

Talibanisation & Poor Governance

Undermining CEDAW in Pakistan **Second Shadow Report**



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Second Shadow Report

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- ✓ Shirkat Gah-Women's Resource Centre
- ✓ Al-Wattan Forum
- ✓ Aurat Publication & Information Service Foundation
- ✓ Behbood-e-Niswan Network
- ✓ Centre for Legal Aid Assistance & Settlement
- ✓ Films d'Art
- ✓ Good Education Trust
- ✓ Khwendo Kor
- ✓ MAVRA
- ✓ National Commission for Justice and Peace
- ✓ Nayab Welfare Society
- ✓ Democratic Commission for Human Development
- ✓ Potohar Organisation for Development Assistance
- ✓ Rozan
- ✓ Roshni Organization
- ✓ Sangtani Women Development Organization
- ✓ Sarsabz Foundation
- ✓ Simorgh: Women's Resource and Publications Centre
- ✓ Social Welfare & Community Development Society
- ✓ SAHE (Society for Education)
- ✓ Swaani Saanjh
- ✓ Struggle for Change (SACH)
- ✓ Women Development Organisation

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Executive Summary

This Second Shadow Report, *Talibanisation & Poor Governance Undermining CEDAW in Pakistan*, urges the CEDAW Committee to ask the Government of Pakistan to explain what steps it has taken as a State Party to overcome the threats posed by the country's 'Talibanisation' on the one hand and the undermining of progress caused by perennial problems of ineffective governance and lack of ownership.

Since Pakistan acceded to CEDAW in 1996, what is now being termed Talibanisation has grown unchecked to the point that it now challenges the very writ of the state. The government's response that "hinderances and difficulties [are] experienced mostly due to local customs and other cultural practices", (para 42) is unacceptable. The government cannot sidestep critical albeit difficult issues by referring to "customs, practices and misinterpretation of religion". Obligations under CEDAW bind States Parties to actively challenge and change such 'cultural practices;' the concept of 'due diligence' Article 4 (c) obligates the State to undertake measures to promote and protect the rights, safety and well-being of its citizens, including from violation by other citizens.

Militant campaigns launched by armed groups have denounced contraceptives, polio vaccination, and girls' education as un-Islamic; girls' schools and NGOs have been attacked; health workers have been murdered, women compelled to don Taliban-prescribed veils; schools threatened; barber, video and music shops destroyed. The capital city, Islamabad, is currently under siege by local Taliban-style leaders who demand that the government enforce their misogynistic 'Islamic revolution' failing which they will take matters into their own hand. They have already done so: kidnapping and holding hostage two policemen, three women and a six month old baby for several days to prevent the authorities from demolishing illegally constructed mosques and religious schools. Examples of Talibanisation abound. The disturbing leniency and/or lack of action by the government is tantamount to condoning such elements, encouraging increasing numbers of self-styled vigilantes to attack citizens with divergent viewpoints.

The phenomenon is not new: the worrying impact of such groups was pointed out in 2000 in the alternative report on the Beijing process. Growing Talibanisation is reversing progress in girls' education, obstructing the access of girls and women to health facilities, impeding women's job opportunities and political participation, and actively promoting discrimination against women and non-Muslims.

Talibanisation has been possible *because* of the government's lack of countervailing actions *and* its failure to apprise citizens and policy implementers of women's rights and state commitments under international instruments, especially CEDAW. The lack of ownership of international commitments amongst even senior level government officials is of serious concern. Measures taken are therefore often ill-planned and poorly implemented, without putting into place effective monitoring of initiatives and mechanisms to eliminate gender discrimination.

Compounding the problems is the lack of effective data, records and implementation of existing provisions. Slackness in recording births enables child marriages; the absence of marriage and divorce records renders women liable to criminal prosecution and harassment by ex-husbands; the lack of national identity cards disenfranchises almost half of all women, denies access to government schemes and benefits, excludes women from credit and opening bank accounts, and impedes women's access to relief after the 2005 earthquake. The consistent failure

to inform both citizens and policy implementers about existing laws, policies and schemes undermines the ability of women to claim rights and benefits, and obstructs the effectiveness of positive measures.

Efforts to implement the National Plan of Action (NPA) and other policies for women are defective; hasty legal measures faulty; the claim that the National Commission on the Status of Women carries "a clout and its role and activities compliment that of Ministry of Women Development" misleading. All this signals a lack of political will: the government is notably non-committal about when it will bring about equality under law and in policies.

We thus call upon the CEDAW Committee to inquire what steps the Government of Pakistan is taking to address these vital issues and **to ask, on**

CEDAW

- “ What conditions will enable Pakistan to withdraw its general declaration? Did the NCSW, asked to examine the declaration and give views on whether it can be withdrawn (GoP response para 1), issue a report? Was this report made public? If not, why not? If there is no report as yet, when is this expected and how does the GoP intend to make this public?
- “ What criteria will Pakistan use to ascertain the "right time" for the ratification of the optional protocol?
- “ How many policy documents refer to CEDAW, and when does Pakistan intend to incorporate the CEDAW definition of discrimination in any domestic policy or law?
- “ What mechanisms exist to promote cross-sectoral, inter-ministerial ownership and an enabling environment for implementing and monitoring the provisions of CEDAW?
- “ Have any measures been taken to institutionalize partnership with civil society organizations to monitor the impact of policies, plans, programmes and mechanisms put in place to give effect to CEDAW?
- “ What elements would constitute "an appropriate time" for further action to bring about equality under law and in policies? What is the envisaged time-line?

