

Human Rights and Democracy in South Asia: Theory and Practice in Pakistan

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ABSTRACT

Political instability in Pakistan has led to a weak and inconsistent protection of human rights, with human rights abuses being committed with impunity and limited accountability, ultimately hindering the development of a strong and sustainable democratic system. The paper gives an overview of the legal protections provided under the Constitution of Pakistan regarding fundamental human rights. The paper aims to provide an analysis of the application of various human rights regulations and the ground realities in the country. Using a variety of secondary data sources, including human rights reports, news articles, and legal documents, the paper explores the extent to which the government of Pakistan is fulfilling its obligations under national and international human rights regulations. This research paper examines the current situation of human rights in Pakistan, with a focus on key issues such as the rule of law, economic challenges, fight against corruption and terrorism, women and minority rights, and freedom of expression. The findings suggest that while there have been some positive developments in recent years, such as the strengthening of counter-terrorism measures and the creation of new laws to protect women's rights, significant challenges remain. These challenges include the failure to hold perpetrators of human rights abuses accountable, the use of legal regulations to suppress dissent and free speech, and the continued discrimination against religious minorities and marginalized groups.

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INTRODUCTION

The atrocities committed during World War II, including the Holocaust, brought about a realization that there is a need to safeguard individuals from the sovereign power of the state. The United Nations was founded in 1945 with a mandate to enhance international cooperation and prevent any possible future conflicts. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), a revolutionary document that laid out fundamental human rights that are to be protected by all countries.

This can be termed as the modern era of human rights, since the concept of human rights has its roots in ancient civilizations although the way it was understood and implemented varied greatly between different cultures and societies. For example, in ancient Greece, the idea of individual rights and freedoms was first introduced by philosophers such as Aristotle and Plato. They believed that every individual had the right to live their life as they seemed appropriate without any harm to others. In ancient Rome, the concept of natural law was developed, which emphasized that all human beings had certain inherent rights that were not granted by the state, but rather derived from nature itself. Similarly, in ancient India, the concept of "*dharma*" was developed, which referred to a set of ethical and moral principles that governed human behavior and emphasized the importance of treating others with respect and compassion. In England, the Common Law or the Anglo-Saxon legal system developed over time when judges began to develop a body of law based on previous court decisions and legal customs, rather than relying solely on the arbitrary decisions of the king or other rulers. Throughout history, various groups and movements have fought for the recognition and safeguard of human rights, dating way back to the Magna Carta in medieval Europe in 1215 AD, the abolitionist movement in the 19th century, suffrage movement and the civil rights movement in the early and mid-20th century respectively.

Advent of Human Rights in South Asia

The contemporary concept of human rights enshrined in today's international law began through the Charter of United Nations and UDHR. All South Asian countries have ratified UDHR except for Bhutan, which signed but has not yet ratified it. The Declaration inspired a wave of national and international human rights instruments that have expanded the defense of individual rights. In 1965, the UN General Assembly adopted International Convention on the Elimination of All Forms of Racial Discrimination which obliged its member states to undertake a range of measures to prevent racial discrimination, including the adoption of legislation and policies, the establishment of national institutions to promote equality and combat discrimination, and the provision of effective remedies and reparations to victims of discrimination. In 1966, the UN General Assembly presented the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which set out more detailed and binding provisions for the safeguard of human rights. The two Covenants, together with the UDHR, formulate the International Bill of Human Rights. One of the most important human rights documents of the 20th century is the Vienna Declaration and Programme of Action (VDPA), which adopted by the United Nations World Conference on Human Rights in Vienna, Austria in 1993. The document outlined a comprehensive agenda for the implementation of human rights around the world. VDPA emphasized the importance of the rule of law, democracy, and respect for human dignity, and called on all governments to take concrete steps to defend human rights. It also recognized the role of non-governmental organizations, the media, and other civil society actors in advancing human rights, and called for increased international cooperation and assistance for human rights. The VDPA was significant because it helped to shape the

human rights discourse and agenda for the following decades (Waughray, 2005; Benjamin, 2010; Tomuschat, 2011).

