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Foreword

Life is a blessing if it is afforded with equity and dignity. A life spent in anguish of inequity and indignity becomes a burden. Women continue to live a life full of strife, exploitation and inequity. This burden weighs over their aspirations. Women of Pakistan enjoy the equal status and a right to a life of dignity according to the Constitution and Islam. Contrarily, these two guarantee nothing much to the female citizens of Pakistan when it comes to equal rights. The majority of women still wait to be recognized as equal partners in life despite of all guarantees, and the responsibilities that they are entrusted with. Women suffer the vagaries of life more than men, and the society continues to treat them with indifference.

National Commission on the Status of Women has an ambitious mandate to act as the conscience of the government by reviewing policies and laws and making recommendations thereof. Its most difficult task is to combat the indifference prevalent in the society at every level. Indifference, is worse than hate, and is not a phenomenon to be corrected by laws and policies. It is a mindset. Societies are more governed by attitudes than by laws and policies. If these attitudes are corrected, then only laws and policies can prove effective and meaningful for creating a civilized perception of gender roles. Education is one of the most effective means of awareness about the rights and responsibilities for creating these civilized perceptions and eroding the fossilized attitudes. Women in general lack this basic ingredient for realizing their aspirations for a life of dignity and equity.

Women are more vulnerable to injustices as they continue to a subservient status. They succumb to all kinds of violence, a blatant negation of basic human rights. NCSW has been raising its voice constantly for redressal through proper advocacy. Women rights are no different than human rights. In a society torn between class and power, strife and clashes, gender takes the back seat. Perpetuating stereotypical attitudes do not allow the women to enjoy the benefits of basic rights of life.

The year 2007 was like a bad dream, turbulent, unsure and extremely disturbed. The whole country was gripped in a wave of violence, terror and insecurity. The ambience was of fear generating inertia. All the aspirations to act and achieve were frustrated by the events unfolding almost every minute. Most disturbing and devastating were stark murders beginning with a sitting minister of the Government of Punjab, Ms. Zille Huma Usman and ending in the cruel killing of the most prominent woman of this country, Mohtarma Benazir Bhutto Shaheed, the twice Prime Minister of Pakistan. No matter how much these heinous crimes are condemned, such are the forces that harm the cause of women and damage their development.

The sense of insecurity dampens the courage and hampers the will to act. The country and its people faced the worst of challenges, above all of disbelief. NCSW was no exception to this continuing situation. The plans were disrupted, the schedules disturbed, and the general conditions were so insecure that they affected the workings of NCSW. All these reasons were enough to inflict upon the spirit and intent of NCSW. Nonetheless, the Commission strived to function at its best. It took extra determination to continue against all odds. Commission made its best efforts to function under non-conducive conditions.

This Report for 2007 demonstrates Commission's determination and commitment.

Dr. Arfa Sayeda Zehra
Chairperson

About the Report

Year 2007 was a unique year in the life of the Commission. It started with lots of hope and enthusiasm. But the prevalent conditions did not allow to interpret these in action. NCSW started with developing concepts for major activities and fresh projects were designed in detail. Unfortunately overall turbulent conditions in the country affected the work of the Commission. In an ambience of uncertainty it became almost impossible to carry out the normal functions.

Year 2007 saw the worst violence against women generally, and specially against the women leaders of repute. Instances of rape and killings rose to an alarming level. A provincial minister from Punjab, Ms. Zille Huma was the victim of insane target killing, and a federal minister Nilofer Bakhtiar was dropped from the cabinet as ordained by a certain section of the society. The Jamia Hafsa issue and the incidents that followed harassed and victimized the women in Pakistan. By the end of the year these disturbing circumstances culminated in the broad day light murder of Mohtarma Benazir Bhutto, the twice elected former Prime Minister of Pakistan, as she was leaving after addressing an election campaign meeting in Rawalpindi. Such was the climate of insecurity and fear that NCSW could not materialize its plans and programmes.

With this backdrop though Commission was unable to undertake most of its planned activities still it made every effort to move forward. Members of the Commission kept on meeting regularly to assess and review the situation and to decide about direction and actions to be undertaken accordingly. This report documents the details of the work and activities that Commission could do despite all impediments, beyond its control.

International Women's
Day Commemoration

‘Khula’ — Right to Divorce: Panel Discussion

In our society marriages are arranged without the volition of the partners. But there is tremendous pressure on both the partners to make these a success. This arrangement becomes a matter of honour for the family in general and specifically for the male partner. The husband is always in a winning situation. He has the right to dissolve the marriages or to indulge into extra-marital relationship without having any shadow of doubt about their honour. For women the situation turns into a living hell if the husband does not agree to dissolve the marriage. Majority of the Pakistanis are Muslims and Islam gives this right to both partners but social customs do not approve it. Resultantly, women face all kinds of pressures social, economic and emotional if they seek their right to free themselves from this unhappy and coercive bond.

There are variety of views on the subject but this subject is never thoroughly discussed publicly. On the eve of International Women’s Day National Commission on the Status of Women decided to hold a panel discussion on the subject by bringing panelists from different walks of life who are religious scholars, lawyers and social scientists. A panel discussion was organized in collaboration with the Council of Islamic Ideology on March 8, 07 in Holiday Inn, Islamabad. Following speakers presented their papers and shared their ideas with audience:--

- Dr. Khalid Masood
- Advocate Jamila Aslam
- Dr. Hafiz Abdul Rasheed Azhar
- Advocate Naheeda Mehboob Elahi

Papers and main points of the presentations are produced in original as following:

Dr. Muhammad Khalid Masood

The speaker discussed the following major points:-

KHULA” Historical Perspective

1. Pre-Islamic Origins

- a. **Shah Waliullah: injustice: demand of property as compensation for divorce**
- b. **Ibrahim Fawzi: Pre-Islamic Talaq and Khul. Khul wife’s right to end marriage**
Ibn Durayd: Amir b. Zarb his daughter wanted divorce. Father returned the property given by husband. Qad Khal tuha minka bi ma a ‘tayaha

2. Islamic Reforms: Khul' woman's unconditional right of divorce

3. Qur'an: No mention of the word khul', tasrih bi ihsan

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا لَكُمْ وَلَا تَعْضُلُوهُنَّ لَتَذْهَبُنَّ بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ۝

004.019

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذَنَ مِنْكُمْ مِيثَاقًا غَلِيظًا ۝

004.021

a. How can be compensation? No coercion, tasrih bi ihsan

b. No compensation

4. Tafsir: if the couple cannot settle they can go to a hakam or court

- Abd al-Rahman Bilmani: the verse related to wiratha karh: 4:19
- Hasan basri'' Fahisha, compensation
- Qatada Mithaq ghlaza: imsak bi ma'ruf, tasrih bi ihsan
- fun Zayd: Adl in Mecca elite, khul' in Madina
- Bakr al-Muzani: no compensation lawful

5. Sunna: case of Habiba bint Sahl wife of Thabit b. Qays; iqbal al-hadiqa wa talliqha tatliqatan

6. Fiqh: revival of pre-Islamic concept, Differences in interpretation, divorce for compensation, not judicial divorce, husband and wife both can pronounce khul', if demended by wife she has to compensate

- Hanafis: Talaq ba'in, by husband, if he mentions property, wife's consent is essential, if not it is simple talaq.
- Malikis: talaq, with compensation
- Shafi'i: separation, with compensation
- Hanbalis: separation, with compensation

Advocate Jamila Aslam

As we all know today's topic is 'Khula --- a women's right of divorce'.

Is Khula a woman's right of divorce? In a manner of speaking it is but I think it is essential that I tell this august gathering the basics of a woman's various rights whereby she can have her marriage dissolved, then dwell on Khula.

A woman has three remedies available to her under the statutory as well as the sharia law.

First is when she has been delegated her right of divorce at the time of nikah. This is in column 18 of the Nikahnama.

This delegated right of divorce is also known as "Talaq-e-Tafweez". When the man delegates the right of divorce to a woman he in effect bestows on her an absolute right to divorce herself. The method adopted is exactly the same method applicable to the man but with the necessary changes. Necessary changes being, instead of writing "I divorce him" she writes "I divorce myself". The procedure for divorcing is under Section 7 and 8 of the Muslim Family Laws Ordinance 1961. In this mode of divorce a woman is entitled to recover her dower amount (Haq Mehr) and maintenance for the iddat period. In fact she forfeits nothing. Even personal benefits acquired from the husband during the subsistence of the marriage.

The second method of dissolving a marriage for a woman is dissolution of marriage on certain grounds, which are nine in number. This is also termed as "Tanseekh-e-Nikah". In this mode she has to give grounds for why she wants to have her marriage dissolved. These grounds as seen under the law are various like cruelty, desertion, non-maintenance and others. If she can prove the grounds with irrefutable evidence then she is entitled to a decree for dissolution of marriage on the ground or grounds taken by her. This mode entitles her to recover her dower amount and maintenance for the period of iddat. The normal practice was to grant a decree for khula even when this mode was invoked but lately there have been a number of rulings where the superior courts have upheld that to give out a decree for khula when a woman has proved the grounds, she must get the decree she seeks. This principle has been upheld in PLD 2002 S.C 273, to quote just one. Incidentally a woman does not have to file separate suits, she can have her marriage dissolved, claim her dower amount and dowry articles maintenance and custody of her children in the same suit.

Now we come to khula. What is khula? Where did this concept come from? How is it implemented?

Khula is a woman's right to have her marriage dissolved on the ground that she cannot live with her husband within the parameters as prescribed by Almighty Allah for the institution of marriage.

Once a woman approaches the court for dissolution of marriage on grounds of khula a court has no option but to accede to her request because she is entitled to divorce on

basis of khula as of a right. This principle has been upheld by Justice (Retd) Nasira Iqbal in 2001 YLR 3025

When going into this mode the normal method followed is that she has to forfeit her dower amount and all the personal benefits that she acquired during the subsistence of her marriage. Under the Mohammadan Law it is stated that the Qazi/judge will decide the compensation to be paid by the woman, as it does not necessarily have to be the total amount of her haq mehr. Matter of fact it does not even have to be the haq mehr and can be anything tangible. This principle has been upheld in CLC 1997 Page 985.

Unfortunately in practice what actually happens is that the court orders she pay back the entire dower amount along with personal benefits acquired by the wife during the subsistence of the marriage. In my humble opinion she does not need to give back anything even the personal benefits she acquired during the subsistence of the marriage unless demanded by the husband. This principle has been upheld in PLD 1989 Lah 31. Apart from this ruling why I arrive at this opinion needs a bit of explaining. For this let us go back to the concept of khula when it came into existence. First of all it is enumerated in Surah Baqara in Ayat No. 229. It was later reaffirmed by our Holy Prophet when Hazrat Zainab (RATA) who was married to Hazrat Zayd Bin Sabit (RATA), the adopted son of the Prophet (SAW). She went to the Prophet (SAW) and told him that she does not wish to live in the state of matrimony with Hazrat Zayd Bin Sabit (RATA). The Prophet (P.B.U.H) went through all the reasons under which a woman can have her marriage dissolved. Hazrat Zainab had no other reason except that she didn't have any feelings for him. Thereafter the Prophet (P.B.U.H) asked her, and I state as reported verbatim by Islamic Scholars "Are you prepared to return the garden that he gave you. She said: "Yes, Oh Prophet of Allah and even more". The Holy Prophet said: "No more, but return the garden that he gave you". Thus the marriage of Hazrat Zayd Bin Sabit (RATA) and Hazrat Zainab was dissolved. Later the Prophet (SAW) himself performed nikah with her. As every act and word of the Holy Prophet (SAW) was a lesson for Muslims from this we derive three lessons:

The concept of Khula

That adoption is allowed in Islam within defined parameters that a man can marry his adopted son's widow or divorce so the bottom line is that if a woman forfeits the benefits also referred to as Zare-Khula she has acquired from her husband during the subsistence of the marriage on his demand she is entitled to dissolution of marriage on the ground of Khula. It is to be noted that it has not been reported anywhere that the Prophet (P.B.U.H) asked Hazrat Zainab (RATA) if she would forfeit the dower amount.

In the light of Surah Baqara Ayat No. 229 and this incident an amendment has been made in the Family Courts Act 1964 Section 10 (4) in 2002 whereby women are now being directed to return the dower amount and personal benefits acquired during the subsistence of the marriage. I quote the relevant part of the amendment "*Provided and not withstanding any decision or judgment of any court or tribunal the family court in a*

suit for dissolution of marriage if the reconciliation fails shall pass the decree for dissolution of marriage forthwith and shall also restore to the husband the haq mehr received by the wife in consideration of marriage at the time of marriage''

What is actually happening here is that the courts in a mechanical manner are passing a decree for khula and directing the woman to pay back the haq mehr as well as personal benefits without framing any issues whatsoever. It is categorically stated by Imam Abu Hanifa, that if in the course of evidence it is found that the husband created such circumstances whereby the woman was compelled to file for khula it is not lawful for the husband to take any compensation. Whether it was due to the excesses of the husband or not, cannot be decided unless issues are framed and evidence produced. This amendment needs to be amended further.

In NLR 1987 Civil Qta 225 it has been upheld that "Islamic principles enjoin upon a Court a solemn duty to reasonably scrutinize plausibility and desirability of facts and circumstances before it and then arrive at a judicious satisfaction qua wife's entitlement to dissolution of marriage on ground of khula if such care and caution is not taken right to claim dissolution by way of khula as ordained by the Holy Quran and interpreted by blanket authority allowed to wife would lead to frustrate the very purpose and object of regulating khula right through Qazi or Courts of Law.

The main bone of contention for me and many lawyers like myself is that even the maintenance, which, every woman is entitled to as of a right during the iddat period, is not being granted by the courts as they are considering this as zar-e-khula. Another matter to be brought to light is that the attitude of the courts is that as she is asking for khula she is a Nasheeza so she is not entitled to maintenance.

A woman's right to maintenance is an inalienable right no matter what mode of dissolving the marriage has been applied.

It has been upheld in NLR 1982 A.C 104 "it is not correct that in cases of khula wife should ipso facto return all benefits, this has to be determined in facts and circumstances of each case after maintaining a balance. If wife seeks khula without pointing out to any default of husband and court considers it proper to grant decree for khula then wife should be ordered to return all benefits received by her and also forego such rights under which she can claim any benefits. While passing such an order court should take into consideration reciprocal benefits received by the parties. Fact giving rise to default of husband in fulfillment of conjugal duties should be taken into consideration while granting restitution and return of benefits.

In my humble opinion and I am sure lots will disagree with me, this is how it goes. A man proposes to a woman, for a consideration (Haq Mehr) she accepts. In Islam marriage is a civil contract. Terms of contract for the woman are that she will allow the man his conjugal rights, produce his children, rear them and look after him and his home, whereas under this same contract man is to be provider and he can exercise his conjugal rights over the woman. Once a woman has allowed a man his conjugal rights,

produced his children, tended to their and his needs then she has completed her part of the contract. There has been no breach of contract. Then the circumstances of the marriage become such that the woman is compelled to have her marriage dissolved. Her haq mehr was fixed for performance of the contract. And she has discharged her duties. No where has it been reported that the Prophet (P.B.U.H.) had asked Hazrat Zainab (RATA) to return her dower amount. What a woman has acquired over and above the terms of contract falls within the ambit of acquisition of personal benefits and these must be returned. By the way what the man gifts a woman, like what he brings in the burri and what is given to her by his family members falls within the ambit of gifts which cannot be returned. So maybe when a husband gives her some landed property a woman should ask for a gift deed to be executed. This is just food for thought as under Hanafi Law a gift is irrevocable. If nothing at least it would be an interesting proposition and a challenging suit.

It would be apt to bring to the attention of this gathering that the provisions of Section 10 (4) Family Courts Act 1964 were with the intention that the cases should be disposed of expeditiously but the result has been mechanical without ascertainment of the fact whether the woman has been given her haq mehr or not, whether she has acquired any personal tangible benefits from her husband during the subsistence of the marriage. The decree is passed for forfeiture of the dower amount and return of any personal benefits if acquired. By the way the gifts given to the woman and dowry articles are not personal benefits and are liable to be returned by the husband himself failing which through filing of a suit for recovery of gifts (personal belongings) and dowry articles.

If we all cast our minds back a decade or two we will recall that to get a decree for khula through the courts was a long drawn out matter. Sometimes it would take a woman 6 to 10 years to get the decree but now matters are much improved in that one can get a decree for khula within a year. The High Court has ordered that all family cases are to be decided within a period of six months but given the quantum of cases and the scarcity of judges coupled with the dilatory tactics used by the men it can take up one year.

It would be apt to point out at the end that once a woman gets a decree for khula then her marriage has been dissolved irrevocably. If she wishes to remarry the same man she would need to perform "halala".

In the end I would conclude that Khula is indeed a woman's right to divorce but it is a conditional right. The conditions being levied need to be reviewed in the light of the Quran, Sunnah and the observations of the Imams and Religious Scholars. The amendment of Section 10(4) Family Courts Act, 1961 needs to be reviewed and interpreted again.

I thank you

بسم اللہ الرحمن الرحیم

خلع..... کتاب وسنت کی روشنی میں

(ڈاکٹر حافظ عبدالرشید اظہر)

نحمدہ ونصلی علی رسولہ الکریم..... اما بعد:

اسلام کا عالمی قانون اور خاندانی نظام نہایت مناسب، موزوں اور متوازن ہے اور اپنے اندر بڑی حکمتیں اور سہولتیں لیے ہوئے ہے، دین آسان ہے اور اسکی یہ آسانی زندگی کے ہر شعبے میں نظر آتی ہے، خاندانی نظام میں نکاح اور طلاق کو بڑی حیثیت حاصل ہے، اللہ تعالیٰ نے نسل انسانی کے تحفظ اور انسان کی فطری ضروریات کے پیش نظر نکاح کا خوبصورت اور باوقار نظام عطا کیا اور اسکے تفصیلی احکام کتاب وسنت میں نازل فرمائے اور بتایا کہ یہ رشتہ و تعلق میاں بیوی کے درمیان رابطہ کا ذریعہ، باعث رحمت و مودت، وجہ تسکین و طمانیت اور ایک بڑی نعمت اور احسان الہی ہے جس سے محبت والفت کی فضا پیدا ہوتی اور بہترین معاشرہ تشکیل پاتا ہے، فرمایا:

﴿هو الذي خلقكم من نفس واحدة وجعل منها زوجها ليسكن اليه﴾ (الاعراف: 189)

وہی ذات ہے جس نے تمہیں ایک جان سے پیدا کیا اور اس سے اسکا جوڑا بنایا تاکہ اس سے سکون حاصل کرے

نیز فرمایا ﴿ومن آياته ان خلق لكم من انفسكم ازواجالا لتسكنوا اليها وجعل بينكم مودة ورحمة﴾ (الروم: 21)

یہ اللہ کی نشانیوں میں سے ہے کہ اس نے تمہاری جنس سے ہی تمہارے جوڑے پیدا کیے تاکہ تم انکی طرف میلان سے سکون حاصل کرو اور اس نے تمہارے درمیان رحمت و مودت پیدا کی نیز فرمایا

﴿الله جعل لكم من انفسكم ازواجا وجعل لكم من ازواجكم بنين وحفدة ورزقكم من الطيبات افيالباطل يؤمنون﴾

وبنعمة الله هم يكفرون﴾ (التحالف: 72)

اور اللہ نے تمہارے لیے تمہاری ہی جنس سے جوڑے بنائے اور تمہاری بیویوں سے بیٹے اور پوتے عطا کیے اور پاکیزہ چیزوں سے تمہیں رزق سے نوازا کیا پھر بھی لوگ باطل پر یقین کرتے اور اللہ کی نعمت کی ناشکری کرتے ہیں۔

اللہ تعالیٰ نے قرآن حکیم میں نکاح کے ذریعے مرد اور عورت کو ایک دوسرے کے لیے حلال اور پاکیزہ اور مباح قرار دیا اور اپنی حلال اور پاکیزہ قرار دی ہوئی شے کو حرام ٹھرانے کو سخت ناپسند کیا اسی لیے عقد نکاح کو ختم کرنے کے لیے کوئی راستہ اختیار کرنے کو سختی سے منع فرمایا بالخصوص میاں بیوی کے باہر تعلقات میں رخنہ اندازی اور ان میں فساد کی کوشش کو شیطانی عمل قرار دیا، فرمایا

﴿يفرقون به بين المرء وزوجه﴾ (البقرة: 102)

شیطان جادو کے ذریعے میاں بیوی کے درمیان تفرقہ ڈالتے ہیں۔

اس لیے کہ زمین میں فساد کی سب سے بڑی بنیاد یہی تفرقہ ہے۔ جس سے نفرتیں جنم لیتی ہیں اور خاندانوں میں نزاع پیدا ہوتا ہے۔ مگر طبائع کا اختلاف بھی انسانی فطرت کا حصہ ہے اور انسان کو اپنی پسند و ناپسند پر اختیار حاصل نہیں ہے بعض اوقات اسے اپنے دل پر قابو نہیں رہتا جس کی وجہ سے نکاح سے مطلوبہ مقاصد اور متوقع مفادات حاصل ہوتے نظر نہیں آتے اور باہم عدم اعتماد ناپسندیدگی یا کسی دوسری وجہ سے زوجین کا رشتہ ازدواج کو برقرار رکھنا مشکل ہو جاتا ہے تو اللہ نے کمال مہربانی سے انسان کیلئے دوسری راہیں کھول کر اس نظام کی تکمیل فرمادی اور عقد نکاح کو ختم کرنے کے لیے طلاق، فسخ نکاح اور خلع کے احکام عطا فرمائے، تاکہ فساد کی بجائے سلیقہ سے علیحدگی کا راستہ اختیار کیا جاسکے اور زندگی کے کسی مرحلے میں بھی معاشرہ بد نظمی کا شکار نہ ہو اور نہ ہی میاں بیوی میں سے کوئی اپنی طبیعت اور اپنے مزاج کے خلاف زندگی بسر کرنے پر مجبور ہو، بعض عناد، اور نفاق کا راستہ اختیار کرنے کی بجائے موزوں طریقہ سے اسلامی تعلیمات کے مطابق علیحدگی اختیار کریں تو اللہ تعالیٰ نے فریقین سے فلاح و بہبود کا وعدہ فرمایا ہے، فرمایا:

﴿وَأَن يَتَفَرَّقَا بِغِنِ اللَّهِ كَلَامِن سَعَتِهِ﴾ النساء (130)

اور اگر میاں بیوی جدائی اختیار کر لیں تو اللہ تعالیٰ اپنی وسعت سے ہر ایک کو بے نیاز کر دے گا میاں کو بیوی میں کسی وجہ سے رغبت نہ رہے تو اسکے پاس طلاق کا اختیار موجود ہے جسے وہ اختیار کر سکتا ہے اس صورت میں اسے بیوی کو ادا کئے ہوئے مہر سے دست بردار ہونا پڑے گا۔ دونوں اختلاف کی صورت میں کسی نتیجے پر نہ پہنچ سکیں تو عدالت کے ذریعے فسخ نکاح کا طریقہ اختیار کر سکتے ہیں۔

بیوی کی طرف سے ناپسندیدگی ہو اور اسے خاوند سے دلچسپی نہ رہے یا اس کے ساتھ رہنا اس کے لیے دشوار ہو جائے تو اس کے لیے خلع کا راستہ کھلا ہے باہم اتفاق سے کسی تیسرے فریق کے ذریعے یا عدالت کے ذریعے عورت خلع حاصل کر سکتی ہے اس صورت میں خاوند نے اسے جو کچھ دیا تھا اسے واپس کرنا ہوگا۔

آج کی مجلس میں ہماری گفتگو میاں بیوی کے درمیان علیحدگی کے اس تیسرے طریقے کے بارے میں ہے، جو ازدواجی زندگی اور خاندانی نظام میں عورت کے حقوق کا ایک اہم حصہ ہے، خلع اور اس کے احکام سے آگاہی خواتین کے لیے انتہائی اہمیت کی حامل ہے، اور اس سے صحیح اندازہ ہوتا ہے کہ اسلام نے عورت کے حقوق اور اس کے طبعی میلان کی کس قدر پاسداری کی ہے اسے مجبور اور مقہور کی زندگی سے نجات دلانے کے لیے کس قدر آسان راستہ اختیار کیا ہے جس میں اسکی دنیا اور آخرت دونوں کا بھلا ہے۔

خلع کیا ہے؟

فقہ اور شریعت کی اصطلاح میں عورت کے اپنے خاوند سے مطالبہ کر کے علیحدگی اختیار کرنے کو خلع، فدیہ، صلح اور مبارات کے الفاظ سے تعبیر کیا جاتا ہے، معمولی سے فرق کے ساتھ یہ تمام الفاظ ایک ہی عمل کے لیے استعمال ہوتے ہیں۔ عربی لغت میں خلع کا معنی کپڑا اتارنا ہے، کہا جاتا ہے لع الثوب اذا ازاله (نسان العرب)۔

چونکہ قرآن کریم نے بیوی کو شوہر کا اور شوہر کو بیوی کا لباس قرار دیا ہے، فرمایا

﴿هَن لِبَاسٍ لَكُمْ وَانْتُمْ لِبَاسٌ لِهَن﴾ (البقرہ 167)

وہ (بیویاں) تمہارا لباس ہیں اور تم (شوہر) ان کا لباس ہو

جب یہ دونوں ایک دوسرے سے الگ ہو رہے ہیں تو اس عمل کو خلع کہا گیا ہے۔

☆ چونکہ عورت مالی معاوضہ کے بدلے خاوند سے علیحدگی کا مطالبہ کرتی ہے اس لئے اسے فدیہ کہا جاتا ہے فدیہ اس مال کو کہا جاتا ہے جو کسی کو چھڑانے کے لیے ادا کیا جائے۔

☆ چونکہ فریقین مالی معاوضے پر متفق ہو کر صلہ و صفائی کے ساتھ علیحدگی اختیار کرتے ہیں اس لیے اسے صلح بھی کہا جاتا ہے۔

اپنی شریک کار سے جدائی اختیار کرنے کو "مبارات" سے تعبیر کیا جاتا ہے، کہا جاتا ہے بارء ہ فارقہ والمرأة صالحها علی

افراق (الغاموس السحیط)

خاوند سے علیحدگی اختیار کرنے کے لیے بیوی جو معاوضہ ادا کرتی ہے اس کی مقدار اور قدر میں فرق کے مطابق یہ مختلف نام استعمال ہوتے ہیں، بعض فقہاء کے خیال میں

﴿عورت خاوند سے صلہ کیا ہو اسب کچھ واپس کرے تو خلع ہوگا۔

﴿اس کا کچھ حصہ ادا کرے تو صلح کہلائے گی۔

﴿جتنا لیا تھا اس سے زیادہ ادا کرے تو فدیہ ہوگا۔

﴿اور خاوند کے ذمہ اپنے حقوق سے دستبردار ہو جائے تو اسے مبارات کہا جائے گا۔

فقہی اصطلاح میں خلع کہتے ہیں "افراق الرجل زوجته ببدل يحصل له" (فقہ النسہ ج 3 ص 264)

