

What Does UN Human Right's Council's Universal Periodic Review Mean for Women in Pakistan?

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Introduction:

‘Our hopes for a more just, safe, and peaceful world can only be achieved when there is universal respect for the inherent dignity and equal rights of all members of the human family.’

– UN Women Executive Director Phumzile Mlambo-Ngcuka

The impact of international institutions and their mechanisms on the domestic systems, and in improving situation of people living inside different countries, has been a topic of debate amongst international law scholars since decades. On one hand, the argument of realists is based on negation of effectiveness of these institutions even on the international scale.¹Realists believe that these institutions do not even have the ability to maintain international peace and stability as they represent the self-interested paradigms of powerful states and are not as independent as they claim to be.²

On the other hand, institutionalism argue that international institutions are independent and they have the ability to alter the behavior and inclinations of the state and thereby avoiding conflict and war.³In view of institutionalists, the international institutions could also make the states realize how their actions have an impact on their relative power dynamics, and that way could discourage the countries from acting towards achieving their goal based on self-interests.⁴ Mearsheimer believes that there is no place for institutionalism in the

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¹ Mearsheimer, J.J. The false promise of international institutions. (19(3), International Society, 1995) pp. 5-49.

² Id.

³ Id

⁴ Id.

contemporary international politics, and he sees it as a tool used by dominant Western states in post-Cold War Era to defeat other states, or to achieve comparative gain.⁵

Some Pakistani scholars share similar beliefs as Mearsheimer's, it is believed that existing purported international law regime, which mainly consists of rules that are applicable in inter-state relations, has been developed out of European state practices and the writings of European publicists during the last four centuries.⁶It is widely quoted that the contemporary international law regime is basically ruled by European traditions, customs and biases.⁷An important factor that adds to the validity of this claim is that international law was 'consolidated and systematized in the nineteenth and twentieth centuries at a time when a large number of Afro-Asian states were conquered and colonized and had absolutely no say in the development and codification of international law.'⁸

One good example to look at, in order to refute the claims of realist would be the United Nations Human Rights Council's Universal Periodic Review (UPR) mechanism. United Nation's Human Rights Council is an institution that has been involved in ensuring the protection of fundamental rights of the citizens in different countries through a review process for more than a decade now. The first part of the paper explains the Human Rights Council's universal periodic review. The second part of the paper talks about the effectiveness of UPR. Moving further, the third part discusses the situation of women in Pakistan and human rights violations they face.

The fourth part of the essay then talks about the three cycles of review that Pakistan has gone

⁵ Id.

⁶ Ahmed, Bashir. "PAKISTAN AND SOME ISSUES OF INTERNATIONAL LAW." (32, no. 4, Pakistan Horizon 1979): pp. 64-78.

⁷ Id.

⁸ R.P. Anand, "Role of the New Asian-African countries in the present International Legal Order", (Vol.56, No.2, American Journal of International Law, April 1962) pp. 383-384

through in front of the Human Rights Council for the Universal Periodic Review and the recommendations and state's response related to issues of honor killing and rape. Two major issues facing women in Pakistan that are rape and honor killings have been discussed in the fifth and sixth part. Seventh part of the paper highlights the positive impact that UPR cycles had on legislation related to women in Pakistan. Major criticisms against the UPR have been stated in the eighth part followed by the ninth part which the last part and concluded the discussion,

As mentioned above, the realists do not believe in the impact of international law mechanisms on domestic problems and UPR is said to be lacking proper follow up mechanisms. However, looking at the situation of women in Pakistan and how the government was satisfied with the insufficient legislative amendments in 2004 (honor killing law) and 2006 (Rape law). Analyzing how the government of Pakistan had to come up with proper legislation (2016 Anti-Rape and Anti-Honor Killing Bills) before the third cycle of UPR because of being questioned on the issue of honor killings and rape during the first two cycles. It would not be an exaggeration to state that UPR is an excellent review mechanism. UPR had a positive impact in terms of making Pakistan fulfill its obligations under the international human rights treaties in order to improve the situation of women in Pakistan especially with respect to rape and honor killings. First two cycles of the universal periodic review created the kind of environment that was needed to persuade the government to introduce a proper legislation in 2016 before the third cycles in 2017.

1. Universal Periodic Review:

According to the Office of the High Commission for Human Rights (OHCHR) the Universal Periodic Review (UPR) is a distinctive process which includes a periodic review of the

human rights records of all 193 UN Member States.⁹ Known as an important innovation of the Human Rights Council, the UPR is based on principles of equal treatment for all countries.¹⁰ All States are given an opportunity to announce what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights.¹¹ Best human rights practices are shared around the globe through UPR.¹² According to OHCHR, ‘Currently, no other mechanism of this kind exists.’¹³

Four outcomes that international mechanisms might reach are “generating pressure; triggering learning; providing an accurate overview of states’ performance; and delivering practically feasible recommendations.”¹⁴ The UPR’s apparent strength lies in “generating peer and public pressure.”¹⁵ The active role played by NGOs in the UPR process in terms of holding states accountable for non-fulfillment their obligations could be main reason for the UPR’s ability in generating public pressure.¹⁶ Moreover, UPR recommendations are bilateral in nature and that creates a much higher pressure on states to fulfill their obligations than in the case of recommendations by nongovernmental experts.¹⁷

⁹ See official website of United Nations Office of the High Commissioner for Human Rights –human rights bodies page-basic fact about UPR <<https://www.ohchr.org/en/hrbodies/upr/pages/basicfacts.aspx>>

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ VALENTINA CARRARO, “Promoting Compliance with Human Rights: The Performance of the United Nations’ Universal Periodic Review and Treaty Bodies”, (63, International Studies Quarterly, 2019) 1079–1093

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

UPR is considered as being successful in delivering feasible recommendations, because UPR recommendations are respected for being realistic, although they are often labeled as being too broad or vague.¹⁸

2. Effectiveness of UPR:

Contrary to what a realist would expect, the data from the UPR data report from 2014 (which is after the first two cycles had taken place in 2008 and 2012 respectively) indicated that 48 percent of UPR recommendations had generated response by midterm, which meant that the recommendations were either fully or partially implemented only 2.5 years after the initial review.¹⁹ The regional group that was found as being most successful at midterm is the Eastern European group, while Asia was perceived as the region faced with certain difficulties.²⁰ It was further observed that initial response of the state under review to the recommendations, which is “accepted or noted”, had an impact on the enactment of the recommendations in favor of accepted recommendations, with 55 percent of accepted recommendations generating response by mid-term.²¹ Moreover, rather interestingly 19 percent of noted recommendations also generated response by midterm, demonstrating the fact that noted recommendations should not be overlooked in the implementation phase.²² Furthermore, the overall highest number of recommendations that generated positive response were related to important human rights issues such as women’s rights, obligations under international instruments, and children’s rights.²³

It is claimed that the UPR has achieved its aim of promoting universality as currently no other international human rights mechanism can claim 100% participation from states that represent all cultures and political systems.²⁴ The UPR has garnered enough support to prove the claims of human rights being not only a domestic issue, but also an important matter of international accountability.²⁵

¹⁸ Id.