Talibanisation

- “ What is being done to counter the widespread propaganda against women's rights and participation in all spheres of life including political processes?
- “ What action, if any, has been taken to close illegal radio stations inciting people to violence, declaring girls' education, polio vaccinations and contraceptives un-Islamic?
- “ What is being done to curtail the activities and negative influence of those carrying out illegal acts? What action has been taken against individuals reported by the press as inciting violence and threatening schools and teachers, NGO workers etc.? What actions have been taken against government officials imposing specific dress codes on women and students in educational and other institutions?
- “ What initiatives promote knowledge about women's legal rights and counter detrimental cultural practices perpetuated in the name of religion?

NCSW

- ⁿ Has the NCSW Ordinance been regularized through legislation making it a permanent statutory Commission?
- ⁿ Are any amendments envisaged to increase the autonomy of the NCSW and grant it more powers to monitor compliance with or violations of laws and policies?
- ⁿ What mechanisms have been instituted to enable direct access of the NCSW to the highest decision-making levels, and to make it incumbent upon the government to respond to recommendations made within a stipulated timeframe?
- ⁿ What is the status of amendments suggested by the NCSW in its Rules of Business? Does the NCSW have the right to formulate its rules of business without governmental approval?

Education

- ⁿ What has been done to ensure the security of women staff and female students?
- ⁿ When will the current textbooks be replaced with those reflecting the new curriculum, and will civil society groups working on education and women's rights be invited to help develop the new textbooks?
- ⁿ What steps are being taken to ensure current textbooks do not carry mis-interpretations of religion, and an over-emphasis on martyrdom and war?
- ⁿ What plans exist to accurately track students through the primary cycle, identifying reasons for non-enrolment and drop-out, so as to rectify the situation?
- ⁿ With the poor quality of education being a major reason for the high dropout rate of girls, what steps are envisaged to improve the quality of education?
- ⁿ What strategy, if any, is in place (national, provincial and district) to ensure educational opportunities for girls in every village? By when?

Governance

- ⁿ What measures have been taken to ensure proper records of births, marriages and subsequent change of marital status as well as deaths concretizing NPA Strategic Objective G.1, Action 2?
- ⁿ What mechanisms exist to collect gender disaggregated data in all social economic sectors, to change operational definitions of 'work' and economic productivity to accurately reflect women's economic contributions in the labour force and economy in the formal and informal sectors?
- ⁿ What measures are in place to ensure all women are registered as voters accurately, concretizing NPA Strategic Objective G.2, Action 1?
- ⁿ What steps have been taken to maintain gender-segregated data of voters turn-out in polls so enable an accurate record of women's participation in the political process?
- ⁿ What has been done to inform people of women's legal rights via media, educational curricula, trainings of NGOs and judicial and law enforcement officers, concretizing NPA Strategic Objective I.5, Actions 1-4?

- ⁿ What steps have been taken to ensure those administering Muslim family laws are trained in the law, as given in NPA Strategic Objective G.1 Action 2?
- ⁿ What procedures ensure the availability of government issued marriage contract forms, and that all Muslim marriages are registered accordingly?

Safety Nets

- ⁿ How will the shortcomings identified by the Planning Commission of Pakistan be addressed?
- ⁿ How is the government asserting that 0.4 million of beneficiaries being women, women comprise 70% of total beneficiaries, when other government documents indicate the number of beneficiaries of the two major programs of Zakat and Pakistan Bait-ul-Mal to be respectively 1.7 million and 1.2 million?
- ⁿ What steps have been taken to gather and share disaggregated data on the number of women beneficiaries (development schemes, affirmative action) from religious minorities? If not, will the government be able to do so by the next Report?

Earthquake: Lessons for Humanitarian Assistance

- ⁿ What has been done to apprise the public about the scientific causes of earthquakes and to dispel the notion that the 'sins of women' and women's dress cause disasters?
- ⁿ How have the lessons of gender-specific needs identified been effectively incorporated into government directives, policies etc. and in which documents? If not, why not?

Violence Against Women

- ⁿ What initiatives have been taken to proactively counter the cultural notions that make violence against women acceptable acts? On media, in school textbooks?
- ⁿ When does Pakistan plan to ratify the Rome Statute of the International Criminal Court, which recognizes serious crimes of VAW as crimes against humanity?
- ⁿ Is a law criminalizing domestic violence under consideration? If not, why not?
- ⁿ What is being done to accurately document the incidence of VAW?
- ⁿ When will the laws be strengthened and amended to remove the existing lacunae to deal with VAW, such as the existing loopholes for family members who commit murder in the name of honour under the Criminal Law Amendment Act 2004?
- ⁿ When will the lapsed Law Reform Ordinance 2006, enabling the release of women on bail, be regularized through an Act of Parliament and current lacunae eliminated?
- ⁿ What rehabilitation measures are planned to secure the physical safety and livelihood of women released under this provision?

Prevention of Anti-Women Practices (Criminal Law Amendment) Bill, 2006 seeks to criminalize the settling of disputes by marrying off girls and women by further amending Section 310-A of the Pakistan Penal Code (introduced in 2004) which is itself faulty:

- ⁿ What measures are proposed to ensure expeditious justice to women forcibly married off? What will be the status of such marriages? Does the government envisage any civil

remedies to provide such women monetary compensation?

- ⁿ What measures are proposed to ensure public awareness that marrying off women against their will is a crime under law and punishable as such?
- ⁿ How does Pakistan intend to rectify the lacunae in laws relating to 'honour' killings so that family members are not exempted from maximum punishment?
- ⁿ What is being done to implement the Pakistani superior courts' injunctions to eliminate the prevailing illegal parallel justice systems e.g. *jirgas* and *panchayats*?
- ⁿ Is there any mechanism to monitor the impact on women of the decisions and procedures adopted by the alternate dispute resolution mechanisms, known as the *Musalihati Anjumans*, to ensure compliance with human rights standards?

