

Balancing State Security and Individual Rights: A Critical Analysis of Counter-Terrorism Measures in Pakistan

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Abstract

This study theoretically assessed the conflict between societal security and liberty regarding the counter-terrorism in the context of Pakistan. In this study the researcher employed the doctrinal legal research approach in order to study the legal frameworks about the security states and individual rights such as constitutional laws, statutes, case laws and research articles. The research analyzed the conflict between state security and individual rights in Pakistan. The objective was to determine compliance of the existing laws with international human rights standards and at the same time consider threats from disasters and other security threats. As the analysis showed it is largely problematical in terms of counter-terrorism policing to enjoy unfettered, sweeping counter-terrorism powers like preventative conflict and surveillance as they erode due process and personal liberty. In view of the study, it emerged that Pakistan has progressed significantly in the fight against terrorism through the legal reforms but enforcement practices often desecrate human rights crippling the principles of justice and law in the country. The study also highlighted issues of legislative reforms in relation to security and freedom and how the state can be secured together with human rights responsibilities.

Keywords: Human Rights; State Security; Counter Terrorism; Pakistan; Accountability

Introduction

In Pakistan the counter-terrorism measures have gone through an appreciable transformation process over the years due to increased terror activities. Nevertheless, such measures have always sparked some alarm with respect to objectives infringements on individual liberties, freedom of speech, privacy, and procedural fairness. Academics have pointed out that counter-terrorism laws and practices in Pakistan regime often compromise state security rights and protect democracy (Ahmed, 2019; Khan, 2021). Moreover, in the same manner, laws such as the Anti-Terrorism Act of 1997 has provoked controversy in that cases of high waivers granted to law enforcement agencies to infringe with the options vested in the constitution of Pakistan pertaining to the individual rights and freedom. Still, the state indeed has good reasons for protecting the citizens against terrorism; however, it must also be remembered that the abovementioned measures should be aligned with the international human rights standards, as too strict limitations of individual rights might lead to notorious people's

distrust in the state authorities (Zafar & Hussain, 2023). The work reviewed in this scholarship seeks to analyse the existing and past counter-terrorism laws and judgments of Pakistan for legislative flaws and provides recommendations seeking fundamental counter-terrorism policies that establish check-and-balance systems upholding state security and the rights of persons.

The conflicts between collective rights and individual rights have been important in the legal system of Pakistan especially in matters pertaining to state security and counter terrorism. In the last two decades, Pakistani state's internal security situation has deteriorated primarily because of emergence of terrorism and militant activities throughout the country. Such measures, as in enhancing the commitment of national security, have raised concern and controversies regarding their effects on freedom and human rights (Dean, 2015).

In the light of the past expectations, structure and functions of law and political system of Pakistan have been formed due to its internal and external security imperatives. Terrorism has been fought using the following legal frameworks which include the ATA 1997 and the subsequent amendments by the state. Although, it has been noted time and again that such measures have been conceded to violate individual's rights including right to fair trial, freedom of speech and right to privacy. This opposition between security and liberty has emerged as one of the Pakistan's key legal concerns, as it raises questions that are relevant on the global scale (Walsh, 2022).

In conceptual terms this paper has sought to assess how the theoretical and pragmatic aspects of this conflict have manifested in the Pakistani state by studying the methodological ways in which state security concerns have been prioritized over rights in counter-terrorism operations. Using the case legal provisions, judicial decisions and the social political context of Pakistan this paper aims to identify if and how the counter-terrorism measures adopted affect the social liberties. The present study also has the purpose of providing a response to the continuous discussion on the strategies to reach equilibrium between security and human rights when there is a threat to the stability of a nation. Within any given society, every individual has the inherent entitlement to lead a tranquil existence and foster harmonious relationships with their fellow members. Individuals should be entitled to fundamental necessities such as sustenance, housing, and healthcare. However, based on historical occurrences, there are individuals who ignore the rights of others and those who are denied even the most basic community services. Only a small fraction of individuals in society have responsibility for perpetuating inequality, while a select minority exploit it to its fullest extent. Acquiring these fundamental rights from society is a difficulty for many people (Rapoport, 2021).

