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Foreword

According to reports, there are more than 100,000 civil society organisations or CSOs working in Pakistan is approximately. They consist of registered and unregistered, non-governmental and community-based organisations, trade unions, charities and foundations.

Over the years, these CSOs have made significant contribution in responding to humanitarian emergencies, raising awareness on human rights, especially, labour, minorities and women rights and for social development in rural communities. However, advocacy efforts done by these organisations remain fragmented and call for an integrated approach.

This is particularly true in the case of women's organisations in the conservative provinces of Khyber Pakhtunkhwa (KP) and Balochistan where there is a real need for women led organisations to participate in meaningful dialogue and advocacy on women's rights issues.

An assessment of civil society organisations in Khyber Pakhtunkhwa conducted by CAMP in 2012\(^1\), revealed that majority of these organisations lack the necessary knowledge and skills to advocate, while they remain over stretched due to the conflict and natural disasters in these regions. Although significant issues such as women's literacy and health, honour crimes and domestic violence are highlighted, advocacy campaigns by civil society have not achieved the desired results. These efforts have resulted in subdued and individual voices from activists instead of a collective response. It has also meant that women organisations generally remain outside the vision of policy makers and donors, leaving few avenues open for advocacy and fund raising. In addition, most of these organisations are new and have been formed only during 2000s.

It is encouraging to note however, that these organisations are keen to create venues and networking opportunities for collaboration. Funded by the Commonwealth Foundation, CAMP initiated the 'Da Khwendo Xhag' or 'The Sisters' Voice' project in October 2014 with the aim to improve implementation of women's protection laws in Khyber Pakhtunkhwa and Balochistan provinces.

The project will help build up a stronger cadre of women-led civil society groups through capacity building and mentoring, who will have knowledge and skills to engage in policy dialogue, bringing forward the gaps in implementation of laws to the attention of decision makers. Moreover, the project will provide these organisations the platform to interact with policy makers and ultimately contribute to the better implementation of women's protection laws.

At the inception of the project CAMP conducted an assessment of 55 women-led CSOs from Balochistan and Khyber Pakhtunkhwa province, to better understand

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their current knowledge on women laws; advocacy skills and their experience and in networking. This assessment was carried out between November 2014 and January 2015. After the assessment 50 organisations have been selected to work on the project with CAMP.

Based on the assessment, this training manual is also designed to enhance knowledge on the women protection laws in Pakistan, as well as provide an introduction to advocacy and networking. A total of 100 women from the 50 women-led CSOs will be trained to advocate with the stakeholders including parliamentarians, police and judiciary, through a women’s network set up through the project.

In an effort to improve the general understanding of pro-women women laws passed in Pakistan, this training manual is a simple and user friendly. We hope the manual will be used by other individuals and organisations working on promoting and protecting women’s rights.

Naveed Ahmad Shinwari
Founding Chief Executive
CAMP
Overview of this Training Manual
This training manual provides an in depth introduction, description and explanation of the various laws passed in Pakistan protecting women's rights. It further provides guidance on best practices to adopt for advocacy and networking purposes, which are essential to ensure better implementation of these laws. Upon completing this training, one should have a clearer understanding of the following:

- Introduction to the laws, rights of women and remedies available
- Procedures and steps to be taken by the authorities after an incident has been reported
- Consequences of breaching the laws, punishments and fines
- Effective advocacy and networking techniques to promote these laws

Training Duration and Methodology
This training manual has been designed to be covered in two days. The topics covered in this include: Introduction to Women’s Protection Laws in Pakistan, introduction to advocacy, how and why this is important and necessary, and introduction to networking, its benefits and how to network. There will be various ways in which the training will be presented, such as power point presentations, interactive learning sessions, group activities, group discussions, role-plays and facilitated discussions. The trainer will provide reading and reference material, such as case studies and articles to the participants. This will help the participants understand the information and they will be able to relate to real life situations through the shared articles and case studies.

Training Schedule
The entire training has been divided in to thirteen sessions. Each session has been designed to cover and or highlight key important points relating to a particular topic. The training session timings have been incorporated into a table to make it easier to follow.
## Training Schedule

### Day 1 of Training Workshop

<table>
<thead>
<tr>
<th>Time</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>09:00 am – 09:15 am</td>
<td>Welcome Greetings &amp; Introduction of Participants and Trainers</td>
</tr>
<tr>
<td>09:15 am – 09:45 am</td>
<td><strong>Session 1:</strong> Overview of the Training Workshop</td>
</tr>
<tr>
<td>09:45 am – 10:00 am</td>
<td>What are the participants’ expectations?</td>
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<tr>
<td></td>
<td>What to expect? How to use the Manual? What are the Objectives and</td>
</tr>
<tr>
<td></td>
<td>Outcomes of the Training?</td>
</tr>
<tr>
<td>10:00 am – 11:00 am</td>
<td><strong>Session 2:</strong> Overview of Women Protection Laws in Pakistan</td>
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<tr>
<td></td>
<td>What are the laws? What are the substantive and procedural</td>
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<tr>
<td></td>
<td>changes? What is the Pakistan Penal Code 1860? What is the Code of</td>
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<tr>
<td></td>
<td>Criminal Procedure 1898? What are the Hudood Ordinances 1979?</td>
</tr>
<tr>
<td>11:00 am – 11:10 am</td>
<td>Questions and Answers with working Tea</td>
</tr>
<tr>
<td>11:10 am – 12:00 pm</td>
<td><strong>Session 3:</strong> Overview of the Protection of Women (Criminal Laws</td>
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<tr>
<td></td>
<td>Amendment) Act, 2006</td>
</tr>
<tr>
<td>12:00 – 12:30 pm</td>
<td>Group Discussion on Case Studies – Questions and Answers</td>
</tr>
<tr>
<td>12:30 pm – 01:30 pm</td>
<td><strong>Session 4:</strong> Changes Made in the Code of Criminal Procedure 1898</td>
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<td></td>
<td>after the Implementation of the Protection of Women Act 2006</td>
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<tr>
<td>01:30 pm – 02:30 pm</td>
<td>Lunch Break</td>
</tr>
<tr>
<td>02:30 pm – 03:15 pm</td>
<td><strong>Session 5:</strong> Overview of the Pakistan Penal Code 509 and the</td>
</tr>
<tr>
<td></td>
<td>Protection against Harassment of Women at the Workplace Act 2010</td>
</tr>
<tr>
<td>03:15 pm – 03:30 pm</td>
<td>Interactive Group Activity – Questions and Answers</td>
</tr>
<tr>
<td>03:30 pm - 03:45 pm</td>
<td><strong>Session 6:</strong> Overview of The Criminal Law (Second Amendment) Act,</td>
</tr>
<tr>
<td></td>
<td>2011 otherwise known as the Acid Crimes Act</td>
</tr>
<tr>
<td>03:50 pm – 04:45 pm</td>
<td><strong>Session 7:</strong> Overview of The Criminal Law (Third Amendment) Act,</td>
</tr>
<tr>
<td></td>
<td>2011 otherwise known as The Prevention of Anti Women Practices Act,</td>
</tr>
<tr>
<td></td>
<td>Women's Right to Inheritance, Law of Divorce and Khula in Pakistan,</td>
</tr>
<tr>
<td></td>
<td>Dower in Islam, Maintenance in Islam, Karo-Kari, Women in</td>
</tr>
<tr>
<td></td>
<td>Distress and Detention Fund (Amendment) Act, 2011 and Child</td>
</tr>
<tr>
<td></td>
<td>Marriage Restraint Act 1929</td>
</tr>
<tr>
<td>04:45 pm – 05:00 pm</td>
<td>Questions and Answers</td>
</tr>
<tr>
<td>05:00 pm – 05:15 pm</td>
<td>Conclusion – Wrap up session and Tea</td>
</tr>
</tbody>
</table>
## Day 2 of Training Workshop

<table>
<thead>
<tr>
<th>Time</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>09:00 am – 09:30 am</td>
<td>Recap of Day 1 – Presentation followed by a Group Activity</td>
</tr>
<tr>
<td>09:30 am – 10:00 am</td>
<td><strong>Session 8:</strong> Introduction to Domestic Violence and the Proposed Domestic Violence Bill 2012</td>
</tr>
<tr>
<td>10:00 am – 10:30 am</td>
<td>Group Activity – What are the Pros and Cons of this Proposed Law</td>
</tr>
<tr>
<td>10:30 am – 11:30 am</td>
<td><strong>Session 9:</strong> Introduction to Advocacy and Lobbying and its Importance</td>
</tr>
<tr>
<td>11:30 am – 11:45 am</td>
<td><strong>Tea Break</strong></td>
</tr>
<tr>
<td>11:45 am – 12:00 pm</td>
<td>Group Activity – Sharing Participants’ Understanding of Advocacy</td>
</tr>
<tr>
<td>12:00 pm – 12:30 pm</td>
<td><strong>Session 10:</strong> Overview of the Process Involved in Advocating</td>
</tr>
<tr>
<td>12:30 pm – 01:00 pm</td>
<td>Interactive Session on Advocacy Planning</td>
</tr>
<tr>
<td>01:00 pm – 02:00 pm</td>
<td><strong>Lunch Break</strong></td>
</tr>
<tr>
<td>02:00 pm – 02:30 pm</td>
<td><strong>Session 11:</strong> How to Design and Develop an Advocacy Strategy? Who are the Stakeholders? How to Identify and categorise Stakeholders?</td>
</tr>
<tr>
<td>02:30 pm – 03:00 pm</td>
<td>Exercise on Identifying Different Stakeholders</td>
</tr>
<tr>
<td>03:00 pm – 03:30 pm</td>
<td><strong>Session 12:</strong> How to Develop an Advocacy Strategy Implementation Plan?</td>
</tr>
<tr>
<td>03:30 pm – 04:00pm</td>
<td>Exercise on developing Advocacy Strategy outline</td>
</tr>
<tr>
<td>04:00 pm – 04:30 pm</td>
<td><strong>Session 13:</strong> Introduction to Networking, its benefits and How to Network?</td>
</tr>
<tr>
<td>04:30 pm – 05:00 pm</td>
<td>Group Activity – Forming a Network</td>
</tr>
<tr>
<td>05:00 pm – 05:15 pm</td>
<td>Conclusion and Wrap up with Working Tea</td>
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<tr>
<td>Terms</td>
<td>Meaning</td>
</tr>
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<tr>
<td>Arsh</td>
<td>It means compensation specified in Qisas &amp; Diyat Ordinance to be paid by the offender to the victim or his heirs.</td>
</tr>
<tr>
<td>Badl e Sulah</td>
<td>Literal meaning is “compensation”. In practice of wanni/swara, an accused family gives its girl or girls in marriage to an aggrieved family as compensation to settle a blood feud between them, instead of giving blood money as “badl-e-sulh” or compensation.</td>
</tr>
<tr>
<td>Hadd</td>
<td>Literally means prevention, measure or limit. In Pakistani laws, hadd punishment means a punishment which is (fixed and enjoined as the right of Allah), or God-ordained punishment.</td>
</tr>
<tr>
<td>Hadith</td>
<td>A collection of traditions containing sayings of the prophet Muhammad (PBUH) which, with accounts of his daily practice (the Sunna), constitute the major source of guidance for Muslims apart from the Quran</td>
</tr>
<tr>
<td>Haq Mehr</td>
<td>Dower for the bride from the groom as one of the pre-requisites of marriage. A basic right of a married woman in Islam</td>
</tr>
<tr>
<td>Hudood</td>
<td>Set of hadd punishments as prescribed under Islam for offences committed</td>
</tr>
<tr>
<td>Iddat</td>
<td>Is the period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. Its purpose is to ensure that the male parent of any offspring produced after the cessation of a nikah (marriage) would be known.</td>
</tr>
<tr>
<td>Kabair</td>
<td>Major Sins</td>
</tr>
<tr>
<td>Karo-Kari</td>
<td>It is a compound word literally meaning “black male” (Karo) and “black female” (Kari)</td>
</tr>
<tr>
<td>Khula</td>
<td>Divorce initiated by the wife</td>
</tr>
<tr>
<td>Mubarat</td>
<td>“Mutual Discharge”. A term used in the law of divorce when a man says to his wife, “I am discharged from the marriage between you and me” and she consents thereto</td>
</tr>
<tr>
<td>Qadi, Kadi</td>
<td>A Muslim judge who interprets and administers the religious law of Islam</td>
</tr>
<tr>
<td>Qanun-e-Shahadat</td>
<td>It is a code of rules and laws which provides guidelines in the field of evidences, to the effect to finish ambiguity in cases and to bring the court at the right conclusion of justice.</td>
</tr>
<tr>
<td>Qatl-e-Amd</td>
<td>Is murder by intention</td>
</tr>
<tr>
<td>Qazf</td>
<td>False accusation of adultery</td>
</tr>
<tr>
<td>Qisas</td>
<td>Is an Islamic term meaning “retaliation in-kind” or revenge, or “eye for an eye”</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
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</tr>
<tr>
<td>Shari'a</td>
<td>Islamic religious law that governs not only religious rituals, but aspects of day-to-day life in Islam</td>
</tr>
<tr>
<td>Talaq</td>
<td>Urdu word for Divorce</td>
</tr>
<tr>
<td>Talaq-e-Tafweez</td>
<td>Is an option for dissolution of marriage under which a woman is granted the right to annul her marriage</td>
</tr>
<tr>
<td>Ta'seeb</td>
<td>The sharing of inheritance by the residuary along with the closely related shares</td>
</tr>
<tr>
<td>Tazir</td>
<td>Is a punishment, usually corporal, that can be administered at the discretion of the judge, called a Qadi, Kadi, as opposed to the hudud</td>
</tr>
<tr>
<td>Tazkiyah Al Shahood</td>
<td>A competent witness under Islamic law</td>
</tr>
<tr>
<td>Umayyad</td>
<td>A member of a Muslim dynasty that ruled the Islamic world from AD 660 (or 661) to 750 and Moorish Spain 756–1031</td>
</tr>
<tr>
<td>Wali</td>
<td>Is an Arabic word meaning “custodian”, “protector”, “helper”. Someone who has authority or guardianship over somebody else</td>
</tr>
<tr>
<td>Wanni/Sawara</td>
<td>A custom where a girl is given as an offering to settle a conflict or dispute. This custom is practiced in different areas under different names. It is called wanni in Punjab, and swara in KPK and other tribal areas of Pakistan.</td>
</tr>
<tr>
<td>Zina</td>
<td>Consensual sex, including fornication [pre-marital] or adultery [extra-marital]</td>
</tr>
<tr>
<td>Zina Bil jabr</td>
<td>Rape under Hudood [Offence of Zina] Ordinance, 1979, literally translating into (consensual sex by force)</td>
</tr>
</tbody>
</table>
Who is this Training Manual for?

For CAMP’s project, “Sisters’ Voice”, the manual will target 50 women-led civil society organisations (CSOs) and 100 women members in KP and Baluchistan Provinces. This training manual will be used to build the capacity of these women so that they are able to formulate a cluster of CSOs to collectively advocate for women rights by lobbying and networking with relevant institutions for the implementation of laws protecting women at Provincial and National level.

This training manual is designed to consolidate all the Pro-Women Laws passed in Pakistan in a user friendly, simple and straight forward way. The idea is to raise awareness and enhance the understanding of women in particular working in local NGOs (Non Governmental Organisations), CSOs and CBOs (Community Based Organisations) promoting and working for the rights of women. For this reason, this manual is likely to be more easily comprehensible to a person who has had some exposure and experience of having worked with women on women’s rights and issues. Women having worked on such issues are more likely to be familiar with the laws and the legal terminology; they may even recognise some of the laws and be aware of them already. By completing a two-day training workshop on this topic, the participants should walk away feeling more confident and have a clearer understanding of the laws and remedies available protecting women.

The manual has been kept fairly simple and relatively easy to follow intentionally, and this is so that any layperson, including men, women and communities could be trained using this same manual. After having provided some basic facts about women’s rights and issues being faced by women across Pakistan, this manual could be used as a guide to provide an overview of the rights and laws available across Pakistan protecting women. A layperson should be able to walk away feeling that they have gained some knowledge on the rights of women and the laws available to them. Upon completing a two or three day training workshop, a layperson should be able to better comprehend and relate to the rights of women, the laws and the procedure involved.


As mentioned above, this manual can also be used to train other groups, such as youth, communities, Human Rights activists, men and women across Pakistan, so that they can better understand the laws and procedures available to protect and promote the rights of women. The manual is also useful for organisations and NGOs working on promoting and protecting women’s rights, including team leaders, trainers, government and international donor agencies.

Intended Objectives & Outcome of the Manual

This training manual shall:

- Provide an in-depth understanding of the basic laws available protecting women from women rights violations by outlining the basic purpose of The Pakistan Penal Code 1860, Code of Criminal Procedure 1898 and The Hudood Ordinances 1979.

- Raise awareness and introduce the concept of Advocacy in general and specifically on improving implementation of women protection laws by using various advocacy tools, identify and provide guidance on how to engage with stakeholders and how to make an advocacy brief.

- Ensure the participants are fully aware of the term “Networking” and its benefits, so that they are able to take steps to develop linkages with policy makers; other women rights based CSOs and women protection departments.
How to use this Manual?

The manual is designed to assist and be a reference guide in a tailor made one, two or three day interactive workshop. The workshop should consist of interactive activities and handouts should be provided highlighting key facts. The manual on its own is an outline of all the laws protecting women. This manual should be accompanied by an additional booklet, which consists of all the laws mentioned here in their original format, (Act or Bill). The manual alone is a guide and to ensure a comprehensive understanding, it is important to read the laws in full.

Further, the manual should be read from the beginning to the end, as this will provide a clearer understanding of the subject. For a quick reference guide, one should be able to go directly to a particular heading and the topic mentioned in the heading should be self-explanatory. Definitions can be found in the glossary on page 09 of this manual.

Who should conduct this training?

It is recommended but not essential that an experienced trainer, having trained women previously conducts this training. It is suggested that someone who is knowledgeable on the subject and the existing laws protecting women in Pakistan, should conduct this training. He/she should be fully versed with the law and the subject, so that he/she is in a position to provide legal and technical guidance to the training participants in a simple and easy to follow manner. The trainer should be able to develop his/her own user-friendly guidance material and detailed handouts on existing laws, advocacy strategies and networking tools.

Further, the trainer should be aware and knowledgeable of the different local cultures of Pakistan, so that he/she is able to respect the local customs. It would be helpful, but again it is not essential, if the trainer were to have an in-depth understanding of the Constitution of Pakistan 1973. It is however essential and recommended that the trainer possesses strong interpersonal, communication and analytical skills. He/she should have the ability to be able to express him/her self articulately in a simple and comprehensive manner.

Training Method

Each training session will start with a recap of the previous session and provide an overview of the next session. The proposed training sessions will be covered using various training methodologies, such as; power point presentations, small group work, individual presentations, case studies, exercises, lectures, energisers, role-plays and large-group discussions.

