

COMPARATIVE HUMAN RIGHTS PROTECTION UNDER UN FRAMEWORKS: INDIA VS. PAKISTAN

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Abstract

The research examines the role of the UN in protecting human rights in India and Pakistan. It focuses on analyzing the impact of UN human rights frameworks on comprehensive human rights practices and examines how both states addressed issues of fundamental rights and accountability over time. This research explores UN involvement as a global advocate of human rights standards through key monitoring instruments, like the universal periodic review (UPR), treaty bodies, specialized procedures, and the Office of the United Nations High Commissioner for Human Rights (OHCHR). However, within the South Asian context, several challenges constrained the effectiveness of these functions. These included the absence of binding enforcement powers, state non-compliance, institutional weakness in domestic human rights bodies, shrinking civic space limiting independent civil society action, and the absence of particular execution initiatives with legislative supervision to operationalize international human rights commitments and ensure accountability. India and Pakistan, as significant regional actors, demonstrated the UN's influence in advancing human rights processes. Employing a qualitative methodology, the research showed the significant role in shaping the protection of human rights in South Asia. It adopted an analytical framework to examine political narratives concerning sovereignty and human rights, as well as to evaluate state responses to UN human rights mechanisms. This research showed the significant role in protecting human rights. The cracks of these findings were that the research recommended strengthening UN field presence and monitoring approaches, developing regional human rights functions in South Asia, and implementing necessary domestic reforms to empower state institutions with effective enforcement authority, thereby reducing impunity.

INTRODUCTION

Since its foundation, the United Nations has acted as a cornerstone in human rights advocacy within the world, establishing and preserving individual liberties by promoting global standards and institutional structures. The adoption of the

Universal Declaration of Human Rights (UDHR) in 1948, which was later entrenched in legally binding tools, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic,

Social, and Cultural Rights (ICESCR), was a watershed towards internationalizing human rights protection structures, whereby people ceased to be objects of state dominance but became subjects of international laws. By promoting transparency, dialogue, and mutual accountability, the United Nations strives to make states adhere to their human rights obligations in several ways, such as the Human Rights Council, specialized procedures, treaty-based elements of monitoring, and the Universal Periodic Review (UPR) process. These mechanisms are not only checking tools but also a place of norm proliferation and international pressure. Yet they are rather merely supervisory and persuasive, as opposed to coercive, and are devoid of the power to enforce. Consequently, their effectiveness highly relies on political will, institutional capability, and the willingness of the governments to integrate international commitments into domestic law and practice.

India and Pakistan, the two nations are active in taking part in the UN human rights processes, and since it has undergone numerous universal periodic reviews, it shows that it complies with the international process of oversight. This intervention indicates the official acceptance of international conventions. However, the two nations are still getting heaps of criticism regarding civil rights, minority rights, and accountability in what is being done by the government. Issues raised in India have been related to restrictions on free expression, the shrinking civil society space, the treatment of religious minorities, and the human rights conditions in areas with high potential for conflict, such as Jammu and Kashmir. Frequent issues in Pakistan involve enforced disappearance, lack of freedom of association and expression, influence of the military institutions on the civilian government, and institutionalized discrimination towards the religious and ethnic minorities. In these situations, it is typical for all the states to use sovereignty, constitutional mechanisms, and security interests to address attacks on the UN, which led to the adaptation of the international offers selectively and non-systematic execution of the same.

The UN involvement with India and Pakistan resembles the fact that the international rules of human rights are more in conflict with domestic politics. Although the UN institutions do contribute to norm-forming, documentation, setting an agenda, and creating global awareness of the human rights problem, their weak enforcement capability cripples their capacity to achieve structural or transformative change. This often leads to rhetorical pledges in response to international pressure rather than action in real change, particularly in areas that are often politically sensitive. This research draws a comparison of the role of the UN in protecting human rights in India and Pakistan with regard to the scope, scope of influence, and constraints of UN processes and the political and institutional factors that make states responsive. The research aims to help deepen the comprehension of the efficiency and shortcomings of the international human rights regulation of the South Asia region, as UN interaction has been placed in wider regional and internal contexts.

Literature Review

In this group, the notion behind the so-called Asian values is fundamentally critiqued as having no logical, cultural or moral underpinning but is being used as a political instrument, especially by authoritarian regimes, to deny basic human rights as being universal in the claim of cultural relativism. Tracing back to the 1990s and institutionalized in the 1993 Bangkok Declaration, the discourse traditionally puts economic growth and state control above civil liberties. However, the authors emphasize the cultural diversity of Asia and challenge the dichotomy between the East and the West, associating the Western world with liberal democracy and Asia with authoritarianism. The contributors with interdisciplinary approaches demonstrate that values are dynamic, localized through adaptation, education, and involvement of the grassroots as opposed to ideology formulated by the elite. The growing aspect of human rights worldwide not only provide opposition and a challenge to existing power structures but also facilitates the revolutionary

social upheavals. After the financial crisis of 1997, Asian values were no longer a dominant discourse, replaced by more subtle regional concerns of modernity and identity. Considering the universal human rights as the starting point to the genuine cultural diversity and the global moral discourse, the anthology ultimately suggests the liberal and democratic approach to culture. (Bruun & Jacobsen, 2003).

This article discusses the role of environmental conservation and human rights and how issues like climate change, loss of biodiversity, and environmental degradation affect strong human rights, including life, health, food, and water. It points out the inequalities that exist in the region and that Asia has no established legal system as compared to Europe. Among the main topics that are addressed are climate change, governance, participation rights, and sustainable development. As environmental protection becomes part of the human rights legalization, especially with the concept of justice and information access, the paper highlights the necessity of a more rigorous legal framework and interdisciplinary paradigms. The Association of Southeast Asian Nations (ASEAN) human rights declaration and the Aarhus 1998 convention are accepted as one major success of the region, which still faces challenges in their implementation, particularly in developing nations. Though regional bodies are significant in enhancing environmental conservation and human rights in both Asia and Europe, there is slow progress, especially in Asia, owing to the lack of mechanisms of enforcement. The vulnerability of indigenous and local populations to climate change and environmental degradation causes them severe difficulties in terms of survival and cultural rights because these issues are becoming a part of the international agendas, including The United Nations Framework Convention on Climate Change (UNFCCC). The research points out that effective and uniform implementation is a challenge that is faced by the global community (although there have been recent developments). (Boer & Boyle, 2013).

The book calls on the all-important need to have a gender-sensitive approach to human security in

Bangladesh and Pakistan, criticizing the traditional militaristic and state-dominated approaches that do not account for the specific anxieties of women under the influence of patriarchal institutions, cultural patterns, and government policies. It highlights how women's violence is often used as a tool to further nationalist agendas to get ahead and how they have been marginalized in the history of wars and it is not mentioned in the discourse of security. The article, which is based on feminist criticism, reveals the need to abandon state-centric security and transform to a people-centered security, especially that of women, which is more prone due to uncertainty relating to political dimensions, unequal income distribution, and oppressive laws. Though change has been achieved through grassroots movements and legislation, institutional resistance and ineffective government yield setbacks to change. The article condemns the global capitalism as increasing gender differences and supports structural adjustment, which deals with gender ideologies, institutional empowerment, and equitable growth. Lastly, it demands a red, blue, and yellow development and security agenda. (Khattak, Habib, & Khan, 2008).

