

Conceptual and institutional asymmetries in human rights treaty implementation: European Union-Pakistan dynamics

Fahad Abdullah*

Abstract: *This paper investigates how treaty regimes effectively improve human rights conditions in repressive States, focusing on Pakistan's commitments to United Nations-led human rights treaties such as the International Covenant on Civil and Political Rights and bilateral agreements like the European Union-Pakistan Cooperation Agreement and the 2019 Strategic Engagement Plan. Despite these formal commitments, meaningful progress remains limited, with Pakistan's failure to uphold treaty obligations potentially threatening incentives like the European Union's (EU)'s Generalised Scheme of Preferences status. The research explores how conceptual asymmetries – philosophical and normative divergences – and institutional asymmetries – structural and procedural mismatches – between the EU and Pakistan hinder the implementation of these treaties. Using a qualitative methodology combining critical content analysis and documentary analysis, the paper adopts a deductive approach to argue that the more repressive a State is (allegedly Pakistan), the more eager it is to ratify human rights treaties for strategic benefits, yet it struggles with implementation due to deep-rooted asymmetries. Building on Oona A. Hathaway's integrated theory of international law, this paper advances the framework by highlighting how asymmetrical actor relationships in international law regimes can transform treaties into instruments of performative compliance rather than substantive change.*

Keywords: *treaty regimes; human rights; European Union; enforced disappearances; mob violence; religious persecutions; civil and political liberties; conceptual asymmetries; institutional asymmetries.*

* Visiting Lecturer, Political Science Department, Forman Christian College (A Chartered University) FCCU, Lahore, Punjab, Pakistan; fahadabdullah@fccollege.edu.pk

1. Introduction

Central puzzle

Oona A. Hathaway, building her analysis on political science and legal scholarship, argues in her “integrated theory of international law” that “states with poor human rights performance are just as likely, or even more likely, to sign treaties as countries with better records, but they are less likely to follow through on these obligations” (Hathaway 2005, 474). It has been widely discussed whether treaty regimes make a difference in improving the human rights conditions in repressive States or not (Hathaway 2002). This paper directly engages with this debate and poses the central research question: To what extent are treaty regimes effective in improving human rights conditions in repressive States, and why do they often fall short in their implementation?

Although the scope of the paper is not minority centric, facts from the Human Rights Commission of Pakistan (HRCP) during the time frame of 1997–2015 indicate the patterns of persecution of religious minorities (HRCP 2023). It incorporates demolishing the places of worship of Christians, Hindus, and Ahmadiyya communities through organised mob attacks, threatening and pushing the worshipers of these communities for not performing their religious rituals or else their houses will be smashed, and openly assassinating individuals when found involved in the act of worship, particularly the Ahmadiyya community. Additionally, it encompasses the attacks on the schools and girls’ hostels of the minority communities, guttering the religious scriptures, beating women and children of religious minority groups, attacking the police stations if those people accused of blasphemy are arrested and then lynching them, and doing harm to the religious minorities in any way possible. Moreover, Human Rights Watch testified that if human rights non-governmental organisations (NGOS) attempt to voice against human rights violations, they face harassment, threats, and continuous surveillance by Government authorities. Further, the Government uses the “Regulation of INGOS in Pakistan” policy to threaten to ban the work of these humanitarian organisations in Pakistan (HRW 2023).

2. Rationale for case selection (European Union-Pakistan)

Pakistan’s participation in key international and bilateral treaties such as the International Covenant on Civil and Political Rights (ICCPR) (1966), the European Union (EU)-Pakistan Cooperation Agreement, and the 2019 Strategic Engagement Plan (SEP) makes it a relevant case (EEAS 2022). Despite these commitments, Pakistan continues to exhibit patterns of persistent human rights violations, which could potentially jeopardise economic and diplomatic incentives like the Generalised Scheme of Preferences (GSP+) status (MOHR 2020). The EU-Pakistan dynamic

offers a compelling case to examine the underlying reasons, particularly conceptual and institutional asymmetries, that explain this contradiction. Through this deductive research, the researcher attempts to test Hathaway's theory by analysing the treaty performance in the context of Pakistan's relationship with the EU.

Moreover, analytical research on human rights treaty performance, especially from the EU-Pakistan dynamic, is limited. The existing literature only provides descriptive accounts of the EU-Pakistan bilateral relations; thus, more analytical research is required, and this paper attempts to do the same. This research fills the gap in two ways; first, it highlights the "conceptual asymmetries" involved between the EU and Pakistan regarding treaty implementation and then documents their impact on treaty performance. "Conceptual asymmetries" refer to distinctions in how the EU and Pakistan view, philosophise, interpret, or conceptualise key aspects of the idea of human rights. The understanding of the conceptual asymmetries resolves the puzzle of why Pakistan is allegedly a primary human rights abuser in terms of freedom of thought, conscience, religion, freedom of the press, ensuring civil liberties, and so on. Hence, it informs our analyses of why the treaties are not effective with their true spirit when executed through a national institutional framework. Second, it highlights the institutional asymmetries involved between the EU and Pakistan regarding treaty implementation. The term "institutional asymmetries" refers to distinctions in how the EU and Pakistani institutions are differently structured and assembled. Peculiarities in institutional organisations can mean imbalances in legal frameworks, financial resources, administrative structures, and operational methods. These institutional distinctions greatly impact the capacities and effectiveness in achieving their shared goals; in our case, it is protecting the established human rights of its masses. This variable enlightens us about the institutional disproportionateness that is involved between the EU and Pakistan in the implementation of human rights treaties, and hence informs us why treaty regimes are not effective.