Venue and Training Room Layout

It should be ensured that the training participants walk into a relaxed environment, which is welcoming and ready. The training room should accommodate all the participants with enough space to conduct group activities. Seating arrangements should be arranged in such a manner so that it can enhance the learning environment and further, so that the participants can easily make eye contact and communicate with each other. It is recommended that a roundtable seating arrangement is set up to ensure equal and effective contribution of all the participants. Fact and experience confirms, equal participation enhances the ability to learn and absorb information easily, increasing the chances of sharing that knowledge later. This is similar to the concept of learning by doing.
Training Modules and Trainer Notes

There are three training modules in this manual. The detailed description of each module is given below:

Module 1: Introduction to Women’s Protection Laws in Pakistan

The first module of this training manual includes two topics. The first one introduces the participants to the training program and to the subject of women protection laws. The second topic will help the participants to understand the laws and the protection available to women. Towards the end of each session, the participants will be encouraged to participate in group activities which will help them to better understand the law and the process involved.

It is recommended to cover Module 1 in 1 ½ days.

Trainer Notes:

Welcome and Introduction – 30 Minutes
- Registration of participants
- A Training pack will be given to each participant which will include:
  - Training Manual inclusive of Case Studies as Annexure
  - Booklet with Compilation of all the Women Protection Laws
  - A copy of the Agenda
  - Notepad
- Warmly welcome the participants
- Introduce yourself and fellow trainers
- Ask the participants to introduce themselves to the group by providing their name and organisation’s name

Session 1: Overview of the Training Workshop – 30 Minutes
- Summarise what this training is intended for, its purpose, objectives and outcomes
- Ask the participants, what they expect to achieve from this training and ensure them that you will try to meet their expectations
- Explain the layout of the training manual and how it should be accompanied by the booklet of laws
- Reassure the participants that although there is a lot of information to cover, the training is designed in such a way that it will highlight the essential information in more detail

Session 2: Overview of Women’s Protection Laws in Pakistan – 60 Minutes
- What are the laws? What are the substantive and procedural changes? What is the Pakistan Penal Code 1860? What is the Code of Criminal Procedure 1898? What are the Hudood Ordinances 1979?
- The trainer should share a PowerPoint presentation explaining all of the above
- The trainer should ask the participants to refer to the relevant pages in their manual to follow each topic

Question and Answers – 10 Minutes
- The trainer should encourage the participants to ask questions on the presentation
Session 3: Overview of the Protection of Women (Criminal Laws Amendment) Act, 2006 – 50 Minutes

- The trainer should share a PowerPoint presentation. Section 365B to Section 496C should be clearly highlighted and an overview of each crime and its punishment should be discussed.
- The trainer should ask the participants to refer to the relevant pages in the manual to follow this information.

Group discussion on Case Studies- Questions and Answers – 30 Minutes

- Divide the participants into three groups.
- Handout three case studies relating to the above crimes.
- Ask the participants to review and provide their views as per their understanding of the law.
- The trainer should deal with any specific questions asked by the participants.

Session 4: Changes Made in the Code of Criminal Procedure 1898 after the Implementation of the Protection of Women Act 2006 – 60 Minutes

- The trainer should highlight these changes in a PowerPoint presentation making it an interactive session.
- The trainer should engage with the participants and ask them what they understand about the content.
- The trainer should ask the participants to refer to the relevant pages in the manual to follow these changes.

Session 5: Overview of the Pakistan Penal Code Section 509 and the Protection against Harassment of Women at the Workplace Act 2010 – 45 Minutes

- The trainer should explain the crime and punishment of Insulting Modesty or Causing Sexual Harassment under the Pakistan Penal Code Section 509.
- The trainer should give an overview through a PowerPoint presentation on the Protection against Harassment of Women at the Workplace Act 2010.
- As this is a very lengthy topic, the trainer should make bullet points to explain this law in a nutshell.

Interactive Group Activity with presentation – 15 Minutes

- Divide the participants into groups.
- Ask the participants to jot-down their understanding on
  - What is sexual Harassment?
  - Give three examples of sexual harassment.
  - List some duties of managers and supervisors.
  - How to form an inquiry committee.
- Ask each group to present their findings.

Session 6: Overview of the Criminal Law (Second Amendment) Act, 2011 otherwise known as the Acid Crimes Act – 15 Minutes

- The trainer will give a presentation explaining this law.
- The trainer will have an interactive session with the participants discussing the case study.

Questions and Answers – 10 Minutes

- The trainer will encourage participants to ask questions on the laws explained and deal with their questions.

- The trainer will give an overview of the various anti-women practices carried out across the country.
- The trainer will give a PowerPoint presentation detailing the sections under these laws and explain the punishment for these crimes.
- The trainer will briefly discuss Women’s Right to Inheritance, the Law of Divorce and Khula, Dower, Maintenance and Karo-Kari.
- The trainer will encourage the participants to share their understanding on the various practices and their experience if any in having to deal with such cases.
- Case Studies will be discussed with the participants.

Group Activity – Role Play - Questions and Answers – 15 Minutes

- Encourage participants to ask questions.

Conclusion – Wrap up Session – 15 Minutes

- The trainer should summarise the day’s discussions, activities and information covered.
- Ask the participants if they have any concerns and refer them to the relevant section of the manual.

Recap of Day one – Group Activity – 30 Minutes

- The trainer will ask all the participants to share their understanding on laws discussed on day one.
- Each participant will write one best learning.
- Participants will be requested to share their understanding by writing their points on a flipchart.
- The trainer will read all points from flipchart to the participants.

Session 8: Introduction to Domestic Violence and the Proposed Domestic Violence Bill 2012 – 30 Minutes

- The trainer will give an introduction of domestic violence and different forms of domestic violence in a PowerPoint presentation.
- The trainer will highlight key bullet points explaining the purpose and intention of this proposed law.
- The trainer will discuss the case study.

Group Activity – 30 Minutes

- Divide the participants into groups.
- Participants will be asked to identify the key areas this law intends to address and put forward their suggestions on how they think this law would provide further protection to women and compare some aspects to some of the other laws discussed.
- Participants will be asked to highlight the pros and cons of this law.
- Each group will present their work.
Module 2: Introduction to Advocacy and its Importance

This module enables the participants to understand the concept of advocacy in general, its importance for improving implementation of women protection laws by using various advocacy tools, identifying, categorising and engaging with stakeholders. The second part of this module explains how to develop an advocacy brief?

It is recommended to cover module 2 in 5 hours and 45 minutes

Session 9: Introduction to Advocacy, Lobbying and their Importance – 45 Minutes

- The trainer will share a PowerPoint presentation on introduction to the concept of advocacy and Lobbying
- The trainer will further share the importance of Advocacy and Lobbying
- The trainer should ask the participants to refer to the relevant pages in their manual to follow the topic
- The trainer will encourage training participants to share their understanding on advocacy
- The trainer will ask them to identify their current advocacy practices

Group Activity – 30 Minutes

- Divide the participants into groups
- Distribute flipcharts among each group
- Ask each group to share their understanding on the concept of Advocacy
- Ask each group to present their group work
- The trainer will encourage participants to ask questions from each group

Session 10: Overview of the Process Involved in Advocating – 30 Minutes

- The trainer will give an overview of the processes involved in advocating for any issue in a PowerPoint presentation
- The trainer will explain six steps process of advocacy planning
- The trainer should deal with the specific questions asked by the participants

Group Activity - Interactive Session on Advocacy Planning – 30 Minutes

- The trainer will ask participants to share their experiences of working on an advocacy plan
- The trainer will ask the participants to think about how can they advocate for implementation of women protection laws
- Ask the participants to share their thoughts

Session 11: How to Design and Develop an Advocacy Strategy? Who are the Stakeholders? How to Identify and categorise Stakeholders? – 30 Minutes

- The trainer will explain different techniques of designing and developing an advocacy strategy
- The trainer will give an introduction of the term Stakeholders, types of stakeholders and ways to identify and categorise stakeholders
- The trainer will encourage participants to ask questions on advocacy strategy and its influences

Activity 1 – Exercise on Identifying Different Stakeholders – 30 Minutes

- Draw a grid on flipcharts with the four categories of stakeholders
- Divide participants into groups
- Ask each group refer to the training manual and categorise stakeholders for an advocacy strategy on implementation of women protection laws
- Ask each group to present their group work
Activity 2 – Exercise on Developing an Advocacy Strategy Outline – 45 Minutes

- The trainer will explain different factors involved in an effective advocacy strategy using various communication approaches
- The trainer will further explain on how to design and develop an advocacy strategy outline to target different stakeholders
- Participants will be divided into groups
- Each group will be asked to draw an outline of advocacy strategy of women protection issues in Pakistan and how their advocacy strategy will influence
- Ask the groups to present their group work
- The trainer will give his/her feedback on their work and deal with their questions

Module 3: Networking, its benefits and How to network?
Module 3 will enable participants to understand the concept of networking. Towards the end of this module, the participants will be fully aware of benefits of networking and they will be able to take steps to develop linkages with advocacy stakeholders.

Module 3 should be covered in 1 ½ hours

Session 12: Introduction to networking, its benefits and How to network? – 45 Minutes

- The trainer will give a PowerPoint presentation detailing the concept of networking, its benefits and examples of forming a network
- The trainer will encourage participants to ask questions on establishing a network to run an advocacy campaign

Group Activity – Questions and Answers – 45 Minutes

- The trainer will divide participants into groups
- The trainer will ask each group to outline a plan on how to form a network of CSOs and what should be the TORs of a network?
- Ask each group to present their group work
- The trainer should encourage other participants to ask questions from each group
- The trainer should highlight strengths and flaws in each network formation

Conclusion - Wrap up Session– 30 Minutes

- The trainer should summarise the day’s discussions, activities and information covered
- The trainer will ask the participants if they have any concerns or comments on any topic covered and refer them to the relevant section of the manual
Module 1 – Introduction to Women’s Protection Laws in Pakistan

An Overview of Women’s Protection Laws in Pakistan

The Protection of Women (Criminal Laws Amendment) Act 2006, also known as the Women’s Protection Act, came into force in December 2006, and made significant changes to the Hudood Ordinance and the law on sexual offences.

The Ordinance now only deals with the offence of zina under section 5, and not zina bil jabr or rape. The Act omitted several provisions of the Ordinance and reintroduced them into the Pakistan Penal Code, including rape, abduction, enticement, sodomy, prostitution and cohabitation caused by deception.

A complaint for zina, qazf and fornication can only be lodged in the Court of Sessions, which decides whether the case has any merit. This has had a positive impact on enforcement because it acts a deterrent for those bringing false accusations, and it has reduced the time-frame and simplified the process for the prosecution of such crimes. Falsely charging persons with fornication also has been made a crime under Section 496C, with a penalty of imprisonment for a maximum term of 5 years and a fine.

The practice of converting rape cases into zina cases, if rape is not proven, also has been abolished by Section 12A of the Act by a new provision in the Ordinance introduced under Section 5A. This prohibits conversion of a case from rape to one of fornication and from fornication to one of zina.

An important change brought about by the Act is that the requirement of evidence for rape will not be four adult male witnesses, but a single witness would be sufficient as required under the Qanun-e-Shahadat Order of 1984. Statutory rape also has been reintroduced into the Penal Code (consent is no longer a defence for rape if the woman is under 16 years of age).

The punishment for rape is now death or imprisonment which shall not be less than ten years or more than twenty-five years and shall also be liable to a fine. The punishment for gang rape is now death and no lesser punishment is provided.

There is a new provision in the Act punishing zina (Section 496B), for which the proof under hadd is not available, i.e. there is a lower burden of proof (two adult witnesses who can be either male or female). The impact of the Act on enforcement has been analysed further in this manual. The reforms brought about are positive and have been predicted to help women’s vulnerability in cases involving sexual offences.

Substantive changes

The Act removes several provisions from the Ordinance and reintroduces them as part of the Penal Code. Such provisions include those dealing with: zina bil jabr (rape); kidnapping/abducting/inducing a woman to compel her for marriage; kidnapping/abducting in order to subject a person to unnatural lust; selling/buying persons for the purposes of prostitution; cohabitation caused by a man deceitfully inducing a belief of lawful marriage; and enticing or taking away or detaining a woman with criminal intent. Attempting to commit an offence is no longer dealt with either. In short, the Ordinance is now only about adultery; all other sexual offences are now part of the Penal Code.

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Procedural Changes
The Act has made some significant procedural changes to the law relating to sexual offences. The procedure for registering a case has been altered for the offences of *zina*, *qazf* and fornication. These offences are no longer cognisable and can only be registered at the Court of Sessions, which will decide whether the case has any merit; and even if it does, the offence is bailable.

Making the three offences registrable only in the Court of Sessions reduces opportunities for people to use the police system as a tool to harass others. These offences have also been made bailable due to the changes brought about in Schedule II of the Criminal Procedure Code 1898. This means that persons accused of these crimes will not have to spend long periods of time in prison before their case goes to trial. The number of people who suffer in prison because of false accusations leveled against them will therefore be reduced.

The Act, by making the offences of *zina*, *qazf* and fornication registrable only in the Court of Sessions, makes it difficult to bring forward false charges under these crimes. The Courts are relatively more difficult to access than the police; and since it is up to the Court to decide whether the charge has any merits before proceeding, the chances of false cases getting registered without the court taking notice have been decreased.

Section 496-C makes false accusations and evidence under fornication a crime punishable by up to 5 years imprisonment. Furthermore, if a case of *zina* fails at court, *qazf* will have to be registered by the judge against the complainant and the false witnesses. This should have a further deterring effect on persons who may try to harass innocent men and women under *zina* laws.

The system of enforcement regarding rape is the same. A charge of rape has to go through the same police and investigations system before going to trial. However, by separating rape from adultery and other crimes of chastity, women no longer have to worry about being charged for *zina* if a rape is not proved.

The Act basically restores the legal landscape of the country regarding sexual offences to what it was before the Hudood Ordinances were promulgated. The reforms have been welcomed and will no doubt definitely help women’s vulnerability in cases under the Ordinance. By making the three offences of *zina*, fornication and *qazf* registrable in the Court of Sessions, and by making false accusations for fornication and offence under S.496C, the ease of making false claims with regard to these offences has been reduced. This is a major step towards strengthening the CJS against false and frivolous accusations for these offences. However, the Act has done little else in the way of making a difference to the manner in which sexual assault cases are processed. Offences are processed by the same unreformed criminal justice system. More needs to be done to strengthen the criminal justice system and make it capable of ensuring access to justice.

What is The Pakistan Penal Code 1860?

The Pakistan Penal Code is sometimes referred to as the PPC (Pakistan Penal Code). A Penal Code (or Criminal Code) is a document, which compiles all, or a significant amount of, a particular jurisdiction’s criminal law.

In Pakistan, the Penal Code defines all criminal offences and provides their punishments in one set document known as the Pakistan Penal Code 1860.

The Penal Code was originally prepared by Lord Macaulay, with a great consultation in 1860 on the behalf of the Government of British India as the Indian Penal Code. However, after Pakistan’s independence in 1947, Pakistan inherited this code and made several amendments to it. Different governments of Pakistan made the amendments; and now the Pakistan Penal Code is a mixture of Islamic and English Law. Presently, the Pakistan Penal Code is still in effect and can be amended by the Senate of Pakistan.
What is The Code of Criminal Procedure 1898?

The Code of Criminal Procedure lays down the procedure for hearing all criminal cases and punishing or acquitting an accused, as the case may be.

The main object of the Criminal Procedure Code is to supplement the Pakistan Penal Code, by rules of procedure with a view to prevent offences and bring offenders to justice. Further, the Code of Criminal Procedure is intended to consolidate and amend the laws relating to the criminal procedure.

The purpose of the Criminal Procedure Code is to provide a mechanism to punish offenders against all crimes embodied in the Pakistan Penal Code.

It can be concluded that the Criminal Procedure Code is a procedural law and substantive law; it describes the formation of criminal courts, its procedure as well as classification and powers of criminal courts. The Pakistan Penal Code and the Criminal Procedure Code go hand in hand, one has to look at the Penal Code for the offence and refer to the Criminal Procedure Code for the procedure to follow when an offence is reported.

A List of Criminal Offences under the Pakistan Penal Code 1860

Protection of Women Act 2006

- Kidnapping, abducting or inducing woman to compel for marriage
- Kidnapping or abducting in order to subject person to unnatural lust
- Selling person for purposes of prostitution
- Buying person for purposes of prostitution
- Rape
- Cohabitation caused by a man deceitfully inducing a belief of lawful marriage
- Enticing or taking away or detaining with criminal intent a woman
- Fornication
- False accusation of fornication

An Overview of the Protection of Women (Criminal Laws Amendment) Act, 2006

In this law there are a number of criminal offences, which are punishable according to Pakistani law. These criminal offences are listed and outlined in:

a) The Pakistan Penal Code 1860 as “Insertion of new section”
b) Code of Criminal Procedure 1898 as “Insertion of new section”

What changes have been made in the Pakistan Penal Code 1860 after the implementation of the Protection of Women Act 2006?

In The Pakistan Penal Code 1860, the new sections inserted are: 356B, 367A, 371A, 371B, 375, 493A, 496A and 496B and details of these sections are provided below as follows:

1. Section 365B - Kidnapping, abducting and or inducing woman to compel for marriage
   Kidnapping is defined as the crime of unlawfully carrying a person by force or fraud. Abduction is described as: whoever by force compels, or by any deceitful means induces,

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3 Pakistan Penal Code 1860 – Page 568 Section 365B
any person to go from any place, is said to abduct that person. In such an instance the Accused will be punished with Life Imprisonment plus a Fine.

2. Section 367A – Kidnapping or abducting in order to subject person to unnatural lust
In such a case the Accused will be punished with Death Sentence or Rigorous Imprisonment up to a maximum of 25 years plus a Fine.

3. Section 371A – Selling person for purposes of prostitution
Selling a Female for Prostitution, Illicit Intercourse or any Unlawful and Immoral Purpose: The Accused will be punished with Imprisonment up to a maximum of 25 years plus a Fine.

4. Section 371B – Buying person for purposes of prostitution
Buying a Female for Prostitution, Illicit Intercourse or any Unlawful and Immoral Purpose: The Accused will be punished with Imprisonment up to a maximum of 25 years plus a Fine.

5. Section 375 - Rape
A man is said to commit Rape who has sexual intercourse with a women under any of the following circumstances:

- Against her Will.
- Without her Consent.
- With her Consent but she is in fear of death or of hurt
- With her Consent because she believes she is married to him
- With or without her consent when she is under 16 years of age

The Accused will be punished with Death, Imprisonment not less than 10 years and up to a maximum of 25 years plus a Fine. If two or more persons commit rape, then all of the Accused persons will be punished with Death or Imprisonment for Life.

6. Section 493A - Cohabitation caused by a man deceitfully inducing a belief of lawful marriage
In this case, it is necessary for a man to intentionally deceive a woman, so that she believes she is lawfully married to him and is living with him as his wife. If and when the woman realises and comes to know the truth, that in fact she was not legally married to him, she can file a case under this section. Upon being convicted, the Accused could be punished with Rigorous Imprisonment up to a maximum of 25 years plus a Fine.

7. Section 496A - Enticing or taking away or detaining with criminal intent a woman
To bring a case under this section, a woman would need to prove that she has been enticed and or detained for illicit sexual intercourse. In such a case the Accused could be punished with Simple or Rigorous Imprisonment up to a maximum of 7 years plus a Fine.

