



### From Violation to Vindication: Human Rights in the Aftermath of Crime

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**Abstract:** This paper delves into the intricate dynamics between crime and human rights, emphasizing the comprehensive impact on victims, accused individuals, and the broader societal fabric. In the wake of criminal activities, victims often face a dual plight: the initial infringement of their rights and subsequent challenges navigating the justice system. Simultaneously, the rights of the accused, particularly concerning fair trial and presumption of innocence, are at risk of being compromised. The societal aftermath of crime can lead to heightened insecurity, stigmatization of groups, and an erosion of trust in public institutions, prompting measures that may infringe upon civil liberties. Through the lens of international human rights law, case studies, and rehabilitation initiatives, this research article aims to chart a course from the violation to the vindication of human rights post-crime. It proposes a multifaceted approach involving legal reforms, victim support, restorative justice practices, and the safeguarding of accused rights. This framework seeks not only to address the immediate effects of crime but also to restore social harmony and trust in the justice system, underpinning the development of a just and equitable society.

**Keywords:** Human Rights Violations, Criminal Justice Reform, Victim Support Services, Restorative Justice, Fair Trial Rights, Societal Impact of Crime

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#### 1. Introduction

The aftermath of a crime unfolds like a complex tapestry, interweaving threads of individual trauma, legal entanglements, and societal repercussions. Central to this narrative is the profound impact on human rights—spanning the spectrum from the acute violations experienced by victims to the nuanced challenges facing the accused, and extending to the broader societal disruptions that follow. This exploration into the domain of human rights in the post-crime context seeks to unravel this tapestry, examining the intricate patterns of violation and the pathways towards vindication. At the heart of this discourse is the understanding that crimes, by their inherent nature, are primary violations of human rights. Victims suffer not only from the initial infringement—be it against their life, security, or dignity—but also from a subsequent cascade of potential rights violations as they navigate the often-daunting labyrinth of the criminal justice system. These secondary violations may manifest as barriers to accessing justice, re-traumatization through the legal process, or insufficient support and reparations, each further exacerbating the original harm (Riaz, & Usman, 2024). Simultaneously, the rights of the accused must also navigate a precarious balance. The presumption of innocence until proven guilty—a cornerstone of human rights law—faces threats from systemic biases, pretrial detention practices, and the court of public opinion, often fueled

by media sensationalism. Herein lies a critical tension: the need to ensure justice and accountability for crimes while safeguarding the fundamental rights of those accused (Khan, & Riaz, 2024; Kanwel, & Shah, 2024).

Questions of human rights have been considered pertinent in the context of crime and its aftermath. First and foremost, given the victim-related nature of crime, the immediate stakeholders are deeply affected by the unpleasant event. These parties include the convicted individual, the suspects and the accused, the victims or targets as well as all other parties directly affected by the crime. Expounding on that and apart from the short-term stakeholders, the effect of crime on society at large also encompasses the additional insecurity, fear, and lack of trust of public stakeholders. Ultimately, society bears the brunt of insecurity arising from crime and sometimes tends to label the affected societies and impose less democratic liberties in the search for safety and hence there the call for punitive measures (Khan, & Jiliani, 2023; Kanwel, Yasmin, & Usman, 2023). The main aim of this paper is to determine and infer on the violation of human rights after the crime and the processes and mechanisms for their vindication. It evaluates the implications of the existing international human rights procedures and frameworks and possible conceptions to meet the same. The article broadens the conclusion through the background case study and personal evaluation of the screening tests of such mechanisms, laws and, procedures. It is evident that a comprehensive approach includes relevant international policies and sanctions to ensure legal justice, reformation and rehabilitation of the victims, restoration of rights of the accused among other pivotal reforms that achieve justice. Ultimately, this paper aims to contribute to the existing wealth of information and research on solutions and viable persisting approaches to establish a desirable and retaliative human rights approach to punishment post-crime (Faisal, Usman, & Khan, 2023; Kanwel, Khan, & Usman, 2023).

