

INTERNATIONAL HUMAN RIGHTS AND ITS JUDICIAL ENFORCEMENT IN PAKISTAN

Rashida Abbas

Vice Principal, Institute of Law, Lahore
PhD Scholar, IR, School of Integrated Social Sciences, UOL, Lahore
Research Fallow, Centre for Security, Strategy and Policy Research Lahore
Rashda289@gmail.com

Muhammad Akif Rashid

PhD Scholar, IR, School of Integrated Social Sciences, UOL, Lahore
Research Fallow, Centre for Security, Strategy and Policy Research Lahore
Akifgujjar351@gmail.com

Fazal Elahi Bilal

Deputy Registrar, KEMU, Lahore
PhD Scholar, IR, School of Integrated Social Sciences, UOL, Lahore
Research Fallow, Centre for Security, Strategy and Policy Research Lahore
Bilalkemu31@gmail.com

ABSTRACT

The fundamental content of human rights, including freedom of thought, conscience, and religion, also implies that all people are born free and have the same rights. As family members, people form unique businesses within society and are referred to as contributors. When we discuss 539 BC, we gain a better understanding of the victory over Babylon. All of the slaves of war were released by Cyrus, and they were free to go wherever they pleased, which became a brand new element for people. A great deal of emphasis was placed on human liberty and other rights, which was a remarkable act at the time because there was no concept in people's minds. When we consider human rights, we get the impression that it is difficult to locate all primary rights under the shadow of both Islamic and secular legal guidelines. Every Pakistani citizen has the right to free expression, the right to think, and the right to believe. These are the basic fundamental rights guaranteed to the public by the Constitutions of 1956, 1962, and 1973. The primary goal of those constitutions became to provide guarantee to the rights of others. Pakistan has an independent human rights commission. Primary purpose of this study is to evaluate judicial enforcement of international human rights in Pakistan.

Key Words: International Human Rights, Judicial Enforcement, Fundamental Rights in Pakistan.

INTRODUCTION

The fundamental content of rights for all humans including freedom to thought, conscience and religion also involves that all individuals are produced unfastened and they have same rights. People create unique companies within the society as family participants and they're called as contributors. If we talk approximately 539 BC, we enhance our understanding approximately the triumph's over the metropolis of Babylon, all the slaves of war were launched via the Cyrus, and that they had been loose and they may go anywhere, which changed into the brand new element for people. He gave an awful lot significance to the liberty and other rights of the human beings and at that point it was a remarkable act due to the fact there was no concept within the minds of people (Iqbal, 2009). Moreover, he announced that people should be unfastened to pick any religion. Critics argue that Cyrus made first time his assertion about the rights of human. Human rights are of mammoth importance inside the improvement of a rustic because without protective these rights the United States can't development.

Without human rights safety, it's far very hard to hold peace in any us of a. In various nations of the world extraordinary laws are being made for the safety of humans. In a progressive USA like Pakistan many laws have been made for the humans and minorities. In many nations specific legal guidelines has been made to relaxed human rights. In Pakistan the diverse laws has additionally been framed for the safety of the right of humans. No one can be disturbed otherwise than in due route of law and nobody is allowed to infringe the proper of others at any fee. It is a prime obligation of each authorities to defend the rights of its citizens (Iqbal,

2009). The human rights idea grew swiftly to Greece, India and Rome. Amartya Sen is a well-known writer, philosopher and economist who is well known many of the humans. His e book “Development as Freedom (1999)” reflects his experience about how individual got evolved and the way vital human rights are for the people of society. Amartya Sen helps a mixed approach for development that takes into account several establishments and defines freedoms such as security for society, social aid, monetary and political freedom and transparency from authorities. While stating that within the name of human and economic development, improvement usually for going possibilities and freedoms; Amartya Sen says that to make unceasing and efficient alternate, freedom have to be the principle precept to development. He additionally focuses on the worries and criticisms that surround the global human rights debates, which incorporates obligations associated with accomplishing rights, arguments about the legitimacy of human rights, and queries regarding cultural relativism (Shah, 2006). More specifically, Amartya Sen argues about non dependency of freedom and human rights on the cultural values by using his own experience about Asian culture (Sen, 2017). He writes about the rights of human beings on the:

- 1) Deep rooted value of it.
- 2) Their role in giving political motivation to monetary security.
- 3) Their importance in the construction of values.