Bangladesh, India, and Pakistan, although prone to flooding and climate change, have signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and have worked out national policies to advance the rights of the women, and their most significant provisions have been worked and education, as well as legal safeguards. Though the 2011 policy of Bangladesh, the 2022 Gender Policy Framework of Pakistan, and the policy of 2016 of India all focus on minimizing the gender inequality, no structural, societal, and economic obstacles exist. Although there has been an increase in the number of females going to schools, especially in India, there are still differences in the regions, gender compensation imbalances, and low labor participation. Despite legal frameworks that address gender-based harassment and violence, those are not being carried out effectively, and there is a gap between the law and reality. This needs to be implemented by improving national

policy, regional cooperation, information technology, and community mobilization as a way of enhancing the right of women and fair opportunities. (Akhtar, 2022).

This thesis identifies historical institutionalism and structural shortcomings with the international human rights regime as the reasons why the United Nations was unable to protect the stateless Rohingya Muslims. It purports the path dependency and power network existence to be the cause of the failure of the UN to act on true events like in the 2015 elections and the 1962 military takeover of Myanmar. Some of the challenges brought forward include state sovereignty boundaries, the power distortion at the UN, specifically in the Security Council, state selection in the organization being politically motivated, and the slow pace at which the organization is transforming. Only formal protection is given to persons who are stateless de jure by the 1954 Stateless Convention; therefore, the thesis examines the difference between the de jure and de facto statelessness. The constitution and politics of the UN have resulted in a tendency where it is finding it hard to adequately respond to humanitarian disasters despite its growth and institutionalization. This thesis is based on the statement that the P-5 veto and delayed adaptation are entrenched in the system, and they cannot defend those who are most at risk, such as the Rohingya, and instead expose them to oppression and exclusion. It promotes reform through a paradigm that is termed "Project Global Citizenship." (Lee, 2020).

The UN Human Rights Council was formed in 2006 in order to address the weaknesses of the UN Commission on Human Rights and especially its selectivity and political bias. This is the review of the quality of the attainment of this purpose by the Council, when the problem of the collapse of the Commission, the formation of the UN Human Rights Council, its mandate, and how it has operated in its first operation are taken into consideration. The research does not imply any radical changes, but it focuses on the roles and inefficiencies and strengths of the Council as an intergovernmental institution. The major issues are the politicization of the Commission, the

principles of the Human Rights Council, which is its guiding star, and the procedure of the Universal Periodic Review (UPR) and Special Sessions. The research, through the case studies, encompasses problems of the United States and its relation with the Human Rights Council, inaction in Darfur and its operations, and regionalism and politicization. (Freedman, 2013).

UN Engagement and Human Rights Protection in India and Pakistan

The present chapter examines the engagement between India and Pakistan within the human rights framework of the UN through their constitutional provisions and treaties, along with their engagement with UN procedures and their involvement with significant human rights matters addressed by UN agencies. It emphasizes patterns of cooperation, limited compliance, and conflict while positioning both countries within the context of global human rights critique.

Constitutional and Legal Structures for Human Rights in India and Pakistan

Each state's interaction with the UN human rights system is shaped by its constitutional and legal frameworks, which serve as the main domestic basis for human rights protection in Pakistan and India. Both nations inherited colonial-influenced constitutional traditions, but their post-independence paths have resulted in different institutional configurations and enforcement strategies.

India

• The Indian Constitution's Fundamental Rights

The Indian Constitutional document of 1950 offers a compulsory system of fundamental rights under Part III where all the required civil or political liberties and freedoms like equality before law, freedom of speech and expression, freedom of attitude, and robust protection against arbitrary and irrational arrest and incarceration are availed. (Ghosh, 2013). The framers of the Constitution, by rendering these rights enforceable and justiciable, have expressed much concern with liberal constitutionalism. It insinuates that it can

be approached by the citizens, who wish to seek redress for an unjust exercise of their primary rights, and the courts have the capability to veto laws and other executive conduct that flout the constitutional protection. It is this justiciability that gives it physical judicial review and rights protection unlike the just aspirational statements of rights in the Indian constitutional model. This is because the interpretation of the fundamental rights by the Indian courts has been quite creative and expansive as compared to the guaranteed doctrines in the said language, especially the formulation of transformatory constitutional doctrines. The interpretive rules used by the Indian judiciary include the principles of harmonious construction, where the various rights clauses must be construed to provide the maximum number of protections, even by the Parliament, and the basic structure principle, where certain of the main materials of the Constitution cannot be changed even by Parliament. Most importantly, Article 21, the right to life and personal liberty guarantee, has been interpreted by the courts in a very broad sense that not only includes the right against being condemned to lose anything or anyone, but also a plethora of socioeconomic aspects, including the right to food security, the right to education, the right to a clean and healthy environment, the right to livelihood, and the right to shelter. (Ghosh, 2013). The supremacy and judicial review authority possessed by the judiciary have enabled the Indian legal system to constitutionalize financial and societal entitlements that were previously limited by the non-binding Guiding Principles of State Policy. This approach has produced one of the most sophisticated and comprehensive approaches regarding individual protections and legal frameworks globally that incorporates civic, political, financial, societal, and environmental entitlements via merely one unified constitutional provision that takes precedence in the understanding of protections, their claims, and safeguarding throughout the entire South Asian legal territory.

• The Supreme Court's and High Courts' roles

The enforcement of human rights by the Indian judiciary, especially the Supreme Court and High Courts, via the judicial review notion and a much more recent procedural vehicle known as Public Interest Litigation (PIL), which dramatically transformed access to justice in India, plays a very significant role. PIL has a radical departure from the traditional requirements of legal standing by letting individuals, civil society groups, and even the courts themselves initiate civil rights suits on behalf of those marginalized, disadvantaged, and voiceless groups and people that might otherwise lack the means, expertise, and ability to do so directly. (Ghosh, 2013). This operational novelty has placed the judiciary in India at the heart of the Indian human rights framework and essentially made the courts significant adjudicators of vulnerable groups, and one can counterbalance deficiencies apparent in executive implementation of statutory safeguards and constitutional rights. Everything from bonded labor and jail conditions to environmental degradation and police misconduct has received a solution through the PIL wherein, in many cases, the reluctant governments have had to get off the fence and bring about acts to enforce the basic rights. Much scholarly debate and criticism of the regularity, selectivity, and democratic legitimacy of this judicial expansion and activism have, however, ensued. There have been disturbing trends of haphazard involvement by Indian courts in politically sensitive fields, including federal affairs, national security matters, anti-terrorism efforts, and cases involving strong state interest, which have portrayed a high level of activism in some matters and amazing restraint or obedience to executive judges. Critics also claim that judicial intervention seems rather selective as opposed to principled, though, citing the fact that when evaluation deals with relatively safe cases, courts are willing to micromanage the administrative details, and when there are more serious rights abuses involving the state security apparatus, the emergency powers, or politically charged communal tensions, they are reluctant to intervene. Such inconsistency raises the question

of whether judicial activism is a guarantee of human rights protection reliably and impartially or as a component of the institutional nature and political gameplay of an unelected judiciary negotiating complex relationships with the populace and executive authority, as well as inherent interests in a diverse and often divisive democratic society.