There are numerous platforms for co-operation among the South Asian countries which also focus on human rights. For example: The South Asian Association for Regional Cooperation (SAARC) established in 1985 for promoting economic, social, and cultural cooperation among its members including Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. While SAARC's primary focus is on economic cooperation and development, the organization has also made efforts for improving human rights condition in the region. Only a year after its inception, the Declaration on SAARC and Human Rights was implemented, which reaffirms the member states' commitment towards resolving issues of human rights in the region. It emphasizes the need to address discrimination based on race, gender, religion, and other factors (Waughray, 2005).

Despite these efforts, however, human rights issues remain a challenge in South Asian countries. Issues such as gender-based violence, child marriage, and discrimination against religious and ethnic minorities continue to be prevalent in some parts of the region.

Constitutional Development & Human Rights in Pakistan

Pakistan's constitutional development and human rights history has been a complex and tumultuous one, marked by periods of progress and setbacks. The country has had three constitutions since its inception, promulgated in 1956, 1962 and 1973 along with prolonged periods of constitution suspensions under military rule. There have been several amendments to the constitutions over the years, with varying degrees of attention paid to human rights protections.

Before partition, the Government of India Act, 1935 was the main governing law passed by the British Parliament which provided a framework for the governance of British India, which included present-day India, Pakistan, and Bangladesh. Upon the creation of Pakistan in 1947, the country adopted Government of India Act, 1935 as its provisional constitution, with some modifications. In 1949, the Objectives Resolution was formulated by the Constituent Assembly of Pakistan, which outlined the principles that would guide the future constitution of the country. The resolution declared that sovereignty belonged to Allah and that the constitution of Pakistan would be based on Islamic principles. In 1956, Pakistan adopted its first constitution, which established the country as an Islamic republic with a federal parliamentary system with a bill of rights. The bill, however, was limited in its scope and did not fully protect human rights. The constitution provided for some civil and political rights, including freedom of speech and religion, but also contained provisions that discriminated against religious minorities and women. This constitution was abrogated in 1958 after a military coup when General Ayub Khan imposed the country's first martial law. The basic rights and freedoms guaranteed by the constitution were suspended.

Pakistan was under military rule for much of the period between 1958-71, and several constitutional amendments were made to centralize power and limit political freedoms. In 1962, a new constitution was adopted which replaced the parliamentary

system with a presidential one. The Constitution of 1962 did not provide for basic human rights and civil liberties, and the regime was characterized by authoritarianism with extensive powers to the president. During the 1960s, the government also implemented several economic and social reforms, but human rights abuses were widespread.

In 1971, East Pakistan declared independence from West Pakistan, leading to a civil war and the creation of Bangladesh. In 1973, Pakistan adopted its current constitution that provided for a parliamentary democracy and included provisions for basic rights, such as the right to life and liberty, liberty of speech, and protection against discrimination. It provided freedoms guaranteed by the UDHR. The Constitution of 1973 has been amended several times, with varying degrees of impact on human rights. When General Muhammad Zia-ul-Haq took over the country following a military coup in 1977, the Constitution was suspended once more, and martial law was reinstated. Zia-ul-Haq introduced several amendments that curtailed civil and political rights, including restrictions on free speech and assembly, and implemented a harsh Islamic code of law.

Since the 1980s, there has been a growing movement for strengthening human rights in Pakistan, with civil society organizations and human rights groups advocating for greater legal protections. Still, the implementation of these protections remain a challenge in Pakistan. There have been concerns about the curtailment of media freedom, the persecution of minority communities, and the suppression of political dissent. During the 1990s, several constitutional amendments were made to strengthen democracy and protect human rights, including the establishment of an independent judiciary and the introduction of measures to protect women's rights. However, the constitution was suspended once again in 1999, when General Pervez Musharraf came to power in a military coup. His regime implemented several measures to promote economic growth and modernize the country, but also faced criticism for human rights abuses, including the detention and torture of political dissidents.