¹⁹ UPR Info, “Beyond Promises” Rue de Varembe 3, 1202 Geneva, Switzerland. (UPR info 2014) 1202 Geneva, Switzerland, pp.5.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Aoife Hegarty & Hans Fridlund, “Taking stock—the Universal Periodic Review’s achievements and opportunities” Open Global Rights, Published August 11, 2016.

²⁵ Id.

3. Women in Pakistan:

Pakistan belongs to the group of states that have gone through three cycles of UPR with the human rights council. The situation of women in Pakistan is an area of great concern.

‘No nation can rise to the height of glory unless your women are side by side with you. We are victims of evil customs. It is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live.’

-Muhammad Ali Jinnah (Founder of Pakistan)

Founder of Pakistan Muhammad Ali Jinnah was a staunch supporter of women’s rights. However, the country has not turned out to be how he had wanted it to be in all aspects of social and political life, but situation of women’s rights is amongst the most imminent threats to protection of the citizens that Pakistan is facing.

According to the World Bank, more than 90% of countries around the globe have at least one gender-discriminatory law on the books.²⁶The nature of laws varies from one country to

another from restricting a woman’s access to protection from domestic violence to her ability to own property or work without her husband’s permission.²⁷Eventually, such oppressive laws prevent women and girls from exercising their fundamental human rights.²⁸

Furthermore, various sources document the existence of gender discrimination in Pakistan In 2014 a poll was conducted by Trust Law that declared Pakistan as being the third most dangerous country for women to live in.²⁹World Economic Forum published a report in 2015, which ranked Pakistan at 144 out of 145 countries on gender disparity.³⁰

Some reforms were made in legislation related to women during the tenure of Gen. Pervez

²⁶ Daniele Selby and Leah Rodriguez, “How Activists Helped Change Pakistan’s Honor-Killing Law” Global Citizen, April 9, 2019.

²⁷ Id.

²⁸ Id.

²⁹ Lisa Anderson, Afghanistan is most dangerous country for women, Trust Law Poll, Thomson Reuters Foundation News, 15 June 2011, <http://news.trust.org//item/?map=trustlaw-poll-afghanistan-is-most-dangerouscountry-for-women/>.

³⁰ Kelly Chen and Sophia Saifi, “Pakistan passes legislation against 'honor killings', CNN, October 8, 2016.

Musharraf.³¹ He was concerned about image of Pakistan in front of the international community and tried to show the world that Pakistan was fulfilling its obligations under the international treaties that the state had ratified.³² He got rid of discriminatory laws related to rape against women in Pakistan and introduced a new law in 2006 as explained later in the discussion.³³

Moving on, some of the most discriminatory and oppressive anti-women practices in Pakistan throughout its history have been honor killings and rape/sexual harassment. For decades, women were faced with extremely oppressive discriminatory laws against these crimes that did not help them in seeking a remedy, even the amendments made in the rape law by

Musharraf in 2006 who was the first progressive military dictator in Pakistan did not make things easier for women. All of this will be made clear from the information below.

4. Universal Periodic Review and Pakistan:

First cycle of UPR for Pakistan from 2008:

The first cycle of review in Pakistan was carried out during the year 2008. The national report submitted by Pakistan stated government's commitment towards ensuring the protection of fundamental rights to all citizen of Pakistan without any discrimination.³⁴ The government displayed great concerns regarding the violations of women's rights that take place in the country because of deep-rooted tribal mindsets and traditional beliefs.³⁵ The national report also indicated how government had taken affirmative action for the protection of women from violence.³⁶ The 2002, First National Policy for Development and Empowerment of Women had a separate section dedicated to violence against women (VAW) and how to overcome the incidents of violence against women.³⁷ The 2002 National Policy included a zero tolerance policy towards cases of violence against women, a provision declaring honor killing as murder, a review and revision of police and medico legal procedure (which in turn would have an impact on effective

³¹ Naveeda Noreen, 'Protection of women rights through legal reforms in Pakistan' (Vol. 3. No.4 Journal of Public Administration and Governance, 2013) pp.122.

³² Id.

³³ Id.

³⁴ A/HRC/WG.6/2/PAK/1 at page 7.

³⁵ Id.

³⁶ Id.

³⁷ Id.

investigation for different crimes including murder and rape etc. of women), awareness regarding situation of women in police officers.³⁸

The report from working group on universal periodic review on Pakistan stated that the government of Pakistan was commended by the convention on elimination of all kinds of discrimination against women CEDAW in 2007, for legal reforms with respect to women's rights issues.³⁹ These reforms included the 2004 and 2006 amendments in honor killings and rape laws respectively.⁴⁰ However, the committee was not satisfied with the steps taken for the effective implementation of these laws.⁴¹ The committee was concerned about government of Pakistan's commitment towards fulfilling its international human rights obligations at domestic level.⁴²

Furthermore, the national report mentioned the legislation that had been introduced as a result of the 2002 National Policy for Development and Empowerment of Women.⁴³ A Criminal Law (Amendment) Act was introduced in 2004 in order to make the prosecution of honor killings easier, known as 'The Honor Killing law'.⁴⁴ The report highlighted the changes made in the laws related to Rape i.e. Hudood Ordinance through the Protection of Women (Criminal law Amendment) Act 2006.⁴⁵

The report further stated the creation of Ministry of Human Rights, induction of more female police officers, Gender Crimes Cell and establishment of Special Monitoring Cells etc. as steps taken by the government in order to address the issues of violence against women in different regions of Pakistan.⁴⁶

Moving on, the stakeholder report based on data collected by different Civil Society Organizations (CSO's) working inside Pakistan stated that because of the repressive Hudood laws regarding rape, thousands of women had been imprisoned on charges of adultery or 'honor'

³⁸ Id.