## **2. Research Methodology**

The process of researching the material for the above article can be characterized best with the help of a combination of different qualitative methods. Among the latter are a literature review, case studies (very useful in the context of legal research), and thematic analysis. The literature review will require analyzing books, articles, and reports related to the issues of victims' rights, accused rights, community impact, as well as the existing legal frameworks, the phenomenon of restorative justice, etc. The case studies of different jurisdictions will allow for exploring the variety of approaches to these problems and gaining insight into the latter. Thematic analysis will make it possible to identify the recurring themes, perspective, and patterns in the sources described above. To support or question the information found in the latter, I will also consider the interviews with the victims, offenders, their families, legal specialists, and the community members living in the areas of problems under consideration. In sum, using the combination of the above methods, I will be able to come up with a detailed and diverse understanding of the issues related to crime and its aftermath.

## **3.1 Human Rights Violations Post-Crime**

### **3.1.1 Victims' Rights**

In the complex aftermath of crime, the rights and needs of victims are often placed at the core of justice and recovery. Understanding and responding effectively to these rights is not merely a legal obligation, but a substantial moral and social endeavour. Victims are forced on a tortuous road from the scene of the crime to their eventual vindication, making a comprehensive understanding and the vigorous promotion of the vested rights of enormous importance. The rights of victims can be understood from their multiplicity, reaching out to mitigate the range of impact crime has on people's lives. The rights of victims range from the right of information, support and assistance, and the right to participate in the court proceedings to the right for reparation (Khan, & Kanwel, 2023). Each of the rights holds a special importance in the process of victims' healing and empowerment, but their implementation is flawed. It has been acknowledged at the international and national levels, yet the implementation of victims' rights is often obstructed. Evidently, many victims are unaware of the rights and the services available to them. Victims of crime and their families are often significantly hindered in their access to justice and their needs are not appropriately met throughout the criminal justice process. The criminal justice process can be off-putting and bewildering and it can leave victims be made into victims again if they are not properly managed. Also, the access to support and protection can be uneven, with the gender, age, class, and ethnicity issues often leading to a lack of targeting the most vulnerable in the population (Hussain, Khan, & Chandio, 2023).

Advancing the vindication of victims' rights is a complex process that includes a variety of approaches at different levels, from systemic change to cultural transformation. On the one hand, it involves deep and systemic changes at the level of policy and regulatory frameworks aimed at robust protection and effective mechanisms for realizing victims' rights. On the other hand, the process requires significant efforts in the provision of effective and comprehensive support and assistance to victims, which should be based on accessible, significant, and sustainable services, consideration of trauma-related aspects, and sufficient funding and staff skills (Khan, Shah, & Kanwel, 2023). In addition, a great emphasis should be put on developing awareness among the community and society not only regarding the perspective of victims' rights but also the developmental and societal impact of trauma and victimization. Furthermore, restorative approaches may provide an alternative way based on the idea of meeting the victim's needs, the offender's responsibility, and involving the community in the process of healing and reconciliation. Overall, the process of victims' rights vindication is multi-dimensional in nature, with efforts on the legal, social, and policy level. In transitioning toward the proper understanding and consideration of victims and their rights in a legal setting, societal views on trauma and victimization would become more just and humane, making people stronger on the individual and collective levels (Khan, Hussain, & Oad, 2023).

### **3.1.2 Accused Rights**

The rights of the accused in the wake of a crime take on a position of vital importance in the tightrope balance between justice seeking and adherence to fundamental human rights principles. The legal and moral construct surrounding the accused is created to avoid miscarriages of the law and ensure the means by which conviction is reached are fair, open, and just. This construct subsists on several rights: the presumption of innocence until proven guilty; the right to a public, fair trial; the right to receive legal representation; and the right against self-incrimination. These rights are crucial for the protection of people suspected of committing a crime, as well as the criminal process as a whole. However, the practical implementation of these rights is fraught with challenges. The right to be presumed innocent, one of the cornerstones of legal constructs worldwide, is often violated by both the public and the media, who start their own "media" trial long before the actual course of law. Such a situation involves improper influence being exerted over the course of law as well as may influence public perception, often irreparably damaging the image and life of the accused, regardless of the actual trial outcome (Kanwel, & Ayub, 2023).