Since 2008, Pakistan has been governed under a democratic system, with several constitutional amendments made to strengthen human rights protections. The 18th Amendment to the constitution devolved more powers to the provinces and strengthened the parliamentary system. The amendment also included provisions to protect human rights, including greater independence of the judiciary and ensuring the protection of rights of women and minorities. In 2011, the National Commission for Human Rights (NCHR) was established under the National Commission for Human Rights Act, with the mandate to protect and monitor human rights in Pakistan. NCHR has been instrumental in investigating human rights abuses, providing redress to victims, and advocating for human rights reforms. In January 2021, the Anti-Enforced Disappearances Bill was passed, criminalizing enforced disappearances and establishing legal protections for victims and their families. The bill was a significant step forward in protecting human rights in Pakistan, as enforced disappearances have been a longstanding issue in the country.

While the country has made some strides in protecting civil and political rights and promoting social and economic development, human rights abuses continue to be a

concern, particularly with regards to freedom of speech, the treatment of prisoners, and the treatment of religious minorities. There is a need for continued efforts to improve Pakistan's enforcement of human rights and to guarantee that the constitutionally guaranteed rights and freedoms are fully upheld.

Human Rights as per the Constitution of Pakistan

The current constitution of Pakistan, adopted in 1973, contains a total of 25 articles dealing with fundamental human rights (National Assembly of Pakistan, n.d.). Out of these, 15 are related to civil and political rights whereas ten fall under the realm of social and economic rights. Some of the key human rights provisions are as follows:

Right to Life: Article 9 of the Constitution states that no person shall be deprived of their life or liberty except in accordance with the law.

Freedom of Speech: Article 19 of the Constitution of Pakistan guarantees freedom of speech, subject to reasonable restrictions obligated by law in the favor of the sovereignty or integrity of Pakistan, public order, decency, or morality.

Equality before Law: Article 25 guarantees that all citizens are equal before the law and are entitled to equal protection of the law. It prohibits discrimination on the basis of race, religion, caste, or sex.

Right to Education: Article 25-A of the Constitution envisages education as a fundamental right for all children between aged 5 to 16.

Right to Fair Trial: Article 10 provides for the right to a fair trial and due process of law. It also prohibits the arrest or detention of a person without informing them of the grounds for arrest.

Rights of Women: The Constitution contains several provisions related to the protection and empowerment of women. For example, Article 25(2) guarantees that there shall be no discrimination against women in any sphere of life. Article 34 of the Constitution provides for the protection of women and the promotion of their welfare.

Protection against Slavery and Forced Labor: Article 11 of the Constitution prohibits all forms of slavery, forced labor, and human trafficking. Article 14 prohibits torture, cruel, or inhumane treatment of any person.

Freedom of Religion: Article 20 of the Constitution of Pakistan guarantees freedom to profess religion and to manage religious institutions.

Protection of Minorities: Article 36 provides protection for the rights of minorities, including the right to practice their religion and culture.

Protection of Property: Article 24 of the Constitution of Pakistan guarantees the protection of property rights.

Overall, the constitution of the country provides a framework for human rights' protection. However, there have been concerns regarding the implementation of these provisions and the state of human rights in Pakistan.

Methodological Considerations

The paper is comprised of secondary data taken from multiple sources including human rights reports, indexes and publications by major international government and non-governmental organizations, as well as the digital news media sources. A critical analysis has been conducted to investigate the current situation of human rights in Pakistan. The paper explores the human rights violations prevalent in the country, along with the role of government in regulating the situation in various arenas.

Current Practices: A Critical Analysis

The following section provides a critical analysis of the current situation regarding human rights in Pakistan.

Democracy, Rule of Law & Governance in Pakistan

Establishment of democracy in Pakistan has been a turbulent process, with military coups and martial law interrupting civilian governments. However, the country has made progress in recent years, with the first government completing its full term in 2008-2013, the first peaceful transition of power between two elected civilian government in 2013 and then again in 2018. However, the legitimacy of the 2018 elections became questionable with widespread allegations of rigging, voter disenfranchisement, technical problems in electronic voting machines (EVMs), and lack of transparency in the voting process. Pakistan faced another governance crisis in 2022,

when the parliament removed then-Prime Minister Imran Khan with a vote of no confidence following a constitutional conundrum (Almeida, 2022).