In this book, Amartya Sen doesn't use difficult words and terms so that audience on a large scale could easily read and understand it rather than using difficult terms and techniques that are difficult for a layman to read and get the point that is meant to be transferred. The author directly jumps to the context that is important, leaving behind all the flawed theories and misconceptions which are not worth reading. The most important context of this book is “*Development as Freedom*” for all the audience that are still underdevelopment and are passionate about their growth (Sen, 2017).

History of human rights in Pakistan

When we reflect on consideration on human rights we get the concept that it is difficult to locate all primary rights below the shadow of each Islamic and secular legal guidelines. Every citizen of Pakistan can enjoy proper of speech, proper to think and right of faith. These are the primary fundamental rights that are given to the public inside the Constitution of 1956 1962 and 1973. The principle purpose for the ones constitutions turned into to present guarantee to the privileges of others. There is self-sufficient human rights commission in Pakistan (Chitkara, 1997). The Constitutions had accommodated the requirement of primary rights, above stated rights are being enforced by means of the apex courts of Pakistan. Basic rights are handy under the charter and these rights are enforceable even in opposition to the administration. The obligatory rights are not absolute as law has given tough policies, however it does now not imply freedom is not managed. Crucial rights are an important part of the blanketed law and there can be no democratic constitution without it. Basic important rights were given in the charter of 1973. The critical rights protect the freedom and privileges of the general population and those rights cannot be suspended without making use of constitutional techniques. This charter completely communicate to the belief device and majority rule desire of the overall populace of Pakistan and constitution is the incomparable regulation that everyone need to observe and it's far taken into consideration as an tool through which a legislature may be run. It moreover replaces the essential legal guidelines of the country. It also comes to a decision the attributes of the bureaucratic and not unusual government is charter is administrative cum parliamentary in its qualities (Chitkara, 1997).

Pakistan is an Islamic republic which is based totally on federal machine. In May of 2013 Pakistan Muslim League-Nawaz (PML-N) received the elections and made the authorities. Elections have been claimed to be free and honest with none corruption. But a few independent applicants and events doubted the fairness of elections and raised some issues and worries towards it. On July 28, Nawaz Sharif became suspended through the Supreme Court due corruption accusations. On 1st of August. Shahid Khaqan Abbasi become Parliament selected by means of the Parliament as the brand new PM (Chitkara, 1997).

Regulated and systematic modifications in judiciary and in military toughen the democratic transformation. Civilian jurisdiction generally preserves effective and spectacular command over the safety forces. Disappearances, persecution, intermittent mob violence, lack of regulation, unlawful and targeted killings, weak utility and law implication, and having restrained duty are few of the maximum critical issues associated with human rights. Irrational imprisonment; lengthy pretrial delays, deficiency of constitutional independence within the lower courts; governmental violations on privacy rights of residents, persecution of reporters, and horrible assaults against those reporters and media organizations have been a number of the additional troubles. Government restrictions and constraints on freedom of motion, religion and gathering, distinction in other religions and minorities are nevertheless inside the day by day practice of people. It is

observed that there may be corruption in unique essential establishments of government. The unnatural offence is a crook act and it's against legal guidelines however the government hardly prosecuted this kind of instances (Arthur, 2009).

It is located from the previous few years that child labor is increased in Pakistan daily. It is the result of much less punishment of accused persons who force youngsters for labor. Child labor is mainly seen on tire shops and in creation paintings. The government have to take steps for the betterment of children who do now not have the resources for profits. Authorities not often expel and penalize authorities' representatives for violating human rights. Pakistan two "2017 US Department of State Country Reports on Human Rights Practices". Different groups, exceptional terrorist labors more suitable the problems of humans inside the society. The navy non-stop vital operations to oppose militant and terrorist businesses. However, the problems like violence, and social and spiritual intolerance by using many corporations have greater the issues of local and overseas culture, in particular is Provinces of Pakistan like Baluchistan, FATA and KPK. By the stop of Octo, terrorism casualties boost at 1,084, compared to at least one, 803 casualties within the whole 2016 yr. According to the South Asia Terrorism Portal (SATP), a database composed by way of the Institute for Conflict Management that gathers records on terrorism and occasional severity combat in South Asia (Chitkara, 1997).

