

Core Human Rights Conventions Ratified by Pakistan

- UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)
- CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM
- INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)
- INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)
- INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)
- CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)
- CONVENTION AGAINST TORTURE (CAT)
- CONVENTION ON THE RIGHTS OF THE CHILD (CRC)
- CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

▪ UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

The United Nations General Assembly announced the Declaration on 10 December 1948 in Paris (Resolution 217A) as “a common standard of achievement for all peoples and all nations.” It establishes essential human rights to be uniformly guaranteed to people everywhere.

The rights listed within the Declaration are generically worded and were later categorized into two distinct Conventions: The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The UDHR, ICCPR and ICESCR combined are referred to as the "International Bill of Rights".

The UDHR is made up of 30 articles that encompass the most fundamental rights and freedoms of people (both collectively and individually) all over the world.

Pakistan became a signatory to the Universal Declaration of Human Rights in 1948.

Domestic Implementation of the Universal Declaration of Human Rights

According to the Constitution of Pakistan, 1973 all citizens are equal before law and are entitled to equal protection of law. To fulfill this objective, the Constitution has provided some fundamental rights and freedom to Pakistanis.

The Constitution contains 25 rights in all of which 15 relate to civil and political rights whereas the rest of the 10 are social and economic rights.

Article 3	Elimination of exploitation
Article 4	Right of individuals to be dealt with in accordance with law, etc.
Article 9	Security of a person
Article 10	Safeguards as to arrest and detention
Article 10A	Right to fair trial
Article 11	Slavery, forced labour, etc. prohibited
Article 12	Protection against retrospective punishment
Article 13	Protection against double punishment and self-incrimination
Article 14	Inviolability of dignity of man, etc.
Article 15	Freedom of movement, etc.
Article 17	Freedom of association
Article 18	Freedom of trade, business or profession
Article 20	Freedom to profess religion and to manage religious institutions
Article 21	Safeguard against taxation for purposes of any particular religion
Article 22	Safeguards as to educational institutions in respect of religion, etc.

Article 25	Equality of citizens
Article 25A	Right to education
Article 26	Non-discrimination in respect of access to public places
Article 27	Safeguard against discrimination in services
Article 28	Preservation of language, script and culture
Article 33	Parochial and other similar prejudices to be discouraged
Article 34	Full participation of women in national life
Article 35	Protection of family, etc
Article 36	Protection of minorities
Article 37	Promotion of social justice and eradication of social evils
Article 38	Promotion of social and economic well-being of the people

▪ CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

The Cairo Declaration on Human Rights in Islam (CDHR) was adopted by the Organization of Islamic Cooperation (OIC) on August 05, 1990. 45 States have signed the Declaration including Pakistan.

The CDHR stipulates fundamental human rights based on traditional Islamic law. The Cairo Declaration not by itself depicts that Muslim states intend to have an alternative and independent human rights system, rather it only intends to provide protection and safeguard to the rights given in Islam, which are indispensable for Muslims to apart from. The Cairo Declaration, in its preamble, explicates to uphold human rights that are inviolable and inalienable in Islam.

The Cairo Declaration is made up of 25 articles that encompasses fundamental rights which are provided by the Quran and Shariah to the Muslim ummah. The preamble, states that "all human beings form one family whose members are united by their subordination to Allah and descent from Adam.

The CDHR affords women equal human dignity, own rights to enjoy, duties to perform, own civil entity, financial independence, and the right to retain her name and lineage. Both men and women are given the right to marriage regardless of their race, colour, or nationality. The Declaration makes it incumbent upon both parents to protect the child, both before and after birth, while stressing that the husband is responsible for the social and financial protection of his family, including any children and wives.

The Declaration recognizes the rights to property and privacy for the individuals. In addition to this, it protects individuals from arbitrary arrest, torture, maltreatment, or indignity. Moreover, the CDHR guarantees the presumption of innocence and awards the

right to fair trial. It does not recognize crimes or punishments than those mentioned in the sharia.

The right to freedom and self-determination is emphasized in the Declaration, and opposes enslavement, oppression, exploitation, and colonialism. The CDHR establishes equality and justice for all, with the limitations provided under Islamic law. Moreover, it also guarantees all individuals the right to participate in the administration of a State's public affairs.

The CDHR also recognizes the right to freedom of opinion and expression in such manner as would not be contrary to the principles of the Shariah.

