

Pakistan at a Crossroads Towards Gender Equality: How and Why is Pakistan Avoiding Its Obligations Under CEDAW?

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Abstract

When a state ratifies a human rights treaty, she undertakes the responsibility to take legislative, executive and other measures for ensuring the implementation of treaty provisions at domestic level. The state is also, inter se, required to conform its laws in accordance with the treaty provisions it accedes to. However, Pakistan adopted a dualist method when it acceded to CEDAW. Pakistan is party to covenant, however, she shuns the obligations under the treaty; the reason is Pakistan's ambiguous and wide reservation it putted while acceding to CEDAW. Consequently, disregarding its treaty obligations, Pakistan maintains its laws which are gender discriminatory in nature and conflicting with the provisions of CEDAW. The paper after briefly discussing the nature of obligations incurred under human rights treaties sheds some light on the reservation under international law and the then examines Pakistan's reservation to CEDAW. For the purpose of enquiring into raison d'être of Pakistan's Declaration the paper also examines her Travauxpréparatoires. It concludes that Pakistan putted such an ambiguous reservation due its constitutional commitment to Islamization. Through such a wide reservation Pakistan wanted to protect its domestic gender discriminatory legislation which proves detrimental to the women.

Keywords: CEDAW, gender, discrimination, obligations, reservation, human rights

Introduction

Ratification of international human rights treaty is not mere a ceremonial act, the ratifying State undertakes obligations too. First part of the paper briefly discusses the nature of obligations attached with international human treaties and the effects of ratifying it.

Part two mentions the major human rights instruments ratified by Pakistan and the kind of obligations she incurred. However, the main focus is on Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979. It is argued here that Pakistan is obliged under international human law to modify its gender discriminatory laws,

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discussed in the last portion of the paper. But her declaration on accession to CEDAW waters down all the expectations.

Before the contents, reason and effects of Pakistan's declaration are analyzed in part four of the paper, part three elaborates the declaration and reservation in consideration of international law and jurisprudence. This section also looks into whether a reservation that is not compatible with the treaty's object and purpose can be made. Part four, in order to ascertain the *raison d'être* of its reservation, analyzes some provisions of Pakistan's constitution and its *travaux préparatoires* of accession to CEDAW and concludes that the real motive of Pakistan's declaration is her commitment to Islamization. Such an ambiguous reservation was putted because Pakistan hesitates to conform some pieces of legislations which are gender discriminatory and contradictory to CEDAW. Last portion of the paper points out some, not all, of such pieces of legislation.

(1) Obligations attached with ratification of International Human Rights Covenants

First of all, human rights treaties need to be distinguished from international trade or commerce treaties. The later kind of treaties are based on reciprocity and create mutual privileges for the State parties, while the former's legislative effect is universal in international law with obligations *erga omnes* (Cook, 1989) because these are adopted "for a purely humanitarian and civilizing purpose" (ICJ, 1951). The duties imposed by an international human rights treaty may be quite uncomfortable (Bates, 2008) but by ratification the States consent to be bound by its principles and undertake to guarantee as much as possible that the norms of the treaty will be adhered to and agree to ensure that treaty obligations are carried out in their domestic systems. Treaty obligations emerge for all state parties, regardless of whether their law is codified in complete or special codes, or if it is based on tradition or religion. State parties that do not differentiate between secular and religious legislation and derive large elements of their law from sacred text interpretation are nonetheless obligated to apply human rights norms in principle (Cook, 1989).

(2) Pakistan's Obligation under International Human Rights Law

Pakistan joined the United Nations Organization on September 30, 1947, reaffirming its belief "in the equal rights of men and women" as required by the UN charter, and resolving to advance respect for fundamental human rights and freedoms for all without distinction based

on, *inter alia*, gender or sex, in accord with the provisions of article 1(3) of the charter. Similarly, Pakistan signed Universal Declaration of Human Rights (UDHR) Article 7 of which affirms that everyone is equal in front of the law and has the right to equal protection under the law without discrimination and Article 2 states that everyone has the right to the Declaration's rights and freedoms, regardless of any discrimination based on, for example, sex. By ratifying the International Covenant on Civil and Political Rights (ICCPR), 1966, on 23 June, 2010, Pakistan has undertaken, as article 3 requires to guarantee that men and women have rights on the basis of equality, and for that purpose, to enact such legislation or take such other steps as may be necessary as article 2 of the covenant require.