Fair trial is another fundamental right that could be deeply affected by the systemic and societal problems, which are the delays in the justice system and unavailability of representation for the people who cannot afford it, and in some cases – bias by the judges. Fair trial which would fail to provide the accused the equality of arms would be mostly theoretical and unable to protect the rights of the accused in the rational sense. Also, conditions of detention before trial, such as over crowdedness, lack of privacy, limited access to families and legal representatives, would damage the dignity and rights of the accused (Khan, Nisar, & Kanwel, 2023). Problems associated with protecting the rights of the accused require a complex solution on the systemic and society levels. The obvious conclusion would be to improve the legal defense in the country, meaning that every accused person would be provided with qualified legal representation. Restrictions requiring making the trial as soon as possible could be implemented to solve the problem of delays in the justice system. Public awareness campaigns focused on the notion of the presumption of innocence and the right to a fair trial and their significance for the democratic societal value would help public opinion to become more objective and less harmful to the accused in the short and long terms relative to their coverage in the mass media and public discussions (Hussain, Khan, Chandio, & Oad, 2023).

It should also be noted that both taking measures to enhance conditions of detention in line with international standards and making the process of criminal justice a subject to constant analyses with a purpose to identify and eliminate biases are among those pivotal for protecting the rights of the accused and keeping the criminal justice system a bastion of justice and equity. The rights of the accused comprise an integral part of the legal system developed to make sure that the principles of justice were observed in respect to all parties involved and that the process was fair and met the basic standards of human rights. The identified threats need to be addressed, too, and this is where the development of relevant strategies for the CJ system proves to be crucial (Khan, Bibi, Khan, & Ahmad, 2023).

### **3.1.3 Community and Societal Impact**

The effects of crime reach further than individually involved people and their reputations, touching communities and entire societies. Crime has a notable effect on areas of actual crime and in a more broad sense, affecting community social, psychological, and economic impact. This analysis, understanding the broader perspective of crime, is vital in developing sufficient crime prevention and rehabilitation strategies. One of the first changes that affect the communities where the crime is committed is the increased feeling of insecurity (Kanwel, Hassan, & Ayub, 2023). Crime, especially violent or particularly grave offenses, makes their surroundings recognize their vulnerability. Residents lock themselves inside their homes and return from work to avoid spending time outside. This disappearance is caused by the increased feeling of fear and isolation, reducing the community to a group of mutually unrelated individuals living on the same street. This erodes all social capital that the community previously had established, leading to further fragmentation of society as a whole (Khan, Iqbal, & Ahmad, 2022; Khan, & Ximei, 2022).

Crime also has an effect on society as an entity. As such, the existence of this phenomenon may engender social injustice if the uneven distribution of its temporal and other manifestations occurs between different segments of the population. This means that social groups that are already disadvantaged, either as a result of poverty to discrimination and overpopulation, potentially suffer a more considerable burden on the sociological path. In addition, the phenomenon causes stigmatization based on its consequential impact and social ousting by transferring this burden onto particular neighborhoods and social groups, leading to lifelong marginalization and exclusion. An equally large problem is that alongside the establishment of rules, crime undermines social order, loosens established norms, and reduces the credibility of public services and law enforcement this is described in academic literature as the sociological path to crime prevention (Khan, Javed, Khan, & Rizwi, 2022).

Crime is a traumatic experience for all victims, and this fact can have an impact on one's attitude toward punishment. Sociologists have revealed that one of the greatest dangers related to the crime and consequences is society's refusal to rehabilitate offenders. In the aftermath of a crime, society's failure to cope with the crime could lead to even more drastic punitive attitudes, and law enforcement measures. While fear and desperation are natural after a crime, very punitive methods do not provide a long-term solution. On the one hand, accountability is a constitutional obligation for the state as well as society. Crime is always a violation of norms, and the perpetrator must be identified and punished. Nevertheless, policymakers need to strike a balance and concentrate not only on punitive but also on preventive and rehabilitative measures maintaining public safety and social cohesion. Overall, vis-à-vis the societal impact of crime, investing in social services, education, and economic opportunities for members of the public will also help prevent the occurrence of certain types of crime. One cannot exclude communities from the entire social infrastructure and then punish their members for misbehaving. Missing community can be one of the reasons why young people choose the way of crime. To a large extent, it makes them more vulnerable. With the initial involvement of the community in resolving issues of crime prevention and response, it will enhance commitment to peacebuilding and other trust- and relationship-building initiatives between communities and security agencies. Such common efforts in understanding and addressing the consequences of interpersonal violence in community building must continue (Javed, Jianxin, & Khan, 2021).

