

ASSIGNMENTS NO.2

**Q.1 Write in detail about the Women Protection Act 2006. Why it is significance in relation to Huddod ordinance?**

**1. Short title and commencement**

(1) This Act may be called the Protection of Women (Criminal Laws Amendment) Act, 2006.

(2) It shall come into force at once.

**2. Insertion of new section, Act XLV of 1860**

In the Pakistan Penal Code (Act XLV or 1860), hereinafter referred to as the said "Code", after section 365A, the following new section shall be inserted, namely:-

**365B. Kidnapping, abducting or inducing woman to compel for marriage etc.-**

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code, or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid."

**3. Insertion of new section, Act XLV of 1860:**

In the said Code, after section 367, the following new section shall be inserted, namely:

**"367A. Kidnapping or abducting in order to subject person to unnatural lust:**

Whoever kidnaps, or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with death or rigorous imprisonment for a term which may extend to twenty-five years, and shall also be liable to fine."

**4. Insertion of new sections, Act XLV of 1860**

In the said Code, after section 371, the following new sections shall be inserted, namely:

**"371A. Selling person for purposes of prostitution, etc.**

Whoever sells, lets to hire, or otherwise disposes of any person with intent that such a person shall at

any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person shall at any time be employed or used for any such, purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

Explanations:- (a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

(b) For the purposes of this section and section 371B, "illicit intercourse" means sexual intercourse between persons not united by marriage.

**371B. Buying person for purposes of prostitution, etc**

Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine.

**Explanation:** Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution."

**5. Insertion of new sections, Act XLV of 1860:**

In the said Code, after section 374, the following new sections 375 and 376 under sub-heading "Rape", shall be inserted, namely:

**"375. Rape:-**

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.

### **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.

(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."

### **6. Insertion of new section, Act XLV of 1860.**

In the said Code, in Chapter XX, the following new section shall be inserted, namely:-

#### **"493A. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage**

Every man who deceitfully causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief, shall be punished with rigorous imprisonment for a term which may extend to twenty-five years and shall also be liable to fine."

### **7. Insertion of new sections, Act XLV of 1860.**

In the said Code, after section 496, the following new sections shall be inserted, namely:

#### **"496A. Enticing or taking away or detaining with criminal intent a woman.**

Whoever takes or entices away any woman with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any woman, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

#### **496B. Fornication:**

(1) A man and a woman not married to each other are said to commit fornication if they willfully

have sexual intercourse with one another.

- (2) Whoever commits fornication shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine not exceeding ten thousand rupees.

**496C. Punishment for false accusation of fornication.**

Whoever brings or levels or gives evidence of false charge of fornication against any person, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine not exceeding ten thousand rupees.

**Provided** that a Presiding Officer of a Court dismissing a complaint under section 203C of the Code of Criminal Procedure, 1898 and after providing the accused an opportunity to show cause if satisfied that an offence under this section has been committed shall not require any further proof and shall forthwith proceed to pass the sentence."

**8. Insertion of new sections, Act V of 1898.-**

In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 203, the following new sections shall be inserted, namely:

**"203A. Complaint in case of Zina.-**

- (1) No court shall take cognizance of an offence under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), except on a complaint lodged in a Court of competent jurisdiction.

- (2) The Presiding Officer of a Court taking cognizance of an offence on a complaint shall at once examine, on oath, the complainant and at least four Muslim, adult male eye-witnesses, about whom the Court is satisfied having regard to the requirement of tazkiyah-al-shahood, that, they are truthful persons and abstain from major sins (kabair), of the act of penetration necessary to the offence

**Provided** that, if the accused is a non-Muslim, the eye-witnesses may be non-Muslims.

**Explanation:** In this section "tazkiyah-al-shahood" means the mode of inquiry adopted by a Court to satisfy itself as to the credibility of a witness.

- (3) The substance of the examination of the complainant and the eye-witnesses shall be reduced to writing and shall be signed by the complainant and the eye-witnesses, as the case may be, and

also by the Presiding Officer of the Court.