Article 2A	Require constitution to be in accordance to injunctions of Islam
Article 4	Equal Protection of Law
Article 8	Laws inconsistent with or in Derogation of Fundamental Rights to be void
Article 9	The Right to Life, Liberty, and Security of Person
Article 10	Safeguards as to Arrest and Detention
Article 10A	Right to Fair Trial
Article 11	Prohibition on slavery, forced labour, etc.
Article 14	Inviolability of Dignity of Man, etc.
Article 15	Freedom of Movement
Article 17	Freedom Of Political Participation
Article 18	Freedom of trade, business or profession
Article 19	Freedom of Speech
Article 22	Safeguards as to Educational Institutions in Respect of Religion etc.
Article 25	Equality of Citizens
Article 25A	Right to Education
Article 35	Protection of Family, etc.
Article 36	Protection of Minorities
Article 37	Promotion of Social Justice and Eradication of Social Evils

▪ **INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)**

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations in 1966, and has been ratified by 174 countries including Pakistan on June 23, 2010.

The ICCPR is probably the most important human rights treaty in the world, given that it has universal coverage, contains a large number of rights, and applies to all classes of person. It is designed to protect civil and political rights, such as the right to life, freedom from arbitrary detention, and freedom of expression.

As an international Treaty, ICCPR creates obligations between the State Parties i.e. it compels States to adopt all legislative or other measures necessary to give effect to the Covenant's rights. Persons whose rights have been violated are to be ensured an effective remedy before domestic judicial or other organs. The Covenant therefore creates human rights that may be enforced by individuals or groups by way of domestic remedies.

It provides protection of the life, liberty and physical security of the individual. It also sets out specific prohibitions on torture, slavery and forced labour. The rights of a person in the context of deprivation of liberty, commonly by arrest, and in detention are also covered here. The Covenant also deals with movement into, out of and within a State, with particular rules applicable to the expulsion of aliens.

In addition to the Covenant guarantees the right to a fair trial, prohibits retrospective criminal punishment, and provides that everyone has the right to be recognized as a person before the law.

It also address the right to privacy, freedom of thought and religion, freedom of opinion and expression, the right to peaceful assembly, freedom of association, including through trade unions. The right to marriage and family are also recognized.

Article 3	Elimination of Exploitation
Article 4	Equal Protection of Law
Article 8	Laws inconsistent with or in Derogation of Fundamental Rights to be void
Article 9	The Right to Life, Liberty, and Security of Person
Article 10	Safeguards as to Arrest and Detention
Article 10A	Right to Fair Trial
Article 11	Prohibition on slavery, forced labour, etc.
Article 12	Protection against Retrospective Punishment
Article 13	Protection against Double Punishment and Self-Incrimination
Article 14	Inviolability of Dignity of Man, etc.
Article 15	Freedom of Movement
Article 16	Freedom of Assembly
Article 17	Freedom of Association
Article 18	Freedom of trade, business or profession
Article 19	Freedom of Speech
Article 19A	Right to Information
Article 20	Freedom to Profess Religion
Article 21	Safeguard against Taxation for Purpose of any Particular Religion
Article 22	Safeguards as to Educational Institutions in Respect of Religion etc.
Article 25	Equality of Citizens
Article 26	Non-Discrimination in Respect of Access to Public Places
Article 27	Safeguard against Discrimination in Service

Article 28	Preservation of Language, Script and Culture
Article 33	Parochial and other Similar Prejudices to be Discouraged
Article 34	Woman Rights, Full Participation of Women in National Life
Article 35	Protection of Family, etc.
Article 36	Protection of Minorities
Article 37	Promotion of Social Justice and Eradication of Social Evils

Legislation, Policies and other Measures

National Action Plan for Human Rights

National Commission for Human Rights

National Commission for Minorities

National Commission on the Rights of Child

National Commission on the Status of Women

Harassment of Women at Workplace (Amendment) Act 2022

Transgender Persons (Protection of Rights) Act, 2018

Enforcement of Women's Property Rights Act 2020

ICT Rights of Persons with Disability Act, 2020

National Committee for the Implementation of the UNCRPD

Legal Aid and Justice Authority Act, 2020

ICT Senior Citizens Act, 2021

Ehsaas Program

▪ **INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)**

The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the United Nations General Assembly on 1966. Presently, over 169 countries are party to the Convention including Pakistan which ratified ICESCR on April 17, 2008.

As one of two international treaties that make the 'International Bill of Human Rights', the ICESCR provides the legal framework to protect and preserve the most basic economic, social and cultural rights.

These rights are said to be progressive in nature. The core obligations of each of these rights are to be implemented with immediate effect by state parties. However, states must work towards constantly improving the realization of the content of these rights and maximum utilization of resources in a non-discriminatory manner. These rights impose obligations on State Parties to take positive steps and to fulfil rights.

Economic, Social and Cultural Rights are predominantly rights that states aspire to achieve and ensure to their citizens. They provide policy framework for governments to work with to ensure full enjoyment of all human rights by all.

Domestic Implementation of ICESCR

Corresponding Constitutional Provisions

Article 25	Equality of Citizens
Article 25A	Right to Education
Article 27	Safeguard against Discrimination in Service
Article 28	Preservation of language, script and culture
Article 35	Protection of family, etc.
Article 37	Promotion of social justice and eradication of social evils.
Article 38	Promotion of social and economic well-being of the people.