Lacunae in the Protection of Women Act 2006 and Section 174-A (Code of Criminal Procedure) 2001

- ⁿ Why does the law discriminate against female children for adult culpability by defining adulthood as 16 years for girls and 18 years for boys? Why does the law use 'puberty' to define adulthood, a term that is ambiguous, untenable in law, and renders girls as young as nine years liable to be prosecuted as 'adults' for sexual crimes when Pakistan is a State Party to the Child Right Convention?

Medico-Legal Facilities

- ⁿ What measures have been taken to ensure medico-legal facilities at the Basic Health Unit accessible to women, to ensure immediate medical examination in VAW cases?
- ⁿ What has been done to appoint and ensure the presence of trained women medical officers in all medico-legal units e.g. by providing better incentives and facilities?
- ⁿ Is there mandatory comprehensive training for medico-legal officers, particularly on women rights, and sensitization on gender and VAW?

Crisis/Women Centres and Shelters: Effectiveness is impeded by an absence of government allocated budgets, trained, dedicated staff, security for staff and survivors, poor location and office hours.

- ⁿ What strategy exists to ensure sustainability of the centres beyond the current 5 years project cycle?
- ⁿ Are there any plans to ensure shelters and women's crisis centres have dedicated trained staff?
- ⁿ What rehabilitation options, other than reconciliation, are given to survivors to help them reintegrate back into society? How does the government define success other than reconciliation?
- ⁿ Do shelter service providers have clear guidelines regarding approach, systems, language protocols, attitude, and dealing with residents? What is done to encourage accountability and to monitor the quality of the services provided to the survivors?
- ⁿ What security measures are taken for the staff and survivors in case of crisis?

Police Sensitization Training

- ⁿ What accountability mechanisms are in place to ensure implementation of the syllabus on police self-awareness, sensitization on gender, human rights and VAW in all police training schools and colleges? Are there plans to ensure sensitivity is also developed in senior police management?
- ⁿ What mechanisms exist to ensure meaningful mainstreaming of women in police work and sensitivity of work environment especially viz. a viz. sexual harassment?

Legal Protection of Women Workers

- ⁿ When will legislation be enacted to protect home-based workers as recommended by the NCSW?
- ⁿ When will labour laws be extended to provide legal coverage and protection to women working in fisheries, agriculture, forestry and livestock?

Personal Status Laws of Minorities

- ⁿ What initiatives have been taken to review and revise the personal laws of religious minorities to ensure women's rights? Why has NPA Strategic Objective I.3, Action 3 for a separate commission to review the status of women in minority community not been implemented?
- ⁿ What has been done to ensure non-Muslims are not governed by laws different than their faith and to annul the overriding effect of laws said to be Muslim?

Political Representation

- ⁿ Why has affirmative action not been extended to provide quotas for women as heads and deputy heads (*nazim & naib nazim*) of local body councils since these are the only persons included within the ambit of what is referred to as *the* 'local government'?
- ⁿ What provisions, if any, have been made for women representatives to have earmarked budget allocations and to ensure that some proportion of all local government budgets is earmarked for gender-specific development work?
- ⁿ Is it mandatory for women to be included in all the civil society and public-private committees provided for under the local government? If not, why not?

Introduction

This Shadow Report reviews the questions posed by the CEDAW Committee and the Government of Pakistan's responses. More current than the earlier report submitted by Pakistani NGOs,¹ this report foregrounds two overarching obstacles for gender equality that signal an absence of political will and ownership of the State's obligations under CEDAW:

- (1) The government's failure to address and curb what is being termed the country's "Talibanisation" undermines the government's own initiatives (Section A)
- (2) Inadequate or faulty governance mechanisms and implementation (Section B)

A third section (C) highlights lacunae in existing measures.

Points we would like the CEDAW Committee to raise are indicated in each sub-section, referencing Committee questions and Government of Pakistan (GoP) responses. Key documentary evidence is attached as an annex.

This Report has been produced by Shirkat Gah-Women's Resource Centre with inputs from: Aurat Foundation, Films d'art, National Commission for Justice and Peace, Rozan, Society for Education, and Tahira Abdullah. It is endorsed by 22 organizations:

Obstructing Progress: Growing Talibanisation & Poor Governance

Despite a number of positive measures taken by the government to address discrimination against women, a serious and growing gap divides *de jure* and *de facto* rights, policy documents and implementation on the ground. Unfortunately, as stated by women's NGOs in 2005, "too many of the initiatives fall short of both stated intentions and public expectations."² Obstructing meaningful progress under the different articles of CEDAW, this gap indicates a worrying lack of political will to give meaningful effect to Pakistan's obligations as a State Party.³

Even more disturbing is the government's complete failure to effectively respond to the challenges being mounted by militant, armed, politico-religious elements using the pretext of religion to institute what is now being termed the "Talibanisation" of Pakistan.⁴ The lack of action is alarming. Not only does the unchecked and spreading influence of these groups impede progress; it is eroding any progress made thus far and obstructing the effect of any measures introduced by the government to promote gender equality.