(4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding, the Court shall issue summons for the personal attendance of the accused.

(5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the four or more eye-witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.

**203B. Complaint in case of Qazf.-**

(1) Subject to sub-section (2) of section 6 of the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979), no Court shall take cognizance of an offence under section 7 of the said Ordinance, except on a complaint lodged in a Court of competent jurisdiction.

(2) The Presiding Officer of a Court taking cognizance of an offence on a complaint shall at once examine on oath the complainant and the witnesses as mentioned in section 6 of the Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979) of the act of Qazf necessary to the offence.

(3) The substance of the examination of the complainant and the witnesses shall be reduced to writing and shall be signed by the complainant and the witnesses, as the case may be, and also by the Presiding Officer of the Court.

(4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding the Court shall issue summons for the personal attendance of the accused.

(5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.

**203C. Complaint in case of fornication.**

- (1) No court shall take cognizance of an offence under section 496A of the Pakistan Penal Code, except on a complaint lodged in a Court of competent Jurisdiction.
- (2) The Presiding Officer of a Court taking cognizance of an offence shall at once examine on oath the complainant and at least two eyewitnesses to the act of fornication.
- (3) The substance of the examination of the complainant and the eye-witnesses shall be reduced to writing and shall be signed by the complainant and the witnesses, as the case may be, and also by the Presiding Officer of the Court.
- (4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding the Court shall issue a summons for the personal attendance of the accused:  
**Provided** that the Presiding Officer of a Court shall not require the accused to furnish any security except a personal bond, without sureties, to ensure attendance before the Court in further proceedings.
- (5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.
- (6) Notwithstanding the foregoing provisions, or anything contained in any other law for the time being in force no complaint under this section shall be entertained against any person who is accused of zina under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979) and against whom a complaint under section 203A of this Code is pending or has been dismissed or who has been acquitted or against any person who is a complainant or a victim in a case of rape, under any circumstances whatsoever."

**Q.2 Write a note on the Muslim Women education and Health in Muslim countries.**

The experiences of Muslim women vary widely between and within different societies. At the same time, their adherence to Islam is a shared factor that affects their lives to a varying degree and gives them a common identity that may serve to bridge the wide cultural, social, and economic differences between them.

Many women are mentioned in the Quran, but only one is named, Mary, and she is named more times than she is in the Bible. There is even a whole chapter named after her in the Quran that is Surah Maryam.<sup>[5]</sup> According to the Quran, divine grace surrounded Mary from birth, and, as a young woman, she received a message from

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God through the archangel Gabriel that God had chosen her, purified her, and had preferred her above all "the women of the worlds".

Among the influences which have played an important role in defining the social, legal, spiritual, and cosmological status of women in the course of Islamic history are the sacred scriptures of Islam: the Quran; the ḥadīth, which are traditions relating to the deeds and aphorisms attributed to the Islamic prophet Muhammad and his companions; ij̄mā', which is a scholarly consensus, expressed or tacit, on a question of law; qiyās, the principle by which the laws of the Quran and the sunnah or prophetic custom are applied to situations not explicitly covered by these two sources of legislation; and fatwā, non-binding published opinions or decisions regarding religious doctrine or points of law. Additional influences include pre-Islamic cultural traditions; secular laws, which are fully accepted in Islam so long as they do not directly contradict Islamic precepts; religious authorities, including government-controlled agencies such as the Indonesian Ulema Council and Turkey's Diyanet; and spiritual teachers, which are particularly prominent in Islamic mysticism or Sufism. Many of the latter, including the medieval Muslim philosopher Ibn Arabi, have themselves produced texts that have elucidated the metaphysical symbolism of the feminine principle in Islam.

There is considerable variation as to how the above religious and legal sources are interpreted within the Sunni branch of Islam. In particular, extremist and fundamentalist Sunni movements such as Wahhabis and Salafists tend to reject Islamic mysticism and theology outright; this has profound implications for the way that women are perceived within these ideological sects. Conversely, within Islamic Orthodoxy, both the established theological schools and Sufism are at least somewhat influential.

