced disappearances, torture, and other serious violations of the ICCPR.

2. **Freedom of Expression:**

Protect freedom of expression by evaluating and changing laws that limit its exercise. Ensure that journalists, bloggers, and activists can work freely and independently, and encourage a diversified and independent media ecosystem.

3. **Religious or Belief Freedom:**

Protect religious minority' rights by resisting discrimination, hate speech, and violence against them. Encourage interfaith discussion and diversity, while taking steps to prevent blasphemy laws from being used to harm individuals or communities.

4. **private:**

individuals' private rights by establishing comprehensive data protection laws and regulations. Create oversight tools to prevent unauthorized surveillance and access to personal data while balancing security concerns.

5. **Death sentence:**

Consider imposing a moratorium on the death sentence with the goal of eventually abolishing it, as it violates the right to life. Examine capital punishment laws and narrow the scope of offences punishable by death to ensure compliance with international norms.

Raising awareness and educating Pakistanis about civil and political rights:

The following tactics can be used to raise awareness and education about civil and political rights in Pakistan:

1. **Curriculum Integration:**

Incorporate human rights education throughout all levels of school curriculum. Instill in them the importance of fundamental rights, democratic principles, tolerance, and active citizenship.

2. **Public Education Campaigns:**

Launch public awareness initiatives to promote civil and political rights. Disseminate information on rights, legal remedies, and processes for seeking redress using various media channels, such as television, radio, social media, and community outreach programmes.

3. **Law Enforcement Training:**

Provide human rights training to law enforcement agencies, emphasizing the principles of non-discrimination, due process, and proportionality in the use of force.

Conclusion

Finally, the International Covenant on Civil and Political Rights (ICCPR) is critical in promoting and defending civil and political rights around the world. The International Covenant on Civil and Political Rights (ICCPR) defines international norms for the preservation of fundamental freedoms such as the right to life, freedom of expression, and the right to a fair trial. It establishes a framework for accountability through bodies such as the Human Rights Committee, which evaluates governments' adherence to their duties. The ICCPR emphasizes the indivisibility and interdependence of rights, recognizing the interdependence of civil and political rights as well as other human rights. Maintaining Pakistan's commitment to ICCPR principles is critical for maintaining human dignity, promoting democratic governance and the rule of law, improving the country's international reputation, and supporting sustainable development. Pakistan may ensure the protection and advancement of civil and political rights for all of its inhabitants by honoring its commitments under the ICCPR, thereby establishing a just, inclusive, and rights-respecting society.

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