خاوند کا مالی معاوضے کے بدلے عورت سے علیحدگی اختیار کرنا۔

مختلف فقہی مذاہب میں مختلف تعریفات کی گئی ہیں مگر سب کا نتیجہ تقریباً یہی ہے، تفصیل کے لئے ملاحظہ ہو:

(الفقہ الاسلامی وادلتہ، نازحیلی ج 7 ص 480)

خلع کی شرعی حیثیت

جیسا کہ ذکر ہوا کہ جس طرح مرد و طلاق کا حق حاصل ہے اس کے بالمثل عورت کو خلع کی اجازت ہے، یہ ایک معاشرتی

، خاندانی اور انسانی ضرورت ہے جبکہ شریعت نے لحاظ کیا اور اجازت دی ہے اسکی مشروعیت اور جواز کے واضح دلائل کتاب اللہ اور سنت

رسول ﷺ میں موجود ہیں، قرآن کریم میں ارشاد باری تعالیٰ ہے:

1- ﴿فَإِنْ خَلَعْتُمْ إِنْ لَا يَاقِيمَا حَدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ﴾ (البقرہ 299)

پھر اگر تمہیں خدشہ ہو کہ میاں بیوی اللہ کی حدیں قائم نہیں رکھ سکیں گے تو ان دونوں پر کوئی حرج نہیں ہے اگر عورت خلاصی پانے کے لیے کوئی فدیہ دے۔ نیز فرمایا:

2- ﴿فَإِنْ طُبِنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوْهُنَّ مَا مَرِئًا﴾ (النساء: 4)

پس اگر عورتیں اپنی خوشی سے مہر میں سے کچھ تمہارے لیے چھوڑ دیں تو اسے شوق اور خوشی سے کھاؤ۔ نیز فرمایا

3- ﴿فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَصْلِحَا بَيْنَهُمَا صِلَاهَا وَالصَّلَاحُ خَيْرٌ﴾ (نساء: 128)

"تو میاں بیوی پر کوئی گناہ نہیں اگر وہ آپس میں کسی رائے پر متفق ہو کر صلح کر لیں اور صلح اچھی چیز ہے" حدیث نبوی ﷺ میں ہے:

1- "عن ابی ہریرۃ رضی اللہ عنہ قال قال رسول اللہ صلی اللہ علیہ وسلم الصلح جائز بین المسلمین الا صلحا حل حراما اور حرام حلالا" (روہ احمد و ابو داؤد و الترمذی و قال حسن صحیح)

"حضرت ابو ہریرہ رضی اللہ عنہما سے روایت ہے رسول اللہ ﷺ نے فرمایا مسلمانوں کے مابین صلح جائز ہے ماسوا ایسی صلح کے جو حرام کو حلال کرے یا حلال کو حرام کرے"

2- حضرت عبداللہ بن عباس رضی اللہ عنہما سے مروی ہے "ان امرأۃ ثابت بن قیس جاء رسول اللہ ﷺ فقالت یا رسول اللہ ﷺ ما عیب علیہ فی خلق ولا دین ولكنی اکره الکفر فی الاسلام، فقال رسول اللہ ﷺ اتردین علیہ حدیقته قالت نعم فقال رسول اللہ ﷺ اقبل الحدیقه وطلقها تطلیقه" (رواہ البخاری و النسائی و ابن ماجہ و ابو داؤد)۔

ثابت بن قیس کی بیوی رسول اللہ ﷺ کے پاس آئی اور عرض کیا اے اللہ کے رسول ﷺ میں اپنے خاوند میں دین یا اخلاق کے اعتبار سے کوئی عیب نہیں پاتی لیکن میں مسلمان ہونے کے بعد کفر یعنی ناشکری مکروہ سمجھتی ہوں، اس پر رسول اللہ ﷺ نے فرمایا تم اس کا باغ واپس کرنے پر تیار ہو تو اس نے کہا ہاں تیار ہوں، رسول اللہ ﷺ نے ثابت بن قیس سے کہا اپنا باغ واپس لے لو اور اس کو ایک طلاق دے دو۔ یہ اسلام میں پہلا طلع تھا جس کا نبی ﷺ نے اصلاح احوال اور تعلیم و ارشاد کے لیے حکم دیا اس حکم سے آنحضرت ﷺ کی مراد وہ جو اب لازم نہیں تھا۔

اس میں خاتون نے اپنے خاوند کا کوئی واضح عیب ذکر نہیں کیا بلکہ اپنے طبعی میلان اور خاوند میں رغبت نہ ہونے کی وجہ سے طلع کا مطالبہ کیا اور صراحتاً بتایا کہ وہ خاوند کی ناشکری اور کفران نعمت کو ناروا سمجھتی ہے اور یہ کہ ناپسندیدگی کی وجہ سے اس کی محبت، احترام اور خدمت کا حق ادا نہیں کر سکے گی، آنحضرت ﷺ نے اسے مہر میں دیا ہوا باغ واپس کرایا اور علیحدگی کی اجازت دے دی جس سے طلع کے عوض معاوضہ کی ادائیگی کا بین ثبوت ملتا ہے، یہ مذکورہ آیت کی تفسیر ہے، جس میں فدیہ کا ذکر بھی ہے، بیوی کا بخوشی اپنے حق مہر سے دست برداری کا بیان بھی اور زوجین کے مابین مالی اور معاوضہ کے ساتھ صلح کرنے کی تعلیم بھی ہے۔

1- "عن ابی الزبیر ان ثابت بن قیس بن شماس کانت عنده بنت عبد اللہ بن ابی بن سلول و کان اصدقها

حَدِيقَتِهِ ، فَقَالَ النَّبِيُّ ﷺ : اَتَرْدِينْ عَلَيْهِ حَدِيقَتَهُ الَّتِي اعطَاكَ ؟ قَالَتْ نَعَمْ وَزِيَادَةٌ ، فَقَالَ النَّبِيُّ ﷺ : اِمَّا الزِّيَادَةُ فَلَا وَلَكِنْ حَدِيقَتِهِ ، قَالَتْ نَعَمْ فَاحْذِهَا لَهُ وَخَلِي سَبِيلَهَا ، فَلَمَّا بَلَغَ ذَكَ ثَابِتٌ قَيْسٌ قَالَ قَبِلْتُ قَضَاءَ رَسُولِ اللَّهِ ﷺ (رواه الدارہ قطنی باسناد صحیح)

"رسول اللہ ﷺ نے فرمایا: کیا تو اس کا باغ لوٹا دے گی، اس نے کہا ہاں اور زیادہ دینے کو بھی تیار ہوں رسول اللہ ﷺ نے فرمایا: زیادہ نہیں صرف اس کا باغ ہی واپس کر دو، اس نے کہا بہتر! آنحضرت ﷺ نے ثابت کرنے کے لیے اس کا باغ وصول کر لیا اور اس کی بیوی کو اس کے نکاح سے آزاد کر دیا، جب ثابت بن قیس کو اس کی اطلاع ہوئی تو اس نے کہا مجھے رسول اللہ ﷺ کا فیصلہ منظور ہے۔ ایک اور حدیث میں اس کی مزید وضاحت ہے۔

4- "عن ابن عباس ان جميلة بنت سلول اتت النبي ﷺ والله ما اعتب علي ثابت في دين ولا خلق ولكني اكره الكفر في الاسلام لا اطيقه بغضا ، فقال لها النبي ﷺ اتردين عليه حديقته؟ قالت نعم، فامرہ النبي ﷺ وسلم ان ياخذ منها حديقته ولا يزاها" (رواه ابن ماجه بهذه الزيادة وهو صحيح والا صل في البخاری)

اس روایت میں یہ امر زائد مذکور ہے کہ مجھے اس سے سخت نفرت ہے جس کی وجہ سے میں اسے برداشت نہیں کر سکتی۔ ایک اور روایت میں اسکی مزید وضاحت ہے جو اگرچہ علماء حدیث کے ہاں ضعیف ہے مگر صرف وضاحت کے لیے اس کا ذکر کیا جاتا ہے، اصل مسئلہ صحیح احادیث سے ثابت ہو چکا ہے۔

5- "وكان رجلا دميما فقال يا رسول الله ﷺ لو كا مخافة الله اذا دخل على لبصفت في وجهه..... الخ" رواه احمد وابن ماجه وهو ضعيف .

"یعنی اس کا خاوند خوش شکل نہیں تھا اس نے رسول اللہ ﷺ سے آ کر کہا: اگر اللہ کا خوف نہ ہو تو جب میرے پاس آئے تو میں اس کے منہ پر تھوک دوں۔۔۔۔"

سنن بیہقی میں ابوسعید خدری سے مروی ہے کہتے ہیں:

6- "كانت اختي تحت رجل من الانصار فارتفعوا الي رسول الله ﷺ فقال اتردين حديقته قالت وازيد عليها فردت عليه حديقته وزادته (وهو ضعيف)

"میری ایک بہن ایک انصاری کے گھر تھی، پھر دونوں اپنا جھگڑا لیکر آنحضرت ﷺ کے حضور پیش ہوئے تو آپ نے فرمایا: اس کا باغ واپس کر دو گی وہ کہنے لگی ہاں اور زیادہ بھی دے دوں گی، اس نے باغ واپس کیا اور مزید بھی کچھ دے دیا (یہ حدیث بھی ضعیف ہے)"

ان احادیث سے ثابت ہوا کہ:

1- خلع جائز اور درست ہے۔

2- اس میں معاوضہ ضروری ہے۔

3- اس کی کوئی نہ کوئی وجہ ہونی چاہیے، بلاوجہ طلاق کے مطالبے کو آنحضرت ﷺ نے حرام قرار دیا ہے، خلع بھی ایسے ہی ہے۔

4- قاضی اور جج اپنے طور پر بھی معاوضے کا کوئی فیصلہ کر سکتا ہے۔

5- آخری حدیث کے علاوہ جو ضعیف ہے باقی احادیث کے مطابق زیادہ وصول کرنا جائز نہیں، زیادہ سے زیادہ جتنا دیا ہوا اتنا ہی

وصول کرتا چاہیے

6- بیوی معاوضہ دینے پر راضی ہو تو خاوند کو خلع سے انکار نہیں کرنا چاہیے

قرآن کریم کی آیت "فیمما اقتدت بہ" کے عام مفہوم کے پیش نظر بعض فقہاء کے نزدیک خاوند اپنے دیئے ہوئے مال سے زیادہ بھی لے سکتا ہے مگر مذکورہ بالا احادیث صحیحہ سے اس آیت کی تخصیص اور تفسیر ہو گئی ہے جس کی بناء پر بہتر یہی ہے کہ زیادہ لینے کی اجازت نہ ہو اس صورت میں ایک تو قرآن وحدیث دونوں پر عمل ہوتا ہے اور احادیث کو نظر انداز کرنے کی ضرورت باقی نہیں رہتی جو بجائے خود ایک گستاخی سے کم نہیں دوسرے اگر ان احادیث میں مذکورہ قید کو قبول نہ کیا جائے اور خاوند کو زیادہ لینے کی اجازت ہو تو پھر اس کی حد مقرر نہیں ہو سکتی وہ اس قدر بھی مطالبہ کر سکتا ہے جسے بیوی پورا کرنے سے قاصر رہے اس سے خلع کا مقصد فوت ہو جاتا ہے، جبکہ اللہ تعالیٰ کا حکم ہے:

﴿وَلَا تَمْسِكُوْهُنَّ ضِرَارًا لِّتَعْتَدُوْا﴾ (البقرة 231) یعنی نقصان پہنچانے کے لئے عورتوں کو نہ روک رکھو۔ یہ مذکورہ صورت میں اس کی مخالفت ہوتی ہے۔

یہ اصولی اختلاف اپنی جگہ ہے کہ قرآن کریم کی تخصیص سنت وحدیث سے ہو سکتی ہے یا نہیں، جو فقہاء تخصیص کو نسخ سمجھتے ہیں وہ اس کے قائل نہیں جبکہ تخصیص اور نسخ میں متعدد اعتبارات سے فرق پایا جاتا ہے، تخصیص کو نسخ کی بجائے تفسیر و بیان سمجھنا اقرب الی الصواب معلوم ہوتا ہے اس لیے کہ تفسیر و بیان آنحضرت ﷺ کا فرض منصبی اور منصوص حق ہے۔

لہذا فقہ واجتہاد، تفسیر القرآن بالقرآن، تفسیر القرآن بالحدیث اور مجبور و کمزور عورت کے حقوق کی پاسداری کا تقاضا یہی ہے کہ خاوند کو پابند کیا جائے کہ وہ زیادہ وصول نہ کرے۔ اللہ اعلم۔

جواز خلع اسباب

7- "عن ابی ہریرۃ رضی اللہ عنہ ان النبی ﷺ قال فی الرجل لا یجد ما ینفق علی امراتہ : قال : یفرق

بینہما" (رواہ الدار قطنی منتقى الاخیار خ نبل الاوصار جلد 8 صفحہ 116)

"رسول اللہ ﷺ نے ایسے شخص کے بارے میں جو اپنی بیوی کے اخراجات پورے نہ کر سکتا ہو فرمایا:

کہ ان کے درمیان جدائی کروادی جائے

ایک دوسری روایت میں آنحضرت ﷺ کا فرمان ہے:

8"وامر اتک ممن تقول اطعنی والا فارقنی" (منتقى الآثار)

"تیری بیوی ان لوگوں میں سے ہے جو کہتی ہے مجھے کھانا مہیا کر یا جدا کر دے"

اس سے معلوم ہوا کہ اگر خاوند اپنی بیوی کے حقوق ادا نہ کر سکتا ہو وہ از قسم نان و نفقہ ہوں یا حقوق زوجیت تو بیوی اس سے جدائی حاصل کرنے کا حق رکھتی ہے، صحابہ و تابعین، آئمہ ثلاثہ مالک، شافعی اور احمد نیز جمہور اہل علم رحمہم اللہ کا یہی مسلک ہے، اب جبکہ نان و نفقہ اور مالی اخراجات جو مرد کے بس میں بھی نہیں ہیں ان میں کوتاہی کی وجہ سے بھی خلع ہو سکتا ہے تو ایسے حقوق جو مرد ادا کرنے کی طاقت رکھتا ہے وہ ادا نہ کرے تو بلا ولى عورت کو خلع کا حق حاصل ہوگا، فقہاء احناف کو اس مسئلہ میں دیگر علماء سے اختلاف ہے انکی رائے ہے کہ عورت قرض لیکر گزار کرے تاکہ خاوند غنی ہو جائے تو وہ قرض ادا کرے تاہم معاشرتی حالات کے پیش نظر وہ اس رائے پر عملاً قائم نہیں رہ سکے اور فتویٰ امام شافعی مذہب پر دیا کہ اس صورت میں خلع ہو سکتا ہے۔ (شرح وقایہ ج 2 ص 174)

9- "عن عمر رضى الله عنه انه كتب الى امراء الا جناد في رجال غابو اعن نسا نهم اما ان بنفقو او اما ان يطلقوا ويبعثوا نفقة ما حبسوا" (نيل الاوطار ج 8 ص 711)

"حضرت عمر رضی اللہ عنہ حاکم کی اجازت کے بغیر بھی خلع کو جائز سمجھتے تھے"

10- "اجاز عمر رضى الله عنه الخلع دون السلطان" (امام بخاری رحمته اللہ سے نقل کیا ہے)

"یعنی حضرت عمر رضی اللہ عنہ حاکم کی اجازت کے بغیر بھی خلع کو جائز سمجھتے تھے"

11- "واجبا عثمان رضى الله عنه الخلع دون عقاص راسها" (صحیح البخاری باب الخلع)

"حضرت عثمان رضی اللہ عنہ نے ربيع بن معوذ کے معاملے میں یہ فتویٰ دیا تھا جو اپنے چچا زاد کے عقد میں تھیں باہم نزاع کی وجہ سے انہوں نے اس شرط پر علیحدگی اختیار کر لی تھی کہ وہ اپنے خاوند کو سب کچھ دیے کو تیار ہیں ماسوا اس کپڑے یا پراندے وغیرہ کے جس کے ساتھ بال باندھے اور گوندھے جاتے ہیں" (فتح الباری)

نیل الاوطار میں ہے۔

12- "عن سعيد بن المسيب في الرجل لا يجد ما منفق على اهله قال: يفرق بينهما. قال ابو الزناد قلت لسعيد سنة؟ قال: سنة "وهذا مرسل قوي" (نيل الاوطار ج 8 ص 117)

"سعيد بن مسيب سے مروی ہے کہ ایسا شخص جو اپنے اہل پر خرچ کرنے کی طاقت نہ رکھتا ہو مروی ہے کہتے ہیں: ان کے درمیان جدائی کر وادی جائے ابو الزناد کے جواب میں سعید بن مسیب نے فرمایا: کہ یہ سنت ہے" اور روایت قوی مرسل ہے۔

13- اما بخاری رحمہ اللہ نے طاؤس سے نقل کیا ہے کہ آیت کریمہ "الا ان يخافا ان لا يقيما حدود الله" (البقرة 299) سے مراد وہ حقوق ہیں جو اللہ تعالیٰ نے معاشرت اور حسن صحبت کے لئے میاں بیوی کے ایک دوسرے پر مقرر کئے ہیں (صحیح بخاری باب الخلع)۔

ان احادیث مرفوعہ صحیحہ اور آثار صحابہ و تابعین کے پیش نظر تقریباً امت کے تمام فقہاء و مجتہدین کا اتفاق ہے کہ خلع مشروع ہے اور

عند الضرورت عورت اس کا مطالبہ کر سکتی ہے اور خاوند کو اسے قبول کرنا چاہیے۔ عدالت یا پنچائنت یا خاندانی شرفاء کی وساطت سے خلع کے شرعی اصولوں کے مطابق صلح میاں بیوی کی جدائی کا موزوں راستہ ہے صرف شافعی فقہاء میں سے امام مرنی نے اس سے اختلاف کیا ہے وہ فرماتے ہیں کہ فدیہ والی آیت قرآن کی ایک دوسری آیت سے منسوخ ہو چکی ہے جس میں فرمایا ہے:

"وان اردتم استبدال زوج مکان زوج و اتینتم احدھن قنطارا فلا تاخذوا منه شیئا" (النساء: 20)

"اور اگر ایک بیوی کے بدلے دوسری کو بدلنا چاہتے ہو اور پہلی کو بہت سامان دے چکے ہو تو اس میں سے کچھ بھی واپس نہ لو۔"

لیکن اس آیت کا تعلق طلاق سے ہے، اسی لیے اس میں خاوند کے بیوی تبدیل کرنے کا ذکر ہے جبکہ خلع میں بیوی خاوند بدلنے کا ارادہ کرتی ہے۔ نہ کہ خاوند بیوی کو بدلنا چاہتا ہے۔

یاد رہے اگر خاوند بیوی کو بلا وجہ اس لئے تنگ کرتا ہے کہ وہ مجبور ہو کر خلع کر لے اور اس طرح مہر خاوند کو واپس مل جائے تو ناجائز اور حرام ہے اور کتاب سنت کی صریح مخالفت۔

ارشاد باری تعالیٰ ہے۔

﴿وَلَا تَمْسُكُوهُنَّ عِندَ رُءُوسِكُمْ لِتَعْتَدُوا﴾ (البقرة: 231)

"اور انہیں اس لئے نہ روک رکھو کہ انہیں نقصان پہنچاؤ اور ان پر زیادتی کرو۔"

البتہ بیوی کھلم کھلا بدکردار ہو تو اس سے جان جان چھڑانے اور مہر بچانے کے لیے ایسا کرنے کی اجازت ہے حتیٰ کہ وہ تنگ آ کر خلع کا مطالبہ کرے۔ فرمایا:

﴿وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْنَهُنَّ إِلَّا أَنْ يَبْلُغْنَ بِفَاحِشَةٍ مُنِيْنَةٍ﴾ (النساء: 19)

"انہیں اس لیے نہ روک رکھو کہ تم نے جو مال انہیں دے رکھا ہے اس کو لے لو۔ لایہ کہ وہ کھلی بے حیائی کا ارتکاب کریں"

دوسری طرف جو خاتون بلا وجہ خلع یا طلاق کا مطالبہ کرتی ہے اس کے بارے میں فرمایا:

14- ایما امرأة سالت زوجها الطلاق من غير ما باس فحرام عليها رائحة الجنة" (رواه الخمسة الا النسائي)

"جو عورت بلا وجہ اپنے خاوند سے طلاق کا مطالبہ کرتی ہے اس پر جنت کی خوشبو تک حرام ہے"

شیخ الاسلام امام ابن تیمیہؒ فرماتے ہیں:

"الخلع الذي جاء به السنة: ان تكون المرأة مبغضة للرجل فتفتدى نفسها منه كالا سیر" (فتاوى شيخ الاسلام

ج 32 ص 282)

"یعنی جس خلع کا ثبوت سنت سے ملتا ہے وہ یہ ہے کہ اگر بیوی اپنے خاوند کو ناپسند کرتی ہے تو اپنا فدیہ دے کر آزادی حاصل کرے جیسے قیدی فدیہ دیکر آزاد ہو جاتا ہے۔

15- "وعن ابی ہریرۃ رضی اللہ عنہ عن النبی ﷺ انه قال: المنتزعات والمختلعات هن المنافقات" (رواه النسائي باب

ما جاء في الخلع) والحدیث صحیح۔

"آنحضرت ﷺ نے فرمایا بلاوجہ نزاع پیدا کرنے اور خلع لینے والی عورتیں منافق ہیں۔"

لہذا طبعی، خلقتی، خلقی، دینی، مالی اور معاشرتی کوئی سبب ہو تو خلع جائز اور مشروع ہے، کتاب و سنت اور اقوال سلف صالحین میں اس کے واضح دلائل موجود ہیں، جن میں سے یہاں قرآن کریم کی تین آیات مبارکہ دس مرفوع احادیث اور پانچ آثار صحابہ و تابعین ذکر کئے گئے ہیں۔

تاہم اگر صرف خاوند بدلی کے لئے اور بلاوجہ، تو اس سے نکاح اور خاندانی تعلقات کے تقدس پر حرف آتا ہے اور وہ منع ہے۔ میں نے مقدور بھر کوشش کی ہے کہ کتاب و سنت اور آثار صحابہ و تابعین سے خلع کے متعلق ایسے مسائل کی نشاندہی ہو جائے جنہیں ایک عام مسلمان اور بالخصوص خواتین جن کا یہ حق ہے سمجھ سکیں اور انہیں شعور حاصل ہو کہ وہ خاوند کے ہاتھوں مجبور محض نہیں ہیں بلکہ عائلی مشکلات یا ناپسندیدگی کی بناء پر وہ بھی خاوند سے علیحدگی اختیار کرنے کی اتنی ہی صلاحیت رکھتی ہیں جتنا خاوند طلاق کے ذریعے بیوی سے جدا ہونے کا اختیار رکھتا ہے۔

خواتین کے حقوق جس کی نوعیت کے بھی ہوں ان کا معاملہ بڑا نازک اور خصوصی توجہ کا حق دار ہے، اللہ تعالیٰ کے ہاں اس کی اہمیت سمجھنے کے لیے صرف یہی ایک مثال کافی ہے کہ ایک صحابیہ خاتون حضرت خولہ بنت حکیم رضی اللہ عنہا کی صدائے احتجاج اور رسول اللہ ﷺ کے دربار میں گفتگو اور بارگاہ الہی میں شکوئی کو اللہ تعالیٰ نے عرض بریں پر سنا، اپنے کلام مقدس قرآن کریم میں نازل فرمایا اور اس کا جواب دیا اور صل بتایا،

بالخصوص موجودہ حالات میں جبکہ حقوق نسواں کے حوالے سے اسلام پر حرف گیری کی جارہی ہے، اس مسئلہ کی نشر و اشاعت بہت اہمیت رکھتی ہے جس سے میاں بیوی کے تعلقات میں توازن قائم رکھنے میں بڑی مدد ملتی ہے جہاں تک موضوع سے متعلقہ دقیق اور مفصل فقہی اور علمی امور کا تعلق ہے وہ چونکہ فقہاء و مجتہدین اور قضاة کی بحث و نظر کا موضوع ہے اس لئے ان سے صرف نظر ہی مناسب ہے۔

آخر میں میں کونسل اور اس کے قابل قدر چیئرمین محترم ڈاکٹر خالد مسعود صاحب کا شکریہ ادا کرتا ہوں کہ انہوں نے بروقت اس موضوع پر گفتگو کے لیے اس خوبصورت مجلس کا اہتمام کیا اور قوم کو اس مسئلہ میں قرآن و سنت کی تعلیمات سے آگاہ کرنے کی کوشش کی میں اس فیصلے کو نہایت قدر کی نگاہ سے دیکھتا ہوں اور ان سے مزید ایسے کارہائے خیر کی توقع رکھتا ہوں اور آپ حضرات کے حسن سماعت کا بھی دل کی گہرائیوں سے ممنون ہوں۔

والسلام علیکم ورحمة اللہ وبرکاتہ

Discourses

Violence Against Women

The promulgation of Women's Protection Act 2006 rightly raised expectations that it may create an environment in the society where women could feel secure and less paranoia. Though in the beginning of the year gruesome gang rape of a sindhi girl by eleven men from Lubano at the direction of panchayat presented a different scenario. Civil society was still protesting and agitating over this issue when one young woman provincial minister of the sitting government in Punjab, Ms. Zille Huma was murdered cold bloodedly in broad day light in Gujranwala during one of her public meetings. Investigation revealed that this was not the first murder by the culprit. He confessed of murdering many others in the past and was able to escape each time, as the legal system has its own lacunae. Major reason being, that the law enforcement agencies / functionaries generally have preconceived notions about women's morality. In this way they justify such actions. The procedures provided him enough loopholes to be free and remain a threat. Situation like this demands a thorough analysis to identify the gaps and then steps could be taken to improve the situation in different areas of life.

A society can only progress if all of its members are assured of their basic rights of dignity and security. Otherwise any amount of abundance or affluence will not qualify for progress or development. The serious issues of disrespect for law, disregard for harmony and disconnect with moral values have to be engaged with in all earnestness. It becomes imperative to understand the undercurrents weakening the social fiber and not to offer only lip service.

Violence Against Women is a deep rooted malaise entrenched in the patriarchal structures of the society. Its negative effects on the development of its citizens are well understood and documented. Consequently all key ministries within the government structures and systems are committed to take measures to address the issue. National Commission on the Status of Women enjoys the trust of the government and society to review laws by analyzing the ground realities and then to suggest for means and measures to improve socio-cultural conditions of collective behaviour. To realize this mandate and to answer the call to the conscience a corollary of three discourses on the following inter-connected themes was programmed.

- 1) The Protection of Women Act 2006
- 2) Violence Against Women in the Society
- 3) Equity for Women: What is Missing?