4. Central argument

This paper argues that the missing link in human rights treaty performance lies at both the conceptual and institutional levels. The rationale is rooted in concern for constitutional protections of fundamental rights and the ongoing human rights violations witnessed in the region. Treaty regimes, the paper argues, offer a vital lens to analyse and understand this global human dignity gap.

Moreover, this paper contributes to the existing theoretical framework of treaty performance in repressive States and particularly tests Hathaway's "integrated theory of international law" from EU-Pakistan dynamics. This paper aims to test the hypothesis that "the more repressive the State is towards its citizens (allegedly Pakistan),

the more enthusiastic it is to reinforce the ratification of the human rights treaties (ICCPR and others) because of attached incentives (GSP+ status) and hence faces profound challenges in treaty implementation because of the inherent conceptual and institutional asymmetries” (Hathaway 2002; Hathaway 2005; Hathaway 2007). This comparative study is indeed significant because it claims to produce generalisable findings and argues that they must be relevant to other repressive or low-performing States, generally in the context of United Nations (UN)-led treaty regimes and particularly for the low-performing States that are engaged in similar agreements as Pakistan is with the European External Action Service (EEAS).

5. Theoretical framework: Application of Oona A. Hathaway’s integrated theory of international law

Hathaway’s integrated theory of international law suggests that the effectiveness of international law is dependent upon the interplay between international norms and domestic institutions. Hathaway contends that international legal obligations are more likely to be implemented and followed when they are integrated into domestic legal frameworks and supported by vigorous institutional mechanisms. Her theory highlights the role of State interests, domestic politics, and institutional structures in determining the compliance and enforcement of international legal norms (Hathaway 2005).

5.1. Relevance of Hathaway’s theory to study

Hathaway’s theory is particularly relevant to this paper as it offers a systematic approach to consider the factors influencing treaty compliance and implementation. By fixing the focus on the integration of international norms into domestic legal systems and the role of domestic institutions, the theory proposes a nuanced elucidation of the discrepancies observed between the EU and Pakistan in their engagement with UN-led human rights treaties. This theoretical application develops the analysis by linking conceptual and institutional asymmetries to specific consequences in treaty performance. It provides a structured framework to infer the empirical findings derivative of the secondary data and academic literature, certifying that the study’s conclusions are stranded in a robust theoretical context. By doing so, Hathaway’s theory not only aids in addressing the research puzzle but also contributes to a profound understanding of the dynamics at play in the international human rights regime.

6. Research methodology

With a primary focus on the examination of legal, political, and institutional dynamics, this study uses a qualitative research methodology to investigate

the perceived ineffectiveness of UN-led human rights treaty regimes in repressive States, specifically through the EU-Pakistan relationship. The qualitative content analysis, documentary analysis, and the selection and evaluation of existing literature form the foundation of the methodological approach.

A wide array of resources was explored for this study, including international treaty documents (such as the ICCPR and the GSP+ conditionality framework), legal commentaries, human rights commission reports, institutional records from EU and Pakistani bodies, and academic literature on human rights implementation and treaty compliance. Primary attention was given to documents produced by the EEAS, Pakistan's Ministry of Human Rights (MOHR), Human Rights Watch (HRW), and the HRCP.

Through a systematic analysis of these materials, this research seeks to uncover how conceptual and institutional asymmetries between the EU and Pakistan influence treaty implementation. The study relies on a deductive approach to test theoretical claims, particularly Hathaway's integrated theory of international law, within the specific case study of Pakistan's engagement with the EU's human rights framework. This methodological orientation not only facilitates an in-depth understanding of the theoretical concepts but also offers practical insights into how power asymmetries, structural weaknesses, and divergent interpretations of human rights norms shape treaty performance in repressive States. Ultimately, the study contributes to broader debates in legal and political theory concerning the role of international treaties in shaping domestic human rights practices.

7. Conceptual and institutional asymmetries: An analysis

Philosophical discrepancies are examined through debates on universalism versus cultural relativism and theoretical models such as the theory of backsliding versus the spiral model. Meanwhile, institutional discrepancies are explored through the themes of supranationalism versus moral nationalism and Hathaway's integrated theory of international law.



Figure 1: Showing theoretical models used for the study
Source: Developed by the researcher

7.1. Treaty regimes and universalism versus cultural relativism

Although the theoretical debates on the nature of human rights have mostly been concluded after the advent of constitutional protections of fundamental human rights, legal protections are not enough, with special reference to allegedly abusive States like Pakistan (Brown, 2016; Hajjar Leib, 2011). The paper considers that this is a substantial conceptual asymmetry in human rights interpretation because, as Dembour notes, the conception of the idea of human rights is dissimilar between the West and other regions (Dembour 2010, 2).

8. Universalism

“I am Human and Nothing Human is Alien to Me.”

Terence, 163 B.C.

The discussion on the universality of human rights further builds upon this natural law foundation. Henkin defines universality as freedom from territorial and conceptual limitations (Henkin 1989). Renteln elaborates that the Western conception of universality stems from the doctrine of natural law – a normative framework that transcends all man-made laws (Renteln 1988, 347). From this viewpoint, the existence of competing moralities is rejected, since universalist thinkers hold that only one valid moral code can exist. This claim is historically supported by early theorists: Hobbes emphasised the right to self-preservation, Locke highlighted the right to property, and others extended the list to include rights to life, liberty, political participation, and protection from torture (Renteln 1988, 348). These are now seen as the modern expressions of natural rights.

Several philosophical models have significantly shaped the universalist discourse. Kantian moral theory posits that moral reasoning is uniform and unaffected by cultural differences, thereby producing universal ethical standards. Likewise, Rawls's theory of justice argues that rational individuals, if placed in the “original position” behind a “veil of ignorance,” would opt for fair principles of justice regardless of their personal or societal backgrounds. The origins of natural law theory can be traced back to classical traditions, with Thomas Aquinas formally articulating the concept, though its roots lie in ancient Stoicism and works such as Sophocles' *Antigone* (Zechenter 1997, 320).