These "Taliban" style groups not only oppose human rights in general and women's rights and gender equality in particular, they are being allowed to challenge the very writ of the state with impunity. Such groups do not stop at vociferous denunciations and threats; they regularly use acts of violence to intimidate the population so as to forcibly silence any differing point of view. Civil society groups and NGOs working for women's development and rights have been particular targets. The threats posed to women's rights were pointed out in the 2000 NGO Report

1. *Discrimination Lingers On: A Report on the Compliance of CEDAW In Pakistan*; National Commission for Justice and Peace & Democratic Commission for Human Rights

2. *Pakistan: Ten Years Into the Beijing Platform for Action: A Civil Society Perspective on Some Critical Areas of Concern*; prepared for the NGO Organising Committee Beijing + 10 by Farida Shaheed & Yasmin Zaidi, p x

3. *Pakistan NGO Review Beijing + 5*; NGO Coordinating Committee, 2000, pp 9-10

4. See for example attached editorial and article by Zafar Abbas from *Dawn* 30-03-07.

on the implementation of the Beijing Platform for Action.⁵ No action has been taken to check such groups whose influence has grown at an alarming pace, obstructing the access of girls to educational institutions and of both women and girls to health facilities, as well as negating women's legal rights and franchise.

Additionally endemic problems of poor governance start with the absence of accurate records (of births, changes in marital status and deaths) and inadequate gender disaggregated data. They continue in the failure to issue National Identity Cards (NICs) required for voting and accessing government and many private schemes, benefits, and general resources. Equally persistent is the failure to apprise both the public at large and those responsible for implementation about laws, policies and schemes. Fewer girls are registered at birth, far fewer women than men possess NICs; higher female illiteracy impedes access to vital information. Rather than abating, these lacunae have intensified despite being repeatedly pointed out (e.g. in the 2000 NGO review on implementing the Beijing Platform) and despite being acknowledged by the government, for example, in its 1998 *National Plan of Action* to implement the Beijing Platform for Action. A faulty planning base and ineffective implementation compound the problems.

Unless the government acts to (a) counter the growing 'Talibanisation' and (b) ensure basic governance structures, Pakistan will not only fail to eliminate gender-based discrimination, discrimination will be strengthened, especially against already marginalized women.

A serious impediment to progress is the visible lack of ownership of commitments under international instruments and agreements amongst government officials even at senior levels. This stems from a failure to proactively and systematically promote knowledge about, and acceptance of, commitments under various national as well as international documents relating to women amongst policy implementers and those concerned with law. A recent illustration is that government representatives strongly resisted the inclusion of extracts from the ICPD document and CEDAW in a HIV/AIDS training manual elaborated in a public-private partnership process under the aegis of the National AIDS Control Programme. Only strong insistence by NGO representatives that this was a state commitment with language already officially approved prevented extracts of these documents being excluded.⁶ (The manual has not been printed yet due to a lack of funds.)

Overall, we call upon the CEDAW Committee to ask what steps the Government of Pakistan (GoP) is taking to address these vital issues and to extract commitments to better implement the rule of law and government policies and to inquire:

Enabling Environment

- ⁿ What steps have been taken to curtail the illegal activities of vigilante-style groups that are taking the law into their own hands and attacking NGO workers and offices, government institutions and family members of government officials? (see annexed

5. [Pakistan NGO Review Beijing + 5](#); pp. 8-9

6. Shirkat Gah - Women's Resource Centre was on the committee.

newspaper clippings.)

Implementation and Monitoring of CEDAW

- ” How many policy documents refer to CEDAW, and when does Pakistan intend to incorporate the CEDAW definition of discrimination in any domestic policy or law?
- ” What mechanisms exist to promote cross-sectoral, inter-ministerial ownership and an enabling environment for implementing and monitoring the provisions of CEDAW?
- ” What measures have been taken to institutionalize partnership with civil society organizations to monitor the impact of policies, plans, programmes and mechanisms put in place to give effect to CEDAW?
- ” What elements would constitute "an appropriate time" for further action to bring about equality under law and in policies? What is the envisaged time-line?

Committee question 2
Government response para 1

Withdrawal of General Declaration

- ” What conditions would enable Pakistan to withdraw its general declaration?
- ” Did the NCSW, asked to examine Pakistan's declaration and give views on whether it can be withdrawn (GoP response para 1), issue a report? Was this report made public? If not, why not? If there is no report as yet, when is this expected and how does the GoP intend to make this public?

Committee question 30
Government response para 43

Ratification of the Optional Protocol

- ” With reference to the GoP response that it would take this up "at the right time," what criteria would the government use to gauge the "right time" for such steps to be taken?

Implementation of National Plans & Policies

- ” What measures have been taken to apprise all government officials and elected representatives including Local Government councilors of the National Plan of Action (NPA) for Women for implementing the Beijing Platform for Action?
- ” What steps have been taken to implement the NPA inter alia to ensure:
 - o The registration of births, marriages and other changes of status of women
 - o Issuing of women with national identity cards
 - o The enrolment of all eligible women on voter lists
 - o Apprising citizens of women's rights and government policies
 - o Appointing a commission to review the personal status laws of non-Muslims

- “ What are the measures to ensure that the parliament and provincial assemblies consider and act upon the recommendations submitted by the National Commission on the Status of Women and the 1997 Report of the Commission of Inquiry for Women?

Committee question on Article 3, (para 6)
Government response paras 9, 11

The GoP statement that the **National Commission on the Status of Women (NCSW)** "has a clout and importance within the government" and a "role and activities [that] compliment those of the Ministry of Women Development," (para 11) is misleading. The NCSW is mandated to function as an advisory and examining body, but no regulation ensures that NCSW recommendations are tabled in any official forum within a stipulated timeframe; nor does the NCSW have direct access/liaison with the parliament. Reports are sent to the President *via* the Ministry of Women Development (MoWD) creating dependency, and allowing unwarranted influence of government servants. The rules and mandate do not make it obligatory for the NCSW to be consulted by any ministry, parliamentary Standing Committee etc. while formulating/amending laws and policies affecting women. No action has been taken so far on the amended Rules of Business submitted by NCSW to the MoWD in June 2006 to improve its functioning. The selection of candidates for the NCSW lacks transparency, consultative processes and a procedure for vetting the accomplishment of the members.

