

PAKISTAN

Women's human rights remain a dead letter

No progress towards the realization of women's rights after the ratification of the Convention on the Elimination of all Forms of Discrimination against Women

“State parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.” Convention on the Elimination of All Forms of Discrimination against Women, Article 3.

One year after the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women in March 1996, there are no signs that the authorities in Pakistan are taking serious steps to safeguard and protect the human rights of women. Explicit discrimination in law against women has not ended. Women continue to be subjected to arbitrary detention and torture, including rape, which police and other security personnel commit with virtual impunity. Bonded labour, domestic violence and a tribal system of retribution all of which subject women to cruel treatment and even death, have not been stopped due to complicity, acquiescence and indifference of state officials. The human rights abuses to which women and girls are subjected in Pakistan have not decreased since Amnesty International described these in its report of December 1995, Women in Pakistan: Disadvantaged and denied their rights, (AI Index: ASA 33/23/95).

The Convention is rooted in the spirit of the UN Charter which “*reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women*”¹. The first 16 articles of the Convention identify the substantive commitments which state parties make when ratifying the Convention²; these include, in Article 2(f), the commitment to “*take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women*”.

¹Preamble of the Convention

²The next 14 articles detail procedures for setting up a treaty body to monitor the implementation of the Convention's provisions, and concern other procedural matters.

Pakistan ratified the Women's Convention on 12 March 1996, with the reservation that no provision which conflicts with the Constitution of Pakistan would be adopted.³ Despite the international obligation to amend or repeal domestic laws which conflict with the Convention and to ensure the end of discriminatory practices, the Government of Pakistan has taken no effective steps to end discrimination against women.

Developments relating to the status of women in 1996

The government of Benazir Bhutto announced some measures to improve the situation of women. The federal cabinet said in June 1996 that the death penalty for women would be abolished, arguing that women were seldom involved in heinous crimes such as terrorism or murder which are punishable with death. However, following protests by Islamic groups, the government announced that death sentences imposed as mandatory punishments under sections of the penal code which are adopted from Islamic law would be retained. A bill to that effect has not been passed by parliament yet. Observers of women's rights issues in Pakistan do not view this bill as a significant instrument to secure women's fundamental rights. Another bill which has also not been voted into law yet is the Juvenile Offenders Bill. It was approved by the federal government in June 1995. If passed by parliament, it would benefit all children, including girls, as it stipulates that no child - a person below 16 years of age - will be sentenced to death or life imprisonment or be subjected to judicial amputation, whipping, fettering or other corporal punishment or be sentenced to labour. Another government measure was to set up a Fund for Women in Distress and under Detention following Senate approval in July 1996 intended to provide legal aid to women.

Participation of women in political institutions has not been encouraged. Women's votes were crucial in making Pakistan the first Muslim state to have an elected woman prime minister in the late 1980s. When Benazir Bhutto assumed office in December 1988, expectations were high that she would ensure the abolition of laws and practices which discriminate against women. These hopes were revived when she assumed office a second time in October 1993 but her government appeared to move in the opposite direction. In late 1990, the reservation of 20 seats for women legislators in the National Assembly (out of 207) and for five per cent of seats in the provincial assemblies were allowed to lapse, without replacement. At present, women have no guaranteed representation in the assemblies.⁴

³By ratifying the Convention, Pakistan became the 151st state party to the treaty and the 12th Muslim nation to do so, 15 years after it came into force. The Convention was adopted by the UN General Assembly in December 1979 and entered into force in September 1981 after twenty countries had ratified it.

⁴Under the Constitution of 1973, 10 seats were reserved for women in the National Assembly; this was increased to 20 seats in 1985. The reservation of seats was to be in force for a limited period of time which the Election Commission interpreted to have ended in 1990.

In the general elections in February 1997, 35 women contested the elections - a larger number of women than ever before (1993: 11); however, only six women (1993: four) were elected to the National Assembly. In simultaneous elections to the provincial assemblies there were 17 women candidates but only one was successful (1993: seven). Compared to the total number of seats (207 in the National Assembly and some 460 in the four provincial assemblies), the low number of women legislators means that women are grossly under-represented in the assemblies and consequently women's concerns appear to be infrequently voiced and taken into account in policy and law-making.

