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## Unpacking International Commitments: Assessing the Implementation of ICCPR, ICESCR, and the Convention Against Torture in Pakistan's Legal Framework

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### ABSTRACT

Since time immemorial, the discourse surrounding human rights has occupied a central position in societal discussions. In the earliest epochs, these rights were not systematically codified, with the process evolving over centuries. A significant watershed moment occurred post-World War II, marked by the establishment of the United Nations and the consequential adoption of the Universal Declaration of Human Rights. Notwithstanding Pakistan's ratification of the majority of international Human Rights covenants, a comprehensive integration into its domestic legal framework remains elusive. This research article delves into an analysis of three pivotal Human Rights agreements, namely the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention Against Torture. The study analyzes the extent of these treaties' assimilation within the domestic legal system, elucidating the complexities and impediments hindering complete incorporation. The ensuing discourse proffers substantive recommendations aimed at facilitating the seamless integration and efficacious implementation of these international accords, thereby fortifying the safeguarding of human rights on a national scale.



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## **1. Introduction**

The phrase "human rights" refers to the liberties and privileges that are automatically bestowed upon every individual human being at birth just because they are born as humans. They may also be defined as norms that aspire to protect all people everywhere from all kinds of abuses (Hannum, et al., 2023). The state or any other social institution cannot bestow rights upon its citizens, and rights are not exceptional privileges that must be earned to be exercised (Jamshed, 2021). It ought to be accessible to every single human being, free from discrimination.

These rules are built into national and international law systems, which spell out how to hold duty-bearers responsible and help people who say they have been hurt by human rights abuses (Marks, 2014).

## **2. Background of the Study:**

It should go without saying that every single human being has the same basic aspiration to live a life filled with peace and justice. It is unacceptable to mistreat, be unjust to, or discriminate against any person in any way. Whether it be a white person living in Europe or a black person living in Africa, everyone deserves peace. Everyone should be treated with respect, given justice, allowed freedom, and not discriminated against. The establishment of a universal and globally safeguarded norm that all states can adhere to and that all nations desire to be compliant with is one of the notable achievements of the UN (Cakal, 2023).

## **3. Characteristics of Human Rights:**

**Equality:** The debate about human rights circles around equality, which means that every human shall enjoy dignity and respect without discrimination (Monbiot, 2023).

**Non-Discrimination:** One of the most important aspects of a human right is that it should be non-discriminatory. A right can only become a human right if it can be enjoyed by every person on the planet and beyond. There can be no discrimination based on caste, creed, language, color, etc. If there is an inherent discrimination, there is no human right.

**Indivisibility:** Human rights are indivisible in nature. No matter if they have to do with economic, cultural, legal, political, or social problems, human rights are a part of every person's dignity. Denying one right always makes it harder to enjoy other rights. It asserts that on failure to enjoy one right, for example, the right to education or health, a person cannot fully enjoy other rights as well, such as the right of dignity, or freedom (More, 2023).

**Interdependence:** Human rights are linked and connected. Everyone helps a person live up to his or her human worth by meeting all his or her needs, be they developmental or physical. More often than not, the fractional or complete fulfillment of one right rests on the full or fractional fulfillment of another. For example, in some situations, educational rights may rely on health rights or a decent standard of living.

**Accountability:** One of the prerequisites of a human right is that it is backed by law. If it does not have the backing of the law, it is merely an ethical concern whose violation does not have any impact whatsoever. Municipal law must back these rights as only in this way the violation can be addressed properly. States and other people with responsibilities must make certain that human rights are respected.

**Historical Perspective:** The acknowledgment of human rights can be found ever since the beginning of time. Ever since the human race began, rights have been an integral aspect of history. Every religion in the world, be it Islam or Christianity, or any other; everyone includes the vital standards of human rights.

**The Earliest Laws:** The Urukagina of Lagash, which was written around 2350 BC and is thought to be the first known law code, talks about the idea of rights. The Neo-Sumerian Code of UrNammu is the world's oldest law text. It was written in 2050 BC. Mesopotamia created a number of other law systems that were written down. The Code of Hammurabi, which was written in 1780 BC, is one of the best-known of these.