- **India's National Human Rights Commission (NHRC)**

The Human Rights Protection Act of 1993 came into existence and established the National Human Rights Commission of India, which is a move by India to establish independent institutions of control within the Indian borders, as spelt out in the Paris Principles. The best institutional instrument of promoting and protecting human rights in the country is the NHRC. NHRC has numerous functions, which cover inquiries into allegedly abused human rights, inquiring *Suo moto* about systematic violations of human rights, monitoring the adoption of international treaties on human rights ratified by the Indian government, reviewing, and providing human rights education, as well as providing policy recommendations and advisory opinions on human rights matters facing the government. (Sripati, 2000). The Commission is also in a position to summon the witnesses, review the documents, undertake studies, and visit the barriers in order to be notified about the rights violations taking place in the country, as well as to be in contact with the social organizations. The extremely narrow institutional limits placed on the NHRC, however, cripple its effectiveness as a human rights guardian on the one hand, despite such a wide-ranging mandate and the prolific activity of the Commission on the thousands of complaints annually it receives. The Commission possesses a number of institutional flaws to bring an impact, the most significant one being the informative character of its recommendations and findings, which makes government authorities at liberty to either neglect or renounce the findings of the Commission without causing any serious consequences to it. In addition to this inherent limitation of enforcement, the institutional

dependence of the NHRC on the executive branch that also controls its budgetary allocation influences the investigating process of the commissioners that can hinder or postpone non-cooperative investigations in the bureaucracy. The habitual laziness in filling in the quota of commissioners and commissionaires has also affected the integrity of the commission and its independence in that it creates no head to the body nor enough personnel to probe into the allegations against the armed forces under the special powers' legislation and lack of funds when compared with the human rights issue in a country with a population of over 1.4 billion. Such inefficiency makes the NHRC incapable of compensating victims on a large scale and executing the whole systemic changes according to the predisposition of the violations that would make it potentially a potent measure of accountability, but rather a dominionistic and symbolic body, the decision of which can be ignored by the government most of all.

Pakistan

- **Basic Rights Under Pakistan's Constitution (1973)**

Several basic rights, including constitutional rights to equality before the law, freedom of speech and expression, freedom of religion and conscience, and protection against arbitrary arrest, detention, and torture, are entrenched in Articles 20 to 25 of the Constitution of 1973, creating a formal scheme of civil and political freedoms as broad as other constitutions of the South Asian region. (Lau, 2012). Nevertheless, these basic rights provisions are enshrined in a distinct Islamic constitutional system that creates a lot of interpretation issues and conflicts that are unknown in secular constitutional systems. The Constitution appoints Islam as the official state religion; all laws are to be based on Islamic teachings as detailed in the Quran and Sunnah, and they establish institutions such as the Federal Shariat Court and Council of Islamic Ideology to ensure that no laws contradict Islamic ideals. This conflict manifests in controversial areas such as laws against blasphemy (which dramatically restrict the freedom of speech); protecting the rights of

religious minorities (who may be in high-level political office); laws governing personal status (such as discrimination against women in marriage and divorce, inheritance, and testifying in religious cases); and making non-Muslims ineligible for high political office. In addition to these major challenges of interpretation inherent in the Islamic constitutional system in Pakistan, the predictability and effectiveness of the constitutional frame of the rights of the people are extremely undermined by the unstable political history of the country. Military couplings and four years of authoritarian rule that have compromised constitutional rule and constitutional continuity have greatly affected the constitutional path of Pakistan. Pakistan has suffered a succession of military coups in 1958, 1977, and 1999 and extended periods of martial law during which the constitutional protections have been suspended, restrictions on fundamental rights have been implemented under the guise of emergency provisions and military ordinances, and executive pressure and manipulation have undermined judicial independence. (Freise, 2020). On the contrary, India has a successful constitutional democracy since independence even though there are very difficult challenges. These frequent slips in the rule of law have compromised the creation of a powerful constitutional culture; popular faith in constitutional guarantees; the capacity of the judiciary to generate consistent rights jurisprudence; and a trend according to which they have provided their fundamental rights protections as aspirational statements rather than as operative, accepted realities. It is more so in situations when military or security institutions hold a preponderant power over the government, and rights protection is perceived as a hindrance to the state goals of political control or security.

- **The Superior Judiciary's Function in Protecting Human Rights**

Since the historic lawyers' movement and the subsequent restoration of the judiciary in 2009 and, more so, the reinstatement of Chief Justice Iftikhar Muhammad Chaudhry, the Supreme Court and the High Courts of Pakistan have been more assertive in their efforts to reach human

rights and establish themselves as an independent check and balance on executive authority and institutional usurpation. The overwhelming application of the so-called *Suo motu* jurisdiction of the courts, a constitutional power of the federal courts to initiate its cases by itself before waiting for the proceedings to be petitioned against some respondent, has been the hallmark of this judicial activism era. (Soomro, Baig, Sattar, & Khokhar, 2025). This authority has permitted the courts to take the initiative in issues of the larger public concern and human rights transgressions, including enforced disappearance by the security and intelligence apparatus; extrajudicial murders; environmental pollution and the rights of the populace to clean water and air; governmental graft and mismanagement by political authorities and the bureaucracy; and deliberate breach of the socioeconomic rights. There are, however, notable misfits between what the judiciary says and what the judiciary actually enforces in actual practice, despite this apparent judicial vigor and an adopted, bolder and bolder rhetoric of judicial pronouncement on constitutional rights and the rule of law. But nonetheless, there is a vast gulf between judicial proclamations and the reality of judicial protection of rights on the ground, despite this seeming judicial activity and their increasingly strident rhetoric of constitutional rights and the rule of law. Cases of military operations in conflict-touched regions; forced disappearances, which, in fact, are supposed to have been carried out by intelligence agencies; counterterrorism operations that violate the right to due process; and open-ended surveillance activities that are not backed by judicial permission but judicial discretion create a paradoxical situation between the judiciary's pronouncements and effective protection of human rights provisions. The gap between judicial pronouncements and actual compliance is especially serious in a political regime in which the military establishment continues to exercise a strong influence over security policy and has the capacity to veto it. This brings a disconnect between legal protection and the social reality of those citizens whose rights are infringed upon by a state security apparatus that acts practically with impunity.