³⁹ A/HRC/WG.6/2/PAK/2 at page 4.

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ Id at page 8.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id at page 9.

crimes'.⁴⁷ These women have been unable to seek remedy for violations of their rights because they had been accused of illegal sex rather than getting relief against unlawful violence and abuse.⁴⁸ The report further highlighted the concerns from different CSOs regarding high number of cases of honor killings in Pakistan, mentioning the data revealed by Pakistan's Interior ministry from the year 2008 which stated that 4100 women have been killed in the name of honor killings in Pakistan since 2001.⁴⁹

The Ambassador of Pakistan issued a statement on the outcome report of UPR at Human Rights Council. The statement reiterated the progress made by of 2004 and 2006 amendments in laws related to honor crimes and rape respectively.⁵⁰ It further stated that these laws have made the prosecution of crimes against women's honor and dignity easier than ever before.⁵¹

Moreover, during the first cycle of Universal Periodic Review in 2008, Pakistan received twenty-four recommendations related to women's rights.⁵² Out of these Pakistan supported twenty recommendations were supported by Pakistan.⁵³ While most of recommendations mentioned violence against women in general, some of them talked about specific issues such as sexual assault (by Czech Republic), to repeal Hudood Ordinance that was a discriminatory law for rape crimes (by United Kingdom), criminalizing marital rape (by Canada, Czech republic), abolish honor killings (by Sweden) and Qisas (equality of treatment) and Diyat (blood money) laws (by Czech) that were in place for honor crimes at that time.⁵⁴ Czech Republic'

⁴⁷ A/HRC/WG.6/2/PAK/3 at page 3.

⁴⁸ Id

⁴⁹ Id at page 5.

⁵⁰ /HRC/8/42/Add.1 at page 3 and 4

⁵¹ Id.

⁵² A/HRC/8/42, 4 June 2008.

⁵³ A/HRC/8/42/Add.1

⁵⁴ Id.

recommendation on the issue sexual assault was supported.⁵⁵Sweden's recommendation on honor killings was supported.⁵⁶

Second Cycle of UPR for Pakistan from 2012:

The national report⁵⁷ submitted for the second cycle of universal periodic review for Pakistan had a detailed discussion on traditional Jirgas.⁵⁸ The report stated that these informal dispute settlement mechanisms that are working as parallel system of justice in Pakistan have a number of customary rules and practices that are discriminatory towards women.⁵⁹ The report further notified how one province had passed a law that puts a complete ban on these Jirgas.⁶⁰ The national report also mentioned that the 2004 amendment in honor killing laws criminalizes all murders committed in the name of honor.⁶¹ The national report asserted that these measures would help in protection of women from harmful customary practices.⁶² The report observed that mere passage of laws would not help resolving the issue of violence against women.⁶³ The government commended the efforts of CSOs and media in terms of increasing awareness about human rights issues in general public.⁶⁴

The report from working group on UPR based on compilation of UN information incorporated concerns regarding a high number of offences related to honor crimes validated by the decisions of traditional Jirgas.⁶⁵ Another important issue raised by CSOs in this report was

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ A/HRC/WG.6/14/PAK/1 at page 11.

⁵⁸ Council of village/tribe elders which takes decisions by consensus.

⁵⁹ Id.

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

⁶³ Id.

⁶⁴ Id.

⁶⁵ A/HRC/WG.6/14/PAK/2 at page 7.

the high number of women in prisons on charges of adultery under the Hudood Ordinance (law related to Rape, Adultery and Fornication).⁶⁶ The Jirgas were imposing punishments like stoning to death, whipping and amputation that amounted to torture or cruel, inhumane and degrading treatment.⁶⁷

The report containing the data from stakeholders in Pakistan by the working group on universal periodic review stated that crimes against women's honor and dignity including rape and honor killing were still prevalent in Pakistan.⁶⁸ The report highlighted the issue of kidnapping and rape of young Hindu or Christian girls (as young as 10 years old) for the purposes of forced conversion to Islam.⁶⁹ The report contained recommendations from different CSO's asking for new legislation for prevention of honor killing and a complete ban on traditional Jirga system.⁷⁰

Furthermore, Sweden questioned the government of Pakistan regarding the measures that they had taken in order to overcome the issues of rape and honor killing.⁷¹ The state highlighted the high number of killing i.e. 943 women murdered in the name of honor during the year 2011 in Pakistan from the data collected from an NGO in Pakistan.⁷² Sweden recommended Pakistan to implement the laws preventing honor killings at both provincial and federal levels.⁷³ Czech Republic questioned Pakistan on the steps taken to resolve issue of sexual harassment of women

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ A/HRC/WG.6/14/PAK/3 at page 5.

⁶⁹ Id at page 6.

⁷⁰ Id.

⁷¹ See Universal Periodic Review- Pakistan < Second Cycle < Advanced questions to Pakistan < Add.1 < <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PKindex.asp> >

⁷² Id.

⁷³ Id.

and to put a complete ban on traditional Jirgas.⁷⁴ Slovenia questioned the government of Pakistan on measures taken to end violence against women in the country.⁷⁵

Furthermore, during the second cycle of universal periodic review in 2012, Pakistan had received forty-five recommendations on issues related to women's rights.⁷⁶ Pakistan had supported thirty-seven recommendations on women's rights issues.⁷⁷ While most recommendations mentioned ending violence against women in general and importance of affective enforcement of newly passed laws protecting women, however some specific issues were raised as well. Sexual violence against women (by Switzerland) rape and sexual exploitation of scheduled caste girls for the purposes of forced conversion (by Austria) and sexual abuse in minors (by Egypt) were the issues related to sexual abuse raised by a few countries.⁷⁸ All these countries recommended Pakistan to introduce effective legislation and ensure proper implementation of laws protecting women at all levels inside the country. Japan was concerned about the issue of 'honor killings.' Japan's recommendation on honor killings was supported and it was claimed to have already been implemented by the government of Pakistan. Switzerland, Austria and Egypt's recommendations were supported by Pakistan.⁷⁹

Third Cycle of UPR for Pakistan from 2017:

The third cycle of UPR took place in 2017. The government of Pakistan, in its national report, proudly announced the promulgation of Anti-Rape (Criminal Laws Amendment) Bill and

⁷⁴ See Universal Periodic Review-Pakistan < Second Cycle < Advanced questions to Pakistan < Add.3 < <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PKindex.asp> >

⁷⁵ See Universal Periodic Review < Second Cycle < Advanced questions to Pakistan < Add.4 < <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PKindex.asp> >

⁷⁶ A/HRC/22/12, 26 December 2012.