**Magna Carta:** It was the most significant thing that could be done to defend human rights throughout the Middle Ages when the "Magna Carta" was signed. It was regarded as the most significant piece of writing

on human rights at the time. King John first enacted it in 1215 AD, and King Edward III later validated it. It was constitutional legislation. According to the Magna Carta, the King was required to cede some of his authority (Linebaugh, 2009), adhere to specific legal procedures, and acknowledge that the law may bind his will (Chodhry, 1992). Including the Preamble, there are a total of 63 Articles. Articles 39 and 40 are thought to be the most important.

Article 39 says that no free person can be arrested, jailed, banned, exiled, or hurt in any other way. We won't go to court against him, and we won't ask anyone else to do so either unless it's a fair punishment given by his peers or the law of common law. Article 40 says nobody will have to wait for what is right or fair.

#### **4. Treaty of Versailles and Declaration of International Rights of Man:**

Treaty of Versailles was adopted at the end of first world war. It resulted in the formation of the first international organizations, the International Labor Organization and the League of Nations. The respective missions of these two organizations were to promote social justice and maintain world peace. The new global order was a significant stride forward for human rights protection all over the world. The League of Nations Covenant guaranteed "fair and humane working conditions," and "just treatment," notably for people living in former colonies and members of minority groups, as well as "freedom of conscience and religion." Even though Japan made some efforts to include racial equality, the concept was never thoroughly investigated by the rest of the world.

The Institut de Droit International, in 1929, wrote The Declaration of the International Rights of Man (Palombo, 2023). This international institute is believed to be one of the most contributing organizations with regards to International Law. This constitution said that "every individual has equal rights to life, liberty, and property (Finch, 1941)." This was true regardless of race, gender, language, or religion. These rights included the freedom to own property and, most importantly, the right to life.

#### **5. After the Second World War:**

It is believed that more than 60 million individuals lost their lives during or due to the Second World War between the years 1939 and 1945, making it the bloodiest struggle in the annals of human history (Westwell, 2008). The number of people murdered by the Nazis alone cannot be categorically counted. The biggest international powers of the time, including the Soviet Union, the UK, and the US signed the United Nations declaration in January 1942, which upheld and enlarged upon the Atlantic Charter. Since that watershed moment in history, the fight for civil and political rights has evolved into a global campaign to combat fascism. This devotion extends beyond a single country. Both the Atlantic Charter and the UN Declaration were instrumental in making human rights an official issue of discussion at the international level. To the contrary, over time, this belief in and enthusiasm for human rights began to diminish. At some point in its history, each of the engaged states betrayed its vow to preserve human rights, which was incorporated into the both above-mentioned instruments. The United States proposed in 1944, during the Dumbarton Oaks Conference, an invitation-only meeting to discuss and establish a new world order, that respect for individual rights be a requirement for joining the United Nations. This would make granting these liberties to countries that are not members of the UN difficult.

At the Conference of the United Nations in San Francisco in April 1945, many countries, including Panama, Chile, South Africa, and Mexico, suggested adding human rights clauses to the Charter. A lot was also done by the American Jewish Committee and other non-governmental organizations that worked hard to change things. Because of these attempts, "respect for human rights and fundamental freedoms for all" was incorporated into the UN Charter. The United Nations Charter made it illegal for the body to get involved in disputes that fell under the national jurisdiction of a party to the UN, which made it hard to implement human rights laws.

## **6. Literature Review:**

Before the Second World War, we had nothing categorical regarding human rights. We had some of the legal texts from earlier times, such as the Code of Ur-Nummu and the Code of Hammurabi. There were other codes of human rights as well but we did not have special agreements that were accepted by a majority of the world in which basic human rights were identified (Kamruzzaman and Das, 2016). It was after 1945 that almost all the superpowers sat together along with some other nations (Freidel, 1950). They agreed on a set of human rights that we now know as the Universal Declaration of Human Rights. There are many countries that follow the Monoist doctrine (Hamid, 1994). They do not need to incorporate any of their international obligations in their domestic law. Their courts can apply international agreements without a Statutory Law on a similar matter. For example, Austria, Ireland, Germany, Italy, etc. On the other hand, Pakistan is a dualist state, and before performing any of the obligations set out in International Treaties, it needs to incorporate them into its domestic legislation. Therefore, when a treaty is ratified but not incorporated into the domestic system, the courts cannot enforce such treaties.