NCSW organized these discourses and financial support was provided by Decentralization Support Program under the Finance Division. A consultant along with two administrative persons was made available to the Commission for three months. Selected lists of invitees according to the topics were developed for each topic and location. Local organizations were also actively engaged. Eminent speakers made presentations while participants actively participated in the question answer session at

the end of each discourse. These discourses took place in Karachi, Lahore and Islamabad in the months of May and June 2007. In each activity all members of the Commission were involved along with the local members and each activity was attended by a large number of people from various sections of society. Major local newspapers highlighted the points raised in the discourses. Details of each discourse follow:-

Women Protection Act 2006: Legal and Social Analysis

Women Protection Act 2006 was passed to provide protection to the women against the atrocities of behaviour and treatment that women face. It was expected, from this Act to provide legal and social protection to the women. Different sections of the society had their views on this issue with regard to their own vintage point. In this backdrop it became important to analyze this Act objectively, both by the experts and the jurists to see what comfort could be provided with this new instrument for the larger concerns in the society.

First discourse on “Women Protection Act 2006: Legal And Social Analysis” was organized on May 31st 2007 at Holiday Inn, Islamabad. The discourse was intended to analyze legal and social impact of the Act on the society. Following scholars graced the function and shared their views and expert opinion with the audience:

- Justice (Retd) Nasir Aslam Zahid
- Justice (Retd) Shaiq Usmani
- Justice (Retd) Majida Razvi
- Ms Anis Haroon
- Dr. Khalid Masood
- Dr. Arfa Sayeda Zehra

Justice (Retd) Nasir Aslam Zahid

Justice (Retd) Nasir Aslam Zahid brought to the notice, the changes that were proposed in the draft and all the important concepts and terminologies that one is generally not familiar with i.e. Hadd, Ta’azir, Zina bil Jabr, Fornication and Lian. He informed that Hudood Ordinances enforced in 1979 by General Zia ul Haq, have been under severe criticism since then by all the sections of the society. The following governments were not ready to touch these Ordinances, during the last three decades. These Ordinances were framed on the basis of the last four verses of Surah Al Noor. Hadd is the punishment ordered by Quran while Ta’azir is the punishment made by state legislation. So, many of the provisions in the Hudood Ordinances were Ta’azir punishments enforced in the name of Hudood. Another major change was that Qazaf, meaning if a woman is not found guilty of the adultery then she had to appeal through a fresh case for it. Under the Women Protection Act 2006, the case will now directly proceed for Qazaf if the woman is not found guilty. The burden of filing another petition has been taken off. To avoid the exploitation of the victims, as they generally belong to very poor families, the Women Protection Act 2006 provides that these cases would be directly registered with the city magistrate.

Mr. Nasir Aslam Zahid also suggested some remedies and measures for effective implementation of the law. He said lack of political will, absence of transparency in the judicial system and police culture are the problems that are hampering the proper

implementation of the law. He was of the view that these Ordinances should be totally repealed.

Justice (Retd) Shaiq Usmani

Justice (Retd) Shaiq Usmani discussed the history of the bill now passed as the Women Protection Act 2006. He also explained that why Hudood Ordinances were promulgated and enforced by General Zia Ul Haq? How the working committee reviewed the Hudood Ordinances and removed defects in it? He also appreciated the role of the former chairperson of the NCSW in the publication of a report about the Hudood Ordinances. He said that under the Women Protection Act 2006, proceedings and grant of bail have been made easier for the victims. The punishment of Zina bil Jabr is reduced from death penalty to the imprisonment of 10 and 25 years. He discussed in detail the reason for the opposition of clergy to the Women Protection Act 2006.

Justice (Retd.) Majida Razvi

Justice (Retd) Majida Razvi stressed the need to continue the struggle and stressed that laws made under the defacto rulers need to be changed. She said that all the Ta'azir punishments must be replaced in the Pakistan Penal Code including rape, adultery, selling of women for prostitution and abduction. The role of police is to be minimized in these cases. Lian now could be used as an instrument for getting khula. The Constitution guarantees that non Muslim are to be governed by their respective Personal Laws, whereas Hudood Laws (1979), being part of Ta'azir (Criminal Law) are applicable to all citizens including non Muslims. Requirements of witnesses based on religion to be adjudged on Islamic Principles of Tazkia tul Shahood because of which non muslim witnesses were discriminated. Secondly non muslim judges were also not allowed to hear the cases which again is against the spirit of equality for the citizens according to the guarantees given in the Constitution. According to Justice (retd) Majida Razvi, the punishment of Rajm is against Quranic injunctions but it is left as part of the current law. So there are still areas which need to be looked into with reference to the discrimination to minorities as well as women and children.

Ms. Anis Haroon

Ms. Anis Haroon spoke on the social outcome of the law. She found political expediency as one of the major problems with the law. She said that laws should be made to protect the rights of the citizens instead of assigning the policing role to the state. Three recent cases were discussed one by one i.e. Nasima Lobano in Ubaro, Faraz and Aneesa in Karachi and Kainat Soomro. Nasima Lobano belonged to a very poor family who was living in pathetic conditions and no rehabilitation facility was provided to her by the government. She was living in a servant quarter where her family was often threatened by the culprits. Kainat Sumro was a 14 year old girl who was living in Edhi Home and is considered as the most severe victim after Mukhtaran Mai. No relief was provided to her. She also mentioned about a young couple Faraz and Aneesa, in Karachi as an example of marriage of personal choice. The married couple continues to live in

desperate fear from their families. Despite of the fact that one year has passed to their marriage and they had a son also. She as a social activist claimed that she had not found any positive implications of the law so far. She said that poor infrastructure, social injustice and police reforms are the major issues to be addressed in the future. She also emphasized the need for creating the awareness about the law in all sections of the society especially i.e. police and among law enforcing agencies in most backward rural areas.

Dr. Khalid Masood

Dr. Khalid Masood, Chairman Council of Islamic Ideology discussed the role of the Council of Islamic Ideology in the passage of the bill. He also discussed that why the bill was not called Hudood Amendment Act instead of Women Protection Act 2006? He pointed out that Hudood Ordinances and Women Protection Act both are attempts to reform existing laws. Both aimed at changing the status quo; the Ordinance was to change the status quo resulting from Pakistan Penal Code and the Women Protection Act meant to change the status quo existing after the Hudood Ordinances 1979.

He said that the reform is a very difficult job but the case is not same always. Sometimes reform can be taken out by giving a new name to a thing that you want to reform. He gave the example of Parliament that how its name was changed into Shoora as the Parliament sounded very secular and western. He pointed out that the reason that amendment in the Hudood Ordinances is not called amendment is that the society is very conservative and rigid elements can play on the emotions of masses that have little knowledge about the content of the law in the first place.

He emphasized that the conservative societies love to draw borders that are already very narrow. Yet, since they love the idea of isolation they keep shrinking these borders further. That is why conservative societies often disappear along with borders. Borders are well defined in such societies but not by the society itself. They are defined by the authorities who keep the knowledge of borders secret to themselves.

He was critical of the social trends in Pakistan, that the public generally criticizes things without knowing about the real issue. He also drew attention of the audience towards another layer of feminism emerging from the Lal Masjid events. According to him current name of the amended bill reflects the underlying ideology of the majority in the society. Instead of believing that the women could be independent they are perceived as beings in need of protection. Though the demand of the women was for the repeal but to protect the law and women we had to bring a Women Protection Act. How one can repeal or amend an Act which intends to protect men and their honour; you can only introduce a new Act to protect women he concluded in a lighter tone.

Dr. Arfa Sayeda Zehra

Chairperson NCSW discussed in detail various aspects of the law. Very sensitively she made the audience understand about the efforts being made for women empowerment.

She categorically negated the view that when the voice is raised to repeal the Hudood Ordinances, it in anyway reflects any insensitivity to the divine laws. The difference to be realized is between the divine law and the man made law. In Hudood Ordinances of 1979, sections from the Pakistan Penal Code were included giving the impression of their divine nature. This was the cause for anxiety and protest. Women Protection Act is an effort to clear this general misconception. She pointed out the difficulties in the implementation of this Act and cognizance of the crime. She stressed that all responsible to execute this law must be oriented and remind accordingly, otherwise it will create new problems. She criticized the role of clerics for their double standards and requested them to be fair in their dealing with religion. To distinguish politics from religion, as it may suit the power, but not the powerless, is the vital issue.

Recommendations

In the question answer session the audience participated enthusiastically. The presentations were discussed in details and the following recommendations were formulated:

1. This Act is a first step in the right direction but there is a need to eradicate the elements of discrimination against minorities. Civil society members and all concerned authorities should focus their efforts on this issue for equity.
1. There is still a need for serious examination of punishments under Sharia.
2. Need to raise awareness among law enforcement agencies especially with regard to new amendments in the law so to provide relief to the people in the backward areas.

Rising Violence Against Women

The dramatic rise in violence in the country is a constant source of worry and concern. The situation is quite intimidating for women, as some people posing to be custodians of Islam gain power. The closure of girls' schools is threatened on abduction of women in pretext of their "self-created morality". The worsened situation could be gauged from the fact that a woman minister was assassinated by a fanatic who claimed to have murdered many more women in the past and was not touched by the prevalent judicial system in the country.

Whatever may be the political priorities of any regime, it is irrefutable contemporary reality that the magnitude of intolerance, violence and extremism is increasing by every passing moment. Regardless of tall claims and declarations, state, clergy and current societal profile are playing key role in subjugating the women. All the mechanisms revolve around the nexus of patriarchy and violence. This multifaceted patriarchal system perpetuates the violence at societal and family level. Violence against women ranges from family disputes, honour killings, abduction and rape to wife battering.

Several agencies and civil society organizations are trying to cope with the issue but the extent and graph of violence against women is rising. National Commission on the Status of Women (NCSW) is seriously involved in carrying out researches for policy feedback. This discourse was an attempt to find out the factors that aggravate the situation and impact the individual, society and institutions.

This discourse was held at Avari Hotel, Lahore on June 14' 2007. Almost, all segments of civil society, including social and political activists, academicians, lawyers, journalists and students comprised the large gathering. Following speakers made their presentations:

- **Prof. Osama Siddique**
- **Ms. Neelum Hussain**
- **Ms. Bushra Gohar**
- **Dr. Nousheen Rehman**
- **Ms. I.A. Rehman**
- **Dr. Arfa Sayeda Zehra**

Prof. Osama Siddique

Osama highlighted some very important factors that are contributing towards the worsening of the situation regarding violence against women. In the name of free media, objectification of women and gender stereotyping is becoming part of every day life. Gaps in existing laws and problems in their actual implementation are causing pain and suffering for the common person. Changing social structures and breakdown of norms especially larger breakdown of political governance leading to lack of service delivery, accountability and intolerance are some of the most important areas he touched upon. According to him other influencing factors like education, health, employment and social mobility where government is relinquishing its role are adding to the situation at large.

He brought to the attention of the participants the rising phenomenon of rapes of minor girls. He further stated that courts have failed to provide protection to the women because the courts view violence against women with a traditional perspective. He maintained that the obscenity on electronic media is still another form of violence against women. He was unhappy that this kind of violence is overlooked. He questioned that why our laws are amended in the name of Women Protection Bill? Why could not we have taken such measures earlier? He also stressed the need of involvement of political leadership in the process of ending violence against women, as political will commands implementation.

He was of the view that there are different challenges for government and NGOs for women empowerment. If we talk about our weaknesses then it is evident that there is no collaboration between researchers and society. He cited the example that few days back, he was in Toronto to participate in a conference, after his presentation, he met with several people who were carrying out similar kind of research study, but he could not find such people here in his own country, where the problem is grave.

Lack of an integrated research approach added with lack of collaboration even among those who are working at various aspects of same issue was also highlighted as gaps that needed to be looked into.

Ms. Neelum Hussain

Ms. Neelum Hussain, expressed that violence has been institutionalized in the structure of our major institutions, like state, army and law enforcement agencies. We have seen violence, from General Ayub Khan regime till date. This has infused violent attitudes and behaviour in the nation. We as a society do not think about several other issues, for instance, there is complete ignorance about gender identity and multiplicity of sexuality. We just validate the services of our males while on the other end we do not even count the services of women. Women are kept sidelined in decision making in national, regional and even in family budgeting.

Ms. Bushra Gohar

Ms. Bshra began by expressing her grief on rising violence against women in the country. She said that we always talk about rising violence around the country but we

don't develop a comprehensive strategy for ending this violence. In *Pakhtun* society, women are not allowed even to attend the schools and their mobility is restricted. Whenever we point out the gravity of violence against women in *pakhtun* society, this is rejected in the name of *paktunewali* (*pakhtun* tradition). If anyone focuses on the issues of violence against women, people perceive him/her as a westernized, liberal or rebellious element. First of all, we have to change our mindsets.

Bushra Gohar expressed her concerns over women representation in the provincial and national assemblies. In NWFP Assembly, women are told that seats are given to them in dispensation, otherwise women has nothing to do with the politics or legislation. It is made clear that women do not have any share in decision making process and they are no more

than a rubber stamp in the hands of their male colleagues in the provincial and national assemblies. Women legislators are as vulnerable as women working in the household. Women have certain types of problems in getting national identity cards and thus they are kept away from the electoral processes. There is an urgent need to resolve these issues, especially in tribal areas.

She also touched upon the issue of behaviour of law enforcement agencies. She said that the police force has a much higher proportion of male officers than female officials. The male officials tend to be more conservative and unfalteringly patriarchal. These traits have turned the police force into one of the most effective tool of discrimination against women, the most vulnerable section of the society that needs protection and assurance of this right at the most.

Bushra concluded her remarks by saying that the heinous crime of rape has increased and the police play a critical role by making its reporting complicated. Police reluctance to register rape cases often results in the loss of crucial evidence. Moreover, the way the reports of rape are encoded, influences the procedure in conducting the case. The police conducts investigations in the most superficial manner. Consequently, real evidence goes unreported, the perpetrators find opportunities to flee and a case is registered against the victim, making a joke of a serious crime.

Dr. Nausheen Rehman

Dr. Nausheen, Director, Department of Clinical Psychology, Punjab University said that domestic violence can assume many forms of emotional, verbal, sexual and physical abuse. And often victims are caught in a vicious cycle whereby they are abused twice over -- by their spouses and the very people they turn to for help. Usually, men consider women worse than the children, as they do not have the ability to retaliate even if abused. In more extreme cases, such as murder, burning or acid-throwing, pathological or mental disorders cannot be ignored.

Later she defined the term 'violence'. She was of the view that violence is not only a form of physical abuse but psychological abuse is also a major form of violence. She said that the real dilemma is that we just include the domestic violence by the husband

and husband's family. Here she mentioned that *karokari* (honour killing), exchange and forced marriages are also forms of domestic violence. She explained the causes of domestic violence and said that the role of husband, drug addiction, poverty and dowry are playing crucial role for rampant domestic violence in our society.

Dr. Rehman suggested establishment of rehabilitation centers for the victims of violence as one of the important steps for dealing with this situation. Provision of local helpline should also be made available so the victims could seek help immediately, where qualified people, well-trained and professional staff could be available to deal with the situation.

Mr. I.A. Rehman

Mr. I.A. Rehman said that Human Rights Commission of Pakistan has been conducting surveys on violence against women and we found that the main cause behind *karokari* and *vani* is property. He mentioned the role of state for those discriminatory laws that worsened the situation and thus marginalizing the victims even more.

He further stated that patriarchal system in our society is the major source of violence. In fact, majority of the women is living in a suffocated environment. Violence has not only had its severe impact on women; it is also taking its toll on the minds of the youth who are silent sufferers and will replicate the situation in their own environment later on. It has led to aggression in youth. It takes shape of violence on roads, eve-teasing and sexual harassment at workplace. Sometimes rape or kidnapping are directly interlinked with domestic violence. Such violent behaviour is widespread in the country.

Dr. Arfa Sayeda Zehra

Dr. Arfa started with the argument that the self-centeredness causes aggression and violence. She observed that all of us are the prisoners of self-admiration and at best try to keep good appearances. This generates conceit and thus we cannot accept anything that challenges our primacy. These days Jamia Hafsa students are preaching Islam through force of Batons, using violence as a means of persuasion. Such extreme attitudes, totally negate the spirit of Islam that is tolerance, love and affection. Prevalence of extremist attitudes, self-righteous consciousness push the society towards intolerant attitudes and behaviour and generating violence of every kind.

Dr. Arfa said that we always talk of democracy perhaps without understanding it. Violence is one thing that does not match the concept of democracy. Violence violates the very essence of democracy-respect for differences and regard for basic rights. If one is not inferior to the other, then the paradigm of power is to be understood differently. Women face violence as they are not considered equal, rather subordinates, so violence against them becomes the expression of power.

**She concluded her speech by paying her thanks to all the speakers.
A question answer session was followed.**

The following questions were asked:

- 1. In a society where the men are also the victims of violence how violence against women could be reduced? Is there any comparison with the countries in the region that succeeded in any such attempt?**

Answer. Any society or an individual in society, who believes in oppressing the weak, is prone to violence against weak regardless of gender. Societies where people are involved in governance, norms have been improved through discussions and debates. Thus continuously improving their laws, values and norms. Unfortunately, in our society one person or one institution thinks that they know the best. The process of democracy and consultation has been interrupted several times by exercising force and might. It did not give a positive signal to the society. Violence keeps on rising without any check and balance, rather enjoying a level of acceptance.

- 2. Why Commission does not come up with a newsletter that provides information about the laws prevalent in other societies and countries along with the case studies?**

Answer. Commission wants to do a lot more than that but to undertake all this it needs more hands let alone the minds. Commission is extremely handicapped regarding human resources.

- 3. Is NCSW doing anything related to the sexual harassment of working women?**

Answer. This issue is almost universal, the Commission is trying to address it within its limited human resource situation.

- 4. Women need protection from whom?**

Answer. When people respect the space and individuality of other human being no one needs protection from anyone. But when few try to control the space, mobility and the resources on behalf of the majority they violate the rights of other human beings. Violence against women is the issue of perception about women. When the society will start looking at them as equal human beings rather than just member of opposite sex there will not be violence against them.

- 5. Which approach will work to end violence against women i.e. top down or bottom up?**

Answer. Unfortunately, our society thinks just in the given parameters. All these so called approaches are given by the west and majority of which are proved wrong. In the countries like ours we still are using these terminologies as well as approaches. We have our own time tested positive traditions where whole society used to play a role to train its individual. No one used to mind that their children were corrected by some other member of the society. This space for tolerance is diminishing. Value systems have deteriorated over time. Worst is the deterioration of education system and by focusing on education just for the sake of economic gain consequently enhancing consumerism. Media is being used by few to sell products without checks on the messages that they convey. What we need to do is not using any top down or bottom up approach but everyone has to take the responsibility wherever one is positioned, and work in all directions to improve the situation.

Recommendations:

Following recommendations came out at the end of the discourse to pursue in future:

- **Need to find out the factors that are causing the breakdown of societal fabric**
- **Need to overhaul the substance and methods of training of youth in the society**
- **Need to examine kind of values are being promoted**
- **Need to check what kind of images and messages and values are being promoted especially to the youth through media, so a comprehensive media policy needs to be brought for advocating the value of tolerance and respect for each one**
- **Need to check those who are using religion as a tool for hatred and violence**
- **Need to look into the messages given by different religions and to curb promotion of violence in the name of religion**
- **Need to establish networks and collaboration among those working and researching on the issue to understand the situation and work out coordinated strategies according to the different situations in different parts of the country**

Equity for Women: What is Missing?

According to the constitution of Pakistan, there will not be any discrimination on the basis of colour, creed, language and sex and all citizens will be provided an environment to lead a life of dignity regardless of their gender and socio-economic background. We live in a society where more than 97% population claims to be the followers of Islam. Islam again is a religion of equality and peace and tends to abhor violence of any kind.

Then the question arises if the majority of the population claims to be muslim and citizen of a country whose constitution guarantees equality then why inequality persists and violence perpetuates? The answer is that the laws are just words till implemented. They do not and can not change the unspoken value systems and behaviours of the individuals. Only a highly evolved and civilized society can mould the behaviours. In such societies those who lag behind are given the chance to catch up through the principle of equity and affirmative action.

Keeping itself within the given mandate, National Commission on the Status of Women has tried to study the rising phenomenon of violence against women the legal instruments the last two discourses. Current discourse is an effort to find out the missing links in the way of equity at various levels by experts from various disciplines and sections of society. Following were the speakers for the event which was held on 30th June 2007 in Holiday Inn, Islamabad:

- **Dr. Mohammad Farooq Khan-Religious Scholar**
- **Mr. Javed Hasan Aly, Ex-Secretary Establishment**

- Mr. Farid Ishak, Professor, Harvard University, USA
- Dr. Manzoor Ahmad-Rector, International Islamic University, Islamabad
- Begum Mehnaz Rafi-MNA, Chairperson Standing Committee on Women's Development
- Dr. Ghazala Irfan, Professor, Social Sciences Department, LUMS, Lahore
- Dr. Arfa Sayeda Zehra, Chairperson, NCSW

Dr. Mohammad Farooq Khan

Dr. Farooq highlighted the rights and duties equal to men and women. According to him the case is not the same for husband and wife where the concept is different. He gave references of various verses of Quran as well as examples from the life of Prophet (PBUH) and his followers and friends in support of his statement.

Dr. Farooq pointed out that in Islam women were encouraged to take part in all aspects of active life including business and administration. In the conjugal relationship husband and wife are to consider each other under all circumstances, keep their secrets and be a source of dignity and respect for each other. Social responsibilities of men and women vary according to the division of labour but both are equal before the law. He pointed out that what is happening in the society currently is not Islamic in spirit. Only traditions and customs are being followed in the name of Islam. He said that entrenched patriarchal norms and traditions are continued to suppress the marginalized and weaker sections of the society by using the name of religion. It is essential for us to have the knowledge of the religion ourselves instead of restricting it to one institution mosque or person mullah.

Mr. Javed Hasan Aly

Mr. Aly said that equity is synonymous with fairness. He said that the subject of this discourse raises certain fundamental questions—particularly that the ingredients of the basis of equity, or the lack of it, are not simplistically separable. He said that for him equity is a complex compound of interactive elements like history, social beliefs, knowledge, ethnic inclinations etc and not a simple mixture of separable ingredients that can be viewed, analyzed and comprehended in a state of detachment.

According to him equity for women is also determined by a combination of intrinsically interactive factors that determine the social condition of a group or class of people. This social condition is steeped in history, placed in geography and moved forward or otherwise by a combination of internal and external dynamics. These dynamics are responses to factors of supply and demand internally and shaped by compulsion of external environmental pressures. These external pressures are a positive force for the cause of equity for women.

He pointed out that it is difficult to view equity for women from the perspective of education in isolation from their total social condition. We continue to live in a feudal

society where even those who achieve vertical social mobility are demonstrating neo feudal attitudes. For them woman is primarily a possession, and this possession is to be provided with so much space and no more. Equal opportunities for women exist in limited households, though in absolute terms the number is now increasing and is increasingly vocal in civil society organizations.

He said that the education was a chosen occupation of few during the Muslim rule in India, till the emergence and establishment of British rule. So education as the driver of progress of civilization was never substantively supported by the state and was sustained by the comparatively sporadic largesse of nobility.

Female education has been worst sufferer due to perceived opportunity cost and the feudal disdain for equality for and gender related issues. The state has paid little more than lip service for removing gender related disparities and the educational status of women in Pakistan remains unacceptably low, in fact amongst the lowest in the world.

Women in Pakistan do not form a homogeneous entity; their opportunities vary greatly with the social system they are a part of. In rural areas, patriarchal structures often combines with poverty limit women's opportunities while women belonging to the upper and middle classes have increasingly greater access to education and employment and can assume greater control over their lives.

He stressed that the role of education needs to be gauged by analyzing that whether it helped to decrease violence against women in the society and how it could be modified? He pointed out that while working for an educated Pakistan our focus was so much on the numbers that the quality was forgotten for the sake of quantity. Values given through the education system are not helping to make a tolerant society but a competitive one and those who are powerful tend to assert themselves even at the risk of coercion for others.

Mr. Farid Ishak

Mr. Ishak said that it is very difficult to speak in a country like Pakistan on 'Gender Equity'. The discourse on 'Gender' is seen as part of a war for women connected to the wars about civilizations. We have internalized the discourse of our enemies. Gender justice is on the agenda of liberation struggle. According to him what is missing in this struggle is that 'we essentialize the Islam as the problem or as the solution'. Religion lives beyond history and society and so has to be understood in its proper perspective.

Text functions far more as pretext. We have to understand now our agenda for 'Gender' is connected to the struggle against fundamentalism, imperialism, poverty and socio-economic justice in the society and how our images have been appropriated? What is missing is the 'deep contempt for ordinary rural / poor people, it is to be realized for negotiating gender respect and harmony in the society. It is to be taken on emergency basis as resentment is rising. Fundamentalism is our own problem and we have to deal with it. Others can not provide us ready answers.

Dr. Manzoor Ahmad

According to Dr. Ahmad what is missing in today's world and society is 'conducive environment'. What could be done with the mindset of people who talk about 'Islam' with authority without really understanding the spirit of the religion? What is the mindset? Easy in our case, the husband, alim and the scholar is always right. Authority/ obedience are the paradigm which needs to be tackled to produce conducive environment. Until and unless we start teaching that it is right because it is right and not because someone says so situation will remain unchanged. Social paradigm of obedience needs to be changed and challenge needs to be appreciated.

Begum Mehnaz Rafi

Begum Mehnaz Rafi said that I am a human being first. We are man and woman later and human beings have equal rights. She said that the after giving birth to the man this 'woman' is lost socially and morally and can not be found anywhere. Discrimination starts right after birth. Woman is confined to the will of man and whenever those who need her to come out, will allow her so. We don't need to ask for our rights or take it from them. We have to use the rights as human beings ourselves. When will women learn to use their rights, whenever they will not be recognized about the very existence in any sphere?

Women are regarded in the parliament as a showpiece to the world. But let us see are they anywhere in the decision making bodies. Currently it is just the quantity and not about the quality. Women's current status is not a gift of any institution or government; they got it themselves through hard struggle. Today women are looking towards NCSW for redress, as it continues to work with limited work force.

Dr. Ghazala Irfan

Dr. Irfan pointed out that general perception about men and women is that their roles are not complimentary. Activists need to engage in discourses only for a short while to translate it into action. There has to be a marriage between theory and practice. She stressed the importance of vision/ dreams and goals because they propel us and drive us to the reality in a different way.

She said that to assess the situation we should look at the prevalence of inequalities in the society in various forms. She touched upon the inequality at birth, inequality of capacities, about looks, intellect and everything. She stressed the need to think about the ways to lessen and eliminate these existing inequalities. She said that though the men and women are factually unequal but it does not mean that they should not have equal opportunities. She pointed out that it does not mean that one is superior than the other. She said that the roles of men and women in the society needs to be cooperative

and not comparable, they have to be friends and not adversaries. They need to compliment each other.

Dr. Irfan said that when one talks about power and will one has to deal with the systems and structures and socialized individual who wish to dominate, rule and subordinate 'others'. She stressed the need for each individual to work on such urges, needs, basic instincts for domination that leads to this kind of behaviour to conquer 'others'. She gave an example of a matriarchal society where most of the deaths were natural and not due to wars. She pointed out that the scholars concluded that the women are nurturers by nature.