## **3.2 Pathways to Vindication**

### **3.2.1 Legal Frameworks and Justice Reform**

Legal frameworks and justice reform play a necessary function in addressing the aftermath of crime, thus securing that justice is not only served but human rights are also respected and defended during the entire process. The legal sphere is crucial in the aftermath of crime. The latter prescribes a vital role for the legal system in processing the complex context of accountability, rehabilitation, and societal healing. However, the legal system is not without its problems. Inefficiencies, biases, and unfairness can often hinder the justice's ability to preserve its integrity and function. As such, it is necessary to implement legal frameworks and justice reforms in order to secure that the interests of all parties, including victims, accused individuals, and even the general public, are preserved and respected. At the core of this need is the necessity to secure fair and just treatment of people involved in the criminal sector and to enhance protection measures for the accused, such as the idea of being presumed innocent, having legal representation, or having the right for a fair trial. This means that the right to not face undue delays in



trail processes, meaning that accused should be granted timely legal support within a reasonable timeframe (Khan, Bhatti, & Jillani, 2021).

In addition, justice reform is related to various measures and strategies aimed to address system problems in the legal system. It includes such important issues as discrimination on the basis on race, social inequality regarding access to justice, and the overrepresentation of disadvantaged groups in the criminal system . One possible reform is based on the idea of contextualizing justice and allowing more DEI initiatives to avoid these issues . Regarding these aspects, justice reform is about changing the current legal system to make it more inclusive and representative. This point also includes the necessity to address the question of effectiveness for legal procedures because many courts suffer from long backlogs, enormous delays, and possible administrative complications that create irrelevant access to the necessary justice . Solutions to these problems are typically based on improvements in technologies and implementing new programs to simplify the functioning of courts. For thousands of cases, the introduction of more advanced ADR methods is possible, which will leave the strain from traditional court systems. Finally, justice reform includes issues that are not about legal rights and proper procedures but more about the promotion of main social goals . These may include the reduction of crime rates and, consequently, the promotion of rehabilitation to contribute to social healing. It is also crucial to provide reconciliation between offenders and their offended. In general, justice reform is a complex process that requires splits from different sources, including policy-makers, legal representatives, as well as other, such as NGOs and law schools. In a view from another perspective, justice reform is about the necessity to make the life of people better and more fair (Usman, Khan, & Amjad, 2021).

### **3.2.2 Victim Support and Rehabilitation**

Victim support and rehabilitation are vital aspects of the response to crime, acting as important mechanisms for restoring dignity, healing of wounds, and empowering the victims of crime. Crime has a profound impact on its victims; therefore, effective programs are needed to ensure that their physical, emotional, and psychological needs are addressed and they start the process of recovery. The primary aspect of victim support is the provision of comprehensive services that would cater to the range of needs that individuals impacted by crime may have. .This dimension includes immediate crisis intervention, emotional support, access to medical and mental health services, legal assistance, and the provision of support to help victims deal with the criminal justice system. Providing personalized support to the victims by meeting their specific needs presents a unique way through which such systems empower individuals impacted by crime, to succeed in the struggles of life after having been a victim of crime (Usman, Amjad, & Khan, 2021).

Moreover, victim rehabilitation is aimed at addressing the long-term effects of victimization, helping people to restore their lives and move forward. In this respect, it may imply the provision of access to specialized counseling and therapy to help them address post-traumatic stress disorder, anxiety, and other mental health issues that result from being a victim. At the same time, rehabilitation programs may provide victims with vocational training opportunities, education, or career support to help them restore independence and achieve self-sufficiency. Furthermore, victim support and rehabilitation initiatives have the goal of ensuring social cohesiveness and community resilience on the aftermath of the crime. Therefore, such programs help to eliminate social isolation and stigmatization in the aftermath of a crime by the provision of opportunities to socialize, share experiences, and networks for accessing help or assistance, claiming the spirit of unity and respect within the affected population (Usman, Kanwel, Khan, & Khan, 2021).