However, this universalist position is strongly contested by proponents of cultural relativism. Critics argue that universal ethical standards are untenable in a world marked by deep religious, cultural, and philosophical diversity, even within the same societies. As such, relativists challenge the feasibility of implementing universal human rights norms uniformly across different cultural contexts. This fundamental disagreement between universalist and cultural relativist schools directly affects the practical implementation of human rights treaties, particularly in repressive or non-Western States.

The persistent ineffectiveness of UN-led human rights treaty regimes in contexts like Pakistan can be partially attributed to the unresolved tension between these opposing frameworks. While the UN system is largely shaped by universalist legal and moral assumptions, States with strong relativist orientations often resist these standards or reinterpret them through local cultural and political lenses. Thus, understanding the philosophical foundations of rights theory is essential to explaining the structural and normative barriers to treaty implementation in repressive States.

9. Cultural Relativism

“My Own Group Aside, Everything Human is Alien to Me.”

Renato Rosaldo, 1985

Understanding the cultural relativist perspective on human rights necessitates a closer look at its foundational philosophical doctrines, particularly in light of their implications for the performance of international treaty regimes (Brown 2008; Cerna 1994; Dhaliwal 2011; Goodhart 2003; Zechenter 1997). The theory of cultural relativism challenges the idea of objective, universal moral truths by asserting that all human conceptions – ethical, cultural, or moral – are ethnocentric in nature (Zechenter 1997, 323). This viewpoint fundamentally questions the feasibility of a unified international human rights framework, especially when applied across diverse sociopolitical contexts. Moreover, cultural relativism gained prominence after the 1950s as a counter-narrative to the Western dominance in moral and legal discourse. Zechenter explains that scholars viewed this theory as a reaction against the West’s self-glorification and its marginalisation of non-Western cultural systems (Zechenter 1997). Anthropologists and critics have therefore accused Western legal theorists, especially proponents of natural law, of cultural imperialism for failing to engage with or respect local cultural frameworks that diverge from Western liberal norms (Henkin 1989).

The failure of UN-led human rights treaties in repressive or non-Western States like Pakistan is not only a matter of enforcement or compliance but also a reflection of deeper philosophical and normative discord. When human rights regimes are constructed upon universalist foundations that assume moral uniformity, they often encounter resistance or reinterpretation in States shaped by strong cultural and religious particularisms. The relativist critique reveals how treaty performance becomes entangled in epistemological disagreements, further limiting the practical efficacy of international human rights law. As such, this literature highlights the inherent limitations of attempting to universalise human rights without reconciling or adapting to local cultural frameworks – a challenge that lies at the heart of this research.

To further illustrate the philosophical tensions that hinder the effectiveness of international human rights treaties, scholars such as Zwart

propose the receptor approach as an alternative to rigid universalism. This approach contends that local cultural and institutional “receptors” must be engaged and activated for international human rights norms to take root within diverse socio-cultural contexts (Afshari 2015, 881). Drawing from biological analogies, receptor molecules – situated at a cell’s outer membrane – regulate whether external signals are accepted or rejected. Similarly, when human rights norms are transmitted globally, they are often obstructed by socio-cultural “receptors” in non-Western societies that are incompatible with Western universalist assumptions. This framework offers a constructive middle ground between the universalist and cultural relativist paradigms. Rather than imposing a singular normative standard, the receptor approach recognises the agency of local cultures and institutions in shaping how human rights are received, interpreted, and implemented. This resonates closely with the central argument of this study: the ineffectiveness of UN-led human rights treaties in repressive States like Pakistan stems not only from State resistance or weak enforcement but from a deeper epistemological and cultural disconnect between global human rights narratives and local realities. By emphasising receptivity rather than imposition, Zwart’s approach reinforces the need for human rights regimes to accommodate plurality, thereby enhancing both legitimacy and compliance in contexts marked by cultural divergence and contested norms.

The limited effectiveness of UN-led human rights treaties in repressive States like Pakistan is not merely the result of policy failures, but is deeply rooted in normative and philosophical dissonance. The Bangkok Declaration (Ghai 1998, 79–82) illustrates how regional narratives contest the legitimacy of universalist claims, reinforcing the need to critically examine the cultural and conceptual asymmetries that shape treaty compliance and resistance in the Global South.

9.1. Treaty regimes and theory of backsliding versus the spiral model

The theory of backsliding offers valuable insight into the complex and sometimes contradictory behaviour of States within international human rights treaty regimes. While norms are typically designed to improve rights performance in States with historically poor records, Guzman and Linos contend that the same norms may inadvertently exert a regressive pull on high-performing States (Guzman and Linos 2014). This phenomenon, termed “human rights backsliding,” refers to the tendency of such States to weaken their domestic rights frameworks, either in comparison to their past standards or in reaction to imposed external norms. In the context of this study, where the EU is positioned as a high-performing actor and Pakistan as a lower-performing one, this dynamic raises fundamental questions about the effectiveness and legitimacy of norm diffusion from global to regional contexts.