Torture was first banned under UDHR and a specific Article in ICCPR also prohibited it. In the 1980s, after a reported increase in torture all over the world, the Convention against Torture was adopted. Pakistan has also ratified the above-mentioned convention but has failed to implement all its obligations within the domestic legal system (Islam, Maseehullah, and Meer, 2022).

There are several provisions of the Constitution and General practice in the country that are against International Law (Ali and Rehman, 2003). This is because of the conflict of International Law provisions with Islam. In these cases, Pakistanis prefer to follow their religion, as is their right, but in violation of International Norms.

Most of international norms and treaties before the last few decades were written by American or European Scholars (Ahmed, 1979). Therefore, the traditions and customs of only such States were part of international writings. This is why there arose a number of issues in the United Nations after many Asian and African countries gained independence. Pakistan has failed to follow many guiding principles that it considers against its culture and religion but is now more accommodating towards International Law after the greater diversity in the UN.

## **7. International Covenant on Civil and Political Rights, 1966:**

The General Assembly of The UN passed in 1966 the International Covenant on Civil and Political Rights. This covenant, which is now considered one of the most ratified documents on the planet, protects a number of political and civil rights, especially those that strive for democracy and human equality. ICCPR is a text that must be followed by law that has been signed by over 170 countries. In the first part, the rights that are recognized are listed. In the second part, the duties of States are listed. In the third part, the Human Rights Committee is set up. Its job is to make sure that the Covenant is being followed. There are two parts to it. In the first part, the rights that are accepted are laid out. The second part tells States what they have to do.

### **7.1.Rights and Duties**

Many rights are recognized by the ICCPR, including the rights of self-determination, life, fair and public hearings, legal assistance, to know why someone is being arrested or detained, and to be presented in court at the earliest. State obligations under this instrument include the duty to safeguard the rights enumerated in the Covenant, the duty to take suitable measures to make these rights a reality, the duty to provide effective remedies, the obligation to ensure that anyone who has had to bear with the violation has a good way to fix the problem, and the obligation to make sure that people have their claims examined expeditiously. The Committee formed through the instrument is comprised of 18 impartial specialists. Each of these specialists was chosen by a State that has signed and ratified the covenant and is an independent contractor. The Committee is responsible for a variety of tasks, including reviewing State Parties' reports on how the Covenant is being implemented, making general comments on how the Covenant should be interpreted,

reviewing individual complaints of Covenant violations, and investigating serious or widespread Covenant violations.

### **7.2. Significance:**

ICCPR has been a big part of the growth of law involving human rights on an international stage and has helped protect civil and political rights all over the world in a big way. It has been used by courts all over the world to make decisions about human rights cases, and people and groups have used it to fight against human rights violations (Liu, 2010). It has been incorporated into the legal systems of many countries, either by making it a part of domestic law or by using it as a guide for how domestic human rights rules should be interpreted. Either directly or indirectly, this is what has happened.

Even so, the ICCPR has been criticized in its fair share. Some people have said that the Covenant can't be applied because there aren't enough ways to make sure that States Parties do what they are supposed to do according to the Covenant. People like these have said that the Covenant can't be enforced (Fox, 2003).

## **8. Implementation and Issues in Pakistan**

For this paper, we will only discuss in detail the issues arising in Pakistan related to the covenant's implementation in the List of Priority Issues in Pakistan concerning ICCPR by the Center of Social Justice and several other groups.