Important advances

The human rights idea improved swiftly to Greece, India, and Rome after which in other locations of the arena. The largest progress when you consider that then has protected the following.

- New rights have been given to people by way of The Magna Carta (1215). Also made the king answerable to law.
- The rights of the humans have been provided with the aid of Petition of rights (1628).
- The United States have raised the voice of life, liberty and happiness.
- The assertion that all inhabitants are equal under the law was established in the Declaration of the Rights of Man and Citizen (1789), a French report.
- The Universal Declaration of Human Rights (1948) was the first such document to establish a list of 30 rights to which everyone is entitled.

Variety of human rights

Following are the various human rights:

- Cultural rights.
- Political rights.
- Civil rights.
- Economic rights,
- Collective rights.
- Social rights.

Violence against women

In the past before the spreading of Islam the human beings murdered their women on the time of birth most effective because they need a son. The rights of the women have been first covered by using the Holy Prophet (PBUH) which is given for example at some stage in the arena. He (PBUH) is a role version for all of the people of all of the international locations. In the Holy Quran many Surah's had been found out handiest for the protection of man and girls rights. Domestic violence is a deadly disease social problem in many countries like Pakistan, India, Bangladesh, and many others. Human rights watch done a look at in 2009 which states that between seventy to ninety percent females are abused in Pakistan. Approximately 5 thousand women are killed in keeping with 12 months for home violence. A Human rights watch file released in 2014 says that acid attack, rape, honor killing, forced marriage and other sorts of violence towards girls are nonetheless critical troubles in Pakistan (Kirmani, 2000).

In the month of June in Khyber Pakhtunkhwa enterprise a "Jirga" ordered the killing of a thirteen-year antique lady for "walking away with guys." In order to legally defend the village and tribal councils, Parliament had issued a dubious invoice in February. Many humans have criticized the invoice surpassed through KPK authorities approximately the home violence. This invoice well-known shows that humans have created a few measures with the intention to help them if they use home violence against girl family members. In Khyber Pakhtunkhwa province in 2017, the said cases of domestic violence were greater than one hundred eighty which include 94 ladies that have been murdered by using their close family members. Women that belong to non-secular minority communities were especially dangerous and defense less (Sen, 2017).

According to the corporation specifically “United Nations Children's Fund” (UNICEF), in Pakistan, 21% ladies get married before they attain on the age of 18 which leads severe interest toward the problem of baby marriage. Using children in suicide assaults and bombing and attacking colleges by the Taliban and different extremist agencies who also paintings with Taliban’s persisted all through the year. More than 5 million number one-college-age children don't pass to school, among them in the main are ladies. There are several reasons which had been found by using Human Rights Watch research that reasons women to omit schools. These motives include insufficient colleges, charges related to analyzing, gender biases and infant bearing. The Unite Nation’s Committee on Cultural, Social Rights, and Economics offered Pakistan during June to recommend the Safe Schools Declaration. This declaration suggests a few ways to relaxed schools from various kinds of attacks and army use within the time of warfare. Pakistan has not signed the assertion but (Kirmani, 2000).

Civil and Political Rights, As Well as Economic, Social, and Cultural Rights, International Covenant

The above titled words offer the definition that “ICCPR” a treaty which includes many countries and it is followed by way of the United Nations on sixteen December and put in force from 23rd march 1976. Its fundamental goals are to provide safety and respect for people's civil and political rights, such as the right to live, the freedom to speak, the right to religion, the right to water, and so on. As of February 2017 the covenant has 169 events. The covenants on civil and political rights may be divided into six (6) parts or divisions.