The political uncertainty has also led to frequent mass protests, long-marches to the capital Islamabad, and the *dharna* culture. While protests are a legitimate form of expression and assembly, they can also lead to violence, disruption, and challenges to the rule of law. In Pakistan, protests and long marches have led to the breakdown of law and order, with protesters resorting to violence, vandalism, and destruction of public property (Wasim, 2018). Several protests have even led to the killing of protestors or the law enforcing authorities (Dawn, 2021; Al Jazeera, 2021; Nihad, 2022).

Pakistan has been ranked 129 out of 140 countries according to the Rule of Law Index rankings published by World Justice Project (2022). In comparison with other South Asian countries, Pakistan ranks 5 out of 6 in the regional level. Globally, Nepal stands at 69, Sri Lanka at 74, India at 77, Bangladesh at 127, and the only South Asian state ranked lower than Pakistan, Afghanistan at 138. The global ranking has been further categorized under seven main themes, where Pakistan ranks 91 in constraints on government power ranks, 118 in absence of corruption, 102 in open government, as low as 123 in fundamental rights, second to last i.e. 139 in order and security, 127 in regulatory enforcement, 125 in civil justice and 97 in criminal justice.

There have been challenges in terms of corruption, weak institutions, and a lack of transparency. However, there have also been efforts to make the democratic institutions stronger. An example is the Election Act 2017 which introduced several electoral reforms such as biometric verification of voters, voting opportunity for overseas Pakistanis, and the establishment of a code of conduct for political parties during elections.

With an independent Election Commission of Pakistan, the act aimed to increase the independence, transparency and accountability of the electoral process.

Economic Constraints

Pakistan has been experiencing high levels of poverty, inflation and thus economic instability for many years, which has had a substantial influence on the living condition of people and their access to basic human rights. According to the World Bank (2020), the poverty rate in Pakistan had declined from 64.3% in 2001-02 to 24.3% in 2015-16, indicating substantial progress

in reducing poverty over the course of 14 years. This drop had slowed down since 2015 owing to the economic contractions the country has been facing. In the recent year, there has been a historic upsurge in the inflation rate from 13% in January, 2022 to 24.5% in December, 2022 (State Bank of Pakistan, 2022). Depreciation of the Pakistani Rupee, increase in oil prices in the global market, supply and demand imbalances are some of the complex set of factors causing inflation. The high inflation rate has made it difficult for people to afford basic necessities like food, housing, and healthcare. It has also eroded the value of people's savings and contributed to social and economic inequality.

Despite the economic crunches, Pakistan has been a home to refugees and internally displaced persons (IDPs) over the years with the largest number coming from Afghanistan. According to the United Nations High Commissioner for Refugees (UNHCR) (2022), around 36% of the refugee population are living in only 5 countries: Turkey, Colombia, Germany, Pakistan and Uganda. In Pakistan, there are currently over 1.5 million displaced people settling in Pakistan.

The country is also prone to climate disasters such as earthquakes, flooding, landslides and drought. In 2005, a massive earthquake with a magnitude of 7.6 struck northern Pakistan, killing over 73,000 people and leaving millions homeless (OCHA, 2005). The recent flooding in 2022 resulted in displacement of about 33 million people with one-third of the country getting drenched in the flood waters (United States Institute of Peace, 2023). According to the Post-Disaster Needs Assessment (PDNA) carried out by the government of Pakistan in co-operation with multiple social welfare organizations, the flooding caused total economic losses of around USD 30 billion, with an estimated restructuring cost of USD 16.3 billion (Altaf, 2022).

Due to the inability to handle the economic crisis, the country is dependent on international loans especially the US, IMF and World Bank. In order to ease some of Pakistan's population's economic crisis-related burdens, the International Monetary Fund (IMF) resurrected a dormant loan programme in August 2022, originally approved in July 2019 and disbursed nearly US\$1.17 billion (Human Rights Watch, 2023). The government of Pakistan has taken several measures to address economic challenges including increasing interest rates, reducing government spending, and implementing price controls on certain goods. However, these measures have not had the needed impact.

Women Rights in Pakistan

The issue of women's rights in Pakistan is complex and multifaceted, and there have been significant efforts in recent years to address some of the challenges that women face. However, women in Pakistan still face a number of obstacles in terms of their legal rights, social status, and access to education and employment opportunities.