- **National Commission for Human Rights (NCHR)**

In 2012, the National Commission for Human Rights (NCHR) of Pakistan came into existence through special law after several years of advocacy by the civil society agencies and the influence exerted by other countries to build an independent human rights supervisory agency. It is its main national institution required to advance and defend the human rights in ways acceptable to the Paris Principles that have a dictator in the arrangement and work of these boards throughout the globe. The broad mandate of the NCHR is abnormally broad and in certain respects wider than its Indian counterpart, the National Human Rights Commission of India, especially in the power to visit prisons and other places of detention; investigate any allegation of abuse, torture, or inhumane detention practices; summon and compel witnesses; forcibly elicit the testimony of the state servants and non-governmental individuals; demand documents, records, and files of the state; and conduct investigations into systemic patterns of human rights infractions and to propose institutional, legislative, and The effectual capacity and agency of the NCHR have, however, been dismal due to several structural, political, and resources-related problems that cripple its ability to conduct any operation in any state of its difference beyond major urban centers, no matter how impressive these formally tranquil powers appear on paper with regard to its enabling statutes. (Mustafa & Munir, 2024). The lack of sufficient staff, deep field investigations across the vast and diversified territories of Pakistan, and the ability to operate in constant monitoring have been inherent in its failure to take advantage of its actual power enshrined in the statutes that empower it. In addition to resource limits, continued political interference in the work of the commission takes the form of executive encroachment on the appointment and removal of commissioners, opposition to full cooperation with commission investigations or in the execution of its recommendations, and efforts to shape and influence the commission agenda and priority in such ways that avoid dealing with politically

sensitive issues or sensitive state institutions. Consequently, the NCHR becomes an organization with the capacity to only tackle politically correct or less sensitive human rights concerns, but the potential to investigate or question the human rights abuses by the most influential and unaccountable institutions in the country remains unmet. Such limitations are either explicit legal taboos or indirect opposition by security organs in an effect that makes big portions of human rights issues out of reach to them.

A Comparative Analysis of Constitutional Guarantees and Implementation Gaps

Despite the fact that the constitutional rights of human rights are robust in both India and Pakistan, gaps in implementation occur as a result of institutional and political issues as well as security factors. India has better institutional stability and judicial continuity, and therefore still courts have a role to play in the defense of the human rights. Although Pakistan is constitutionally bound to adhere to human rights, several structural issues encountered by the country are as a result of civil-military relationships and poor governance.

Neither case has a binding authority, and this limits the capacity of the national human rights organizations to enforce the UN human rights recommendations within the domestic setting. The inconsistency of the constitutional vows and real performances highlights one of the main difficulties of South Asia: the presence of powerful normative orders in the absence of enforcement practices. This discontinuity partly determines how India and Pakistan are reacting to the scrutiny of UN human rights by the global community.

Obligations Under the United Nations Human Rights Treaty: India and Pakistan

The most common legal documents through which states bind themselves to the international practices of respecting, protecting, and fulfilling human rights are the United Nations human rights treaties. The approach of India and Pakistan to this regime of treaties has differed, which can be seen in the differences in the political agenda,

political constitution, and attitude to international law, as the two countries are UN members.

- **Overview Of Core UN Human Rights Treaties**

The utopian ideals of the 1948 Universal Declaration of Human Rights are implemented to have a legal status where the states parties give a formal commitment in the affirmation of the rights and obligatory considerations as they sign international treaties of human rights, which are operated by the use of the United Nations model. The two treaties are internal to each other in that they are a constellation of norms that govern nearly all the actions that states undertake to shape the well-being and human dignity. (Alston & Goodman, 2013). They also offer detailed recommendations concerning the legislative, judicial, administrative, and policy measures that the states need to take to fulfill their international obligations. Implementation of each treaty by state parties involves treaty bodies, which are specialized committees of independent experts overseeing adherence of state laws to international standards, stressing compliance gaps, drawing conclusions and observations with recommendations to improve, preparing general comments on interpretation of treaty provisions, and, under some circumstances, considering individual complaints by victims or groups who allege a violation of their rights, all involving admirable roles that the state parties undertake upon their ratification. But instead of employing an enforcement toolkit that is available in domestic law or international criminal law, the efficacy of this treaty system is mostly based on persuasion methods, surveillance, exposure, and reputational pressure. The treaty bodies do not employ their findings and insights by executive or judicial means, impose penalties, or compel governments to follow their conclusions and readings. Hence, relying on voluntary adherence to international standards instead of mandatory ones, the sensitivity of states to international reputation and diplomatic relations, and domestic political goodwill and dedication to human rights principles are the prevailing forces that leave

compliance with treaty obligations met. This is particularly the case in situations where there is no true commitment of governments to human rights, institutional capacity is minimal, civil society space is limited, or when powerful domestic constituencies are opposed to adjustments necessary as a result of treaty commitments.

- **India's Non-Ratification, Reservations, And Ratification Status**

Some of the key UN human rights provisions treaties ratified by India include the ICCPR, ICESCR, CEDAW, CRC, and CERD. It has, however, had remarkable non-ratifications and serious objections in its ratification history. India is a signatory to the Convention against Torture; despite repeated obligations made at the Universal Periodic Review and recurrent advice by the UN treaty bodies, the Convention has not yet been signed by India. (Kamulkar, 2023). The issues of federal structure and the congruence of the constitution are rather often the focus of India, particularly concerns the minority rights, the freedom of religion, and the subnational execution of international regulations. Such objections demonstrate how India prefers keeping national sovereignty in a nation rather than international oversight, especially in laws concerning the laws of public order and security. India does not instantaneously enforce international accords as a part of domestic law since it is a dualist state. There should be legislative intervention on the terms of the treaty as being enforceable in the local courts. Indian courts are occasionally invited to derive such interpretative measures using the international human rights standards, but it remains optional and not obligatory.

- **Pakistan's International Human Rights Treaty Engagement and Domestic Implementation Challenges**

The substantial engagement with the global human rights framework has been demonstrated through the elevated level of formal acceptance of most significant legal instruments, including the ICCPR, ICESCR, CEDAW, CRC, CERD, and the

Convention against Torture and Other Cruel Practices. The formal acceptance of international agreements has emerged as an outstanding form of symbolic commitment, serving simultaneously as an endeavor to embrace international standards by the Pakistani state without necessitating any immediate or drastic modifications to domestic legislation or implementation based on diplomatic considerations. Nevertheless, various concerns regarding gender equality; women's rights concerning marriage and family legislation; matters of religious liberty, encompassing the entitlement to alter one's religious identity; and provisions that indicate the state must guarantee that all laws, including religious and customary regulations, conform to the standards of these agreements are the primary focus of the objections registered by Pakistan. They believe that these broad objections do not align favorably with the intent and goals of the agreements; they effectively eliminate fundamental safeguards and make the act of Pakistan signing the agreements essentially without substance in locations where breaches are most evident and pervasive to everyone, particularly regarding prejudicial conduct toward women and religious minority groups. Therefore, these objections have generated significant debate and critique regarding Pakistan's approach to integrating global commitments within the national legal framework, leading to enhanced intricacy and ambiguity in an approach where global commitments are integrated within the national legal system.