### **8.1. Right to Life**

In Pakistan, people's basic right to life is still being violated. This is a big problem because national security is in a bad place, there are still ongoing counterterrorism and counterinsurgency operations, and violent extremist acts are happening. During operations against terrorists and insurgencies, there have been stories of civilian deaths and killings that didn't follow the law. In the fight against terrorist groups, security service members have been known to kill people without a court order. Also, it is common for law enforcement officers to use too much force. People from religious minorities, people who are publicly against the government, and people who live in the most dangerous parts of Pakistan have been the most at risk. In 2015, the number of people killed without a trial went up in the city of Karachi. During the initial six months of 2015, law enforcement officials killed 318 people. During the same time period in 2014, only 258 people were killed by law enforcement. Out of the 318 people killed, 255 were killed by cops, and 62 were killed in gun battles with rangers. In the same year, more than 2000 people were killed in police encounters (Najm-ul-Sahr and Ijaz, 2016).

## **9. Extra-Judicial Killings:**

In a broad sense, the word "extra-judicial killings" refers to executions that go against domestic law, human rights law, or international law. Extra-judicial killings can happen when police use too much force, when citizens are killed randomly during an armed conflict, or when state security forces or paramilitary groups kill people without being properly investigated, tried, or punished. They are defined as killings that are neither sanctioned nor shielded by law (Benazir v. Pak, 1988). They could also be described as killings done outside of the court system by public officials or with their permission, unless they were done to protect lives or as part of an armed conflict in line with IHL (Rodley and Pollard, 2009). Police officers in Pakistan have been blamed for extrajudicial killings and other heinous violations of the rights of humans.

### **9.1. Honor Killing**

In Pakistan, cultural and religious ideas continue to give rise to widespread discrimination against women, which is deeply rooted in these ideas. Since 2010, the government has made laws and put in place systems to protect women's rights. But as long as Qisas and Diyat (the Sharia laws for solving murder) are in place,

these changes don't change the position of women in any way. Women in Pakistan have to deal with sexual harassment and other types of abuse that are accepted by society. Honor killings are common, and women often have to go through traditional forms of forced marriage, which can look different from one culture to the next. Most fatal shootings were caused by fights between partners, claims of extramarital affairs, and people exercising their freedom of choice when it came to marriage (Thrasher and Handfield, 2018).

Even as all the negativities surround the topic, the government has taken strong initiatives to prevent honor killing. Considering it as part of a *fasad-fi-al-arz* and not allowing family members to forgive the attackers has borne some fruit. Since the beginning of the past decade, Pakistan was averaging 300 honor killings per year, but in the first year of this decade, 197 killings were based on honor. Although it is still a huge number and needs to be reduced, but there have been improvements.

### **9.2.Arbitrary Arrests**

Preventive detention during times of peace is legal in Pakistan, per the country's Constitution, so long as the detainee poses a risk to the security, defence, and external affair of the country. The Pakistan Protection Act (PPA) of 2014 (PPA, 2014) provides legal backing for this authority under Section 6 on preventative detention, which violates international conventions by allowing security forces to conceal detention facilities and hand over detainees to security forces without judicial review (Marcoux Jr., 1982). The PPA also lets security forces hide the names of people who are being turned over to them.

Recent examples have shown that Pakistan is still going down the path of arresting political opposition on the pretext of spreading hate among the nation and its institutions.

### **9.3.Right to Privacy**

Pakistan's basic legal framework stated that "The dignity of man, subject to the law, the privacy of home shall be inviolable (Constitution, 1973)." This is in line with the ICCPR. The anti-terrorism law, on the other hand, gives intelligence organizations a lot of power. One of these rights is the ability to spy on people without legal protection or judicial oversight, for reasons like protecting national security, preventing economic losses, and keeping society from getting out of hand. The Anti-Terrorism Act of 1997 and the PPA, 2014 give law enforcement agencies and the military permission to enter and check buildings without a judge's permission. This has led to violations of the ICCPR, which protects the privacy and security of the home. This leaves a lot of room for both security agencies and people who want to use the agencies for political goals to abuse their power.

### **9.4.Religion**

Article 20 of Pakistan's constitution says that people have the "freedom to practice their religion and to run religious institutions." However, this freedom is limited because it depends on the law and morality. Religious independence is limited in a number of ways, both by law and by what people do in real life. Also, the Constitution offers a philosophical basis for religious and faith-based inequality and discrimination. It is due to the fact that the exclusion criteria for becoming Head of State or Government in Pakistan include being a non-Muslim. No person, other than a Muslim can be appointed to such positions, therefore, clearly in violation of ICCPR.