There are several international conventions and treaties that Pakistan has ratified, which are specifically made for women. Pakistan is a member of the UN General Assembly's 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Pakistan ratified CEDAW in 1996. CEDAW is considered one of the most comprehensive global agreements to eradicate discrimination against women and promote gender equality. In 2005, Pakistan ratified SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution adopted in 2002, aimed to prevent and combat human trafficking, which can disproportionately affect women and children. Pakistan endorsed ICCPR in 2010.

Apart from the constitutional rights and international conventions, there are multiple national and local-level protections granted for women. The Pakistan Penal Code includes provisions related to crimes against women, including rape, sexual harassment, and honor killings. National Commission on the Status of Women (NCSW) was established in 2000 for women's rights in Pakistan, and to monitor implementation of international conventions and treaties relating to women. Protection of Women (Criminal Laws Amendment) Act 2006 revised several divisions of the Pakistan Penal Code to strengthen protections for women, including increasing penalties for crimes such as rape and acid attacks. Punjab Women Protection Authority was established in 2017 to provide legal and psychological support to women who are victims of violence.

A huge step forward is the Protection against Harassment of Women at the Workplace (Amendment) Act, 2022 that has expanded the definition of workplace harassment, increased penalties for transgressors, and protection for complainants and witnesses. Another milestone is the appointment of Justice Ayesha Malik as the first female judge in the Supreme Court of Pakistan (Human Rights Watch, 2023).

While there have been legislative and policy developments aimed at promoting women's rights and gender equality, there are still significant gaps in their practical implementation. For

example, discriminatory practices such as honor killings, forced marriages, and domestic violence against women persist in many parts of the country (Human Rights Commission of Pakistan, 2022a).

Furthermore, the legal system in Pakistan often fails to adequately protect women's rights. Many women face difficulties in accessing justice, particularly in cases of gender-based violence, due to factors such as social stigma, discriminatory attitudes, and a lack of resources and support. However, there have been positive developments in the implementation of laws. An example is the case of business owner Usman Mirza and his accomplices who were caught on video physically assaulting and threatening a couple with guns in a private apartment in July 2021. The prime-accused and his accomplices were sentenced to life imprisonment under section 354-A of the Pakistan Penal Code (Bashir,

2022).

Freedom of Expression & Press

Even though Article 19 of the constitution of Pakistan ensures the right to freedom of expression, however, the reasonable restrictions enacted to the law are ill-defined, open to broad interpretations, and hence misused curbing the exercise of freedom. Pakistan was placed at 145th out of a total of 180 nations on the World Press Freedom Index (Human Rights Commission of Pakistan, 2022a).

Pakistani media has been under constant surveillance with bans on certain programs, television channels or social media platforms. In 2019, Pakistan Electronic Media Regulatory Authority (PEMRA) blocked multiple privately owned news channels without citing reason, after they broadcasted the speech of an opposition leader criticizing the then government (Crouch, 2019). In June 2021, the Pakistani government shut down an independent news channel, Hum News, for airing a program that criticized the military. A social media app Tiktok was blocked thrice in 2021 by the Pakistan Telecommunication Authority (PTA) over vulgar content (Amnesty International, 2022).

Journalists have since long been facing attacks, harassment, death threats, abductions and even killings for expressing opinions that are critical of the government, military or other political actors. In October 2022, Arshad Sharif, a famous investigative journalist and TV anchor, was shot dead in Kenya. He had fled the country because of death threats and sedition charges over his

criticism on military. His death has been termed as 'a planned targeted assassination' causing uproar from the human rights defenders (IFJ, 2022).

The Pakistan government initiated the formation of a new media regulatory body called Pakistan Media Development Authority (PMDA). PMDA would have been given the power to regulate all forms of media, including print, electronic, and digital. However, the government had to withdraw the ordinance for the proposed authority following widespread opposition from journalists, media outlets, and civil society groups, who saw it as an attempt by the government to clamp down on freedom of the press and curtail independent journalism in the country (Amnesty International, 2022).

The government of Pakistan has taken steps to remove restrictions on freedom of expression, association, and assembly. For example, in November 2021, the government repealed the Pakistan Electronic Crimes Act, which had been criticized for curbing freedom of expression and allowing for the arbitrary detention of journalists and activists.