We call upon the Committee to ask

- “ Has the NCSW Ordinance been regularized through legislation making it a permanent statutory Commission?
- “ Are any amendments envisaged to increase the autonomy of the NCSW and grant it more powers to monitor compliance with or violations of laws and policies?
- “ What mechanisms have been instituted to enable direct access of the NCSW to the highest decision-making levels, and to make it incumbent upon the government to respond to recommendations made within a stipulated timeframe?
- “ What is the status of amendments suggested by the NCSW in its Rules of Business? Does the NCSW have the right to formulate its rules of business without governmental approval?

A. Growing Talibanisation

Committee questions paras 2-3, Violence Against Women (paras 11-17) on Articles 1-2 (paras 4-5) Articles 4, 7, & 8 (paras 8 & 19) Article 5 (para 9) Article 10 (paras 21-22) Article 12 (paras 25-26)
Government response paras 2-4, 14-16, 18, 25-26, 28-30

While the focus of state reporting under the Convention is the consistency of state law and policy with the Convention, the concept of 'due diligence' outlined in CEDAW Article 4 (c) obligates the State to undertake measures to promote and protect the rights, safety and well-being of its citizens, including from violation by other citizens. Article 18 stipulates that it is essential for the Committee to carefully examine situational factors that constitute a significant obstacle to

the fulfillment of the Convention's promise to women.⁷ In the case of Pakistan we believe it imperative that the CEDAW Committee call upon the State to address the grave dangers posed by the growing influence on state and society of the "Talibanisation" of the country. This development has a direct bearing on numerous CEDAW Committee questions, including on Article 5:

The report states that "customs, practices and misinterpretation of religion are cited as justifications for indulging in acts of discrimination against women" (p. 23). Please describe concrete steps being taken to modify such customs, practices and interpretations of religion. (para 9)

It is our firm belief that the government cannot simply await the appropriate time, or sidestep difficult issues by referring to "customs, practices and misinterpretation of religion" etc. Its obligations under CEDAW bind the GoP to actively challenge and change such 'cultural practices.' Our position is in consonance with the position of the U.N. Special Rapporteur on Violence Against Women that "[states] have to take active measures to eradicate violence against women committed with reference to culture...they have to identify those aspects of a given culture which are linked to violent practice and are required to develop a comprehensive strategy to transform those aspects."⁸ As a State Party the government must pro-actively create an environment conducive to changing attitudes of the public at large and amongst government employees, in particular.

The very dissimilar treatment of, and state response to, civil society elements working for women's empowerment vs. the state's treatment and responses to those societal groups who are distorting religion to further their own political agendas of capturing state power, flagrantly using violence to achieve their purpose, is of particular concern since it implies the government's tacit condoning of Talibanisation. The failure to respond appropriately to the propagation of anti-women ideas by the local Taliban-style armed vigilantes is reversing any progress in girls' education and schooling, obstructing the access of girls and women to health facilities; impeding women's job opportunities and women's participation in political processes; and creating an environment that encourages discrimination against women and non-Muslims.

Since Pakistan acceded to CEDAW in 1996, the problem has been growing unchecked. In 2000, the NGO alternative report on the Beijing process noted "the increasing violence in society and violent conflict that has accompanied the rise of militant sectarian and conservative politico-religious and ethnic groups not averse to using violent armed tactics and undemocratic means to silence - sometimes physically eliminate - those with different or opposing views." The report highlighted that "[b]y not taking effective action to curtail the activities of such groups, the state helps bolster their influence, thus increasing the vulnerability of groups supporting women's empowerment and human rights," and that this rise produced an increasingly disabling environment for those "supporting and promoting women's empowerment and human rights."⁹ Government inaction suggests that men who sport beards and women in heavy veils who flout

7. "Reports may indicate factors and difficulties affecting the degree of fulfillment of obligation" Art. 18.

8. Yakin Erturk: *Intersections Between Culture and Violence against Women* Implementation of General Assembly Resolution 60/251-15 March 2006)

9. "Reports may indicate factors and difficulties affecting the degree of fulfillment of obligation" Art. 18.

the law and commit acts of violence by referencing Islam, are exempt from the rule of law binding other citizens. This is tantamount to allowing the country to be held hostage to a small number of people organized as armed, militant groups.

The failure of consecutive governments to systematically inform citizens about their legal rights has contributed to the ability of such "Taliban" type groups to gain ground in society. The government is duty-bound to ensure the writ of the state in all its territory and to ensure all citizens are made aware of the existing laws by all means possible, including through educational institutions and electronic media.

We call upon the Committee to urge the government to clarify and define what it means by the repeated references in its response that it will take measures when the time is appropriate "wherever and whenever possible within the limits of practicability of bringing about changes without causing serious socio-political disequilibria" (GoP response para 8), "such desired change varies according to peculiar local conditions and cultural practices" (GoP response para 6).

The influence of organized ultra-conservative militant groups has strengthened after the 2002 general elections that, for the first time, returned substantial numbers of representatives of politico-religious parties to parliament and provincial assemblies. This victory and government inaction has greatly encouraged un-elected political elements to forcibly impose their brand of "Talibanisation." A series of attacks on women, girls' schools and women's organizations has already led to the closure of schools and has impeded preventive health measures such as polio vaccinations, to say nothing of maternal mortality and reproductive health of women. A few of the innumerable examples are given below.