She stressed the need to change the current way of thinking, behaviour and actions. She said that we need an attitudinal change at the personal level. She expressed the need to educate the educator. She mentioned saying of one Greek philosopher that we all born ignorant but education makes us stupid. Current education systems is taking away curiosity and intellectual drive and make the pupils stupid and that is being done by dogmatization of education and training. Educator just needs to propose the agenda in the class and facilitate sessions in a way where opposing views are looked at sympathetically and empathetically. This will inculcate the value of respect for difference of opinion. Teacher in a class room need to take a more liberal more enlightened and more modern point of view.

She said that what we require today is a notion of peace for everyone and its not just peace for women and not men. It has to be for everyone. She pointed out that the competitiveness and aggression will not bring peace it is just the cooperative behaviour that will instill sense of peace at individual and societal levels.

She also touched upon the traditional attributes of men and women according to which men are rational, logical, independent, and conventional while the women are emotional. Because of this women were restrained historically to be part of political processes and decision making bodies. Currently it is being realized that it is not just the rational intellect that could bring peace but the emotional maturity. She stressed upon the need to revisit the language of adulthood, maturity and discourses. She pointed out the importance of mothering, nurturing for the existence of human race and one should not undermine emotional aspect. She said that the private must become the public and public must become the private if we are looking for a holistic human being and societies.

Dr. Arfa Sayeda Zehra

Dr. Arfa stressed the need for realizing the urgency of the moment. According to her, we do not have any excuse to shift the responsibility from one to another, from present to future. Life, through its experiences has given us a tested paradigm to balance our existence as equitable citizens. Women, as individuals, have a right to enjoy respect and dignity and do not have to suffer the egocentric behaviour. The question of equity is not something impossible to answer but the factor that leads to this answer is education.

Education helps in creating awareness and correcting the negative attitudes. Women have been suffering more because of ignorance, as ignorance acts to fossilize the irrational. Equity, she emphasized is the key ingredient for a life of dignity and empowerment.

Dr. Arfa said that so much has already been said by the eminent speakers and she does not want to add more in it, except that each act has to be started from the individual self and 'now' instead of waiting for tomorrow and for others. She mentioned that so much time has already wasted over the decades and we do not have much time left to waste anymore as we are facing a crisis situation in all spheres of life. She thanked the speakers especially the ones who came from Lahore Begum Mehnaz Rafi and Dr. Ghazala Irfan and endured all kinds of inconveniences, in their travel, but refused to give in.

The presentations were followed by a question answer session.

Interfaith Dialogue

As part of the End Violence against Women campaign, National Commission on the Status of Women (NCSW) in collaboration with UNIFEM organized an interfaith dialogue on December 15 2007. Scholars from different faiths that live in Pakistan participated in this event. Dr. Arfa Sayeda, Chairperson NCSW, was in the chair. She introduced the topic, calling attention to the special focus of the dialogue to Violence against Women in the context of religious beliefs. She introduced the speakers while lauding UNIFEM for hosting an event of this importance in collaboration with NCSW. Following were the guest speakers:

- Dr. Qibla Ayaz, Chairman, Islamiyat Department, University of Peshawar
- Dr. Abdul Rashid, Director Global Network for Promotion of Tolerance, Karachi
- Dr. Seema Akhtar, Physician. Bahai Faith
- Mr. Mahboob Sada Director, Christian Study Centre, Rawalpindi
- Allama Fakhrul Hassan Karavi, Scholar, Peshawar
- Dr. Farooq Muhammad Khan, Scholar and Psychologist, Mardan
- Raja Tridev Rai, Minister for Minority Affairs

Dr. Qibla Ayaz

Thanking organizers for organizing a forum such as the Interfaith Dialogue, he said it was an important first step and he was grateful to the organizers. He spoke about the different kinds of violence against women, and said it was not just physical abuse but also psychological and social violence that affected women, appreciating the fact that NCSW and UNIFEM were the first partners to bring out a discussion on Violence Against Women and the perception of different belief systems.

There were several religious and ethnic groups in Pakistan and any of them do not make allowances for or supporting violence against women. If it was prevalent it was not because of religion but because of culture, which was all pervasive and had influenced minds for years. He pointed out that the issue should be reviewed in the light of Islam, the Qur'an, the Prophet and his life. He also cautioned against the belief that woman was responsible for evil and emphatically stated that man was not thrown out of paradise because of a woman, it was a fallacy that people want to believe.

It was culture that influenced minds and the law and attitudes. In order to see what Islam said about violence against women, the source that would be the Qur'an should be considered together with the Prophet and his behaviour and attitude towards women. Remarking on a common practice he said that when somebody visited a house and the male member was not home the women invariably would respond by saying that nobody was home suggesting that she herself was no entity, the woman thus negated herself although this was never encouraged by Islam, according to Islam she is a complete individual.

In support of how much women were respected in Islam Dr. Ayaz gave the example of the Prophet's first wife Khadija who was a business woman for whom the Prophet worked, she was the first to have witnessed the transformation and to have believed and accepted Islam thus she had a singularly significant and important role which should not be forgotten. It was sad day for the Prophet when she passed away. When she passed away it is said that the Prophet was heard saying that he was saddened and tearful uttering that she had supported him in his hour of need'.

Dr. Qibla Ayaz touched upon the relationship of a husband and wife he said it was that of harmony and peace therefore the question of violence in a marriage shouldn't arise in Islam (Qur'an, the Prophet nor Sunnah) did not encourage even a harsh word towards a woman so how could it encourage violence in any shape or form.

Dr. Abdul Rashid

It was clear that violence had no place in Islam. The UN has identified 24 countries that had a high incidence of violence against women and these countries included the US and Europe, it was not a national but a universal problem. Highlighting how religion

perceived Violence Against Women the word ‘Nisa’ was mentioned in 43 places in the Qur’an indicating the importance and respect accorded to women in Islam; it was also repeated several times that a woman must be treated with kindness. Muslim History is replete with instances where women were considered to hold important positions and he mentioned Hazrat Umar who hired a woman to look after marketing during his rule, to provide feedback on marketing trends.

In Pakistan it was important to study the cultural and historical background of the regions where violence was rampant especially Baluchistan where Karo kari was practiced, the system of Jirga which had been introduced in 1876 was responsible for this tradition of killing a woman because she was suspected of tarnishing the family honor. Equally horrific was the fact that separate cemetery for victims of Karo Kari existed.

He quoted an incident about the first caliph Hazrat Abu Bakar who was about to strike his daughter, the Prophet who was present, held back, Hazrat Abu Bakar’s hand, stopped him and told him never to do that. According to Dr. Abdul Rashid the bedrock of violence stemmed from wrong beliefs and practices and no way did religion endorse this behaviour.

More importantly he wished to emphasize on a set of recommendations that would help in understanding this phenomenon of violence against women.

- More research was needed and he suggested that educational institutes be involved particularly girls who should carry out research,
- The Khatibs (only the educated ones) of the mosques should be involved because they can reach out to the people.
- A chapter should be formed in every region
- At least one article to be published every week in the local newspapers
- Women should be educated about their rights
- Media intervention programs to highlight VAW

Above all Islam should not be allowed to be used by groups or individual to further their own objectives as it had been done in the past. Attitudes needed to be changed, facts and figures that speak volumes about the situation was something to think about, every 3rd woman in the west and every 2nd women in South Asia has suffered abuse at some point in her life, there were 1000 honor killing recorded cases and 2006 saw 389 Karo kari offences. People who needed to be reached were those living in the rural remote areas of Sind and Baluchistan and tolerance should be promoted whenever possible.

Dr. Seema Akhtar

Dr Seema Akhtar started her presentation by quoting Abdul Bahai successor to the founder of the Bahai faith “the world in the past has been ruled by force and man has dominated over women by reason of his more forceful and aggressive qualities both

body and mind but the balance is already shifting force is loosing its dominance and mental alertness intuition spiritual quality of love and service in which women are strong are gaining ascendancy' this was said a 100 years ago and the balance has still not shifted."

She spoke at length of the contours of violence and sought information from NCSW and UNIFEM's brief on violence against women. Her presentation did not mention what the Bahai faith had to say about VAW other than the quotation but recommendations and the fact that her faith supported violence against women, their focus was rather on preventive measures that could be taken.

- Do not look away, guide people who are victims of violence
- Take responsibility of one girl child to educate her impart knowledge to those around
- Preventive part Bahai teaching is education which is the most important girls should be educated because they are the mothers of tomorrow.
- Work towards economic uplift towards elimination of poverty
- There should be equitable distribution of wealth between men and women
- More investment in health care meant healthier minds and an more tolerance
- Emphasis on granting equal rights to men and women

Mr. Mahboob Sada

Appreciated NCSW and UNIFEM's efforts and said that it was the need of the hour. He felt that like everything else interfaith had become a fashionable buzz word to talk about, as to what people understood by interfaith he had his doubts. There was a common practice to focus on non issues rather than substantive concerns that affected people.

He was sure that violence against women was not sanctioned or encouraged by any religion. His contentions, like the other speakers before him were that culture and cultural norms were responsible for violence and silence was the worst of the crimes; to ignore violence on the pretext of folk wisdom was highly incorrect, unfortunately such folk wisdoms were prevalent, and a familiar general belief was that 'a woman was no less than a shoe.' Nobody made any efforts to correct this folk wisdom because of the conditioning of mind over the years.

In his study of the Bible he confessed that he could find only two events that could be classified as a reference to an attitude towards violence against woman, one was the case of the untouchable woman who was asked by Christ to give him water and her reply that she was an 'untouchable' and how could he ask for water from her, her status did not deter Christ from asking for a drink of water and he persisted in asking. The other was the story about a woman who had indulged in adultery and who came to him and said she had sinned, those sitting around were ready to punish the woman till

Jesus said only he will cast the first stone who has never sinned. All of them left and the woman was asked to go.

Mr. Sada's emphasis was that cultural norms needed to be examined more closely, and more importantly the culture of silence had to be discouraged, many times culture was confused with religion. He felt that with UNIFEM's help there could be a compilation of traditions that are in practice and provide information on the actual religious edicts.

Allama Fakhrul Hassan Karavi

Allama gave several arguments as to the status of women in society. He was of the view that the problem had arisen because although man believed in Allah he did not believe in what Allah said. In forums it was the accepted norm to address the gathering with the welcome phrase 'ladies and gentleman' but when it came to decision making, he wondered as to why women were pushed back and were never a part of that process, he also questioned the elevated position given to a man, since both men and women were equal, he alluded to man and woman as being represented by the two eyes, one male and one female.

There was a need to look back at historical facts of fourteen hundred years ago when it was a practice to bury a girl child alive as soon as she was born, and the word of Allah put a stop to that, so how can anyone imagine that violence is permitted by any religion of the world. No man should be given the opportunity to think that he had the right to raise a hand against a woman because she was weak or helpless. Fact was that it was a woman who gave birth to the Prophet and all the saintly men of this world so how could she be considered any less or inferior to man.

He referred to a woman leading prayers and the criticism it triggered followed by the proclamation that was issued, that those who offered their prayers being lead by a woman should be divorced. Allama questioned as to why the men stood behind the woman leading the prayers they were at fault, why this diatribe against women. He appreciated NCSW and UNIFEM's efforts in bringing this sensitive issue forward. He likened it to be the first raindrop which could become an ocean and should be taken forward beyond the seminar.

Reiterating the fact that no religion propagated violence against women, he spoke with particular reference to Islam as to how could it be possible that violence against women be tolerated as Allah and the Prophet attributed a great respect and dignity to women so who were the people who deemed it fit to overturn that. Anyone who claims to be a religious scholar should have a better understanding of the religion and what Allah has said.

Dr. Farooq Muhammad Khan

Dr. Khan opened his discourse by announcing that he came from the most conservative of places in Pakistan. Elaborating on the difference between religion and culture he

quoted a wide spread perception that a woman was considered to be the footwear of a man; while on the contrary the Prophet reportedly reminded people that paradise lay under the feet of the women so serve her well.

Armed conflict was rampant in Swat and its adjoining division for the enforcement of Sharia, these places had also become a ground for bloodshed and unnecessary killing; there was a great deal of talk about imposition of Sharia in the Malakand division and the surrounding areas which would mean a strict code of conduct. However, in the scheme of things there was no place nor provision for the rights of women, and when it came to inheritance it was not a consideration and refused although the Qur'an has stressed the need to give inheritance to women to support his argument Dr. Khan quoted the Qur'an Chapter 35 Verse 33 wherein the equality of men and women has been reflected very strongly. He emphasized the fact that rights of men and women were equal and nobody should challenge this religious reality and in support of his argument he again quoted Chapter and verse of the Qur'an with particular reference to the inheritance law for women.

As regards the relationship between spouses it was ordained that if there was a problem between husband and wife the husband should give in to the wife, highlighting the role of a husband as the sustainer of the family he had to take that extra step to maintain harmony.

Not enough emphasis could be laid on the fact that violence was not permitted in Islam at any level and there had never been a case of wife abuse at any time during the 30 to 40 years of Islamic rule which was democratic and greater equality prevailed in society. It was only when monarchy took over the Islamic world that power changed hands and it was only those close to the monarchical hierarchy and who wielded power that everything changed. Dr. Khan agreed with all the recommendations made by the other panelists, he said that Violence Against Women was a serious issue amongst the Muslim societies and more cognizance should be accorded to this, such as instituting stronger legislations. He also insisted that judicial enquiry should be carried out in case of an accidental death of a woman.

Raja Tridev Rai

Raja Tridev Rai Minister for Minority Affairs was called to give a representation of Hindu position on Violence Against Women in place of Mr. M Prakash, who could not make it to this dialogue. Mr. Roy talked about Violence Against Women in general and how it affected not only the developing countries but was also present in the more developed countries.

He pointed to the reserved seats for women in the Assemblies which have been the highest than any previous Assembly and that spoke strongly for the stance that the government had taken to uphold the empowerment of women. Comparing the South Asian women he said that the suffrage movement in England was able to get any recognition a hundred years ago and the right to vote, in Switzerland women got the

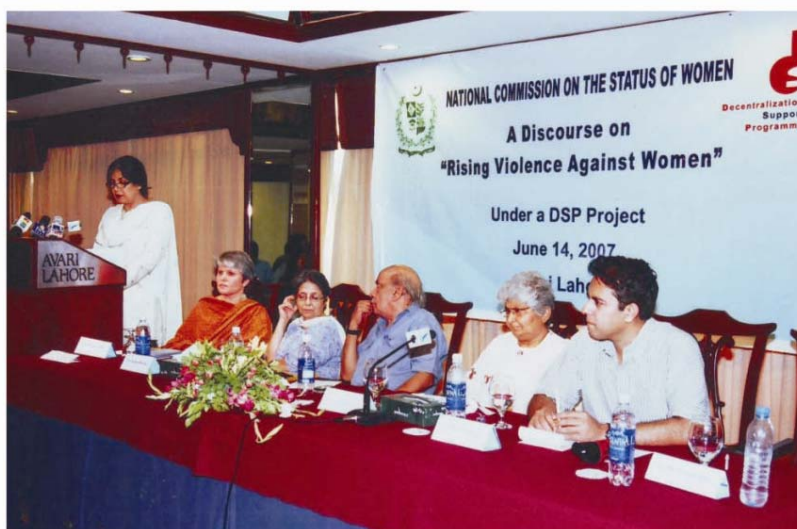
right to vote as late as 1970. Thus this discriminatory posture was not just confined to the underdeveloped countries only. There were cultural norms that would appear strange to our minds and he quoted a few examples which were considered fairly normal in the countries these were practiced.

Lack of provision of justice at the police level to a woman if she were to go to the thana, was a reality as she never gets any attention, quoting the case of Mukhtaran Mai which became internationally known and brought infamy to the country as well, he felt that problems needed to be resolved not only just highlighted.

His recommendation was that it was important to ensure that at the different tiers of the law enforcement such as the thana level, and the district level there should be a representative from the Human Rights Organization, or some other entity as determined by the parliament or women, somebody to be present in these places and who would serve as ombudsman to take note of any injustice committed. Lastly, he said there should be both long term and short term recommendations.









Launching of
Research Reports

National Commission on the Status of Women undertook research on three important issues under UNDP project IS-NCSW. These reports after a thorough research in the areas focusing on the legalistic point of view, were completed in the first quarter of the year 2007. Launching ceremony of the reports was organized on August 9' 2007 in Holiday Inn, Islamabad. Prominent civil society organizations, government officials and UN agencies' representatives participated in this ceremony. The efforts of NCSW were appreciated to undertake researches on the topics that are taboo while recognizing the difficulties that Commission faces to come up with quality work. Topics and the abstracts are as follows:

- Concept of Justice in Islam: Qisas and Diyat (with urdu translation)
- Women's Right of Inheritance and its implementation and
- Impact of Family Laws on the Rights of Divorced Women

Concept of Justice in Islam: Qisas and Diyat

The theme of this policy research revolves round the key principle of Islam, i.e. 'justice.' The prime condition of justice is the equality of all human being before law irrespective of any cast, creed, culture, sex or religion. The clear proverbs are in Holy Quran and Sunnah, it is the basic human rights that are inalienable and inherent.

The Constitution of Pakistan pledges to this principle by guaranteeing equality before law and entitlement of every individual to equal protection of law. It also provides principle of policy for the promotion of social and economic well being of the people, and strictly prohibits the promulgation of any law which challenges fundamental rights.

The increasing violence against women including 'honour' killings and 'swara'/'vani' i.e., the giving of a woman in marriage as badl-e-sulh - compensation to victim's family - with high rate of acquittal or award of lighter punishment to the offenders of these crimes in Pakistan. This prompted NCSW to hypothesize the concept of 'Qisas and Diyat,' as incorporated in PPC; This either inadequately encompassed the principles of Islam or it has been drafted and implemented in a way that it does not serve as a deterrent to social evils.

Since, the concept of Qisas and Diyat is Islamic hence an initial attempt was made to ascertain the coherence of each of the provision of Qisas and Diyat in PPC with the Islamic injunctions as enshrined in Holy Qur'an and Sunnah.

Accordingly the provisions of PPC i.e., section 302 pertaining to punishment of Qisas and Ta'zir for qatl-i-amd, section 304 providing for the proof of offences, section 338F directing the judiciary to seek guidance from Qur'an and Sunnah while interpreting and applying the provision of the law of Qisas and Diyat in PPC, section 306 and 307 giving exemption to the offender from the punishment of Qisas, Section 299 (m) and 305 defining 'wali,' the right to compound the offence by the wali under section 309, 310, 313 and 338E, sections 330 and 337Z providing mode for the disbursement of

compensation i.e., Diyat, Arsh and Daman, have been found to be inconsistent with the injunctions of Islam.

In addition to the above, the plea of ‘Grave and Sudden Provocation,’ (though repealed on the promulgation of Qisas and Diyat Ordinance 1990) and the right to self defense, as provided under Chapter IV, PPC have also been observed to be considered as valid grounds for the grant of relief to the offenders of Qatl-e-Amd particularly honour killings, which is basically against the spirit of Islam.

Law is silent on the application of the Islamic provisions of Qisas and Diyat on non-Muslims particularly at times of clash of such provisions with the personal law of minorities as it agitates them against the application of Islamic law to them.

Based on the above challenged provisions ten (10) main issues have been formulated with the objective to explore their solution within the concept of justice in Islam and the criminal justice system.

The study revealed that the issues of violence against women including ‘honour killing’ and swara / vani have no nexus with Islam. In fact, they are strictly prohibited in Islam. But unfortunately due to misconception of Islamic Justice System, socio-cultural traditions and mind-set of the judiciary facilitated by the lacunas in the prevalent provisions of law, the offenders are either acquitted and if they are punished at all the punishment is minimum possible which does not cause any deterrence in the society.

Issue-based outcome of research

1. All the offences covered by the provisions of Qisas & Diyat in P.P.C., are directed against the legal order of the state, society and an individual;
2. The crime of ‘honour’ killing is not only a crime against the person of victim but against the entire humanity;
3. The right to demand Qisas or compound the offence comes only after the crime is proved. Further ,the decision to waive the right of qisas, taken by one of the legal heirs cannot operate against the rest of them;
4. Since, women in our patriarchal social set-up cannot easily assert their rights, therefore, the state must ensure justice to the victims and prosecute the offender under tazir, even if women victim of violence has waived her right of qisas;
5. Contrary to the provisions of Qisas and Diyat in PPC Islamic injunctions do not provide for exemption from the punishment of Qisas;
6. The law of Inheritance is not applicable for the distribution of the amount compensation termed as Diyat, Arsh and Daman;

7. **Swara/vani or any such practice of giving women in marriage as compensation (badl-e-sulh) is totally against the Islamic injunctions and call for the award of exemplary punishment to the culprits. However, if any such marriage has already taken place then the Court must ensure the existence of the consent safety of the bride otherwise that marriage should be annulled with immediate effect. The child out such wedlock must in any case be declared and considered legitimate;**
8. **The Provisions of Qisas and Diyat in PPC are applicable to the non-muslims as being a part of General Public Law, provided the provisions that are in conflict with the personal laws of non-muslims are neutralized as provided in the injunctions of Islam;**
9. **The application of the conditions of ‘Tazkiyah-tul-Shahod,’ as provided under Hudood Ordinances, 1979 has no nexus with the Islamic Injunctions. Further, in the absence of ocular evidence circumstantial evidence must be considered even for the punishment of Qisas; and**
10. **Offence of ‘honour killing’ can be curbed by involving inter alia multi-pronged strategy involving sensitization of the judiciary, law enforcing agencies & masses, fool proof legal framework, strict law enforcement, improved investigation method.**

Accordingly amendments in the prevailing legal framework are strongly suggested to deliver justice to all, particularly women of Pakistan.

Women’s Right of Inheritance and its implementation

Women’s right of inheritance plays a vital role in the socio economic and political empowerment of women, but unfortunately women are often denied right to inheritance due to deep-rooted patriarchal systems, biased interpretation of divine directives, laws of the land and above all inefficient mechanism for the implementation and enforcement of laws.

This research study is an attempt to bring clarity in the concept of women’s right to inheritance in the perspective of different religions, constitutional guarantees and international human right standards which the Government of Pakistan is under an obligation to ensure. This study investigates the prevalent policy and legal framework, mechanism for the implementation of the law of inheritance and their implications for the women of Pakistan. The outcome of the study is the proposed amendments in the existing policy and legal framework to ensure women’s right to inheritance in Pakistan.

The research revealed that the concept of inheritance evolved centuries ago as a deviation from the custom of burying wealth, widows, and slaves along with the deceased and continued to persist strictly under the patriarchal domain. Women’s right to inherit which developed at a much later stage however, was granted under

limited circumstances. As for instance in the absence of male legal heir, of different religions viz., Judaism, Christianity, Islam, Hinduism and Zoroastrianism (followed by the Parsis) vested in women, a right to inheritance. Owing to deep-rooted patriarchal customary practices and mind set, these relevant religious directives were interpreted to the disadvantage of women. Thus women's right to inheritance, as practiced in Pakistan is quite controversial from a certain perspective. The most recent example of this controversy is Inayat Bibi's case (PLD 1992 Supreme Court 385). Though Islam is most liberal and explicit on the rights of women particularly inheritance, its injunctions are interpreted in the most conservative manner that strengthens patriarchy rather than equity and justice. The most debatable issues in this context include half share of daughters, disentitlement of descendents (children) of the pre-deceased child and of non-Muslim relatives. Such issues, have however, been taken care of to quite an extent in other Islamic countries like Egypt, Kuwait, Sudan, Turkey etc. Such initiatives would certainly serve as guidelines for the rest of the countries including Pakistan.

The fundamental rights in the Constitution of 1973 guarantee, inter alia, right to property and equality of citizen before the law. It also calls for bringing all laws in conformity with the Holy Quran and Sunnah and to strike down any custom or usage, with the force of law to align it with fundamental rights. The National Policy for Development and Empowerment of Women 2002 also provides for the empowerment of women, removal of inequalities and imbalances in all sectors of socio-economic development and protection of rights of women.

Though there is no exclusive policy on women's right to inherit but is in line with the aforesaid Constitutional provisions and relevant laws of National Policy, for instance, Succession Act, 1925, Family Laws Ordinance 1961, that deal with the inheritance rights of Hindus, Parsis and others, have been enacted. But, no uniform mechanism exists for their implementation.

In Pakistan, the implementation of inheritance laws as to immovable property is regulated under the West Pakistan Land Revenue Act 1967, but due to the multiplicity of laws involved therein and lack of close coordination relevant institutions and other concerned functionaries like the Revenue Department, Educational Institutions, Nikah Registrar, BHUs/ RHC, NADRA, women's rights to inheritance is often easily evaded. The conditions have aggravated because of numerous discriminatory customary practices, resulting into the following:

Discriminatory attitude towards women in general

Lack of decision making power especially in respect of the following:

Freedom to choose Profession

Mostly women do not have this freedom. The denial of this right is the highest in Baluchistan followed by Gilgit and AJK, NWFP/ FATA, Punjab and Sindh.

Selection of Spouse

Overwhelming majority of marriages is arranged 77.1% and are endogamous. This ratio is the highest in Baluchistan 96%, followed by Gilgit and AJK (94%), NWFP (65.6%), Punjab (83%) and Sindh (24%). In Baluchistan, the prevailing mode of marriage is valver (paying bride money) 81.5%, while in other parts of the country, the frequency is comparatively low. For instance in NWFP/ FATA and Sindh it is 6.25% and 1.5% respectively. The prevalence of exchange marriage watta satta has been observed to be the highest in Gilgit FANA (17.5%) and AJK 8.5%. In Sindh, it appears negligible during the course of the survey, but the general perception is that this practice is very much rampant in Sindh also.

Though Swara/ Vani i.e. giving of girl in marriage by way of compensation are commonly reported in Punjab and Baluchistan yet the research did not come across any such case during survey. This may be because of the fact that this customary practice has since been made cognizable offence. The people, therefore, feel reluctant to disclose it. Recently the newspapers were full of cases of vani. The Supreme Court has also taken suo moto notice in many such cases and has saved the girls.

Freedom to Travel

About 66.13% women lacked this freedom. In Baluchistan it was absolute 100%, followed by Gilgit/FANA and AJK 98%, NWFP/ FATA 60.8%, Sindh 22% and Punjab 18%.

Interaction with Other People

About 64.97% women face problem in meeting or keeping contact with other actors and players in the society. This problem has been observed to be the highest in Baluchistan 100%, followed by Gilgit/FANA) 98%, AJK 95%, Sindh 53% but negligible in Punjab 3%.

As per survey, registration of birth and marriages is mostly avoided in Pakistan. It indicates that the births of about 49.4% of female and 50.6% of male respondents respectively were found unregistered. Similarly, the marriages of 53.21% female and 39.68% male respondents were found respectively unregistered.

Denial of women's right of inheritance is generally on multiple pretexts. However, the survey revealed that 40.81% of female respondents did get share in inheritance. However, such women were generally not given control and authority over the property. The women who were either denied share in inheritance or who succeeded in getting their right mostly faced challenges owing to customary practices, complex legal system and procedure.

