

# NEW YORK CITY BAR

**BETTINA B. PLEVAN**  
**PRESIDENT**  
Phone: (212) 382-6700  
Fax: (212) 768-8116  
bplevan@nycbar.org  
www.nycbar.org

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General Pervez Musharraf  
President of the Islamic Republic of Pakistan  
c/o Embassy of the Islamic Republic of Pakistan to the United States  
3517 International Court, N.W.  
Washington D.C., 20008

Dear President Musharraf:

I am writing on behalf of the New York City Bar Association to respectfully urge the Pakistani government to take expedient measures to comply with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a treaty to which it acceded nearly ten years ago on April 12, 1996. We were extremely disappointed to learn that the Pakistani government just a few weeks ago pressured the United Nations to cancel a speech by Mukhtar Mai, an advocate for women's rights, which was to be delivered in the United Nations on the same day as a speech by the Prime Minister of Pakistan. We urge you to mark the tenth anniversary of Pakistan's accession to CEDAW by making true progress toward ensuring equality for women by taking actions such as encouraging the National Assembly to repeal discriminatory laws, ensuring that laws are enforced equitably, and enhancing public education programs aimed at achieving gender equality.

The Association is an independent non-governmental organization with a membership of more than 23,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and 50 other countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, including within the United States. Among other things, the Association has urged that the United States itself ratify CEDAW, having signed it during the administration of President Carter.

It is unfortunate that nearly a decade after it acceded to CEDAW, some of the discriminatory laws and practices that existed in Pakistan when it ratified CEDAW continue to persist. Emblematic of such laws is the Offence of Zina (Enforcement of Hudood) Ordinance No. VII of 1979 ("Zina Ordinance"). The

Zina Ordinance, among other things, criminalizes sex outside of marriage and requires a woman to provide the testimony of four men who witnessed the rape in order to prove that she was raped. Not only are certain aspects of the Zina Ordinance discriminatory on their face, but international attention has also focused on the discriminatory impact of the Zina Ordinance. It has been widely reported that women who are raped may be charged with adultery under the Zina Ordinance if they are unable to produce four male witnesses to the rape. Indeed, a substantial majority of women in Pakistani jails are accused of adultery.

The Zina Ordinance violates several provisions of CEDAW, most notably Article 15, which requires that women be equal with men under the law. Under Article 2 of CEDAW, Pakistan must take all efforts to eliminate discrimination against women and must amend or repeal discriminatory penal codes. The Zina Ordinance also violates Section 7 (among others) of the Universal Declaration of Human Rights, which many nations acknowledge is binding upon them as customary international law. In addition, the Zina Ordinance appears to contravene Article 25 of the Pakistani constitution, which provides that “there shall be no discrimination on the basis of sex alone.” The National Commission on the Status of Women, an independent body composed of Pakistani scholars and jurists, called for the repeal of the Zina Ordinance in its entirety in a report issued nearly three years ago.

We are extremely disappointed that the National Assembly of Pakistan recently failed to adopt a bill that sought to repeal certain portions of the Zina Ordinance. We urge you to take action to encourage the National Assembly to re-introduce and adopt this bill. Your leadership with respect to the Zina Ordinance, and more broadly with respect to CEDAW compliance generally, is urgently needed.

We urge you to encourage CEDAW compliance more broadly by not only encouraging the repeal of discriminatory laws, but also ensuring that laws are not enforced in a discriminatory manner. We ask you to ensure that those who perpetrate crimes against women such as “honor killings” be punished for their crime rather than receive lenient or no sentences on the basis of purported mitigating circumstances or the law of *Qisas* and *Diyat*. Finally, we encourage you to undertake measures such as public education programs to raise awareness of the principles of equality enshrined in CEDAW.

Thank you for your attention to this significant legal issue.

Sincerely,



Bettina B. Plevan