The presence of diversity and multiculturalism is a defining characteristic of our society, and hold them in high regard. Freedom of expression and religion are indivisible core human rights. International humanitarian law also safeguards principles such as human dignity and solidarity (Le Moli, 2021). Pakistan has officially adopted policies to promote gender equality and empower women. Hence, it is imperative to advocate for and spread this value in the realm of international affairs. It is gradually infringe upon the fundamental rights of others, and regrettably, some individuals fail to assert their rightful entitlements. While the researcher strive to avoid the depletion of natural resources for the sake of future generations also beginning to use them excessively. It is our responsibility to safeguard our culture and in a broader sense, the innate beauty of our planet due to our status as the most intelligent entities in the cosmos (Reich, 2020).

Rights are not intrinsically derived from legislation. The word "rights" pertains to fundamental societal norms that enable animals to coexist together. Regarding rights, there is no pre-established structure. The answer to this question varies based on the exact details of the problem and the viewpoint of the person involved, and these details are always changing. It is core principles need that treat individuals from diverse backgrounds with the utmost respect and decency, mirroring the treatment from others. It is need all individuals to exhibit fearlessness in embracing their unique

qualities and demonstrate unwavering determination in confronting the grievous injustices that affect our society (Brannen & Wilson. 2023).

Challenges are the liberal belief that individual and community rights are intrinsically contradictory by examining their relationship. It is crucial to distinguish between the two definitions of "collective rights": firstly, it refers to the ability of a group to restrict the liberties of its members in order to maintain the unity or integrity of the group; secondly, it refers to the ability of a group to restrict the authority of a majority in order to prevent harm to the interests of a minority. Critics contend that although collective rights and individual human rights may be legally and intellectually compatible, they are inherently contradictory. Given that collective rights are fundamentally individual claims for justice, some argue that human rights do not include group rights (Durrani, & Nawani, 2020).

1. Objectives

Basically, this research aims at analyzing a state security and individual rights in combating terrorism in Pakistan. The research questions form part of the study centered on finding out how the Pakistani government has been implementing counter-terrorism policies without violating the universal human rights including; right to privacy, freedom of speech and the right to fair trial. Furthermore, the research aims at determining the legal and ethical risks of these policies, opportunities for infringement of civil liberal and even risk for human rights abuse. To this end, this study will examine how these counter-terrorism measures have been effective in preventing terrorism and at the same time protecting democracy. Another goal refers to an assessment of the responsibilities of bodies for national security and judicial control in relation to the balance of power between the interests of society and citizens. Finally, it seeks recommendations on how counter-terrorism strategies in Pakistan may be made rights-sensitive in the pursuance of effective national security in that country.

2. Scope and Methodology

The subject matter of this work is to compare and contrast the state security and human rights within the framework of Pakistan's counter-terrorism approach. Organizing itself around the centrality of the Pakistani state's counterterrorism measures, it analyses the laws, policies and patterns within state policies with specific references to their effects of the human rights. The study examines counter-terrorism laws, military courts, surveillance methods and the contribution of police agencies. It also evaluates various forms of monitoring of the judiciary's oversight ability in the fight against terrorism, to check excessive encroachment on rights of individuals.

The approach that has been used in completing this research is doctrinal legal research whereby sources of law are the main subject of this study includes statutes laws, case laws, treaties and official government reports. Doctrinal research is carried out with intent of ascertaining what the law means in dealing with certain issues and coming up with a perspective that seeks to explain why some provisions in the legal regime are either missing, or seemingly incoherent. This research methodology is further complemented by a qualitative synthesis of relevant published literature including articles, books, and policy papers, to obtain the broad perspective on the problem. In this regard, the study aims at examining the ways the current legal frameworks in Pakistan accommodate the tensions between securitization and rights protection to enrich the ongoing debate on enhancing counter-terrorism measures in a human rights compliant manner.

3. Literature Review

The issues facing its national security strategy is required more than just getting its house in order with respect to the internal and external threats relevant to them which is important thing to mention here that's in the internal security system, which is most important for protecting the innocent people of Pakistan. But in some areas, government authority is being challenged by insurgent terrorist

networks. Those challenges which are connected with the sprawling and complex scenario of national security in Pakistan, managed by the Ministry of Defence within the political framework, go far beyond that (Baluev et al., 2024).