Part first- First part acknowledges the rights of all and sundry to self-discrimination.

Part second- Second component protects the rights of humans, and if people damage those policies this part also presents felony remedy.

Part third- Third part includes the right to bodily integrity, liberty, securing of humans, non-discrimination, and many others.

Part fourth- The fourth part offers with the establishment of operations of human rights.

Part fifth- The covenant's fifth component specifies that it is not to be construed as interfering with UN activities.

Part sixth- It controls the covenant's ratifications, coming into force, and amendments.

The United Nations Covenant on Civil and Political Rights is also ratified by Pakistan. On April 17, 2008, Pakistan signed; on June 23, 2010, it ratified or acquired; and on September 23, 2010, it became effective.

1. Procedure of amendment

The state party may also send the document to the Secretary General of the UN for exchange in any reliance or protocol. Then the secretary trendy of United States will talk with the nation parties, from the date of such communique inside the 4 months the secretary trendy must convene the assembly. In that assembly if majority of the states are within the chosen of that modification then it will be noted fashionable assembly for approval.

2. International Covenant on Civil and Political Rights Monetization

The UN usually take care of worldwide covenant and also submit the reports in habitual on civil and political matters. It is the obligation of each kingdom which is the part of United Nations that publish the normal file related to covenants. The committee meets in Geneva on a regular basis, usually three times a year.

3. Economic, social, and cultural rights under the International Covenant

It's known as a multilateral pact since it involves more than two countries. This treaty changed into installed in December 1966 and started out operating on 1976. Its predominant purpose is to offer safety to the financial social and cultural rights of all of the people such as labour rights, right to health, right to schooling, and so forth.

4.

5. Membership of Pakistan

Pakistan is likewise a member of global covenants on social, monetary and cultural rights. Pakistan approved the treaty on April 17, 2008, after signing it on November 3, 2004. The reason of that is to provide safety to the rights of the people.

Universal Declaration of Human Rights

It is thought that the regular assertion of civil rights is an important record in the rights. This announcement is honored in Paris on December 10 1948 via the United States. The announcement was held to celebrate the achievements of all the countries. The fundamental man or women rights set out for the primary time to be the world over covered and it's been translated into over 500 languages. It was the first time that any report detained almost all simple rights of human beings.

Following are the simple human rights which are referred to in that article.

1-Right to born free and same

Everyone has a proper to born free and also all people has the proper that he must be dealt with within the identical manner as other do. It is located that underneath the charter every person has the same proper and no one is above the regulation.

2-Donot discriminate

Such rights may be confronted in every day habitual topics. Nobody can be discriminate in recognize of color, creed, caste, etc. No one has any authority to discriminate between the people in respect of any ground.

3-Right to life

All human beings ought to be treated similarly. Every citizen has the right of living independent existence. Right to stay a free and healthy life is primary and maximum essential proper of anybody.

4-No slavery

Nobody has any right to make anyone slave. Slavery is prohibited, as is other forms of forced labor.

5-No torture

In the sector anybody born free, without any liabilities and without any responsibility. No one has the authority to make others slave. If each person does so, he commits a crime which need to be punished in a difficult way.

6-Equal earlier than law

Everyone is identical in the eye of law. Favorites cannot take delivery of to anybody at any fee all have to be handled within the equal way. No one can be preserved otherwise than in due direction of law.

7-Rights are blanketed by using regulation

The rights of all men and women shall be dwindling by way of law. No one is authorized to cast off any right of different. The regulation's primary focus is on the safety of human privileges.

8-No unfair detainment

Nobody has any proper to obstruct any individual unlawfully. No one can be limitation or confine in any other case than in accord with law. If anyone imprisoned everyone else unlawfully then he will be castigated in accordance with regulation.

9-Right to trial

Everyone has a proper of affordable trial. No one may be punished double for the same offence. People need to be tried identical and nobody can take any benefit at the behalf of others.

10-Right to private

Everyone has proper of private of himself and his own family. Nobody can be certain to provide any person information in any other case than in due course of law.