8. Section 496B - Fornication
Fornication is a crime under the Pakistan Penal Code 1860. This is an act of willful sexual intercourse between a man and a woman who are not married to each other. The Accused

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4 Pakistan Penal Code 1860 – Page 572 Section 367A
5 Pakistan Penal Code 1860 – Page 574 Section 371A
6 Pakistan Penal Code 1860 – Page 575 Section 371B
7 Pakistan Penal Code 1860 – Page 575 Section 375
8 Pakistan Penal Code 1860 – Page 733 – Section 493A
9 Pakistan Penal Code 1860 – Page 734 – Section 496A
10 Pakistan Penal Code 1860 – Page 735 – Section 496B
and in this case it could be the man and the women would be punished with Imprisonment up to a maximum of 5 years plus a Fine not exceeding 10,000 rupees.

9. Section 496C - Punishment for False Accusation of Fornication

A person who gives evidence of false charge of fornication against any person shall be punished with Imprisonment up to a maximum of 5 years plus a Fine not exceeding 10,000 rupees.

Under Section 496C, the Magistrate has the power to dismiss the complaint, if after considering the statement on oath (if any) of the complainant and the result of the investigation or inquiry (if any) under section 202; there is in his judgment no sufficient ground for proceeding.

What changes have been made in the Code of Criminal Procedure 1898 after the implementation of the Protection of Women Act 2006?

Section 203A – Complaint in case of zina

This section outlines the procedure the court must follow when an offence under section 5 of the Offence of Zina Ordinance 1979 is lodged. Such an offence cannot be lodged or registered at a police station. It has to be lodged in the Court of Sessions. If the Court Officer is satisfied that there are sufficient grounds for proceeding, then the Court shall issue summons for the personal attendance of the accused.

Section 203B - Complaint in case of qazf

This section outlines the procedure the court must follow when an offence under section 6 of the Offence of Qazf Ordinance 1979 is lodged. Again this offence cannot be reported and registered at the police station; it has to be lodged in the Court of Sessions. If the Court Officer believes there are sufficient grounds for proceeding, the court will issue summons for the personal attendance of the accused, otherwise if he/she is not satisfied that there is a case, the matter can be dismissed.

Section 203C – Complaint in case of fornication

This section outlines the procedure the court must follow when an offence under section 496A of the Pakistan Penal Code is lodged. Such a complaint cannot be lodged at the police station, it has to be lodged at a Sessions Court and the procedure is similar as above. However, it must be noted: no complaint under this section shall be entertained against any person who is accused of zina under section 5 of the Offence of zina and against whom a complaint under section 203A of this Code is pending or has been dismissed or acquitted or against any person who is a complainant or victim in a case of rape.

Note: In order to have a clearer understanding of the changes made under this law, it is necessary to understand exactly what zina and qazf are. Below is an overview of both of these offences.

What is Zina?

Officially known as "The Offence of Zina (Enforcement of Hudood) Ordinance (VII of 1979)" refers to fornication, adultery and zina bil jabr (rape). The most controversial of the four ordinances, it has four distinct categories of sexual offences and assigned punishments for each:

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11 Pakistan Penal Code 1860 –Page 735 – Section 496C
12 Criminal Procedure Code 1898 – Page 464 – Section 203A
13 Criminal Procedure Code 1898 – Page 465 – Section 203B
14 Criminal Procedure Code 1898 – Page 465 – Section 203C
I. **Zina** liable to *hadd* is punishable by stoning to death for the adulterer and public whipping of 100 lashes for a fornicator

II. **Zina** liable to *tazir* is punishable by imprisonment for up to ten years

III. **Zina-bil-jabr** is liable to *hadd* (*Rape - now replaced by s375 & s376 under the PPC*)

IV. **Zina-bil-jabr** is also liable to *tazir*;

Under *hadd*, eye-witnesses evidence of the act of penetration by "at least four Muslim adult male witnesses", about whom "the court is satisfied", that "they are truthful persons and abstain from major sins (kabair)" (*tazkiyah al-shuhood*).

Because of this stringent standard, no accused has ever been found guilty and stoned to death in Pakistan. Punishments until now were awarded under the *tazir* provision of the Hudood Ordinance.

The 2006 Act has now deleted *zina bil jabr* from the Zina Hudood Ordinance and inserted sections 375 and 376 for Rape. The punishment for rape is now death or imprisonment which shall not be less than ten years or more than twenty-five years and shall also be liable to a fine. The punishment for gang rape is now death and no lesser punishment is provided.

For the offence of *zina*, a person cannot be arrested without a warrant and a summons is required in the first instance. *Zina* is a bailable offence, which is not compoundable. The punishment under the Pakistan Penal Code is stoning to death in the case of being a Muslim and whipping not exceeding one hundred stripes. The court in which *zina* is triable is before a Sessions Court.

The Ordinance now only deals with the offence of *zina* under Section 5. A new section, Section 203A has been introduced in the Criminal Procedure Code, according to which a complaint of *zina* can only be lodged in the Court of Sessions. The complainant has to immediately produce four adult male witnesses who testify to seeing the act take place. If the Court is satisfied in the truthfulness of their claim it will then issue summons to proceed with the case.

The Act introduced a new offence of fornication in Section 496B of the Penal Code. The offences of adultery and fornication can therefore be tried under the Ordinance or the Penal Code. The evidentiary requirement for trying either of these crimes is also different, with the testimony of four adult male witnesses laid down as burden of proof for *zina* and two adult witnesses (who can be male or female) for fornication.

Falsely charging persons with fornication is made a crime under Section 496C, with a penalty of imprisonment for a maximum term of 5 years and a fine of up to Rs. 10,000.

**Zina Bil Jabr**

The Act removes rape as a crime under the Ordinance and makes it an offence under Section 375 and 376 of the Pakistan Penal Code. This has restored the situation regarding rape to what it was before the Ordinances were promulgated. The punishment for rape is now death and life imprisonment.

The practice of converting cases from rape to *zina* if rape is not proven has been abolished by Section 12A. A new provision has been introduced in the Ordinance under Section 5A which prohibits converting a case from one of rape to one of fornication, and from fornication to one of *zina*. Rape victims therefore do not have to worry about being accused of *zina* if a rape is not proved.
The rules of evidence for rape also have been changed as a result. The Qanun-e-Shahadat Order of 1984 and not the Zina Ordinance will now deal rules of evidence in rape cases.

Statutory rape also has been reintroduced by the Act. Now, consent of a woman is no longer a defence to a charge of rape if the woman is less than 16 years of age (in the old Penal Code the limit was 14 years).

The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979 – Ordinance No. VII of 1979:

- Amendments have been made to Section 2, 4
- Section 3 has been removed
- A new Section 5A has been added
- Section 6 and 7 have been removed
- Amendments have been made to Section 8 and 9
- Sections 10 to 16, 18 and 19 have also been removed
- Section 17 and 20 have been amended

Full details of the amendments and omissions have been included in the booklet of laws which accompanies this manual under the heading: Amendment of Zina (Enforcement Of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979 – This section also includes the revised version of: The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979. Ordinance No. VII of 1979

What is Hadd?
A punishment fixed in the Quran and Hadith for crimes considered being against the rights of God. The six crimes for which punishments are fixed are theft (amputation of the hand), illicit sexual relations (death by stoning or one hundred lashes), making unproven accusations of illicit sex (eighty lashes), drinking intoxicants (eighty lashes), apostasy (death or banishment), and highway robbery (death). Strict requirements for evidence (including eyewitnesses) have severely limited the application of hudud penalties. Punishment for all other crimes is left to the discretion of the court; these punishments are called tazir. With the exception of Saudi Arabia, hudud punishments are rarely applied, although recently fundamentalist ideologies have demanded the reintroduction of hudud, especially in Sudan, Iran, and Afghanistan.

What is Tazir?
In Islamic Law, tazir refers to punishment, usually corporal, that can be administered at the discretion of the judge, called a Qadi, Kadi, as opposed to the hudud. The Oxford Islamic Studies defines the six crimes for which punishments are fixed as theft (amputation of the hand), illicit sexual relations (death by stoning or one hundred lashes), making unproven accusations of illicit sex (eighty lashes), drinking intoxicants (eighty lashes), apostasy (death or banishment), and highway robbery (death). Strict requirements for evidence (including eyewitnesses) have severely limited the application of hudud penalties.

The punishments for the hadd offences are fixed by the Qur'an or Hadith, however ta'zir refers to punishments applied to the other offences for which no punishment is specified in the Qur'an. These are often the equivalent of misdemeanor offences. They could also be applied to hadd offences in situations where the standards of proof required for hudud punishments could not be met due to their strict nature. The general rule dictates that no ta'zir punishment can exceed that of a hadd penalty.

Ta'zir developed in the early Islamic empire of the Umayyads (A.D. 661-750). The objectives of the punishment were to discourage repetition of the crime. This was accomplished by varying the punishment to fit the circumstances of the convicted party, particularly if reparations were made or repentance shown to the offended party. Punishments ranged from admonitions to death, though
death is only used in extreme cases.

The burden of proof is less strict in a ta'zir case, the testimony of two witnesses or a confession is enough. Confessions are not able to be retracted later.

What is Qazf?

Officially known as: "The Offence of Qazf (Enforcement of Hudood) Ordinance of 1979", it described the offence of false accusation of zina (fornication and adultery) either written, verbal or "by visible representations", with intent to cause harm, and without producing four witnesses in support of the accusation before the Court, or who "according to the finding of the Court", a witness has given false evidence of the commission of zina or rape, or when a complainant has made a false accusation of rape.

I. Proof of "qazf liable to hadd" includes the accused confesses to it in court, the accused committing qazf in court, or if two Muslim adult male witnesses, (other than the victim of the qazf) testify that the defendant committed qazf. (If the accused is a non-Muslim, the witnesses may be non-Muslims.)

II. Punishment of "qazf liable to hadd" will be a whipping numbering 80 stripes.

III. "Qazf liable to tazir" applies whenever

- proof in any of the forms mentioned above is not available,
- or when the perpetrator has committed 'qazf' against any of his descendants,
- or when the victim of qazf has died during the "pendency of the proceedings";

IV. Punishment of "qazf liable to tazir" shall be imprisonment for up to two years, a whipping of up to 40 stripes, and may also include a fine.

For the offence of qazf a person cannot be arrested without a warrant, and a summons is required in the first instance. Qazf is a bailable offence, which is not compoundable. The punishment for qazf is whipping of eighty stripes. The court in which such a case is triable is before a Sessions Court.

The Offence of Qazf (Enforcement Of Hadd) Ordinance, 1979 – Ordinance No. VIII of 1979:

- Amendments have been made to Section 2, 4, 6, 8 and 9
- Section 10, 11, 12, 13 and 15 have been removed
- Section 14 has been amended
- Section 16 has been removed
- Section 17 has been amended
- Section 19 has been removed


Offences against Other Laws - Section 5 of Ordinance VII of 1979 – Zina and Section 7 of Ordinance VIII of 1979 - Qazf
What are the Hudood Ordinances 1979?

When General Muhammad Zia-ul-Haq seized power in 1977, he wanted to establish a society regulated by Islamic law. Up until that time, the fundamental rights of Pakistani citizens were defined in general liberal terms, and Islam was relied upon to define national identity. Zia, however, envisioned a state where all areas of civil and administrative life came within the umbrella of fundamentalist Islam. He introduced an Islamisation process upon the assumption of the Office of Chief Martial Law Administrator in 1977.

The Hudood Ordinances is therefore a law in Pakistan that was enacted in 1979 as part of the military ruler Zia-ul-Haq's "Sharisation" or "Islamisation" process. It replaced parts of the secular, British-era Pakistan Penal Code, adding new criminal offences of adultery and fornication, and new punishments of whipping, amputation, and stoning to death.

The major step in the purported Islamisation process was the promulgation of the Hudood Ordinances as an attempt to bring the criminal justice system of Pakistan in accordance with Islamic injunctions. The Hudood Ordinance was promulgated in 1979 and enforced in 1980 and there are a collection of five criminal law instruments, namely, Offences Against Property (Enforcement of Hudood) Ordinance, 1979; The Offence of Zina (Enforcement of Hudood) Ordinance, 1979; The Offence of Qazf (Enforcement of Hadd) Ordinance, 1979; The Prohibition (Enforcement of Hadd) Order, 1979.

The Hudood Law was intended to implement Shari'a law or bring Pakistani law into "conformity with the injunctions of Islam", by enforcing punishments mentioned in the Quran and Sunnah for zina (extramarital sex), qazf (false accusation of zina), theft, and consumption of alcohol. The system provided for two kinds of offences - hadd and tazir—with different punishments to go with them. Hadd offences (fixed punishment) require a higher standard of proof than tazir (discretionary punishment) and their punishments are more severe. This manual has already provided an overview of hadd and tazir.

The zina provisions of the law were particularly controversial and critics alleged that there were "hundreds of incidents where a woman subjected to rape, or even gang rape, was eventually accused of zina" and incarcerated. Supporters defended the Ordinances' punishments as ordained by God and the law as the victim of "extremely unjust propaganda" in the media.

The impact of the Ordinances has had grave ramifications for women. If the burden of proof for zina-bil-jabr was not met, the rape victim was often charged for committing zina. The rape victim would find herself being accused for the crime committed against her (under tazir), if she did not produce the four witnesses required to prove rape and her complaint was regarded as her confession. The tazir punishment for zina under the Ordinance has had the most adverse impact on women. It resulted in the conviction of women for zina on the basis of their pregnancy, the courts treating it as circumstantial evidence or as an implied confession of zina.

It is therefore no surprise that many believe, the Hudood Ordinances and the Zina Ordinance in particular, to be manifestly unjust, irrational and contrary to the injunctions of Islam.

What are compoundable and non-compoundable offences?

Criminal offences can be classified as compoundable and non-compoundable offences.

A. Compoundable Offences:

Compoundable offences are those offences where, the complainant (one who has filed the case, i.e. the victim), enters into a compromise, and agrees to have the charges dropped against the accused. However, such a compromise should be a "Bonafide," and not for any consideration to which the complainant is not entitled to.

Application for compounding the offence shall be made before the same court before which the
trial is proceeding. Once an offence has been compounded it shall have the same effect, as if, the accused has been acquitted of the charges.

The code of criminal procedure lays down, i.e. bifurcated, the offences, which are compoundable, and which are non-compoundable.

B. Non-compoundable Offences:

There are some offences, which cannot be compounded. They can only be quashed. The reason for this is, because the nature of offence is so grave and criminal, that the Accused cannot be allowed to go scot-free. Here, in these types of cases generally, it is the “state”, i.e. police, who has filed the case, and hence the question of complainant entering into compromise does not arise.

Overview of the Pakistan Penal Code Section 509 – The Criminal Law Amendment Act 2010

Section 509 - Insulting Modesty or Causing Sexual Harassment

If a woman feels she has been insulted, intimidated or threatened in a public place such as market, public transport, street, and park or even in a private place, she can lodge a complaint under this section. The purpose of this section is to provide protection to women so that they are confident and able to move about freely without the fear of being sexually harassed or otherwise intimidated, insulted or humiliated in a public place. Workplace harassment is dealt with under the Protection against Harassment of Women at the Workplace Act 2010. The main purpose of section 509 is to make the public and work environment safer for women so that they are able to pursue a livelihood with confidence and dignity and to encourage more women to be able to work.

Under section 509 the Accused shall be arrested with a warrant. It is a bailable offence which is compoundable with the permission of the court. If convicted the Accused could be punished with Imprisonment up to 3 years or a Fine up to 500,000 rupees or both.

Overview of the Protection against Harassment of Women at the Workplace Act 2010

Main purpose of this Act

The objective of this Act is to create a safe working environment for women, which is free from harassment, abuse and intimidation with a view towards fulfilling women’s right to work with dignity. Harassment is one of the biggest hurdles faced by working women preventing many who want to work to get themselves and their families out of poverty. The Act encourages women to participate more fully in the development of the country at all levels.

What is Sexual Harassment?

Sexual harassment is any unwelcome* sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, or a behaviour that is perceived to cause offence or humiliation to another, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment. This is unacceptable behaviour at the workplace and or in any situation that is linked to official work or official activity outside the office.

15 Pakistan Penal Code 1860 – Page 751 –Section 509
"Unwelcome Behaviour" is the critical word. Unwelcome does not mean "involuntary." A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment, or joke depends on all the circumstances.

Examples of sexual harassment include, but are not limited to:

- Obscene comments, indecent words used to describe an individual, letters, notes or insinuating invitations, indecent requests or advances;
- Any physical provoking or obscene contact or attitude;
- Unfair appraisals or sanctions, work overload and disciplinary proceedings based on revenge due to a refusal of inappropriate requests;
- Verbal conduct such as pejorative sexual comments, graphic or verbal comments about someone's body or the way of dressing, sexually degrading words used to describe an individual, sexually suggestive or obscene letters, notes, e-mail or invitations, degrading or inappropriate comments, sexual insinuations, biased comments, anecdotes, approaches or proposals;
- Visual conduct, as for instance, malicious looks, gestures with sexual connotation;
- Presentation or distribution of sexually suggestive objects or drawings, cartoons, posters or magazines, or;
- Physical contact or a threatening or effective contact, such as soft touching, pinching, movements to bar passage, or any offensive touch;
- Expressions that suggest superiority of one gender over the other, including jokes demeaning one gender;

What is Sexual Exploitation and Abuse of Authority?

The term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to profiting monetarily, socially or politically from the sexual exploitation of another.

Examples of Sexual Exploitation include, but do not limit to the following:

- To offer special benefits (including money, employment, goods or services) to programme participants in exchange of expressed, implicit or demanded sexual favors;
- To propose professional advantages in exchange of implicit or explicit sexual favors;
- To threaten or insinuate that the refusal or the acceptance of any sexual requests will affect the terms and conditions of service, etc.

Abuse of authority is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including but not limited to, appointment assignment, contract renewal, performance evaluation or promotion.

Duties of Managers, Supervisors & Heads of Divisions

Managers and Supervisors are expected to act, at all times, as role models by upholding the highest standards of conduct. Managers and Supervisors have the obligation to ensure that complaints are promptly addressed in a fair and impartial manner while upholding the confidentiality of the matter as required. This includes explaining to an individual alleging sexual harassment the process available. Failure on the part of Managers and Supervisors to fulfill their obligations may be considered a breach of duty.
Heads of Division are responsible for implementing and enforcing this Policy and for holding all Managers and other Supervisory staff accountable for compliance with the terms of this Policy.