However, Pawiński, Seepersad, and Montoute (2024) discovered that the implementation of having a national security policy could be beneficial for leaders to gain and identify geopolitical problems. Social, economic, military, and diplomatic plans are to protect policy, social, economic, military, and diplomatic plans to protect objectives of national interests. It also contains ways to keep sensitive data safe, accountability, confidentiality, integrity and accessibility. Following are the foreign security policies such as treaties, conventions and likewise the military intervention of the States and international organizations like the United States and the European Union.

To establish state authority over all parts of the country, protect the life and property of its citizens by a zero tolerance regime towards terrorism, extremism and all forms of violent sub nationalisms and challenge organized crime this was Pakistan's commitment to the people (Akram Ul Haq and Alvi, 2024). The state chooses to back a safe climate for economic and mental development and so support the national security environment. In the analysis, Adam and Tsavou (2024) also noticed that a suitable security policy covers confidentiality, integrity, and availability that allow data accessibility and accurate operations, and handicap security incidents and adherence to the existing regulation.

The National Internal Security Policy (NISP) aims to secure the interests of Pakistan through understanding and giving the highest possible priority to the most pressing security problems of Pakistan in an inclusive and integrated manner. The approach is dialogue with stakeholders, isolating terrorists, enhancing the capabilities of security forces (Sargana, Hussain, & Sipra, 2024; Kazi et al., 2024) and supporting them with a monitoring framework under democratic governance. But Pakistan's internal security apparatus is overstretched and ill equipped to police these threats, such as terrorism, sectarianism, and extremism. As an interdisciplinary topic; no one can be required to independently respond to or resolve these issues (Rahman, 2022).

Pakistan's national security concept is deeply fragmented and inadequate and it's Ministry of Interior, external diplomacy and human security elements need to converge in a comprehensible manner (Bendiek, 2017). After implementation of numerous internal security systems, hostile networks abuse the gaps in the internal security system and are engaged in destabilization of economic and social harmony (Afzal, Iqbal, Inayay, 2012). These threats are complex and some terrorist groups may use chemical and biological substance. (Abbasi, 2020) Therefore, proactive measures must be considered.

National security and counter terrorism measures exist on the one end, while at the other lies individual freedom, and it's hard to strike that balance. Yet this is not to recognize the rights in conflict, the privacy and societal security, without proportional and democratic responses, to preserve on the part of the individual and on the part of society (Graf and Iff 2017; Sosnowski and Klem 2024). Needed to balance between democratic values and solve challenging human rights issues (Barnes, Tzezana, and Ullman, 2020).

Too often human rights concern arises out of the sweeping array of security agency powers that sustain counter terrorism and questions of what is the appropriate balance between the two. Consider, for instance, things like surveillance and long pretrial deconflicts or the use of military courts rather than civilian courts (Mehra et al., 2021), of which we know that these tensions exist. Privacy is often 'the right to be let alone' but the security-privacy trade-off needs smarter thinking as new surveillance technology makes data collection, facial recognition, and electronic monitoring more plausible (Rubio 2006, Thierer 2015). This is why examination of freedom of expression, media censorship and suppression of dissent is a challenge to values of democracy and proof that there is no such thing as the delicate safeguarding of differing opinions (Garwa, 2024). So, measures for protection of vulnerable groups, and counter terrorism measures need to be augmented with precautions to avoid

social alienation and continual reinforcement of stereotypes (Kashwan et al., 2022). Meanwhile, accountability is equally important as lack thereof is sure to coincide one day with abuses of power, which would, consequently, erode public trust and support for the rule of law (Karim, 2022). The challenges are (1) perception of security threats, (2) legal culture, and (3) historical contexts and policy (Basit & Ahmed, 2021; Akhtar, et al., 2023). These contain weighing individual rights with societal security with the aim of securing liberties despite public health and security challenges. It has not been an easy task to try to get the balance right between individual rights and national security, when the problem with terrorism continues in Pakistan. This includes terrorism listed as a means for wide-reaching powers of the government to preemptively control.