11-Freedom to move

Everyone has a right to move freely. If anyone wants to travel anywhere in any country he is free and he can do so. He can return to his country and no one can stop him.

12-Right to place

People of the society have the right to live in the safe place. No one can be involuntary to live at a place.

13-Right to a nationality

Everyone can choose any nationality. In which country an individual born he has a correct to get population of that country and no one can be disadvantaged of this right.

14-Marriage and family

Everyone has the right to wed anyone and have a family. No one can be bound to marry any specific suggestion. Everyone is free to marry anyone to whom he or she needs to marry.

15-Freedom of religion

All have the right to follow their faith. No one can be bound to follow any faith and all are free to choose their religion.

16-Freedom of expression.

All the citizens have the right to express their feelings. If anyone wants to give opinion about anything he is free to do so.

17-Right to work

All have the right to work freely. No one can be bound to work after the working hours.

18-Right to play

All have the right to play. When someone is tired with the hectic routine of life he needs some rest.

19-Right to education

Education is the basic need of everyone now a day. No one can be prevented from getting education. It is the basic right which every state provides to his citizens. There should be the proper education system in every state

so people should be civilized. It can be noticed that in many countries of the world there are some areas where still people are deprived of getting education. Governments should take necessary steps for overcoming this issue.

20-Fair and free world

Everyone has the accurate of fair and free world. All have same privileges and should be preserved in the same way.

21-Responsibility

We have a duty to others people and we should defend their rights. The duty of one person will become the right of the other person.

22-No one can take away your human rights

All the human rights are endangered by law. No one is allowed to take away any right of the other.

23-Social security

All have the right of social security. Citizens have a right to security as members of society, which the government should give.

24- Life Standards

All the citizens have the opportunity to locate in a better place. A man in his whole life works for the betterment of his family. A man tries to fulfill all needs of the family like food, clothing and shelter etc. in the western countries the living standard of people is better than Asian countries, because they focus on their education and improvement in living standard.

25-Participation in cultural life

Everyone can participate in the events held by different institution such as school, college, university and different municipals.

26-Social and international order

Every person has a right to a universal, shared order that enables them to fully exercise the freedoms and liberties outlined in this Statement.

27-Involvement to government

All the residents have identical proper of participation in the election and sit down in authorities. Pakistan is the democratic United States and all of us has the proper to take part in election. Elected authorities runs the device of the USA.

28. Liberty to expression and opinion

All the citizens must have this right of expression of his opinion. Everyone has feelings about the liberty of people. The expression of thoughts cannot be pressed via the nation.

29-Right of asylum

Asylum is the right of anyone. If anyone has difficulty along with his Asylum. He can get the asylum of different country. There can be one of a kind reasons for getting the asylum.

30-Interpretation of announcement

Everybody is sure through law for his declaration about the country. There should be the idea involved in any movement or success at liberty.

The International Bill of Human Rights

All countries were viewed as crucial participants in "promoting and fostering respect for human rights and fundamental freedoms for all people, regardless of race, gender, language, or religion" at the time the UN was created." It is the reality that the assertion was surpassed round approximately 70 years ago concerning human rights by way of UN Charter however still its miles followed in all international locations which might be part of United Nations corporations. The widely known former high commission for civil rights states in 2002 that "Declaration of constitutional rights passed by United Nations is a critical document which is helpful for all humankind. It also offers the way to humans that always stay with dignity and never compromise about values and ethics."

The Universal Declaration of Human Rights

It turned into now not feasible for absolutely everyone to draw the assertion of Human Rights in a shorter duration of two years without assist and hard-work of personalities like "Rene Cassin," "Eleanor Roosevelt," and "Charles Malik". The trendy Assembly adopted the assertion in 10.12.1948, but the results of this announcement covers political financial in addition to social views, "to a political and social system in which all of the Declaration's liberties can be fully realized". It is also actual that all countries aren't sure with the aid of the the above referred to declaration. When it became adopted, South Africa and Socialist States did no longer comply with it. But these days United Nations assertion for Human Rights is taken into consideration as person

building employer. As stated above the announcement took years to complete however it took almost twenty years yet to come at the web page of ICCPR and ICESCR. The statement additionally took 12 years for adopting convenient. "The most widely regarded human rights instruments of the United Nations are the Universal Declaration of Human Rights and the two Covenants that constitute the International Bill of Human Rights."