Preventative measures should be put in place so that such behaviour does not occur in the first place. However, if such incidents do arise Managers and Supervisors should commit to:

- Conduct mandatory awareness programmes for all staff to raise awareness of its zero tolerance policy on sexual harassment; it will provide guidance on this Policy; Heads of Division will be responsible for ensuring that their staff undertake the required training;
- Ensure that staff will be required to complete the mandatory training programme on prevention of sexual harassment in the workplace. Staff members will also be responsible for familiarising themselves with the Policy and with the various options, internal channels and recourse mechanisms available to them for addressing the issue;
- In compliance with applicable laws and to the best abilities, prevent perpetrators of sexual harassment from being rehired or redeployed. This could include use of background and criminal reference checks;
- Take appropriate action to protect persons from retaliation when allegations of sexual harassment are made in good faith;
- Investigate allegations in a timely and professional manner; This includes use of appropriate interviewing practices with complainants and witnesses; Engage professional investigators or secure investigative expertise as appropriate;
- Take swift and appropriate action, including legal action when required; this may include administrative or disciplinary action;
- Ensure that there is a Committee to deal with Sexual Harassment grievances, and that they will select members who are sensitive and competent to deal with such issues;
- Ensure that the recommendations received from the Inquiry Committee are implemented within two weeks of receipt;
- Ensure that they maintain confidentiality and an attitude of empathy at all times towards both the accused and the accuser;
- Ensure that open channels of communication exist and that staff who wish to raise concerns in good faith can do so freely and without fear of adverse consequences;

The HR functions in each given location will play the following specific roles

- Ensure that the policy is displayed at prominent places in the organisation and to make it accessible to all members of staff;
- Carry out awareness programmes for all staff to raise awareness of its zero tolerance of sexual harassment, exploitation and abuse of authority, and to provide guidance on the relevant policy and procedures;
- Ensure that all staff members carry out/complete a mandatory training programme on prevention of sexual harassment, exploitation and abuse of authority in the workplace;
- Carry out capacity building interventions for members of the Inquiry Committee and staff focusing on building skills on identification and handling of grievances;
- Document proceedings from the time of receipt of complaint until its conclusion;
- Be aware of the country’s national policies regarding sexual harassment and obtain legal opinion and procure the services of a lawyer specialising in the issue whenever necessary. This includes information on the international instruments they may be signatory to under Violence Against Women and Human Rights and Gender Justice;
- Engage the services of an occupational psychologist/professional counsellor to be on call for a variety of needs, including being on call at predetermined hours/days to be
accessible to grievances from staff on the issue and may counsel the complainant and accused (when necessary);
• Counsel and maintain a sensitive attitude towards both accused and accuser at all times;
• Be a part of the Inquiry Committee to investigate such complaints;

Any person who aids or abets and covers the commission of any such act committed shall also be held liable under this Policy.

Who is the Inquiry Committee?

The Inquiry Committee will be the body responsible for addressing and investigating complaints of sexual harassment, exploitation and abuse of authority. It is the responsibility of the Head of the Organisation to ensure that a Committee of technically qualified members is made available. The Committee shall consist of three members of whom at least one member shall be a woman. In case a complaint is made against one of the members of the Inquiry Committee another person for that particular case should replace that member.

In line with The Act, the Inquiry Committee shall have the power to:

• Summon and enforce attendance of any person and examine him/her on oath;
• Require the discovery and production of any document;
• Receive evidence on affidavits; and
• Record evidence;
• Get the complainant or accused medically examined if necessary; and may recommend the appropriate penalty against the accused;
• Carry out the proceedings in a confidential and professional manner;

Finally, the Inquiry Committee has the power to recommend the matter to an Ombudsman for appropriate action against the complainant if allegations levelled against the accused are found to be false and or are made with malicious intent.

Who is the Ombudsman?

The Government of Pakistan has appointed an Ombudsman at Federal and Provincial levels. The Ombudsman has the power to inquire into the incident according to the rules made under the Act and carry out the proceedings, as he/she deems proper and necessary. The Ombudsman shall record his/her decision and inform both parties and the Management of the Organisation for implementation of the orders.

Procedures – How can I make or report a complaint?

A complaint can be made through:

1. The Informal method;
2. The Formal method;

1. Informal method

An informal approach offers the opportunity to resolve a complaint or grievance in a non-threatening and non-contentious manner. A staff member can report an incident of sexual harassment *informally* to his/her Supervisor, the Head of Organisation or a member of the Inquiry Committee. In such a situation a complaint may be made *informally*, in which case the Supervisor, Head of the Organisation or the Committee member may address the issue. This complaint may
be made orally or in writing. The matter will be reviewed and the accused will be approached with the intention of resolving the matter in a confidential and sensitive manner.

2. Formal method

In circumstances where the informal method is not desired or appropriate, or has been unsuccessful, the way forward would be to make a formal complaint. The grievance must be put in writing and addressed to the Inquiry Committee and or to the Head of HR or to the Head of Organisation. The complaint should state the following:

- The name of the accused;
- The dates and locations of the alleged incidents of sexual harassment, exploitation and abuse of authority;
- The names of any witnesses if any; and any physical and or documentary proof/evidence in support of the allegation(s), such as e-mails, message recordings, photos, letters, medical examinations; and
- Any other relevant information;

The complaint must be signed and dated. A formal complaint must be submitted within six months from either the date of the incident(s) or the most recent alleged incident.

How will the complaint be handled / investigated?

Once the written complaint has been lodged and received by the Inquiry Committee, it shall:

1. Within three (3) days of receipt, communicate formal written receipt to the Accused and explain the charges and statement of allegations being brought against him/her;
2. The Accused must within seven (7) days after receiving the communication about the charges against him, submit a written defence; and on his/her failure to do so, without reasonable cause, the Committee shall proceed ex-parte (involving one side only);
3. Further enquire into the charge and may examine oral or documentary evidence in support of the charge or in defence of the Accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him/her;

Subject to the provisions of the Act and any rules made, the Inquiry Committee shall have the power to regulate its own procedure for conducting an inquiry and for arranging the time and place of its sitting.

The Committee in relation to the inquiry shall follow the following provisions:

a) The statements and other evidence acquired in the inquiry process shall be considered as confidential;

b) An officer, if considered necessary, may be nominated to provide advice and assistance to each party;

c) Both parties, the Complainant and the Accused, shall have the right to be represented or accompanied by a Agent Representative, a Friend or a Colleague;

d) Adverse action shall not be taken against the Complainant or the witnesses;

e) The Inquiry Committee shall ensure that the Employer or Accused shall in no case create any hostile environment for the Complainant, so as to pressurize him/her from freely pursuing his/her complaint; and

f) The Inquiry Committee shall give its findings in writing by recording reasons.

The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty (30) days of initiation of inquiry. If the Inquiry Committee finds the
Accused to be guilty, it shall recommend the Competent Authority to impose one or more of the following penalties:

I. Minor Penalties:
   a) Censure;
   b) Withholding for a specific period promotion or increment;
   c) Stoppage for a specific period at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;
   d) Recovery of compensation payable to the Complainant from pay or any other source of the Accused;

II. Major Penalties:
   a) Reduction to a lower post or time-scale, or to a lower stage in a time-scale;
   b) Compulsory retirement;
   c) Removal from service; and
   d) Dismissal from service;
   e) Fine, a part of the fine can be used as compensation for the Complainant.

The Competent Authority shall impose the penalty recommended by the Inquiry Committee within one (1) week of the receipt of the recommendations of the Inquiry Committee.

The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of the Competent Authority have been implemented.

In case the Complainant is in trauma, the Organisation will arrange for psychosocial counseling or medical treatment and for additional medical leave. The Organisation may also offer compensation to the Complainant in case there has been loss of salary or other damages.

The Fact-Finding investigation shall include interviews with the complainant, the accused and any other individuals who may have relevant information about the conduct alleged. Information that may undermine the conduct of the Fact-Finding Investigation shall not be disclosed to the accused.

Decision of the Committee

After a decision is reached regarding the complaint, the Committee will recommend disciplinary action if the accused is found guilty. This action can vary from leave without pay to demotion and dismissal from services. In serious cases and repeat cases the accused should be dismissed.

Making adjustments for the Inquiry

The management should make temporary adjustments to avoid interaction between the complainant and the accused for official purposes during the investigation period. This would include temporarily changing the office or temporary suspension during the time of the investigation and this will all depend on the seriousness of the case.

All actions/behavior and work related routine of the complainant and accused will be monitored during the inquiry to cooperate with the Fact-Finding investigation and that no party is subjected to retaliation as a result of the complaint or investigation.

Evidence

It is acknowledged that sexual harassment usually occurs away from the public eye and it therefore may be difficult to produce evidence. It is strongly recommended that staff should report
any offensive behaviour immediately to someone they trust, even if they do not wish to launch a 
formal complaint at the time, though failure to report promptly should not affect the merits of the 
case.

(i) Detailed account of the Complainant and the Accused form a part of the evidence;

(ii) Witness statements (if any);

(iii) Statements of persons with whom the Complainant might have discussed the incident, 
statements of persons from whom advice may have informally been sought, should be considered 
as evidence;

(iv) Any other documentary evidence; expert technical advice can be sought for such submissions.

**Period of Inquiry**

The investigation procedure should be completed as soon as possible and should not take more 
than two months.

**What will happen after the investigation?**

The Committee will review all facts and evidence surrounding the complaint and will prepare a 
written report containing the findings, conclusions and recommendations of the investigation. This 
report will be submitted to the Head of the HR Department or Head of the Organisation. On the 
basis of the report, one of the following courses of action will be taken:

(a) If the findings show no sexual harassment, exploitation and abuse of authority, the case will be 
    closed and the Complainant and Accused will be notified of this;

(b) However, if the report indicates that there was a factual basis for the allegation(s) but that, while 
    not sufficient to justify the institution of disciplinary proceedings, the facts would warrant 
    managerial action, the Director, Division of Human Resources will decide on the type of 
    managerial action to be taken. Managerial action may include mandatory training, reprimand, a 
    change of functions or responsibilities, counseling or other appropriate corrective measures.

(c) If the report indicates that the allegations were well-founded and that the conduct in question 
    amounts to possible misconduct, the Director, Division of Human Resources will inform the 
    Complainant of the outcome of the investigation and of the action taken.

Where a Complainant or Accused has grounds to believe that the procedure followed in respect of 
the allegation(s) was improper, he/she has the right to appeal.

**How to Appeal against a Decision?**

Keeping in line with the Act, either party, the Complainant or Accused aggrieved by a decision of 
the Competent Authority may within thirty (30) days of the written communication of the decision 
refer an appeal to the Ombudsman.

The Ombudsman has the power to confirm, set aside, vary or modify the decision within thirty (30) 
days of the appeal being heard. The final decision will be communicated to both parties and the 
Organisation.
The Criminal Law (Second Amendment) Act, 2011 otherwise known as The Acid Crimes Act

The purpose of this Act is to control the import, production, transportation, hoarding, sale and use of acid to prevent misuse and provide legal support to acid and burn victims.

Then Member National Assembly (MNA) Marvi Memon, Begum Shahnaz Sheikh and Advocate Anusha Rehman introduced the bill in 2010 in a bid to prevent the growing incidents of violence against women. After much scrutiny, the committee of women development approved the bill in October 2011, further amending the Pakistan Penal Code 1860. The amendment in Section 336B states: “Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years with a minimum fine of Rs1 million.”

This Act amends the Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898. Below are the insertions of the new sections in the Pakistan Penal Code.

Section 336A - Hurt Caused by Corrosive Substance
Under this section, the act of throwing acid on someone must be with intention. Corrosive Substance means a substance, which may destroy, cause hurt, deface or dismember any organ of the human body. Thus it is an offence to throw acid on someone with intention of causing them harm and hurt.

Section 336B – Punishment for hurt by corrosive substance
Whoever causes hurt by intention as above, he or she will be punished with Imprisonment for Life either Simple or Rigorous for a term not less than 14 years plus a minimum fine of 1 Million rupees. This is a non-compoundable offence.

The Criminal Law (Third Amendment) Act, 2011 otherwise known as The Prevention of Anti Women Practices Act

The purpose of this Act was to try to eliminate and encourage people to move away from discriminatory customary norms involving females. Such customs are contrary to Islamic injunctions and it was felt that they should be done away with immediately, the persons who continue such practices should be dealt with severely by providing penal and financial liabilities.

Dr. Donya Aziz moved the Bill in 2008 who, felt strongly that there were several practices and customs in vogue in the country, which were not only against human dignity but also violated human rights. She fought to have the bill made into an Act and now we have what is commonly known to us as the “The Prevention of Anti Women Practices Act”. Below are the new sections which have been inserted into the Pakistan Penal Code.

Section 310A - Punishment for giving a female in marriage or otherwise in Badl-e-Sulah, Wanni or Sawara
The practices of badl-e-Sulah, wani or swara entail offering and accepting a female in marriage to settle a civil dispute or criminal liability. This is mostly practiced in the province of Punjab and KP. The Accused will be punished with Imprisonment minimum of 3 years up to 7 years plus a Fine of 500,000 rupees.

16 Pakistan Penal Code 1860 – Page 481 – Section 336A
17 Pakistan Penal Code 1860 – Page 481 – Section 336B
18 Pakistan Penal Code – Page 436 – Section 310A
Section 498A - Prohibition of Depriving Woman from Inheriting Property

Women are entitled to the right of Inheritance by Islam. However, they are forced to withdraw their right to inheritance in favour of male members of the family either voluntarily or under compulsion. This chapter and this section in particular of the Penal Code outline the offences against women and describe the penalties. In the case of depriving a woman from inheritance, the Accused will be punished with Imprisonment of minimum 5 years up to 10 years or a Fine of one million rupees or both.

Section 498B - Prohibition of Forced Marriage

Forced marriage is a marriage in which a girl is married without her consent or against her will. Young girls are forced to marry mainly to end disputes or to keep land or inheritance in the family. The Accused will be punished with Imprisonment, minimum 3 years and up to 7 years plus a Fine of 500,000 rupees.

Section 498C - Prohibition of marriage with the Holy Quran

The custom of marriage of a woman or young girl with or to the Holy Quran is usually practiced in the Sindh province, although it is not confined to this area, such practices could be followed anywhere in the country. The idea is to deny the female her fundamental right to inheritance. Under this practice, women or girls are asked to dedicate themselves to memorize the Holy Quran for the rest of their lives and not marry. The Accused will be punished with Imprisonment of minimum 3 years up to 7 years plus a Fine of 500,000 rupees.

Section 402D – Provincial Government not to interfere in sentence of rape

In this case the Provincial Government shall not suspend, remit or commute any sentence passed under Section 376 (punishment for rape) of the Pakistan Penal Code (Act XLV of 1860). This basically means that the court does not have the power to override any sentence it has already passed for rape.

Inheritance Laws in Pakistan:

In Pakistan, inheritance of the estate of a deceased Muslim takes place under Muslims Family Law Ordinance 1961 and The Succession Act 1925. Even at the time of the British rule, in matters of personal laws such as inheritance and family matters, Muslims were subject to principles of Shari’a law. This continues to be the case.

Overview of Women’s Rights of Inheritance in Islam:

In the pre-Islamic civilisations, women were denied any right to inheritance, so that money and property would not be transferred to her from her husband. Only mature, elder sons were entitled to inheritance, since they were the ones who fought and defended their tribe in times of war.

In the Shari’a (Islamic legislation), the issues of inheritance have been discussed in detail and include all the possible cases of inheritance, and the reasons, legal impediments and methodology involved in evaluating and distributing them.

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19 Pakistan Penal Code – Page 737 – Section 498A
20 Pakistan Penal Code – Page 737 – Section 498B
21 Pakistan Penal Code – Page 737 – Section 498C
22 Pakistan Penal Code – Page 632 – Section 402D
A Women's right to inheritance:
Islam grants women the right to inherit from their parents or relatives and specifies an obligatory share for them. Allah The Almighty Says (what means): {For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much -- an obligatory share.} [Quran 4:7]

Muslim jurists believe that this verse establishes a general inheritance rule for both men and women. They also believe that this verse establishes a new norm that was not known before; that is granting women the right to inheritance.

In Islamic Shari'a, there are three reasons for inheritance: marriage, blood relations and ta' ceiling (i.e., by virtue of being related to the deceased through the father of the latter, but they do not have a specific allotted share, rather they get what is left after the allotted shares have been distributed).

Similarly, there are three kinds of inheritance: inheritance by prescribed shares, inheritance by ta' ceiling and inheritance by blood relations.

Inheritance by prescribed shares
The jurisprudence of inheritance used to be called the ‘jurisprudence of prescribed shares’, because the shares of the inheritors are prescribed. Inheritance by prescribed shares is just like inheritance by assignment, as every one of those who receive this kind of inheritance takes their share before any other potential inheritor does. The Prophet, sallAllahu ‘alayhi wa sallam, said: “Give the prescribed shares to their due recipients and what remains would be for the worthiest male relative.”

Women inherit by prescribed share in eight cases, while men inherit in four cases only.

The cases where women inherit by prescribed shares are the following:

1. Being the wife of the deceased

The share of the wife of the deceased is prescribed in the following verse: Allah the Almighty Says (what means): {And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt.} [Quran 4:12]

2. Being the mother of the deceased

The share of the mother of the deceased is prescribed in the following verse: Allah the Almighty Says (what means): {And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children -- you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is Ever Knowing and Wise.} [Quran 4:11]

3. Being the daughter of the deceased
The daughter of the deceased takes half her father’s estate if she does not have a brother or a sister. Allah the Almighty Says (what means): **[And if there is only one, for her is half.]** [Quran 4:11]

4. Being the daughter of the deceased’s son

She inherits by prescribed share if a worthier lineal heir, male or female, does not preclude her.

5. Being the deceased’s full sister

She inherits half of the inheritance of her dead brother if she was the only sister and there are no other sisters or brothers. If the case was otherwise, she inherits according to what is stipulated in the following verse: Allah the Almighty Says (what means): **[And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest, which was made, or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allah, and Allah Is Knowing and Forbearing.]**[Quran 4:12]

6. Being the deceased’s maternal half-sister

If she does not have a full sister, she takes the same ruling stipulated for the full sister.

7. Being the deceased’s grandmother

This refers to the mother of the father, or the mother of the father’s father.

8. The mother of the mother of the deceased (i.e. a grandmother who is not related to the deceased by virtue of a maternal grandfather).

She inherits one-sixth if she is the only grandmother.

**Inheritance by Ta’seeb**

A woman inherits by ta’seeb if she shares the same degree of relationship with another relative or relatives; such as a brother and his full sister or sisters, or a daughter of a son and another son of a son, provided that a closer relative does not preclude them. In the aforementioned cases, a female inherits an amount that equals half that to be inherited by a male, according to Islamic rules. Allah the Almighty Says (what means): **[Allah instructs you concerning your children: for the male, what is equal to the share of two females.]**[Quran 4:11]

Females who inherit by ta’seeb are: the daughter, the daughter of the son, the full sister and the paternal half sister.

**Inheritance by blood relations**

Jurists define blood relations as: Relatives who are not among those who inherit by prescribed share or by ta’seeb such as the children of a daughter and a maternal grandfather (i.e. the father of the mother and the father of the father’s mother), a maternal grandmother (who is not related to the deceased by means of a maternal grandfather), the children of maternal half sisters and brothers, the sons of the sisters and the daughters of the brothers.
Islamic Shari’a does not provide an explicit text that states the amount of inheritance for such relatives, but all jurists believe that they should inherit according to their order of inheritance and if the deceased did not have any relatives who would inherit by prescribed share or by ta’seeb.

**Misconceptions about Islamic Law of Inheritance & Discrimination towards Women**

Despite all the rights that are granted by the Islamic Shari’a (Islamic legislation) to women in all fields of life and despite the fact that most of these rights were not granted to women all over the world except after great efforts exerted globally, many of those who are prejudiced against Islam use the rule of inheritance “for the male, what is equal to the share of two females” to criticise Islam.

They say: *This rule boosts the idea of discrimination against women and it oppresses women and harms them as the male inherits what is equal to the share of two females.*

One such oft-repeated criticism is, “The issue of inheritance and the share of females that is half of what the male takes is undoubtedly the reason for the inferiority of Muslim women.”

Non-Muslims and some groups of Muslims who are ignorant of the rulings of the religion and its honourable purposes level such criticism. Such groups ask for this rule to be amended so that both males and females receive an equal share in inheritance.

To those people we say:

The rule of inheriting what is equal to half a male’s share is not an invariable rule in all cases that pertain to women. There are different cases where males and females take an equal share of the inheritance.