Legislation, Policies and other Measures

National Action Plan for Human Rights
National Commission for Human Rights
National Commission for Minorities
National Commission on the Rights of Child
National Commission on the Status of Women
National Action Plan on Business and Human Rights 2021
Employees Old Age Benefits Act 1976
National Food Security Policy in 2018
National Education Policy Framework 2018
The Enforcement of Women's Property Rights Act, 2020
Legal Aid and Justice Authority Act, 2020
Ehsaas Programme
Sehat Sahulat Program

The influence of the ICESCR on legal developments, including treaties and jurisprudence, has been substantive. It elaborated and turned into legal rules the so-called “social rights” on which the International Labour Organization had been working since the end of the First World War, like work, social security, hours of work, work accidents, minimum working age, freedom of association and the right to form and join trade unions, non-discrimination in employment, among others. It also deals with some of the subjects

which the World Health Organization and the Food and Agriculture Organization work on.

- **INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)**

The United Nations General Assembly adopted the International Convention on the Elimination of All Forms of Racial Discrimination was adopted in the 1965. The Convention expands on key statements of principle in the UN Charter and the Universal Declaration of Human Rights.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires States Parties to pursue a policy of eliminating all forms of racial discrimination and promote understanding among all races, to refrain from all acts and practices of racial discrimination, and to prohibit and prosecute such acts.

The Convention defines racial discrimination and imposes a duty on the States to provide all civil, political, economic, social, and cultural rights to all people without regard to race. It also includes a fundamental right to adequate court complaint processes (legal remedies) in the case of racial discrimination.

Over 182 States are party to the Convention, including Pakistan which ratified to the treaty in 1966.

ICERD consists of 25 articles defining racial discrimination and determining responsibilities of States.

Domestic Implementation of CERD

Corresponding Constitutional Provisions

Article 20	Freedom to Profess Religion
Article 21	Safeguard against Taxation for Purpose of any Particular Religion
Article 22	Safeguards as to Educational Institutions in Respect of Religion etc.
Article 25	Equality of Citizens
Article 26	Non-Discrimination in Respect of Access to Public Places
Article 27	Safeguard against Discrimination in Service
Article 28	Preservation of Language, Script and Culture

Legislation, Policies and other Measures

National Action Plan for Human Rights

National Commission for Minorities

Transgender Persons (Protection of Rights) Act, 2018 The Enforcement of Women's Property Rights Act, 2020 ICT Rights of Persons with Disability Act, 2020 ICT Senior Citizens Act, 2021 Ehsaas Programme

The Government of Pakistan is in the process of amending the Article 25 of the Constitution, which guarantees the citizens right to equality. The proposed amendment will expand the definition of Equality and Discrimination. It proposes that the State shall not discriminate directly or indirectly against anyone on grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, color, age, disability, religion or language; and promote the achievement of equality, by taking measures designed to promote those disadvantaged by discrimination and undertake legislation to enforce and ensure equality for all citizens.

This wider scope of the constitutional protection of equality has been proposed in view of the obligations and commitments under the Universal Declaration of Human Rights (UDHR) and other international conventions ratified by Pakistan.

Pakistan has submitted multiple reports under Article 9 of the Convention, with the Combined 26th and 27th Periodic Report being the latest to be submitted before the Treaty Body in 2021. The reports are the outcome of extensive consultative process done in collaboration with all stakeholders at federal and provincial levels as well as CSOs, academia etc.

▪ **CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

The United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was adopted in 1979. It is also known as the International Bill of Rights for Women that sets out in detail the prohibition of discrimination against women in all areas of life, and has been ratified by 189 countries including Pakistan in 1996.

The preamble to the Convention reaffirms faith in fundamental human rights, dignity and worth of the human person and in the equal rights of men and women. By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;

to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and

to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

Domestic Implementation of CEDAW

Corresponding Constitutional Provision

Article 25	Equality of Citizens
Article 25A	Right to Education

Article 26	Non-Discrimination in Respect of Access to Public Places
Article 27	Safeguard against Discrimination in Service
Article 32	Promotion of Local Government Institutions
Article 34	Full Participation of Women in National Life
Article 35	Protection of Family, etc.
Article 37	Promotion of Social Justice and Eradication of Social Evils

Legislation, Policies and other Measures

The Protection against Harassment of Women in the Workplace Act, 2010

The Zainab Alert, Response and Recovery Alert Act, 2020

The Enforcement of Women's Property Rights Act, 2020 ICT Rights of Persons with Disability Act, 2020
ICT Senior Citizens Act, 2021 Domestic Violence (Prevention and Protection) Bill, 2021 National
Commission on the Status of Women

▪ CONVENTION AGAINST TORTURE (CAT)

Torture constitutes a direct and deliberate attack on the core of the human personality and dignity.