While these services are integral components of the crime response, their universal access is not presently ensured due to a number of challenges. As such, both crime victims and relevant stakeholders are subject to several barriers, which include the inadequacy of resource allocations, supply-side constraints, and fragmentation of the service provision. Furthermore, there are several demand-side issues, which are related to victims' social vulnerability, mistrust of local authorities, and culture. In order to derive an effective policy response, the goal of promoting and upholding victims' rights should be placed within the respective agenda, which may be facilitated by cross-departmental and cross-sectoral levels of coordination. It is also essential to affect the advocacy pathway by providing service users with adequate access to services, and ensuring that the increase in public awareness of service providers and the development of professionals' skills are matched in pace. Additionally, deepening

community engagement is also highly important, as non-governmental and community-based organizations may ensure reaching out the victims who are least likely to access support. The process of destigmatizing victimization should be also initiated and further sustained by promoting involvement of all interested stakeholders and ensuring government ownership. With the process of victim support rectification and the increase and equalization of the quality services which aim to address their needs, public institutions, non-governmental organizations, and community-based agencies are also able to contribute to the efficiency of social and safety nets, foster the social cohesion of local populations, and enhance effective crime governance (Usman, Khan, & Amjad, 2021).

### **3.2.3 Restorative Justice Practices**

Restorative justice practices are a novel way to deal with the consequences of various crimes; this approach emphasizes healing and responsibility as well as the making of amends to all the parties involved via rehabilitation and social reintegration. Instead of a purely punitive view seen in traditional penal systems, restorative justice seeks to create a platform for open dialogue between all the involved which would allow one to reconcile with one's crime and those affected by it. As Crime by another name: the social harm perspective also puts it, the basic premise of restorative justice is the understanding that a crime does more than just harm the victim but also has implications for the perpetrator, their kin, and the entire community. Restorative justice uses this principle to unite the whole latter in a dialogue with the first two, and from it, form a comprehensive perspective on all the forces which had caused the crime and its aftermath. Various practices based on this principle have emerged since, such as victim-offender mediation, rites of passage, family group conferences, and the like, but they all use the same ideas – a dialogue between the victims and the perpetrator facilitated by a judge or unknowing parties, ending with an agreement as to the amends that could be made for the crime (Khan, Usman, & Amjad, 2021).

One of the main principles behind the restorative justice philosophy remains its focus on the issue of accountability and offender's responsibility for their actions. To put it plain, the philosophy puts an emphasis on the offender's reparation, implying that the former should recognize what they have done, know that what they did was wrong, accept responsibility for their actions, and set away to fix the problem. Such an approach can have several positive and negative effects on the victim, concerned parties, and community as a whole. can have a very positive effect on the offender, making them aware of their action's consequences and actual responsibility for them and changing the way that they perceive the situation. For the victim, the theory can have a strongly positive effect, helping them to feel heard and finally appreciated for what happened to them, thus, creating the foundation for closure (Khan, Usman, & Amjad, 2020).

In addition, restorative justice practices are beneficial to communities that help create shared values, management practices, and networks, building resilience to crime . Interaction between community members in finding ways of addressing wrongdoings helps strengthen social bonds, foster understanding and empathy among people, and develop conflict prevention and resolution practices. The potential negative implications of the restorative justice value-base on communities include lack of awareness of what the restorative process is about, and implementation risks, such as relationship tensions beyond community-members and the absence of sanctions restraint to determine the decision . Also, effectiveness threats include an increase in crime with no sign of a decrease and the wrongdoer unwillingness to partake in the restorative process . Addressing these implications encompasses increasing the awareness of restorative concepts and developing the knowledge and skills acquisition of its facilitators . The increase in perception of restorative concepts requires community educators and justice professional engagement. Also, building the susceptibility and community capacity requires the promotion of modicum financing of the restorative approach in the justice field . On the other hand, building community value acquisition requires the development of balanced approaches to restorative justice, with attention to how to integrate restorative practices in the mainstream justice framework; ensure that restorative justice programs and values capture justice system legislations; and provide support and financing to the implementation of the particular services, projects, and programs . The future of restorative justice lies in its resolution of crime impact on personal and community levels. The process focuses on dialog, reconciliation, and power empowering principles for transforming both wrong and right-doing (Khan, Amjad, & Usman, 2020).