The Pakistani courts have gradually referred to and resorted to international human rights undertakings in deciphering the constitutional provisions and legislative acts, though the country follows a dualist legal framework, which necessitates a special legislative measure in which the international treaties are relaxed. This judicial practice has proved particularly frequent in those cases that involve enforced disappearance, where the relatively recent obligations of Pakistan under the ICCPR and CAT have been relied on; in women's constitutional rights litigation, where CEDAW standards have helped to inspire her English-law judicial counterparts; and in due process litigation cases, where international norms

of fair trial have been indirectly able to impact the English-law-oriented jurisprudence. The two countries, Pakistan and India, have major lapses in the formal international commitments and the reality of enforcement and implementation of international human rights treaty requirements, which remain fundamentally inconsistent and erroneous in their legal systems. (Yasmeen, 2025). Most treaty commitments are many years or decades after they are ratified and yet still states are still utilizing these promises as a tool to prove their human rights qualifications in front of other nations. This is due to the fact that parliaments often have no political-will to pass needed implementing legislation; this is when such measures would threaten those with influential interests, necessitate resources, and/or when this would be a politically unpopular act. Since then, judicial interpretation has been used as the means to compensate legislative inadequacy, and in both countries, courts have stipulated canons that enable them to read international obligations into the constitution, apply treaty norms to enhanced interpretation of the statute, and rely on international jurisprudence to enhance the defense of human rights domestically, helping somewhat to bridge the implementation gap. Nonetheless, the capacity of the judiciary to compensate for the inefficiency of the legislation is also limited by the institutional constraints of the practitioner powers, threats to judicial independence from political pressures, resources, and lack of capacity of the judiciary to monitor compliance and the remedy's structural characteristics of addressing individual and not systemic breaches of the rule by ensuring comprehensive reform of the policy. Their purely advisory character and complete lack of any enforceable authority effectively limit the effectiveness of these institutions since their recommendations can be overridden without consequences, their conclusions lack the force of law, and their capacity to compel the systemic change is limited by normative appeal instead of institutional power. By consequence, they can be used to determine areas of implementation failure but not ensure that governments take corrective actions, particularly when that would involve

making politically difficult decisions or disrupting established interests.

Comparative Impact of Treaty Obligations on National Human Rights Practices

By comparison, however, the effect of UN human rights accords on Pakistan and India has been more normative than transformative. The commitments of treaties help to inform policy debates and judicial deliberation in India, but seldom oblige change in such politically sensitive places as minority protection or anti-terror activities. The institutional reforms and the reporting procedures in Pakistan have also been simplified by the ratification of the treaties, though security control and poor governance structures have persistently hindered them in terms of implementation. Overall, by being selective with their compliance with international institutions, both states are interested in maintaining international legitimacy and opposing invasive control through their involvement in treaty institutions. This is a tendency that shows the failure of the UN system of treaties when there is no strong national application or when it comes to the value of political will that can achieve the relationship between international obligations and practical safeguarding of human rights.

Engagement with UN Monitoring Mechanisms

When evaluating a state's adherence to international human rights responsibilities, UN monitoring systems are crucial. Although both India and Pakistan are officially members of these mechanisms, their participation varies greatly in terms of responsiveness, cooperation, and transparency.

India's Engagement with UN Monitoring Mechanisms

• Universal Periodic Review (UPR) Outcomes

India has been a regular participant in every round of the Universal Periodic Review (UPR) submission of national reports, discussion during the session at the UN Human Rights Council, and hundreds of recommendations being given to it

since 2008, 2012, and 2017. Protection of civil society and the human rights activists; freedom of speech and media independence; rights of religious and ethnic minorities; reforms to counter terrorism legislation, caste-based discrimination against the Dalits and Adivasis, human rights, and gender violence; and keeping the security forces accountable in case of any form of violation are only some of the significant issues that these recommendations have addressed. (Komath, 2020). The manner of response that is linked to domestic political sensitivities and reservations about sovereignty is observed in the Indian response pattern by not mentioning the controversial reforms but largely embracing those recommendations that are politically safe, such as socioeconomic development, poverty eradication, institutional capacity development, improvement of education and healthcare, and broader strengthening of the legal framework. The Armed Forces Special Powers Act (AFSPA) must be abolished or revised; the human rights situation in Jammu and Kashmir must be taken into consideration; extrajudicial murders and forced disappearances committed by the security personnel should be investigated; and the Convention Against Torture must be ratified. But the UPR limits the transformative potential of the country through this selective engagement pattern with little structural change to areas with most pressing concerns and most needed scrutiny. This makes it a massively performative procedure that displays an international interaction but does not hold anyone responsible for severe violations concerning security procedures, security in the protection of religious minors, and controls on dissent.

• Observations Of the Treaty Body

Through consistent reporting to committees such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Committee on the Elimination of Racial Discrimination, and through decades of discussions in constructive dialogue with treaty bodies, the government has continued to be

accused of systematic concerns of torture and mistreatment in detention; violence and prejudice targeting faith-based and ethnic communities; laws that restrict civil society organizations; violation of due process by the laws of counterterrorism; and lack of protection of the marginalized groups like Dalits and Adivasis. (Chandra, 2020). Though India is a formal member of this system, the practical impact of this system is crippled severely because there is an uneven follow-up on conclusions and recommendations. Implementation gaps still exist since recommendations in the treaty bodies have no mechanisms to enforce the treaty members to comply, and their domestic political goodwill does not enforce the laws and practices to match the international standards, particularly when the reforms would make the government tell the stories of the national security and sovereignty and confront the great interests. Due to this, several matters are reiterated over the following cycles with little actual progress, and this means that the act of involvement by India is rather just a ritual of international participation as opposed to responsibility and reforms given the fact that decades of interactions have resulted in comprehensive evaluations and definite recommendations.

- **Engagement With Special Rapporteurs**
India has been very cautious and hesitant when dealing with the UN Special Procedures system of independent experts and rapporteurs charged with the responsibility of investigating and reporting on specific human rights concerns or national conditions. Indian government officials have reacted violently to reported or stated comments or reports by special rapporteurs that criticize the Indian rights record on the basis of alleged killings by security forces and on-the-ground judicial activities; violence and discrimination against religious and ethnic minorities; the internationalization of press freedom (including media restrictions, internet shutdowns, and attacks on journalism); and the targeting of human rights defenders (which is viewed as discriminatory and selective pressure on domestic security services). The inherent fact that the system

requires cooperation by the states in the country's visits, access to information, and serious attention to the findings is severely affecting the efficacy of special procedures as a mechanism of accountability. In the absence of this kind of cooperation, Special Rapporteurs can at best write reports relying on secondary sources that cannot be guaranteed with the credibility of the direct investigation and government participation. (Rudolph & Rudolph, 2016).

