

**WOMEN
AND
PROTECTION
OF
WOMEN RIGHTS**

**[Women, Laws, International Declaration and
Conventions, etc., relating to Women]**

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Dedicated

to

*our daughter Sultan Bano,
all women of this great nation,
and
all women of this world.*

Preface

Protection of women and protection of women rights is the vastly debated issue now a days in our country. All and sundry are participating in this debate according to his ability and knowledge about the issue. Height of this debate is that women living in far flung areas who are much away from towns and cities are also asking the questions about the law which is passed by the Parliament for their protection and welfare. Certainly it is the result of communications and information reaching to them through different media particularly the radio, television channels and newspapers, etc., or through other sources of information. However, it is a healthy sign that laypersons are also getting information and aware about, at least, some issues concerning to them irrespective of its true nature and significance.

After passage of *“The Protection of Women (Criminal Laws Amendment) Act, 2006 (Act VI of 2006)”* which is an important legislation with far-reaching consequences in our social life and intended to introduce a few social reforms and safeguarding the rights of women. The first paragraph of the Statement of Objects and Reasons of the Act states :

“One of the avowed constitutional objectives of the Islamic Republic of Pakistan is to enable Muslims to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as laid down in the Holy Qur’an and Sunnah.”.

In this way, the Act aims to make the existing laws in accordance with the teachings and requirements of Islam as laid down in the Holy *Qur’an* and *Sunnah* after making necessary changes in such laws made and promulgated from time to time. Although still there is discussion on different sections of the Act from Islamic point of view among the people having dissenting ideas and interpretations of different concepts of *Quran* and *Sunnah*. It is hoped after all there will be consensus with the passage of time on the present legislation or after introducing some changes in it as there is no second opinion that no law can be made and implemented

against the Injunctions of *Quran* and *Sunnah* under the Constitution of the Islamic Republic of Pakistan.

Prior to this, the *Criminal Law (Amendment) Act, 2004 (Act I of 2005)*, has been passed by the *Majlis-e-Shoora* (Parliament) and enforced from the 4th January, 2005, to eradicate the evil like *karo kari*, *siyah kari* or similar other customs and practices prevailing in some parts of our country and society extremely in violation of constitutionally guaranteed fundamental rights and making the women a vulnerable community.

Similarly, the *Code of Criminal Procedure (Amendment) Ordinance, 2006*, and the *Code of Criminal Procedure (Second Amendment) Ordinance, 2006 (XXXV of 2006)*, are providing the right of bail to women except in cases wherein she has been guilty of an offence relating to terrorism, financial corruption and murder and such offence is punishable with death or imprisonment for life or imprisonment for ten years, unless having regard to the facts and circumstances of the case, the court directs that she may be released on bail.

Undoubtedly, all these are landmark legislations for the protection of rights of women particularly in such areas wherein their fate was lying in the hands of *jirgas* or some other outside the court settlements by their guardians or in some compoundable cases and they were forced to suffer the miseries due to such offences which had never been committed by them. They were the victims of unfair treatment and used as scapegoats on the pretext of family honour or due to some other social customs and practices, etc.

These laws will have far-reaching impact on the social and cultural life of Pakistan in the 21st century with maximum protection of rights of women and they will not only be protected but also be freed from the shackles of social evils, customs or practices, etc., which are prevailing in different parts of country under different pretexts or customary practices since centuries. These will help stop the momentous wheel of customary evil practices which are neither Islamic nor having support of any moral code and are being practised due to ignorance and illiteracy and still the shadow of dark ages on the Muslim community and Pakistani civilization.

In addition to all this it is necessary that we should be aware of state of women in this country in social, cultural, economic and political

environment with different problems faced to them. Other ground realities are also necessary to be known for reaching a final judgement about the fate of women. It is also necessary that ordinary reader may also get some information about Islamic concept of rights of women and different rights in the light of the *Quran* and *Sunnah* as well as the Constitution of the Islamic Republic of Pakistan, 1973.

Simultaneously it is also relevant to be aware about different steps taken are being taken for the welfare of women community at international level as a whole. So that true impact of enforcement of human rights of women may be evaluated and assessed in our socio-economic and political environment.

Good governance is an ideal but not easy to achieve because it is not possible without rule of law, fairplay, good conscience and social justice to all citizens of a state without discrimination. No exploitation of any class of citizens is permissible under the concept of good governance whether men or women. Thus, tall claims of democracy, good governance, rule of law and social justice are merely hollow slogans if any segment of population is suppressed and deprived of rights. Therefore, it is necessary to make such arrangements which are necessary for the general welfare of masses without any discrimination. Due to efforts being made from different aspects it may be hoped that the objective of good governance, rule of law and social justice will not be too far from ordinary people of this country.

In this publication, effort has been made to provide some basic information about state of women in the country, an upto date version of different laws or their relevant sections relating to women. Similarly, texts of a few international declarations, conventions and protocols relating to rights of women are also given for the information of worthy readers for having an international context also.

It is hoped that it will be an informative and useful publication relating to status of women and rights of women in national and international context.