1. Additional United Nations International Human Rights Instruments

UN have labored lots at the betterment of human rights and other committed businesses who have participated within the improvement of human rights sports. United Nations labored for refugees, poor human beings from different countries, for women and for betterment of minorities. United Nations also labored on "Slavery, torture, genocide, forced labour and non- secular inheritance." However it is observed that the primary issue with the humans is employment, schooling, Improvement, administration of justice and freedom of expression (Anjum, 2021).

2. Drafting and adopting worldwide man or women rights treaties and connected device

The majority of the world's international legal documents were first created by state legislatures, which the United Nations has recognized as "the sole entity where all of the world's 193 member nations are represented, with one vote each." The adoption of a quasi-claim that offers a common definition often marks the beginning of the drafting process, which then progresses to the more challenging effort of creating standards that are legally enforceable." "The UN Commission on Human Rights typically outsourced the initial drafting of international instruments until 2006 to either its permanent Sub-Commission on the Promotion and Protection of Human Rights or to an inter-sectional working group the Commission had formed for that purpose. The Agency's and its subsidiary our bodies' writing systems normally take several years, if not decades, to complete, and the two Covenants take much longer."

"Since the Council replaced the Universal declaration Of Human rights in 2006, and the Sub-Commission was replaced by a Steering Committee, it has been the Authority that draughts the wording of new instruments. Following debate, the plan should be formally pursued with the assistance of the General Assembly, particularly through its Third Committee on Social, Humanist, and Cultural Center." "A treaty is made available for Member States to sign and ratify once the General Assembly has adopted it, which is often done by consensus. When a predetermined number of ratification or accession documents have been submitted by Member States, it becomes effective" (Anjum, 2021).

Clauses of Limits

"Apparent vagueness provisions contaminate many responsibilities to respect man or woman's rights. For example, exercising democratic rights like freedom of thought, subcommittees, and association involves responsibilities and obligations; as a result, it may be subject to formalities, situations, regulations, and consequences when efforts are made to protect the community, prevent disease or crime, promote public health or morals, or uphold the popular will or rights and freedoms. Governments must step in when people abuse their right to free speech and expression to take part in protests, incite racial or religious hatred, spread misinformation about conflicts, or persuade others to conduct crimes (Anjum, 2021).

During a situation of emergency, discrimination is permitted.

During a situation of emergency, discrimination is permitted. "In exceptional circumstances, such as armed battle, rioting, natural disasters, or other public catastrophes threatening a country's survival, governments may deviate from their human rights commitments, provided that the following requirements are satisfied." (ICCPR Article 4):

- A state of emergency should be proclaimed if the country's way of life is threatened.
- "Specific steps deviating from an international treaty shall be duly disclosed to the equipped international agencies as well as the various States Parties."
- Only the quantity explicitly required by the scenario is exempt from derogation.
- The right to derogation should no longer be among those that allow no derogation to be granted.

Article 2(2) of the CAT and Article 1(2) of the CED)

Even in cases of proclamation of emergency threatening the ruler's life, rights, liberty, and injunctions are not subject to derogation.

Section 4 of the International Covenant on Civil and Political Rights (ICCPR)

- The opportunity to have a healthy lifestyle
- Abuse, cruel or humiliating treatment, or incarceration are all prohibited.
- Enslavement and captivity are forbidden.
- Financial imprisonment is prohibited.
- The use of retroactive crook legal guidelines is prohibited.

- The ability to think freely, a feeling of right and evil, religion, and notions

The Section 15 of the ECHR

- Banning of torture, or cruel, inhuman, or humiliating treatment or punishment
- Prohibition of slavery and servitude, save in the case of deaths resulting from authorized acts of struggle

- The use of retroactive criminal legislation is prohibited.