The UN Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights all provide for the enjoyment of fundamental human rights without discrimination, including discrimination based on gender, however, the fact that women are human has not been enough to ensure that they are able to exercise their globally recognized rights (Women, 2020). Because the UDHR is not legally binding and ICCPR is not women-specific. The need of women-specific Covenant was fulfilled when the UN General Assembly adopted Convention on the Elimination of All Forms of Discrimination against Women in 1979.

After much hesitation, Pakistan ratified CEDAW in 1996, pledging to implement the Covenant's principles and, while doing so, to take the steps necessary to eliminate discrimination against women "in all its forms and manifestations" (CEDAW, 1979). The measures required include enshrining the principle of gender equality in the national constitution or other suitable laws as soon as possible to assure its actual implementation. As per the provisions of article 2 of the convention, it also includes, amongst other, modifying or abolishing existing laws, penal provisions, rules, customs and practices which amount to discrimination against women. Furthermore, like other state parties to the CEDAW, Pakistan has also undertaken the obligation to enact legislation and take other step in order to prohibit gender-based discrimination and to refrain from indulging in any act or practice which discriminates against women; it must also guarantee that institutions and public authorities within its jurisdiction shall act in accordance with this obligation.

Under the UN Charter, UDHR, ICCPR and particularly CEDAW Pakistan is obliged to review the gender discriminatory laws, discussed in last portion of the paper, and bring them into conformity with International

Human Rights standards. But unfortunately, Pakistan adopted a “dualist”(Shah N. A., 2006) approach to shun this ‘inconvenient’ obligation. Before we analyze Pakistan’s declaration upon accession to CEDAW, its reason and consequences, it is necessary to discuss the reservation and declaration in the light of international law.

(3) Reservation and Declaration Defined

Article 2 1(d) of the Vienna Convention on the Law of Treaties (VCLT), 1969 defines reservation as a one-sided statement, however worded or named, made by a State when it signs, ratifies, accepts, approves, or accedes to a treaty, in which it agrees to exempt or modify the legal effect of certain treaty provisions where they apply to that country. The mechanism of reservation encourages a State which though accepts the generality of obligations of a Covenant but thinks that it would be difficult for her to guarantee all the rights contained therein(Human Rights Committee, 1994). A declaration, on the other hand, can be define as a statement expressing a State understanding of a particular provision contained in a treaty or interpretation thereof. A declaration cannot be distinguished easily from the reservation. If a statement, with whatever title or name, intends to exclude or change the legal consequences of a treaty when it is applied to a state, it is reservation. On the other hand, if a reservation does not exclude or change the legal effects of a treaty in its appliance to the State but merely offers her understanding of a particular provision, it is, practically speaking, not reservation(Human Rights Committee, 1994).

It needs to be pointed out that, according to article 19 of VCLT, neither can a reservation be made by a state which is not compatible with the object and purpose of the treaty nor, according to article 27, the provisions of it home law may be invoked by it as a justification for its failure to perform a treaty obligation. The ‘compatibility’ of reservation also demands that it needs to be specific i.e., the State should precisely indicate the domestic legislation or practices that it considers are incompatible with the Covenant obligation reserved, as well as the time it will take to make its own laws and practices compliant with the Covenant(Human Rights Committee, 1994).

We should now refer our attention to Pakistan’s declaration on accession to CEDAW to see whether Pakistan kept these provisions of international law and jurisprudence of Human Rights Committee in mind when it made the declaration?

(4) Pakistan's Declaration upon Accession to CEDAW

Pakistan, while acceding to CEDAW in 1996, made a general declaration that “[t]he accessions by [the] Government of Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan.” Pakistan made a reservation also that it does not deem itself to be bound by paragraph 1 of article 29 of the Convention (UN T. , 2019).