### **9.5.Provision Regarding Juveniles:**

ICCPR provides that an accused juvenile shall not be made to live with adults and their adjudication must be made as quickly as possible. Pakistan, through the Juvenile Justice System Act, of 2018, has made it clear to quickly adjudicate matters involving juveniles. The only issue regarding this provision is that it allows the High Court to grant an extension to trial courts if they are unable to conclude the trial in time (Juvenile Justice System Act, 2018).

Furthermore, ICCPR also provides that juvenile offenders who have been convicted of a crime shall be

kept away from adult convicts. They shall also be provided with treatment that is appropriate regarding their age and legal status. The Juvenile Justice System Act, of 2018, also prohibits intermingling of juvenile and adult criminals. But the situation on the ground is completely different from that of the spirit of the law and the intention of the legislature. There are no proper facilities or juvenile prisons to keep all juveniles away from adult criminals. Only the province of Punjab has Borstal institutions in Bahawalpur and Faisalabad. The conditions in these borstal institutions are not up to the mark. The Borstal jail in Faisalabad has been closed for quite some time now. It was closed in 2018 due to a thunderstorm and all the inmates were transferred to Central Jail, Faisalabad (Ansari, 2018). Sindh has four industrial schools in Karachi, Sukkur, Hyderabad, and Larkana (Dawn, 2013). Khyber Pakhtunkhwa and Balochistan are yet to follow suit.

#### **10. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (CAT)**

Before recently, the word "torture" had never been clearly defined in any treaty that dealt with the problem of torture. ICCPR of 1966 was the first instrument to clearly ban torture and brutal or degrading treatment. It was also the first thing that the United Nations agreed to. The rules about what you can't do are in Articles 7 and 10, and their goal is to protect the dignity of people in both their physical and mental states. The CAT is a plan made by the countries of the world to stop torture (Lippmann, 1994). In 1984, the treaty was signed.

Torture, which is the worst crime against people, is one of the vital HR issues in the world right now (Ingelse, 2001). Torture goes against the political and legal obligations that exist on a global scale. It also threatens the unity and cooperation between countries, which are both important for keeping the peace and stability of the world. Even though torture is against the law in several international legal agreements, none of them have given a full and positive meaning to the word "torture." In this way, the CAT of 1984 formalizes the international customary law against torture that was already in place.

The idea of inhuman treatment involves, at the least, the deliberate inflicting of significant mental or bodily suffering that is not justifiable in light of the circumstances. Degrading treatment and punishment are given to a person when that person is humiliated in front of other people or when that person is forced to perform against his or her will or against their own moral compass (Becket, 1970). It is the purposive element of torture that distinguishes it from other acts that cause serious physical or mental harm (Swaak-Goldman, 1999).

The objective nature of the term "torture" rather than the subjective nature of the act itself is what distinguishes torture from other forms of abuse. As a consequence of this, we might conclude that all forms of torture are inhumane and degrading treatments and that all forms of degrading treatments are also inhumane. Torture is a severe kind of inhuman treatment because it is carried out to achieve a specific goal, such as the gathering of information and confessions.

#### **11. Characteristics**

- Worldwide, there are four conditions or characteristics that constitute torture. These four elements are;
- The essence of The Act is that the act committed must have been done to inflict harm upon the person, either physical or mental.
- The intent of the Perpetrator; which means that the perpetrator must have had the intent to inflict harm upon the person.
- The intention of the Public Official means that there must be an intent of a public official regarding the infliction of harm.

- Participation of a Public Official; which means that there must be the contribution of a public officer in the infliction of harm, either directly inflicting torture or indirectly allowing the harm to take place for his own aims.