For instance, both the father and the mother take the same share of their son’s inheritance. Also, the share of the brother and the sister when a man or woman leaves neither ascendants nor descendants, both the sister and brother would take one sixth.

The ruling of inheriting a share that is equal to half a male’s share only applies to the shares of inheritance and not to all the property that is inherited. The amount taken by women from the entire estate may be more than that taken by men. For instance, if a man died and left a wife, three daughters and a son, the portion inherited by women is larger than what the son inherits.

This rule does not apply to gifted property, as it is permissible for the father to gift his daughter an equal share to what he gifts to his son during the father’s lifetime. It is prohibited to favour a son over a daughter. The Prophet, sallAllahu ‘alayhi wa sallam, said: *“Treat your children fairly regarding gifts. If I were to favour someone, I would have favoured women.”* [Baihaqi]

Moreover, it is permissible for a person to write a will to bequeath equal shares to their heirs (males and females), or to bequeath to a female heir a share that is equal to half a male’s share, if he/she wishes to.

The rule of giving females half of what a male takes does not apply when distributing state lands as these lands are divided equally between men and women.
The wisdom of the Shari’ah behind this rule:

Differentiating between sons and daughters is not meant to humiliate women or belittle them as what some people claim. The Islamic Shari’ah according to the responsibilities and economic burdens that each one of them has to shoulder determined this share.

Islamic scholars believe that giving women half of the share that is given to men should be seen along with the Shari’ah-stipulated responsibilities of men; such as their obligation to provide for the women for whom they are responsible, whether she is a wife, a daughter, a mother, a sister or a relative. Thus, differences of financial responsibilities lead to differences in inheritance shares.

The fact that men are obliged to abide by their responsibilities, and fulfil them as duties, not as acts of courtesy, is what made Islamic Shari’ah prescribe for a woman to inherit what is equal to half a man’s share. If we consider the financial support that men are obliged to provide, we would realise that women are the beneficiaries as a man is required to provide for his mother, father, sisters and younger brothers and his close relatives if they are insolvent. Women are exempted from such responsibility. Allah the Almighty Says (what means):

{**They ask you, [O Muhammad], what they should spend. Say, "Whatever you spend of good is [to be] for parents and relatives and orphans and the needy and the traveller. And whatever you do of good - indeed, Allah is Knowing of it."
}[Quran 2:215]

It is worth mentioning that the Islamic Shari’ah was the first to institute rights of inheritance for women fourteen centuries ago. Islam also took many steps to eliminate all forms of discrimination against women as it granted them many financial rights that are more than what women worldwide aspire for, even today, in the fields of finance and family rights. This is what is stated in Article 13 and Section H of Article 16 in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

Moreover, the Muslim woman can save her inheritance so that she can live off it if she does not get married, or if her husband dies and does not leave [an inheritance] what would suffice for her and her children. Thus, the money that woman inherits is just a reserve and she can use it to support herself or her family.

It is noteworthy that a woman can support her husband financially if he is insolvent or if the standards of living increase or for any other reason, but she does so voluntarily and seeks the reward from Allah The Almighty for what she does. Umm Salamah, may Allah be pleased with her, said, “O Messenger of Allah! Shall I receive a reward (in the Hereafter) if I spend on the children of Abu Salamah and do not leave them like this and like this (go here and there to earn their bread), for indeed they are my sons after all?” The Prophet, sallAllahu ‘alayhi wa sallam, said: “Yes, you will be rewarded for that which you spend on them.”

Besides, a man has to provide for his wife and children and secure for them a house, food, drink, clothing and all other needs such as medication, education and means of recreation, but women are not bound by such responsibilities.

A man also provides financial maintenance for the divorced wife during her ‘iddat (waiting period) and this ‘iddat may be longer if the wife was pregnant as the husband provides for her until she delivers the child. The husband is also asked to provide the fees for nursing if the wife refrains from nursing the child. Women are also free from such responsibilities. Allah the Almighty Says (what means):
{Upon the father is the mothers’ provision and their clothing according to what is acceptable. No person is charged with more than his capacity.} [Quran 2:233]

{And if they should be pregnant, then spend on them until they give birth.} [Quran 65:6]

{…but if you are in discord, then there may breastfeed for the father another woman.} [Quran 65:6]

A man also pays dowry to his bride whether this amount is large or small, but women do not have to pay anything. Allah the Almighty Says (what means): {And give the women [upon marriage] their [bridal] gifts graciously.} [Quran 4:4]

Thus, the financial burdens that are incurred by men according to Shari'a are the reason behind differences in inheritance. It could be said that men and women are different regarding [in their capacity to] maintaining property and expenditure. Thus, it is clear that there is no oppression against women regarding inheritance as is claimed by biased people.

When comparing what Muslim women can own by virtue of inheritance with what non-Muslim women have, according to what was mentioned in the report of the Program of Action for the Second Half of the United Nations Decade for Women, in the 1980s, we realise the falsehood of such claims. The report states that although women represent 50% of the adults and one-third of the official labour force, they work nearly two-thirds of the working hours and receive one-tenth of the international income; they own only 1% of property all over the world.

**Law of Divorce and Khula in Pakistan**

A Muslim Marriage is a civil contract, which can be executed and dissolved like any other contract, however it is automatically dissolved on the death of either spouses. Additionally spouse’s legal right to dissolve a marriage contract is also recognised in Islam and hence both are entitled with a religious right to dissolve a marriage.

In Pakistan, The Muslim Family Law Ordinance 1961 is the relevant law dealing with Registration of Marriages, Talaq and Maintenance. The Dissolution of Muslim Marriages Act 1939 deals with Judicial Khula, which may be granted without the husband's consent if the wife is willing to forgo her financial rights.

A husband has an inalienable legal right of divorce by way pronouncement of talaq, however; on the other hand a wife can only exercise the right of divorce if the same is granted to her in her marriage contract or nikahnama. If in the event the right of divorce is not granted to the wife, then she has the option of filing for khula before the family courts of law to obtain judicial divorce.

It is critically important to note that whether the marriage has been dissolved through talaq or khula, it must be legally recognised failing which serious doubts may arise about the effectiveness of the divorce, such as a case of bigamy or zina against a woman who later remarries, or difficulties in settling issues related to the divorce such as past maintenance or claiming deferred haq mehr. The paternity of children can also be disputed. Therefore as per the Pakistani Law it is vital to obtain dissolution of marriage certificate from the concerned government office as a documentary proof of dissolution of the marriage. However, it is also important to note that as per Islamic scholars, divorce once pronounced by the husband and khula once obtained from the court of law is effective and binding.
**Husband’s Right of Divorce or Talaq and the Legal procedure**

A husband has the unilateral right of divorce or *talaq* and he cannot be alienated from this right but can but can be restricted through the marriage contract also known as *nikahnama*. As per Muslim Personal Law and under section 7 of the Muslim Family Law Ordinance the husband can pronounce *talaq* orally as well as by way of Deed of Divorce.

It is the husband’s duty and he is bound to send written notice by registered post to the Union Council or concerned government office in charge for issuance of divorce certificates. In the said notice the husband must mention the address of his ex-wife, thereby enabling the government office to issue notices to her by registered post and it shall form an Arbitration Council within 30 days of receipt of notice for the purpose of reconciliation and settlement if possible.

This legislation was introduced to protect women from an instant and unrecorded divorce. Earlier cases were recorded where women who were not properly divorced and who later remarried could be punished for bigamy and sentenced up to 7 years (or up to 10 years if she concealed the previous marriage) and only on the complaint of her first husband as there was no proof of dissolution of marriage. Therefore, this legislation was enacted to protect women who re-marry from a frivolous criminal case and sentencing. Hence it is vital for a woman to be absolutely clear about her marital status and to have documentary proof that she is properly divorced.

Notice of *talaq* can be served on a wife with permission of the concerned government office through her father, mother, adult brother or sister – but no other relatives. If this is not possible because her whereabouts are not known and notice cannot be served on her through her immediate family, the husband can still serve notice through a newspaper approved by the concerned government office.

It is important to receive a notice from the concerned union council, whereas it has been reported that in some cases families have refused to receive notices, fearing that it is a notice of *talaq*. This practice could lead to unfavourable results as service of notice is deemed by way of publication in the newspaper.

Once the *iddat* period, which is 90 days from the date, the concerned government office receives the *talaq* notice is over, the office will issue a certificate of *talaq* being effective to the husband and wife. Please note that *talaq* is not effective until the expiry of *iddat* period and failure to abide by law will cause a simple imprisonment for up to one year and/or a fine of up to Rs. 5000/-, hence the Importance of Registered notice of *talaq*.

A verbal *talaq* is not recognised by law and the husband’s failure to send written notice to the government office is treated as no divorce in law. However it is also important to note that as per Islamic scholars, divorce once pronounced by the husband and *khula* once obtained from the court of law is effective and binding.

**Talaq-i-Tafweez and Mubarat (Mutual Divorce)**

In both of these forms of divorce, there is no need to approach the courts, meaning that the marriage can be dissolved rapidly, cheaply and with few procedural problems. In this case both husband and wife may sign a Mutual Divorce Deed and send a written notice under section 8 of the Muslim Family Law Ordinance 1961 to the concerned government office, however the government office is duty bound to follow the procedure of issuance of notices before issuance of dissolution of marriage certificate.
Wife’s Right of Divorce or Talaq
A wife can dissolve her marriage unilaterally only if the right of divorce has been unconditionally delegated to her by the husband in the marriage contract or the nikahnama. If such right of divorce is not delegated then in such circumstances wife can dissolve her marriage by applying for khula from the Family Courts of Law, which is also known as dissolution of marriage by way of judicial divorce. Therefore, if the wife is not delegated the right of Divorce in her nikahnama then she would need to apply for khula.

Khula, which literally means ‘untying the knot’, is the dissolution of marriage initiated by the wife and is granted by the court. To apply for khula the wife would need to file a suit for khula in the Family Court under the West Pakistan Family Courts Ordinance, on the grounds that she feels she can no longer live with her husband “within the limits prescribed by Allah’ and such a statement on oath made in her suit would be sufficient to establish her case for khula.

Dissolution of Muslim Marriages Act 1939
Judicial khula may also be granted without the husband’s consent if the wife is willing to forgo her financial rights.

Grounds for Judicial Divorce
Grounds on which a woman may seek khula include:

- Desertion by husband for four years,
- Failure to maintain for two years,
- Husband contracting a polygamous marriage in contravention of established legal procedures,
- Husband’s imprisonment for seven years,
- Husband’s failure to perform marital obligations for three years,
- Husband’s continued impotence from the time of the marriage,
- Husband’s insanity for two years or his serious illness,
- Wife’s exercise of her option of puberty if she was contracted into marriage by any guardian before the age of 16 and repudiates the marriage before the age of 18 (as long as the marriage was not consummated),
- Husband’s cruelty (including physical or other mistreatment, unequal treatment of co-wives),
- Any other ground recognised as valid for the dissolution of marriage under Muslim law,

The Family Court will issue decree and send notification to the Union Council, which proceeds as if it received the notice of talaq and once the iddat period is over the khula becomes effective.

At the time of filing of the khula suit the wife usually has to return haq mehr and other benefits received from husband as zar-i-khula. Gifts received from the husband’s family do not have to be returned and the court decides how much & what is to be returned on the facts of the case. The wife’s failure to pay zar-i-Khula does not render khula ineffective; the husband has to file a separate suit for recovery of zar-i-Khula.

Commonly Right of Divorce is deleted in Nikahnama
It is a common practice that the delegated right of divorce is deleted before the nikahnama is presented to the bride for signatures. The Law of Pakistan entitles a woman to exercise right of divorce as opposed to file for khula before the Family courts of Law but as a common practice, the marriage contract is prepared in advance, in manner to defeat the purpose of the legislation. Therefore it is hoped that this article and dissemination of legal information may educate many in our society to change the practice and secure their legal rights. If Islamic scholars are of the opinion that the said practice is valid and legal, then in such circumstance it is urged that it should be debated in the parliament and necessary legislation should be enacted to remove such clauses.
from the nikahnama. Whereas as of now the Divorce Laws of Pakistan state that a woman has a delegated right of divorce and hence her right should not be removed or deleted without her consent in the nikahnama prior to obtaining her signatures and therefore it is further urged that all the clauses should be read and understood by the bride before signing the nikahnama.

Steps to consider before Divorce in Islam

Islam and Quran has stressed both partners to live in peace and harmony, however it is a natural process of life that some disagreements between spouses arise during the course of marriage, especially during early years of marriage. It is always encouraged in Islam to resolve such disagreements by acting fairly and kindly. However, if in the event such disagreements cannot be resolved then in such circumstance the following procedure is prescribed in Islam before termination of marriage.

1. The two parties must try to settle their differences on their own. It is understood by family counselors commonly intervention of third parties, such as parents, siblings, friends or cousins are common cause of non-settlement of disputes. It has been documented by many family consultants all over the world that adults are capable of resolving their disputes amicably by conversing and expressing their grievance. It is always a process of give and take. Therefore it is recommended that couples should attempt to talk their difference with the intervention of others in any form and should always keep in mind that happy life always means give and take.

   Narrated Abu Hurayrah: The Prophet (Peace Be Upon Him) said: Anyone who incites a woman against her husband or a slave against his master is not one of us.

2. In the unlikely event of non-settlement between the couple, two impartial personalities/ arbitrators, one from the husband’s relatives, and one from the wife’s relatives, must be appointed to try to make peace and to settle their differences.

3. If this attempt also fails, then the husband or the wife may seek a divorce.

4. In case divorce notice is served through the concerned government office, a reconciliation period of ninety days time or three months is available (except if the parties have divorced each other for the third time), also known as the iddat period.

5. The two parties can reconsider their views and reunite during this waiting time. However, if the above time limit expires and no reconciliation occurs, then the divorce becomes effective and marriage is terminated.

6. If in the event the wife is pregnant then the waiting period is till delivery of her child plus iddat period. Hence the husband pronounces divorce but the same will not become effective during pregnancy.

Revocation of Divorce by a Husband

It is commonly noted by us that most families, especially husbands exercise their right of divorce without proper thought process and thereafter approach various counselors and lawyers for revocation of divorce. The common problem is that most lawyers or draftsmen prepare divorce deeds without allowing the opportunity to revoke the divorce by causing the husband to pronounce triple divorce.

A divorce can be revoked by the husband without intervening marriage as long as the same is done up till three pronouncements!
Therefore a Divorce Deed should always be prepared in the form and manner to suggest that it shall be treated as one single divorce, if the divorce deed is prepared with a triple divorce then the same cannot be revoked without intervening marriage and hence the said act should be exercised with caution.

In most cases the client is not informed of his legal rights of triple divorce and their divorce deed is prepared with triple divorce. Limited scholars believe that with full knowledge of triple divorce is treated as single divorce, whereas majority are of the opinion that ignorance of basic Islamic Law is no excuse and therefore pronouncement of triple divorce is final and binding until intervening marriage.

**Dower in Islam**

Dower rights of women are mandatory in any Muslim marriage. In Arabic language it is called *mahr, mehr or meher*. It is a gift which becomes payable to wife immediately after marriage but before sexual intercourse. It is not essentially to be money but can be any valuable thing like property, ornaments or anything else, which is agreed between the Muslim marriage partners. It is in fact a financial gain, which the wife receives as a respect by virtue of the marriage contract itself.

However, it is not a ‘bride price’ in any sense. The main difference between a dower and bride price is that former is paid to the wife while the later is paid to the parents. You can understand that the wife is not selling anything to the husband. It is just a token of respect and a part of financial rights of the women in Islam.

It is generally supposed that the main object of dower in Muslim marriage is to offer protection to the wife against the arbitrary powers of the husband in exercising the right of divorce. However, it was neither goal of the dower nor intended by Quran. When procedure of Quran for divorce is followed the arbitrary powers assumed by husband in exercising the right of divorce become minimal. On the other hand the dower rights are always obligatory.

**Payment of Dower (Haq-e-Mehr)**

The Holy Quran says: “If you separate yourself from wives send them away with generosity. It is not permitted to you to appropriate the goods you have once given to them”. Under the Muslim system of Jurisprudence the main object of dower is the protection to the wife against the arbitrary excursive of the power of divorce by the husband.

In Muslim law the husband can divorce his wife at any time, so the object of dower is to serve as a check upon the erratic exercise by the husband of his power to terminate the marriage at will. For this purpose, the amount of dower is split up into two portions payable on demand and the other payable on the termination of marriage by death or divorce. The amount of dower is fixed as per the financial position of the husband and that can be from many thousand to millions, however, the amount of dower can in no case be less than ten dirham.

The dower (*haq-e-mehr*) is an important component, which forms the contract of the Muslim marriage. Without agreeing or stating the *haq-e-mehr*, the marriage cannot be solemnised. The dower is payable on consummation or valid retirement or on dissolution by death of any party. In case of regular marriage it is payable when dower is specified.

Under section 10 Muslim family Law Ordinance 1961, it states where no details about the mode of payment of the dower are specified in the *nikahnama* or the marriage contract, the entire amount
of the dower shall be presumed to payable on demand. By Law the dower is usually split into two parts which are payable at different times. The part called prompt dower is payable on demand at any time after the contract of marriage. The other part called deferred dower is payable after the specified period of time and when no such period is fixed, it becomes payable on the death of the husband or dissolution of marriage.

**Maintenance of Wife & Children in Pakistan & Islam**

Maintenance under Muslim law is known as “nafqah” which means what a man spends over his family. “nafqah” basically includes food, clothing and lodging.

A Muslim man is bound to maintain his wife under Muslim law. Her right to maintenance is absolute.

**Maintenance can be denied to a Muslim wife in the following instances:**

A wife is not entitled to maintenance if:

- she has not attained puberty
- she abandons conjugal domicile without any valid cause
- she is disobedient to reasonable commands of her husband
- she has eloped with somebody

The quantum of maintenance is determined by the social status of the parties and economic conditions of the husband.

**The entitlemen ts a Muslim woman is eligible for after divorce from her husband:**

Under Muslim Women (Protection of Rights on Divorce) Act, 1986 a divorced Muslim woman is entitled to the following from her former husband:

- Reasonable and fair provision and maintenance within the *iddat* period,
- Where children born before or after the divorce are being maintained by the wife, then reasonable and fair provision and maintenance to be paid for 2 years from the respective dates of birth of such children,
- An amount equal to *mehr* or dower agreed to be paid to the wife,
- All properties given to the wife before or at the time of marriage or after marriage by her relatives, friends or husband or any relative of husband or his friends.

If the husband does not pay the entitlements mentioned above and if the entitlements as prescribed under Muslim Women (Protection of Rights on Divorce) Act, 1986 are not provided by the husband to the wife on divorce, then, the wife or somebody on her behalf can make an application to the Magistrate for an order for payment of such provision and maintenance.