Due to customary practices mostly women are forced to withdraw their right to inheritance in favour of male members of the family seemingly voluntarily or under compulsion.

The widow loses her right of inheritance, if she remarries outside the family of her deceased husband, prior to getting her share in husband's inheritance. However, in

case a widow has already acquired share and wants to remarry outside her husband's family, she is pressed to transfer her share to male family member of her deceased husband.

Women face challenges in claiming their right of inheritance, owing to customary practices, lacunae in the prevailing legal framework and procedures.

Impact of Family Laws on the Rights of Divorced Women

A woman, irrespective of her marital status has a right to a dignified life. Though there is no dearth of family laws, addressing the family issues but unfortunately the prevailing policies and family laws in Pakistan do not explicitly spell out the rights of the divorced women. Therefore, this study is an attempt to review the relevant prevailing policy and Family Laws that have a direct bearing on the rights of divorced women. Since the Family Laws in Pakistan are based on the personal laws relating to specific religions, and the Muslim personal laws are based on the primary sources of law, Holy Qur'an and Sunnah. Hence in this study initially the rights of divorced women, as provided in the personal laws, were clearly identified and discussed in detail. Then the prevalent family laws were critically analyzed. In the case of Muslims personal law, the criteria for analysis was the primary sources of laws besides the constitutional guarantees, international commitments of Pakistan by virtue of being signatory to Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and Convention on the Rights of Child (CRC) and the recommendations of the previous Commissions and Committees on the Status of Women, which hold valid for non-Muslim citizens of Pakistan as well.

It was revealed that there are about 51 prevailing family laws, out of which seven including Dissolution of Muslim Marriages Act, 1939, Muslim Family Laws Ordinance, 1961, Family Courts Act, 1964, Divorce Act, 1869, Parsi Marriage and Divorce Act, 1936, Dowry and Bridal Gifts (Restriction) Act, 1976 and Guardian and Wards Act 1890, directly and indirectly dealing with the rights of divorced women are almost completely silent on the issue. Though in the case of Muslims, the divorced women have rights to dower, even if the marriage has not been consummated, maintenance for the period of iddat and lactation period, past maintenance (in case if she was not maintained during the subsistence of marriage), Mat'a i.e. a token money to be paid to wife in case of dissolution of marriage, right to custody and guardianship of child(ren) and right to remarriage. The CEDAW and CRC also clearly spell out the equality of the status of both the parents in upbringing of their child, irrespective of their marital status.

The problems of the divorced women were found to be aggravated on account of gaps in the judicial set up. Low percentage of family judicial officers, particularly women, multiple jurisdictions of family courts besides their inadequacy in number, lack of jurisdiction of family courts to entertain application on harassment of women and victims of domestic violence multiply the sufferings. Lengthy procedure, complications in the execution of the judgment, lack of conducive environment, ineffective arbitration councils and corruption do not let any legal guarantee to hold ground. Inadequate facilities in the sub-ordinate courts and technical assistance in efficient record keeping and absence of thorough computerization of case law coupled with insufficient monitoring and analysis of judicial set-up, its output and impact, expensive litigation, lengthy and cumbersome process, had added to the complexity of the situation.

The family laws have also not been extended to Federally Administered Areas (FANA). As a result there is no Family Courts. There, the number of female Judicial Officers and Lawyers is also negligible hence its almost impossible for women to have access to justice as per their right.

In view of the gaps in the prevailing laws and their enforcement mechanism, recommendations are made for the policy reforms on the following themes:

Muslim Family Law Ordinance, 1961.

The amendments are suggested with reference to the following rights of divorced women:

- **Dower**
Maintenance during the period of iddat. Lactation period and for the period of marital life when she was not maintained by the husband
- **Mata'**
- **Wife's Right to notify the dissolution of marriage be made specifically; and**
- **The wife / husband's right to get registered the deed for the dissolution of marriage of his/her spouse's earlier marriage**
- **Payment of damages to wife for giving divorce without any fault of hers**

Recommendations were also made in respect of the matters of Khul'a, Mubarat & Li'an

Guardian and Ward Act, 1890

The suggested amendments are with reference to the following rights:

- **Divorced women's right to guardianship of her children**
- **Responsibility of the father for the maintenance of his children. The criteria for quantum of maintenance of children were also devised.**

Dowry and Bridal Gifts (Restriction) Act, 1976

It is suggested that with reference to dowry/ gift, the law must explicitly provide that 'the dowry shall not constitute or form a part of consideration for khul'a' and the limitation of Rs.5,000/= on the value of dowry must be removed.

Succession Act, 1925

The amendment is suggested in respect of divorced women's right to inheritance if, her husband dies during her iddat period. It is further suggested that if the intention of divorce was just to deprive her from inheritance then such talaq should be held as illegal and void.

Recommendations are also made for divorced women's share in home-making and other related issues including:

Strengthening of Support System

In this context establishment of shelter homes for destitute women, free legal aid counseling and day care centers for rearing up children, were suggested to be established at each Union Council to help the parents or guardians.

Administrative Measures

- **Multiplicity of laws must be awarded. Relevant Muslims Personal Laws (for Shia and Sunni) pertaining to divorce and related matters should be codified in a single statute**
- **Strengthening of monitoring mechanism by establishing Family Courts. Monitoring teams at federal, provincial and district level presided by the Chief Justice of Pakistan, Chief Justices of High Courts District and Session Judges respectively**
- **Extension of family laws to FANA**

Initiatives

1. Gender Reform Action Plan (GRAP)

Pakistan is a signatory to many international commitments including Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and the Universal Declaration of Human Rights. The government has also prepared a National Plan of Action and a National Policy for Development and Empowerment of Women. Given these national and international commitments and given the gender gaps that exist across Pakistani society one national and four provincial Gender Reform Action Plans (GRAPs) were prepared by the Ministry of Women Development, Social Welfare and Special Education and Women Development Departments (WDDs) of the four provinces. GRAPs were prepared through a consultative process of 14 months under an Asian Development Bank technical assistance project, Gender Reform Program.

Gender review of the political and administrative systems of Pakistan constituted the first step in a process that has culminated with the National GRAP. This process was initiated with identification and scoping of gender issues and the identification of gender gaps through situation assessment and analysis.

GRAP seeks to address some of the gender gaps through reforms in four key areas:

- Political reforms
- Administrative/ institutional reforms
- Reforms in public sector employment
- Policy and fiscal reforms

GRAP proposes a coherent gender reform agenda to align policies, structures and procedures for enabling the government to implement its national and international commitments on gender equality. The reforms are designed within contemporary development paradigm with women's empowerment at its centre and with a view to enhancing the participation of women across the gender and governance sphere.

GRAP has an implementation plan for four years to be carried out in two consecutive phases of two years each. Phase –I was initiated in the financial year 2004-05 by implementation of Institutional Reforms as well as Policy and Fiscal Reform components and related capacity development interventions.

Institutional reform actions are aimed at updating the organizational structures of the government machinery to make them gender responsive. The conceptual framework of institutional reforms for women's development and gender equality entails a two pronged strategy, 1) Strengthening of specialized national machinery for women's development (MoWD and NCSW) and 2) gender mainstreaming across ministries, thus bringing the perspective of gender in the mainstream structures and functions of the government.

Similarly, while suggesting the organizational structures, cognizance has been taken of the existing lack of gender research and the ways and means of promoting it. Particular attention has been given to the roles and institutional structures of the

dedicated organizations of MoWD and NCSW. More than one option is suggested for adoption to streamline the prevailing machinery, structures and operations of these institutions, out of which those found most adequate, have been adopted by the Project Steering Meeting.

The assessment suggests that there is a critical need to resolve the ambiguities regarding MoWD and NCSW's mandate, overlapping roles, functional arenas and relationship. Both of these institutions are located in the executive arms of the government, resulting into this overlap. In addition, the secretariat of both of the organizations is the same, which causes resource constraints. In order to be fruitfully functional, NCSW must have independent secretariat support and independence of action, thereby enabling it to make all government institutions to comply with the latter's agreed upon mandate. NCSW has to remain away from any execution and implementation role and has to play the overseeing monitoring role.

The actions recommended for strengthening of NCSW aim at developing NCSW as a policy/ legal research, review/ analysis and recommendatory and advisory body. Complete operational and conceptual autonomy is recommended for the Commission to enable it to separate secretariat is recommended to be headed by full time officers, with fully functional sections.

Restructuring of NCSW is one of the most important options suggested and agreed upon. Details of the suggestions as given in GRAP document are listed below:

- To be strengthened as a policy/ legal research, review and analysis; recommendatory and advisory body
- Complete operational and conceptual autonomy
 1. Establishment of an independent and separate secretariat with two Wings (a) Technical Wing and (b) Administrative Wing
 2. Under the above two Wings, establishment of four units (a) Policy Research Unit (b) Policy Analysis Unit (c) Advocacy Unit (d) Administration, Coordination and Finance Unit
 3. Establishment of provincial offices
 4. Chairperson having status equal to the Minister of State
- Adopting a transparent and vivid merit policy for the selection of members of NCSW
- Submit Annual Report to Prime Minister and Parliament through MoWD
- The Commission to have an advocacy role
- Requisite amendments to be made in the Ordinance of the Commission

Ministry of Women's Development along with eight other implementing partners including NCSW is responsible for the implementation of National Gender Reform Action Plan. Federal Cabinet approved the National GRAP on May 25th 2005. as a coherent gender reform agenda for a phased implementation with a focus on gender mainstreaming. The Phase-1 was approved in a meeting on July 20' 2005.

National Commission on the Status of Women (NCSW) is one of the key implementing partners. Restructuring and strengthening of NCSW is the major objective of the interventions under GRAP. Complete operational and conceptual autonomy is recommended for the Commission to enable it for delivering its mandate. Establishment of administrative and technical wings is recommended under GRAP. Establishment of autonomous secretariat by bringing administrative staff on board is possible only after bringing some important changes in Commission's Ordinance. In order to establish independent and separate secretariat for Commission, as approved under GRAP, draft proposals for amendment in NCSW Ordinance 2000, have been sent for formal approval from Ministry of Law, Justice and Human Rights Division through MoWD.

Funds were released to the Commission in mid June 2006 to accomplish some initial recruitment and activities.

Posts of Gender Expert (1), Legal Expert (1), Lead Consultant (1) and Consultants (5) were advertised in July 2007. CVs of 14, 28, 23 and 38 candidates were received for the posts of Gender Expert, Legal Expert, Lead Consultant and Consultants respectively by the deadline. After short listing 2, 3, 0 and 8 candidates were called for the interviews for the respective positions. The interviews were conducted in October by the interview Committee comprising of members of executive committee of the Commission along with a representative from Planning and Development Division. Gender Expert and one consultant were selected. Gender Expert was brought on board on November 20' 2007 while the case of the consultant is still pending with the Establishment Division due to the consultant being a retired civil servant of Pakistan.

2. Technical Investment Proposals-Decentralization Support Program (DSP)

The Decentralization Support Program is an initiative of the Government of Pakistan, being implemented with the partial funding support of Asian Development Bank, to carry forward reforms in the areas of decentralization, fiscal restructuring and local governance.

DSP objective is improved local government representation, accountability and efficiency resulting in improved service delivery. DSP is divided into four financing components:

- 1. \$270 million-program loan to support GoP to meet decentralization related short term cost.**
- 2. \$ 23 million- TA1 for Local Government Performance Enhancement**
- 3. \$ 07 million-TA2 for Governance and Gender Mainstreaming**
- 4. \$ 2.9 million-Advisory Technical Assistance Grant (ADTA)**

This program is implemented by the Finance Division. This program is meant to facilitate the Government of Pakistan in implementation of international commitments on gender equality. National Commission on the Status of Women is the only state body with a mandate to review and analyze the policies, laws and programs with a gender perspective. Recognizing this fact, at the end of January 2006, on the commencement of TA2 component National Program Office of DSP approached NCSW. Several meetings took place over the whole year but nothing concrete materialized till the end of the year. In early December 2006 NCSW responded to a call for proposals under TA2. In the month of January and February of 2007 two concept papers were agreed upon and detailed Technical Investment Proposals were submitted to the NPSO by the first week of March 2007. Total budget of the proposals was Rs. 6,500,000.

Both proposals were approved by the Federal Technical Committee of the DSP on March 13' 2007. There were delays in the advertisement of hiring of staff due to change of management at NPSO level after the death of National Project Director.

Unilateral changes continued to be made in the proposal after the approval of FTC. It was pointed out to DSP in a meeting held on May 9' 2007. It was agreed that that there would not be any change in the project at this stage. An advertisement appeared to fill the posts of one TIP under the TA2 in May. Applications received and applicants were short listed in consultation with the NCSW.

In June 2007 ADB decided to discontinue the loan lending, due to poor and unsatisfactory performance of earlier projects. NCSW suffered a setback despite the fact that it honoured its commitment as per timeframe given. After a lapse of 5 months,

in December 2007, Director (Project) DSP through a letter informed about a review once again indicating that TORs have been altered again through a unilateral decision.

In response NCSW expressed its displeasure and inability to continue this collaboration in the absence of partnership protocol. Under such circumstance it finds it impossible to continue when the partner organization is indecisive and insensitive to a time frame.

Summary of the both Technical Investment Proposals (TIPs) are given below:

TIP under Gender Governance Resource Pool :-Institutional Strengthening of National Commission on Status of Women (NCSW)

A. Background

National Commission on the Status of Women (NCSW) is a statutory body established in the year 2000 by the president of Pakistan in response to the national and international commitment to safeguard the rights of women.

The goal of the Commission is the emancipation and the elimination of all sorts of discriminations against women. The Commission aims at overcoming the obstacles to gender equality, promoting initiatives for empowerment of women and ensure their fundamental human rights in order to facilitate an environment in which women realize their full potential and participate equally with men to create and sustain a social order. Among others, the main functions of Commission include; the examination of the policy, programs and other measures taken by the government for women development and the review of all policies, laws, rules and regulations affecting the status and rights of women and gender equality in accordance with the Constitution of Pakistan .

The scope of the technical investment proposal was in line with the mandate of the Commission. The Commission is empowered to review the govt. programs and policies, to assess the implications of the planned actions on women and suggest measures to save the interests of women. Moreover, the integrated set of actions proposed under GRAP for the empowerment of women places high importance to the strengthening of the Commission by maintaining its autonomy and strengthening its capacity to attain its mandate

B. Objectives

1. To strengthen the NCSW to develop a Road Map for future Research Interventions in key sectors for socio economic empowerment of women. These sectors include:-
 - i) Health, ii) Education, iii) Economy, iv) Governance, and v) Agriculture

2. To support the NCSW to undertake Policy Researches on following 3 Public Policies areas with gender lens and come up with recommendations for Social and Political Empowerment of women through Engendered Policies.
 - i) Health, ii) Education and iii) Political Parties Order 2000
3. To enhance Political Participation of women by sensitizing the Leadership of Political Parties through conducting 4 Provincial and One National Political Dialogue.
4. To establishment of Resource Center to set up a database for Information Exchange and Communication (IEC) on women related issues to provide support to Policy makers, academia, researchers, students, politicians and public at large

C. Scope of Consulting Services

Developing Road Map

Since the inception of the NCSW, the Commission has passed through different phases, and a strong need was felt to lay down a strategic plan of action which would enable the NCSW to draw out strategies for their future course of action, set priorities for the key area of researches and identify possible interventions for the present and forth coming Commissions. This will provide a blueprint to work on the priority area and setting a strategic plan of action to undertake any research in future.

Need to engender public policies

The gender mainstreaming requires reforms in institutional structures to integrate gender concerns in all of the divisions and ministries by reviewing the rules of business. Though MoWD has the mandate for the implementation of the GRAP, yet the ministry lacks powers of gender vetting to review and certify all major policies. NCSW on the other hand has a mandate to review and revise public policies with the gender lens. The review and amendment of policies requires two-pronged strategy:

- a) Review of the policies and propose amendments
- b) Consensus building around the proposed amendments across all stakeholders.

Enhance political participation of women

The overarching political context of Pakistan has been a serious obstacle to women's participation in mainstream politics in general and undue party politics in particular. The political parties have been weak and non representative. Some of the secular ones have been so gender insensitive that support for women's movement could not be initiated. All this has been a cause as well as an effect for the poorly described political image of women in Pakistan. The electoral law of Pakistan allows women to vote and contest in elections. The political parties have women wings to mobilize women to vote during elections. These apparent opportunities become constraints when the political *leadership as gate keepers* determines who are in and out of the candidature. Most of

them lack openness and transparency in making these decisions. Reforms in the *electoral system* can enhance women's participation as strong politicians by recommending to the political parties for bringing women in mainstream.

The task of gender sensitization of political parties' leadership has the potential of reforming gender situation. Women's status as politicians can exactly be transforming agent and can reflect the strength in the government policies and programs. Taking leverage from the strong involvement of the international community supporting the devolution/ governance agenda this is high time to sensitize the political parties leadership.

Establishing a Resource Center

Since there is no institution available at the national level in public sector having a clear cut mandate to work for the women empowerment through review of policies and laws, strong need to set up a Resource Center within NCSW is felt, which can be accessed by any researcher, academia, politicians, lawyers, judiciary, media and civil society organizations. The Resource Center will be working as a hub of information on women related issues, policies, bills, ordinances, acts, laws amendments, and institutions which will be accessed manually and electronically. In the later stage this Resource Center will be linked with the District Resource Centers established under Ministry of Women Development at the district level. This would enable the local political women to have a direct access to a compiled database at the national level.

D) Human Resources

The following individual consultants and experts will provide consulting services;

Position	No. of Positions	Individual Input (Person-months)	Total Input (Person-months)
National Program Coordinator (NPC)	1	12	12
Consultants for Identification of Researches	5	02	10
Policy Review Experts	3	04	12
Legal Expert	1	06	06
Advocacy Expert	1	11	11
MIS Expert	1	10	10
Event Manager	1	05	05
Finance Associate	1	12	12

Admin Associate	1	12	12
Resource Center Assistant	1	10	10
Total	16	84	100

E) Deliverables

The consultants and experts will be responsible to provide the following deliverables:

- 1). Developing a Road Map for NCSW which would serve as a blue print for the existing and future Commissions;**
 - **5 Reports clearly stating the areas of future research intervention by NCSW**
 - **Prioritized lay out Plan of Action through a 3 day Strategic Planning Exercise (SPE)**
- 2). Engendered governance through the incorporation of gender concerns in public policies;**
 - **Report on the review and analysis of the 3 targeted public policy areas with gender perspective;**
 - **Reports of consultation processes with key stakeholders on the findings of the analysis**
 - **3 TV Talk shows to seek public opinion/concerns on the policies and to inculcate them in the final recommendations**
 - **Short service messaging on Pakistan Television Corporation**
 - **Orientation Workshop report for the members of NCSW to familiarize them with the findings of the researches and recommendations to sensitize them for lobbying and advocacy at all levels.**
- 3). Enhanced political participation of women by Sensitizing the Leadership of Political Parties through a series of 4 Provincial and 1 National Dialogue**
 - **5 consolidated reports of the Political Parties Dialogues for gender sensitization for the Political Parties Leadership.**
 - **2 TV Talk shows to seek public opinion/concerns on the Political Order 2000 and to inculcate them in the final recommendations**
- 4). Establishment of Resource Center**

- Developing a Data base to compile Lists and record of Policies, Researches and information material on women related issues. The data can be retrieved Manually and Electronically
- Compilation of different bills, motions, ordinances tabled or moved in the assemblies and senate
- Legal input in the policy making and legislative process:
- Archival data base of eminent women and their contribution in the development of civil society
- Record of beneficiaries will be maintained in the Resource Center to gauge the need and importance of the Center

TIP under TA2:-To assess the effects of different socio-economic public policies on women and redress the situation with policy recommendations by NCSW

Objectives:

The objectives of the TIP are as follows;

- 1) To help NCSW to undertake researches to assess the situation of women with respect to various issues in the areas of Education, Health and Economy
 - i) Status of female teachers in private sector
 - ii) Impact of drug patency in terms of accessibility of end users especially women
 - iii) Gender bias and Harassment at work place and mechanisms to redress the situation
 - iv) Impact of privatization of utilities on women
 - v) Loss or Gain: Corporate Farming Vs Traditional Farming and Effects on Women
- 2) To facilitate a consultative process for gender sensitive policy recommendations
- 3) To publish the research findings for general public
 - i) Reports
 - ii) Brochures and
 - iii) Posters
- 4) To develop and compile gender related material to highlight the available legal instruments as well as potential of women even in adverse conditions
 - i) Compendium of Labour Laws
 - ii)

Overall estimated cost of the one year project was Rs. 35,445,735.00

Key Deliverables:

Following deliverables have been envisaged as key contributors to the attainment of the above said three objectives;

1). Researches to assess the situation of women with respect to various issues in the areas of Education, Health and Economy;

- **5 Research reports with thorough analysis and recommendations**

2). Facilitation of consultative process for gender sensitive policy recommendations;

- **20 Reports of consultation processes at the Provincial level**
- **5 reports of the consultative process at the National level with key stake holders on the findings of the analysis**

3). Publication of research findings

- **Ten reports (5 in English and 5 in Urdu)**
- **Ten brochures (5 in English and 5 in Urdu)**

4). Development and Compilation of Gender related material

- **A compendium of Labour Laws with a gender perspective**

Justification of the activities to be undertaken during the project

Why Researches to assess the situation in selected sectors?

It is the responsibility of the State to provide basic facilities to its citizens and if it can not fulfill this basic promise then to provide space to others who can meet the various needs of the population. In the last ten or fifteen years private sector has come in a big way to fill in the gaps of demand and supply in the sector of education, health and employment as well as utilities.

Private sector is the backbone of any economy and could help in bringing the positive changes in the lives of many but at the same time if left without any check and balance the urge for profit maximization could also become the cause of exploitation of recipients.

Role of the state is to provide conducive environment for the self-actualization of its citizens by bringing in gender sensitive policies or by making its institutions, machineries, rules and regulations and other instruments more gender responsive.

Research means to rethink. Static societies are never ready for rethinking while the dynamic societies are always ready for re-search. As it gives a chance for comparative analysis of issues and cognitive solutions to bring a change for improvement and a chance to rise from slumber and inertia.

National Commission on the Status of Women is the only public sector organization that enjoys the mandate to do research on policy related topics that will help to understand the conflicts that society is facing and to come up with conflict resolution strategies. Keeping that in view members of the Commission time and again highlighted the need to assess the situation in health, education and economic spheres, identification of specific issues and gaps and recommend the policy measures so that women could lead dignified lives at homes and at the workplace. An objective situation analysis in each suggested area of research would help NCSW to identify the gaps and role of key actors/ players which subsequently will help in suggesting the corrective measures to be undertaken at different levels.

Why consultative process?

Pakistanis are considered the best at making the policies that could help other countries but implementation of these policies always remained a sore point. One of the core reasons for this is considered the lack of participation of all stakeholders in the policy making process. Consultation with key stakeholders could not only ensure the synergies but would help in building alliances for advocacy on various recommendations coming out of each research. Second important reason for such consultative process is the attainment of point of view of all stakeholders from all parts of the country. This inclusive process will provide a chance to the members of the Commission to take a lead in brining important stakeholders and policy makers in these consultations and sense of ownership could be developed for the recommendations.

Why Publications?

Publication of research findings will help to document the huge task undertaken and will also help to disseminate the policy recommendations for the benefit of the stakeholders. Research reports will help to understand the whole process and the methodologies. While the brochures and posters will help in creating public awareness. Editors, translators, designer and printers will be hired to undertake this task.

After the publications of these reports, brochures and posters, a launching ceremony will be organized to bring out the results to the notice of larger audience.

Why Compilation and Development of Material?

Book on 50 Eminent Women of Pakistan:

Those who struggle for the right of a dignified life always face challenges and obstacles but their vision, faith and persistence help them to achieve which otherwise seems unachievable. Learning about such positive role models inspires those who are in the

process of making a mark in life. Where there are men in the obvious positions of role models, there are women as well but invisible due to cultural norms and values. Such women are living or have lived across the country and are not restricted to one segment of the society, to a certain ethnicity or religious community only.

Due to dominance of patriarchal structures over society many of such stories are untold or unrecorded. There is a need to dig out and highlight lives and struggles of such women. We can learn from them what worked for them and how they could be able to make use of opportunities, life presented them with.

Compendium on Labour Laws:

In the wake of new developmental era women are joining labour force in a big way. By virtue of a new relationship they need to know what are their responsibilities and rights in a given situation.

To provide a judicious environment for the workers state machinery has introduced many laws and rules and regulations from time to time. But these laws are not in one place and due to unawareness as well as unfamiliarity with intimidating language very few actually know about all these laws.

In this backdrop there is a need to compile all labour related laws in a compendium form so those who are related to this area could access this vital information easily.

3. Status of Female Teachers in Private Sector

In Pakistan, the private sector is one of the biggest job-provider for womenfolk. Teaching is considered as an acceptable job for women in all parts of the country and this has been capitalized by the entrepreneurs of private education institutions.

Being an international organization with a mandate to work for the improvement of working conditions of the workers, International Labour Organization was interested to study conditions and characteristics of this new phenomenon and its impact on the women workers. With a mandate to study the situation of women in different spheres of life, NCSW also has the interest to undertake an in-depth study. A concept paper was developed and a tentative budget was made.

Basic funding for the research is committed by the DSP but as the topic falls under the mandate of ILO so the agency was interested to disseminate the results of the study through print and electronic media after the completion of the study.

The study could not be started as the Asian Development Bank did not extend TA2 loan facility. Other funding sources were also explored but by the end of December 2007 no positive response was received from anyone. Keeping that in view it was decided to undertake this study by the Commission's fund with the approval of full Commission in the next meeting. After the completion of the study documentary will be developed and launching of printed reports will be undertaken in 2008.

Concept Note

Legal Protection for Female Teachers in Private Sector

Introduction:

According to the Constitution of Pakistan every citizen and especially women have guaranteed right to enter any kind of profession. It also provides clear guarantees to all citizens to form or enter into any association. Labour Laws governing the work and working conditions in the private and public sectors translate these guarantees in real sense of the word. Basic intent of the Labour Laws is to ensure that no one should exploit any worker by just being in the seat of authority and protection of law of the land is provided through provisions and legal frameworks to the workers. Under these laws employer has to provide minimum wage package with a maximum working hours limit along with the right to casual and sick leaves. These laws also provide the security to the workers by documenting contracts or the termination of the contracts and clear cut procedures are laid down to address the grievances of the parties.

Employees working in the public sector or in the formal industrial sector are enjoying these rights but the teachers in private sector are not enjoying this legal protection. Due to lack of bargaining power and limited economic opportunities female teachers suffer most. Though the supreme law of the land. The constitution is ensuring the right to dignified work, key actors in the field are still violating these rights of the workers especially of the female teachers in the private sector.

Low wages against the larger promises, long working hours, limited career advancement and training opportunities, harassment at the work, lack of unionization for collective bargaining, job insecurity are some of the commonly faced problems by these female teachers.

