***Human Rights and Fundamental Rights***

***Introduction:***

Human rights are the basic freedoms and protections that belong to every person simply because they are human. These rights—such as the right to life, freedom of expression, and protection from cruelty—are universal, meaning they apply to everyone regardless of nationality, faith, gender, or background. Fundamental rights, on the other hand, are those rights guaranteed by the Constitution of Pakistan. These include essential freedoms like equality before the law, freedom of speech, the right to a fair trial, and protection of personal liberty. While human rights set the global standard for how individuals should be treated, fundamental rights translate those ideals into concrete legal safeguards within Pakistan. Together, they form a powerful basis for dignity, justice, and individual freedom in society.

***Human rights:***

Human rights are the basic moral and legal entitlements that **every person has simply by being human**—regardless of nationality, race, gender, religion, or any other status. They include freedoms such as life, security, speech, and protection from torture, along with essential social rights like education and work

These rights are:

* **Inherent and universal** – they apply to all people, everywhere, and cannot be taken away by governments
* **Inalienable** – they cannot be justly removed, even by law or majority rule .

**The modern framework was shaped by the** Universal Declaration of Human Rights (UDHR)**, adopted by the United Nations on** December 10, 1948**, establishing a foundational list of rights and freedoms**

***According to some*** *of renowned figures:*

* **Nelson Mandela** (South African anti-apartheid leader):

*“To deny people their human rights is to challenge their very humanity.”*

* **Martin Luther King Jr.** (American civil rights leader):

“A right delayed is a right denied.”

In short, human rights are universal guarantees that protect people’s **dignity**, **freedom**, **equality**, and **well‑being**—forming the basis for a **just** and **humane** society.

***Fundamental rights:***

Fundamental rights are **basic legal rights** enshrined in a nation's constitution, offering citizens protection against undue state action. They are **inherent**, **inalienable**, and considered essential for human dignity, freedom, and justice. These rights differ from ordinary legal rights because they can only be altered through **constitutional amendments**, not ordinary legislation

Depending on the constitution , the main categories typically include:

* **Right to Equality**, prohibiting discrimination and ensuring equal treatment under the law
* **Right to Freedom**, covering speech, movement, assembly, and profession
* **Right Against Exploitation**, banning forced labor, child labor, and trafficking
* **Right to Freedom of Religion**, guaranteeing religious belief, practice, and management of institutions
* **Cultural & Educational Rights**, protecting minority educational and cultural autonomy
* **Right to Constitutional Remedies**, enabling individuals to seek judicial enforcement of rights

***According to some*** *of renowned figures:*

* **Ban Ki‑moon (UN Secretary‑General):**

“All women and girls have the fundamental right to live free of violence.”

* **Martin Heinrich (U.S. Senator)**:

“People have a fundamental right to organize.

In short, fundamental rights form the **constitutional backbone of democracy**, empowering individuals with legal protections that are deeply rooted and difficult to alter. They ensure that citizens can live freely, equally, and with dignity—providing the judicial tools needed to challenge any violations.

***Violation of human rights in Pakistan:***

**Pakistan faces serious human rights violations across multiple fronts.** Journalists and activists are often intimidated or silenced, while religious minorities—such as Ahmadis, Christians, and Hindus—contend with discriminatory laws and societal hostility. **Women frequently suffer from gender-based violence and weak legal protection**, and workers—including children—endure exploitative labor conditions. **Security forces have been implicated in extrajudicial killings and unlawful crackdowns**, showing that constitutional guarantees often fall short in practice.

### ***Freedom of Expression & Press***

* **Journalist intimidation**: Reporters face harassment, threats, and even violence—often from security forces, political factions, or religious groups.
* **Media censorship**: Newspapers and broadcasters are sometimes pressured or blacklisted for covering sensitive topics like the military’s role or minority rights.

### ***Religious Minorities***

* **Blasphemy laws misused**: Individuals from Christian, Ahmadi, Shia, and Hindu communities are disproportionately accused under vague blasphemy laws. Accusers often face minimal consequences, while accused individuals can face mob violence, death sentences, or extrajudicial killings.
* **Forced conversions**: Young girls from minority faiths are sometimes abducted, forcibly converted, and married, with limited legal recourse or support.

### ***Women’s Rights & Gender-Based Violence***

* **Domestic violence and honor killings**: Although criminalized, honor-killing and domestic abuse persist due to weak enforcement and judicial reluctance.
* **Legal barriers**: Women still face discriminatory family laws—like unequal divorce or inheritance rights. Social norms often restrict their mobility, employment, and participation.

### ***Police & Security Force Abuse***

* **Extrajudicial killings**: Reports of “kill-and-dump” operations—where alleged criminals are killed without trial—abound, especially in urban centers.
* **Torture in custody**: Detainees frequently report beatings, long interrogations, and coerced confessions, often without judicial oversight.

### ***Fair Trial & Justice System***

* **Judicial delays**: Courts are overloaded, causing prolonged pre-trial detentions and delaying justice.
* **Weak legal aid**: Poor and marginalized groups rarely receive adequate legal representation, further tilting the scales against them.