**What is Karo-Kari?**

Karo-Kari is an act of murder, in which a person is killed for his or her actual or perceived immoral behavior. Such “immoral behavior” may take the form of alleged marital infidelity, refusal to submit to an arranged marriage, demanding a divorce, perceived flirtatious behavior and being raped. Suspicion and accusations alone are many times enough to defile a family’s honour and therefore enough to warrant the killing of the woman.
Karo-Kari is a type of premeditated honour killing, which originated in rural and tribal areas of Sindh, Pakistan. The homicidal acts are primarily committed against women who are thought to have brought dishonour to their family by engaging in illicit pre-marital or extra-marital relations. In order to restore this honour, a male family member must kill the female in question. We conducted a systematic review of the published literature other sources on karo-kari and related forms of honour killing or violence against women. Media and non-governmental organisation reports were utilized for case studies and analysis. Although legally proscribed, socio-cultural factors and gender role expectations have given legitimacy to karo-kari within some tribal communities. In addition to its persistence in areas of Pakistan, there is evidence that Karo-Kari may be increasing in incidence in other parts of the world in association with migration. Moreover, perpetrators of “honour killings” often have motives outside of female adultery. Analysis of the socio-cultural and psycho-pathological factors associated with the practice of Karo-Kari can guide the development of prevention strategies. (Please review this)

In patriarchal cultures, women’s lives are structured through a strict maintenance of an honour code. In order to preserve woman's chastity, women must abide by socially restrictive cultural practices pertaining to women's status and family izzat or honour, such as the practice of purdah, the segregation of sexes.

Honour killings are frequently more complex than the stated excuses of the perpetrators. More often than not, the murder relates to inheritance problems, feud-settling, or to get rid of the wife, for instance in order to remarry. Human rights agencies in Pakistan have repeatedly emphasised that victims were often women wanting to marry of their own will. In such cases, the victims held properties that the male members of their families did not wish to lose if the woman chose to marry outside the family.

A 1999 Amnesty International report drew specific attention to "the failure of the authorities to prevent these killings by investigating and punishing the perpetrators." According to women rights advocates, the concepts of women as property and honour are so deeply entrenched in the social, political and economic fabric of Pakistan that the government, for the most part, ignores the daily occurrences of women being killed and maimed by their families. The fact that much of Pakistan's Tribal Areas are semi-autonomous and governed by often-fundamentalist leaders makes federal enforcement difficult when attempted.

**The Criminal Law (Amendment Act) 2004**

The Criminal Law (Amendment) Act 2004, otherwise known as the “Honour Killings Act”, was promulgated after the murders of thousands of innocent women and girls and years of demands and struggle from different segments of society for a legislation to provide protection to citizens, especially women and girls; to make illegal and criminalize all murders committed under the name of honour; and to punish the perpetrators, aiders, abettors and supporters of these crimes.

The 2004 Act amended the Pakistan Penal Code and the Criminal Procedure Code to define Karo-Kari (honour killings) as murder with penal punishments. It has been held up by the government as a show of their commitment to eliminate honour killings and violence against women.

**Amendments as per the Criminal Law (Amendment) Act 2004**

The most important addition in the introduction of a definition of honour crimes was "offence committed in the name or on the pretext of honour means an offence committed in the name or on the pretext of karo kari, siyah kari or similar other customs or practices," which allow family members to kill women, and also men, on the pretext of having brought dishonour to the family. The discretion of the court to decide where according to the injunctions of Islam the punishment of
qisas was not applicable has been removed in reference to murder committed in the name, or on the pretext of honour. It also removes the possibility of the murderer being the wali (guardian), while also allowing the State to take the responsibility of wali if necessary.

The punishments have been raised from 14 to 25 years. Giving of women as badl-i-sulah (for marriage or otherwise in compensation for a crime committed) has been made illegal with penalties. In cases where all the wali do not waive or compound the right of qisas, or on the principle of causing fasad-fil-ard (chaos or disorder in society), the court may punish an offender against whom the right of qisas has been waived or compounded, while also giving a minimum imprisonment for 10 years in case of honour crimes. Minimum sentences are also given for different related offences. In cases of hurt where qisas will not be enforced, the court, along with arsh (compensation for hurt) may award a punishment of tazir, especially if it is an honour crime. In situations where the heirs choose to waive or compound the offence, in cases of honour crimes, a procedure has been laid down i.e. subject to conditions as the court sees fit according to the facts and circumstances of the case.

Section 302 of Pakistan Penal Code-PPC | Punishment of Qatl-e-Amd:
Whoever commits qatl-e-amd shall, subject to the provisions of this Chapter be:

(a) punished with death as qisas;

(b) Punished with death or imprisonment for life as tazir having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or

(c) Punished with imprisonment of either description for a term which may extend to twenty-five years, where according to the injunctions of Islam the punishment of qisas is not applicable.

Provided that nothing in this clause shall apply to the offence of qatl-e-amd if committed in the name or on the pretext of honour and the same shall fall within the ambit of (a) and (b), as the case may be.

Specific Occurrences of Karo-Kari
In one of the most publicised honour killing cases committed in Pakistan, her family in the Lahore office of well-known human rights activists Asma Jahangir and Hina Jilani murdered Samia Sarwar in April 1999. As Sarwar sought assistance for a divorce from her first cousin, her family arranged her murder after the shame felt in her attempt to marry a man of her choice. The police did not make any arrests or pursue prosecution, as Sarwar's family is highly well known in elite, political circles. The 2000 award-winning BBC documentary, “License to Kill,” covers Samia’s killing in Pakistan.

Amnesty International reported that on 27 April 2010, her two brothers who “viewed her divorce, remarriage and artistic career as damaging to family honour” shot Ayman Udas, a Pashtun singer from the Peshawar area, to death apparently, no one was prosecuted. In 2008, three teenage girls were buried alive after refusing arranged marriages.

A widely reported case was that of Taslim Khatoon Solangi, 17, of Hajna Shah Village in Khairpur district, which was widely reported after her father, 57-year-old Gul Sher Solangi, publicised the case. He alleged his eight months’ pregnant daughter was tortured and killed on March 7, 2008, by members of her village claiming that she had brought dishonour to the tribe. Solangi’s father claimed that it was orchestrated by her father-in-law, who accused her of carrying a child conceived out of wedlock, potentially with the added motive of trying to take over the family farm.
On 27 May 2014 a pregnant woman, was stoned to death by her own family in front of a Pakistani High Court for marrying the man she loved. Police investigator Mujahid quoted the father as saying: "I killed my daughter as she had insulted all of our family by marrying a man without our consent, and I have no regret over it." The woman's husband had strangled his previous wife in order to remarry, and police said he had been released after that murder when a "compromise" was reached with his family.

**Developments to end Honor Killing in Pakistan:**

On December 8, 2004, under international and domestic pressure, Pakistan enacted a law that made honor killings punishable by a prison term of seven years or by the death penalty in the most extreme cases.

The Criminal Law Amendment Act 2004 aims to eliminate procedural delays and enhance the punishment for this crime. Under this amendment *Karo-Kari* is to be treated as premeditated murder.

In September 2010, the Punjab law minister announced that violent crimes against women, including honour killings, would be tried under the country's Anti-Terrorism Act. On December 8, 2004, under international and domestic pressure, Pakistan enacted a law that made honour killings punishable by a prison term of seven years or by the death penalty in the most extreme cases.

Women and human rights organisations were, however, skeptical of the law's impact, as it stops short of outlawing the practice of allowing killers to buy their freedom by paying compensation to the victim's relatives. This is problematic because a close relative commits most honour killings. In many cases, the family of the victim and the family of the accused are indistinguishable, so negotiating a pardon with the victim's family under the Islamic provisions becomes ineffective. Former judge Nasira Iqbal told IRIN (Integrated Regional Information Networks) the bill allowed close relatives of the deceased to escape punishment with ease. In March 2005 the Pakistani parliament rejected a Bill, which sought to strengthen the law against the practice of honour killing declaring it to be un-Islamic. The bill was eventually passed in November 2006. However, doubts of its effectiveness remain.

The Sindh Assembly had taken up a resolution on 21 December 2011 for treating honour killing as a murder under Section 302 of the Pakistan Penal Code. The House eventually adopted it and demanded of the Sindh government to treat a murder committed for honour as a culpable homicide and those involved in it be charged and prosecuted under Section 302 of the PPC.

With a unanimous vote, the assembly proposed the provincial government to approach the Centre to put up the recommendation for making honour killing a non-compoundable crime, through modification in the existing laws. The lawmakers observed that the National Assembly (NA) did enact a law against *Karo-Kari*, but the offence remained pardonable and compoundable. Commenting on the newly-enacted law on *Karo-Kari* (honour killing), renowned Lawyer Manzoor Husain Larik revealed while giving the details that the following bills have been passed by the Present Assemblies, including the NGO Bill; Regulation of Foreign Contribution Act 2012 (Introduced); National Commission for Human Rights Act 2012; National Commission on Status of Women Act; Domestic Violence (Prevention and Protection) Bill, 2012 (introduced); Women in Distress and Detention Fund (Amendment) Act, 2011; Anti-women Practices- The Criminal Law (Third Amendment) Act, 2011; Acid Control and Acid Prevention Bill 2010; Protection Against Harassment of Women at Workplace Act, 2010; Sexual Harassment; the Criminal Law (Amendment) Act 2009; the Protection of Women (Criminal Laws amendment) Act, 2006.

The Criminal Law Amendment Act, 2004 says that owing to the pressure of human rights organisations, media and other circles, the NA approved the Bill. However, the haste in which it was adopted in the absence of the opposition, suggests that the government is not serious in curbing this heinous crime. It is for this reason that the rights organisations expressed reservations over effectiveness of the Bill.
Since the law has several loopholes, he says, it will not be helpful in eradicating the barbaric practice. According to the new law, honour killing is pardonable, like an ordinary murder, and the heir of a victim can forgive a killer on the basis of Qisas and Diyet Ordinance (QDO). Under the tradition of Karo-Kari, women are killed by their husbands, brothers or other family members and the heirs, being close relatives of the killers, usually pardon them. He says honour killing should have been made an unpardonable crime so that killers do not get any relief from the QDO. Enforcement of the law will also pose a problem. In a feudal society there exist an unholy alliance between feudal lords, tribal chieftains and police, and there is little hope that the law will be fully enforced, if serious efforts are not made by the administration to ensure its implementation. This Bill, like several other pieces of legislation, will just be another addition to the statute book and the record of the Parliament.

He said the official attitude can be gauged from the fact that a proposal to legalize the jirga system is being actively considered by the Sindh government. Under the system, a murder is pardoned against another, feudal lords/tribal chieftains issue orders for killing women and put Kari women up for auction. By giving a legal cover to the jirga system, won’t the authorities negate the Karo-Kari law, he said. Preventive measures: Honour killing should be treated now as a compoundable offence. In the cases of honour killing the decision of waderas, jirgas, panchayats or pirs should be declared unlawful. Any compensation against Karo-Kari should be declared illegal, if anybody violates the law, he/she should get strict penalties or punishment. Promote literacy rate and should arrange awareness seminar regarding Karo-Kari. Electronic media can play vital role against Karo-Kari. Shelter houses should be established all over the country by the government and civil society organisations to protect women blamed Kari. Police should be required to properly register and investigate all complaints of honour killings and other forms of domestic violence. In collaboration with the UNDP and the Department for International Development (DFID) UK, the Sindh police have launched a project for the prevention of Karo-Kari.

The project is unique for having derived input from various human rights organisations; it emphasises the role of the police in elimination of the practice. The reasons that a man or a woman is killed under the pretext of ‘honour’ in Pakistan can be the suspicion of an extra-marital affair, a fictitious allegation of fornication made to settle an old dispute, or monetary benefit. Focal person of the Prevention of Karo-Kari Project, DIG Police Sukkur, Dr Ameer Sheikh said the project covers Sukkur, Naushehro Feroze, Khairpur and Ghotki districts where special Karo-Kari cells and a victim support helpline have been set up.

**Women in Distress and Detention Fund (Amendment) Act, 2011**

The Federal and Provincial Governments established the Women in Distress and Detention Fund in 1996 to provide financial and legal aid and assistance to women in distress and detention. The 2011 Act has introduced amendments in the Women in Distress and Detention Fund Act 1996, to extend financial and legal assistance to women suffering in jails on account of different allegations and those who are faced with extreme hardships.

**Child Marriage Restraint Act 1929**

This is a law to restrain the solemnisation of child marriages in Pakistan. This law came into force in April 1939 and it applies to all citizens of Pakistan.

For the purposes of this act a child is a male child under the age of eighteen and a female under the age of sixteen. ‘Child Marriage” in this act means a marriage in which either of the contracting parties is a child. “Minor” in this act means a person of either sex who is under eighteen years of age.

According to this law, there is a punishment for a male adult, who is above the age of eighteen and marries a child. The punishment consists of simple imprisonment, which may extend to one month, or with a fine, which may extend to one thousand Rupees or both.
In this law there is also a punishment for solemnizing a “Child Marriage”. Therefore, whoever performs, conducts or directs a child marriage shall be punishable with simple imprisonment, which may extend to one month or with a fine, which may extend to one thousand Rupees, or with both unless he is able to prove that he had reason to believe that the marriage was not a child marriage.

Furthermore, there is also a punishment for a parent or guardian who allows a child marriage to take place. Thus, a father or guardian who promotes the child marriage and or permits it to be solemnised, or negligently fails to prevent it from being solemnised shall be punishable with simple imprisonment which may extend to one month, or with a fine which may extend to one thousand Rupees or with both. A mother however, promoting and not doing anything to prevent a child marriage will not be punished with imprisonment.

It should also be noted that no court other than a Magistrate of the First Class should take cognisance of or try any offence under this particular Act. For the courts to recognise and or take action on such an offence, there must be a complaint made by the Union Council, or if there is no Union Council in the area, by such authority as the Provincial Government may in this behalf prescribe and such cognisance shall in no case be taken after the expiry of one year from the date on which the offence is alleged to have been committed.

The Courts can either make an inquiry under section 202 of Code of Criminal Procedure 1898 or direct a Magistrate of the First Class subordinate to make such an inquiry.

Finally, it should be noted that the Court has the power to issue an injunction prohibiting a child marriage, if it is satisfied from information through a complaint or otherwise that a child marriage in contravention of this Act has been arranged or is about to be solemnised. Whoever, knowing that an injunction has been issued against him disobeys such an injunction shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine which may extend to one thousand Rupees or with both. Again, a woman cannot be punished with imprisonment in such a case.

Introduction to Domestic Violence
Domestic violence across Pakistan seems to be fairly rampant and this is due to the fact that authorities do not view domestic violence as a crime. The authorities look at domestic violence as a family or personal matter and are reluctant and in some cases even refuse to register cases brought to them. In such situations, women who are brave enough to come forward, find themselves in a helpless situation. They are not able to get the help they need from the authorities at that particular time. In some cases, women and girls may be scared to report incidents, as they are afraid that they do not have any option to opt for seeking protection and or shelter. There are very few women shelters in the country and usually victims have limited ability to escape from violent situations.

Research and media reports of 2012 and 2013 have made it very clear that violence against women is a very big issue in Pakistan. There is an increasing trend of violence against women. According to Thomas Reuters Foundation around 90% of women in Pakistan face domestic abuse while thousands of women get killed in the name of honor each year.

Proposed Domestic Violence (Prevention and Protection) Act 2012
The above Act has been introduced to the Senate as a Bill to make provisions for protection against domestic violence. The idea of this Act is to prevent and protect women, children and any vulnerable persons from domestic violence and from matters connected with this.

The proposed Act is attached herewith in the Appendices, which provides full definitions of certain words. Some words and phrases not defined in this Act have the same meaning as set out in the
Pakistan Penal Code 1898 and the Code of Criminal Procedure 1860.

Domestic Violence includes all acts of gender based and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a domestic relationship.

The proposed Act provides details of Domestic Violence and includes the following:

- Emotional, psychological and verbal abuse
- Harassment
- Hurt
- Mischief
- Physical Abuse
- Stalking
- Sexual Abuse
- Trespass
- Willful or negligent abandonment
- Wrongful Confinement
- Economic Abuse

An aggrieved person may present a Petition to the Court in the first instance. The Court will then fix the first date of the hearing, which should be within seven days from the receipt of the petition by the court.

The next step for the court is to issue a notice on the accused. This accused is then required to show cause within seven days of receipt of the notice as to why a protection order shall not be made against him for committing an act or acts of domestic violence as alleged in the petition. The petition has to be disposed of within a period of ninety days.

The Court can at any stage of the proceedings direct the accused and or aggrieved to undergo mandatory counseling with an appropriate service provider.

In the case of the Court issuing any direction, it shall fix the next hearing of the case within a period not exceeding thirty days.

The aggrieved person cannot be evicted from the household without consent, whether or not he or she has any right, title or beneficial interest in the same. Further, the aggrieved person may only be evicted from the household in accordance with the law.

The Court has the power to pass an Interim Order at any time and stage of the petition. The Court may also issue an order on the basis of an affidavit if it is satisfied that a petition discloses that the respondent has or may commit an act of domestic violence. The following Orders, Conditions and Directions may be passed:

1. Protection Order
   A breach of a Protection Order is an offence and is punishable with imprisonment, which shall not be less than six months and with a fine, which may not be less than One Hundred Thousand Rupees. The Court will order the fine to be paid to the aggrieved person.

   Breaching a Protection Order for the second or third time or more is punishable with imprisonment of not less than two years and also liable to a fine, which is not less than Two Hundred Thousand Rupees. The Court will order the fine to be paid to the aggrieved person. An offence under this section is cognisable, non-bailable and compoundable.

2. Residence Order
   The Residence Order shall remain in force until such time as it is altered.
3. Additional Conditions or

4. Pass any Other Direction, which the court may deem necessary to protect and provide for the safety of the aggrieved person or any child of the aggrieved person.

5. The Court has the power to request the accused to execute a bond, with or without sureties, for preventing the commission of domestic violence.

6. The Court may pass an Order Directing the officer in charge of the nearest police station to give protection to the aggrieved person or to assist him/her in making an application on his/her behalf in the implementation of the Order.

7. The Court could also impose obligations on the respondent, such as the discharge of rent or other payments after considering the financial resources of the parties.

8. The Court can pass Directions for an Officer in charge of a police station to assist in the implementation of the Protection Order.

9. The Court has the power to pass Directions, so that the respondent is required to return property, possessions, valuables or documents to the aggrieved person.

10. A copy of any Order shall be given to the concerned parties, the officer in charge of the police station and to the service provider located within the local limits of the jurisdiction of the court.

11. An Interim Order directing the respondent to pay Monetary Relief to meet the expenses incurred and losses suffered by the aggrieved person can be passed at any stage of the trial of a petition. Monetary relief could include the following:

   - Compensation
   - Loss of earnings
   - Medical expenses
   - Loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person
   - Maintenance for the aggrieved person as well as her children, including an order under or in addition to an order of maintenance under family laws.

The monetary relief should be paid within the period specified in the Order and in accordance with the terms in it.

Failure on part of the respondent to make payments in terms of the above Order, the court has the power to direct an Employer or Debtor of the respondent to pay the aggrieved person directly or deposit with the court a portion of the wages and salaries. This amount will then be adjusted towards the monetary relief payable by the accused.

The Interim Order shall remain in force until the aggrieved person applies to have this discharged. Further, the Court may pass any changes, alterations, modifications or recalling of any Interim Order, as it deems appropriate.

A breach of an Interim Order is an offence and is punishable with imprisonment, which shall not be less than six months and with a fine, which may not be less than One Hundred Thousand Rupees. The Court will order the fine to be paid to the aggrieved person.
12. Custody Orders – The Court has the power at any stage of the petition for Protection Order or for any other relief to grant temporary custody of an aggrieved person. The custody could be of a child or an adult.