It includes searches without warrants while conducting trials by the military tribunals (Makki & Akash, 2015; Husain, 2016). However, when the freedom to receive the speech in order to the freedom of the media censorship is burdened by that censorship, this hat balance of free speech rights is flipped its head. The problem for Pakistan is that it is too much in the mire of between counter terrorism and human rights as it needs to protect individual freedoms via national security (Ahmad, 2020). Democratic governance and the rule of law and rule of law upon which collective security depend require an equilibrium between societal interests and individual rights (Karim, 2022; Camera, 2022). Addressing systemic disparities requires us to focus on social justice, equitable opportunity, and robust legal frameworks, and to design such solutions with inclusion and with respect onto the multiplicity of cultural and religious values (Keane & Raganella, 2023; Ahmed, 2020). For that reason, it's necessary to balance the rights of an individual and of a society to achieve economic growth along with equal income distribution, to protect freedom in a culturally sensitive area in a robust legally protected and constitutionally immune surround (Spalek, 2012; Hahn, 2020; Qaracayev, 2023).

The theoretical legal framework for analyzing the conflict between societal security and individual rights in the context of Pakistan's counter-terrorism measures draws upon various legal principles, doctrines, and international standards. This framework provides a foundation to examine the constitutional and legislative provisions, as well as judicial interpretations, that govern the balance between state security and individual freedoms.

The rule of law is pertinent when trying to understand how security issues affect and relate to individual freedoms and also it is mandates that all things done by the state, including the fight against terrorism, must be done in accordance with the law and standards of the civilized world, with regard to accountability, equality before the law and respect for human rights. The theory of the rule of law requires that even in peculiar circumstances, action taken has to be substandard to the law and should not erode the principles of justice and equity (Raz, 1977).. In Pakistan this principle falls under article 4, 8, and 25 of the Constitution of Islamic Republic of Pakistan it specify that the state shall always act within the law and the law shall protect the rights of all persons.

The doctrine of proportionality is considered as a dominant theoretical assumption concerning illegitimate impact of counter-terrorism measures on the subject. Consequently, the following principle: any restriction on the exercise of a fundamental right may only be necessary, appropriate, and proportionate to the legitimate aim pursued by legislation of ensuring state security. The Pakistani judiciary has sometimes have used this doctrine, especially in matters involving preventive deconflict or freedom of speech despite this it has been used sporadically (Hassan, 2020). Comparing with other legal systems shows that it is possible to more effectively entrench proportionality into the legal system of Pakistan.

In order to assess Pakistan's counter terrorism frameworks references to International human rights law are necessary. Legal instruments include the International Covenant on Civil and Political Rights (ICCPR) which Pakistan has ratified and acceded to; under ICCPR, there are hard or non-derogable rights which cannot be captured during public emergencies. These human rights consist of the

freedom from being killed, freedom from torture, and freedom from being imprisoned and die without having a fair trial. ICCPR allows in Article 4 derogations from certain rights in the event of a national emergency provided that the measures taken are strictly required by the emergency, are temporary and applied without discrimination. The Anti-Terrorism Act (ATA) of 1997, conscious or otherwise, has been seen as falling short in meeting these global commitments and obligations in term of Pakistan domestic law.

The established legal conflict between public security and individual rights has origins from the harm principle established by John Stuart Mill within which the state only restricts an individual's rights to cause harm to other individuals. While consistent with acknowledging the state's right to place restrictions in counter-terrorism contexts it generates concerns about abuse. Nonetheless, the ATA of Pakistan has both appropriate and wide definitions of terrorism which along with the unregulated powers given to the law enforcement agencies leans toward the public security at the cost of individual liberty (Zafar & Hussain, 2023).

Under article 232 of Pakistan's Constitution the State may by proclamation declare emergency in the event of war or external aggression or internal disturbance. This allows for the possibly of putting on hold some cardinal rights every once in a while. However, measures of this kind can only be taken where it is clearly necessary to do so, and are proportionate, and should not be taken without a judicial say so. By contrast, as international law will assume, the derogation measures cannot be contrary to non-derogable rights or become part of a permanent structure in a state's legal order (UN Human Rights Committee, General Comment No. 29, 2001).

Anti-Terrorism Act, passed in 1997, the Pakistan Protection Act passed in 2014 replacing the constitution's eighth amendment, and the twentieth amendment empowering the military courts to try terrorism offense. Though these laws have been formulated to afford the state increased capacity to fight terrorism, they have been criticized for being for want of due process and for the erosion of judicial power (Ahmed, 2019). The lack of these and specific provisions has been characterized by arbitrary arrests, detention without trial and other violations of human rights in the implementation of these laws.