According to Article 27 of the Yankee Convention on Human Rights,

- "Legal persona right"
- "Access to a healthy lifestyle"
- "Right to civilized remedy"
- "Criminalization of enslavement and peonage"
- "Retrospective crook laws are prohibited"
- "Liberty of moral judgment and religion"
- "Nationality right"
- "Power to participate in governmental bodies"
- "Ability to make a phone call"
- "Family Rights and Responsibilities"
- "Children's Rights"
- "Access to legal challenge is necessary to protect the abovementioned rights."

According to the African Charter on Human and People's Rights

- Although the Charter no longer has a derogation clause, States Parties can nevertheless derogate from some rights in exceptional situations.

ICJ case laws relating to UDHR

The UDHR has been referred to several times in judicial proceedings before the ICJ, as can be seen by conducting a quick search of the court's official website. Although the UDHR has been cited in applications to begin proceedings and written submissions to the court, the court has rarely, if ever, referred to it in its decisions. Bosnia-Herzegovina requested the court's judgement in 1993, alleging that Serbia and Montenegro had violated and was still violating Bosnian residents' rights under Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, and 28 of the UDHR.

Herzegovina's "basic human rights" "bind all States of the world community as a matter of customary universal law and jus cogens and in line with the criteria of the UN Charter Article," according to Bosnian law (3). In spite of the fact that there is no longer a "explosion," the human rights aspect of cases brought before the ICJ has greatly improved over time, which makes this truth stand out. It is sufficient to note that the 1990s saw a significant increase in the number of human rights cases filed with the courts (Schwelb, 1972).

As a result, a distinct and significant human rights component has emerged in complaints before the court, both in contested cases and requests for advisory opinions. There is a chance that the court may be deluged with fresh cases involving human rights abuses that happened both during peacetime and during armed war. Any greater participation of the court in the interpretation and promotion of international human rights principles and conceptions requires a change in national behavior, a change in visible and procedural international law, and, last but not least, a major rise in the court's capacities (Pasqualucci, 2002, 241). "The Several Constraints of International Human Rights Law, along with the obstacles to the protection and promotion of human rights, contributed to a surge in the case law of the legal system dealing with human rights concerns," according to the study. For space considerations, it is not always possible to thoroughly analyses the relevant case law, but suffice it to say that the court has frequently taken the initiative in defending human rights and offered guidance on how affirmative human rights principles and criteria were to be implemented (Schwelb, 1972). In fact, from the court's inception, it has emphasized the centrality of fundamental human concerns, which serve as the cornerstone of international human rights law. Here's another way to put it:

There has always been a human rights law. Another way to put it is that "the broad trends in the field of human rights during the postwar years, beginning with the Universal Declaration of Human Rights in 1948, must always have an influence on checks of such criteria as "considerations of humanity" and mandates of the general public judgment of good and evil." This improvement in human rights principles, including each strategy and acknowledged acknowledgment, is significantly greater than earlier improvements made across millennia in this field. As a result, there is a much greater awareness of good and bad in the world, and people are more sensitive to "problems of humanity" and "dictates of public conscience." Since a sizable number of

global everyday human rights norms and standards have emerged, they have entered the public consciousness on a global scale (Schwelb, 1972).

A few examples of human rights issues that have been brought before the court include the right to self-determination, the notoriety and treatment of well-known UN reporters, consular family protection or diplomatic immunity, the application of the Genocide Convention, the immunity of senior country officials, the right to asylum, and the application of human rights treaties in occupied territories. The courts have contributed to better readability and, in the long run, the human rights protection apparatus by deciphering and extending human rights legislation and concepts connected to these issues. The United Nations is a strong force in addition to the highest values stated in the Universal Declaration of Human Rights.

Articles 3 and 5 of the Universal Declaration of Human Rights appear to be specifically referenced in that sentence. Article 5 forbids "torture or other cruel, inhuman, or degrading remedy or punishment," yet Article 3 assures each person's right to their own way of life, liberty, and security. It becomes more important to take into account the principles of the UN Charter and the UDHR when one considers that the court may have only referred back to the 1955 Treaty of a Misty between the two governments to protect the security and safety of US citizens.