(i) Critical Evaluation of Pakistan's Declaration

Relying on the General Comment No. 24 of HRC, we can safely say that Pakistan's declaration is, for all intents and purposes, a reservation, indeed. Because it does not offer Pakistan's understanding of any ‘particular’ provision of CEDAW rather it gives priority to its own Constitution over the Covenant. In other words, ‘subject to the provisions of constitution’ means that Pakistan considers itself to be bound by CEDAW unless and until it does not contradict with the provisions of its constitution. But the question arises that which *particular provision* of CEDAW are in conflict with which *particular provisions* of Pakistan's Constitution? Pakistan's reservation that calls for a thorough knowledge of its constitution and laws that have constitutional protection is as difficult to be comprehended as reservations that necessitate a thorough understanding of a cultural or religious belief system in order to decide whether they are compatible with the Convention (Clark, 1991). Such a broad reserve is the most contentious, as it is overarching and effectively negates any treaty commitment (Ali, 1998). To be more specific, Pakistan's reservation means it would observe only those norms of CEDAW which it would have observed anyway in the absence of Convention; ratification of treaty does not indicate any commitment to the provisions of Convention. If Pakistan does not accept participation in CEDAW as entailing any obligations except those it has accepted for itself without treaty, this does not only question the credibility of Pakistan as a treaty partner but also shows “lack of respect for the treaty text” (Clark, 1991) that is laboriously negotiated and generally respected by other State parties.

(ii) Objections to Pakistan's Declaration

Finland, Germany, Austria, Netherland and Norway expressed their suspicions about Pakistan's commitment to the obligation under convention. They objected that Pakistan's reservation undermines the basis of international treaty law because neither it specifies the provisions

of the Convention to be reserved and the degree of derogation there from, nor its admissibility can be assessed under international law. It was indicated that such a reservation referring to the Constitution or internal law in general is incompatible with the Convention's intent and purpose, and is thus prohibited by international law(UN, UN Report on Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women,35, (CEDAW/SP/2002/2), 2019).

(iii) Pakistan's defense of its Declaration Unjustified

In its report, submitted to the CEDAW Committee, Pakistan argued that she carefully drafted the declaration; as several of the principles contained in the major International Human Rights instruments are enumerated in her constitution, therefore, the declaration has no negative consequences for the Convention's implementation. Subjecting the Conventions' implementation to Pakistan's Constitution was a prudent line of action that allowed her to accede to the Convention, Pakistan further stated(Committee, 2019). But it can be questioned that if the declaration does not have any negative effect on the implementation of CEDAW then why was it putted?

Pakistan also said that the government has taken no legislative, policy, or administrative action that violates the Convention's provisions based on the declaration(Committee, 2019). But it is hard to agree with it. Because Pakistan's failure to bring into conformity with the Convention its gender discriminatory laws, discussed in the last portion of the paper, which the declaration intends to protect also amounts to infringement of Convention and deviation from obligations incurred under it. As the Commission on the Status of Women which, while elaborating the nature and scope of obligations of State parties to CEDAW, observed that if states parties fail to adopt appropriate legislative measures to achieve full realization of women's rights, they have a commitment not to cause discrimination against women by acts or omissions(OHCHR, 2019).

It can be inferred, however, from Pakistan's reaction to the issues and questions raised in its combined first, second and third periodic reports, that she does not feel any need to enact new laws or alter the existing ones in pursuance of her obligations under CEDAW because the necessity for legislative actions comes primarily to establish a formal legal framework to prohibit or eliminate discrimination, and in many sectors of daily life, Pakistan's current legal structure gives distinct coverage to denounce and remove discrimination against women(UNHCHR, 2019).

She further held that constitutional provisions establish obvious and precise protections against gender discrimination. And these constitutional requirements cannot be violated by laws enacted in Pakistan (UNHCHR, 2019). But it is established at the end of the paper that gender equality contained in the Constitutional provisions is found missing in various sub-constitutional laws, enacted in the name of Islam.

(iv) *Raison d'être* of Pakistan's Declarations

Unlike majority of the Muslims States Pakistan did not condition implementation of CEDAW on its compatibility with Sharia. But a critical study of its constitutional provisions and its *travaux préparatoires* of accession to CEDAW clearly establish that the *raison d'être* of her declaration is her constitutional commitment to Islamization.