Before the 2001 local government elections, threats were issued in the Districts of Dir, Swabi and Mardan that anyone registering women as voters would have their homes destroyed; in Swabi women standing for and casting votes in the local government elections were threatened with physical attacks.¹⁰ Despite valiant efforts of civil society organizations to register women voters and promote voting, in 128 union councils (lowest tier of elected government) no elections were held for women's reserved seats, no woman could cast her vote, so there were no women councilors in Lower Dir, Kohistan, Battagram, Upper Dir, Swabi and Mardan.¹¹

In the 2005 Local Government elections, no woman was allowed to contest women's reserved seats in Kohistan District and women were barred from voting in several areas of the NWFP province. (*The Nation* 23-08-05; Urdu daily *Jang* 27-08-05) Women were prevented from voting in the National Assembly seat bye-elections in Bannu, the home district of the NWFP Chief Minister in March 2007. (Urdu daily *Surkhhab* 16-08-05)

**Committee questions on the earthquake (para 3) and on Article 13 (para 27)
Government response paras 36-37**

Responding to the havoc wreaked by the earthquake in 2005, the government notably made no effort to counter campaigns alleging that the earthquake was retribution for "the sins of

10. [Women Participation in Local Government Elections 2000-2001](#); 2002; Aurat Foundation page 33

11. *Ibid*

zina [adultery/consensual sex], usury and promiscuity" or the singling out of women's dress and behaviour as the cause.¹² In desperation, one group of women sent out a message: "Please, we're not asking you to send us relief goods, we need nothing. But we beg you; tell the world we're not sinful women."¹³

Committee question on Article 12 (para) 25 on health

In 2006, Maulana Fazalullah unleashed a virulent campaign not only against contraceptives but also against polio vaccination claiming such initiatives were a conspiracy to sterilize Muslims. Fazalullah is one of several self-proclaimed religious leaders running unlicensed, and therefore illegal, radio stations. Every day these stations incite people to acts of violence with impunity. There has been no government action against them. Not only has the incidence of polio increased (*Dawn* 22-02-07), in February 2007, a Population Welfare Office was set on fire in Dir, (*The News* 27-02-07); in Darra Adam Khel, a senior doctor and health workers administering polio vaccines were murdered. (*IPS* 13-03-07)

**Committee questions on Article 10 (paras 10, 21, & 22)
Government response paras 18, 28-30**

Recently, Fazalullah declared that educating girls per se is un-Islamic. (*The News* 20-02-07) Numerous girls' schools have received threats. An anonymous letter to the principal of the Government High School, Mardan "warned that its building will be bombed if teachers and students do not start wearing veils and burkas" and gave seven days to comply with this new non-state law (the burka being an all-enveloping outer garment that covers women from head to toe, often hiding the face as well). (*Daily Times* 23-02-07; *The Nation* 23-02-07) Similar letters were sent to girls' schools in Peshawar, Timergara and Dara Adamkhel in NWFP and the Shaheen Public School and College. (*The News* 15-03-07 & 22-01-07) The ensuing panic meant that even schools not directly threatened closed down for several weeks in the provincial capital Peshawar (including several elite English medium schools); some schools closed permanently. Clearly the intent - and effect - is to discourage girls' education; girls have started to be withdrawn from schools. In Kohat female teachers cannot function without round-the-clock protection because those issuing threats and carrying out violence have not been arrested. (*Dawn* 05-03-07)

Government failure to take action against such groups has a double negative effect: It disables those trying to uphold women's rights while encouraging bigoted elements bent on forcibly imposing their personal views not just in remote rural areas abutting the Afghan border, but in major cities. Most recently, in Lahore (Punjab's provincial capital), students of the English department were physically attacked by politico-religious students: a girl for not wearing "Islamic dress" was manhandled and physically thrown off campus, a boy was beaten up for not being "Islamic" enough. (*Daily Times* 12-04-07) Pointing to government complicity, a District Government official reportedly accepted the authorities' helplessness in face of the growing influence of Maulana Fazlullah whose extremist agenda is backed up by some members of NWFP assembly. (*The News* 20-02-07) Some government officials are directly involved in spreading Taliban-like

12. *Earthquake Response 2005: Progress Report November 2005*, Omar Asghar Khan Development Foundation; page 15 picture of the banner "zina aur sood zalzala ka bais hai" (zina and usury are the cause of the earthquake)

13. *Newsheet*: Vol. XVII No. 4 (December 2005) Shirkat Gah; pp.3

attitudes: in Dara Adam Khel, the political administrator summoned all head teachers and ordered them to ensure that in future, all female students of government schools replace their "fashionable black burka" with an Afghan-style burka. (*The News* 22-01-07)

Mobility has always been a major hindrance in girls' access to educational opportunities beyond primary. Increased sectarian conflicts, crimes against women and insecurity further obstruct girls traveling beyond a few kilometers from their homes. This compounds problems arising from a feudal mindset and tribal norms and attitudes that hamper the pace of government and civil society interventions in improving the educational status of girls/women in large parts of the country. It is also of concern that while the new 2006 curriculum is more gender inclusive with a focus on gender, human rights and citizenship, textbooks have not yet been developed for this curriculum. Consequently, textbooks continue to depict women as dependents, inferior and housebound. After primary (grade 5), girls/women disappear from both the narrative content and illustrations of textbooks. Moreover, the language and content of social studies textbooks used from grades 1 to 8, is dominated by references to religion, martyrdom, and war that give implicit legitimacy to vigilante-style groups.¹⁴

Things have come to a head in the capital, Islamabad, where two local 'Taliban' brothers declared April 6th the start of the Islamic revolution. They demanded that the government enforce (their version) of *shariah* (Islamic jurisprudence) within a month, failing which they would take matters into their own hands. (*The News* 07-04-07) The stand-off started with a campaign to prevent authorities from demolishing mosques illegally built on government property. As part of this campaign, in early 2007, heavily veiled female students of the Jamia Hafsa *madrassah*, built and financially supported for some years by the government (*Daily Times* 07-04-07) physically prevented the authorities from reaching the controversial Lal Mosque run by the second brother. They occupied the adjacent government children's library. Independent television channels showed footage of students carrying automatic assault weapons and wielding 8 foot staffs during the occupation. The female students were mobilized along with male students enrolled in the Jamia Fareedia. The government ignored this challenge; inaction led to the most recent outrageous action.