Pakistan's Engagement with UN Monitoring Mechanisms

- **UPR Participation and Follow-Up**

In 2008, Pakistan was finally restored to civilian democracy after years of autocratic military rule that led to broken relations with international human rights organizations, and in the process, Pakistan has demonstrated relatively active interest in the Universal Periodic Review (UPR) process. Pakistan had been found more willing than otherwise to receive recommendations in the following UPR cycles in 2008, 2012, 2017, and even 2022. (International Crisis Group, 2020). These suggestions involved honesty in pursuing human rights and transformation of national laws toward those of the international Hague by taking part in the UPR sessions, when Pakistani delegations openly communicated their problems raised by other governments. However, the reality of follow-up enforcement remains very lopsided and selective despite this apparent transparency. Despite a major disengagement effort by Pakistan in certain aspects, such as the adoption of progressive legislation, including those against honor killings, forced marriages, and child abuse, as well as institutional reforms to strengthen the functioning of the NHRC and improve the conditions of the prison, there are still tremendous lapses in the areas where the violations are worst and most organizational. This is the way the government has done little or nothing to stop this practice and successfully bring the perpetrators before the book of justice, despite the acceptance of UPR recommendations to research the cases and implement effective solutions. The security agencies still exist with effective impunity and cannot be effectively

overseen by their individuals or charged by the courts with their activities that involve anti-terrorism operations, without-trial detentions, and treatment of suspected militants and political dissidents in war-torn countries such as Baluchistan and former tribal territories. These loopholes are of particular concern.

- **OHCHR's Function and Technical Support**

This engagement has also taken on significant strategic roles in Pakistan, as it greatly facilitates the expansion and development of weak domestic human rights institutions that have little capacity, skills, and resources and may consolidate the nation's strong performance in international human rights through cooperation with UN mechanisms as opposed to pursuing its own purely defensive strategies. The association has led to the important strategic roles that Pakistan plays in terms of enhancing international legitimacy and reputation through the credibility of seeking to work in good faith with the UN mechanisms instead of simply assuming a defensive posture, and it is likewise evident in promoting the strengthening of weak domestic human rights institutions. However, even in these benefits, the scope and impact of the relationship are drastically restricted, especially with respect to limited access of OHCHR to delicate security matters and conflict-afflicted regions where the alleged most serious of its alleged violations are supposedly carried out. In territories such as Baluchistan, the previous FATA, as well as other regions where counterterrorist operations and counterinsurgency campaigns are prosecuted, Pakistani governments, the military in particular, and intelligence agencies are vehemently determined to block access by the international watchdog. (ICG, 2020). In effect, these paramount circumstances render OHCHR incapable of making an independent evaluation and monitoring, which constrains the ability of the Office to offer a complete evaluation of the gravest breaches to be concealed by the international community.

- **Participation In Special Procedures**

In the last 2 decades, Pakistan has received a few country visits of special rapporteurs, which is a pointer to a comparatively more open approach towards UN special procedures than most countries in South Asia. Some themes that have been examined by these visits include independence or courts, violence against women, freedom of religion or belief, proper housing, and the condition of human rights champions. This has made rapporteur access officials and civil society and engaged in fieldwork, coming up with credible and factual recommendations that are selective and only in certain regions, especially those relating to political sensitivity, such as military and intelligence services, forced disappearances, military courts, or conflict-affected regions, such as Baluchistan. When such a scenario transpires, the government tends to disagree, delay, or even partially act on the recommendations, citing the need to ensure national security, the necessities of counterterrorism, and the issue of sovereignty. This curtails the transformational impact of UN involvement on the most pressing and systemic human rights of Pakistan (ul Mustafa & Munir, 2024).

Comparative Evaluation of Transparency, Cooperation, And Responsiveness

Various forms of engagement strategies are presented through a comparison analysis. India is still practicing both substantive opposition and procedural participation, particularly in the areas of security, sovereignty, and geopolitics when scrutiny is related to the UN. Pakistan, however, is better open to communication and technical support, but its inefficiency of institutions and the dominance of security do not provide opportunities to implement it easily. In openness, India continues to have restricted access to special procedures, whereas Pakistan has allowed somewhat more access to the mechanisms of the UN. India is more selective on the cooperation front, and Pakistan is more accepting of the recommendations. Speaking of the responsiveness, both states do not frequently transform UN recommendations into long-term

legislative or policy actions. Overall, the monitoring systems of the UN have served the purpose of educating both nations in terms of disseminating norms and agendas but have been found wanting in regards to effecting revolutionary changes due to the constraints of the institutions and home interests. It is through this comparative trend that the shortcomings of international monitoring without a strong domestic accountability mechanism are depicted.

Human Rights Concerns in India and Pakistan

The UPR, via international agreements, specialized protocols, and additional channels within the United Nations human rights framework, persistently oversees the protection of fundamental freedoms in nation-states while producing analyses, monitoring reports, and policy guidance. Due to institutional, communal, and governmental challenges, the two major nations of South Asia, India and Pakistan, have frequently struggled to meet UN investigative standards. There exist significant regional particularities and universal human rights duties that are demonstrated in both areas.

India

• Rights of Minorities and Violence in Communities

The way in which the religious and ethnic minorities have been treated in India has been the bane of the United Nations, which has not been short in commenting about the marginalization and discrimination trends that long existed. The lack of equality and non-discrimination of Muslims and Dalits in the UN reports, along with a high rate of communal violence and unequal access to social, economic, and political rights, demonstrates that these are systemic barriers to equality. All these issues imply that the constitutional guarantees and legal protections could not necessarily be transformed into the empirical reality of the member communities of minorities and that reformulations of legislation, as well as policy, can redress the situation so that more formidable protection would be achieved and equal discrimination would not be present. Treaty bodies of the UN, such as the Committee

on the Elimination of Discrimination against Women and the Human Rights Committee, have expressed that there are still certain areas of policy and legislation that should be fixed in order to offer greater protection and end the phenomenon of discrimination. Based on their recommendations, special attention is paid to the necessity to have far greater institutional protection regarding the vulnerable groups and enhance the accountability of the community violence and effectiveness with the establishment of anti-discrimination laws. The very existence of such interventions points to an international concern at the discrepancy between the domestic policies of India and its international obligations under human rights, bearing in mind that the minority groups have been rendered vulnerable by the recent emergence of religious nationalism in certain quarters without any action being pursued and no action being taken in selective ways. Social riots increase marginalization and insecurity by the poor attitude of the institutions and political segregation of a population. These communications highlight how ideological changes and lack of governance may be combined to further marginalize the minority and the way that this endangers the measures that are being taken by India in protecting human rights (Jacob, 2016).