NCSW is also mandated to undertake researches on the issues women of Pakistan are facing due to any gaps in legislation, policies or in implementation machinery and mechanisms. Undertaking advocacy campaigns on the research findings with the relevant government agencies and ministries is one of the most important functions of the NCSW. NCSW has undertaken policy reviews as well as examination of the laws negatively impacting women. It also has extensive experience to design and devise advocacy strategies and campaigns on the issues highlighted by its own researches.

Issue of lack of legal protection for the female teachers in the private sector is on the increase with accelerated role of private sector in the education. But so far no detailed assessment is formally taken place to identify the actual needs and gaps in the legislation for the legal cover of these teachers. Keeping in view the importance of the issue and its relevance to the mandate of the Commission, NCSW intends to undertake this project. Total cost of the intervention will be US\$609,256.00.

Background:

Need for more educational institutes are ever increasing along with the population growth. Rising awareness about the importance of education for obtaining respectable

jobs in the market is propelling people to look for better options other than the public sector education system in place for their children. The demand for more schools has created a market for the entrepreneurs who could respond to the need in time.

The private sector contributes some 0.5% of the GDP to education, about one sixth of total financial resources. The role of private sector has been expanding in recent years. While there are several causes for this relative growth, it is partly a reflection of the shortcomings of the public sector to provide quality education. These institutions are registered under a regulatory authority. A presidential ordinance known as the ICT private education, promotion and regulation 2006 is regulating these institutions. As far as the details on hiring, teachers' salary, rules and regulation and day to day operations are concerned the private institutions are given a set of academic rules which are very detailed. All rules and regulations are approved by the board of governors/ directors of the institutions.

Teaching is considered a socially acceptable profession for women in all parts of the country and this has been capitalized by the entrepreneurs of private education institutions.

Women, generally, occupy the following jobs in private education sector.

- Principal/ Administrator
- Teacher
- Office Staff
- School Nurse (Aya)
- Librarian
- Maintenance/ Sanitation
- Food Service

Situation Analysis:

Women in Pakistan are mostly confined to private sphere while traditionally and historically public sphere is considered a man's domain. Productive and decision making domains not only help to achieve a certain status in the society but also help in economic and political empowerment of women for a dignified life. The constitution of Pakistan guarantees right to a dignified life for all its citizens without any discrimination on the basis of sex, class and ethnicity. The constitution also guarantees the right to enter any profession to all its citizens especially women. It also gives the guarantee to form or to enter into any association while working in any sector. Pakistan has also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which among other things talks about the economic empowerment of women as their basic right.

These constitutional rights and guarantees are translated through labour laws, which specifically talk about the minimum wage rates, maximum working hours, right to association, and freedom of speech and procedure to be followed to join or leave any

employment. Most of the workers are enjoying these protections provided by these legal frameworks and instruments except the teachers in the private sector, especially the female teachers.

Education is the responsibility of the state. Dismal allocation of funds for education and inertia in implementation has created gaps that private sector is readily filling. Education and especially elementary education systems are thriving on the women workforce as it is a socially acceptable profession for women. Absence of proper and responsive laws and regulatory bodies does not ensure adherence to minimum wages, working conditions and facilities to the educators and especially to the female teachers. In the absence of conducive legal environment this particular work force suffers proper professional guarantees.

An assessment of private education sector reveals that female teachers are generally facing a number of problems in their respective domains.

- Low wages against larger promises
- Socio-cultural pressures
- Non-recognition of their professional abilities/ work at their homes
- Family responsibilities in addition to and often conflicting with their jobs
- Non-recognition of their triple-burden in the community
- Limited mobility-limited professional options
- Facing security hazards/ harassment / humiliation while commuting between home and work place
- Harassment at workplace
- Lack of collective bargaining / unions etc.

These issues hinder with and obstruct the performance of women workers and marginalize female teachers to an extent that they feel helpless objects rather being an active part of society. Ordinance governing these institutions is relatively new and may not be covering whole range of issues faced by the teachers working in the private sector. Consequently unawareness about their legal rights and inaccessibility to the proper legal cover has contributed to an overall exploitative working environment.

To provide a conducive legal and social environment to its citizens in order to realize their potentials in all spheres of life. Women who are trying to become economically independent by joining private educational institutions face problems in the absence of a proper legal cover and security. Profit maximization is the prime concern of the private sector instead of the well being of its citizens i.e. students and educators. This situation result in a negative impact on the overall outcome

It is important to draft such legislation that could ensure the provision of legally protected environment to the women in the sector. Such a piece of legislation could only be drafted through a highly consultative process by involving all key stakeholders in the process. Assessment of the situation on the ground and building an advocacy

campaign would be the essential parts of this process. Logical follow up will be to come up with policy recommendations.

Statement of Objectives:

The world over all those nations who desire to develop need to invest in their social capital especially in the knowledge economy. Knowledge economy depends upon the teachers and it becomes extremely necessary to provide best environment to the women teachers for providing effective education to the future generations of the country.

The mushroom growth of private education facilities has no regard for maintaining the professional standards when they engage teachers. Acute shortage of public education system has created a vacuum to the extent where all the professional norms are being ignored. Most of the teachers are under qualified and do not have essential minimal training. These teachers can fall victim to the hazards of the situation in the absence of proper legal cover for their employment. This makeshift arrangement has damaged the profession immensely. The lust for money knows no moral binding. Limited legal cover available for the teachers in private sector leads towards the exploitation of the marginalized. Until these teachers are provided with full legal protection, makeshift arrangements will not deliver the required and needed.

NCSW can undertake researches on the issues that women face and identify the policy gaps or the absence of laws.

The issue of legal protection of female teachers was not been taken up so far by any other institution. Importance, sensitivity and urgency of the issue urges NCSW to immediately respond to this emergent need and identify the gaps in the legal protection of the female teachers in the private sector so as to undertake advocacy with the relevant ministries and come up with comprehensive legal cover recommendations.

With this backdrop NCSW realizes that it is opportune that a piece of legislation could be drafted by involving Ministry of Women's Development, Ministry of Education and Ministry of Labour, Ministry of Law and Parliamentary Affairs and Ministry of Information and Broadcasting along with other key stakeholders through a consultative process. Advocacy campaign on the issues with relevant government departments and other stakeholders after the assessment of the situation could help in creating a conducive social environment for the economic empowerment of the female teachers.

The following would be the main characteristics of the proposal:

1. To identify gaps in the legal protection for female teachers in the private sector.
2. To develop an advocacy strategy with relevant government ministries and other key stakeholders on the issues to build a sympathetic and socially conducive environment for the female teachers in the private sector
3. To assess the recruitment and training of the teachers in private sector

4. To focus on emoluments, salaries, promotions and provisions for teaches as per with the scope of their responsibilities
5. To analyze the professional environment and mechanisms to lessen the harassment at work place
6. To come up with measures to make primary school teaching as an attractive profession
7. To recognize authority control mechanisms
8. To draft legislation based on the identification of gaps in the legal cover for the female teachers in private sectors and the inputs of the key stakeholders through a consultative process

Strategy Outline:

1. Assessment of gaps in legislation for the protection of female teachers in private primary schools
2. Analysis of existing facilities , provisions for the private teachers provided in the current education policy
3. Data compilation to assess the ground reality
4. To devise an advocacy strategy and design and undertake an advocacy campaign along with other relevant government ministries (Ministry of Women's Development, Ministry of Education, Ministry of Labour and Ministry of Information and Broadcasting) and other key stakeholders
5. Drafting legislation through a consultative process along with the relevant ministries (Ministry of Law and Parliamentary Affairs) and other key stakeholders, policy makers and implementers to come up with a comprehensive legal cover for the female teachers in private sector

4. Public- Private Partnership to end 'Honour Crimes' through implementation of Criminal Law (Amendment) Act 2004-UNIFEM

There was a call for proposal by the UN Trust Fund to End Violence against Women in July 2007. Established by the General Assembly, the Trust Fund is administered by UN Development Fund for Women (UNIFEM). To date it has distributed nearly \$13 million to 226 innovative programmes to address violence against women in more than 100 countries.

National Commission on the Status of Women replied to this invite and a detailed project was submitted to the UNIFEM. The project was selected in the competition.

The project focuses on “honor killing” as one of the brutal crimes against women. Criminal Law (Amendment) Act 2004 made some positive changes in the law to bring relief to the victims but lack of information and low comprehension of the law enforcers at the grass root level does not help the victims. Keeping this in view the project was designed with the following objectives:

- **Bench Mark survey of 2 identified and selected districts to assess the prevalence levels of the violence and perceptions of the communities and other key stakeholders.**

- Capacity Assessment of key stakeholders i.e. Police, Lawyers, Medico-legal staff, Local Media, Religious Leaders and Community before devising a communication strategy
- Advocacy Plan to raise awareness among the masses in general and in key stakeholders in particular with regard to the amendment in law.
- Impact Assessment of this consistent exercise to assess the change in the behaviors of the key stakeholders in the selected districts
- Formulation of further policy recommendation through consultations to improve the implementation potential of the criminal act.

Detailed budget along with work plan was worked out in consultation with all partners and the agreement is signed in December 2007. Total budget of the project is \$180,000.

The text of the project follows in the next pages.

Public-Private Partnership to end “Honor Crimes” in Pakistan Through the implementation Criminal Law (Amendment) Act, 2004

A-Background

1. Context

Throughout the world, particularly in the Middle East and in South Asia, women are forced to pay a terrible price at the hands of male family members as they are thought to ‘bring dishonour’ and hence to save the ‘honour’ women can be killed.

Honor killings are perpetrated for a wide range of offenses, perceived or real. Marital infidelity, pre-marital sex, flirting are not the only few of the causes even failing to serve a meal on time can all be perceived as not respecting the ‘male honour’. In societies where most marriages are arranged by fathers and often they are exchanged for money, a woman's desire to choose her own husband or to seek a divorce can be viewed as major acts of defiance damaging the honor of the men who negotiated the deal.

Most of the honor killings occur in societies where the concept of a woman is only of a vessel of the family honour. United Nations Commission on Human Rights reports show that honor killings occurred in Bangladesh, Great Britain, Brazil, Eastern Europe, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden,

Turkey, and Uganda. In countries that do not submit reports to the UN like Afghanistan, Iran and Iraq the practice continues

But while honor killings have elicited considerable attention and outrage, human rights activists argue that they should be regarded as part of a much larger problem of violence against women.

Complacent attitude of other women family members and the perceptions of the community strengthen the concept of women as property and it enforces the perception that violence against women in a family is a family matter and not a judicial issue. This concept of privacy in the name of honour aggravates the occurrence of violence.

Situation is no different in Pakistan. Women remain unprotected from violence because of inherent gender discrimination and absence of implementation of laws. Thousands of wives, daughters, sisters and mothers in Pakistan are killed every year in the name of 'honour'. Human Rights Commission of Pakistan (HRCP) says most cases go unreported. Research carried out over the past years shows that in the historical and cultural context, the practice of honour killing was bound to women's sexual conduct. Attitudes and behaviours of the individuals at family and societal levels are the major cause of this heinous crime so the legal framework alone may not make a difference. The effectiveness of laws largely depends on the perception of the masses as individuals, institutions or agencies rather than applying wisdom.

Statistics on 'honor' killings in Pakistan are not exact definite. Ministry of Interior, Government of Pakistan recorded more than 4,100 'honour' killings between 2000 and 2004. Non-governmental groups (NGOs) say there were 600 'honour' killings in 2004 alone. The website of Human Rights Commission of Pakistan shows a marked reduction in cases last year: 267 in the first 11 months of 2005, compared with 579 during all of 2004. In January 2007 alone, at least 36 women were murdered across Pakistan in the name of honour. In its annual report for 2006, released in February, the Human Rights Commission of Pakistan (HRCP) recorded at least 565 cases of honour killings.

According to a report prepared by the Aurat Foundation, Karachi, the largest number of deaths took place in the southern part of the country in the province of Sindh.

Actual number could be significantly higher. The police will not register a case of 'honour killing' in precise and definite terms. And if FIR is registered it is so much watered down that the implementation of law for justice is minimized. Sometimes media glorified this act of murder as an expression of pride. In this backdrop a support mechanism is needed for the legal and physical protection of the victim. Confidence in legal and social mechanisms will establish the fact that no one has the right to take any other person's life even in the name of honor.

Active involvement of civil society organizations with the communities at the local and national levels in the last two decades brought this issue to the surface. Media has highlighted the problem of 'honor killings', and has made it a serious issue for scrutiny.

Pressure from the civil society and Global Human Rights Watch Groups made the policy makers promulgate Criminal Law (Amendment) Act 2004 to provide some relief to the victims. This Act still needs some amendments for clarification and determining state responsibility. Further research and analysis is needed to reinforce this law for implementation.

This project will work towards bringing amendments/ additions in the Criminal Law (Amendment) Act 2004:

- Addressing the ambiguity of responsibility of the state
- Provisions to be made concretely explicit as presently they are left to the interpretation of the judiciary leaving room for personal biases
- Introducing short term and long term service delivery mechanisms to safeguard women's lives and rights
- Proposing inclusion of women at responsible positions in police and judiciary as an important factor for the effective implementation of the law
- Law of Compensation (Qisas and Diyat) needs to be carefully examined for suggestions to safeguard women from exploitation
- To identify gaps of understanding and comprehension of key actors

National Commission on the Status of Women (NCSW) is a statutory body established under an ordinance in 2000 and having a mandate to review the laws and policies to bring in a gender perspective. Advocacy with policy makers for its gender sensitive policy recommendations is one of the major tasks assigned to the Commission. To end the harmful customary practices Commission has formulated policy recommendations in two important reports i.e. Report on 'Hudood Ordinances 1979' which was the basis for the promulgation of Women Protection Act 2006 and Concept of Justice in Islam: Qisas and Diyat to deal with the 'honour crimes. Criminal Law (Amendment) Act 2004 included some of the major recommendations given in the report still some major recommendations were left out due to political pressure.

Timely implementation of the law helps to assess the effectiveness or the inadequacy of any piece of legal instrument. Similarly awareness levels of the affected individuals in the concerned institutions play a crucial role in access and delivery of the justice at the local level. Keeping that in view Commission desires to assess the levels of awareness of the key actors. Especially in those district where the prevalence of the 'honour killing' is considerably high. The Commission would work towards the building the capacities of the key actors. This will be done with the private partnership of those NGOs having large infrastructures, experience and capacity to do the needful. The Commission has identified Rozan and National Rural Support Program (NRSP) to be the part of this project.

Rozan, an Islamabad based advocacy and capacity building organization focuses on the gender issue generally, and Violence Against Women in particular. National Rural Support Program is one of the leading NGO in Pakistan with a vast network and with a presence even at the village level. Formulation of the proposal was undertaken jointly by three partners i.e. NCSW, Rozan and NRSP as they share the concept of the

proposed interventions. This will enable mapping of knowledge and attitudes of key actors in identified and selected districts in all provinces. By arranging customized training session through local trainers for capacity building. This consultative process will logically lead towards further policy recommendation to improve the law for effectiveness.

This project activity will focus on harmful customary practices of violence against women i.e. honour killing. This will club with the international efforts to end violence against women like Trust Fund in support of Actions to Eliminate Violence against Women. UNIFEM, being the key and strategic organization is a natural partner in such efforts.

2. Justification

Project proposes to fill the gaps of comprehensions of key actors for implementation of laws related to 'honour killing'. The gaps will be identified through mapping and capacity assessment exercises in four selected districts of in four provinces. Based on the analytical reports capacity building exercises will be delivered/ disseminated for key actors at local level with the help of our two partners. Benefits of gender sensitive changes in the laws could only be translated for citizens in the true sense of the word if police, lawyers, political workers, religious leaders and media understand their obligations, to protect vulnerable.

Project also intends to formulate further policy recommendations to eliminate harmful customary practices through provincial and national consultative processes. Interactive process will not only generate reliable data but will also involve key actors in different stages of project implementation as well as for policy recommendation. Fresh knowledge and participatory methods involving stakeholders at provincial and national level will empower women and weaker sections of the society to bring desirable changes in policy and legislation.

The proposed interventions have been logically designed to ascertain the envisaged results. This whole exercise would help Commission documenting lessons learnt through the consultative, capacity building and advocacy process. The lessons learnt and the systematic documentation would help design comprehensive impact assessment study upon completion of the project. The key learning of the impact assessment process would help in generating the policy recommendations for effective and improved implementation of the law on a larger scale.

UNIFEM south Asia office is working on three major thematic areas i.e. Reduction of feminization of poverty, Gender Equality in Governance and Elimination of Violence Against Women. Current initiative fits within the third thematic area. As by equipping the key actors with the knowledge about positive amendments in the law in favour of women could help by having positive impact on the situation on the ground.

This project will not only help in facilitating proper implementation of gender sensitive legislation but will also strengthen the capacity of key local and national players/institutions to effect and implement national EVAW legislation i.e. Criminal Law (Amendment) Act 2004. This intervention will also build the capacity of the religious groups, media and civil society organizations to advocate against gender based violence against women.

This intervention will add knowledge and depth to similar kind of initiatives that have already being undertaken by UNIFEM partners in India, Bhutan, Bangladesh and Nepal in 2006, 2005, 2000 and in 1999. Lessons from those initiatives could be incorporated while some new dimensions will be added by involving religious groups. Training manuals developed by Indian, Bhutani, Bangladeshi and Nepalis will be useful while developing manuals for the key actors in Pakistan. At the same time some new manuals will be developed to upgrade the knowledge of the religious leaders as well as to sensitize them about the gender based violence against women in the name of custom and tradition.

Mapping and capacity assessment of the key actors and the impact assessment exercises will help to understand and highlight the areas of improvements in terms of gaps in knowledge base of key actors, systems and procedures of various institutions involved. Few of the areas will be tackled by the current project while other areas could be taken up by other initiatives later on which could be supported by UN or other funding agencies. Assessments, monitoring and evaluation are essential elements in gender mainstreaming at any level so continuous assessment, monitoring and evaluation in a participatory manner against the set targets and indicators will help not only to gauge the progress but also to make corrective measures in the due course of the project especially by involving all stakeholders. Lessons learnt during the project could also be incorporated in the future UN interventions in the area.

B-Development Objectives

An overall development goal of the project will be to make policy recommendations and amendments in laws to Eliminate Violence Against Women in the name of ‘Honour’ in the selected districts

C-Project description

Whereas an overall objective would be to create a conducive legal and social environment geared towards eradication of intense honor crimes.

Following immediate objectives would contribute to attain the overall objective and the development goal set for the project;

1. Objectives

- To undertake a bench mark survey of 2 identified districts in Punjab and Sindh to assess the prevalence levels of honour crimes and perceptions of the communities and other key stakeholders**
- To undertake capacity Assessment of key stakeholders involved in the implementation of Criminal Law (Amendment) Act 2004 i.e. Police, Lawyers, Political Workers, Local Media, Religious Leaders and Community prior to devising a capacity building strategy**
- To raise awareness among the community in general and build the capacity key stakeholders in particular with regard to the amendment in law**
- Impact Assessment of this consistent exercise to assess the change in the behaviors of the key stakeholders in the selected districts**
- Formulation of further policy recommendation through consultations to improve the implementation potential of the criminal act.**

2. Activities

Bench Mark Survey of identified districts to assess the prevalence levels of honour crimes and perceptions of the communities and other key stakeholders

- 1. Identification of the key actors and victims**
- 2. Identification of two districts in two provinces**
- 3. Develop survey tool**
- 4. Conduction of bench mark survey**
- 5. Compilation and analysis of results**

Guide line for the survey will be prepared by the Rozan to cover all aspects of the issue and objectives intended to achieve. The survey will be conducted with the help of 2 local staff of NRSP at the identified district level. The project's capacity building person will train the local staff of NRSP in participatory methodologies so to undertake the mapping and sampling. 40 Interviews and 2 FGDs in each district will be conducted with the local men, women, police personnel, religious leaders, political workers, lawyers and media. On the whole 160 persons will be interviewed and 8 FGDs will be held in four districts.

Capacity Assessment of key stakeholders

i.e. Police, Lawyers, Political Workers, Local Media, Religious Leaders and Community before devising a capacity building strategy

- Develop capacity assessment tools based on mapping**
- Identification of sample population for capacity assessment**
- Conduction of interviews and focus group discussions (FGDs)**
- Compilation and analysis of interviews and FGDs**

Capacity Assessment report with future actions to be taken to enhance the capacity of each key group

NRSP will undertake the capacity assessment of the local key actors (community men and women, police, lawyers, political workers, religious leaders and media) with the help of its local staff. At least 40 persons from each district will be assessed in each district. Resultantly, 160 persons will be assessed in 4 districts.

Capacity Building Plan to raise awareness among the masses in key stakeholders in particular with regard to the amendment in law

- 1. Develop capacity building plan for key stakeholder**
- 2. Development of training guide**
- 3. Printing of training guide**
- 4. Develop 2 modules for capacity building of police, political workers, lawyers, media, religious leaders and civil society**
- 5. Printing of training modules**
- 6. Training of trainers for 15 persons**
- 7. Conduction of workshops for the key actors at the district level**
- 8. Reports and documentation of the workshops along with the future capacity building needs**

Two modules for the training of police and lawyers, community leaders, religious leaders and media will be developed. A TOT for 16 persons (2 from each district) will be conducted. These TOT trainees will be the staff members of NRSP who are already working with communities and are involved in the capacity building exercises in general. NRSP staff is already trained in the training techniques so the focus of the training will be on the content and on participatory methods. These sixteen trainers will train 160 persons from different categories on the whole in four identified districts who would be the change agent in their respective field and sector.

Impact Assessment of this consistent exercise to assess the change in the behaviors of the key stakeholders in the selected districts

- 1. Development of indicators for each activity with a time frame and responsible authority**
- 2. Regular monthly, quarterly meetings to monitor and review the progress**
- 3. Report of each program meeting with decisions taken and actions to be taken in future**
- 4. Hire a consultant to undertake an evaluation of each activity at the end of the project**
- 5. Developing and sharing a design for assessment and incorporating the feedback and finalizing the travel plan**
- 6. Debriefing at the end of the exercise with the project management**
- 7. Finalizing the report by incorporating the feedback and comments of the management**

Regular monitoring of the activities will take place through the submission of quarterly reports against the work plans from each district which will be consolidated combined progress report at the end of each quarter.

A consultant will be hired to undertake an impact assessment of the project, its objectives and its impact on the focused groups and the communities. Review of the documents, filed visits and interviews will be conducted and report will be submitted to the NCSW and UNIFEM.

Formulation of further policy recommendation through consultations to improve the implementation potential of the criminal act

- Review the amended law and make suggestions for the improvement
- Sharing with the NCSW members along with the travel plan for the consultative meetings
- Organizing 2 provincial and 1 national interfaces
- Incorporation of the feedback from all provinces and from all stakeholders
- Final report submission to the Commission

After reviewing of the amended law suggestions for further amendments would be made and shared with the full Commission. After Commissions approval two provincial level and one national level interfaces will be organized to share the findings with the key actors for their feedback and comments. Participants from Punjab and NWFP will be invited in a joint interface while participants from Singh and Baluchistan will be invited in the second interface. In the national interface participants from all provinces will represent while National Standing Committee on Women's Development, Ministry of Women's Development, Ministry of Law, Ministry of Parliamentary Affairs and Ministry of Interior will be key participants. Each interface will be attended by 30-40 participants. Participants will be invited from civil society organizations working on 'honour killing' lawyers, police, religious leaders, political workers and media. Feedback and comments will be incorporated in the final report which will be submitted to the NCSW for further advocacy at the policy level.

3. Results

1. Increased use of amended law addressing 'honour killing' in the districts by 75 % of the trainees among different actors
2. Increasing reference to 'honour killing' as an action to be condemned and eradicated in the work of police, media, religious leaders and political workers. etc
3. Positive change in the knowledge and attitudes of defined actors
4. Inclusion of this information in the formal training of Police, Lawyers and Religious Leaders
5. Provision of free legal aid by lawyers trained during the project
6. Development and further use of 2 training modules for Police, Lawyers, Political Workers and Religious Leaders

4. Indicators

The results are the indicators

5. Risks

1. **Rising intolerance in the name of religion:** Rising exclusivity and intolerant behaviour of the indoctrinated masses can become more intolerable and oppressive towards women.

In this situation, true message of peace and non-violence from all religions could be disseminated. Already many such scholars are becoming more and more vocal. Dialogues with such scholars could help to erase the ambiguities.

2. **Unreliability of existing data:** Due to the unreliability of data we might face problems in identifying the proper districts.
3. **Limited human and physical resources to undertake mapping, capacity assessment and capacity building:** Availability of limited human and physical resources in remote areas where the prevalence of 'honour killing' is high.

Training of the locals in a mapping and TOT with a focus on the subject will enhance the social capital at the local level and these individuals could use these skills in future in some other initiatives as well.

4. **Limited consultative process:** Due to limited available resources project is forced to limit itself to only two provincial and one national interface and it is feared that important voices will remain unheard especially from district level.

As participants from two provinces will have a joint interface that will also provide them a chance to learn from experiences of each other. There is a chance for future collaborations at inter-provincial level.

D-Institutional Framework

National Commission on the Status of Women (NCSW) is the implementing agency. NCSW was established in September 2000 as a statutory body under an ordinance, to examine and review policies, laws and programs of the Government of Pakistan for women development and gender equality. NCSW has the mandate to review policies and laws with recommendation for women's rights in the light of the constitution of Pakistan. Commission comprises of twenty members including chairperson and three ex-officio members i.e. Secretary Ministry of Interior (MoI), Secretary Ministry of Finance (MoF) and Secretary Ministry of Law, Justice and Human Rights (MoLJL). Director General of Ministry of Women's Development (MoWD) serves as the secretary of the Commission. These three vital ministries are in natural alliance and are in the loop of all research activities of the Commission.

In the short life span *Commission* has reviewed various policies with gender perspective such as Women's employment in the Public Sector, Child Protection Policy, Labour Policy and many draft policies promulgated by other ministries. It has also reviewed

laws and legislation and came up with its policy recommendations through its publications such as

- Report on ‘Hudood Ordinances’ 2003
- Women’s Right of Inheritance and its Implementation
- Concept of Justice in Islam: Qisas and Diyat
- Impact of Family Laws on the Rights of Divorced Women

These publications have already being widely disseminated. All these recommendations were formulated by involving key actors through exhaustive consultative process at the provincial and national level. Commission also has the advantage of enjoying the trust of NGOs, academics, people at large, other government institutions who can be involved very easily at any point of time as well as the international community.

Leading the project the Commission has included two other NGOs as partners with distinct credentials of experience, infrastructure and capacity. These partners will be part of the Project Management Committee to overview the progress of the project activities as per timeline and to make corrective measures based on the response at the time of the implementation. The two partners are;

1. *Rozan*
2. *National Rural Support Program (NRSP)*

E-Monitoring and Evaluation

Following key areas of learning will be the natural outcomes of this project:

Availability of reliable data with regard to the perceptions of key actors

As currently unavailability of reliable data poses a major hurdle while undertaking any development initiative so with this intervention at least reliable data will be available which will be useful not only for this project but also for any future intervention. The survey will also be helpful in highlighting the perceptions of key actors with regard to ‘honour killing’ as well as their preferred mode of communication. Again this information will be very important to devise any large scale advocacy campaign to be undertaken in future.