### ***Freedom of Assembly & Political Repression***

* **Crackdowns on protests**: Peaceful demonstrations, particularly those perceived to challenge the military or establishment, can be met with force and mass detentions.
* **Targeting of activists**: Civil society members, lawyers, and human rights defenders face intimidation, arbitrary arrests, and occasional disappearances.

### ***Economic & Social Rights***

* **Child labor and bonded labor**: Millions of children and adults, especially in agriculture, brick kilns, and carpet weaving, work in exploitative conditions.
* **Access to basic services**: Rural and slum populations often lack sufficient access to education, healthcare, clean water, and sanitation, undermining their dignity and well-being.

***Case studies about Violation of human rights:***

Case studies in the context of human rights violations refer to detailed, real-world examples illustrating how and where these abuses occur. These include extrajudicial killings and enforced disappearances—particularly in Balochistan—gender-based violence like honor killings, and misuse of blasphemy laws against minorities . Together, these real-world examples demonstrate how constitutional protections frequently fail to ensure justice, accountability, or safety for vulnerable communities.

### ***Extrajudicial “Kill-and-Dump” in Balochistan***

The bodies of two Baloch men were recently discovered in Kalat, sparking widespread condemnation of ongoing extrajudicial killings in Balochistan. Human rights groups accuse security agencies of enforced disappearances, summary executions, and clandestine disposal of bodies—a tactic aimed at silencing dissent and pressuring families into silence. In a separate incident, popular car racer Tariq Baloch was allegedly killed in a similar “kill-and-dump” operation, reinforcing concerns of routine state-sanctioned violence against ethnic Baloch activists and citizens

### ***Honor Killing of TikTok Influencer Sana Yousaf***

Seventeen-year-old influencer Sana Yousaf, known for advocating women’s education, was shot dead in her home in Islamabad—likely in an “honor”-based killing after repeatedly rejecting advances from a man. Her tragic death on her birthday triggered massive public outrage and renewed calls for stronger legal protections against gender-based violence and “honor” crimes in Pakistan

### ***Fake Police “Encounter” of Dr. Shah Nawaz***

Dr. Shah Nawaz, arrested on blasphemy charges in Multan, reportedly surrendered peacefully to authorities after assurances of a fair trial—but was instead killed in a staged encounter by the police. The body was burned by a mob following the “shootout” report. Human rights advocates have condemned this as a grave breach of due process and an abuse of state power in sensitive cases

***Recommended Reforms to Tackle Human Rights Violations:***

### ***Strengthen & Empower National Human Rights Institutions***

* Fully implement and resource the National Commission for Human Rights (NCHR) as an independent oversight body, in alignment with Paris Principles
* Ensure its ability to monitor violations, investigate complaints, recommend reforms, and educate the public—without political interference.

### ***Repeal or Amend Repressive Laws Against Free Expression***

* Amend the Pakistan Electronic Media Regulatory Authority Act, the Prevention of Electronic Crimes Act, and criminal defamation statutes (e.g., Sections 499–500 PPC) to conform with international norms
* Remove unjust blocks on social media platforms (such as the X ban), and prohibit arbitrary shutdowns that silence dissent

### ***End Enforced Disappearances & Extrajudicial Killings***

* Fully criminalize enforced disappearance and ensure prosecutions under this law
* Establish independent judicial inquiries into missing persons cases (especially in Balochistan and KPK), and hold perpetrators accountable

### ***Assure Fair Trials & Judicial Independence***

* Prohibit civilian trials in military courts to guarantee due process and transparency
* Increase funding for legal aid and judicial reforms to reduce delays and make justice accessible to all.

### ***Eliminate Gender-Based Violence & Discrimination***

* Amend domestic violence, honor killing, and torture prevention laws to encompass all forms of abuse—physical, psychological, and economic
* Engage communities (including men) in public campaigns against violence and misogyny, backed by robust enforcement.

### ***Protect Refugees & Minority Communities***

* Offer safe refuge and legal protection to Afghan activists and other asylum seekers under international law
* Repeal discriminatory blasphemy statutes and strengthen legal safeguards to prevent misuse and mob violence

### ***Ensure Economic and Social Rights***

* Enforce child labor and bonded labor bans immediately, with rigorous inspections and debt relief for bonded workers
* Expand access to free, compulsory primary education and support disadvantaged children, especially girls

### ***Enhance Civic Rights through Legal Safeguards***

* Reform public order laws to protect peaceful assembly and repeal bans on groups like the Pashtun Tahafuz Movement
* Train police in de-escalation and human rights standards to prevent excessive force during protests.

***Conclusion:***

The discussion of human rights as universal moral guarantees and fundamental rights as constitutionally enshrined protections underscores their interdependence in upholding human dignity and justice. In Pakistan, persistent violations—from extrajudicial killings, enforced disappearances, and gender-based violence to misuse of blasphemy laws and abuse of privilege—reveal deep systemic failures. The concrete case studies, ranging from attacks on minorities to high-profile road-rage incidents, expose how legal safeguards fall short in practice. To address these challenges, it is essential to strengthen independent institutions, enact legal reforms, ensure judicial independence, and enhance protections for vulnerable groups. With sustained commitment and accountability, such measures can help transform Pakistan’s legal ideals into tangible progress toward equality, safety, and human rights for all.

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