

Human Rights: Focus on Fair Trial

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Human Rights

- ▣ Rights which are believed to belong to every person. They are inherent to all human beings irrespective of colour, nationality, race, faith etc.
- ▣ Justice Kayani: “Fundamental rights are so fundamental in character that you cannot dream of their extinction.”

Types

- ▣ **Positive** (requiring positive state action for their fulfillment) e.g. International Covenant on Civil & Political Rights 1966 → **Justiciable**
- ▣ **Negative** (requiring the state to abstain from doing certain acts) e.g. International Covenant on Economic, Social & Cultural Rights 1966 → **Non-Justiciable**

Fundamental Rights are in fact Negative Human Rights

Various Human Rights

- ▣ Protection of Life & Liberty (Ar. 9)
- ▣ Safeguards as to arrest and detention (Ar. 10)
- ▣ Fair Trial (Ar. 10-A)
- ▣ Prohibition of Slavery, forced labour (Ar. 11)
- ▣ Protection against retrospective punishment (Ar. 12)
- ▣ Protection against double punishment and self incrimination (Ar. 13)
- ▣ Inviolability of dignity of man (Ar. 14)
- ▣ Freedom of speech (Ar. 19)
- ▣ Equality of citizens (Ar. 25)

The Right to Fair Trial

All persons shall be equal before the courts and tribunals and that in the determination of any criminal charge against him, or of his rights and obligations in a suit of law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. [Ar. 14(1) of International Covenant on Civil and Political Rights]

For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process. (Ar. 10-A of the Constitution)

Fair Trial Rights: Ingredients

- ▣ Pre-Trial rights (Protection from torture or cruel, inhuman or degrading treatment)
- ▣ Access to courts
- ▣ Fair and open hearing
- ▣ Independence of judicial authorities
- ▣ Trial within a reasonable time
- ▣ Right to appeal

Thanks