Gaps of comprehensions of various stakeholders will be identified

By undertaking the capacity assessment of the key actors this project will be able to identify the gaps in the comprehension of each group and stakeholder. This will not only help the project to design capacity building exercises accordingly but will also help

other interested institutions to use this information for further capacity building exercises.

Awareness levels of key actors will be raised along with masses with regard to the current amended law

Effectiveness of various capacity building as well as advocacy methods will become clear especially at the time of impact assessment and will help in fine tuning any future intervention on the basis of this experience.

Policy recommendations to make it more gender sensitive

As a result of detailed reviewing and consultative process policy recommendations will be formulated to make the legislation more gender sensitive. These policy recommendations will need to be advocated at the policy level from various forums.

Dissemination of Learnings

Learnings will be documented in the form of mapping and capacity assessment reports which will be shared with the relevant institutions i.e. police department/ interior ministry, Lawyers association and Bar Councils, NGOS/ CSOs, Wafaq ul Madaras and Journalist Associations, so that they can also organize sessions to fill the gaps of comprehensions of their fellows, members and staff. These learnings will also be shared with the donor agencies so they can also use this information while allocating resources and future interventions.

Quarterly and annual progress reports will also highlight the learnings of the project.

Policy recommendations will be shared with the relevant forums, ministries and standing committees who can lobby to bring a positive change in the law.

Monitoring of the Progress

Detailed quarterly and monthly work plans will be made and shared with each partner and clear cut responsibilities will be assigned to each partner. Detailed reporting formats will be developed by the Project Manager in the light of the progress report format given by UNIFEM, which will be given to the Social Organizers/ trainers at the district level that will be assess the progress viz a viz results against each activity and objective.

Project Committee will meet regularly on quarterly basis to review the progress against the work plan and assigned tasks to each partner. Each partner will be responsible for the

Project Manager will follow up the progress of all activities and will compile the quarterly progress report to be submitted to the chairperson of the Commission. Quarterly progress report along with financial reports and work plans will be drafted by the project manager and will be submitted to the UNIFEM by NCSW.

Project Beneficiaries

Although the project would work around the honor crimes but it would benefit women in Pakistan at large.

Law enforcing agencies (lawyers, medico legal, media, and religious leaders) of the 4 selected districts. The target beneficiaries of the capacity building program among the stakeholders are approximately 200 direct and nearly 5000 would be the indirect beneficiaries.

Groups of community women and men

The project implementing agencies, NCSW, NRSP and Rozan would benefit in terms of implementing a project that would contribute towards the empowerment of women in Pakistan. The individual role of each partner has been described in detail under the heading of project implementation strategy. The other stakeholders would be the national agencies as of Ministry of Women Development, Ministry of Law and Ministry of Interior along with Ministry of Information and Broadcasting.

The project experience and lessons learnt would benefit the potential parties interested in launching similar kind of projects in the area of VAW.

Visits of Foreign Delegates

During 2007 National Commission on the Status of Women welcomed three foreign missions in its office and briefed them about the role and responsibilities of the Commission as well as its performance till date. The discussion included the status of women in Pakistan regarding gender development and the budget.

Nepal

A delegation of the Government of Nepal visited the Commission. Purpose of the delegation was to study/ understand organization and functioning of Civil Services of Pakistan, especially with a view to study quota system, representation of women and integration of different ethnic communities in services. Delegation was briefed about the Commission's mandate and its work with regard to Women's Employment in Public Sector along with other researches undertaken by the Commission.

This delegation comprised of eight civil servants headed by a Minister of State.

1. Mr. Dharma Nath Prasad Sah	Hon'ble Minister of State
2. Mr. Subama Lal Shresta	Officiating Secretary
3. Mr. Yub Raj Bhusal	Joint Secretary, Office of the Prime Minister
4. Mr. Suresh Raj Dhakal	Joint Secreatay
5. Mr. Ananda Raj Dhakal	Under Secretary
6. Dr. Hari Paudel	Under Secretary
7. Mr. Seva Adhikari	Section Officer
8. Mr. Buddha Bahadur Gurung	Section Officer
9. Mr. K.N. Adhikari	Charge d'Affairs Nepalese Embassy

Norway

Eleven members of Norwegian Parliamentary delegation of Standing Committee on Family and Cultural Affairs visited Commission. The delegation was headed by the chairperson of the Standing Committee, Ms. May-Helen Molvaer Grimstad. Delegation was given a presentation by the Chairperson National Commission on the Status of Women. Along with informing about the mandate and history of the Commission, discussion focused on the recommendations of the Commission on various laws and their practicability. Delegation consisted of the following members:

1. Ms. May-Helen Molvaer Grimstad	Christian Democratic Party, Chairperson
2. Mr. Eling Sande	The Centre Party,, II Deputy Chairman
3. Mr. Kunt Gravrak	The Labour Party
4. Ms. Trine Skei Grande	The Liberals
5. Ms. May Hansen	The Socialist Left Party
6. Ms. Britt Hildeng	The Labour Party
7. Mr. Espen Johnsen	The Labour Party

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|-------------------------------|------------------------|
| 8. Ms. Trove Karoline Knutsen | The Labour Party |
| 9. Mr. Olemic Thommessen | The Conservative Party |
| 10. Ms. Karin S. Woldsth | The Progress Party |
| 11. Mr. Stale Rist | Committee Secretary |

Afghanistan

Eight member delegation of prominent female media representatives from Afghanistan were welcomed by the Chairperson of the NCSW. After briefing about the mandate of the Commission the discussion was focused on various research reports of the Commission and their recommendations as well as adoption of those recommendations by the government of Pakistan. Being women living in a Muslim country, Afghani delegation was able to get the inspirations from the work of NCSW to improve the situation of women in their own homeland. Delegation comprised of the following members:

- | | |
|---------------------------------|---|
| 1. Ms. Jamila Mujahid
Afghan | Malalai Magazine & Director Radio Voice of
Women |
| 2. Ms. Shanaz | Radio Voice of Afghan Women |
| 3. Ms. Shabnam | Radio Voice of Afghan Women |
| 4. Ms. Shafiqa Habibi | Weekly Kabul |
| 5. Ms. Muzhgan Herawi | Ariana Television |
| 6. Ms. Najiba Mariam | Magazine Iffat |
| 7. Ms. Hanifa Wahid | Radio & Television Afghanistan |
| 8. Ms. Massouda | Radio & Television Afghanistan |

Commission's Meetings

**Government of Pakistan
National Commission on the Status of Women**

SUBJECT: MINUTES OF THE 26th MEETING OF NCSW HELD ON 9th MARCH, 2007 AT ISLAMABAD

1. Twenty sixth meeting of the National Commission on the Status of Women (NCSW) was held on 9th March, 2007 at 10:00 A.M. in the Commission's Committee Room under the Chairpersonship of Dr. Arfa Sayeda Zehra. List of participants is given at Annex-I.

2. The agenda items for the 26th meeting were:

- (1) Confirmation of the minutes of 25th meeting (already circulated);**
- (2) Review of current business including update on GRAP;**
- (3) Research proposals under Decentralization Support Programme (DSP);**
- (4) Representation of Women on Board of Directors of various companies; and**
- (5) Any item with the approval of chair.**

3. The Chairperson introduced the newly designated Member/Secretary of the Commission. She appreciated the services of Mr. Tariq Nawaz as Section Officer who left the NCSW as a consequence of his promotion to the post of Deputy Secretary.

4. Item-wise discussions and decisions are given in the succeeding paragraphs.

Item (1): Confirmation of the minutes of 25th meeting (already circulated).

5. The Chairperson sought views/comments or any observation on the minutes of 25th Meeting of NCSW. Dr. Tahira Kamal pointed out a couple of typographical errors in the minutes. The minutes of the 25th meeting were confirmed with the requisite corrections of typographical errors.

Item (2): Review of current business including update on GRAP.

6. Ms. Sofia Noreen, Technical Expert, Decentralization Support Programme gave a presentation on the review of activities undertaken during 2006 and the current business in hand. Copy of presentation is given at Annex-II. It was informed that following three research studies were completed during 2006:-

- (1) Concept of Justice in Islam: Qisas and Diyat.
- (1) Womens's Rights to inheritance and its implementation.
- (1) Impact of Family Laws on the Rights of Divorced Women.

In addition, following accomplishments were also highlighted:

- (a) Twelve Advocay forums were organized.
- (b) Three study visits were undertaken.
- (c) Maiden International Conference was organized.
- (d) A documentary on 'Impact of Family and Inheritance Laws on Women' was produced.
- (e) Advocacy campaign on Hudood Ordinances and Inheritance Laws through posters, brochures and thirteen Radio Talk Shows was undertaken.

7. The Chairperson informed that the Ministry of Women Development has sent the proposed amendments in the NCSW Ordinance to the Law Division for necessary action. The establishment of an independent and separate secretariat (with two Wings i.e. Technical Wing and an Administrative Wing) under National GRAP is subject to the amendments in the NCSW Ordinance.

Item (3): Research proposals under Decentralization Support Programme (DSP).

8. The Chairperson briefed on the collaboration of NCSW with the Decentralization Support Programme (DSP) of the Ministry of Finance. Under the DSP, two financial resources are available for meeting the requirements of the stakeholders in execution of various activities within their respective mandate. These two resources are Technical Assistance-II (Loan) and Gender and Governance Resource Pool-GGRP (Grant).

9. Key objectives of the proposal submitted under GGRP

- (1) To strengthen the NCSW in developing a Road Map for future Research Interventions in key sectors for socio economic empowerment of women like
 - (i) Health; (ii) Education ; (iii) Economy; (iv) Governance; and (v) Agriculture (approved by the Commission);
- (2) To support the NCSW to undertake policy researches on three public policies with gender lens and come up with recommendations for social and political empowerment of women through engendered policies: (i) Health;

(ii) Education; and (iii) Political Parties Order 2000 (approved by the Commission in 2006);

- (3). **Enhanced Political Participation of women by sensitizing the Leadership of Political Parties through conducting four provincial and one national dialogue; and**
- (4) **Establishment of Resource Centre to set up a data base for Information, Education and Communication (IEC) on women's related issues to provide support to policy makers, academia, researchers, students, politicians and public at large.**

Key objectives of the proposal submitted under TA-2

- (1) **To help NCSW to undertake researches to assess the situation of women with respect to various issues in the areas of Education, Health and Economy. The specific research studies are:**
 - i) **Status of Home-based women workers: Access and Control over resources and information (on-going research since 2003 and approved by the Commission in 2006);**
 - ii) **Status of female teachers in private sector (approved by the Commission in 2006);**
 - iii) **Impact of drug patency in terms of accessibility of end users especially women;**
 - iv) **Gender bias and harassment at work place and mechanisms to redress the situation; and**
 - v) **Impact of privatization of utilities on women.**
- (2) **To develop and compile gender related material to highlight the available legal instruments as well as potential of women even in adverse conditions:**
 - i) **Compendium of Labour Laws (approved by the Commission in 2006).**
 - ii) **Life histories of 50 eminent women in various fields of life.**

10. Members approved the Research Project under DSP after detailed discussions.

Item (4): Representation of Women on Board of Directors of Various Companies.

11. Dr. Syed Tauqir Ali Shah, National Project Coordinator, Women Employment Concerns and Working Conditions (WEC-PK) Project, ILO had requested for a presentation to the members, included in the agenda items. Dr. Tauqir gave the comprehensive presentation on the basis of relevant survey and research conducted in the USA. The detailed presentation is given at Annex-III. Prof. Farkhanda Aurangzeb sought some clarifications from Dr. Tauqir Shah. The Member/ Secretary, NCSW pointed out that such an intervention is also included in the National GRAP. He was of the view that the Commission could get strength from such an intervention in promoting the representation of women on Board of Directors of various companies. It was, however, decided that as GRAP is still waiting for initiation, WEC-PK proposal would facilitate the NCSW in reviewing the existing situation of women's representation on various Boards of Directors in Pakistan. The information so collected would provide a basis for NCSW's recommendations in this regard.

Item (5): Any item with the approval of Chair.

12. There was a consensus among all the members that the Commission may issue a Resolution condemning the cold blooded murder of Ms. Zill-e-Huma Usman, Minister for Social Welfare, Punjab. Ms. Simi Kamal, read out an initial draft of the Resolution . It was, however, decided that the Secretary, NCSW would formulate a draft text of the Resolution and would submit to the Chairperson who would then fax the same to all the members of the Commission for their consent/review. It was also decided that the Resolution once finalized and approved would be sent to Interior Minister and Secretary, Interior Division (Annex-IV).

13. Dr. Shoaib Suddle representing the Secretary, Interior Division also spoke on the current situation of violence against women .

Executive Committee's
Meetings

**Government of Pakistan
National Commission on the Status of Women**

**SUBJECT:- MINUTES OF THE MEETING OF EXECUTIVE COMMITTEE HELD
ON 27 MARCH. 2007**

A meeting of the Executive Committee of National Commission on the Status of Women (NCSW) was held on 27 March, 2007 at 11.45 A.M. in the Office of Chairperson, NCSW. The Chairperson, NCSW chaired the meeting and the following members were present in the meeting:-

- (1) Dr. Faqir Hussain, Member
- (2) Ms. Simi Kamal Member
- (3) Mr. M. Idrees Baig, Member Secretary

Note: Mrs. Farkhanda Aurangzeb could not reach Islamabad due to PTA strike.

2. Following was the agenda of the meeting:-

- (1) Decentralization Support Program Research Project.
- (2) Secretarial Vacancy Position of NCSW.
- (3) Launching of Research Reports.
- (4) Status of Collaborative Research with Anti Narcotics Force (ANF).
- (5) Research Steering Committee of NCSW.
- (6) Resolution regarding Violence.

3. Item-wise salient points emerged and the decisions taken thereon are given below:-

(1) Decentralization Support Program Research Project

It was discussed in the full Commission meeting held on 9 March, 2007. The basic concept of the research project was approved. The Executive Committee agreed on the following prioritized research proposals:

I. Policy Reviews

- (1) Education
- (2) Health and
- (3) Political Parties Order, 2000

II. Researches

- (1) Status of Female Teachers in Private Sector
- (2) Impact of Drug Patency on End Users
- (3) Gender Bias and Harassment at Work Place
- (4) Impact of Privatization of Utilities on Women

It was informed that the codal formalities for undertaking research studies under Decentralization Support Program Research Project (DSPRP) would soon be initiated.

(2) Secretarial vacancy position of NCSW

The Chairperson informed that positions of a Stenographer and an Assistant were lying vacant for quite sometime. It was further informed that the NCSW has 10 posts of support staff on its sanctioned strength. The Member Secretary expressed the doubt that these posts exist as sanctioned posts of NCSW. He, however, told that he would give a clear picture of all these posts giving the action being taken by the MoWD for appointment of incumbents against these posts.

(3) Launching of Research Reports & Documentary

It was decided that the reports of the research studies conducted by NCSW under ISNCSW Project of UNDP would be launched. Detail can be worked out later, launching of documentary could be considered to be held in Karachi.

Proposed activity by Dr. Parveen Shah and Ms. Simi Kamal was to be decided after receiving the details from two members.

(4) Status of Collaborative Research with Anti Narcotics Force (ANF)

It was informed that policy research on the Psychological and the Socio-Economic Factors Responsible for Drug Addiction among Women was undertaken in collaboration with Anti Narcotics Force. The resolution of issues like expenditure incurred on the research project including settlement of payments made and finalization of draft reports are pending since September, 2006. It was informed that a letter to this effect was sent to D.G., ANF, the reply has not been received.

(5) Research Steering Committee (RSC) of NCSW

As informed and discussed in the full Commission meeting on 9 March, 2007, it was informed that the NCSW was in the process of formulating the Research Steering Committee which includes renowned and established researchers, experts and scholars. The existing list of renowned researchers and scholars was agreed upon by the Executive Committee. Dr. Faqir Hussain recommended to include the following scholars in the SC:

- (1) Justice (R) Shaiq Usmani
- (2) Mr. Afzal Haider
- (3) Qazi Jamil

The Executive Committee agreed in principle to make additions in RSC, as needed.

The Executive Committee recommended the following Terms of Reference for RSC:

- (1) To examine the concept of the research.

(2) Examine/review of the research proposals received from the research consultants.

(3) Review/evaluation of draft reports of the studies submitted by the respective consultants.

The research evaluation will be done by those members of RSC who have interest /expertise in the particular area.

(6) Resolution regarding Violence.

The Chairperson shared the written views received from ex-officio members from Finance Division and Law Division on the text of the Resolution on violence against women. It was decided that the text of the Resolution would remain same as that appeared in the minutes of the meeting of NCSW held on 9th March, 2007.

4. It was suggested by Dr. Faqir Hussain that a meeting may be arranged between the Chairperson, NCSW and the Minister for Women Development to discuss the key issues so that ambiguities could be removed.

Government of Pakistan
National Commission on the Status of Women

SUBJECT:- MINUTES OF THE MEETING OF EXECUTIVE COMMITTEE OF NCSW HELD ON 10TH AUGUST, 2007.

1. The meeting of the Executive Committee of the National Commission on the Status of Women (NCSW) was held on 10th August, 2007 under Dr. Arfa Sayeda Zehra, Chairperson, NCSW in the Commission's Committee Room, Islamabad.
2. Agenda and list of participants are given at Annex-I and II respectively. Item-wise proceedings of the meeting are given in the succeeding paragraphs.

Agenda item-1

Confirmation of minutes of the last meeting of the Executive Committee

3. The minutes of the meeting of the Executive Committee of NCSW held on 27th March, 2007 were confirmed.

Agenda item 2

To discuss the current issues:

- (a) Gender Reform Action Plan (GRAP);
- (b) Decentralization Support Programme's Project; and
- (c) Amendments in NCSW Ordinance and Conduct of Business Rules of NCSW.

(a) GRAP

4. Chairperson informed that an advertisement was given in the press for hiring the services of Lead Consultant, Consultants and Experts as given in the GRAP related interventions assigned to NCSW. She, however, said that a very poor response has been received. Almost a negligible number of applicants fulfilled the prescribed criteria. She, therefore, invited the members' opinion on re-advertisement and head-hunting for the qualified and experienced persons. It was the consensus among the Committee members that the Commission may re-advertise the positions and the candidates identified through head-hunting may also apply against the advertisement so as to ensure transparency and competitiveness in their selection.

(b) Decentralisation Support Programme's Project

5. Ms. Sofia Noreen, Technical Expert, NCSW stated that the Asian Development Bank (ADB) had withdrawn the Technical Assistance-II (TA-II). She, however, informed that there are chances that TA-II would be revived shortly. The Chairperson told that in

case it not revived, proposed research projects would be financed out of the funds available with the NCSW after observing all the codal formalities.

(c) Amendments in NCSW Ordinance and Conduct of Business Rules of NCSW

6. The Chairperson informed that the amendments, recommended by the NCSW and reflected in the draft Amendment Ordinance, have been referred to Ministry of Law and Justice by the Ministry of Women Development for vetting.

7. The members of the Executive Committee expressed the view that the NCSW does not have its own independent Secretariat and under the existing Ordinance, MoWD acts as Secretariat of the Commission. As a result, the NCSW suffers a lot in terms of administrative and secretarial services. At this juncture, Dr. Faqir Hussain, suggested that a reference may be sent to Finance Division for the establishment of a separate Secretariat of the Commission. The Member Secretary, NCSW informed that the draft Amendment Ordinance already sent to Ministry of Law & Justice contained such a provision. Dr. Faqir Hussain, however, maintained that the proposed reference could still be sent to the Finance Division for their consideration.

Agenda item 3

Future Research Plan/Projects

8. The Chairperson told that funds were available with the NCSW for hiring the Consultants and Experts for carrying out researches in the areas identified and approved by the Commission in its earlier meetings. It was, therefore, decided that a standardized draft Agreement (to be made between the Researchers and the NCSW) would be prepared and forwarded to the Law and Justice Division for vetting so that the research projects could be farmed out to the researchers/research institutions selected through the advertisement in the Press and website of the NCSW.

9. The Chairperson informed that UNIFEM has invited project proposals costing upto US \$ 0.200 million from the interested organizations in Pakistan including NCSW for research on women/gender related issues. She said that NCSW would certainly like to avail the opportunity.

10. The Chairperson further informed that a letter has been sent to Economic Affairs Division with the request to keep the NCSW in loop while receiving offers from UN/foreign donor agencies in regard to providing funds or technical assistance to the national level stakeholders responsible for women's development and empowerment.

11. There was a great deal of discussion on the Technical Investment Proposal(TIP- to be funded out of Gender Governance Resource Pool) submitted earlier to the Decentralization Support Programme (DSP) by the NCSW. In particular, the discussion was focused on the following components of the TIP:-

- (1) To strengthen the NCSW to developing a Road Map for future research interventions in the following key sectors for socio-economic empowerment of women namely (i) Health; (ii) Education; (iii) Economy; (iv) Governance; and (v) Agriculture.
- (2) To support the NCSW to undertake policy researches on three selected public sector policies with gender lens and come up with recommendations for social and political empowerment of women through engendered policies.

12. It was decided that renowned researchers would be engaged to undertake the research in the five selected key sectors of socio-economic empowerment of women. Sector-wise experts were also identified by the Committee as under:-

<u>Selected Key Sector</u>	<u>Name of Researcher/Expert</u>	
(a) Health	Ms. Aiysha Khan	(Ph:0300-2625583)
(b) Education	Ms Shazre Aafia	
(c) Economy	Dr. Asad Saeed	
(d) Governance	Mr. Mathar Rana	(Ph: 081-2835783 081-2820841 081-2836267 081-2821394)
(e) Agriculture	Mr. Haris Gazdar	(Ph:0320-4797164)

13. In regard to component (2) above, the sector-wise names of the experts were also identified as under:-

(a) Health	(1) Ms. Tahira Abdullah (2) Dr. Kossar S. Khan	(Ph:0300-8242036)
(b) Education	Ms. Shagufta Alizai	(Ph:021-5866311 021-5863005)
(c) Political Parties Order, 2000	(1) Ms. Aiysha Tammy Haq (2) Mr. Danish Zuberi	(Ph:0300-8207143) (Ph:0300-8227014)

14. The proposed researches to be funded out of Technical Assistance-2 (TA-2) under DSP were also came under discussion in detail. It was informed that there were 90% chances that the TA-2 would be revived by the ADB. The Committee, therefore, prioritized the five research topics in addition to identification of respective research experts as under:-

<u>Topics for Research in Order of Priority</u>	<u>Name of Expert</u>
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- | | | |
|-----|---|---------------------------|
| (1) | Gender bias and harassment at work place
and mechanisms to redress the situation-future

policy recommendations and legislation; | Dr. Fauzia Saeed |
| (2) | Status of female teachers in private sector; | Dr. Sarah Zaidi |
| (3) | Impact of privatization of utilities on women; | Dr. Ayshea Mujahid |
| (4) | Gain or loss: Corporate farming vs prevalent
farming and its effects on women; and | Ms. Nasira Habib |
| (5) | Impact of drug potency in terms of accessibility
of end users; | Dr. Kossar S. Khan |

15. The meeting concluded with a vote of thanks to and from the Chairperson.

Engagements
of the Chair

ENGAGEMENTS – 2007

December:

10th Annual General Meeting of the PRSP	Lahore
Meeting with Midterm Evaluators of the Project, ILO	Islamabad
Round Table on Interfaith Dialogue as part of the 2007 global Campaign on “End Violence Against Women” by NCSW and UNIFEM	Islamabad
45th meeting of Board of Directors of PRSP	Lahore

November:

38th meeting of the Executive Committee of the Board of Directors of PRSP	Lahore
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October:

Invitation of University of Louisville USA to attend Programme titled “Religion and Society: A Dialogue”	Kentucky USA
29th Meeting of NCSW	Islamabad
To attend seminar on Violence against Women	Lahore
Lecture at National College of Arts.	Lahore
Meeting of Executive Committee of NCSW	Islamabad
Interview for posts of Gender Expert and Lead Consultant	Islamabad
Legal Expert	Islamabad
Invitation on a Seminar “The Challenge of Extremism and our Obligations by Tehrik-e-Akhuwat-e-Islami with cooperation of Council of Islamic Ideology.	Islamabad
Closing ceremony of the Women’s Political School Project	Islamabad
Invitation to Chair the Seminar by SDPI	Islamabad
Recruitment Committee meeting for the post in BPS-19 and above in CII	Islamabad
Invitation on a Iftar Dinner by the Public Affairs officer	
Consulate of the United States of America	Gulberg V
Invitation on a Orientation/Consultation Workshop by Law and Justice Commissin of Pakistan	Lahore
Invitation to a reception to celebrate the Day of German Unity by the Ambassador of the Federal Republic of Germany	Islamabad

September:

Invitation for Iftar Dinnar by the Ambassador of the Republic of Hungary in connection with Launching of the Book “Geet Hayati Hoey” Selected poems of the Hungarian Poet Sandor Petofi	Islamabad
Translated into Punjabi by Sarwat Mohiyuddin .	Rawalpindi
Invitation on celebration of World Tourism Day by Ministry of Tourism	Islamabad
Meeting with Ms. Constance Jones, First Secretary Culture Affairs and Ms. Aysha Islam, American Embassy,	Lahore
44 th Meeting of the Board of Director of PRSP	Islamabad
Meeting of the Task Force on Civil Service Reforms	USA
Visit to Hawaii, USA as Speaker on the Third Annual Symposium of all Religious Network Honolulu, Hawaii	

August:

Invited by East-West Center to attend EWCA Conference	Honolulu,
Executive Committee Meeting at PRSP	Lahore
Meeting at Council of Islamic Ideology “Islam and West Relation”	Islamabad
Meeting with Asad Makan, Deputy Team Leader, DSP	Lahore
Dawn TV Programme at Lahore.	Islamabad
Meeting of Executive Committee	Islamabad
Launching Ceremony of Research Reports	Islamabad
Meeting with Chief Justice of Pakistan of the Chairperson and member of NCSW.	Islamabad
28 th meeting of NCSW	Islamabad
Meeting with Ms. Chandni Joshi UNIFEM	Islamabad
Interview by Ms. Sana, Dawn	Lahore
Peace Festival of Arts 2007	Islamabad
Invitation on a Lunch by the Principal Officer of the Consulate of the United States of America	Islamabad

July:

Workshop on National Awareness Raising	Islamabad
Invitation for a Dinner by Justice Iftikhar Muhammad Chaudhry	Islamabad
Meeting of the Law and Justice Commission of Pakistan	Lahore
Meeting with ECO, the Iqbal International Institute for Research,	
Meeting with Mr. Sahibzada Saud, Researcher, regarding Economic Empowerment Focused Gender Projects and their	

Qualitative Assessment –Royal Norwegian Embassy	Islamabad
Meeting at Sanjan Nagar Education Trust	Lahore
Meeting at FC College	Lahore
Invitation to commemorate the 231st Anniversary of the Independence of the United States of America by the Principal Officer of the Consulate of USA	Lahore
Invited as a speaker on “Cultural Perspective of Peace: Sufi message of oneness and unity” by Sungi Development	Abbott bad

June:

To attend a meeting at Iqbal Institute of Education & Research	Lahore
Invitation at the Canada Day BBQ by High Commissioner David Collins and Mrs. Jacquie Collins	Islamabad
To Chair 1st Session of National Consultation on the Status of Home Based Workers	Islamabad
Invitation on Inaugural Session of the National consultation on the Status of Home Based Women Workers by the Secretary, MoWD.	Islamabad.
Equity for Women: What is missing?	Islamabad.
Meeting of Society for Promotion of English Language Teacher (SPELT)	Karachi
Invitation to Inaugurate Workshop under ‘Pani Pakistan’	Karachi
Invitation to address on “Society, Culture and Islam”	Karachi
Violence against Women in the Society	Lahore
Meeting with Ms. Aysha Islam	Islamabad
Meeting with Mr. Qadeer Baig, Consultant, Shirkat Gah.	Islamabad.
Invitation for dinner by Dr. Gunter Mulack, Ambassador of the Federal Republic of Germany	Islamabad.
Invitation to Inaugurate Water Workshop	Peshawar
85th meeting of the AIOU Executive Council of Allama Iqbal Open University,	Islamabad.
Invitation on International Conference 2007 on Islam And Current Economic Issues by CII	Islamabad
Meeting with Mr. Qamar Abbas, Senior Documentation Officer, Agha Khan Foundation for Economic Development	Islamabad
Meeting with Dr. Rana Zahid	Islamabad
Meeting with Brig Shafquat Mahmood, Executive Director, Piayam Trust.	Islamabad.
Invitation for a Dinner by Chief Justice of the Federal Shariat Court	Islamabad

May:

Discourse on ‘Women Protection Act: Legal and Social Analysis’	Islamabad.
27 th meeting of NCSW	Karachi
Meeting with the participants of Women’s Leadership (WLP)	Islamabad
43 rd Meeting of the Board of Directors of PRSP	Lahore
Invitation on photo exhibition “the Landmarks of New Year” by Federal Minister for Culture	Islamabad
Meeting of Pani Pakistan.	Faisalabad.
National Conference on: “Gender Issues in 21 st Century in Pakistan”.	Lahore.
Invitation on a Margalla Gupshup reception by the Charge’d Affairs, a.i. of the United States of America and Mrs 20. Peter W. Bodde,	Islamabad.
Meeting with Country Director, UNFPA,	UNFPA office
Meeting with NPD and Consultants of DSP	Islamabad
36 th meeting of Executive Committee in Punjab Rural Support Program	Lahore
Invitation for ADB Consultation meeting by Asian Development Bank	Lahore
Consultation CEDAW by INGAD	Islamabad

April:

Invitation on the birthday of Her Majesty Queen Beatrix of the Netherlands by Ambassador Willem Andre and Mrs. Andrea-Gervoson De Sivervan.	Islamabad.
ATV Programme.	Islamabad.
Gender task force Meeting organized by APWA.	Islamabad.
Meeting with Robina Shaheen, Jang Rawalpindi	Islamabad
Meeting with Helen Thomas, Consultant, ADBP	Islamabad
Invitation on a workshop ‘The Development of Water Champions’ by Pani Pakistan.	Lahore.
2 nd Day National Conference on Eradicating Child Labour through quality Education: Evidence of Policies and Practice organized by save the Children UK.	Islamabad.
Invitation –Roundtable on ‘ Role of Media: State Pressures and the Rights of the Citizens’ by Citizens Media Commission of Pakistan	Islamabad
Invitation at Dinner by Chairman, Council of Islamic Ideology	Islamabad
Invitation to a Lecture on “Guidance from Seerat of Prophet Muhammad	

(PBHH) in Modern Times”

Islamabad

March

To attend the meeting of Pani Pakistan

Lahore

Panel discussion on “Gender Issues in Pakistan”

Lecture at National Management College.