The judiciary has a critical role to continue to act an intermediary between social security and individuals' liberty. In Pakistan both the Supreme Court and High courts of have played their role in the decisions regarding PT, right to fair trial and CT. Other important judgments include, Liaquat Hussain case 1999 SCMR 587, Sh. High Court Bar Association v. see Federation of Pakistan (PLD 2009 SC 879), country's judiciary is under the mandate to protect the Constitution but at the same time it also permits the state to discharge its function in fighting the terrorists. However, critics have been quick to note that the judiciary has been quick to give the executive a green light on matters of national security by failing in its protective canonical function of individual rights (Khan, 2021).

In this regard, there are areas about the theory of social contract and the theory of human rights, which are extensive and sufficiently capable to solve the issue situated in the contest between state security and individual freedom. But as Hutcheson pointed out even by social contract Arian like Hobbes Locke and Rousseau wherever people agreed that the rational man wants to relinquish some degree of liberty in exchange for the security the law offers. It is ideas such as these that in one way or the other merely justify the existence or the necessity of the state at which even rights of the individuals are violated if necessary for the protection or promotion of the rights of people and society. Sr. Humm and Spenceress arms would take such position in liberating conquest nor enslavement of society enthusiasts, and routine rights believers, of the kind of John Stuart Mill and modern rights law and founding one important assertion strategic central political agency ascribed the state possess rights of protecting the citizens body. Due to the shrunk down focus of this study, it responds especially to the internal and external factors that constitute and develop the certain national security strategies with

the implementation stage and the impact of these strategies on the human rights' enforcing mechanisms and as to how such complex problems are solved by the law.

4. Results and Discussion

Pakistan as a state has, therefore, come face to face with a classic conflict of social security and human rights as far as counter-terrorism is concerned. On the one hand, there is a responsibility of the state to guarantee collective safety through effective fighting of terrorism. Contrary, individual rights are entitled as the primary foundation of democracy, as well as the admissibility of rule of law. Managing between these two opposing demands has remained difficult and Pakistan has been accused of their counter-terrorism efforts regressing more on individual liberty.

To a large extent, this study also revealed various dilemmas inherent in counter-terrorism development in Pakistan, such as societal security vis-à-vis individual rights.

Overreach of Counter-Terrorism Laws: On several occasions, power was seen to have vested on the Republic's law enforcement agencies due to expansive provisions as envisaged by the Anti-Terrorism Act of 1997. Such included dumping detainees in jail without any legal warrant, holding them for lengthy periods without a chance to be produced in court, and arresting political rivals under the broad allegations of terrorism. In so doing it eroded the principles of the Rule of law and precipitated a climate of fear around free speech and assembly, especially in as far as political activities were concerned.

Inadequate Judicial Oversight: The committee also established that there is inconsistency in the protection of individual rights against before state actors by the judiciary. Although judicial review sometimes emerged to correct the abuses of the regime, generally the autonomy of the executive branch dominated in the interests of national security. This absence of strong judicial check continued and further deepened the application of counter-terrorism laws thus entrenched other flavors of systemic violation of human rights including; right to fair trial, right to fair trial, and right against torture.

Human Rights Violations and Accountability Gaps: Human rights groups reported other organizations, involving forced disappearance, extrajudicial executions and torture during counter-terrorism operations. Lack of civil society mechanisms of supervision and supervision and a low level of institutional responsibility for actions of state officials have also been contributing factors for impunity in these cases of violation.

Alienation of Marginalized Communities: The research revealed that counter-terrorism measures negatively impacted citizens especially the minority ethnic and religious groups. This selective enforcement created social marginalization and social unfairness, and social frustration that made radicalization and social insecurity take place in the society.

Comparison with International Practices: The research was further carried out through comparative analysis and indicated that countries like United Kingdom and India adopted moderate measures to counter terrorism by including measures like oversight mechanism, transparency mechanism, and mechanism addressing human rights. Unfortunately, Pakistan lacked similar institutional frameworks in its favor to work on optimizing security measures as per constitution and international.

Public Perception of Counter-Terrorism Measures: The conducted public perception survey revealed that people hold extreme levels of mistrust in the police and the justice system. Concerning in order to the practices of counter-terrorism: Participants stated that there is invisibility, impropriety, and unfairness of practices and requesting the moral reconstruction of counter-terrorism.

