‘Domesticating’ the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in Pakistan
Dr Shaheen Sardar Ali (Warwick University)

Event summary by Sara Jaffri (SOAS Masters, Development Studies)

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was ratified by the government of Pakistan in 1996, but the question of its implementation and relevance remains open to question.

While the CEDAW represents a positive move towards defending women’s rights, its adoption seems to be less than straightforward in the context of the state and civil society in Pakistan. The CEDAW was initially welcome by the government out of embarrassment that it had been lagging behind on the question of protection for women, but only on the condition that the convention be introduced in accordance with Shari’a law.

There is much reason to be sceptical about whether the CEDAW is anything more than a symbolic gesture. The hesitation to embrace the CEDAW by Pakistan’s legal community may stem from the fact that it is seen as a foreign convention, funded by foreign parties and therefore unlikely to make any serious gains for women in Pakistani society. In Dr Ali’s words, “funded advocacy is not advocacy”.

This is not to say that the CEDAW is inherently flawed, but simply that ratification does not equal the internalization of its values. To date, there have been only two cases in Pakistan where the CEDAW has been utilized. It appears that most national judges seem to prefer the use of national laws which they are more familiar with. From her association with judges in Pakistan, Dr. Ali infers that they do not see the need to make reference to an additional layer of law in legal proceedings.

There are examples of the Pakistani judiciary incorporating CEDAW- friendly legislations, but these are not attributed directly to the convention. This may be a signal that the elements of anti-discrimination are already present in the domestic context. A case in Punjab (Shirin Munir, 1990) demonstrates that there was in fact a pre-existing legal framework for human rights prior to the adoption of the CEDAW.

The concern about whether or not the CEDAW makes genuine gains for women in Pakistan’s legal system was shared by audience members. In response to questions about whether or not additional laws were really necessary, Dr Ali shared her experiences in Pakistan, Mexico and Egypt, highlighting that there has been a strong rally for the CEDAW in these countries in order to add an extra level of accountability on the state.

While it is not an adequate measure on its own, the adoption of the CEDAW may assist in bringing further attention to the question of gender equality in Pakistan. Perhaps, in a limited manner, its ratification is a welcome step in the legal struggle against women’s oppression in an environment where patriarchy dominates and Islamic discourse is readily mobilized to abuse women’s freedom.