Gender roles in Islam are simultaneously colored by two Quranic precepts: (i) spiritual equality between women and men; and (ii) the idea that women are meant to exemplify femininity, and men masculinity.

Spiritual equality between women and men is detailed in Sūrat al-Aḥzāb (33:35):

Verily, the Muslims: men and women, the believers: men and women, the Qanit: men and the women, the men and women who are truthful, the men and the women who are patient, the Khashi': men and the women, the men and the women who give Sadaqat, the men and the women who fast, the men and the women who guard their chastity and the men and the women who remember Allah much with their hearts and tongues, Allah has prepared for them forgiveness and a great reward.

Islam's basic view of women and men postulates a complementarity of functions: like everything else in the universe, humanity has been created in a pair (Sūrat al-Dhāriyāt, 51:49) – neither can be complete without the other.<sup>[44]</sup> In Islamic cosmological thinking, the universe is perceived as an equilibrium built on harmonious polar relationships between the pairs that make up all things. Moreover, all outward phenomena are reflections of inward noumena and ultimately of God.

The emphasis which Islam places upon the feminine/masculine polarity (and therefore complementarity) results in a separation of social functions. In general, a woman's sphere of operation is the home in which she is the dominant figure – and a man's corresponding sphere is the outside world. Women are highly respected in many

aspects of domestic life such as being praised for their knowledge as ritual specialists, healers, caretakers, and those who arrange marriages in their community.

However, this separation is not, in practice, as rigid as it appears. There are many examples – both in the early history of Islam and in the contemporary world – of Muslim women who have played prominent roles in public life, including being sultanas, queens, elected heads of state and wealthy businesswomen. Moreover, it is important to recognize that in Islam, home and family are firmly situated at the centre of life in this world and of society: a man's work cannot take precedence over the private realm.

The Quran dedicates numerous verses to Muslim women, their role, duties and rights, in addition to Sura 4 with 176 verses named "An-Nisa" ("Women"). And according to Hadith, prophet Muhammad commanded his male followers to be kind towards their wives.

**Q.3 Discuss in detail the socio economic, cultural and religious barriers to women in Pakistan.**

Pakistan is failing on its international obligations to uphold people's economic, social and cultural rights, Amnesty International said today, in a submission to the United Nations Committee on Economic, Social and Cultural Rights 61<sup>st</sup> session.

"Pakistan is backsliding on its commitments to economic, social and cultural rights. From shrinking civic space, to the failure to bring laws in line with international standards, widespread discrimination, curtailed workers' rights and meagre social security, there is much that needs to be done to help some of the most disadvantaged people," said Nadia Rahman, Amnesty International's Pakistan Campaigner.

**Restricting civil society**

Amnesty International is concerned by the restrictions imposed on civil society, shrinking the space for NGOs and human rights defenders.

For example, in 2015, the Pakistani government announced a new policy, giving broad powers to the Ministry of the Interior to review the registration of INGOs based on their funding sources and the nature of their work. The vague and broad provisions in this policy risk undermining the ability of civil society groups to work independently, without fear of being shut down, and gives the government broad discretion to disrupt their human rights work.

**Incorporation of Covenant Rights in Domestic Law**

Pakistan's constitution protects many economic, social, and cultural rights, including prohibitions on "slavery", "forced labour", and the employment of "a child below the age of fourteen years". The constitution also guarantees the rights to "freedom of assembly", "freedom of association", and the "freedom of business, trade and profession", among others.

However, the Pakistani constitution does not include all internationally recognized economic, social and cultural rights. Those that are mentioned in the "Principles of Policy" section of the constitution are not justiciable.

Amnesty International calls on the Pakistani government to take all steps recommended to make all economic social and cultural rights justiciable and to implement them, to extend constitutional protections to FATA, and to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**Non-discrimination and equality**

Marginalized communities in Pakistan continue to face discrimination in both law and practice, on grounds of their gender, religion, nationality, and sexual orientation and gender identity.