Another positive development is the adoption of Protection of Journalists and Media Professionals Bill 2021. The bill seeks to provide legal protections and safeguards for journalists and media professionals in the country. Under the provisions of the bill, journalists and media professionals will be entitled to receive insurance coverage, medical treatment, and financial support in case of injury or death while on duty. The bill also includes provisions for the creation of a separate prosecutor's office to look into crimes against journalists and media professionals. The bill has been welcomed by journalist associations and civil society groups in Pakistan, who see it as a step forward in protecting

the rights of journalists and promoting freedom of the press (FIDH, 2022; Human Rights Commission of Pakistan, 2022b).

Combating Corruption & Terrorism

Political corruption is rampant in Pakistan, with politicians often involved in embezzlement of public funds, nepotism, and cronyism. Political leaders of the opposition parties undergo investigations, however, the government in power remains somewhat immune (U.S. Department of State, 2021; Rana, 2022a). Based on a public perception survey by World Justice Project (2017), the police are considered the most corrupt institution in the country followed by local and national government offices. On the contrary, judges and magistrates are viewed as the least corrupt sector of the society.

Pakistan has also been vulnerable from internal and external security threats since its inception. These threats have included conflicts with neighboring countries, such as India and Afghanistan, as well as internal conflicts and insurgencies. The country has experienced a number of high-profile terrorist attacks, carried out by various extremist groups, including the Taliban and Al-Qaeda. The government has taken steps to counter these threats, including launching military operations in areas where militant groups are active, and implementing measures to improve security and intelligence gathering. Pakistan has also faced challenges related to sectarian violence and ethnic tensions, particularly in the province of Balochistan. The government has been working to address these issues through a combination of political and economic reforms, as well as measures aimed at promoting interfaith harmony and tolerance.

Pakistan was placed on the grey list of Financial Action Task Force (FATF) in 2018 due to concerns about the country's anti-money laundering and counter-terrorism financing measures. To comply with FATFs requirements, Pakistan put in place several stringent measures. Amendments were made in the Anti-Money Laundering (AML) Act 2010 to enhance punishments against offenders. 88 terrorists were banned in the country, as per the United Nations Security Council (UNSC). Strict actions were taken against UN-banned terrorist outfits. Militant leader Hafiz Saeed was sentenced with imprisonment for 33 years on account of terrorism charges. As a result of these efforts, in October 2022, Pakistan was taken out of the list of increased monitoring on successfully implementing FATF's Action Plan. (Amin & Akhtar, 2021; Rana, 2022b).

Minority Rights in Pakistan

Pakistan is an Islamic Republic with over 96.3% Muslims. Less than 4% of the population constitutes minorities including 1.6% Hindus, 1.6% Christians, and 1% of Sikhs, Buddhists and others. However, abuses of minority rights remain a prevalent issue in the country. They may be denied equal access to employment, education, and other basic services, may face restrictions on their religious practices, and may also be subjected to violence, persecution and forced conversions. To curb these discriminatory practices, the government has implemented several regulatory measures such as the Hindu Marriage Act, 2017 that provides legal recognition and

registration of Hindu marriages or the Criminal Law (Amendment) Act, 2020 that criminalizes forced conversions and provides legal protections for religious minorities (Land, 2004; Mohammad, 2022).

One of the highly sensitive religious issues in the country is blasphemy. According to Al Jazeera, over 80 people have been killed in blasphemy-related accusations in Pakistan since 1990s (Hashim, 2022). The blasphemy laws in Pakistan have been under constant criticism for being unjustly used against minorities and Muslims alike, especially as they involve a potential death penalty. Even though no legal execution has been made under the law, but the mere allegation poses life threat for the accused. There has been widespread consensus over the abuse of blasphemy laws among the government, law makers, human rights defenders and even religious scholars. In a momentous verdict over the case of a Christian sanitary worker Salamat Mansha Masih in 2022, the Supreme Court of Pakistan emphasized on ensuring a fair trial while being extremely cautious of the implementation of the jurisprudence in its true letter and spirit (Mishra, 2022; Malik, 2022).