Women in the tribal areas faced religious and social censorship when they sought to exercise their right to political participation. Inhabitants of the tribal areas of Pakistan were granted adult franchise in late 1996 by the caretaker government of Prime Minister Malik Meraj Khaled, but many men prevented their female relatives from voting in February 1997. A tribal *jirga* (council) in January decided that the house of anyone who permitted women to cast their votes would be burned down. Consequently few women dared to vote. In the Khyber Agency, 16 women out of a total of 700 registered women voters cast their votes in one constituency; in Jamrud, another constituency, 90 out of 900 registered women voters cast their votes before tribal elders intervened and broadcast warnings through the mosque loudspeakers. Maulana Abdul Hadi, head of the *Tanzim Ittehad Ulema-i-Qabail* (Alliance of Tribal Religious Scholars) said: "Voting by women is un-Islamic and also against our traditions". He announced that suitable punishment would have to be found for an election candidate in the Khyber Agency who had brought women to the polling station.

Amnesty International is not aware of any actual punishment imposed on women voters or candidates seeking women's votes but the low turnout of women voters in the tribal areas indicates that the government had not taken adequate measures to prevent these intimidating practices.

Persistence of discriminatory laws

The Constitution of Pakistan in Article 25(1) unequivocally states: "All citizens are equal before the law and are entitled to equal protection of law." Article 25(2) says: "There shall be no discrimination on the basis of sex alone". The Zina Ordinance, however, violates both the constitutional assertion of equality before the law and provisions of the Women's Convention, in that it effectively provides for the imprisonment of women solely on grounds of gender. It also prescribes cruel, inhuman and degrading punishments to women, discriminates against girls and can lead to women who have been subjected to rape being imprisoned on charges of *zina* (extramarital sexual intercourse). The law also underpins the impunity with which custodial rape is committed - women aware of the discriminatory nature of the Zina Ordinance, are rightly afraid to bring complaints against police officers.

The Zina Ordinance of 1979 encompasses *zina*, rape and abduction for the purpose of committing a sexual offence. *Zina* and rape attract different punishments according to the evidence on which the conviction is based. The most severe punishments are *hadd* (literally: the limit) punishments which judges must impose irrespective of mitigating circumstances in all cases where certain evidentiary requirements are fulfilled. If a *hadd* punishment cannot be imposed but the court is convinced of the guilt of the offender, it may impose the lesser *ta'zir* (literally: to punish) punishment; in such cases judges have some discretion within certain defined limits. The evidence necessary to impose the *hadd* punishment for *zina* and rape consists of the confession of the offender or the testimony of four Muslim men of good repute who are eye-witnesses to the offence. The testimony of a woman, even if she is the rape victim, does not count as evidence. Women's testimonies are only relevant if the *ta'zir* punishment is to be given.

Amnesty International said in its report Women in Pakistan: disadvantaged and denied their rights (AI Index: ASA 33/23/95) about the Zina Ordinance that women may in effect be imprisoned under it solely on grounds of gender: "As a result of this legislation, women may be convicted on the basis of procedures and rules of evidence which are clearly discriminatory".

The Zina Ordinance clearly breaches requirements of the Women's Convention which in Article 15(1) demands:

"State Parties shall accord to women equality with men before the law".

The Women's Convention requires state parties to repeal existing laws which discriminate against women, to prohibit discrimination of women in law and to refrain from passing laws which discriminate against women. Article 2 says:

"State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: ...

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women"

The Zina Ordinance also discriminates against girls who may be subjected to harsher punishments than boys. The ordinance stipulates that the *hadd* punishment may not be imposed on children but its definition of adulthood discriminates against girls: A boy is held to be adult if over the age of 18, but a girl is adult for the purpose of this ordinance once she has attained puberty. Consequently girls who may reach puberty as early as 11 or 12 years of

age are considered adult and may be subjected to *hadd* punishments such as public stoning while the same punishment may only be imposed on males at the age of 18.⁵

Women who are victims of rape may themselves be prosecuted, convicted and imprisoned for unlawful sexual intercourse, *zina*, if they fail to prove rape. The court then takes the fact that a rape charge was brought as proof that intercourse did take place; pregnancy resulting from rape is also taken to prove intercourse. Men originally accused of rape have in some cases been acquitted while the woman victims have been convicted of *zina*. Only women can be subjected to this severe miscarriage of justice in which the victim of a serious offence, namely rape, becomes - wrongly - the accused of another offence, *zina*; in so far as the Zina Ordinance allows for this, it violates the principle of equality before law laid down in Convention Articles 2 and 15.