Under Pakistani law, a woman's testimony is deemed "half" of that of a male witness. Reforms to raise the legal age of marriage of girls, from 16 years to 18 years, were blocked by the Council of Islamic Ideology. The Council also blocked a law passed by the Sindh Assembly to prevent the forced conversion of non-Muslim women.

Pakistan's national parliament did, however, pass legislation last October to close a loophole in criminal law that allowed the accused to escape punishment for committing a so-called "honour killing" if the victim's family pardoned them.

Amnesty International has recorded a number of cases where women have faced obstacles accessing justice for the violation of their rights.

Pakistan's blasphemy law, which carries a mandatory death penalty, violates the rights to freedom of expression, thought, conscience and religion.

Christians in Pakistan suffer discrimination at the hands of employers, restricting their access to work.

Transgender persons in Pakistan won a historic right to be recognized as a "third gender" on national identity cards. However, they continue to face discrimination and barriers to seeking employment, healthcare and education.

Pakistan continues to criminalize same-sex consensual relationships.

Amnesty International calls on the Pakistani government to draw up a comprehensive anti-discrimination policy to protect all marginalized groups.

**Right to Work and Trade Union Rights**

Workers from Pashtun or Afghan backgrounds have been discriminated against by private employers and subject to surveillance and harassment by the authorities, making it harder for them to access or continue work.

Large numbers of people who work in the informal economy have no access to social security, health benefits, or occupational safety. Only 3% of workers in Pakistan are currently unionized. Businesses have increasingly resorted to hiring contract workers, which allows them to dilute the power of trade unions and escape paying pensions and employment benefits.

In recent years, several people have been killed or injured in numerous workplace accidents, especially in the garment and ship-breaking industries.

As noted by the committee, bonded labour continues to exist in Pakistan, despite the 1992 Bonded Labour Abolition Act. This Act is rarely implemented, or used to punish employers for the exploitation of workers.

Amnesty International calls on the Pakistani government to protect the rights of all workers, ensure that everyone has the right to form and join trade unions of their choice, safe and just working conditions, and enforce the ban on bonded labour.

### **Right to Social Security and Adequate Standard of Living**

The Benazir Income Support Programme has had a discernible effect in reducing poverty, but the monthly cash transfers of a mere \$15 are not enough.

The Pakistani government must invest in social protection programmes and health and education services.

Pakistan's agricultural economy is vulnerable to the adverse effects of climate change, putting even more people at risk of being denied the right to food and the right to water.

Amnesty International calls on the Pakistani government to put in place policies to deal with the potentially negative impacts of climate change on human rights. The government should also ensure that social security systems cover all persons.

### **Right to health**

Pakistan currently spends a meagre 0.45% of its GDP on health, lower than many other low and middle-income countries. The lack of access to public health facilities is the second largest contributor to multi-dimensional poverty in the country.

While maternal mortality has fallen, as many as 40% of pregnant women do not receive skilled prenatal care or full protection against tetanus.

Pakistan's domestic legal framework continues to criminalize abortion in some circumstances, with prison sentences of three years to ten years.

Sex workers continue to face discrimination in accessing health services in Pakistan.

Amnesty International calls on the Pakistani government to increase public spending on health, make public health services accessible to all, and decriminalize abortion in all circumstances.

### **Right to education**

School enrolment for girls (53%) continues to significantly lag behind boys (60%). In Baluchistan, only 35% of girls go to school. In FATA and the three smaller provinces, there remain fewer schools for girls than boys.

Children living with disabilities, often experience discrimination, are out of school in large numbers and often do not have access to inclusive education. Few school buildings are accessible to people living with disabilities.

Of the schools that do exist, many of them lack drinking water and toilets. In recent years, schools have come under attack from armed groups.

Amnesty International calls on the Pakistan government to take all necessary steps to improve the school enrolment of girls, recruit more female teachers, and identify and remove harmful gender stereotypes and stereotypes against minorities from educational materials.