⁷⁷ A/HRC/22/12/Add.1

⁷⁸ Id.

⁷⁹ Id.

Anti-Honour Killings (Criminal Laws Amendment) Bill 2016.⁸⁰The government expressed a firm belief in the fact that these laws would help overcoming the issue of violence against women in Pakistan.⁸¹ The customary practices that cause an increase in crimes against women's honor and dignity could be gotten rid of through proper implementation of these laws.⁸² Under the new Anti-Honor Killings Bill, the culprit, if proven guilty, could not be pardoned by relatives of the victim.⁸³In the government's point of view, this was a landmark legislation meant for achieving the goal of decreasing the number of cases involving rape and honor crimes.

Furthermore, the report of working group on universal periodic review containing comments from different treaty bodies, special procedures and United Nations documents etc. mentioned the concerns raised by The Committee against Torture (CAT) and Human Rights Committee on the issues of honor killings and rape in Pakistan.⁸⁴ While the CAT noted the passing of Anti-Rape and Anti-Honor Killings Bills in 2016, still it was concerned about persistently high number and extremely low conviction rates for cases involving violence against women, especially sexual assault cases and cases involving honor crimes.⁸⁵ Moreover, the CAT also raised concerns over the enforcement of severe punishments by traditional Jirgas, working as a parallel judicial system in Pakistan, including whipping and stoning to death on women in the name of honor crimes.⁸⁶ The Human Rights Committee recommended Pakistan to ensure proper implementation of newly passed bills.⁸⁷ The Human Rights Committee also

⁸⁰ A/HRC/WG.6/28/PAK/1 at page 18.

⁸¹ Id.

⁸² Id.

⁸³ Id.

⁸⁴ A/HRC/WG.6/28/PAK/2 at page 9.

⁸⁵ Id.

⁸⁶ Id.

⁸⁷ Id.

recommended that Pakistan should get rid of the laws allowing the relatives of victims to grant pardon to culprits entirely.⁸⁸

The report with comments from stakeholders contained some criticism on the newly passed bills as well.⁸⁹ The report stated that even the new laws have some loophole and it is possible for the perpetrators to escape punishments under these laws.⁹⁰ The report further highlighted the main challenges that hinder the process of improving conviction rates in cases of honor killings.⁹¹ These challenges included the issue of underreporting, lack of evidence and a supposed religious justifications for honor crimes.⁹²

Moving further, Slovenia submitted a question regarding the effective implementation of Anti-Rape and Anti-Honor Killings Bill and any positive results that Pakistan has achieved in tackling the issues of high number of rape and honor crimes cases.⁹³ Czech Republic had questioned Pakistan regarding the steps taken to effectively prosecute the culprits of honor crimes.⁹⁴

Furthermore, in 2017 during its third cycle of universal periodic review, Pakistan received a total of seventy recommendations related to women issues.⁹⁵ Pakistan had supported fifty three out of these seventy recommendations.⁹⁶ Most of the recommendations targeted violence against women in general, discussed economic, social and cultural rights of women and

⁸⁸ Id.

⁸⁹ A/HRC/WG.6/28/PAK/3 at page 10.

⁹⁰ Id.

⁹¹ Id.

⁹² Id.

⁹³ See Universal Periodic Review-Pakistan < Advanced Question to Pakistan <Third Cycle < First Batch < <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PKindex.aspx>>

⁹⁴ See Universal Periodic Review-Pakistan < Advanced Question to Pakistan <Third Cycle < Second Batch < <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PKindex.aspx>>

⁹⁵ A/HRC/37/13, 29 December 2017.

⁹⁶ A/HRC/37/13/Add.1.

an end to discriminatory practices against women. A lot of countries welcomed the enactment of new laws on rape and honor killings.⁹⁷

Brazil, Austria, Croatia, Cyprus and New Zealand recommended the government of Pakistan to enhance the intensity and scope of their efforts towards ensuring the implementation of Anti-Honor Killing and Anti-Rape Bills of 2016.⁹⁸ All these recommendations were fully supported by Pakistan.⁹⁹

As by the time of this review, Pakistan had already made major amendments in law related to sexual crimes and honor killings against women, most of the recommendations focused on implementation of legislation.

5. Honor Killing in Pakistan:

In Pakistan, the practice of honor killing is usually defined as killing of an “adulterous” woman, and in some cases times her illicit partner, to remove shame that the relationship brings to women’s families and restore their lost honor.¹⁰⁰ The culture of honor killings exists in all provinces and tribal regions of Pakistan still have this practice under different names.¹⁰¹ For instance, in Southern Punjab honor killing is referred to as “kala kali”, it is known as “karo kari” in Sindh, “siyahkari” in Balochistan and in Khyber Pakhtunkhwa it is called “tora tora.”¹⁰²

Honor Killings in Pakistan Cases before 2004:

⁹⁷ A/HRC/37/13.

⁹⁸ Id. at page 24.

⁹⁹ A/HRC/37/13/Add.1

¹⁰⁰ RABIA ALI, “THE DARK SIDE OF HONOUR’, Women victims in Pakistan, SHIRKAT GAH Women’s Resource Centre, 2001.