The Right to Appeal:

Any person convicted by a court may file an appeal to the court of Sessions within thirty days of the passing of the Order of Sentence and the court of Sessions shall decide the appeal within sixty days.

Protection Committee:

It is proposed that the Federal Government shall constitute a Protection Committee for the purpose of this Act.

The Protection Committee is proposed to comprise of a Medical Doctor, a Psychologist, Psycho-Social Worker and an Official appointed by the Court, a Female Police Officer not below the rank of Sub-Inspector, two Women members from Civil Society and a Protection Officer who shall also act as the Secretary of the Protection Committee.

The duties and functions of the Protection Committee include:

- Informing the aggrieved person of his/her rights under this Act and under any other law; explaining the remedies available and the help which may be provided
- Assisting the aggrieved to get necessary medical treatment
- Help the aggrieved person to locate to a safer place
- Help and assist in the preparation of filing legal documents, such as petition or report under this Act
- Keep official records of the incidents of domestic violence in its area of jurisdiction

Details of the Protection Committee’s powers, privileges and immunities are listed in section 17 - 19 of the Domestic Violence Bill, which is attached in the Appendix. Further, the duties of the Protection Officer are outlined in section 20. Section 21 - 28 of this Act highlights the duties and responsibilities of the Service Provider. It is important to note and ensure this Act is read in full to fully comprehend its purpose and objectives.
Module 2 – Introduction to Advocacy & Lobbying

What is Advocacy and Lobbying?
Advocacy is defined as a set of targeted actions directed at decision makers in support of a specific policy issue. Advocacy is speaking up, drawing a community’s attention to an important issue and directing decision makers towards a solution for that issue.

The process of advocacy can involve many specific short-term activities to reach and or to achieve a long-term vision of change. It can include legal and political activities that influence the legislation and implementation of respective laws. Advocacy initiatives require organisation, strategic thinking, information, communication, outreach and mobilization.

The goals of an advocacy campaign may range from drafting and passing a new or amended law; to reforming the judicial system and to monitoring the implementation of international human rights standards in a local context.

Effective advocacy also includes an element of lobbying. Lobbyists can influence government decisions and are part of the policy-making process in modern democracies. Lobbying can provide governments with valuable insights and data but it can also lead to unfair advantages for vested interests if the process is not transparent and carried out without integrity. Citizens’ interests can be put at risk when negotiations are carried out behind closed doors. Therefore, Lobbying can be defined as the act of attempting to influence decisions made by officials in the government, most often legislators or members of regulatory agencies.

The Importance of Advocacy

Through advocacy, networks can engage in high-level dialogue with policy makers, legislators, donors and other influential leaders on broad policy issues and other national policies. Effective advocacy may succeed in influencing policy makers and implementers by educating them, developing and reforming existing policies and laws and introducing more democratic, open and accountable decision making structures and procedures to policy makers and government. Advocacy initiatives under the human rights perspective, however, tend to focus on improving the human rights system at all levels including local government institutions up to intergovernmental organisations and the United Nations/Donors.

Advocacy Networks are groups of organisations and individuals working together to speak on behalf of under-represented and to achieve changes in policy, law or programs of a particular issue.

Systems advocacy is a type of Advocacy that describes efforts to change policy and practice at the local, national or international level; to change the situation for groups of individuals who share similar problems. While systems advocacy works to improve the system to the benefit of individuals, it is a long-term approach to problem solving requiring sustained effort.
The Importance & Practice of Lobbying

Lobbying is a democratic and peaceful process initiated to bring about change. The system of lobbying is used to shape political decisions and is a lawful and necessary part of the democratic process. Individuals and organisations feel the need to influence the decisions, which may affect them and those around them. Lobbying allows them to fulfill these needs. In most countries, the law protects the practice of lobbying.

The practice of lobbying offers an opportunity for the resolution of disputes among often dissimilar and challenging points of view. Lobbying also disseminates information, analysis, and opinions to legislators and government leaders. This allows them to arrive at an informed and balanced decision. It also creates a system of verification that permits for a fair competition among interest groups. Thus refraining any group from attaining a permanent position of power. Lobbyists help in making the legislative process more efficient by presenting the lawmakers with trustworthy information and accurate evaluation of a bill's effect.

Some Examples of Lobbying

Some lobbying groups are formed to promote the interests of consumers. There are certain liberal interest groups who lobby towards reforms such as healthcare. There are other lobbying groups who work towards reforms in educational systems such as the improvement of the quality of teachers and support policies such as the creation of more charter schools etc. There are also public interest groups who lobby for the defence of the environment. There are also those who lobby for economic interests.

Purpose of Lobbying

The main purpose of lobbying is to persuade legislators on behalf of a particular interest. The purpose of lobbying is to influence government policy and its implementation, and to help set the political agenda. Lobbying can also be used to persuade commercial enterprises, international and regional organisations and other NGOs.

How to Advocate?

Successful advocacy is achieved by developing a comprehensive advocacy strategy. Advocacy consists of different strategies, which are aimed at influencing decision-making at the organisational, local, provincial, national and international levels. Planning advocacy involves lobbying, meetings, seminars, workshops and report launching with a main focus on the following:

1. Bringing communities together to articulate their needs and concerns to decision makers.
2. Using our working experience to draw evidence-based arguments for persuading the international community to prevent and resolve conflicts.
3. Engaging directly with government officials and international institutions such as the EU and UN to influence policy matters.
Through Advocacy, we can achieve change from local to international level and have an impact on those who influence change. Advocacy Planning is a six-step process to ensure that all key elements of an issue are taken into consideration while developing an Advocacy Strategy.

1. Assessing the Situation
2. Establishing the Goals
3. Developing Advocacy Strategy
4. Planning the Activities
5. Implementation
6. Monitoring and Evaluation

**How to develop an Advocacy Strategy?**

Advocacy strategy is a combination of approaches; techniques and messages by which the planner seeks to achieve the advocacy goals and objectives. Advocacy strategy ensures that key factors affecting the said issue are addressed and priority objectives and targets for advocacy are identified. These strategies are interconnected and include the following steps:

1. **Identify, categorise and analyse all stakeholders:**
   Before doing this, one should begin by asking the following questions:
   
   - Which organisations, institutions and individuals are involved or affected by your work?
   - To whom the advocacy plan will finally influence?
   - What changes will be followed by the steps that you have identified to be taken?
   - Which organisations, institutions and/or individuals do you see as opposing this advocacy call?
   - And how much influence do you believe they have?

2. **Devise your influencing strategy:**
   In order to do this, one needs to start by asking the following questions:
   
   - Who is the target for your advocacy?
   - Do you understand their stance on the issue?
   - Who or what would best influence the target group to support your advocacy goals?

3. **Consider the options for your advocacy activity:**
   
   - What relationships do you need to build to conduct your advocacy successfully?
   - How will you build these relationships?
   - Who is the audience for your advocacy?
   - How will you reach them? And what will you say?
   - How will you conduct your advocacy meetings or other advocacy activities?
Who are the “Stakeholders”?

The term Stakeholders can be defined as including any individuals or organisations that are either interested in or directly affected by the action that we take on a particular issue.

How to identify Stakeholders?

In order to identify stakeholders for Advocacy campaigns, the first step involves research on the following:

1. Which part of government is responsible for the relevant issue?
2. Which other organisations and individuals have a major interest in this issue?
3. Which international organisations/agencies/donors have an interest in this issue?

How to categorise Stakeholders?

Categorising stakeholders helps in focusing on the most important stakeholders and understand how they connect to the issue. Following are 3 key categories of stakeholders:

1. The Target: The target for the advocacy campaign is the decision maker who has the power to address the issue.
2. The Beneficiaries: These are the people whose lives will be improved by the successful achievement of advocacy goals.
3. The Opponents: These are the people who oppose the aim of the advocacy campaign.
4. The Allies: Those people and organisations who will directly or indirectly benefit by supporting this advocacy.

Different Ways of Communicating with Stakeholders:

Another key element of advocacy strategy is communication. Different communication approaches are used to address different types of audience for a particular issue, but in all cases, we need to deliver our messages to our stakeholders in a relevant and effective way.

Below is an example of developing a communication plan while advocating for an issue at national level.

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>What messages should the Advocacy Campaign convey?</th>
<th>How to convey Advocacy messages?</th>
</tr>
</thead>
</table>

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Government Institutions, Policy Makers and Legislators
Detailed evidence-based debates or show how the issue relates to them
Through detailed policy documents, letters and meetings to establish the importance of the issue and highlight the need to address it.

Groups and Individuals who are interested in resolving the issue
Explain what are you calling for and why and identify the barriers to change
Through disseminating detailed IEC material among them. This material can include brochures, leaflets, newsletters, posters or newspaper articles.

The wider public
Messages that make it easy to understand and engage with
Through using celebrities or testimonies of those who have suffered.

Inter-connected Factors of Advocacy:

Below is an illustration of the factors, which contribute towards strengthening advocacy efforts:
**Advocacy Strategy Outline:**

A coherent and comprehensive Advocacy Strategy document covers the below key elements:

- **Background:** Briefly outline the background of the particular issue
- **The Issue:** What problem are you working on? Provide details of the issue.
- **Power Analysis:** Who are the key actors and how do they support or oppose the problem?
- **Advocacy Goals:** Draw specific objectives of advocacy. What do you want to change or achieve?
- **Influencing Strategy:** What is the action plan to advocate for the solution towards the issue highlighted?
- **Indicators:** Set-up and monitor the indicators to judge the progress of Advocacy work.

**Example of an Advocacy Plan:**

<table>
<thead>
<tr>
<th>At the local level</th>
<th>At the national level</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What are the problems, their causes and consequences?</strong></td>
<td>Ratio of violence and discrimination against women and girls is very high in local communities because there is less or no knowledge about laws protecting rights of women across Pakistan. Lack of implementation of these laws is another major factor. National Commission on the Status of Women (NCSW) is serving as an autonomous body to examine policies, programs and other measures taken by the Government for women's development and gender equality but it lacks resources and support to become more effective.</td>
</tr>
<tr>
<td><strong>What kind of change(s) do you want to see?</strong></td>
<td>Dialogue needs to be encouraged among communities, activists, local authorities to address underlying root problems of VAW and GBV. A national level policy dialogue should be initiated with government ministries and other governing institutions to introduce an effective implementation strategy at National level collectively.</td>
</tr>
</tbody>
</table>
| **Who needs to change?** | - Local authorities  
  - Communities – Men, women and youth  
  - Community Leaders  
  - Religious leaders  
  - Civil Society  
  - Institutional support for the implementation of laws to ensure women protection at all levels.  
  - A national level implementation plan along with an awareness raising campaign needs to be introduced by Government. |
ADVOCACY CAMPAIGN – EXAMPLE

Pakistan: Engaging children and the media in the UPR

KEY OUTCOMES:

• UPR advocacy was instrumental in speeding up key legal and policy reforms in Pakistan that have been pending for years

• Interaction between the child rights coalition and the media was strengthened

• Child rights issues have gained traction on the national agenda, as reflected by the government’s decision to declare and recognise 2013 as the year of children’s rights

BACKGROUND

The government of Pakistan has ratified the UN Convention on the Rights of the Child (UNCRC) and other child-related instruments but there are serious gaps in implementation. The level of awareness of the UPR process among civil society organisations (CSOs) and networks, government departments and the general public in Pakistan was low, contributing to limited implementation of UPR recommendations from the first cycle. Save the Children worked with a large coalition of 108 partners called the Child Rights Movement (CRM), which includes provincial, national and international actors, to bring out children’s voices and the longstanding experiences of CRM members into the UPR process. The UPR of Pakistan was held on 30th October 2012 and the CRM was actively involved throughout the process before and after the UPR session.

WHAT SAVE THE CHILDREN AND ITS PARTNERS DID

The CRM partners conducted children’s consultations with 33 children, boys and girls from rural and underserved areas of Pakistan located in Sindh and Punjab provinces, to hear their views and recommendations on children’s issues, which were subsequently integrated into the CRM submission. A girl representative from a minority group who took part in the children’s consultation was able to raise her concerns and those of her community in bilateral meetings with embassies in Pakistan. Among the key issues raised were the establishment of an independent child rights institution, budget allocations for children, and progress towards the Millennium Development Goals on education, child health, quality education and eradication of harmful child labour. Parallel advocacy was undertaken towards State representatives in Geneva and Brussels prior to, during and after the UPR session of Pakistan, including through Save the Children’s participation in a successful side-event in Geneva targeting Permanent missions and Pakistani media, oral statements before the European Parliament’s Sub Committee in Brussels and the Human Rights Council in Geneva. Advocacy workshops were conducted in parallel in Pakistan for the CRM members, government officials and the media to highlight the importance of the UPR mechanism and to urge the government of Pakistan to accept child rights related recommendations.

OUTCOMES

Through their active engagement in the UPR process, Save the Children and its partners were able to influence the review and put children’s issues at the center of the discussions. Seven priority issues raised by the CRM were reflected in the UPR recommendations that the Pakistani
government committed to implement. The UPR of Pakistan has acted as a catalyst and contributed to speeding up national policy and legislative initiatives that have been pending for years, notably:

- In November 2012, one month after the UPR session, the National Assembly, guaranteeing free education to all children aged five to sixteen years, passed the ICT Right to Free and Compulsory Education Act 2012.

- In December 2012, the Criminal Law Amendment Bill was approved by the Cabinet and now has to be enacted by National Assembly and the Senate. This law raises child protection standards in juvenile justice, trafficking, sexual abuse and child pornography.

- In March 2013, the National Assembly passed the Prohibition of Corporal Punishment Bill, making this practice punishable by prison sentence. Subsequently, the Bill lapsed as the Senate dissolved the National Assembly before the approval of the Bill. However, this decision has laid the groundwork making it easier for civil society to advocate for the Bill's adoption by the incumbent Assembly.

- The government declared and notified the year 2013 as the year of child rights providing further scope for civil society to push the government to fulfill its commitments towards children. The active engagement of Save the Children and the CRM with the media, including through press releases and press conferences in Islamabad resulted in significant media coverage by leading national newspapers such as the Dawn, the News International, Daily Times, Express Tribune, the Nation and Frontier Post.

"The process of writing, sharing, submitting and doing joint advocacy on the UPR recommendations has raised the profile of the CRM network, creating an environment for joint initiatives and collective ownership of issues. The CRM is now seen as a trusted partner when it comes to children’s issues and is invited by the government departments for meetings to provide inputs and feedback on matters relevant to children" - Abdullah Khoso, Save the Children, Child Rights Governance Coordinator.

LESSONS LEARNED AND NEXT STEPS

These successful outcomes were made possible by a number of factors, including coordinated advocacy at different levels and involvement of the media, but also external factors such as the national elections in May 2013 provided an enabling environment conducive for changes. The challenge is now to ensure that these steps pave the way for more sustainable changes that will make a fundamental difference in the life of children and their communities in Pakistan. A detailed follow-up plan has been developed by the CRM, which includes various advocacy activities targeting authorities at national and provincial level and developing tools to engage children. These include: a booklet on the UPR, a child-friendly version of the UPR outcome, letters to targeted embassies asking them to take up UPR recommendations in their bilateral talks with the Pakistani government and provincial level consultations to discuss implementation of UPR recommendations. The CRM provincial chapters and the media are already involved in these activities, with the dissemination of the booklet to the Prime Minister of Pakistan, the President, the provincial Chief Ministers and Governors, the federal and provincial Chief Secretaries and the Judges of High and Supreme Courts. The CRM was also asked by the Ministry of Human Rights in Pakistan to support the preparation of a detailed government action-plan for the implementation of child-focused UPR recommendations and has submitted a proposal. A similar proposal is being developed for the Commissioner for Children, sitting in the Federal Ombudsman Office, which is
now taking an interest in the UPR and will support the monitoring and advocacy efforts of the coalition.
Module 3 – Networking & Communication, Its Benefits And How To Network

Introduction

Communication is necessary for every interaction. We communicate with each other all day. But, much can go wrong in the process. Communication is necessary for working together. Working together can provide us with a wider audience, more political strength and more knowledge and experience. Therefore we need communication, and we need to improve it all the time. Communication and networking go together. The meaning of the word 'networking' may not be very clear at first, but it is something we all do. Networking is making contacts, maintaining contacts and using contacts. There are two kinds of communication mentioned in this training manual: communication inside NGOs (Non Governmental Organisations) or 'internal communication', and communication with other NGOs and funds or 'external communication'. For all of these forms of communication, networking is very important.

General Principles of Communication

Communication has three parts: a sender, a message and a receiver. When you want to communicate you will find that all three parts change from one situation to the other. Your work will improve when you are able to analyse your communication: think every time about who the sender is, what the message is, and who the receiver is. And ask yourself WHY you communicate.

Make sure you communicate with the right person. The person that picks up the phone may be very nice but if that is not a person with decision making power the contact will have no results.

Working with different cultural backgrounds influences your way of working and communicating. Take these backgrounds into account; do not be too quick in judging others to be rude or stupid. Think about the positive aspects of people and try to make use of those, instead of trying to put people in a corner they do not feel comfortable in.

You should put yourself in the place of the other. Think about what are the obstacles to good communication for him/her. Answer their questions before they occur. Make it easy for the other to communicate: give them time to react, give them the right return address/telephone number, take away their fears, but be clear about what you expect and until when they have time to react, so that you can meet your deadline.

Trust is the basis of any relationship. It is vital to keep your promises. If a promise is not realistic you should not make it. Observe deadlines. If you cannot comply with the deadline or you cannot keep your promise: tell the other about it. It is better for them to hear ‘no’ than to hear nothing at all.

It is not important to be right. It is important to reach your goal. Do not argue about small things and keep your long-term objective in mind.

External Communication

Why do you want to work together with other NGOs? Discuss this question inside your NGO but also with the NGOs you want to work with. Determining the goal of the co-operation is the first step.
In general, organisations do not feel appreciated when they are only involved in the later stages of an activity. If you want to co-operate with others, you must be ready to give away some responsibility doing it together means that you will not have control over the whole process anymore.

2 The first step to an effective communication with outsiders such as the state, possible fund-giving institutions or another NGO is to be sure about the receiver of the communication. Who is the person you should talk to, what is his/her position in the organisation, and what kind of an organisation is it?

Different organisations have different organisational cultures and different political aims. Discuss the differences with the organisations you want to cooperate with or analyse them yourself. Do they work in a formal or informal way, are the relationships in the organisation based on personal or organisational relationships, is the organisation more closed or more open, and in what way?

Be aware of the emotional differences between visiting, phoning, writing, faxing and e-mailing. A phone call is not considered as official as a letter or a fax, while e-mail is somewhere in between. Choose consciously for a personal letter or a circular letter. In general a circular letter is not considered as important as a personal letter, addressed to a specific person in a specific organisation. Personal contact, by phone or visit, always has the highest effect. Check with any call, letter, and fax or e-mail that the other person has your correct and complete return address, your phone number and your name.

If you want to work together, it is a good idea to visit each other's activities. Be interested in each other's work. Keep in contact, even when not that much is happening. Try to meet regularly.

The best ways of working together always involve reciprocity. This means that you will only succeed in fixing a deal when the other gets something out of it too. Think of the possible benefits of the co-operation to the partner. Does your project do something that the other has to do anyway, are you reaching a specific group of people that are otherwise hard to reach.