Legislative and Policy Gaps: The study further presented legal and policy recommendations including: passage of legislative instruments that clearly define terrorism, improved protection from abuses of human rights in the fight against terrorism, and adequate monitor of counter terrorism operations. The lack of such reforms prolongs the clash of the principle of societal security and demoralization of personal rights.

Recommendations for Improvement: Consequently, the sources called for iota of law reforms, judicial interventionism, and formation of disparate supervisory authorities to resolve the conflict. Training of Police forces and other armed forces in human rights and ensuring public confidence through familiarization with rights were also said to be useful in achieving the two objectives of security and rights.

These findings showed that Pakistan's counter-terrorism actions were otherwise appropriate in pursuing proper concerns but problematic in using tactics that intruded on human rights because legal provisions were ambiguous or lacked clear guidance, oversight mechanisms were inadequate, and accountability tools were generally deficient. Transitional measures of adopting better and more balanced approach was thus considered necessary in order to stem down-development of counter-terrorism measures that were unpopular due to their infringement of human rights while at the same time ensuring that effectiveness in counter-terrorism initiatives was not jeopardized

Legislative and Institutional Framework: The major legal response to terror in Pakistan is the ATA 1997 that provides extensive authorities to law enforcement organizations. Some of these powers include; detention and arrest without writ or trial, secret watch, and speedy trial through extraordinary courts (Khan, 2018). Critics have also preferred to conclude that while such measures were intended to meet the public need for addressing the terrorism threat is overlooking due process rights and civil liberties. The lack interpretations of the word 'terrorism' used in the ATA is resulted in practice more often involving politically inconvenient dissidents or activists rather than real threats (Yusuf, 2020). Such vagueness generates an inherent contradiction between security needs of society and individual's legal certainty and freedom of speech.

Judicial Oversight and Human Rights: The judiciary in Pakistan has adopted a dual approach regarding this conflict. Sometimes courts have come in and declared unlawful detention and ordered for fair trials while at other times, they have endorsed emergency laws and executive actions by citing sovereignty and security yardsticks (Munir, 2021). An area that has been significantly devoid of judicial activism and this raises valid questions about checks and balances. In addition, the lack of forms of redress for violations that perpetrators undertake under counter-terrorism measures shows the systematic disregard of legal individualism. Human rights NGOs have also been particularly to forced disappearances, and targeted killings, and torture in direct violation to Pakistan's Constitution and its obligations under the ICPPR (Amnesty International, 2022).

Balancing Rights: International and Domestic Perspectives: Comparative studies show that the countries in the similar security situation, viz, United Kingdom and India are comparatively better placed in giving legal framework for societal security and individual right. For instance, the contest strategy of the UK such as counter-terrorism measures contains built-in accountability mechanisms, which will guarantee that they are reasonable (Ahmed, 2020). Such recommendations might be of some use to the Pakistan authorities: independent bodies to oversee compliance with the anti-terrorism legislation. Similarly, being openness and following the legal requirements in order to involve the public trust minimizes the level of social exclusion that leads to feelings of radicalization (Rizvi, 2019).

Policy Recommendations: However, what kind of security does Pakistani society need in order to put an end to dealing with one type of threat only to face another kind at the hands of its own security forces? In essence, the state of Pakistan needs to address the matter on multiple levels: First, legislative

reforms should provide a clear understanding of terrorism and narrow the discretion where police agencies are permitted to arrest terrorism suspects. Second, accountability for claimed rights abuses would be improved if independent commissions were created to look into such issues. Third, the enhancement of the training of human rights for policemen and judges potentially may assist in harmonization of counter-terrorism practices with the Constitution and the international norm. The tension between security and rights in Pakistani counter-terrorism laws represents broader governance and rule of law issue. Although the matter of national security remains realistic concern, people's rights are violated, making the state actions illegitimate and ineffective. The two majors provide a national constitutional approach and an international comparative perspective respectively and have clarified that a mixture approach is necessary for sound security and justice.