¹⁰¹ Neha Ali Gauhar, “Honor Crimes in Pakistan Unveiling Reality & Perception”, page 83, CAMP 2014

¹⁰² Lynn Welchman and Sara Hossain, “Honor’: Crimes, Paradigms and Violence Against Women”, Zed Books (December 2, 2005)

Before the partition of subcontinent, it is believed that a husband could take advantage of the exception of grave and provocation plea as a norm, if he could prove that he killed his wife or her alleged lover because they were guilty of adultery.¹⁰³ The courts usually interpreted this plea in a broad manner.¹⁰⁴ During the first few years after the independence, court kept on giving nominal punishments to culprits of alleged honor killings.¹⁰⁵ The male members of the society could benefit from the plea, it gave them authority to monitor movements of their female counter parts or even sisters and kill them if they challenged the social order.¹⁰⁶ The Qisas (equality of treatment) and Diyat (blood money) Act simply gave discriminatory elements of traditional justice the status of statutory law and supported out-of-court settlements in accordance with local customs that often involved “monetary compensation or exchange of marriageable girls”, although the latter is invalid under the law but not illegal.¹⁰⁷ Although were a few progressive and positive decisions on cases involving honor killings, however majority of the cases still came out with negative conclusions.¹⁰⁸ The consequence of allowing out of court settlement was that honor killings rarely led to condemnations and imprisonment, which was seen as an important reason for the following rise in honor killings since the of the Qisas and Diyat Ordinance in 1990 was enacted.¹⁰⁹

The Criminal Law (Amendment) Act 2004:

¹⁰³ Honor Killings and the Law in Pakistan, Sohail Akbar Warraich, Honor Crimes, Paradigms, And Violence Against Women, Edited by Lynn Welchman, Sara Hossain, Oxford University Press, 2005.

¹⁰⁴ Id.

¹⁰⁵ Maliha Zia Lari, “Honor Killings in Pakistan and Compliance of Law”, Legislative Watch Programme for Women’s Empowerment, page 27. Aurat Foundation, 2011.

¹⁰⁶ Honor Killings and the Law in Pakistan, Sohail Akbar Warraich, Honor Crimes, Paradigms, And Violence Against Women, Edited by Lynn Welchman, Sara Hossain, Oxford University Press, 2005

¹⁰⁷ Id at page 44.

¹⁰⁸ Id.

¹⁰⁹ Are Knudsen, License to kill: Honor Killings in Pakistan, Chr. Michelsen, Institute of Development Studies and Human Rights, 2004.

After the years of advocacy and struggles from civil society, the Government finally came up with an act making honor crimes, especially honor killings illegal which was passed in 2004.¹¹⁰ The Criminal Law (Amendment) Act 2004, which is usually known as the Honor Killings Law made several changes in the Pakistan Penal Code 1860 (PPC) and the Code of Criminal Procedure 1898 (CrPC), primarily amending the existing provisions to include qatl-i- amd (intentional murder) on the grounds of honor.¹¹¹ According to a report by a Pakistani NGO, “It is important to note that despite the huge amount of advocacy and collaboration with parliamentarians, a number of the vital changes demanded by civil society were not incorporated into the Act.”¹¹² In spite of the proclamation of this Act, legal experts at that time agreed that the new laws left sufficient space for judicial gender prejudices to interfere leading to light sentences to murderers, and protect perpetrators from getting maximum punishments and enable compromises which would allow culprits to get away with minimal or no penalty.¹¹³

A report from 2010 stated statistics related to honor killing when the laws implemented in 2004 were in place, it stated that a total of 557 women were killed in the name of honor in Pakistan in 2010, whereas 604 women were killed in 2009, and 475 women were killed in 2008.¹¹⁴

Human Rights Commission of Pakistan recorded, almost 300 women were victims of such killings in the first half of 2016.¹¹⁵

¹¹⁰ Id supra 105 at page 30.

¹¹¹ Id supra 105 at page 31.

¹¹² Id supra 105.

¹¹³ Beyond Honor, Tahira S. Khan, Oxford University Press, page 251.

¹¹⁴ Id supra 105 at page 1.

¹¹⁵ Kelly Chen and Sophia Saifi, Pakistan passes legislation against 'honor killings', CNN, Sat October 8, 2016

The amendments as already mentioned dealt mostly with the Qisas and Diyat provisions in the PPC, but had left some major lacunas, which had, in effect, rendered the law useless.¹¹⁶

The problems was not just with the law itself but with its proper implementation.¹¹⁷With the implied consent of society, the murderers were given protection and exemption from punishment within the community, which extended to the police, courts and other implementing agents and agencies.¹¹⁸

The legal status of honor killings in Pakistan has been further complicated by the existence of two parallel justice systems.¹¹⁹ Neha Ali Gauhar wrote ‘On one hand the formal legal system consists of legislative mechanisms and judicial rulings which consume time and money before reaching any conclusion; on the other hand the informal justice system consists of customary law which allows elders to make decisions based on their wisdom and local traditions.’¹²⁰ Moreover, the Qisas and Diyat Ordinance created an ambiguity in the legal instruments, because under this law most cases of honor killings, which are usually committed by family members, could be legally forgiven if the legal heirs of the victims received monetary compensation in return.¹²¹ This was an ironic law that was designed in utter disregard towards providing justice to victims. If the women are being killed by their own family members and the same family members have the right to grant pardon to the culprits under this law, then it clearly handed over the power to perpetrators over deciding their own fate.

2016 Anti-Honor Killings Bill:

¹¹⁶ Id supra 105 at page 5.

¹¹⁷ Id.

¹¹⁸ Id.

¹¹⁹ Id supra 101.

¹²⁰ Id.

¹²¹ Id.

Pakistan passed a new law related to honor killings in October 2016.¹²² Under the new law perpetrators of so-called "honor killings" can no longer walk free in Pakistan if pardoned by the victim's family as was the case under 2004 amendment.¹²³ Now, a killer has to face a minimum sentence of 25 years in jail.¹²⁴

An editorial in Dawn newspaper from September of 2018, which is two years after the passage of the bill, stated 'the number of women -- and men -- being killed in the name of 'honor' keeps rising at a disturbing rate in this country.'¹²⁵ Statistics from the Human Rights Commission of Pakistan had been quoted in that tutorial, the number of honor killings was estimated between June at 737 during the time frame between 2017 and August 2018.¹²⁶ Since this organization started keeping records in 2016 the total number of such murders was around 15,222, till 2019, an astounding number and, keeping in mind the low reporting of such cases, that is probably only a fraction of the true figure.¹²⁷

The situation has not clearly improved with passage of different anti-honor killings laws during the course of history in Pakistan. Some people have suggested an even more controversial turn that would be to abandon the label "honor crimes" altogether.¹²⁸ The term has no positive impacts on the ground.¹²⁹ According to a Pakistani journalist Rafia Zakaria, 'The antagonism that some communities have shown toward ending the practice suggests that the very name of

¹²² Kelly Chen and Sophia Saifi, Pakistan passes legislation against 'honor killings', CNN, Sat October 8, 2016.