On March 29, 2007, staff-wielding female students, backed by male students, kidnapped three women and a six-month old baby from their home, alleging the women were running a brothel. When the police intervened, the male supporters took two policemen hostage. The policemen were released within 24 hours, but the women and the baby were held hostage for over 60 hours and released only after being made to forcibly repent and confess in public to being involved in immoral activities. Immediately upon release the women retracted their statement; one of whom "threatened to become a Christian over her treatment by the students" saying "I don't think Islam allows anyone to beat a woman and drag her through the streets like a dog." (*The News* 30-03-07)

The government's lack of response is tantamount to condoning and encouraging vigilante groups taking control of society and state. The inadequate response has been noted by leading national newspapers (*Daily Times* 30-03-07, *Dawn* 30-03-07, *The News* 30-03-07), as well as by independent television channels. A District Councilor said that a police report (First Information Report) was registered against the students but is sealed till further orders. Even more alarming are government statements announcing intentions to ignore such acts that only aimed to gain news

14. Dr. Fareeha Zafar, Director SAHE: Society for Education.

coverage and publicity. The main editorial of (*The News* 31-03-07) criticized the remarks by the Minister of State that "the government was showing the utmost of patience because the matter involved women" as "[f]urther evidence of backpedaling" which "is most disingenuous and seems to suggest that the Minister is implying that if women were to take the law into their own hands the government would sit back and watch patiently." Taking the law into their own hands, it needs to be said, is exactly what the students did when they kidnapped and held the policemen, women and baby hostage. Following public outcry, the government has now taken to saying these girls are our daughters deserving leniency, explained by the President as "a respect for women."

Such respect was notably missing in the violent actions of the government in May 2005 when women (and men) attempted to run a marathon in Lahore to protest the earlier attack on women marathon runners in April 2005. Those supporting the right of women to run public races who broke no law, were manhandled, unceremoniously thrown into police vans and taken to police lockup. Respect was also gravely lacking in police abuse of at least one woman supporting the independence of the judiciary on April 4th 2007. (*See attached statement of Anna Buttari*). In the meantime working women and female students feel increasingly insecure in Islamabad, with women driving their own cars and using public transport now being harassed.

Other forcibly imposed measures of these armed groups are taken straight from the Afghan Taliban: a ban on shaving beards has been unilaterally imposed through pamphlets posted in public spaces, along with a Rs.5000 fine and threats of dire consequences for violations; two barbers' shops were destroyed along with music shops on March 4th 2007 following such announcements in Bajaur Agency (Inayat Kallay). In other towns and villages, fearing the destruction of their shops, barbers have posted signs they will not shave any beards. In Islamabad, the local students - male and female - have threatened all video and music shops and publicly burnt large piles of CDs. (*Daily Times & The News* 10-04-07)

Talibanisation seriously obstructs the work of civil society groups who support human rights in general and women's rights in particular. In late 2006, a self-proclaimed religious leader, Mufti Khalid Shah, issued a fatwa (religious edict or opinion) printed and circulated in the NWFP province. Declaring a "war on UN and its bodies, NGOs pursuing Jewish ideology and criminality and other different Christian organizations", he announced that "[i]t is every Muslim's duty to attack them: kill members of these organizations, destroy their homes and cars. Muslims also have the right to forcefully occupy, lay claim over the properties and assets owned by the infidels, whether through conspiracy or force." (*fatwa annexed*) In December 2006 a similar directive to attack NGO workers was issued by another such leader, Mujahid Mohiuddin, who wanders around in the Hazara District (NWFP province) with a group of 40 armed men. (Urdu daily *Mashriq* 19-12-06) The threats are not idle: women's organizations have had their offices bombed and NGO activists have been physically attacked (for example Khwendo Kor, an Asian Development Bank funded Vocational Training Programme for women and the National Rural Support Programme office in Khwaza Khela (Swat district). (Urdu daily *Aaj* 09-04-07)

In view of the above, government responses to the CEDAW Committee's question (paragraph 9) on Article 5, that "hindrances and difficulties experienced mostly due to local customs and other cultural practices, compounded by low literacy rate amongst women especially in the rural areas" (para 42) and that "cultural practices and customs in certain areas of the country are at times [sic] can be termed anti-social and against the spirit of Constitution,

especially due to discriminatory character of such actions" (para 17) are wholly inadequate. It does not explain what steps have been adopted by the government to counter these elements from taking the law into their own hands and installing a reign of terror such that in some areas, journalists, barbers and even policemen feel the need to post public apologies to these non-state actors on the walls of mosques. (*The Daily Times*, 06-03-07)

We call upon the Committee to ask

- ⁿ What is being done to counter the widespread propaganda against women's rights and participation in all spheres of life including political processes?
- ⁿ What action, if any, has been taken to close illegal radio stations inciting people to violence, declaring girls' education, polio vaccinations and contraceptives un-Islamic?
- ⁿ What is being done to curtail the activities and negative influence of those carrying out illegal acts? What action has been taken against individuals reported by the press as inciting violence and threatening schools and teachers, NGO workers etc.? What actions have been taken against government officials imposing specific dress codes on women and students in educational institutions?
- ⁿ What initiatives promote knowledge about women's legal rights and counter detrimental cultural practices perpetuated in the name of religion?