Charges of *zina* and rape may also be wrongly brought against couples in Pakistan on the basis of discriminatory interpretations of the family law which could lead to their imprisonment, cruel punishment or even a death sentence. Two recent judgements of the Lahore High Court may be cited to indicate the scope for arbitrary and discriminatory interpretations of the Muslim family law governing marriages which could widen the ambit of the Zina Ordinance.

On 25 September 1996, a single bench of the Lahore High Court consisting of Justice Abdul Hafeez Cheema ruled that a Muslim woman may not marry without the consent of her *wali* or male guardian - usually the father or grandfather - and that any marriage contracted by her without this consent is void⁶. The judgment implies that men are free to marry or re-marry without anybody's consent except that of the prospective wife while no woman, whatever her age, may validly contract her own marriage without the consent of the *wali* or act as the *wali* for her daughter.

⁵In addition to conflicting with the requirement of the Women's Convention that men and women be equal before the law, this provision of the Zina Ordinance - and that which allows public flogging for children of either gender and of any age - runs counter to Pakistan's commitment as a state party to the UN Convention on the Rights of the Child which in section 37(a) states:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age."

⁶ The judgement said: "No marriage except the marriages of the Holy Prophet ... is valid without the permission of the wali of the woman proposed to be married. ... If the consent of a wali is required for marriage, the consent of the bride or bridegroom is equally essential and no marriage is valid without these two consents... The fact that the consent of the wali is essentially required for a valid marriage ensures the existence of a solid society."

The judgment came in cases brought by two women, Ayesha Ijaz of Toba Tek Singh and Shabina Zafar of Faisalabad who had married men of their choice. Their fathers registered cases against the two women alleging that since they had married without their *wali's* consent, the marriages were void and they had committed the offence of *zina*. The two women then moved the court to have the cases quashed, arguing that they were *sui juris* (i.e. had the legal capacity to act independently after attaining majority) and competent in law to get married with partners of their choice. The judgement upheld that the couples be prosecuted for *zina* as the marriages had been consummated⁷. The Supreme Court on 23 October 1996 suspended the judgement following the admission of the appeal; the court returned the women to their fathers' custody but restrained the fathers from arranging their daughters' marriage to anyone else before a Supreme Court decision. The appeal is still pending.

However, in another similar case, a three-member bench of the Lahore High Court on 10 March 1997 split 2-1 in a majority decision that the consent of the *wali* is not required for a marriage to be valid. Saima Wahid's marriage to Arshad Ahmad had been challenged by her father whose consent she had not obtained when she contracted her marriage. She spent 11 months in a women's shelter for fear that her father might kill her.

The cases have generated extensive debate in Pakistan. Judge Cheema's ruling conflicts with previous judgments which had viewed Muslim marriage as a civil contract between men and women who were free to enter the contract if they had attained puberty and were *sui juris* and had the marriage performed in the presence of witnesses and on payment of dower by the groom to the bride. Women activists have argued that marriages of Pakistani Muslims are governed by the Muslim Family Laws Ordinance of 1961 which in section 5 dealing with the registration of marriages does not require the consent of the *wali*. The standard marriage contract, the *nikahnama*, prepared and printed under the Muslim Family Laws Ordinance, requires only the signature of the bride and groom and of two witnesses and makes no provision for the signature or recording the consent of the *wali*. Moreover, women activists have pointed out that under the Ordinance a minor girl may repudiate a marriage contracted by her father for her against her will once she reaches majority, provided the marriage has not been consummated. If a girl is competent to disown her father's decision or consent on attaining puberty under the "option of puberty" (*Khairul-Buloogh*) clause, his consent should not be required for adult women choosing their marriage partners. One lawyer, Naeem-ur Rahman, said justice Cheema's judgement was a "retrograde step that pushes women back one hundred years and shows that the courts are abdicating their responsibility to protect and advance the position of women" (*Newsline*, October 1996).