¹²³ Id.

¹²⁴ Id.

¹²⁵ Rafia Zakaria, "It will take more than laws to end honor killings in Pakistan", CNN, March 28, 2019.

¹²⁶ Id.

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Id.

the crime has become a flashpoint, where individual community members may feel afraid to stop or report the crime specifically because they are afraid of taking sides in a burning controversy.¹³⁰ If the crimes were no longer classified as this special type -- and would instead be labeled as what they are, murder -- perhaps this would help focus community attention on the task of saving the lives of innocent men and women.¹³¹

6. Rape of women in Pakistan:

According to a report published by the Human Rights Commission of Pakistan ‘597 women and girls were gang-raped, 828 raped and 36 stripped in public in the country in 2014 only.’¹³² It was reported the same year by WAR (War against Rape) that four women were raped every day in Pakistan.¹³³

Furthermore, Salman Sufi who is senior member of Punjab Chief Minister's Special Monitoring Unit for Law and Order, identified that in 2016, almost six women had been found to be victims of murder or attempted murder, while eight were raped, eleven were battered and assaulted and thirty-two were abducted daily in province of Punjab alone.¹³⁴

There was a 28.2% increase in crimes against women from 2013 to 2014, but even then the conviction rate was between 1 and 2.5 per cent. The rate at which cases were being reported was really low as only 50% of 36,349 cases of crimes against women were officially recorded by

¹³⁰ Id.

¹³¹ Id.

¹³² Human Rights Commission of Pakistan, Rights of the disadvantaged, State of Human Rights (2014) 201, 214.

¹³³ Aamir Khan, WAR report 2014: Four women raped every day in Pakistan, The Express Tribune, 2 July 2015.

¹³⁴ PPWB prepared with consultations: Sufi, The Pakistan Observer, 28 February 2016,

<https://pakobserver.net/ppwb-prepared-with-consultations-sufi/>; Punjab women protection bill prepared with consultation of society, scholars, The Nation, 28 February 2016, [https://nation.com.pk/28-Feb-2016/punjab-women-protectionbill-prepared-with-consultation-o f-society-scholars](https://nation.com.pk/28-Feb-2016/punjab-women-protectionbill-prepared-with-consultation-o-f-society-scholars).

the police (challaned) during the year 2013-2014.¹³⁵ Reports from the year 2013-2014 also stated that out of 9808 cases received, DNA results were negative for 84%, positive for 15% and irrelevant for the remaining 1%.¹³⁶ In 2013-2014, all victims were eager to prosecute aggressively within 24 hours of the crime, while the percentage fell as there was a greater delay between the occurrences of the incidence and reporting.¹³⁷ On average the willingness to prosecute aggressively after 24 hours of the crime was estimated to be less than 60%.¹³⁸

Moreover, according to an estimate around ten thousand cases of rape were reported in Punjab from January 2013 to June 2017.¹³⁹ This data was revealed in the figures gathered by Punjab Commission on the Status of Women from information available with the Inspectorate General of Punjab Police.¹⁴⁰ Ex-Chief Justice of Supreme Court of Pakistan Hon. Justice Mian Saqib Nisar, who was known for his judicial activism, had taken suo motu notice of rape cases of minors in Kasur (a city in province of Punjab), but in spite of his efforts such cases are recorded as still being on the rise.¹⁴¹ A total of 77 rape cases were reported in Lahore alone, from January 2018 till the month of August.¹⁴²

Sexual assault on women in police custody is another prevalent practice in Pakistan. A report published by Human Rights Watch indicated that almost 70% of the women in police custody in Pakistan were molested at the hands of jailers and other police officers.¹⁴³ The report cited case from the time when hudood laws were still in force in 1988.¹⁴⁴ Three women who were indicted of sexual offence were held in custody for 48 hours.¹⁴⁵ These women were produced before a magistrate and found to be innocent after

¹³⁵ Aurat Foundation, Violence Against Women in Pakistan, Annual Report 2014, xix, www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/VAW%202014.pdf.

¹³⁶ Id.

¹³⁷ Id.

¹³⁸ Id.

¹³⁹ Sher Ali Khalti, 10,000 rape cases reported in three and a half years, The News, 9 September 2017, <https://www.thenews.com.pk/print/230885-10000-rape-cases-reported-in-three-and-a-half-years>.

¹⁴⁰ Id.

¹⁴¹ Asif Chaudhry, Official data since January 2018: No conviction in 141 child rape cases reported in Lahore so far, The Dawn, 10 August 2018, <https://www.dawn.com/news/1426078>.

¹⁴² Id.

¹⁴³ Dorothy Q. Thomas, Double Jeopardy Police: Abuse of Women in Pakistan, Human Rights Watch Report (1992), <https://www.hrw.org/reports/1992/pakistan/>.

¹⁴⁴ Id.

¹⁴⁵ Id.

a while.¹⁴⁶ While in custody, all three women had been violently raped by several police officers, one 60 years old woman was penetrated with a baton.¹⁴⁷ The incident of these three women is only one example of a culture of abuse of prisoners in police stations in Pakistan.

Moving on, even though more than thirty years have since passed, however things have not improved much. A report on 'thana culture'¹⁴⁸ that was issued in 2016 by Human Rights Watch,¹⁴⁹ stated the problems faced by women during police investigation proceedings, especially when they took complaints of sexual assaults in police stations and asked for a First Investigation Report (FIR) to be filed.¹⁵⁰ It was reported that 'because of prevalent societal attitudes and the treatment given to the victim by the police and judiciary, violence against women still remained underreported to a larger extent.¹⁵¹ Women facing such situations are still not seen as victims by state institutions (police and judiciary), rather they are blamed for inviting the attack.'¹⁵²

¹⁴⁶ Id.

¹⁴⁷ Id.

¹⁴⁸ Thana is the word for police stations in Urdu, the national language of Pakistan.

¹⁴⁹ Najm-ul-Sahr-Ata-ullah, Saroop Ijaz, 'This Crooked System': Police Abuse and Reform in Pakistan, Human Rights Watch Report, 25 September 2016, <https://www.hrw.org/report/2016/09/25/crooked-system/police-abuse-and-reform-pakistan>.