This tension speaks directly to the second philosophical discrepancy at the core of this research: the asymmetry between normative expectations and contextual realities. When high-performing States, such as EU members, influence norm creation without adequately engaging local conditions in States like Pakistan, the resulting standards may appear overly ambitious or misaligned. Other scholars (Adhikari et al., 2024) extend this concern by arguing that regionalism plays a pivotal role in shaping effective human rights norms. According to their findings, norms devised or adapted by lower-performing States are often more realistic and implementable, whereas those externally imposed, particularly by high performers, may suffer from rigidity or lack of ownership. It reinforces those conceptual and institutional asymmetries between actors like the EU and Pakistan, not only affecting the design and diffusion of treaty norms but also significantly determining their practical impact. Without reconciling these asymmetries – whether through contextual sensitivity, inclusive norm-setting, or regional adaptation – the promise of universal human rights implementation remains deeply constrained.

In contrast to theories emphasising structural asymmetries, the spiral model – rooted in the social constructivist tradition – provides an alternative explanation for norm diffusion and compliance within international human rights treaty regimes (Alhargan 2012; Collins and Bon Tai Soon 2024; Risse 2017; Shor 2008; Simmons 2013). This model emphasises the transformative potential of transnational non-State actors in influencing State behaviour, particularly in contexts where States exhibit persistent rights violations. Shor underscores that sustained normative pressure, applied through strategies such as shaming and denunciation, can gradually compel abusive States to align with internationally accepted human rights standards. The internalisation process, according to spiral model theorists, is driven less by material incentives and more by the persuasive legitimacy of universal norms.

This approach holds relevance to the present study's analysis of philosophical asymmetries between high and low-performing actors, such as the EU and Pakistan. While theories like backsliding highlight the risks of over-imposing rigid norms on less compliant States, the spiral model suggests a path toward convergence by building local acceptance through moral persuasion rather than coercion. Importantly, it counters the cultural relativist critiques that challenge the applicability of universal human rights by demonstrating how even resistant States can evolve under sustained normative engagement. In doing so, the spiral model complements this study's central claim that reconciling normative universality with local realities is essential for the effective implementation of international treaty regimes.

The literature on treaty performance offers valuable insights into the complex relationship between international agreements and domestic

human rights discourse. Guzman and Linos contend that while international human rights commitments may influence national discussions, they simultaneously involve trade-offs that often generate friction among domestic stakeholders (Guzman and Linos 2014, 612). This assertion aligns with the central puzzle of this study: Pakistan's ratification of human rights treaties under the incentive of GSP+ status, while domestically exhibiting limited political will for substantive implementation. Despite the influence of international agreements on national policy frameworks, Pakistan's hesitance to enforce these obligations – evidenced in periodic reviews by supervisory bodies – demonstrates a gap between formal commitment and practical execution, especially when the anticipated cost of non-compliance (such as losing GSP+ status) is not perceived as a credible deterrent.

This dynamic also reveals deeper conceptual asymmetries in how high- and low-performing States engage with human rights regimes. While it is commonly held that States with robust rights protections are relatively unaffected by international rules, Hathaway's integrated theory of international law, which is examined in detail elsewhere in this study, suggests that even compliant States benefit from rule-based commitments (Hathaway 2005). Guzman and Linos expand on this by noting that high-performing States may still influence treaty regimes by mitigating the risk of regression. Their puzzling participation in treaties where they already meet or exceed the standards reflects an investment in sustaining the system's legitimacy and resilience.

Moreover, their analysis of norm formation underscores the importance of State identification and regional dynamics. Regional groupings, particularly those comprising like-minded governments, can establish standards that are more politically palatable and behaviourally effective. In contrast, when such coalitions exclude high performers, the normative pressure for elevated standards diminishes. This observation is particularly relevant to the EU-Pakistan dynamic, where the EU's normative export encounters resistance due to mismatched institutional capacities and divergent legal-political cultures.

Backsliding theorists further highlight a structural tension in human rights regimes: the formulation of norms without the explicit consent of all actors. While these evolving norms may elevate expectations for underperforming States, they often overlook the risks of reversal, especially when such States were not active contributors to norm-setting (Ginsburg 2019; Khosla, et al., 2023; Norris 2017). In this context, setting excessively high standards may alienate the very States that need human rights protections the most. As this study argues, this underscores a critical institutional asymmetry – where the normative agenda is shaped largely by the priorities of high-performing actors, leaving low-performing counterparts like Pakistan navigating expectations they may lack the capacity or incentive to meet.

9.2. Treaty regimes and supranationalism versus moral nationalism

The literature indicates that the institutional architecture underpinning human rights protection plays a pivotal role in explaining the implementation gap observed in States like Pakistan. Scholars emphasise that institutional asymmetries – particularly the divergence between the EU's supranational governance structures and the relatively weak intergovernmental framework of the South Asian Association for Regional Cooperation (SAARC) – account for the stark differences in the enforcement of human rights treaties (Ahmed and Bhatnagar 2008; Dani 2017; de Búrca 2018; Jain 2002; Jiali 2012; Mahmood 2000; Paulus 2013; Reddy and Reddy 2013; Singh 2009). This difference resonates with the central claim of this study, which contends that while the EU's institutional setup actively facilitates the internalisation of human rights norms, Pakistan's regional and domestic institutional context lacks the necessary structural coherence to do so.

Bóka defines supranationalism as a form of structured collaboration among democratic States within autonomous supra-State institutions, functioning under a legal order that relies on federalist principles such as multilevel governance and the subsidiarity of competences between the Union and its Member States (Bóka 2012, 387). This institutional design not only ensures uniformity in rights implementation but also creates mechanisms for accountability and compliance. In contrast, Pakistan's position within a regional framework like SAARC, devoid of binding enforcement mechanisms and collective normative identity, undermines its ability to emulate similar outcomes. The EU's model fosters legal and political coherence around human rights through the consolidation of a shared identity beyond national borders, something that SAARC's framework fails to cultivate.