⁷The judgement said: "... the marriage contracted by both the petitioners is wholly void being without the consent of their walis and as such the cases have been rightly registered. The police would be at liberty to investigate the cases and to take them to their logical conclusions. There is no merit in the writ petitions which are hereby dismissed."

Clearly the ruling of justice Cheema and the opinion of the dissenting judge in the judgement of 10 March conflicts with constitutional guarantees of equality (Article 25) as also with the insistence of the Women's Convention on equality of men and women before the law. Article 5 requires:

“State Parties shall take all appropriate measures ... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotype roles for men and women.”

Article 14 says:

“State parties shall accord women in civil matters a legal capacity identical to that of men and the same opportunities to exercise that capacity. State parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.”

Convention Article 16 further says:

“State parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;*
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; ...*
- (d) The same rights and responsibilities as parents ...*
- (f) The same rights and responsibilities with regard to guardianship ...”*

Amnesty International is concerned that discriminatory interpretations of the family law may result in hundreds of marriages in Pakistan contracted without the consent of the women's *wali* being considered void. All those women who contracted a marriage without the consent of the *wali* could on such interpretation be held to live in an unlawful sexual relationship, of which pregnancy or the birth of children would be undeniable proof. In all these cases, fathers whose consent was not sought or given might initiate prosecution against their daughters for rape⁸ or against husband and wife for *zina* leading to their imprisonment, cruel punishment or even death sentence. Amnesty International agrees with the concern

⁸A woman can under the Zina Ordinance be charged with rape if she has sexual intercourse with a man when she knows that his consent is based on his mistaken belief that he is validly married to her.

expressed by leading women's and human rights groups, War against Rape (WAR), Women's Action Forum (WAF) and the non-governmental Human Rights Commission of Pakistan (HRCP) which in a joint statement have warned that "this judgement ... will further widen the ambit of the Zina Ordinance, resulting in further persecution of women", including imprisonment arising directly from gender discrimination enshrined in law.

The Zina Ordinance prescribes punishments which are cruel, inhuman and degrading and thus prohibited under international human rights standards. The *hadd* punishment for zina and rape are either stoning to death in a public place or 100 lashes administered in public. The *ta'zir* punishment for *zina* is imprisonment for up to 10 years, 30 lashes and a fine; for rape it is imprisonment for between four and 25 years, 30 lashes and a fine. Under the law, both men and women face these cruel punishments but courts have in practice been more lenient to men than to women and have acquitted men or given them lighter sentences than women.

Although torture and other cruel, inhuman and degrading treatment or punishment are not specifically addressed in the text of the Women's Convention, the Committee on the Elimination of All Forms of Discrimination against Women stated: "Gender based violation which impairs and nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions is discrimination within the meaning of Article 1 of the Convention. These rights and freedoms include (a) the right to life; (b) the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment..." (Committee on the Elimination of All Forms of Discrimination against Women, General Comment No 19, 11th Session, 1992).

Even before Pakistan ratified the Women's Convention, the government in October 1994 set up the Commission of Inquiry for Women, comprising lawyers, women activists and members of government headed by a Supreme Court judge. Its mandate is to examine all existing laws as to the way in which they affect women, to identify those that discriminate against them and to suggest ways to amend them. On 26 October 1996, the Commission headed by Supreme Court judge Nasir Aslam Zahid expressed its resolve to submit its final report to the government by 31 December 1996. In November 1996, it circulated a questionnaire to solicit the opinion of NGOs and the interested public on certain issues affecting women. (For a list of these questions, see the appendix.) To Amnesty International's knowledge, as of early March, the Commission has not submitted its report; neither had any legislative measures been initiated by the time the government of Prime Minister Benazir Bhutto was dismissed in November 1996.