(a) Constitutional Provisions

Article 227 of Pakistan's Constitution states that all existing laws must be brought into line with Islamic injunctions, and no new laws can be enacted that violate these injunctions. Article 228 established the Council of Islamic Ideology, whose role, according to article 229, is to advise the parliament, provincial legislatures, president, and governors of provinces on whether a proposed law is in or out of line with Islamic principles and, according to article 230, to make commendations to parliament and provincial legislatures in order to enable Muslims of Pakistan to live their lives in line with Islamic principles. The Federal Shariat Court (FSC) has been tasked with determining if any law is in violation of Islamic injunctions. A statute found to be thus repugnant, according to article 203-D, ceases to have effect on the day the Court's decision takes effect. However, it is pertinent to mention that jurisdiction of FSC under article 203-D is limited only to 'law' as defined by article 203-B which defines it very narrowly. This commitment to Islamization was further enhanced when the Objectives Resolution was passed, which was referred by the courts as the cornerstone of Pakistan's legal edifice that embodied the spirit and basic norms of the country's constitutional concept. (*Asma Jehangir v The Government of Punjab*, 1972), was made as an integral part of the Constitution in the shape of article 2-A. The impact of article 2-A was unclear and it gave birth to conflicting judgments. Some of them raised the article to supra-constitutional status, implying that the judiciary might henceforth assess all things under the Islamic standard without being bound by the Constitution's limitations on the Federal Shariat Court's jurisdiction (Ali, 1998). Thus, Justice Tanzil Ur

Rehman observed, that superior courts have the power to declare void any provision of the Constitution or statute that is incompatible with it (Shah J. N., 1987).

Though Supreme Court of Pakistan rejected this supra-constitutionality doctrine in *Hakim Khan and others v. Government of Pakistan 1992* and warned that the settled, classic and acknowledged rules of interpretation of constitution should not be ignored, lost sight of, or broken in the enthusiasm of quick Islamisation of the Government, Constitution and Society, still, on the basis of Islam, sub-constitutional laws can be declared null and void. As happened, e.g., in *Federation of Pakistan v. Gul Hassan Khan 1989*, where Shariat Appellate Bench of Supreme Court declared some provisions of Pakistan Penal Code and Criminal Procedure Code as repugnant to Islamic injunctions and asked the government to issue an ordinance to bring them into conformity with Islamic injunctions. Consequently, *Qisas* and *Diyat* Ordinances were promulgated.

It can be inferred that if Pakistan conforms its laws to CEDAW they could be declared as *ultra vires* on touchstone of “ideology, aim and the final object of the country and the nation” (Hussain Naqi v District Magistrate, Lahore, 1973) i.e., Article 2-A. This is why Pakistan made declaration subjecting CEDAW to its Constitution. Her *travaux préparatoires* of accession to CEDAW also confirms this view.

(b) *Travaux préparatoires*

In 1986, Commission on the Status of Women suggested in its report ratification of CEDAW without any reservation (Mullally, 2005) but the report was classified as a secret document and never circulated (National Commission on the Status of Women, 2012). Again in 1987, the Cabinet Secretariat (Women’s Division) advised to ratify the Convention but subject to a blanket reservation i.e., its compatibility with Quran; Government of Pakistan was to be the sole judge to determine the repugnancy. However, Ministry of Foreign Affairs said that such a reservation would be challenged on the grounds that it contradicts the Convention’s object and purpose (Ali, 1998). It also said that *the substantive principles of the Convention were not wholly in accordance with Pakistan’s Constitution, Islamic precepts, or the ongoing policy of Islamization of laws* (Mullally, 2005).[§]

[§]Emphasis added by present author
The Dialogue

When the issue of ratification arose thrice in 1994, Ministry of Religious Affairs suggested a broad reservation that the Convention would only be recognized if it was compatible with the Constitution and the majority of the population's religious beliefs. It also suggested a reservation to article 2(f) of the Convention which requires the State parties to bring their laws into conformity with its provisions. But the Ministry of Women Development objected to this proposal and argued that Convention was compatible with Islam and there is no need of such reservations. Finally, the compromise was stroke down and Pakistan ratified the CEDAW in 1996 subject to a general declaration(Mullally, 2005).

Having made a constitutional commitment to Islamization such an ambiguous reservation is natural from Pakistan; however, it violates all recognized international law principles and preserves legislation that discriminate against women based on their gender, which is contrary to everything CEDAW stands for and thus not permitted by its article 28.