To keep people interested, you need to inform them about your work. Be careful to whom you send information and think about what information is useful for that person. When you send information, it is a good opportunity to call and explain details of the information. In doing so, you create a personal link between the other person and yourself.

Internal Communication

Inside an NGO you have a common goal. Be aware of the fact that not all people will see that goal in exactly the same way. People will work together better if they have planned together, if they are involved in the future of the organisation.

If you want to improve the communication between people it is very important to build an atmosphere in which people feel comfortable. They must feel that people are interested in each other and they must feel able to trust each other. One way of doing that is by reserving time for personal matters, for talking and doing social things together. But do not exaggerate; people should still be working towards a common goal and not just because they are friends.

You can organise office meetings, in which the work is discussed and tasks are distributed. Do not organise too many, only hold meetings when there is enough to discuss. Be sure to make an agenda beforehand and minutes or task list afterwards.
Networking

A network is a collection of contacts that are not hierarchical. They are not based on someone having power over someone else. Contacts and activities of persons in a network are always voluntary. This does not mean that there is not someone with responsibility, or someone ‘in charge’. It only means that there is not one person that is in charge all the time. The responsibilities change, sometimes one person is responsible, sometimes another. A network does not involve much bureaucracy; its goal is to be effective, dynamic and action-oriented.

It is very important to keep your information up-to-date. You have to know whom you want to communicate with in your network, where this person can be reached, etc. It is vital to build a database of contacts.

In general a network does not work if you wait for others to take action, even if they have promised to do so. You need to take the initiative. You will have to keep taking the initiative for a while. You will have to GIVE a long time before you can RECEIVE.

Networking functions only partially on a rational level. Part of the communication is based on personal and emotional relationships. While it is not totally impossible to work with people you dislike, it is much easier to build a network with people you like. Be aware of your own emotional response to people.

Networking becomes effective in providing a structure to individuals, communities and organisations to coordinate collaborate and share expertise and resources to influence policy. To be successful advocates, networks need to be well organized and operate efficiently. Their founding members have to bring together the resources, time, energy, and talents of many different people and organisations and then skillfully take advantage of opportunities to influence the policy process on behalf of the set goals and objectives.

How to Develop Networks?

To develop and maintain a network, the following key elements need to be considered:

- Clear purpose for establishing a network
- Committed Members
- Mission Statement - Objectives
- Communication and Coordination – Sharing News, Stories and Best Practices
- Participating in Forums
- Writing, Talking and Researching about Issues
- Supporting others Members of the Network in addressing particular issues

Four Steps to build a good Network

1. Giving information:

Start with giving information about your own activities, your own organisation by building a mailing list and mailing regularly, using e-mail and news groups or a web site, sending out invitations for your activities.

2. Showing interest:

Phone around regularly, visit activities of other people and organisations, send them a post card when you feel like it, try to remember personal interests.

3. Organising meeting points:
To build a good network you need to meet people personally, do not wait until you meet them accidentally but invite them to a conference, organise a seminar or a social gathering.

4. Common actions/activities:

The best way to get to know people is to work with them, the network links are strengthened and you are stronger as a result. You should be sure to involve people in ALL stages of the project, from planning stage to the evaluation.

**Benefits of Networking**

In highlighting the value of networks earlier, we mentioned a number of general perceived benefits that make networks attractive to both NGOs and donors. It is important to reinforce, however, the fundamental voluntary nature of network membership. If members do not benefit from participation, they will cease to participate, and if the feeling is widespread, the network will cease to function. Recognising the concrete benefits, that members receive from network membership is therefore a crucial tool for members and leadership to use to evaluate how well the network is functioning (i.e., meeting its members’ needs).

While it would not be possible to present an exhaustive list and indeed, there may be no limit to the benefits possible as contexts and tools change, we can point to a number of benefits that both our research and the networks cited as most useful.

1. Increased Access – One set of benefits to network membership comes from increasing access: to information, expertise, financial resources, etc.

2. Increased Efficiency – By leveraging their numbers and allowing for some specialisation based on comparative advantage, network members can reduce costs, as well as duplication of efforts. At the same time, the sharing of lessons learned and best practices can keep NGOs from reinventing the wheel every time they undertake new activities.

3. A Multiplier Effect – Network membership can achieve greater accomplishments through utilisation of the multiplier effect, which is created by effective networks. As mentioned earlier, since the value of the network is greater than the sum of its parts, individual member NGOs can achieve farther reach and greater impact in relation to their own organisational goals when they participate in networks. When one considers the reality that many NGOs belong to several different networks, it is not difficult to see how this multiplier effect can benefit NGOs on a variety of levels.

4. Solidarity and Support – Interestingly, many believe the development of a sense of solidarity and support is an important benefit that NGOs receive from their participation in networks.

5. Increased Visibility – Increasing visibility of issues, good work and best practices, and contributions of underrepresented groups, such as youth or rural women is also a positive benefit to network.

Some less thought-about benefits, which could be seen as equally important include:

1) **Risk Mitigation** – This benefit maintains that partnerships mitigate the risks associated
with development projects by supplying diverse skills, contacts, and experiences, which in turn allow organisations to become more adept at responding to changing environments.

2) Reduced Isolation – Another less commonly considered benefit is that of reduced isolation. Through networking, individuals, NGOs, and communities in even the most remote of locations can tap into the resources, ideas, and inspiration of a global civil society.

3) Increased Credibility – Since many types of networks have some form of regulated membership, participation in a network can open doors for developing NGOs to both the policy and donor communities. This association assures other NGOs and networks considering partners that the NGO will be a capable contributor to a partnership.

Example of a Successful Network

The Free and Fair Election Network (FAFEN) was established in 2006 as a coalition of 30 non-governmental organisations to observe the general elections and mobilise voters. The Asia Foundation facilitated the formation of the network. However, the purpose-based network continued its working after the general elections held in February 2008 and expanded its scope to work from election oversight and reforms to include parliamentary oversight and reforms, governance oversight and reforms and political parties’ oversight and reforms. FAFEN is currently governed by the Trust for Democratic Education and Accountability (TDEA).

FAFEN continues to implement robust programs in-between elections related to monitoring parliamentary affairs, connecting constituents to their elected representatives, monitoring the performance of public and elected institutions and advocating electoral and democratic reforms. FAFEN is also monitoring political and electoral violence, peace activities and promoting active citizenry through ongoing civic education activities in 200 National Assembly constituencies in 121 districts and seven tribal agencies in Pakistan.

Since its inception, FAFEN has had many successes. The impact of its work on the process and conduct of elections has been acknowledged by political parties, the Election Commission of Pakistan, international observer groups, and domestic and international media.

Conclusion

It is essential for NGOs that are contemplating starting or joining a network to undertake a cost/benefit analysis to determine whether or not the network will meet their needs. The risks involved in network participation differ depending on the type of network being considered. Networking in itself carries certain risks on a continuum from low to high. At the low end, NGOs encounter risk when they decide to share information with others, and the risk increases when they decide to engage in temporary joint action. At the high end of the continuum is long-term member association in a network with a representative body or secretariat. In formal networks, some measure of individual member autonomy can be sacrificed. NGOs considering network membership must also be honest and realistic with themselves about the degree of interdependence that they are willing to accept. Many organisations are willing to engage in more informal, sharing relationships, but may be reluctant to cede any autonomy through a formal network governance structure if there is no history of working together and little or no social capital built.
Other problems may arise with networks. One is that, if poorly constructed and managed, networks can create more work than they reduce, and thus fail. Another potential problem is that members can suffer a loss of identity if they feel that they are not represented sufficiently in the network. A related concern is the potential for misrepresentation if the leadership or certain members speak for the network inappropriately. Along the same line, networks that face this problem may not build the capacity of members to speak for themselves. Finally, placing attention at the network level may take some attention and energy away from the grassroots or local levels.

Networks are clearly not the automatic solution for development needs in every context. With sufficient support and careful attention to the potential pitfalls described above, however, it is possible to take advantage of the diversity and flexibility inherent in networks and construct them in ways that will maximise the potential for achieving real benefits.
ANNEXURE

Case Studies

1. An Overview of the Protection of Women (Criminal Laws Amendment) Act, 2006. Below are a few case studies taken from Aurat Foundation’s report on Internal Trafficking of Women and Girls in Pakistan, dated December 2012. For further case study examples, the link in the footnote can be accessed to obtain more information on similar cases.

Case Study 1:

One such incident had been unearthed in which there was an attempt to traffic a married woman from Lahore but luckily she escaped. The report quoted the name of the women and her husband who was a resident of Lahore’s Samanabad area. The women reported that she had fallen unconscious after consuming a soft drink given to her by an unidentified lady. The next day when she came to her senses, she found herself being helped out of a car near Basti Lashari in Jampur. According to the woman, a human traffickers’ network planned to sell her for Rs 400,000. However, she managed to escape and reached the office of the DSP in Jampur. A case had been registered against the alleged abductors.\(^{23}\)

Case Study 2:

Samina is a seventeen years old orphan. Soon after her father died, her only brother, suspecting an affair between his mother and his uncle, killed them both. She was fourteen years old then. Her grandfather brought her to Karachi from the Punjab but died a year later. Her brother was in jail and she had nowhere to go. A woman from the village who used to bring girls for domestic and sex work took charge of her. She told her she would find her work at a house where she would be well looked after and she could use the salary to free her brother. The house she was taken to belonged to a 50 year old retired army officer and his wife. The army officer abused Samina mentally, physically and sexually. One day when his wife was away, he entered her room and raped her. His wife returned and started banging on the door, pleading with him to stop. He did not. She was repeatedly raped, humiliated and beaten. The woman who had brought her would come and take her salary every month, telling Samina that she was using it to help get her brother out of jail.

After a year, the man stopped paying the woman who had brought Samina. The woman reacted by putting a petition in court. She maintained that the army officer and his wife were keeping Samina in their house against her will. When Samina appeared in court, she told the judge she was being physically tortured and raped. The judge immediately sent her to PANAH, a shelter. Once she was at PANAH, she decided not to pursue the case. The couple she had worked for arrived at PANAH with clothes and sweets asking to meet with Samina. Samina consented to meet with the woman but not the man. The woman started asking her what she had said about “bhaijan”. Samina told her that she had not said anything till after the medical. The woman insinuated that Samina was having an affair with a cook in the neighborhood and her husband was completely innocent. Finally, reassured that Samina was not filing a case, she left.

Although PANAH is a temporary shelter, Samina is still at PANAH. She has nowhere to

go. She is learning skills so she can earn a living once she is old enough to leave.  

Case Study 3:
In 2002, 30-year-old Mukhtaran Mai was gang raped on the orders of the village council as an "honor rape" after allegations that her 12-year-old brother had had sexual relations with a woman from a higher caste. Although custom would expect her to commit suicide after being raped, Mukhtaran spoke up, and pursued the case, which was picked up by both domestic and international media. On 1 September 2002, a court sentenced 6 men (including the 4 rapists) to death for rape. In 2005, the Lahore High Court cited "insufficient evidence" and acquitted 5 of the 6 convicted, and commuted the punishment for the sixth man to a life sentence. Mukhtaran and the government appealed this decision, and the Supreme Court suspended the acquittal and held appeal hearings. In 2011, the Supreme Court too acquitted the accused.

2. Overview of the Protection against Harassment of Women at the Workplace Act 2010

Case Study 1:
A case of ‘inappropriate behaviour’ had been reported against a male teacher (of the Urdu department) who took classes at the mass communication department at Karachi University (KU). The complaint was filed by a girl student in writing to the chairman of the mass communication department.

The Karachi University administration had instituted two inquiries: the first inquiry found the teacher guilty and recommended punishment for him. But for some unknown reasons, another inquiry was initiated that absolved the teacher of the charges.

The inquiry report was presented at the KU syndicate meeting and the teacher was reinstated.

Fearing that the teacher’s reinstatement could embarrass girl students, some faculty members of the Urdu department wanted restricting his teaching activities and suggested to the university administration that since the teacher had impaired eyesight, he should not be allowed to take attendance and check examination papers. The administration did not give any positive response to the proposal. During the two-year-long investigations, the accused teacher remained on leave and got his salary.

3. The Criminal Law (Second Amendment) Act, 2011 otherwise known as The Acid Crimes Act

Fourteen-year-old Naila was attacked by her school teacher when she rejected his sexual advances at a school celebration. She was left severely disfigured by the attack with severe burns on her face and neck, lost an ear and vision from 1 eye. She had to undergo several eye surgeries and hair transplants, along with many other procedures.

Naila’s parents fought devotedly to take her case to the Supreme Court of Pakistan, a first in the country. The Supreme Court sentenced Naila’s attacker to 12 years imprisonment and a fine of Rs 1.2 million. After her case, the Chief Justice Iftikhar Chaudhry

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25 http://en.wikipedia.org/wiki/Mukht%27ran_Mai
recommended Pakistani parliamentarians legislate on acid and burn violence, using the Bangladeshi law as a model.

Acid Survivors’ Foundation (ASF) helped Naiia recover from the attack and supported her through a diploma in tailoring. With the sewing machine ASF gave her she can now earn some money to support herself and further studies to become a lawyer, which has become her ambition.  

4. The Criminal Law (Third Amendment) Act, 2011 otherwise known as The Anti-Women Practices Act

Case Study 1:

Nazia sits staring expressionlessly into nothingness while her mother recounts her young daughter’s heart-wrenching story. She was only fifteen, maybe sixteen, when she was married to the son of her mother’s sister. “Her aunt had no one to look after her house so we had no choice. After all, it was her aunt.” The wedding took place as her parents decided it would. Nazia was simply told. She remembers that she was scared before the wedding, but did not raise any objections. It is not a girl’s place to do so. She was taken to her new home in another city by her aunt and husband. There she was beaten, repeatedly and over again with a thick wooden stick. She was starved, surviving only on the morsels she managed to steal from the kitchen while her aunt was away. Her husband left her from the very first day to go and see other women. Her aunt encouraged his affairs, especially that with their landlord’s daughter. “He’s my son,” she would say “and he will do as he likes.” Nazia suffered all the worst indignities; she was tormented both physically and emotionally until she felt dead inside. Kept prisoner in her own house, she had no one to turn to. Her mother-in-law frequently threatened to kill her. Nazia recounts with a bitter laugh, how she once locked her in a room and put fire to it in an effort to burn her alive; her grandfather ran crying to rescue her.

Nazia’s parent’s eventually caught wind of the torture their daughter was being subjected to and brought her home. They say she looked like a corpse in its grave when they saw her...weak and broken. Nazia only stayed in her husband’s house for three months, but the scars of her ordeal have been etched into her soul forever, not concealed in the least by her forced laughter and dazed look. She has now been in her parent’s house for four years, trying to divorce her husband and hiding from the mother-in-law who still threatens to kill her. Educated only up to the seventh grade, she has no means of independence. Meekly, she suggests that she could learn to stitch. Defiantly she declares that she will never step foot in that house again. Perhaps, with a little more education and a few more years to grow and develop, Nazia could have become a doctor, maybe even an engineer. But the fate of many Pakistani girls is decided by tradition. They are not meant to be independent, strong and free. In Nazia’s case they are not even meant to be human. And so the story continues: a delicate little flower is thrust into the thorn-bush of child marriage, mistreated, hurt and ruined. This girl child is just another soul ruined, for the sake of society’s ills. She is just one more sacrificial lamb.

Case Study 2:

28http://floods2010.pakresponse.info/LinkClick.aspx?fileticket=CtHa5_yaaR0%3D&tabid=228&mid=1739
Please refer to a case study of Sawara by LEAD Organisation. As this case study is lengthy, it has been included as an attachment.


Saira Suhail silently endured years of physical and mental abuse. The battering of the 42-year-old began on her wedding night and continued more than two decades.

"I was always hoping it would get better, so I stayed," she said. She believes her husband's fury grew more severe because they were not able to have children. Eventually, she said, he graduated from punching and slapping her face to striking her arms and legs with an iron rod.

Saira also said she was financially exploited. In addition to her household duties, she stitched together saris and shalwar kameezes. Over time she built a loyal client base and was earning up to 20,000 Pakistani rupees monthly - nearly $300. However, her husband and his parents collected all payments due to her. "I was never able to keep any of it for myself," she said.

Saira was able to take refuge for months at her parents' house, but she said her family turned on her once she decided to divorce.

"They told me I should kill myself so they could bury me properly," she said. "They have arms, and they're looking for me."

After spending 10 months in a shelter, Saira now lives in the home of a staff member. With the money she is saving from her sewing, and emboldened by her hardships, the seamstress has a goal that even some of the most progressive Pakistani women never dare consider: to simply rent an apartment and live on her own.

Karo-Kari Case Studies

Case Study 1:

A man shot dead his wife and daughter over ‘karo kari’ charges here on Monday. Police have the accused in custody. This incident took place in a village near Sehwan Sharif, Sindh, where the accused declared his wife and daughter ‘kari’ for their illicit relations with another villager, and shot them dead.

The accused tried to flee after committing the crime but police reached the scene and arrested the murderer. A case has been registered against the culprit and he is being interrogated.30

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30http://www.equality-insaaf.org/domesticabuse.htm
Case Study 2:

A family dispute resulted in a 13-year-old girl being declared Kari in her ancestral village in Dadu last week. Scared that his daughter will be killed, Mehmood Shahani, father of the girl Kaveela, has brought her to Karachi to seek justice. The mother and the daughter, not able to speak in Urdu, remained quiet and just looked at Shahani as he explained at the HRCP office the situation they were in.

Kaveela, who was engaged to be married to a boy from the Hout Khan Shahani village, was declared Kari by one of her aunts as she took more time than usual in washing her clothes, her father said. When the family asked where the man she was supposed to be having an affair with was, they gave names of boys who were younger than the girl. Running away was the only option for Mehmood, a peon at a government office in Karachi.

“I just know that I can’t let my daughter die like others I have seen.” Even though the allegations seem mindless, Mehmood said there were many girls who had been killed as a result of “lame allegations”. In his letter to the HRCP, he has written that Ali Gohar Shahani and Khair Din are after his daughter and using their power to influence the police and quell any queries about the matter. Though an FIR is yet to be registered, the family has pleaded for security.31

Case Study 3:

ISLAMABAD: Supreme Court Chief Justice Tassaduq Hussain Jillani took suo motu notice on Wednesday, March 2014 of a reported jirga and ordered the Inspector General of Sindh Police to appear before the court on Thursday in Karachi.

The notice was taken after an editorial appearing in a newspaper said a jirga was held in Wazirabad town of Sindh’s Shikarpur district and a decision was taken in an alleged karokari case.

The editorial deplored that two women of the Mahar tribe were allegedly killed by their parents for having ‘illicit relations’ with men of the Jagirani tribe. The Jagiranis were fined Rs 2.4 million for ‘kidnapping’ the women and ‘having illicit relations’ with them.

The jirga was held apparently to settle a potentially explosive tribal dispute, but while both parties accepted its decisions no one was penalised for murdering the women. Even more shockingly, an MNA, the PML-F’s Ghous Bakhsh Mahar, presided over the jirga.

The chief justice held that if true the newspaper item had prima facie revealed violation of the fundamental provisions of the Constitution, particularly Article 9 and Protection of Women (Criminal Law Amendment) Act, 2006.

The court asked the inspector-general of Sindh police to personally appear before the Supreme Court bench in Karachi on Thursday and explain the incident.32

31 http://www.friendsmania.net/forum/pakistan-government-people-places/156520.htm