CONCLUSION

The constant political instability, with multi-party coalition governments, frequent changes in administration and military intervention in politics has hampered the development of strong democratic institutions in Pakistan. Corruption is a pervasive problem in Pakistan, affecting all levels of society and government. Despite the existence of numerous anti-corruption authorities, the government generally fails to effectively put the law into practice. There is a dire need to take bold steps to address inflation in the country. The government has tried to implement various regulations in the recent years, however, these measures have had limited success so far. While the country has made some progress in the uplifting of women and minorities, there is still much work to be done to ensure that they are able to enjoy their rights in practice. This will require concerted efforts by the government, civil society, and the wider community to address deep-rooted social and cultural norms that perpetuate discrimination and violence against marginalized groups, as well as to improve the capacity of the legal and justice system. To promote human rights and democracy in Pakistan, there is a need for greater accountability, transparency, and adherence to the law. The government must also take steps to ensure free and fair elections, reinforce the rule of law, increase accountability for human rights abuses, and improve access to justice for all. Civil

society organizations, the media, and international organizations also have an imperative role to play in upholding human rights and democracy in the country.

REFERENCES

- Al Jazeera. (2021, October 27). Four Pakistani police killed in violence at far-right TLP protest. *Al Jazeera*. <https://www.aljazeera.com/news/2021/10/27/pakistani-police-killed-at-tlp-protest>
- Almeida, C. (2022, April 9). What led to leader Imran Khan's downfall in Pakistan? *Al*

Jazeera.

- <https://www.aljazeera.com/news/2022/4/9/analysis-end-of-imran-khans-term>
- Altaf, M. (2022, October 28). Pakistan: Flood damages and economic losses over USD 30 billion and Reconstruction needs over USD 16 billion - new assessment. *World Bank*. <https://www.worldbank.org/en/news/press-release/2022/10/28/pakistan-flood-damages-and-economic-losses-over-usd-30-billion-and-reconstruction-needs-over-usd-16-billion-new-assessme>
- Amin, M., Naseer, R., & Akhtar, N. (2021). Pakistan in the FATF Grey-list: Compliance and Policy Readjustments. *Pakistan Journal of Terrorism Research*, 3(1). <https://nacta.gov.pk/wp-content/uploads/2021/09/Pakistan-in-the-FATF-Grey-list.pdf>
- Amnesty International. (2022). *Amnesty International Report 2021/2022: Pakistan*. <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan/>
- Bashir, S. (2022, March 25). Usman Mirza, four others get life imprisonment. *The Express Tribune*. <https://tribune.com.pk/story/2349599/usman-mirza-four-others-get-life-imprisonment>
- Benjamin, J. (Ed.). (2010). *Democratic Process, Foreign Policy and Human Rights in South Asia*. Gyan Publishing House.
- Crouch, E. (2019, July 9). TV news channels blocked in Pakistan after airing opposition speeches. *Committee to Protect Journalists*. <https://cpj.org/2019/07/tv-news-channels-blocked-in-pakistan-after-airing/>
- Dawn. (2021, April 14). *4 die as TLP activists clash with police*. Dawn. <https://www.dawn.com/news/1618066>
- FIDH. (2022). *Universal Periodic Review: Human rights violations in Pakistan*. International Federation for Human Rights (FIDH). <https://www.fidh.org/en/region/asia/pakistan/human-rights-council-the-situation-of-pakistan-s-national-human>
- Hashim, A. (2022, January 14). HRW slams Pakistan over dissent crackdown, alleged rights abuses. *Al Jazeera*. <https://www.aljazeera.com/news/2022/1/14/hrw-report-pakistan-dissent-crackdown-alleged-rights-abuses>
- Human Rights Commission of Pakistan. (2022a). *State of Human Rights in 2021*. <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2022-State-of-human-rights-in-2021.pdf>
- Human Rights Commission of Pakistan. (2022b). *Truth Comes at a Price. Censorship and the battle for an independent media*. <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2022-Truth-comes-at-a-price.pdf>
- Human Rights Watch. (2023). *World Report 2023; Events of 2022*. https://www.hrw.org/sites/default/files/media_2023/01/World_Report_2023_WE_BSPRE_ADS_0.pdf
- IFJ. (2022, December 9). *Pakistan: New report finds Arshad Sharif killing planned*. International Federation of Journalists (IFJ). <https://www.ifj.org/media->