(5) The Laws in Pakistan which contradicts CEDAW

Since Pakistan is constitutionally committed to Islamization it has enacted, from time to time, legislation in the name of Islam the provisions of which discriminate on the basis of gender hence are contradictory to CEDAW. Keeping in view the socio-religious and historical background of Pakistan it can be said that it shall be very inconvenient for Pakistan to bring them in accordance with provisions of CEDAW. This portion of the paper points some, not all, pieces of such gender discriminatory legislation.

Muslim Family Laws Ordinance (MFLO), 1961 is the most important of the personal laws which effect women in day-to-day life because it regulates inheritance, marriage and divorce, etc. It does not, however, specify anywhere that a female's consent is essential for marriage, despite of the fact that all major jurists agree on though the contractual nature of marriage; as a result, consent of female is one of the most important requirements(Ali, 1998).However, according to a survey conducted in 2004, 97 percent of females in rural Sindh and Punjab are given in marriage by their family members or parents and the consent of only 12% is obtained in such cases(Mansuri, 2004).

In disregard of CEDAW, MFLO does not abolish the man's unqualified power of polygamy and divorce though it attempted to contain this by requiring registration of marriage with *Nikah* Registrar (Section 5, 1939) and to enlist the permission of a current wife as well as Council of

Arbitration for the second marriage (Section 6, 1939). Under section 7, the husband must also provide the wife and Chairman of the Arbitration Council a seven-day notice of divorce. But not following these provisions does not invalidate marriage, polygamy and divorce; these are little followed in practice having a negative impact on women's daily life. For example, the requirement of *Talaq*(divorce) notice has been counterproductive to the protection of women; a husband would orally divorce his wife one day, as permitted by *Sharia Sharia* ** law and socially enforceable in Pakistani customary society and deny it the next day. The result is that a lot of females have been charged with *zina* (fornication) under *Hudood* †† Ordinance and sent to jails when they entered into another marriage after being verbally divorced and later finding out that their first husband had denied the divorce.

Similarly, Article 17 (2) of the *Qanoon-e-Shahadat Ordinance*, 1984 ‡‡ says that when it comes to fiscal or upcoming commitments, if the instrument is put into writing, it must be verified by two men or one man and two women, so that one can tell again the other.

The existence of such gender discriminatory laws seems to be very unreasonable in a country, which has acceded to CEDAW and where women have served as Prime Minister, Governor State Bank of Pakistan, Judge of Higher Judiciary, Armed Forces and all spheres of national life.

(iii) Zina Ordinance, 1979§§

When genders issues are debated in Pakistan, it is highly improbable for the *Zina Ordinance*, 1979 to be ignored. In order to bring Pakistan into line with Islamic teachings, as required by article 2-A of the Constitution and purported by the preamble of Zina Hudood Ordinances, General Zia Ul Haq promulgated Hudood Ordinances; the most notorious among which is Zina Ordinance. Section 8 of the ordinance requires four Muslim male and adult witnesses to the act of penetration to prove rape. The rape victims who complained of rape but were unable to produce four Muslim adult male witnesses to the act of penetration have been have suffered greatly as a result of this evidence requirement; their complaints have been turned into confession of

** *Shaira* is an Arabic word which means Islamic Law.

†† *Had or Hudood* is an Arabic word which means limit or limitation. It connotes that some limitations or punishments are prescribed by Allah which must not be transgressed.

‡‡ *Qanoon-e-shahadat* is an Arabic word means Law of evidence.

§§ *Zina* is also an Arabic word which means fornication.

zina(Jafar, 2005). Resultantly, the number of women in jails on charges of *zina* raised dramatically within few years after the law was passed(Sarwar, 2014).

Women Protection Act was enacted in 2006 which reconsidered fornication offences like fornication and adultery and moved them from *Zina Ordinance* to Pakistan Penal Code where a new procedure was established to prove them(Lau, 2007). The wording *zina bil jabar* were omitted from *the Zina Ordinance* which created an understanding that evidentiary requirement of four Muslim male witnesses has been done away with. Medical evidence is to be taken into consideration, it can be said, after WPA is passed(Munir, 2008).