The construction of a supranational identity, which is crucial to sustaining such governance structures, draws from the same processes described in classical theories of nationalism. Bhabha, through his work *Nation and Narrations*, describes identity formation as a process of mythmaking enabled by collective storytelling (Bhabha 2008). Similarly, Anderson conceptualises nations as “imagined communities” forged through shared narratives, symbols, and historical consciousness that unite individuals who may never personally interact (Anderson 2003). Although these frameworks were originally developed in the context of nation-building, their relevance extends to supranational entities. In the EU's case, such identity construction supports the legitimacy and resilience of its human rights regime, whereas in South Asia, the absence of a cohesive regional narrative or institutional imagination hinders efforts to promote collective normative commitments.

Thus, the institutional asymmetries between the EU and Pakistan are not merely technical but embedded in broader questions of identity,

regional integration, and the legitimacy of international norms. This divergence significantly impacts the ability and willingness of States like Pakistan to effectively implement international human rights obligations, despite their formal ratification.

9.3. Treaty regimes and integrated theory of international law

Hathaway's integrated theory of international law provides a compelling framework for understanding why States, including those with questionable human rights records like Pakistan, ratify international treaties that seemingly constrain their autonomy (Hathaway 2005). Unlike traditional accounts that emphasise normative alignment or domestic pressure, this theory explains State behaviour through strategic cost-benefit calculations, which align closely with the EU-Pakistan case explored in this study. Hathaway argues that such States are more likely to commit to human rights treaties not because of a genuine normative shift but due to the voluntary nature of treaty participation, the weak enforcement architecture of most international regimes, and the collateral international benefits accrued through ratification.

This logic aligns with Pakistan's accession to human rights treaties in exchange for tangible economic incentives, notably the GSP+ offered by the EU. In this context, treaty ratification becomes an instrument of strategic diplomacy rather than a reflection of internal reform. Hathaway identifies that States with poor human rights records are often more enthusiastic signatories than democracies with robust domestic enforcement mechanisms. This paradox arises because weak institutions pose fewer internal obstacles to ratification, especially when external enforcement is minimal. The absence of supranational legal enforcement mechanisms – except in integrated systems like the EU – makes treaty commitment a low-risk, high-reward endeavour for repressive States. This observation ties directly to the institutional asymmetries at the heart of this study: while the EU can internalise treaty norms through its supranational infrastructure, Pakistan, embedded in a weaker regional framework, lacks equivalent mechanisms of implementation.

Moreover, Hathaway underscores the strategic motivations of abusive States, which often use treaty ratification to enhance their international legitimacy, secure external financing, and boost trade relations – even as they continue repressive practices domestically. In the EU-Pakistan relationship, this dynamic is particularly evident. The economic benefits attached to GSP+ status serve as collateral gains that incentivise treaty ratification without necessarily motivating sincere compliance. Thus, Hathaway's framework not only illuminates the logic of Pakistan's treaty behaviour but also reinforces this study's central claim: institutional and normative asymmetries between the EU and Pakistan critically shape the trajectory of treaty implementation, revealing the limits of international

legal commitments in the absence of credible enforcement and internalisation mechanisms. Hathaway's integrated theory of international law advances the understanding of State behaviour by challenging the conventional belief that international law is ineffective in the absence of transnational enforcement mechanisms (Hathaway 2005, 492). Rather than dismissing enforcement altogether, the theory contextualises it as one part of a broader framework that includes domestic legal capacity and strategic State interests. This nuanced approach is particularly relevant to explaining the institutional asymmetries between the EU and Pakistan, where the EU's supranational enforcement structures contrast sharply with Pakistan's weak domestic compliance mechanisms.

Empirical data underpinning Hathaway's theory further reinforces its applicability. She demonstrates that in areas where international enforcement remains weak, such as human rights and environmental law, the adherence by States to treaties depends significantly on the strength of domestic enforcement. This is especially relevant in the case of Pakistan, which lacks strong internal judicial oversight and accountability mechanisms to implement human rights obligations effectively. In contrast, the EU not only ratifies but also operationalises human rights standards through institutionalised supranational channels, making compliance more probable. This asymmetry underlines the structural challenges in aligning treaty commitments with behavioural change in weaker legal environments. The theory also offers insight into counterintuitive patterns of treaty participation. Hathaway notes that States, particularly non-democracies, often ratify human rights treaties not to implement them, but to gain reputational benefits and economic rewards. While Pakistan is constitutionally democratic, its behaviour mirrors such patterns due to institutional fragility and executive dominance. The economic incentive provided by the EU's GSP+ status plays a key role in encouraging ratification, even when substantial human rights reform remains elusive. Here, Hathaway's claim that even democratically constituted States with weak enforcement capacities may exploit treaty ratification for collateral gains resonates with Pakistan's engagement with the UN-led treaty regime.

Moreover, Hathaway contests interest-based theories that suggest States ratify only those treaties aligned with their existing policies. Her evidence suggests the opposite: States sometimes commit to treaties that demand more than the status quo, especially when external benefits are significant. This aligns with the EU-Pakistan relationship, where Pakistan commits to broad human rights obligations under GSP+ conditions despite persistent implementation gaps. Norm-centred theories also fall short in explaining why treaty ratification does not necessarily result in better human rights practices – something Hathaway supports with data indicating that States with poor human rights records often exhibit no improvement, or even regression, post-ratification (Hathaway 2005, 528–30).