- centre/news/detail/category/human-rights/article/pakistan-new-report-finds-arshad-sharif-killing-planned.html
- Land, R. D. (2004). *Pakistan: A human rights update*. USCIRF. <https://www.uscifr.gov/resources/pakistan-human-rights-update>
- Malik, H. (2022, September 1). SC orders state to take “utmost care” in blasphemy cases. *The Express Tribune*. <https://tribune.com.pk/story/2374225/in-landmark-judgment-sc-orders-state-to-take-utmost-care-in-blasphemy-cases>
- Mishra, Y. (2022, December 10). Op-ed: A flicker of hope for human rights in South Asia. *Amnesty International*. <https://www.amnesty.org/en/latest/news/2022/12/op-ed-a-flicker-of-hope-for-human-rights-in-south-asia/>
- Mohammad, N. (2022). *Country Update: Pakistan. Religious Freedom in Pakistan in 2022*. USCIRF. <https://www.uscifr.gov/sites/default/files/2022-08/2022%20Pakistan%20Country%20Update.pdf>
- National Assembly of Pakistan. (n.d.). *The Constitution of the Islamic Republic of Pakistan*. National Assembly of Pakistan. https://na.gov.pk/uploads/documents/1549886415_632.pdf
- Nihad, G. (2022, December 27). Constable killed as Gwadar protesters clash with authorities: police. *Dawn*. <https://www.dawn.com/news/1728543>
- OCHA. (2005). *Pakistan - Earthquake: OCHA Situation Report No. 26*. Relief Web. <https://reliefweb.int/report/pakistan/pakistan-earthquake-ocha-situation-report-no-26?OpenDocument=>
- Rana, S. (2022a, April 14). US report paints a grim picture of human rights in Pakistan. *The Express Tribune*. <https://tribune.com.pk/story/2352506/us-report-paints-a-grim-picture-of-human-rights-in-pakistan>
- Rana, S. (2022b, June 26). Pakistan’s escape from FATF’s grey list. *T-Magazine*. <https://tribune.com.pk/story/2363310/pakistans-escape-from-fatfs-grey-list>
- State Bank of Pakistan. (2022). *Inflation Monitor 2022*. State Bank of Pakistan (SBP). https://www.sbp.org.pk/publications/Inflation_Monitor/2022/index2.htm
- Tomuschat, C. (2011). Asia and International Law—Common Ground and Regional Diversity. *Asian Journal of International Law*, 1(2), 217-231. <https://edoc.hu-berlin.de/bitstream/handle/18452/24127/asia-and-international-lawcommon-ground-and-regional-diversity.pdf?sequence=1>
- United Nations High Commissioner for Refugees. (2022). *UNHCR’s Refugee Population Statistics Database*. <https://www.unhcr.org/refugee-statistics/>
- United States Institute of Peace. (2023). *The Current Situation in Pakistan; A USIP Fact Sheet*. <https://www.usip.org/publications/2023/01/current-situation-pakistan>
- U.S. Department of State. (2021). *2021 Country Reports on Human Rights Practices: Pakistan*. <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/pakistan/>
- Wasim, A. (2018, November 4). Crackdown ordered on ‘miscreants’ who damaged properties.

- Dawn. <https://www.dawn.com/news/1443450>
- Waughray, A. (2005). Human rights in South Asia: Abuse and degradation. *Asian Yearbook of International Law*, 10, 25-56. Brill Nijhoff. <https://brill.com/downloadpdf/book/edcoll/9789047408253/BP000003.pdf>
- World Bank. (2020). *Poverty & Equity Brief; South Asia; Pakistan*. https://databankfiles.worldbank.org/public/ddpext_download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Global_POVEQ_PAK.pdf
- World Justice Project. (2017). *The Rule of Law in Pakistan: Key Findings from the 2017 Extended General Population Poll & Justice Sector Survey*. <https://worldjusticeproject.org/our-work/wjp-rule-law-index/special-reports/rule-law-pakistan>
- World Justice Project. (2022). *The World Justice Project Rule of Law Index 2022*. <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIIndex2022.pdf>