Custodial rape and other gender specific forms of torture

Rape of women detainees in the custody of the police and the paramilitary agencies is one of the most persistent human rights violations in Pakistan which has been ignored by successive

governments. In view of the magnitude of the problem, the Lahore High Court directed police in January 1996 to strictly implement the provisions of the Code of Criminal Procedure regulating arrest, detention and interrogation of women defendants, female witnesses and female complainants. These provide, following an amendment of 1994, that women may not be interrogated except in the presence of female police staff and may not be held in police custody over night. These procedural requirements are routinely ignored. Women continue to be held in police lockups overnight where they are often subjected to rape and other forms of torture. Victims of torture, including rape, continue to find it difficult to register complaints with police; even if the police register the complaint, they often refuse to investigate and instead shield the offenders.

Amnesty International is aware of women who after being subjected to rape, have been threatened by police to withdraw their complaints or face further torture or ill-treatment of themselves or their families. Many victims and their families prefer to keep quiet fearing further police torture. In a seminar in March 1996 in Lahore, the city's Deputy Commissioner, Kamran Lashari cited the example of a sub-inspector of police who, he said, had raped a 13-year-old Christian girl but escaped prosecution as he threatened her family with dire consequences after which they said in court that no rape had taken place at all.

The Zina Ordinance continues to facilitate custodial rape: victims are afraid to report rape. Unless women can conclusively establish, by medically attested evidence of injuries, that they were in fact subjected to rape, they run the risk of being charged with *zina* and tried, convicted and sentenced to cruel, inhuman and degrading punishments for confessing to intercourse outside marriage. Police, who are aware of the discriminatory nature of the Zina Ordinance, appear to exploit women's fear of bringing charges of rape.

Police are also reported to ignore public humiliation and rape of women by local influential people rather than protecting these women as they are meant to. On 1 October 1996, 55-year-old Karim Mai was stripped by agents of a local landlord in Mir Hazar Tehsil Jatoi, district Muzaffargarh, North West Frontier Province because he suspected that Karim Mai's son had an illicit relationship with the landlord's daughter. Karim Mai was forced to run naked in front of the landlord's car, later to sit on the bonnet of the car passing through the village streets. Male family members were beaten by the landlord's friends which reportedly led to the death of one man, Nazir Ahmed, in Nishtar Hospital Multan on 18 October 1996. Local police, present during the incident, did not take any action to stop the public humiliation of Karim Mai and later refused to register the complaint. Over two months later, following a petition to the provincial high court, criminal charges were reportedly registered against sixteen persons on Karim Mai's complaint. However, none of the accused have to Amnesty International's knowledge been arrested so far.

Torture, including rape and sexual humiliation were used to intimidate, punish and humiliate dozens of women activists or to make them change their political loyalties under the first

period of office of Prime Minister Mian Nawaz Sharif (see: Pakistan: Reports of torture and deaths in custody, AI Index: ASA 33/05/91). This practice was not continued during the periods in which Benazir Bhutto held office, i.e. 1988 to 1990 and 1993 to 1996. The organization urges the government of Mian Nawaz Sharif to ensure that such human rights violations do not recur and to put in place institutional and legal safeguards to help prevent their recurrence.

Persistent lack of protection of women against abuses

The widespread abuse of women in their domestic spheres, in their tribal settings or in the context of bonded labour has continued unabated. It has been widely reported in the news media and documented by human rights organizations. Yet the government has persistently failed to protect the victims and prevent the recurrence of rape, injuries and killings. Perpetrators have hardly ever been charged and tried and those at risk cannot rely on the state's protection and redress. The pattern of impunity surrounding these abuses which arise from systemic discrimination against women, point to the gross failure of the state to honour its obligation to guarantee women the exercise of their fundamental rights on the basis of equality with men.

There is no law to address domestic violence and the disadvantages women suffer in society prevent the majority from seeking and obtaining redress. Few women in Pakistan have been provided with information about their rights, fewer even have the means to seek their implementation. Domestic violence is considered a domestic matter, not subject to government "interference". Some 95 per cent of women are believed to be subjected to such violence, including being threatened, beaten, burned, strangled or disfigured with acid.