¹⁵⁰ Id.

¹⁵¹ Id.

¹⁵² Id.

Rape laws in Pakistan:

The offence of rape has been defined under section 375 and its punishment prescribed under section 376 of the Pakistan Penal Code (Act XLV of 1860) (hereinafter PPC),

"375: A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions, (i) against her will; (ii) without her consent; (iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt; (iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or (v) with or without her consent when she is under sixteen years of age. Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape."¹⁵³

"376: Punishment for rape (1) Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more than twenty-five years and shall also be liable to fine. (1A) Whoever commits an offence punishable under subsection (1) or subsection (2) or section 377 or section 377B and in the course of such commission causes any hurt punishable as an offence under section 333, section 335, clauses (iv), (v) and (vi) of subsection (3) of section 337, section 337C, clauses (v) and (vi) of section 337F shall be punished with death or imprisonment for life and fine. (2) When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life. (3) Whoever commits rape of a minor or a person with mental or physical disability shall be punished with death or imprisonment for life and fine.

¹⁵³ Pakistan Penal Code (Act XLV of 1860).

*(4) Whoever being a public servant including a police officer, medical officer or jailor, taking advantage of his official position, commits rape shall be punished with death or imprisonment for life and fine.*¹⁵⁴

The above-mentioned provisions were initially a part of Pakistan Penal Code (PPC).

However, in 1979, these provisions were removed from PPC and were inserted into the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (hereinafter 'Zina Ordinance').¹⁵⁵

Furthermore, in 2006 major amendments were introduced in the Zina Ordinance and this very section 19 of Zina Ordinance was shifted back into the Pakistan Penal Code through the promulgation of Protection of Women (Criminal Law Amendment) Act, 2006.¹⁵⁶ According to people in Pakistan, the 2006 Act was eventually enacted during President Pervez Musharraf's government as a result of different years of movements and efforts by women's rights groups.¹⁵⁷ The section 375 and 376 of PPC stated above are the final outcome of the modifications made to them by the Criminal Law (Amendment) (Offences Relating to Rape) Act, XLIV of 2016 (hereinafter Rape Act 2016). The 2006 Act had introduced rules to protect the identity of rape victims as well.¹⁵⁸

The 1979 Zina Ordinance was introduced by the then President Zia-ul-Haq, who apparently had a mission to Islamize the laws in Pakistan. The difference between zina (adultery) and zina-bil-jabr (rape) had been distorted in the Zina Ordinance, where both had been defined as "sexual intercourse without being validly married".¹⁵⁹ There was also a requirement of four

¹⁵⁴ Id.

¹⁵⁵ Offence of Zina (Enforcement of Hudood) Ordinance, VII of 1979, s. 19.

¹⁵⁶ Protection of Women (Criminal Law Amendment) Act, 2006, s. 5.

¹⁵⁷ Muhammad Munir, Is Zina bil-Jabr a Hadd, Tazir or Syasa Offence? A Reappraisal of the Protection of Women Act, 2006 in Pakistan, 14 Yearbook of Islamic and Middle Eastern Law 95 (2008-2009) pp.103

¹⁵⁸ By a new section 376-A inserted in the Pakistan Penal Code.

¹⁵⁹ Id

witnesses set under this Ordinance to prove zina-bil-jabr (rape).¹⁶⁰ This ordinance on Zina did not put zinabil-jabr under crimes that belonged to the category of hirabah (a concept of bodily harm in Islam), instead rape was considered a form of zina (adultery).¹⁶¹ One of the examples of the confusion Zina Ordinance created is the case of rape of a blind girl Safia Bibi who was a thirteen years old rape victim: she got punished under the charges of fornication in the lower court, rather than getting just remedy.¹⁶² **Jehan Mena v. State** is was quite similar to Safia Bibi's case.¹⁶³ The lower Courts in both cases made the same mistake while interpreting the law and presumed that since the victim who charges rape also agrees to have been involved in an unlawful sexual intercourse, hence the accusation itself may be used as evidence against the victim for prosecution of zina-bil-raza (adultery or fornication/consensual activity).¹⁶⁴ It was a serious mistake of interpretation, not only in the context of Zina laws but also in the context of criminal evidence and criminal procedure laws in Pakistan.¹⁶⁵ None of these two cases mentioned above were upheld by the High Courts. Rather the High Courts moved promptly, removed that error and both women were acquitted.¹⁶⁶

In 2010, a bill was passed for in national assembly in favor of law against harassment at workplace in Pakistan.¹⁶⁷ In 2012, amendments were made in Penal Code and the Code of

¹⁶⁰ Zina Ordinance, s. 8.

¹⁶¹ Asifa Quraishi, Her Honor: An Islamic Critique of The Rape Provisions in Pakistan's ordinance on Zina, 38(3) Islamic Studies (1999) 403, 417 .

¹⁶² Safia Bibi v. The State, PLD 1985 FSC 120.

¹⁶³ PLD 1983 FSC 183. See also Munir, supra note 157, at 98.

¹⁶⁴ Noor Zafar, The Plight of a Rape Survivor, 9 PLR 95, 152 (2018).

¹⁶⁵ Id.

¹⁶⁶ Id.

¹⁶⁷ The Protection against Harassment of Women at the Workplace Act, 2010 (Act No. IV of 2010).

Criminal Procedure through the Criminal Law Amendment Act 2012 that criminalized harassment at public and workplaces.¹⁶⁸

2016 Anti-Rape Bill:

The Anti-Rape Bill, 2016 is the most recent set of amendments to Pakistan's rape laws.¹⁶⁹ Other than the modifications to Section 376 of PPC mentioned above,¹⁷⁰ the act provided rules for the “resolution of rape cases within a period of six months, protecting the identity of rape victims, penalties for disclosures of personal information of rape victims, mandatory medical test and extraction of DNA within twenty-four hours of receipt of information of such an offence.”¹⁷¹

Even after the approval of abovementioned bill, the current laws regarding rape suffer greatly from major inadequacies, apart from visible changes brought in the overall legislation.¹⁷² A major issue with the judicial system of Pakistan is the issue of implementation of the laws and delay in disposal of justice in courts, as cases are not quickly decided.¹⁷³ Pakistan had reportedly a backlog of 1.9 cases in its courts in 2019.¹⁷⁴ Written laws are of no use as long as their proper enactment is not guaranteed to the general public seeking a remedy.