• Media, Civil Society, And Freedom of Expression

The involvement of civil societies and the protection of free speech are the essential pillars of human rights protection and democratic governments. The issue of increasing restrictions on such liberties and, in particular, of censorship, regulating the media, and application of law enforcement provisions such as the anti-terrorist and sedition laws has been raised by the UN agencies and human rights experts in India on more than one occasion. Such legal tools are often blamed due to their broad and unclear statements, which can easily choke dissent and discourage civilians from criticizing governmental activities, and thus, they reduce civic space. These restrictions have a lot of effect on human rights activists, journalists, and other civil society groups

who are critical in keeping an accountable eye on the governmental actions. Monitoring, harassment, and regulatory limitations have promoted fear and self-censorship and so limit freedom of speech and pluralism, according to reports. Besides the negative effects of democracy, the deterioration of the independent press and civic society impedes the situation of the voices of the underrepresented, who can be heard during a national discussion. UN Special Rapporteurs on freedom of expression have advised the Indian government to improve the security of journalists, human rights activists, and non-government organizations in light of the challenges. The two define their importance in ensuring that civil society remains unthreatened in the face of arbitrary constraints and heavy regulations, making it difficult for free speech and any form of criticism. The Indian democratic institutions depend on the existence of the freedom of expression and a strong and independent civil society to ensure democratic accountability.

- **Jammu and Kashmir situation**

The UN has raised concerns about human rights in Jammu and Kashmir on a number of occasions. These issues cover restrictions of freedom movement, extended communication blockades, the use of force by security officials, and detention laws. Evaluations indicate that such measures have a dire consequence on due process, accessing information, and civil liberties, particularly when security operations are heightened. The sensitivity of the issue in the context of the national security of India and the involvement of the issue in the sovereignty claims make the involvement of the UN in Jammu and Kashmir very minimal up to now. The Indian authorities have rejected international scrutiny often and made the case an Indian problem involving territorial integrity and counterterrorism. (Ganguly, 2019). Such a position diminishes the practical role of the international human rights mechanisms in responding to alleged abuses by limiting the ability of the UN to conduct on-the-ground investigations or significant cooperation. Women, minorities, and other vulnerable groups are overrepresented by the systemic human rights challenges posed by

the protracted conflict in the region and the high level of militarization. Continuous conflict, impunity, and strict security measures in this region have contributed to increased social insecurity and to the exaggeration of crimes against human rights. The dynamics prove the structural nature of human rights concerns in Jammu and Kashmir, where processes of governance and security interplay with the chronic conditions of conflict to undermine long-term protection of rights.

- **Police Accountability and Custodial Violence**

The human rights issue of custodial violence, comprising practices such as extrajudicial executions, torture, and arbitrary detention by the police and other security agencies, is still a significant and a continuing issue. It has been reported that cases of abuse still occur frequently despite the legislative safeguards and constitutionally guaranteed rights to safeguard the abused persons in detention. All these are symptomatic of a deeper systemic weakness in jail and police systems in which processes of accountability remain powerless and the use of coercive measures is often tolerated. Reemphasizing the judicial control, ensuring unbiased investigations of the allegations of abuse, and reorganizing the law enforcement forces that align with the standards of human rights in the international environment are the key aspects of focus in their recommendations. Such reforms, though, are deemed as key to preventing torture and other inhumane treatment as well as restoring some credibility in the criminal justice system as a result of such reforms, given the absence of stringent enforcement, institutional inertia, and the impunity that most law enforcement officers are enjoying currently. Half of the process undermines the effectiveness of existing legislative safeguards, namely, delays during investigations, absence of prosecutions, and political will. As scholars would argue, without a substantive duty and a transformed institution, the safeguarding of the constitution is little more than tokenism that allows the practice of custodial abuse as a

normalized and integrated form of human rights abuse to persist.

Pakistan

• Disappearances By Force

Enforced disappearances, as characterized by kidnappings, nonexempted arrests, and rampant impunity, are some of the gravest human rights abuses, according to the UN experts and academicians against this practice in Pakistan. They mainly influence the former FATA regions and Baluchistan through the intervention of security and intelligence agencies. Although there are constitutions regarding this in Article 10 and other legal acts, such as the Commission of Inquiry on Enforced Disappearances (COIED) that affirmed more than 2,700 cases across Baluchistan, Baluchistan leads; as of early 2024, enforcement remains ineffective due to agency impunity and oversights in laws such as the Anti-Terrorism Act. (Ishaq, 2024). According to academic appraisals, the system has its persistent flaws, and doctrinal appraisals refer to the fact that Pakistan allows arbitrary arrests and demands reforms to align in line with the international standards, including the ICCPR, despite the cases still running after 2026.

• Gender-Based Violence and Women's Rights

The UN treaty agencies, such as CEDAW, regularly document the serious violations of women's rights; victims of violence against women and discrimination against women remain rampant all over the world. These are forced marriages, honor killings, domestic violence, and structural impediments that prevent women from securing jobs and education facilities. The prevalence of all these breaches is because of the embedded gender inequalities that transcend national and cultural boundaries, involving the safety, autonomy, and fundamental human rights of women in a multiplicity of societies. Pakistan has tried to fight gender-related violence through the adoption of legislation that particularly addresses unwanted behaviors. The country has made significant steps in attempting to declare the rights of women to safety and dignity in the law by

enacting the Domestic Violence (Prevention and Protection) Act and proposing laws against acid attacks. These legislations establish legal frameworks aimed at protecting women against rape and discrimination, and the fact that the laws are implemented and enforced remains pathetically poor. The stigma and shame of violence against women in society have strong barriers, which prevent victims from reporting the abuse or seeking help. The law-enforcing agencies often lack the political desire, capital, and training to investigate and prosecute crimes adequately, and identification gaps indicate that in cases when women have a law, the law is not enforced to offer protection to them or deliver justice. This discrepancy between the law and reality is what makes women still suffer violence and discrimination and denies them their rights, which are sabotaged by the very social institutions that no law can dismantle all by itself. (Hadi, 2017).

• Laws Against Blasphemy and Religious Freedom

Blasphemy laws in Pakistan have been subject to a massive international uproar by UN groups owing to their discriminatory nature and the damaging consequences that could end up being. These laws that target religious insignificance and supposed transgressions are targeted against religious minorities, including Christians, Ahmadis, Hindus, and other marginalized communities. The blasphemy laws in the UK have been credited with severe extrajudicial killings and punishment for vigilantism in addition to their prejudiced implementation. (Mahmood Khan, 2015). The allegations of blasphemy are always followed by mob actions, lynchings, and murder, which creates a state of fear and impunity where individuals may be killed or beaten up without even hearing of the case in a court of law. Even individuals who have been exonerated by a court are targeted by these extremist groups, and lawyers, judges, and activists who defend accused individuals or push for reform themselves are all targets of violence, further undermining due process and the rule of law. UN institutions have theatrically advised Pakistan to undertake fairly sweeping reform to

address these concerns. They encompass ensuring that religious minorities and others who may face accusations of blasphemy have adequate protection, ensuring procedural protections that prevent false charges and provide fair trials, as well as radical revision or repeal of laws that flout international standards on freedom of religion, belief, and expression. It is a balance between protecting religious harmony and advocating basic human rights; religious feelings should be respected, but legislation cannot serve as an instrument to suppress the opposition, besides victims, as well as promote violence, which is what the international community demands.