### **Right to culture**

Armed groups have attacked and killed members of religious minorities, including Shias, Ahmadi Muslims, Christians, Sikhs and Hindus.

Sectarian leaders promote the hatred of religious minorities on television, including denouncing them as “blasphemers” and “enemies of Pakistan”, language that has the potential to incite violence.

Amnesty International calls on the Pakistani government to ensure the protection of all historical sites, including sites sacred to religious minorities, and investigate and prosecute all acts of incitement to violence against religious minorities.

**Q.4 Explain the women rights in Muslim world. Discuss the situation of women in Iran, Saudi Arabia and Pakistan.**

The Persian-language media close to the Saudi regime regularly highlight the kingdom's progress in giving women more freedom for the Iranian audience. This includes the news of the California-based Iranian pop singer, Leila Forouhar, performing at the 2020 Tantora Winter Festival, an event that one media outlet was at pains to note took place “without any restriction on women’s dress codes.” Among Iranians, however, there have been different reactions to this Saudi charm offensive, shaped by a combination of binary nationalist and religious narratives of Persian vs. Arab and Shi’a vs. Sunni.

For example, after the announcement that Saudi women would be free to drive, Iranian reformist news agency ISNA cynically published an op-ed titled “Saudi Women Can Drive, But Can’t Have Names,” referring to the social tradition whereby calling women by their name in public is considered indecent. Besides joyful and congratulatory messages, many Iranian social media users began to post images of old driver licenses to imply that Iranian women have been driving since 1940. Ironically, even after the Islamic Republic was established, the first driver’s license was issued to a woman with two incongruent symbols of the old and new regimes. Her last name was “Hezbollah-i” but her picture was without hijab, with her hair in a popular global hairstyle of the late 1970s.

However, when discussions in Iran turn inward and target the Iranian government, the response is rather different. For instance, the reformist newspaper Hamdeli, referring to the news that the music of Umm Kulthum would once again be played on Saudi TV, wrote, “It seems that we no longer have a country to compare ourselves to when it comes to inequality and discrimination against women; not even Saudi Arabia!” This point was reiterated by Shahla Lahiji, the first Iranian female publisher.

**Facing common problems**

Iran and Saudi Arabia have different social fabrics, different historical trajectories, and different cultural practices. But, in an abstract form, which is reflected in global indexes, the conditions of women in both countries are equally terrible.

Both countries have been at the bottom of the Global Gender Gap Index. In 2020, among 153 countries, Iran was ranked 148 while Saudi Arabia was ranked 146. In 2016, before the Saudi reforms began, Saudi Arabia was

ranked 151, and Iran was ranked 149. The Women, Peace and Security Index reflects a similar situation: Iran ranks 118 and Saudi Arabia ranks 120.

Meanwhile, women in both countries are trying to overcome political and social limitations. Two decades ago, women made up about 60% of Iranian university students, while today this number has decreased to less than 50%. A decade ago, Saudi women represented 58% of university students, while the current number is 55.8%. In both countries, however, women face gender discrimination if they choose majors that are considered only fit for men. And their economic structures don't allow many educated women to join the workforce. According to the latest World Bank data, women make up just 15.8% of the workforce in Saudi Arabia and 19.5% in Iran.

The Saudi and Iranian states also exhibit the same political behavior in dealing with women's rights activists. Loujain al-Hathloul, one of the most vocal activists in fighting for women's right to drive in Saudi Arabia, was conditionally released after spending 1,001 days in prison, amid widespread international pressure on the government. There are still several female advocates in Saudi prison. In Iran, jail sentences were recently approved for two feminists who were trying to educate women on how to claim their existing legal rights in marriage contracts. Both countries even use the same rhetoric when it comes to accusing these activists. For years, the Iranian government has accused women's rights activists of conspiring with "foreign enemies." The Saudi indictment also claimed that women's rights activists were "executing [a] foreign agenda" and the Saudi media went as far as calling them "part of an Iranian terrorist cell who were trained to target the kingdom."