Qisas and Diyat Ordinance, 1990*** is another example of a law which has been detrimental to women; thus, needs to be amended as required by CEDAW obligation but which Pakistan hesitates to do. The ordinance turned the grave offences to private matter by the provisions of waiver and compromise. The provisions of waiver and compounding are usually resorted to in the cases of honour killings; heirs of the victim usually waive the *qisas* or make compromise with the killer. Thus, when the law was passed in 1990 the ratio of murders of women increased forty-two percent between 1991 and 2000 while the ratio of women experiencing domestic violence is between 70% and 90%.(Shamsie, 2002).

Similarly, Pakistan Citizenship, 1951 also needs to be amended, if the obligations under CEDAW are taken seriously. Under the Pakistan Citizenship Act if a foreign male marries a Pakistan female he is not entitled to Pakistan's citizenship. On the other hand, a foreign woman can get the citizenship if she marries a Pakistani citizen.

Conclusion

Pakistan has agreed to meet its obligations under a number of international human rights treaties, especially under CEDAW, to eradicate its gender discriminatory laws. But this obligation conflicts with Pakistan's constitutional commitment to Islamization; the State's supreme law is the Constitution, however, when a state ratifies a UN Convention, it becomes the state's responsibility to bring its laws into compliance with

****Qisas and Diyat* are Arabic phrases which means, in the former case, inflicting the same wound on the convict that he caused, or murdering him if he has committed murder. If the *Qisas* cannot be imposed, the blood money is paid using the latter manner.

the Convention's terms (Warraich, 2004). But unfortunately, Pakistan, against all the established norms of international law, preferred the former over the later by subjecting implementation of CEDAW to its Constitution. Pakistan seems to be at crossroads: It incurred obligations to bring its legal structure into conformity with standards of international human rights while at once it is constitutionally committed to Islamization and can make no law which is contradictory with Islamic tenets, so she made an ambiguous declaration. However, it needs to be borne in mind a reservation which is incompatible with the goal and purpose of CEDAW is not permissible, therefore, Pakistan's reservation "should serve neither as reservation nor as a limitation"(Cook, 1989) on its acceptance of treaty obligations. It should also be kept in mind that no society or nation can remain unaffected by rising global currents, and Pakistan is no exception. It must address internal challenges in ways that are consistent with international perspectives and internationally recognized norms. It will be forced to do it later, after great damage, if it does not do it now(Weiss, 2003).

Pakistan needs to withdraw its reservation from CEDAW or it should be amended keeping in view the provisions of VCLT. It also needs to amend its constitutional provisions due to which it made an ambiguous reservation while acceding to CEDAW. When constitution is so amended, changing other gender discriminatory domestic laws will be not difficult. It is also recommended that Pakistan should take measures to remove the suspicions against CEDAW at national level.

References

- 1(3), A. (1945). UN Charter. *UN Charter* .
- 19, A. (n.d.). Vienna Convention on Law of Treaties.
- 2, A. (1948). Universal Declaration of Human Rights .
- 229, A. (n.d.). Constitution of Pakistan, 1973.
- 7, A. (1948). Universal Declaration of Human Rights .
- Ali, S. S. (1998). Equal Before Allah, Unequal Before Man? Negotiating Gender Hierarchies in Islam and International Law (Ph D Thesis submitted to University of Hull) . University of Hull.
- Article. (n.d.). 2. *CEDAW* . UN Women.
- Asma Jehangir v The Government of Punjab, PLD 1972 SC 139 (Supreme Court of Pakistan 1972).
- Bates, E. (2008). Avoiding Legal Obligations Created by Human Rights Treaties. *International and Comparative Law Quarterly* , 751.
- CEDAW, P. (1979). Preamble to Convention on the Elimination of All forms of Discrimination against Women. UN Women.