7. Positive implications of UPR in Pakistan:

The pattern of recommendations from the three cycles mentioned above makes it clear that although government of Pakistan was making progress on legislative front in order to improve its reputation in front of the international community, however the failure in terms of implementation was not hidden from anyone. The number of recommendations related to women's rights has increased with each new cycle. This shows an increasing concern for dangers to protection of women in Pakistan in international community. It is another factor that reflects the strength of UPR mechanisms, it shows that states cannot

¹⁶⁸ A/HRC/WG.6/14/PAK/1, 6 August 2012, para 45.

¹⁶⁹ Hassan Belal Zaidi, Anti-honor killing, anti-rape bills finally passed, The Dawn, 7 Oct 2016, <https://www.dawn.com/news/1288569>.

¹⁷⁰ Id supra note 161.

¹⁷¹ 'Abira Ashfaq, What you need to know about Pakistan's new Anti-Rape Bill, The Dawn, 5 Mar 2015, <https://www.dawn.com/news/1167324>.

¹⁷² Noor Zafar, The Plight of a Rape Survivor, 9 PLR 95, 96-152 (2018). Page 111

¹⁷³ Neelam Ramzan, Justice Denied, The News International, 23 January 2018, <https://www.thenews.com.pk/print/271765-justice-denied>.

¹⁷⁴ Ashfaq Ahmed, "e-courts in Pakistan to clear backlog of more than 1.8 million cases" World Asia, February 07, 2019.

get away with passing laws that have no impact on the ground. The UPR mechanism digs deeper into the situation of human rights in countries rather than taking the word of government officials regarding the progress they have made as final.

The laws related to rape and honor killings have been through a lot of changes in Pakistan. It is clear from the above discussion that both laws have been a target of regressive and cruel interpretations under the garb of religion or cultural traditions. After a lot of struggle by different CSOs inside Pakistan the honor killing and rape laws were amended in the years 2004 and 2006 respectively. However, the amendments were not sufficient and still the number of cases was high.

The CSO's raised concerns regarding the issues of rape and honor killings during first two cycles of UPR and different countries question Pakistan's government on any steps taken to increase the number of convictions in such cases. After consistently being questioned, the government Pakistan had to respond through new laws on issue of rape and honor killings in 2016.

Even after the implementation of 2016 law, which were welcomed as a great progress by a number of countries, a lot of countries, CSOs and UN treaty bodies were still concerned about

the high number of cases of rape and honor killings and low conviction rates in Pakistan. These concerns were raised during the third cycle of UPR for Pakistan.

The whole design of UPR mechanism where states need to provide information about the progress that has been made to improve the human rights situation and then states receive questions and recommendations from stakeholders within their own countries and other states is a great and useful practice. For countries like Pakistan where perpetrators of violence against women usually get away easily without getting convicted the crimes that they have committed, it is important to have a strong review mechanism like UPR.

8. Some of the draw backs in UPR mechanism and their implications on Pakistan:

The weakness of the UPR process is the absence of any official, follow-up mechanism. Stronger provisions and standards for follow-up, including the formulation of national plans of action and national coordinating mechanisms should be adopted by states.¹⁷⁵ While the implementation of recommendations is the main objective, the reporting on those implementations is also crucial.¹⁷⁶ Both civil society organizations and the states under review must considerably improve their reporting so that at the time of every new cycle, recommending states have adequate knowledge of whether and to what degree progress has been made since the previous UPR.¹⁷⁷

¹⁷⁵ Aoife Hegarty & Hans Fridlund, "Taking stock—the Universal Periodic Review's achievements and opportunities", open global rights, August 11, 2016

¹⁷⁶ Id.

¹⁷⁷ Id.

Even with the lack of a formal UN follow-up mechanism that would monitor states' implementation, UPR Info has identified three characteristics of those states who successfully engage with the reporting mechanism.¹⁷⁸

Firstly, because of the widespread coverage of UPR recommendations, the government should have a holistic approach towards the application of these recommendation with internal alliance at the core of all of its efforts.¹⁷⁹ Secondly, an active and energetic civil society that embarks on activities which supplement efforts of the state is the key to a comprehensive implementation process.¹⁸⁰ Thirdly, as verified from the example of Mongolia, cooperation between the government and CSOs based on transparency and trust make the process of implementation smoother, the collective efforts of governments and CSOs balance out each other that helps in achieving UPR recommendations.¹⁸¹ The best way to make UPR work is when all stakeholders adhere to the idea of collaboration and universality.”¹⁸²

9. Conclusion and Recommendations:

The claims of the realists asserting that international institutions have no impact, especially at the domestic level, could be easily refuted in light of the above discussion. The three cycles of UPR for Pakistan brought to light the positive impact that international human rights law institutions and treaty bodies can have on lives of the people living in different countries.

¹⁷⁸ Id

¹⁷⁹ Id.

¹⁸⁰ Id.

¹⁸¹ Id.

¹⁸² Id.

If the timeline of amendments in the laws regarding rape and honor killings in Pakistan is analyzed keeping in mind different cycles of Universal Periodic Review that Pakistan has gone through, it becomes clear that the major and most important amendments were made after the country was questioned on these issues in first two cycles. Although the situation still remains horrific on domestic level in terms of number of cases and women's safety, still there is hope that legislative changes might have a trickle-down effect in future.

Regardless of the criticism for the lack of proper follow up mechanisms, UPR gives civil society organization a great platform to stay vigilant and raise their concerns in front of the committee at the time of next review, which could be seen as a system of accountability for states. In order to cater to the criticism related to follow up mechanisms, the Human Rights Committee could support CSOs and local NGOs in Pakistan by asking the government to work in a coalition with CSOs. These CSOs would then keep pushing the government to implement the recommendations it has supported and at the same time, these organizations would keep collecting data for UPR stakeholder's reports. Although, there is already a stakeholder's report in each review, however, the CSOs inside Pakistan need the proper support and representation from the government.

Henceforth, the universal periodic review has proven to be an excellent mechanism in terms of holding the government of Pakistan accountable for the issues involving violence against women.

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