Every year an increasing number of women are burned to death in alleged stove burn incidents by their own husbands or their husbands' relatives; the reason for these murders cited by women's groups are insufficient dowry, alleged infidelity, domestic feuds and assumed female infertility or absence of a son. Fear of further abuse and lack of access to state protection force burn victims who survive to cover up the offence by declaring that the injuries resulted from an accident. Women do not as a rule charge their husbands or their husbands' families with murder as they and their children have nowhere else to go if they survive. Parents often refuse to take their battered or burned daughters back from abusive husbands as they fear social censorship, shame or the added financial burden. The few existing shelters for women are totally inadequate to care for women who cannot return to their families.

Burn units in hospitals remain inadequate. In Lahore, between 60 to 70 burn victims are struggling for life at any given time - at a survival rate of under 10 per cent - in the indoor units of hospitals; many more with first degree burns are treated in out-patient departments yet Lahore has only one single 10-bed burn unit at the Mayo Hospital. Doctors and women

activists have pointed out that the low priority given to expanding burn units is due to the fact that burn victims are usually poor and female.

The increase in women burned to death has led the High Court in Lahore to direct that all burn cases be investigated by police - a directive which seems to be ignored or only casually implemented. The HRCP stated that police frequently connive with the murderers to cover up the offence by declaring the death to be due to an accident or a suicide.

Women are also increasingly subjected to acid throwing by male family members, often on the mere suspicion of the victim dishonouring her family, or in revenge for a girl's family refusing a marriage proposal. Victims and victims' families often refrain from filing complaints as police habitually or after receiving a bribe, side with the offender.

The exploitation of women as bonded labourers has persisted. The HRCP released hundreds of bonded labourers in 1996 from the unlawful bondage of rural landlords in Sindh. The women among them reported that landlords and their managers habitually sexually abused them and that they did not know who was the father of some of their children. The greatest hurdle to the liberation of more bonded labourers has been the lack of rehabilitation and creation of employment opportunities for the freed labourers who often have no option other than to accept another bondage. According to the HRCP, none of the landowners in breach of the Bonded Labour System (Abolition) Act of 1992 has been held to account so far, largely because law enforcement officers and local administrators are recruited from among members of the land-owning families or personally, socially or politically allied with them.

Many well-documented customs in tribal communities of Sindh, lower Punjab and Balochistan adversely affect women yet no government has taken decisive steps to curb them. The tradition of *karo-kari* (see: [Women in Pakistan: Disadvantaged and denied their rights](#)) decrees that any man or woman who has an illicit relationship dishonours the tribe and must be punished with death. Although equally applicable to men, in practice it is used to harass, punish and intimidate women. In recent years the practice of *karo-kari* has been widely abused for other criminal purposes, facilitated by the fact that virtually no one is criminally prosecuted for a *karo-kari* killing. According to the HRCP, families sometimes dub an older female family member *kari* (adulteress) and eliminate her and subsequently name a man as *karo* (adulterer) in order to extract compensation for the death from him. In other cases, honour killings serve as a pretext for the violent settling of property disputes; sometimes ordinary murders are camouflaged in this way to evade prosecution, a practice which the state simply appears to ignore.

In just over three months, between 5 January and 15 March 1996, some 66 cases of *karo-kari* killings were recorded in the Sindhi language dailies for Sindh province; the victims were 27 men and 39 women. The Sindhiani Tehrik (Sindhi Women's Movement) stated in March 1996 that during the previous 15 months, some 246 people, including 148 women had been subjected to *karo-kari* killings in Sindh. Some men accused of illicit sexual relations were

reportedly let off by paying compensation - often by handing over female members of their own families to the family of the offended woman. Accused women not killed for their alleged sexual misbehaviour were sometimes handed over to the local feudal lords, either to be held as domestic servants or to be sold by them.

The related practice of *siahkari* (black adulteress) involving the killing of women alleged to have engaged in illicit sex, was declared by the Balochistan High Court to constitute murder, to be investigated under the usual process; but this has not stopped it. A seminar organized by the Democratic Women's Association of Pakistan in Quetta in March 1996 noted that some 171 people, including 110 women had been killed in different parts of the country under the system of *siahkari* during 1995, yet the authorities had taken no steps whatsoever to stop the practice and bring the perpetrators to justice.