The Convention against Torture (CAT) was adopted in 1984 as a specialized human rights treaty in response to the widespread and systematic practice of torture in Latin America and other regions of the world. The Convention is based on the explicit desire of its drafters 'to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.'

More than thirty years after the Convention's entry into force 165 States have ratified the treaty to fight torture and other forms of ill-treatment. Pakistan became a signatory to CAT in April 2008 and ratified it in June 2010, committing itself to enact an effective legal framework preventing and criminalizing torture, and other cruel, inhuman or degrading treatment or punishment.

The Convention represents the most detailed international codification of standards and practices regarding the prohibition against torture.

Domestic Implementation of CAT

Corresponding Constitutional Provision

Article 4	The right of individuals to be dealt with in accordance with the law.
Article 9	Right to Life, Liberty and Security of Person
Article 10	Safeguards as to Arrest and Detention

Article 10A	Right to Fair Trial
Article 14	Inviolability of the dignity of man, etc.
Article 199	Jurisdiction of the High Court (Habeas Corpus)

Legislation, Policies and other Measures

The Ministry of Human Rights prepared the Torture and Custodial Death (Prevention & Punishment) Bill, 2020, in consultation with relevant stakeholders, to harmonize the national legislation with the provisions of the subject Convention.

The Bill provides a comprehensive definition of torture in line with Article 1(1) of the Convention against Torture and includes both physical and psychological torture. Torture would be punishable by three to ten years in prison. The Bill provides criminal liability for public servants who have a duty to prevent the commission of torture and ‘intentionally or negligently’ fail to do so and for public servants who incite or instigate torture.

The Bill was approved by the Senate Functional Committee on Human Rights in July 2020 followed by a report presented in the Senate by the Senate Committee in February 2021. In July 2021, the Senate approved the Bill and the same has been presented before the National Assembly. If passed by Parliament, this Bill would make torture by law enforcement agencies a criminal offence for the first time.

Pakistan on June 23, 2010 accepted the Inquiry Procedure under Article 20 of the Convention against Torture.

▪ CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Children because of their vulnerability often need special care and protection that adults do not. Thus there is a need to place special emphasis on the primary caring and protective responsibility of the family, the need for legal and other protection of the child, the importance of respect for the cultural values of the child’s community, and the vital role of international co-operation in achieving the realization of children’s rights

The Convention on the Rights of the Child (CRC) was adopted in 1989, and is the first legally binding international instrument to incorporate a comprehensive set of universally recognized norms, asserting the complementarity and interdependence of human rights. Above all, the Convention set a new vision of the child, embodying a consensus that emerged in favor of the empowerment, as well as protection, of children.

The Convention has achieved near-universal acceptance, having now been ratified by 193 parties, including Pakistan on November 12, 1990. Pakistan has also ratified two optional protocol i.e. children in armed conflict and sale of children child prostitution and child pornography on November 17, 2016; and July 05, 2011, respectively.

Domestic Implementation of CRC and its Protocols

Corresponding Constitutional Provisions

Article 11	Prohibition of slavery, forced labour, etc.
Article 25	Equality of Citizens
Article 25A	Right to Education
Article 35	Protection of Family, etc.
Article 37	Promotion of social justice and eradication of social evils
Article 38	Promotion of social and economic well-being of the people

Legislation, Policies and other Measures

Child Marriage Restraint Act 1929
Children (Pledging of Labour) Act 1933
The Employment of Children Act 1991
Bonded Labour System (Abolition) Act, 1992
National Action Plan for Children 2006
The Child Protection and Welfare Act 2010
Juvenile Justice System Act 2018
ICT Protection of Child Act 2018
National Commission on the Rights of Children

▪ CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

Persons with disabilities constitute a significant portion of the population worldwide, yet they remain one of the most marginalized and vulnerable populations. They face a wide-ranging human rights abuses including institutionalization, isolation, stigma and discrimination, and lack of access to health, education and employment opportunities.

As awareness and understanding of issues related to disability rights grew, the United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2006 as a means of improving respect for the rights of persons with disabilities.

As of December 2021, 183 States have ratified to the Convention, including Pakistan on July 05, 2011.

The Convention seeks to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Domestic Implementation of CRPD

Corresponding Constitutional Provisions

Article 25	Equality of Citizens
Article 26	Non-discrimination in respect of access to Public Places
Article 27	Safeguard against discrimination in services
Article 38	Promotion of social and economic well-being of the people

Legislation, Policies and other Measures

The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981
National Plan of Action for Persons with Disabilities, 2006
Special Citizens Act, 2008
The ICT Rights of Persons with Disability Act, 2020
Ehsaas Kafaalat Policy for Special Person, 2020
Sehat Sahulat Programme
National Committee for Implementation of UNCRPD