- Clark, B. (1991). The Vienna Convention Reservations Regime And The Convention On Discrimination Against Women. *The American Journal of International Law* , 281.
- Committee, C. (2019, 08 30). *Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women___ Combined initial, second, and third and third periodic reports of State parties: Pakistan.* Retrieved from WWW.UN.ORG: <http://www.un.org/womenwatch/daw/cedaw/reports.htm>
- Cook, R. J. (1989). ‘Reservation to the Convention on the Elimination of All Forms of Discrimination Against Women. *Virginia Journal of International Law* , 643.
- Human Rights Committee, H. (1994). *CCPR General Comment No. 24: Issues Relating to Reservations Made upon.* Retrieved from www.refworld.org: <https://www.refworld.org/docid/453883fc11.html>
- Hussain Naqi v District Magistrate, Lahore , PLD 1973 Lahore 164 (Lahore High Court 1973).
- ICJ. (1951). Advisory Opinion on Reservation to the Genocide Convention. International Court of Justice.
- Jafar, A. (2005). Women, Islam and the State in Pakistan. *Gender Issues* , 35.
- Lau, M. (2007). Twenty-Five Years of Hudood Ordinance___ A Review. *Washington and Lee Law Review* , 1291 .
- Mansuri, H. J. (2004). Family Laws and Custom in Pakistan: The Gender Gap between Policy and Practice . World Bank’s Development Research Group.
- Mullally, S. (2005). As Nearly as May be: Debating Women’s Human Rights in Pakistan. *Social and Legal Studies* , 341.
- Munir, M. (2008). Is Zina bil-Jabar a Hadd, Tazir or Syasa Offence? A Re-Appraisal of the Protection of Women Act, 2006 in Pakistan. *Yearbook of Islamic and Middle Eastern Law* , 95.
- National Commission on the Status of Women, N. (2012, 08 09). Retrieved from <http://www.ncsw.gov.pk/resourcecenter/about-us.php>
- OHCHR. (2019, 09 05). *Commission on the Status of Women: Fifty-fifth session___ Results of the forty-sixth, forty-seventh and forty-eighth sessions of the Committee on the Elimination of Discrimination against Women (E/CN.6/2011/CRP.1).* Retrieved from www2.ohchr.org:

- http://www2.ohchr.org/english/bodies/cedaw/docs/E-CN-6-2011-CRP-1_en.pdf
- Sarwar, B. (2014, 12 7). *Pakistan's Hudood Laws: Extremely Misused*. Retrieved from [www.chowk.com: http://www.chowk.com/Views/Law/Pakistan-s-Hudood-Laws-Extremely-Misused](http://www.chowk.com/Views/Law/Pakistan-s-Hudood-Laws-Extremely-Misused)
- Section 5. (1939). *The Dissolution of Muslim Marriage Act* .
- Section 6. (1939). *The Dissolution of Muslim Marriage Act* .
- Shah, J. N. (1987). The Objectives Resolution and its Impact on the Administration of Justice in Pakistan. *Islamic Studies* , 383.
- Shah, N. A. (2006). *Women, the Koran and International Human Rights: The Experience of Pakistan* . Boston: Martinus Nijhoff Publishers.
- Shamsie, M. (2002). A Matter of Dishonour. *Index On Censorship* , 191.
- UN. (2020, 08 20). *UN Charter*. Retrieved from [www.un.org: http://www.un.org/en/documents/charter/preamble.shtml](http://www.un.org/en/documents/charter/preamble.shtml)
- UN. (2019, 08 29). *UN Report on Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women,35, (CEDAW/SP/2002/2)*. Retrieved from UN Women:<http://www.un.org/womenwatch/daw/cedaw/statesmeeting/twelfth.htm>
- UN, T. (2019, 08 28). *United Nations Treaty Series*. Retrieved from [Treaties.un.org: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mt_dsg_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mt_dsg_no=IV-8&chapter=4&lang=en)
- UNHCHR. (2019, 09 10). *Committee on the Elimination of Discrimination against Women: Thirty-eighth session___ Responses to the list of issues and questions for consideration of the Combined initial, second and third periodic report of Pakistan (CEDAW /c/PAK/Q/3/Add*. Retrieved from [www.unhchr: http://www.unhchr.ch/tbs/doc.nsf/0/4d5c650bade39ffbc12572b0003b8d65/\\$FILE/N0725401.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/4d5c650bade39ffbc12572b0003b8d65/$FILE/N0725401.pdf)
- Warraich, S. A. (2004). *Reading the Constitutions: In Search of Rights* . Lahore, Pakistan: Shirkat Gah.
- Weiss, A. M. (2003). Interpreting Islam and Women's Rights: Implementing CEDAW in Pakistan. *International Sociology* , 581
- Women, U. (2020, 08 18). *UN Women, short history of CEDAW* . Retrieved from UN Women, CDEAW: <https://www.un.org/womenwatch/daw/cedaw/history.htm>