Lahore.

Executive Committee Meeting

Islamabad

INGAD Group Meeting

Islamabad

Visit of Afghan Media Delegation

Islamabad

Alumni meeting at Lahore

Lahore

To attend GEO TV Programme

Lahore

42nd meeting of the Board of Directors of PRSP

Lahore

To deliver Lecture at Lahore School of Economics

Lahore

Meeting at Kinnaird College Lahore

Lahore

GRAP meeting at Lahore

Lahore

Meeting of Board of Directors

Islamabad

26th Meeting of NCSW

Islamabad

Symposium to commemorate International Women’s Day

Islamabad

Invitation by ILO – to attend the International Women’s Day 2007

Islamabad

ATV Programme

Islamabad

PTV Programme

Islamabad

Invitation on International Women’s Day by Makhdoom Amin Fahim

Islamabad

Invitation on Launching Radio Programme on Women, Honour and

Resource and Publication Centre on Women and Media

Islamabad

PTV Programme – regarding 8th March

Islamabad

Meeting with Mr. Hubert Rosin, First Secretary, Embassy of Belgium

Islamabad

Invited as Chief Guest –Literature – A Celebration of Women-hood

Islamabad

Meeting with Ms. Catherine Alum, Second Secretary, British Embassy

Islamabad

Meeting with G.M. Chaudhry – to present a book

Islamabad

Invitation on Round Table Discussion on the Question of “American

Agenda and Muslim Societies” by Council of Islamic Ideology

Islamabad

13th Meeting of the Audit Committee of PRSP

Lahore

GEO TV Programme

Lahore

February:

Meeting with INGAD

Islamabad

Meeting with Team Leader ADTA	Islamabad
Invitation on a Dinner by the Ambassador of Norway	Islamabad
Meeting with Visiting Norwegian Parliamentary Delegation of Standing Committee on Family and Cultural Affairs	Islamabad
International Conference Democracy, Traditions, Gender by HEINRICH BOLL FOUNDATION	Islamabad
To attend US-Islamic World Forum	Doha Qatar
Consultative Meeting – Water Pakistan	Mianwali
“People building peace “by Kinnaird-WISCOMP Convention	Lahore
Round Table: Review of the report of violence against women and The relevant legislation	Islamabad
Visit of Delegation of Women PMS of the British Parliament to Pakistan. Meeting with visiting delegation of the Govt. of Nepal	Islamabad
Courtesy Call by Member Secretary, NCSW/DG (GE), MoWD	Islamabad
Meeting with Ms. Samina Fazal and her group	Islamabad
Meeting with Dr. Syed Touqir Shah, NPC, WEC-PK, ILO	Islamabad
Concluding Session –National Judicial Conference	Islamabad
Invitation on a Dinner hosted in honour of delegates of National Justice Conference by Mr. Justice Iftikhar Muhammad Chaudhry,	Islamabad
Plenary Session-II National Judicial Conference	Islamabad
Plenary Session-1- National Judicial Conference	Islamabad
Invitation on a Dinner hosted in honour of delegates of National Justice Conference by Mr. Muhammad Wasi Zafar, Minister of Law, Justice Human Rights	Islamabad
Inaugural Session –National Judicial Conference	Islamabad
January:	
Twelfth meeting of the Audit Committee of PRSP	Lahore
Rising Pakistan – PTV	Lahore
Consultative meeting – Water Pakistan	Attock
Meeting with PD GRAP and team	Islamabad
Meeting with Ms. Anita Wise	Islamabad
Meeting – Water Pakistan	Lahore
Meeting- Water Pakistan	Lahore
National Steering Committee (NSC), GJTMAP Meeting	Islamabad
Meeting with Ms. Helen British High Commission	Islamabad
Meeting with visiting delegates – Members of the British Parliaments	Islamabad
Meeting with Ms. Helen British High Commission	Islamabad

Media Coverage

Media Coverage

Daily Dawn
Thursday 31st May, 2007

Discourse

A discourse on “Women Protection Act-2006: legal and social analysis”, organised by the National Commission on the Status of Women (NCSW) will be held at Sheesh Mahal Hall, Holiday Inn, Melody Islamabad at 4:30pm.

Media Coverage

Daily Dawn
Friday 1st June, 2007

Importance of Women Protection Act highlighted

ISLAMABAD, May 31: Speakers at a seminar here on Thursday highlighted the significance of the Women Protection Act which upheld the rights of women and shielded them against excesses.

Justice (retired) Nasir Aslam and other speakers pointed out that the Hudood Ordinances promulgated in the late 70s had a negative impact and in response to demands from all walks of life the government had enacted the Women Protection Act through the parliament last year to rectify the wrongs.

The speakers analysed the provisions of the act enacted in light of Islamic teachings for safeguarding the rights of women.

The symposium was organised by the National Commission on Status of Women (NCSW) in collaboration with Decentralisation Support Programme (DSP).

Eight panelists including Dr Arfa Zehra, Justice (retired) Nasir Aslam Zahid, Justice (retired) Shaiq Usmani, Justice (retired) Majida Rizvi, Dr Mohammad Khalid Masud and Ms Anis Haroon participated in the discourse. The speakers appreciated the steps taken by the present government to protect legal and social rights of women as well as that of minorities.

Dr Arifa Syed Zehra called for gender equality through providing equal status to women.—APP



JUSTICE (retired) Majida Rizvi takes part in a discourse on Women Protection Act organised by the National Commission on the Status of Women in Islamabad on Thursday. — Dawn

Media Coverage

The Nation
Friday 1st June, 2007

Call for repeal Hudood Ord, clearing confusions about WPA

OUR STAFF REPORTER

ISLAMABAD - Political will and police reforms are essential for the smooth working of the judicial system and workshops should be organised for the police, judiciary and media to clear the confusions regarding Women Protection Act (WPA) and Hudood Ordinance.

Panelists urged at a discourse on "Women Protection Act 2006: Legal and Social Analysis" organised by the National Commission on the Status of Women here on Thursday.

Justice Nasir Aslam Zahid speaking on the occasion said under the Hudood Ordinance 99 per cent poor women were jailed. WPA has few good pro-

visions but Hudood Ordinance should also be repealed. New laws should be made if necessary but after the consultation of all the religious sects and through parliament.

Since the enforcement of WPA no case of Zina has been reported in Karachi Jail, which is a healthy sign. Talking about WPA's provisions he said on the charge of Fornication only two witnesses have been made compulsory which is against Islam. For the last five years not a single case of gang rape has been resolved.

He said only making a law is not enough but the mindset of the people should also be changed. Judicial system is not working properly and only judges are not only responsible for this. Police corruption and

low wages of judges are one of the main factors of this mess.

After the implementation of Hudood Ordinance women faced many problems and number of women in jails increased because former dictator Ziaul Haq made it haphazardly without knowing its implications Justice Shaiq Usmani said while giving the background of Hudood Ordinance.

"Though government has made WPA for political benefits and on the pressure of America but it has given relief to women. Now cases are resolved through court and women cannot be detained in jails. Punishment of stoning death is still included in the WPA, which is awful."

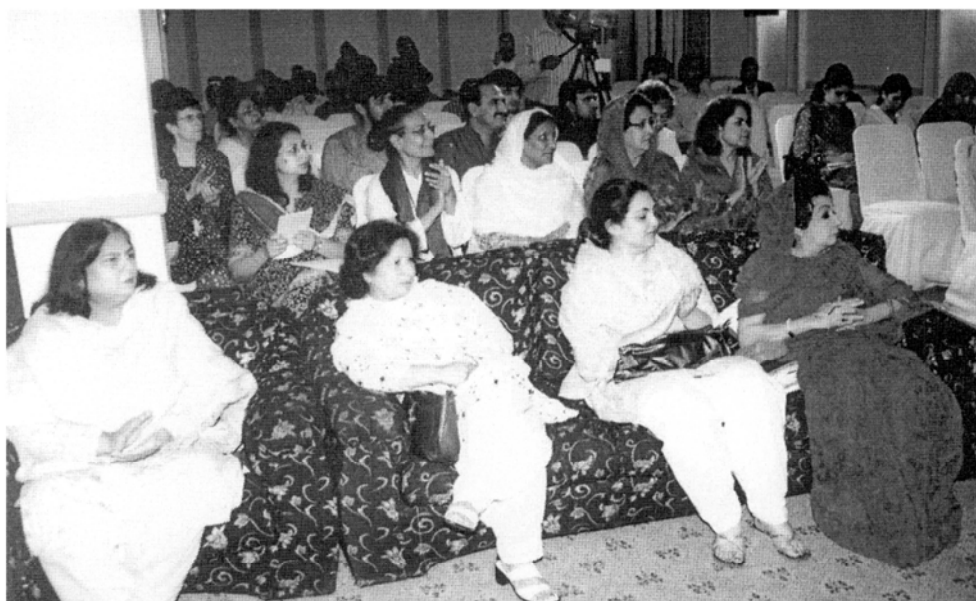
Inclusion of crime of fornication in WPA is illegal and the

perpetrators can misuse it. Reducing the death sentence into 10 to 15 years in WPA is not a good decision Justice Shaiq said.

One year has been passed since the enforcement of this act but still government has not notified the competent authority, it should be notified immediately Justice Majida Rizvi pointed out.

Anis Haroon said WPA is a one step forward but a complete rehabilitation system is needed after if any incident happens. Women Development Ministry claims that they have established many rehabilitation centres and cells but in fact there is no security and relief centres for the victims she made clear coating many examples.

Media Coverage

Friday 1st June, 2007

Media Coverage

Daily Dawn
June 25th, 2007

NCSW discourse on 28th

ISLAMABAD, June 24: The National Commission on the Status of Women (NCSW) is organizing a discourse on "Equity for women: what is missing?" here on June 28.

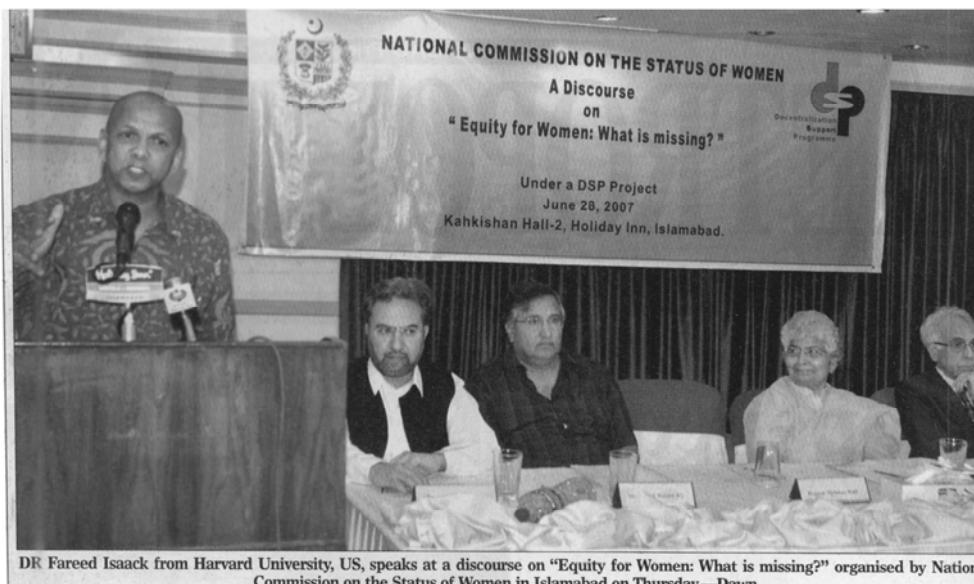
Begum Mehnaz Rafi, Javed Hasan Aly, Dr Manzoor Ahmed, Dr Mohammad Farooq Khan, Prof Ghazala Irfan and Dr Arfa Sayeda

Zehra would be present among the panelists in the discourse.

Speakers on the occasion will highlight the concept of equity for women and identify the missing part in it. They will also highlight the measures taken by the government for the socio economic empowerment of women.—APP

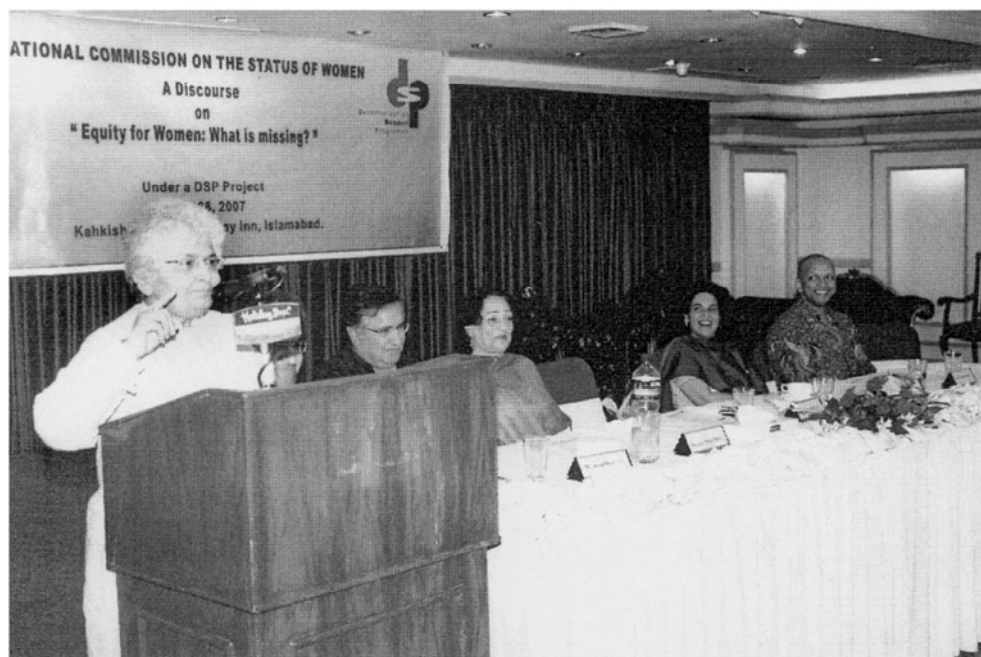
Media Coverage

Daily Dawn
June 29th, 2007

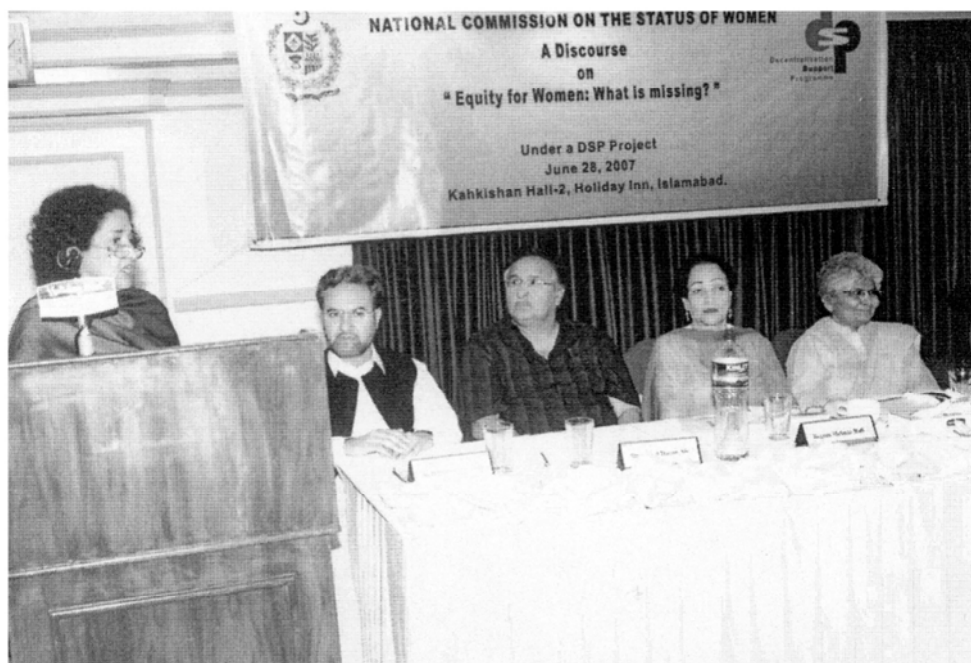


DR Fareed Isaack from Harvard University, US, speaks at a discourse on “Equity for Women: What is missing?” organised by National Commission on the Status of Women in Islamabad on Thursday.—Dawn

Media Coverage

June 29th, 2007

Media Coverage

June 29th, 2007

Media Coverage

The Nation
June 29th 2007



Dr Farooq Khan addressing a seminar on 'Equity for women: What is Missing?' organised by DSP project on Thursday.—Staff photo by Syed Mehdi

'76 pc female adults illiterate'

FAREHIA REHMAN

ISLAMABAD - National Commission on the Status of Women organised a discourse titled "Equity for women: What is missing" on Thursday and discussed the missing links in our society that so far not allow civil attitude to develop.

Seven participants included Director Islamic University Dr Manzoor Ahmad, Religious Scholar Dr Muhammad Farooq Khan, Professor Harvard University USA Fraid Ishack, Chairperson National Commission of the Status of Women Dr Arfa Syeda Zehra, Dr Javed Hussain Aly analyzed the issue in different spheres of our social life like education, ethics, religion and social norms and attitudes.

Dr Muhammad Farooq Khan said, "Islam gave equal rights to both man and woman but in our society people who have power denied rights of the latter. Women of all classes and cultural backgrounds are exploited in many ways by the society specially in rural areas of Sindh, Balochistan and Punjab"

He said, "Honour killing is a licence to kill women as every year in our feudalistic society almost 11 to 15 hundreds women become victim of the menace."

While discussing about issue of women's equality, Director Islamic University Dr Manzoor Ahmad said, "This is an Islamic society but what exactly missing in our society is the conducive atmosphere, which is also considered vital for gender equality. So it is need of the hour to change this present atmosphere and bring about a very positive change in the society regarding gender equality."

He described, "Conducive atmosphere is the mindset, that is how we interpret religion. The way we try to understand things of our society, the running life in our society and try to understand what is exactly right and wrong". Secretary Establishment Javed Hussain Aly said equal opportunities in our society is limited women.

He said women were deprived of education. "The educational status of women in Pakistan is very low as according to ministry only 19 per cent females are up to metric level, 8 per cent up to intermediate, 5 per cent up to Bachelor level while 1.4 per cent are up to master level," he added.

Media Coverage

June 29th, 2007

✓ Equal rights for women demanded

■ Only 19pc women are matriculate, 8pc intermediate, 5pc bachelors and 1.4pc masters

By Saadia Khalid

ISLAMABAD: The panelist at a discourse titled "Equity for Women: What is Missing?" organised by the National Commission on the Status of Women, discussed the missing links in society that do not allow civil attitudes to develop. The panelists deplored the condition of women in Pakistan even in this era of development when the women all across the world were enjoying privileges equal to men.

They said that Islam did not permit men to place unnecessary restrictions on women and allowed them to participate equally in every walk of life.

"Women of all classes and cultural backgrounds are being exploited in various ways by the society regardless of their social standing," said panelists.

Muhammad Farooq Khan, a religious scholar, said that there was a strong misconception about the women's role in Islam. "Women have equal rights as that of men and

have equal opportunities in education, job, right to inheritance and creativity," he said.

He said it was a sad state of affairs

that in Pakistan honour killing was being treated as a settlement but Islam did not permit it.

Establishment Division Secretary

Javed Hassan said that since the creation of Pakistan women's right to education was cosmetically recognised. Pakistan only 19 percent women matriculate, 8 percent intermediate, 5 percent bachelors and only 1.4 percent are masters," he said.

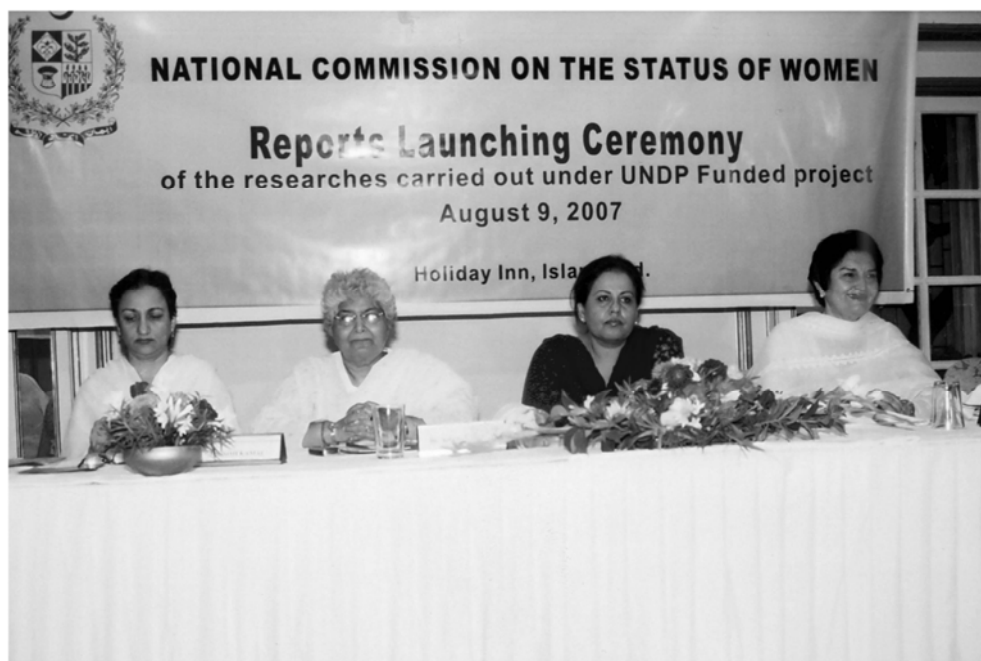
Hassan said that the gulf between the rich and the poor was increasing by day, as their education system was different. "The condition of government schools is pathetic as they are lacking basic facilities such as drinking water, toilets and airy rooms," said Hassan.

He said the basic reason of women's sufferings was the feudal minds of people who were not ready to accept women's rights.

Dr Manzoor Ahmed, Benazir Bhutto, Mehnaz Rafiqi, Dr Mohammad Farid Khan, Prof Dr Ghazala Irfan, Dr Hasan Ali, Farid Ishaq and Sayeda Zehra attended the discourse and analysed the issues like education, ethics, religion and social norms and attitudes.

Media Coverage

August 10th, 2007



Media Coverage

June 29th, 2007

Media Coverage

The News
August 19, 2007

Arifa Syeda
 Educationist

'Change for the better, not short-lived pleasure'

"I am most happy when a deserving person gets his rightful share, when people do not hurt others, when people are willing to hear the truth about themselves. Who does not like good weather, monsoon rain, mangoes, and *baisni roti*? But, true happiness is that which brings a change within you, a change for the better and not a short-lived pleasure. Hunger is satisfied and thirst quenched. These are timely occupations.

"I make this demand from myself that whatever I do, I am able to do it in the best possible manner. If, for some reason, I can't, it keeps bothering me, consciously or unconsciously.

"I feel happy when I see human beings leading a humane life, and I am sad when they don't live up to themselves.

"I am most happy when people feel they owe something to their land."



Media Coverage

The Nation
September 28th, 2007



Dr Arifa Sayeda Zehra gives away certificate to a participant of photographic and essay competition held at FJWU on Thursday. -Staff photo by Sajjad Ali Qureshi