Ultimately, Hathaway concludes that treaty effectiveness is contingent not just on normative alignment or legal commitment but on institutional capacity, regional enforcement structures, and the strategic calculations of States. Her findings echo the central claim of this study: the asymmetrical institutional architectures between the EU and Pakistan, particularly the presence or absence of supranational enforcement, critically determine the trajectory and efficacy of human rights treaty implementation. Supporting scholars – including Koh et al., Koremenos et al., Powell, Vreeland, and Weissbrodt – concur that the gap between treaty commitment and actual practice is most acute in States with weak domestic institutions and limited accountability mechanisms (Koh et al. 1997; Koremenos et al. 2001; Powell and Staton 2009; Vreeland 2008; Weissbrodt 2003). These findings further validate the importance of considering both internal and external institutional configurations in evaluating the role of international human rights law in repressive or weakly governed contexts.

10. Conclusion

This study examined the extent to which UN-led human rights treaty regimes can improve human rights conditions in repressive States, focusing on the EU-Pakistan dynamic. Through a deductive approach, the literature was categorised around two key variables – conceptual and institutional asymmetries – to structure a comparative framework for analysis. The first conceptual theme – universalism versus cultural relativism – revealed patterns in how States interpret and internalise human rights norms. While certain interpretations advocate for culturally specific conceptions of rights, others assert the pre-UDHR presence of universal values across religious traditions, highlighting tensions in norm transmission. These divergent readings are not just philosophical; they shape treaty implementation on the ground, particularly in settings like Pakistan, where pluralist legal traditions coexist with international commitments. Crucially, even where consensus exists on rights such as the right to life, the persistence of practices like the death penalty underscores how cultural and institutional filters mediate treaty efficacy.

The second conceptual theme – the spiral model versus backsliding – further refines the understanding of how States respond to human rights obligations. While the spiral model underscores the role of transnational pressure and local actors in norm internalisation, the backsliding perspective warns against overreliance on normative optimism, especially where conditionality is weak. This distinction is important in the EU-Pakistan case, where sporadic compliance with human rights treaties suggests fluctuating pressures, selective implementation, and, at times, regression. Rather than offering competing diagnoses, these perspectives collectively reveal that the dynamics of treaty influence are contingent on a State's institutional receptiveness and the nature of external leverage.

The third theme of institutional asymmetry, particularly comparing the EU and SAARC, revealed how structural design influences treaty outcomes. The EU's supranational mechanisms and normative cohesion support more consistent treaty compliance, whereas SAARC's intergovernmental and fragmented framework lacks enforceability. As a result, Pakistan's engagement with treaty regimes within the SAARC context remains largely symbolic or instrumental. This divergence points to how regional governance architectures condition the operational space for human rights norms and create asymmetries in implementation.

Hathaway's integrated theory, which forms the final theme of this review, helps reconcile these insights by offering a systemic explanation for why repressive or transitional States – like Pakistan – join human rights treaties despite limited enforcement capacity or genuine commitment. Her findings suggest that treaty ratification often serves reputational and strategic interests, especially in democracies with fragile institutions. Her work aligns with observed trends in Pakistan's case: formal commitment without consistent behavioural change. Yet, Hathaway's emphasis on the interaction of collateral consequences, domestic enforcement, and international signalling also offers a more nuanced lens to interpret treaty compliance patterns within asymmetric institutional settings.

10.1. Scholarly and policy contributions

This study makes several important contributions to both scholarly debates in international human rights law and political science, and to policy discourses concerning human rights treaty implementation in repressive or hybrid regimes such as Pakistan.

Reconceptualising treaty performance through asymmetries

One of the key scholarly contributions of this paper lies in its analytical framework: the categorisation of conceptual and institutional asymmetries as explanatory variables. While existing literature has examined the challenges of treaty compliance in authoritarian or transitional States, this paper innovatively reframes those challenges not as static failures of commitment but as dynamic manifestations of deeper asymmetries – be they ideological, normative, or institutional. This reconceptualisation adds theoretical clarity and offers a nuanced lens through which the conditional performance of UN-led treaty regimes can be analysed in specific regional contexts.

Bridging theoretical divides between norm internalisation and strategic ratification

This paper contributes to scholarly debates by offering a structured synthesis of theories that are often treated in isolation, such as the

spiral model, backsliding theory, and Hathaway's integrated theory. By aligning them within a deductive framework, the paper demonstrates that compliance or resistance to treaty obligations is not simply a matter of State will or capacity but reflects the interplay between internal normative legitimacy and external strategic considerations. This bridges the gap between norm-internalisation theories and rational-choice explanations, offering a more comprehensive theory of State behaviour in human rights governance.

Highlighting regional institutional effects on treaty regimes

At the regional level, the comparison between the EU and SAARC provides empirical insight into how regional institutional design profoundly affects treaty effectiveness. This has policy relevance for regional organisations seeking to enhance their human rights frameworks. For instance, the paper suggests that supranational judicial institutions, such as those within the EU, can play a significant role in norm diffusion and enforcement – insights which are crucial for reform debates within SAARC and similar regional blocs. For scholars, this comparison generates new avenues for research into institutional asymmetry and norm entrenchment beyond Western liberal contexts.

Informing conditionality and incentive-based human rights policy

For policymakers, – particularly in the EU and other international donors, – this paper provides an evidence-informed critique of conditionality-based approaches to human rights promotion. It underscores the limitations of normative pressure in the absence of institutional follow-through and domestic resonance. The findings imply that externally imposed conditionalities must be embedded in longer-term engagement strategies that include local capacity building, civil society partnerships, and legal institutional support. Rather than universalising a single template, human rights policy must become context-responsive, sensitive to both asymmetries identified in this paper.

Recalibrating treaty efficacy metrics for transitional States

The paper also challenges dominant metrics of treaty success, such as ratification rates or formal legal alignment, and proposes that meaningful compliance should be measured through behavioural transformation, internalisation of norms, and institutional reforms. For scholars, this opens up a methodological debate on how treaty regimes are evaluated. For policymakers and international human rights monitors, it encourages the development of more nuanced indicators that go beyond compliance checklists, incorporating qualitative measures of political will, legal reform processes, and societal acceptance.