### **3.2.4 Protecting the Rights of the Accused**

Protecting the rights of the accused is a main concept of a good and just legal system. This implies that people accused of crimes are entitled to be charged with human dignity, equity, and respect for their universal human rights. In the legal process, this system upholds the presupposition of innocence. The implication, in unambiguous terms, is that legally, it should be assumed that every individual accused of committing a particular crime is innocent until the evidence presented against him or her is beyond any reasonable doubt. This ensures that an individual freed of guilt is free of their rights or privilege, and no one or else can take that from them. This line of protection is aimed at ensuring that every person accused of a criminal act has their rights and privileges intact, hence ensuring that the legal systems in place remain valid. The heart of the protection of the accused person's rights is ensuring they receive a fair and fair trial. In the legal systems put out globally, the right to charges, right to counsel, and the right to the confrontation of witnesses is some of the characteristics of charges in a legally correct system (Khan, Amjad, & Usman, 2020).

Bearing in mind the importance of protecting the rights of the accused, it is necessary to note that this principle goes beyond purely legal standards. In particular, it is noted that these principles require that the needs of the accused are met to ensure the proper defense of adjacent human rights. It is also essential to mention that it is vital to safeguard the interests of the accused in a more individual and substantial capacity to rely on more symbolic dimensions of these rights. At the same time, it is essential to highlight that ensuring the fair treatment of the accused includes warrants against any arbitrary arrest and detention. It is also important to prevent their exposure to torture or ill-treatment, as well as ensure that they receive the necessary medication and other amenities while in custody (Kanwel, KHAN, Usman, & Khan, 2020). This group of guarantees also extends to the pattern of detention conditions that should be seen as sufficient to protect the right of the accused. In this regard, the logic of ensuring proper protection of the rights of the accused, therefore, leads to the necessity to replace punishment with a minimalistic correction measure, which will be more concerned with the chances of rehabilitation and subsequent socialization, not just deprivation of liberty and return to society. Apart from the aforementioned, addressing problems of safeguarding the rights of the accused also implies dealing with several endemic flaws of the current legal settings. It is suggested that "executing these rights inevitably means grappling with the sources of systemic enforcement". Nonetheless, in practice, this leads to a range of challenges that should also be tackled. This, for instance, refers to "eliminating racial injustice". In addition to this, this also refers to addressing corresponding socioeconomic gaps and eradicating all sorts of unfair bias by police, the legal framework, and society in upholding the prosocial mission of law enforcement (Sidra Kanwel, Dr Javed Hussain Khushik, & Asad Jahangir, 2024).

#### **4. Conclusion**

In conclusion, the aftermath of crime presents complex challenges that require a multifaceted and holistic approach to address. From the protection of victims' rights to the safeguarding of the rights of the accused, and from community impact to the imperative of justice reform, it is clear that a comprehensive response is necessary to navigate the intricate web of issues surrounding crime and its consequences. Victims of crime must be afforded comprehensive support and rehabilitation services to address their immediate and long-term needs, promote healing, and empower them to rebuild their lives. Equally important is the protection of the rights of the accused, ensuring fair trials, humane treatment, and access to alternatives to incarceration that prioritize rehabilitation and reintegration. Moreover, the broader societal impact of crime cannot be overlooked, with communities often bearing the brunt of fear, insecurity, and social divisions. Addressing these impacts requires concerted efforts to foster resilience, promote social cohesion, and rebuild trust between communities and the criminal justice system. At the heart of these efforts lies the imperative of justice reform, encompassing legal frameworks that uphold human rights, procedural safeguards that ensure fairness and accountability, and systemic changes aimed at addressing inequalities and promoting alternatives to punitive measures. In moving forward, it is essential to recognize that the pursuit of justice is not a zero-sum game but rather a collective endeavor aimed at promoting the well-being and dignity of all individuals within society. By prioritizing human rights, fairness, and compassion in our response to crime, we can work towards building a more just, equitable, and resilient society for all.

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