5. Findings

In the light of the research findings of this study it would be logical to infer that while countering terrorism in Pakistan is inevitable for present day security measures severely violate individual rights. The legal tools employed like the Anti-Terrorism Act, and military commissions often disappoint key rights in human rights: due process, right to a fair trial, and against unreasonable conflict. However, reliance on surveillance, preventative conflict and executive powers has led to human right abuses of which are extrajudicial killings and enforced disappearance. Even after some improvements have been made to change the legal and judicial systems to be fair and impartial a lot of corruption issues are encouraged due to poor monitoring and evaluation mechanisms. The study concludes that although the pillar on counter-terrorism is valid due recognition must be given to balance human rights protection together with counter-terrorism measures with due regard to international law to ensure that measures towards protecting security do not infringe on basic freedoms.

6. Limitations and Research Gap

The limitations of this study arise from the fact that it relies on secondary legal materials such as statutes, case laws, and articles, and do not capture the current and developing nature of counter-terrorism practices in Pakistan. Further, the study suffers constraints in access to primary data, especially relating to counts and their experiences or immediate interviews with the police authorities or policy makers. In addition, this study is limited to a legal perspective while the social, political and economic implications of these measures are not considered. One such gap that needs to be filled is that despite the increased scholarly interest in counter-terrorism policies in Pakistan there is a scarcity of empirical studies that evaluate the impact of counter-terrorism policies on vulnerable citizens especially in terms of justice delivery and human rights implications in the long run. This research therefore calls for future extensions that apply qualitative data and examine counter-terrorism human rights and socio-political processes in Pakistan.

7. Conclusion

This study analysis the conflict between security and rights in the context of Pakistan's counter-terrorism policies is the binaries of the society and the citizen. Unquestionably, the state bears the responsibility of preserving the public from the constant threat of terrorism; nonetheless, this strategy dominates the Pakistani scene in such a manner that pays little at conflict to human rights. This study established that poor understanding of definitions plus lack of coherent provisions reaped under the laws such as the Anti-Terrorism Act, 1997 calls for expansive powers have helped to foster root violations of rights. These are; arbitrary arrests and detention enforced disappearances and extrajudicial killings and all go against the spirit of democracy which counters terrorism policies seek to uphold. Surprisingly, the judiciary being the last line of defense in as far as constitutional entrenchment of rights are concerned, has not risen to the occasion to offer stiff checks on the excesses of the executive. A number of cases of judicial estoppel of emergency measures and ineffective steps

to prevent rights violations underscore the necessity for increased judicial autonomy and activity in this sphere.

Also, there is no institutional requirement, and the absence of other independent check-and-balance systems has promoted policing exceptionalism, especially for law enforcement bodies, which has eroded people's confidence in the legal process. This distrust surfaced in attitude studies towards counter-terrorism practices, in which there was considerable discontent with the openness, equity and efficiency of counter-terrorism measures. On the same note, benchmarking with other democracies provided rich lessons on how state security and civil liberties can be balanced. Some states such as the United Kingdom have adopted superintending authorities, strong human rights protection and measures to check the reasonableness of counter-terrorism arrangements.

Thus, Pakistan inability to undertake practices that USA has done the same have not only results into domestic human rights abuses but also invite criticism from the international human rights organization that may dent the image of the country. The effects thereby derived from such distorted relations are pervasive. Targeted by counter-terrorism operations, marginalized and minority populations, experience social exclusion and rather than leaving them more secure, this position may lead them to radicalization. This cycle maintains demands for fear and mistrust in the state, which erode the capacity to build coherence and collective resistance against terrorism. The findings of the study reaffirm the imperative for more sobering legislative amendments, such as the reduction of the definitions of terrorism and development of measures against its misuse.

Framing independent monitoring structures, strengthening the judicial accountability; and incorporating the human rights sensitivity for law enforcement agencies are important measures toward gradually directing the counter-terrorism measures of Pakistan in accordance with the constitution and international law. Conflict is at the heart of most countries' security strategies, and in Pakistan case, though the security threats are real and demanding, the government's obsession with State Security at the peril of citizens' rights and freedoms is counterproductive and carries the risk of deepening the existing violations of justice and democracy. This creates a fair approach, which is legally right and moral to observe, for the sake of well-being and stability that is, security needs a balanced, rights-respecting approach. Through analyzing those fundamental discrepancies in the counter-terrorism framework and studying the existing global experiences, Pakistan can enhance its system and achieve fair counter-terrorism and protection of the citizens' fundamental rights.

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