Introducing a dialogue between universalism and pluralism in human rights norms

Finally, this study brings a fresh contribution to the ongoing philosophical debate between universalism and cultural pluralism in human rights theory. It avoids the polar extremes of relativism or hegemony and instead provides a framework to understand how different cultural traditions may support or challenge the universality of rights in practice. By rooting this debate in the empirical case of Pakistan, it shows how culturally plural legal and ethical systems intersect with international norms – an important insight for scholars working on postcolonial approaches to human rights, and for practitioners designing rights education or legal harmonisation programmes in pluralist societies.

References

- Adhikari, Bimal, Jeffrey King, and Amanda Murdie. 2024. "Examining the Effects of Democratic Backsliding on Human Rights Conditions." *Journal of Human Rights* 23 (3): 267–82. <https://doi.org/10.1080/14754835.2023.2295878>
- Afshari, Reza. 2015. "Relativity in Universality: Jack Donnelly's Grand Theory in Need of Specific Illustrations." *Human Rights Quarterly* 37 (4): 854–912. <https://www.jstor.org/stable/24519119> (last visited 19 June 2025)
- Ahmed, Zahid Shahab, and Stuti Bhatnagar. 2008. "SAARC and Interstate Conflicts in South Asia: Prospects and Challenges for Regionalism." *Pakistan Horizon* 61 (3): 69–87. <https://www.jstor.org/stable/23725986> (last visited 19 June 2025)
- Alhargan, Raed A. 2012. "The Impact of the UN Human Rights System and Human Rights INGOs on the Saudi Government with Special Reference to the Spiral Model." *The International Journal of Human Rights* 16 (4): 598–623. <https://doi.org/10.1080/13642987.2011.626772>
- Anderson, Benedict R. O'G. 2003. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Verso.
- Bhabha, Homi K. 2008. *Nation and Narration*. Routledge.
- Bóka, Éva. 2012. "The European Idea of a Supranational Union of Peace." *Society and Economy* 34 (3): 387–97. <https://www.jstor.org/stable/90002264> (last visited 19 June 2025)
- Brown, Gordon, ed. 2016. "6. Implementation of Human Rights." In *The Universal Declaration of Human Rights in the 21st Century: A Living Document in a Changing World*, 81–104. Open Book Publishers. <https://doi.org/10.11647/OBP.0091.11>
- Brown, Michael F. 2008. "Cultural Relativism 2.0." *Current Anthropology* 49 (3): 363–83. <https://doi.org/10.1086/529261>
- Búrca, Gráinne de. 2018. "Is EU Supranational Governance a Challenge to Liberal Constitutionalism?" *The University of Chicago Law Review* 85 (2): 337–68. <https://www.jstor.org/stable/26455910> (last visited 14 December 2023)

- Cerna, Christina M. 1994. "Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts." *Human Rights Quarterly* 16 (4): 740–52. <https://doi.org/10.2307/762567>
- Collins, Alan, and Edmund Bon Tai Soon. 2024. "The Spiral Model, Scope Conditions, and Contestation in the ASEAN Intergovernmental Commission on Human Rights." *The Pacific Review* 37 (2): 328–59. <https://doi.org/10.1080/09512748.2023.2168034>
- Dani, Marco. 2017. "The Rise of the Supranational Executive and the Post-Political Drift of European Public Law." *Indiana Journal of Global Legal Studies* 24 (2): 399–428. <https://doi.org/10.2979/indjglolegstu.24.2.0399>
- Dembour, Marie-Bénédicte. 2010. "What Are Human Rights? Four Schools of Thought." *Human Rights Quarterly* 32 (1): 1–20. <https://www.jstor.org/stable/40390000> (last visited 19 June 2025)
- Dhaliwal, Shveta. 2011. "Cultural Relativism : Relevance to Universal and Regional Human Rights Monitoring." *The Indian Journal of Political Science* 72 (3): 635–40. <https://www.jstor.org/stable/41858839> (last visited 19 June 2025)
- EEAS. 2022. "Islamic Republic Of Pakistan Multi-annual Indicative Programme 2021-2027." EEAS. 30
- Ghai, Yash. 1998. "Human Rights and Asian Values." *Journal of the Indian Law Institute* 40 (1/4): 67–86. <https://www.jstor.org/stable/43953309> (last visited 19 June 2025)
- Ginsburg, Tom. 2019. "International Courts and Democratic Backsliding." *Berkeley Journal of International Law* 37:265. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/berkjintlw37§ion=21 (last visited 19 June 2025)
- Goodhart, Michael. 2003. "Origins and Universality in the Human Rights Debates: Cultural Essentialism and the Challenge of Globalization." *Human Rights Quarterly* 25 (4): 935–64. <https://www.jstor.org/stable/20069700> (last visited 19 June 2025)
- Guzman, Andrew T., and Katerina Linos. 2014. "Human Rights Backsliding." *California Law Review* 102 (3): 603–54. <https://www.jstor.org/stable/23784316> (last visited 19 June 2025)
- Hajjar Leib, Linda. 2011. *Human Rights and the Environment: Philosophical, Theoretical and Legal Perspectives*. Brill | Nijhoff. <https://doi.org/10.1163/ej.9789004188648.i-182>
- Hathaway, Oona A. 2002. "Do Human Rights Treaties Make a Difference?" *The Yale Law Journal* 111 (8): 1935–2042. <https://doi.org/10.2307/797642>
- Hathaway, Oona A. 2005. "Between Power and Principle: An Integrated Theory of International Law." *The University of Chicago Law Review* 72 (2): 469–536. <https://www.jstor.org/stable/4495504> (last visited 19 June 2025)
- Hathaway, Oona A. 2007. "Why Do Countries Commit to Human Rights Treaties?" *The Journal of Conflict Resolution* 51 (4): 588–621. <https://www.jstor.org/stable/27638567> (last visited 19 June 2025)
- Henkin, Louis. 1989. "The Universality of the Concept of Human Rights." *The ANNALS of the American Academy of Political and Social Science* 506 (1): 10–16. <https://doi.org/10.1177/0002716289506001002>
- HRCF (Human Rights Commission of Pakistan). 2023. *Mob-led Destruction of Churches in Jaranwala, Punjab*. Fact-Finding Report, HRCF.
- HRW (Human Rights Watch). 2023. *Human Rights World Report*. Fact-Finding Report, HRW.