This position appears to be the driving force behind the realization that several important UDHR principles are now incorporated into customary international law, meaning heightened responsibilities on the part of governments for the defense of the fundamental human rights they defend. Notably, this conclusion was reached seven years prior to the UN Convention against Torture taking force. As a result, it is plausible to draw the conclusion that the court considered the action to be improper. Such essential ideals, whose breach increases the country's responsibilities, were reflected in situations that amounted to torture or inhumane treatment, as well as instances where freedom was denied.

CONCLUSION

It's best to do so by going back to the first difference drawn between conceptions and legally enforceable rights (Holmes, 2009). It has been well-known that the area and primary concern of attorneys is not only non-concrete human rights, but also international human rights, which are required to achieve legal outcomes. Traditional legal scholars can open a presentation with the phrase UBI jus ibiremedium, which means "where there is a right, there is a remedy." The sentences are most useful at the start of a major real-world investigation. Is it reasonable that following a right, there should be a medication? Are all legal rights enforceable?

I've always thought that a lawyer's role is to argue for actual criminal charges to be brought against those who violate human rights. As a result, the World Comprehensive Declaration of Human Right's generally acknowledged prison regulations are actually being followed, which is the attorneys' main worry. Concerns about having the required chance in their competence and authority should be shared by attorneys and judges on an equal footing. The US has been a ray of hope for liberties and human rights. The Tribunal cannot ignore, underestimate, or reject its significant responsibility as a defender of essential human rights given the Supreme Court's unique position in interpreting the Constitution and laws that guarantee fundamental rights.

References

- Anjum, G. C. (2021). United Nations endorsement and support for human rights: An experiment on women's rights in Pakistan. *Journal of Peace Research*, 58(3), 462-478.
- Arthur, P. (2009).). How "transitions" reshaped human rights: a conceptual history of transitional justice. *Hum. Rts. Q.*, 31, 321.
- Chitkara, M. G. (1997). *Human rights in Pakistan*. New Delhi: A.P.H. Pub. Corp
- Dugan, C., Wallace Jr, D., Rubins, N., & Sabahi, B. (2008). *Investor-state arbitration*. Oxford University Press.
- Haines, C. G. (1922). General Observations on the Effects of Personal Political and Economic Influences in the Decisions of Judges. *Ill. LR*, 17, 96.
- Holmes Jr, O. W. (2009). *The path of the law*. The Floating Press.
- Iqbal, K. (2009). *The Right to Development in International Law: The Case of Pakistan (1st ed.)*. Routledge. <https://doi.org/10.4324/9780203874974>
- Kirmani, N. (2000). *Women's Rights as Human Rights: The Case of Pakistan*. (Senior Thesis Projects, 1993-2002, 47). https://trace.tennessee.edu/utk_interstp2/47
- McCrudden, C. (2000). Common law of human rights?: Transnational judicial conversations on constitutional rights. *Oxford journal of legal studies*, 20(4), 499-532.
- Offe, C. (1998). "Homogeneity" and constitutional democracy: coping with identity conflicts through group rights. *Journal of Political Philosophy*, 6(2), 113-141.

- Pasqualucci, J. M. (2002). Advisory practice of the Inter-American Court of Human Rights: contributing to the evolution of international human rights law. *Stan. J. Int'l L.*, 38, 241.
- Perry, M. J. (1982). *The Constitution, the courts and human rights* (p. 9). New Haven, CT: Yale University Press.
- Schwelb, E. (1972). The International Court of Justice and the human rights clauses of the Charter. *American Journal of International Law*, 66(2), 337-351.
- Sen, A. (2017). *Elements of a theory of human rights*. In T. Brooks (Ed.), *Justice and the capabilities approach* (pp. 221-262). Routledge.
- Shah, N. (2006). *Women, the Koran and international human rights law: the experience of Pakistan*. Leiden, The Netherlands: Brill.
- Yarema, M. (2021). Denial of Human Superiority over Nature as the Denial of the Value of Nature. *Studia Ecologiae et Bioethicae*, 19(4), 5-15.