Every effort has been made to make the texts of laws, declarations, conventions and protocols, etc., error-free but after all we are humans and there is possibility of errors and omissions but all it will be without any bad intention. However, we shall be thankful if you point out about such errors or omissions for rectification in future editions and

for the benefit of others. Your cooperation, guidance and assistance will be of tremendous benefit for us.

Finally, this work is simply a research to highlight different problems and questions being faced by women in our country with no absolute solutions and answers with the hope that it will open up a healthy and meaningful dialogue among the scholars and scientists of social, cultural, economic and political fields without further unnecessary polarization and dissention because now there is need of national consensus on different issues relating to almost half of our population. A tolerant and intellectual discourse and discussion on these issues will crystallize the ideas into their refined form and move the things towards their solution with a clear and unbiased thinking for the betterment of women population in our country. Our ideas are subject to rebuttal and disagreement with better ideas and national agreement on women issues.

All suggestions and comments will be welcomed for improvement of quality of this work. We shall also be ready and available for all such guidance and advice for better understanding of these issues. You can also send us or our Legal Advisors and Consultants your valuable suggestions and messages electronically at our or their e-mail addresses. Your questions and queries will be answered and advice about any aspect of the subject or topic will also be provided.

*Rawalpindi,
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Women and Protection of Women Rights

C O N T E N T S

S. No.	Description	Page No.
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PART – I

WOMEN AND WOMEN RIGHTS

1. Women – Half of the Nation, Half of the World
2. Women in Real World
3. Women’s Rights
4. Status and Rights of Women in Islam
5. Women and Discrimination
6. Women Rights in the Constitution of Pakistan
7. Protection of Women Rights – Need for Change in Thinking
8. Legislation relating to women in Pakistan
9. Review of International Declarations, Conventions and protocols, etc., relating to women
10. Future of Women in Pakistan

PART – II

LAWS RELATING TO WOMEN, ETC.

11. Provisions of the Constitution of the Islamic Republic of Pakistan relating to women
12. Provisions of the Pakistan Penal Code (Act XLV of 1860), relating to women and women-related offences
13. Provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), relating to women and women-related offences
14. The Protection of Women (Criminal Laws Amendment) Act, 2006 (VI of 2006)
15. The Offence of *Zina* (Enforcement of *Hudood*) Ordinance, 1979 (VII of 1979)
16. The Offence of *Qazf* (Enforcement of *Hadd*) Ordinance, 1979 (VIII of 1979)
17. The Dissolution of Muslim Marriages Act, 1939 (VIII of 1939)
18. The Women in Distress and Detention Fund Act, 1996 (XV of 1996)
19. The National Commission on the Status of Women Ordinance, 2000 (XXVI of 2000)
20. The Execution of the Punishment of Whipping Ordinance, 1979 (IX of 1979)
21. The Criminal Law (Amendment) Act, 2004 (I of 2005)
22. The Code of Criminal Procedure (Second Amendment) Ordinance, 2006 (XXXV of 2006)

PART – III
**INTERNATIONAL DECLARATIONS,
CONVENTIONS AND PROTOCOLS,
RELATING TO WOMEN, ETC.**

23. Universal Declaration of Human Rights
24. Cairo Declaration on Human Rights in Islam
25. Rome Declaration on Human Rights in Islam
26. United Nations Declaration on the Elimination of All Forms of Racial Discrimination
27. International Convention on the Elimination of All Forms of Racial Discrimination
28. Declaration on the Elimination of All Forms of Discrimination against Women
29. Convention on the Elimination of All Forms of Discrimination against Women
30. Declaration on the Elimination or Violence against Women
31. Convention on the Political Rights of Women
32. Convention for the Suppression of the Traffic in Persons and of the Exploitation and Prostitution of Others
33. Convention on the Nationality of Married Women
34. Declaration on the Protection of Women and Children in Emergency and Armed Conflicts
35. Optional Protocol to the Convention on the Elimination of Discrimination against Women
36. United Nations Millennium Declaration

ANNEXURES

- I. The Last Sermon of the Holy Prophet (PBUH)
 - II. Comparison of the Offence of *Zina* (Enforcement of *Hudood*) Ordinance, 1979, Before and After Amendment.
 - III. Comparison of the Offence of *Qazf* (Enforcement of *Hadd*) Ordinance, 1979, Before and After Amendment
-

O People,

*it is true that you have certain rights over your women,
but they also have rights over you.*

*Remember that you have taken them as your wives only under God's
trust and with His permission.*

*If they abide by your right then to them belongs the right to be fed
and clothed in kindness.*

*Treat your women well and be kind to them, for they are your partners
and committed helpers.*

*It is your right that they do not make friends with anyone of whom you
do not approve, as well as never to be unchaste.*

(Excerpt from the Last Sermon of Prophet Muhammad (PBUH))

*“There are two powers in the world.
One is the sword and the other is the pen.
There is a third power stronger than both,
that of the women.”*

Quaid-e-Azam Muhammad Ali Jinnah

Allama Muhammad Iqbal

PART - I**WOMEN
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