## **12. Convention and its Application**

The Convention fails to clearly define what constitutes derogatory or inhumane treatment. Their definition is to be extracted from outside sources. According to Article 16, state parties must say that they will not allow any other cruel or humiliating acts against people that are not torture to happen on their land. In this case, the convention does not identify a deed or deeds, nor does it describe them. The Committee against Torture says that it is not always clear where these evil acts end and torture begins. On the other hand, the United Nations rapporteur on torture says that when you look at the spirit of articles 1 and 16 and try to figure out what they mean, you can conclude that the final thing that sets torture apart from other cruel and degrading acts is the behavior of the offender and the helplessness of the victims, not how much pain or suffering is caused.

Not only inflicting cruel punishment or torture is a crime, but it also includes failure to prevent such acts or punishments. In the lawsuit brought by Dzemailj and others against Yugoslavia, the police were present but did nothing to stop the destruction of a Roma hamlet that had already been established. The Panel read Article 16 of the CAT, which forbids treatment that is cruel, degrading, or inhuman, meaning that the individual consents to the treatment (Dzemail et al. v. Yugoslavia, 2002). The judgment establishes that a state's unwillingness to prohibit torture in order to hold private persons accountable for such activities can constitute acquiescence, which would result in accountability under the CAT.

Under both the CAT and the ICCPR, state member parties are expected to look into claims of torture. Art. 13 gives people the right to file complaints with the right authorities, which goes along with this promise to examine. The government will protect witnesses and people who file complaints from harm.

It is not the State's duty to investigate such matters only if a complaint is filed, rather the State shall take cognizance of the crime even when it is not formally asked to investigate the matter (Crawshaw and Holmström, 2006).

## **13. Laws in Pakistan:**

Before the year 2022, Pakistan did not have a special law that dealt with torture and other cruel punishments. Pakistan ratified the CAT in 2010.

In 2012, Parliament passed legislation to establish NCHR as a separate body. Human rights abuses are crimes against humanity, and this body has the authority to investigate them. It must also advocate for these ideals of basic rights, undertake a study based on that research, and provide the government with its assessment of the findings. Ultimately, the government of Pakistan failed to develop a clear procedure for the serious breach of Human rights rules due to political instability (Gondal, 2017).

Pakistan is a dualist state; therefore, it is necessary to incorporate the contents of a convention into national law before it is implemented. Pakistan only had one provision in its laws, that dealt with torture before.

### **13.1. Police Order, 2002**

This order provides that any police officer, who inflicts torture on a person who is in his custody shall be punished (Police Order, 2002). He may be imprisoned for a maximum term of five years and may also be given a fine. Other than this law, Pakistan did not specifically illegalize torture other than to extract evidence.

### **13.2. Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Act, 2022:**

In the preamble of the act, it has been accepted that torture violates the dignity of the person under the



Constitution. Torture has been defined in the act as something deliberately done to cause pain or suffering which is done to obtain information from him or force him to do something which he does not intend to do. Suffering may also be caused by discrimination. One of the conditions provided in the definition of torture is that there must be a public officer involved in these proceedings.

According to the law, any information obtained through torture or cruel treatment cannot be considered admissible in court. Any person who commits torture is liable to be granted a punishment that is present for the type of harm inflicted upon a person under the Pakistan Penal Code, 1860.

The law also provided for mala fide complaints of torture against public officials. Any person who files a complaint of torture against a public official shall be punished with a similar penalty that could have been granted to the alleged accused.

The investigation of such offenses is done by the Federal Investigation Agency (FIA) and shall be concluded within 30 days. If not completed within 30 days, the agency may allow for an extension of a maximum of 5 days, and on failure to do so, the investigation shall be transferred to another officer.

### **13.3. Discrepancies within the Law:**

The law against torture applies to every public official in Pakistan. The law providing for preventive detention serves as a violation of the law against torture. This is because a person may be confined for 90 days (Protection of Pakistan Act, 2014). In such detentions, a person may be subject to torture, and as he has no right to approach the courts, he may continue to suffer such punishment at the hands of cruel public officials. Furthermore, the courts have not been strict enough while granting punishments in cases of torture, which provides satisfaction to those who continue to commit these offenses.

Additionally, as is the practice in the country, armed forces are generally not held liable in a civilian court of law. There have been a large number of reports of enforced disappearances involving armed forces.