Society at large and police, despite their task of investigating offences, tacitly condone the so-called honour killings - killings of a woman on suspicion of dishonouring her husband or family by supposedly engaging in an illicit relationship. Homicidal attacks by husbands or brothers on the mere suspicion of infidelity are still viewed by society as acceptable responses to "grave and sudden provocation"; the punishment, if the offence is at all brought to trial, is usually likely to be only a few years' imprisonment.

In Pakistan's North West Frontier Province and the tribal territories, the practice of *swara* persists according to which young girls and women are handed over to rival parties to settle disputes or conflicts. The practice was originally used to end feuds between enemies as the blood ties thus established were expected to create a blood bond which would put an end to the feud. Today if a man has committed an offence against a particular family, his younger sister is frequently delivered to the aggrieved family so that they may not initiate prosecution or seek formal redress. Women given as *swara* usually do not enjoy the full rights of a married woman.

A similar practice has been reported from Southern Punjab where women are sometimes punished for offences committed by their male relatives. In early August 1996, a young man in Lodhran district attempted to rape an eight-year-old girl but let go of her when she screamed. The local *panchayat* (village council) reportedly declared that the father of the girl, Mohammad Ramazan, had the right to rape the assaulter's mother, Akbar Mai. The *panchayat* reportedly forcibly handed over Akbar Mai to Ramazan for the implementation of its decision. Subsequently a case was registered against six *panchayat* members as well as Mohammad Ramazan but apparently the more influential *panchayat* members were not charged. Some of the accused were arrested but it is not known if the police investigation is proceeding.

Amnesty International's recommendations

Having gained a majority in the National Assembly, the Muslim League government of Prime Minister Mian Nawaz Sharif is in a strong position to end some of the human rights violations and discriminatory laws and practices to which women in Pakistan are exposed. Amnesty International calls on the Muslim League Government to:

- abolish the Zina Ordinance because it discriminates against women and effectively permits their imprisonment on grounds of gender; it prescribes cruel, inhuman and degrading punishments; it discriminates against girls; and it permits rape victims to be prosecuted for the offence of illicit sexual relations;
- ensure that all legal safeguards available under the law to women in custody are fully and meticulously implemented and that all those who fail to implement these safeguards are held to account;
- abolish in all circumstances all cruel, inhuman and degrading punishments including the death penalty for women as a step towards the eventual abolition of the death penalty;
- ensure that girls who are often the most vulnerable members of society are suitably protected against discriminatory laws and practices;
- ensure that unlawful practices including *karo-kari*, bonded labour and tribal justice systems adversely affecting women are ended, and those still engaging in them are held to account;
- fully and speedily implement all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international standards on women's rights, including the UN Declaration on Violence against Women as also to submit a full report to the Committee on the Elimination of All Forms of Discrimination against Women as required by Article 18 of the Convention;
- ratify other international human rights treaties including the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, to internationally and nationally commit itself to the promoting and safeguarding of all human rights.

Appendix:

Questionnaire circulated by the Commission of Inquiry for Woman in November 1996

1. Identify laws, rules and procedures either discriminatory or disadvantageous to women or female children in Pakistan. Give suggestions for reforming the same.
2. What is your opinion about the hudood law relating to zina? Has it realised its stated objective? give suggestions for reform.
3. Suggest measures for legal/procedural reforms, to ensure that women's rights to inheritance are fully and effectively enforced.
4. Suggest measures for legal and procedural reforms to ensure that women's and children's rights to maintenance are fully and effectively enforced.

5. List customs and practices discriminatory to women in your area. How can these be reformed?
6. Do women face any practical problems/obstacles while seeking legal relief? Describe the nature of such problems/obstacles and suggest measures for reform.
7. Identify areas/services where women do not receive equal pay for equal work.
8. Are women given equal rights under the labour laws? Identify discrimination, if any.
9. Are there discriminatory provisions in service laws/rules/policies? Please identify.
10. Suggest ways and means for improving women participation and representation to elective bodies.
11. How can legislation help in expanding public transport service to women?
12. How can the system of public conveniences, especially provision of public toilets for women, be improved?
13. Suggest measures for preventing the incidence of domestic violence against women and children.