• **Due Process Issues and Counterterrorism Measures**

The due process and fundamental rights have become a significant concern due to the counterterrorism strategies in Pakistan. An alternative system of checks and balances through the establishment of military courts to proceed with the crimes of terrorism, preventative detention without charges of guilt, and a wide interpretation of anti-terrorism laws has all been created and implemented. These steps make it a point of concern whether they align with international human rights undertakings, since even though such measures were implemented in the guise of national security, they often leave the defendants without any right to a fair trial, right to transparent proceedings, and the availability of all the procedural protections that a typical criminal justice system affords its defendants. One of the primary issues is the deficiency of judicial checks on the counterterrorism procedures, limited access of the defendants to the services of legal counsel, and secrecy of the military courts' processes. The UN has highlighted that robust legal safeguards and judicial review, as well as reverence of due process, are fundamental aspects of valid security efforts that both safeguard the people and the rule of law and that successful counterterrorism operations should not encroach on human rights. Nonetheless, the UN has noted that there are inherent challenges that make it hard to ensure that legitimate protection measures are executed by Pakistan in relation to the UN

recommendations on human rights and counterterrorism. (Adnan, Rehman, & Saeed, 2025). The issue of human rights is chronically marginalized to the security interests because of the supremacy of the security institutions in the governance and policymaking processes, coupled with poor civilian checks and balances. This system of governance dominated by security has led to a continued discrepancy between what Pakistan has committed to in terms of its international human rights commitments and the actual translations on the ground due to the structure that curtails the facilities of the civilian authority to enforce accountability, overhaul problematic behavior, or ensure the observance of the counterterrorism measures to be within the international standards.

Comparative Analysis Between India and Pakistan

India and Pakistan have many human rights issues, which are rooted in different ways and concentrations. Although the enforced disappearances, gender-based violence, and the religious laws are the primary concerns of Pakistan, the communal tensions, civil rights, and the conflict-torn regions are the primary concerns of India. Excessive flaws in the systematic implementation, accountability failures, and the weakness of human rights commitments, security, and sovereignty in both cases have been highlighted by the UN examination. The discussion demonstrates that initial guidelines and monitoring offered by UN processes, although being normative, depend on the capacity of the institution, civil society involvement, and political disposition at domestic sites to achieve transformation. In cases where domestic enforcement systems are weak or constrained by political and security imperatives, the two governments are examples of the limits of effective international control.

Conclusion

UN has been working for the protection of human rights since 1945. UN is also working for the protection of human rights of India and Pakistan. There are gravitational flaws of institutions in

both countries that create complications to effectively bridge the gap between international obligations and domestic implementation. These malpractices are the absence of enforcement powers by national human rights institutions, their continuous underfunding, political interference, and limited jurisdiction that bars sensitive security issues. The other worrying aspect is the declining room of the civil society directly affecting the effectiveness of the UN mechanisms on the organizations that deliver important shadow reporting, documentation, and advocacy to increasing regulatory pressures, surveillance, intimidation, and prosecution in lieu of national security or foreign funding legislation. Regional factors, including the absence of a supranational human rights framework in India and Pakistan that can be compared with those in Europe, Africa, or the Americas; the institutional structure of SAARC that does not engage in human rights policy; and geopolitical competition between India and Pakistan that does not permit a cooperative way of addressing common human concerns, are identified as why human rights protection in India and Pakistan, becomes more difficult. These strategies are enhancing UN field presence and follow-up mechanisms abroad; pursuing confidence building in a slow, gradual, and incremental manner at the regional level with an ultimate aim to create a Indian and Pakistani human rights mechanism; and carrying out fundamental reforms at the national level to ensure judicial independence, an end to impunity, increased civic space, and concrete plans of executed recommendations. The international mechanisms are able to witness such things as monitoring, documenting, prescribing, and pressurizing, yet not substituting the political-will or the institutional capacity as well as commitment to human rights as being a non-negotiable, fundamental part of the society. Thus, states have the final role in safeguarding the human rights; the both countries involvement with UN mechanisms is primarily related to the advanced patterns of strategic compliance: the need to reap the rewards of the international legitimacy and to incur few costs of management found in terms of commitment to the transformative reform. This

has wider implications for the international human rights practice, which means that without a binding force or an underlying change in priorities in a state, the monitoring mechanisms only have an incremental normative influence but not a systemic effect. India and Pakistan, being the one of the biggest powers and biggest players of international affairs, have a special responsibility of aligning their practices with their constitutional commitments and international commitments as the international community keeps on persistently supporting reform constituencies and holding the larger tensions of international governance between sovereignty and accountability as well as between power and justice, which persistently inform international human rights practice in this region and even decades ahead.

Recommendations

- India and Pakistan should review and fix any legal gaps in their own laws so that they are in line with international human rights treaties that have been approved.
- India and Pakistan should ratify any core treaties that are still open for signature. This includes India's Convention Against Torture and both countries' agreement to use individual complaint processes set up by Optional Protocols.
- Treaty reservations should be eliminated or narrowed by India and Pakistan, especially Pakistan's extensive CEDAW reservations that undermine guarantees for gender equality.
- Laws that violate human rights, like Pakistan's blasphemy and extensive anti-terrorism laws and India's AFSPA and sedition laws, should be repealed or reformed.
- India and Pakistan should improve their national human rights agencies by extending enforcement authority, ensuring independence and finance, broadening jurisdiction, and establishing transparent appointments and efficient follow-up measures.
- Judicial independence should be strengthened in both India and Pakistan by open appointments, sufficient financing, defense against political pressure, and specialist human rights training.

- In order to ensure civilian command over military and intelligence operations, India and Pakistan should establish independent oversight organizations for security forces with the power to look into violations.
- India and Pakistan should put an end to impunity by swiftly and impartially looking into human rights abuses, prosecuting those who violate them, and offering victims sufficient compensation.
- Through national action plans, public reporting, legislative supervision, and civil society monitoring, India and Pakistan should put the UPR proposals into practice.
- India and Pakistan could improve treaty body reporting by submitting reports on schedule, consulting with civil society, developing action plans, and coordinating with other ministries.
- By changing restrictive NGO legislation, putting a stop to harassment of defenders, and protecting freedom of expression, assembly, association, and independent media, India and Pakistan should increase civic space.

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