### **14. International Covenant on Economic, Social, and Cultural Rights, 1966**

The UN approved the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1966. One of the fundamental human rights treaties is the ICESCR, which has legal force in the states that have ratified it. We will go over the background, clauses, and significance of the ICESCR in this chapter. The ICESCR was created in response to the growing understanding that there is an equality between the rights under this instrument and the civil and political rights. The ICESCR was created in the 1960s, at a time of decolonization when many newly independent nations were calling for both political and economic independence.

### **15. Rights and Obligations Under the Convention**

The ICESCR recognizes everyone's rights to employment, education, a livable wage, health care, social security, and participation in cultural activities. States are mandated to take action to guarantee that all people living under their jurisdiction have access to these rights.

The obligation of states to adopt progressive measures toward the realization of these rights is one of the most fundamental clauses of ICESCR. The states must guarantee the eventual full enjoyment of these rights. ICESCR acknowledges that achieving the realization of these rights may take time and continual progress.

To date (2021), 171 countries have signed up to the ICESCR. Although many countries have signed and ratified the ICESCR, several have yet to fully implement its provisions. The infringement of these rights must be addressed for the ICESCR to be effectively implemented.

### **16. Significance**

ICESCR has been instrumental in promoting the above-mentioned rights worldwide (Ramgotra and Choat, 2023). It has laid the groundwork for campaigns to promote and hold administrations answerable for the fulfillment of fundamental rights. National legislation and programs, as well as international development

policies, have all used the ICESCR as a foundation. Issues like education, shelter, health care, and clean water access are just some of the many that have been tackled with the help of the ICESCR. It has been crucial in pushing forward the worldwide realization of fundamental rights. Even though ICESCR can be difficult to put into practice, it is nonetheless a powerful weapon for promoting and enforcing these rights.

### **17. Issues in Pakistan Regarding Implementation**

Pakistan has had trouble dealing with problems like child labor and worker rights. Pakistan still has a big problem with child labor, especially in the unorganized sector. People have also said that the country doesn't do enough to protect the rights of its workers, especially in the textile and garment business, which employs a lot of people.

Even with these problems, Pakistan has made efforts to put the ICESCR into practice. The government has taken steps to make it easier for people, especially those who are weak, to get health care. The country has also set up programs for social protection, like the Benazir Income Support Program, which supports poor families with money.

Pakistan has also taken steps to help guard women's rights and people from different groups. The government has passed laws to protect women's rights and has taken steps to help religious minorities, such as protecting their places of prayer.

In conclusion, putting the ICESCR into practice in Pakistan is still hard because the country has a lot of economic, social, and political problems. Even though the government has taken some steps to put the agreement into effect, there is still a lot more that needs to be done to make sure that these rights in Pakistan are fully realized. To make sure that everyone in Pakistan can enjoy these rights, it is important to deal with problems like poverty, education, child labor, and workers' rights.

### **18. Conclusion and Recommendations:**

Pakistan needs to incorporate what it has agreed to while ratifying international treaties and agreements in its domestic legislation. Most of the treaties and their provisions have already been incorporated into the legislation. Pakistan has failed to implement what it has incorporated. Although the law against torture has been enacted, it has not been implemented and we regularly have to hear the news of custodial tortures and deaths. Furthermore, most of the provisions of ICCPR are already in the constitution, but Pakistan has failed to materialize them and the rights of people are being violated regularly. Some of the solutions are as follows;

- Judicial officers must be trained to interpret and correctly apply the international obligations of the country.
- Parliamentarians shall work for better law-making in accordance with international treaties.
- All State institutions, including the military, shall be made answerable in the court of law so that violations by them may be answered properly.
- Pakistan needs to make its public aware of its international obligations so that civil society and NGOs are also involved in making the country better and safer.
- Increasing transparency across the board will go a long way in reaching the desired target.
- Body cam footage over all police and law enforcement officials must be mandated so that they can be kept in check.
- Needs to better itself economically so that all purposes of ICESCR may be fulfilled.

Pakistan should strive for complete democracy, which will result in complete adherence to all cultural and social rights of the masses.

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