The Islamic Republic's hardline media often cover the news of human rights violations and repression of social movements in the West in considerable detail, but the arrest and torture of Saudi women activists hardly get covered. Perhaps this is because they know all too well that chickens eventually come home to roost.

Feminism in Iran has historically overlooked the struggle of women in the GCC region, particularly in Saudi Arabia. Receptive to the Western orientalist discourse, it was often assumed that the Saudi society could not possibly generate any kind of vibrant and enduring feminist movement. The kingdom was only used as a trope to explain the way the Islamic Republic treats women, or as a warning of how much worse things can get. For example, in 2012 when hardliners in Iran's Parliament, the Majlis, drafted a bill to prevent women under the age of 40 from leaving the country without the permission of a male guardian, Elaheh Koulaei, a former reformist MP, said in opposition that "they want to apply the Saudi Arabian style of living for women in Iran."

### **Changing attitudes**

This attitude has changed, however, given the recent advances in social freedoms in the kingdom and, at the same time, the prosecution of Saudi feminist activists. Iranian feminists have become more interested in monitoring the developments in Saudi Arabia.

Many Iranian women's rights activists are conscious to avoid falling into the trap of comparative suffering. The editors of Bidarzani — an online feminist platform in Iran — told me that it is both the Saudi and Iranian states' political agenda to get their people obsessed with arguing over which country is the worst when it comes to

women's condition: "Governments use such criteria for their battle of power, but it cannot depict the real picture of our societies."

However, Bidarzani's editors are highly skeptical about the top-down reforms taking place in the kingdom: "It is abundantly obvious that these reforms are nothing but window-dressing" when juxtaposed with "the state of imprisoned women's rights activists, some of whom have even endured physical and sexual torture." The editors of Digari — an online collective platform run by a group of women's rights activists in Iran that focuses on discrimination against ethnic and religious minority women as well as immigrants — told me that Iranian women experienced this kind of "top-down reforms" several decades ago. They referred to the Iranian autocrat, Reza Shah, who in 1936 as part of his modernizing project issued a decree banning women from wearing hijab. A royal order "cannot change the minds of Saudi men at home," Digari editors explained, adding that, "the order can get reversed as easily as it was decreed."

### **Barriers to communication**

Even though women's rights activists in both countries have experienced living under religious authoritarian regimes, they have seldom established organic relationships. Language barriers aside, the prevailing clichés constantly reproduced by both states promote a distorted image of Iranian and Saudi women as the ultimate "Other," contributing to a lack of interest in truly getting to know each other.

But it is the highly securitized environment in the two countries, and the precarious condition of women's rights activists under state surveillance, that prevents them from communicating. A young Iranian feminist told me that she once met a Saudi feminist at an international conference and exchanged emails to stay in touch, but fearing the watchful eye of Big Brother, hid the email address somewhere so obscure that she could no longer remember where it is! The editors at Digari added that they are very concerned for Saudi activists: "Because of their attitude toward Iran, the Western governments often make more noise about the oppression of women's rights activists, but they have never done the same for Saudi Arabia. This increases our concerns for the safety of Saudi women's rights activists."

### **Q.5 What are the international frameworks and instruments to ensure availability and provision of human rights to all? Please explain.**

The international human rights movement was strengthened when the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10 December 1948. Drafted as 'a common standard of achievement for all peoples and nations', the Declaration for the first time in human history spelled out basic civil, political, economic, social and cultural rights that all human beings should enjoy. It has over time been widely accepted as the fundamental norms of human rights that everyone should respect and protect. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the so - called **International Bill of Human Rights**.

A series of international human rights treaties and other instruments adopted since 1945 have conferred legal form on inherent human rights and developed the body of international human rights. Other instruments have been adopted at the regional level reflecting the particular human rights concerns of the region and providing for specific mechanisms of protection. Most States have also adopted constitutions and other laws which formally protect basic human rights. While international treaties and customary law form the backbone of international human rights law other instruments, such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development. Respect for human rights requires the establishment of the rule of law at the national and international levels.

International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.

Through ratification of **international human rights treaties**, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.