- ICCPR (International Covenant on Civil and Political Rights). 1966. UN General Assembly Resolution 2200A (XXI) of 16 December 1966, entered into force 23 March 1976. 999 UNTS 171. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (last visited 19 June 2025)
- Jain, Neha. 2002. "Supranational Federalism: A Study of the European Union." *Student Bar Review* 14: 43–51. <https://www.jstor.org/stable/44306628> (last visited 19 June 2025)
- Jiali, Ma. 2012. "SAARC: Achievements and Challenges." *Policy Perspectives* 9 (1): 161–65. <https://www.jstor.org/stable/42922698> (last visited 19 June 2025)
- Khosla, Rajat, David McCoy, and Anna Marriot. 2023. "Backsliding on Human Rights and Equity in the Pandemic Accord." *The Lancet* 401 (10393): 2019–21. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(23\)01118-2/abstract](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(23)01118-2/abstract) (last visited 19 June 2025)
- Koh, Harold Hongju, Abram Chayes, Antonia Handler Chayes, and Thomas M. Franck. 1997. "Why Do Nations Obey International Law?" *The Yale Law Journal* 106 (8): 2599. <https://doi.org/10.2307/797228>
- Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. "The Rational Design of International Institutions." *International Organization* 55 (4): 761–99. <https://www.cambridge.org/core/journals/international-organization/article/rational-design-of-international-institutions/29B784E99033C7B3FC0564B96A64FE21> (last visited 19 June 2025)
- Mahmood, Tehmina. 2000. "SAARC and Regional Politics." *Pakistan Horizon* 53 (4): 7–21. <https://www.jstor.org/stable/41393968> (last visited 19 June 2025)
- MOHR (Ministry of Human Rights). 2020. *Action Plan Against Religious Persecutions*. MOHR.
- Norris, Pippa. 2017. "Is Western Democracy Backsliding? Diagnosing the Risks." *The Journal of Democracy*; Forthcoming April. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2933655 (last visited 19 June 2025)
- Paulus, Andreas. 2013. "Human Rights Protection in a European Network of Courts." *Proceedings of the Annual Meeting (American Society of International Law)* 107:174–82. <https://doi.org/10.5305/procanmeetasil.107.0174>
- Powell, Emilia Justyna, and Jeffrey K. Staton. 2009. "Domestic Judicial Institutions and Human Rights Treaty Violation." *International Studies Quarterly* 53 (1): 149–74. <http://www.jstor.org/stable/29734278> (last visited 19 June 2025)
- Reddy, C. Sheela, and P. Krishna Mohan Reddy. 2013. "The EU And SAARC: The Identity Question." *World Affairs: The Journal of International Issues* 17 (1): 12–29. <https://www.jstor.org/stable/48535488> (last visited 19 June 2025)
- Renteln, Alison Dundes. 1988. "The Concept of Human Rights." *Anthropos* 83 (4/6): 343–64. <https://www.jstor.org/stable/40463371> (last visited 19 June 2025)
- Risse, Thomas. 2017. "Human Rights in Areas of Limited Statehood: From the Spiral Model to Localization and Translation." *Human Rights Futures* 135: 135–58. <https://books.google.com/books?hl=en&lr=&id=J40wDwAAQBAJ&oi=fnd&pg=PA135&dq=human+rights+spiral+model&ots=DvUT1Fzbey&sig=ObRTl9XfnT5RshYjxH4YNKl2deg> (last visited 19 June 2025)
- Shor, Eran. 2008. "Conflict, Terrorism, and the Socialization of Human Rights Norms: The Spiral Model Revisited." *Social Problems* 55 (1): 117–38. <https://doi.org/10.1525/sp.2008.55.1.117>
- Simmons, Beth Ann. 2013. "From Ratification to Compliance: Quantitative Evidence on the Spiral Model." *In The Persistent Power of Human Rights: From Commitment to Compliance* <https://dash.harvard.edu/bitstream/handle/1/12921730/160806/>

- chapter_3_quant_ev_on_spiral_model.pdf;sequence=1 (last visited 19 June 2025)
- Singh, Rajkumar. 2009. "Relevance of SAARC in South Asian Context." *The Indian Journal of Political Science* 70 (1): 239–48. <https://www.jstor.org/stable/41856511> (last visited 19 June 2025)
- Vreeland, James Raymond. 2008. "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture." *International Organization* 62 (1): 65–101. <https://doi.org/10.1017/S002081830808003X>
- Weissbrodt, David. 2003. "Do Human Rights Treaties Make Things Worse?" *Foreign Policy*, (134): 88–89. <https://doi.org/10.2307/3183529>
- Zechar, Elizabeth M. 1997. "In the Name of Culture: Cultural Relativism and the Abuse of the Individual." *Journal of Anthropological Research* 53 (3): 319–47. <https://doi.org/10.1086/jar.53.3.3630957>