On Education

- ⁿ What has been done to ensure the security of women staff and female students?
- ⁿ When will the current textbooks be replaced with those reflecting the new curriculum, and will civil society groups working on education and women's rights be invited to help develop the new textbooks?
- ⁿ What steps are being taken to ensure current textbooks do not carry mis-interpretations of religion, and an over-emphasis on martyrdom and war?
- ⁿ What plans exist to accurately track students through the primary cycle, identifying reasons for non-enrolment and drop-out, so as to rectify the situation?
- ⁿ With the poor quality of education being a major reason for the high dropout of girls, what steps are envisaged to improve the quality of education?
- ⁿ Is any strategy in place (national, provincial and district) to ensure educational opportunities for girls in every village? By when?

B. Lacunae in Governance Mechanisms

*Committee's general questions (para 3) those on violence against women, Articles 4-8, 10, 12-16 (paras 3, 13, 17-19, 21-22, 27, 30);
Government responses: paras 2-11, 14, 17-23, 25-26, 28-30, 32-27, 41-43.*

B.1. Lack of Effective Data, Records & Implementation of Existing Provisions

Non-availability of gender disaggregated data and monitoring greatly hampers effective planning. Pakistan lacks mechanisms and procedures to ensure effectual registration of births (as

well as marriages, divorces and/or other change in marital status), and deaths. The failure to document births enables families to marry off under-age daughters despite legal prohibitions against child marriages. Child marriage is a serious issue; for example in the last two years, at least 75% of marriages taking place in the rural sites of District Rajanpur were childhood marriages.¹⁵ Deepening poverty seems to be increasing the sale of women, in some cases as child-brides, especially in Southern Punjab and Sindh.¹⁶

The failure to ensure compliance with the marriage registration provisions of the 1961 Muslim Family Laws Ordinances has serious implications due to contradictions between family law provisions and the criminal law provisions under Hudood. Of the tens of thousands of women estimated by the government-appointed Commission of Inquiry to have been prosecuted for sexual crimes since the promulgation of the Hudood Ordinances,¹⁷ a large proportion comprised women unable to prove their divorce. Problems arising from a poor records were identified in the government's 1998 *National Plan of Action for Women* (NPA) that called for updating and ensuring all registration of all marriages including those of minorities by 2000 (p. 51: Chapter Power & Decision-making; Strategic Objective G.1, Action 2).

We call upon the Committee to ask

- What measures have been taken to ensure proper records of births, marriages and subsequent change of marital status as well as deaths concretizing NPA Strategic Objective G.1, Action 2?

B.2. Gender Imbalance in National Identity Cards

According to the 1988 census figures, 74.41% of men possess National Identity Cards (NIC) compared with only 53.41% of women (a gender gap of 21%). Yet possession of a NIC is a requirement for voting and all government schemes. Lacking an NIC deprives almost half of all Pakistani women are deprived of their right to vote and of access to schemes and resources. Older women are especially affected. Existing problems in obtaining an NIC have been exacerbated by the introduction of new computer-readable NICs in 2005 for which the old ID card is insufficient and further proof required such as certificates of birth, marriage, school etc. Given poor documentation and gender disparities in schooling (overall female literacy is 40 percent vs. 65 percent for males, rural female literacy 29 percent compared with 58 for males¹⁸), women face greater problems than men.

Table 1: National ID Cards Obtained and Not Obtained by Sex and Areas

% of Pop	Both sexes		Male		Female	
	Obtained	Not Obtained	Obtained	Not Obtained	Obtained	Not Obtained
All areas	64.30	35.69	74.41	25.59	53.41	46.59
Rural	60.07	39.93	70.89	29.11	48.91	51.09
Urban	72.23	27.77	80.60	19.40	62.41	37.58

Source: *The Population Census 1998.*

15. Observation based on field work experiences of Sangtani Women Rural Development Organization
 16. *State of Human Rights in 2003*; Human Rights Commission of Pakistan, pp 239
 17. *Commission of Inquiry Report 1997*; pp.34
 18. *Pakistan Social and Living Standards Measurement Survey 2004-2005*, (Table 2.14 (a), pp 30)

Committee questions on Articles 7 & 8 (para 19)
Government response paras 25-26

Voting: Even the 53.41 % of women with NICs have difficulty in voting: the NIC information frequently does not match the details on electoral rolls, especially when marriage or divorce results in a change of name, address etc. Despite the NPA commitment to ensure the inclusion of all women in the electoral rolls and issuance of NICs for this, (p. 51: *Chapter Power & Decision-making Strategic Objective G.1, Action 1*) there is little visible progress regarding the NIC or systematic sustained efforts to encourage women to register as voters. Women still comprise only 45% of registered voters; there are 5.5 million fewer female voters than men (33,191,211 compared to 38,771,56 registered males). (www.ecp.gov.pk Statistical Data - Elections 2002)

We call upon the Committee to ask

- ⁿ What measures exist to ensure all women are registered as voters accurately, concretizing NPA Strategic Objective G.2, Action 1?
- ⁿ What steps have been taken to maintain gender-segregated data of voters turn-out in polls to enable an accurate record of women's participation in the political process?

Committee question on Article 13 (para 27)
Government response paras 36-37

Accessing Government Benefits: Not possessing an NIC impedes more than just voting. Access to government schemes intended for women and/or the poor, such as safety-nets and poverty alleviation schemes, opening bank accounts, availing micro-credit, and numerous other state-related activities now all require an NIC. There are other problems. The experience of 3 local organizations that have assisted some 2,000 women access such schemes in the last couple of years have found the process of accessing benefit schemes so difficult, lengthy and complicated, as to render the funds received incommensurate with the effort expended.

Lessons of Swaani Saanjh, Roshni and Behbud-Niswan Network in facilitating women's access to government schemes

Lack of information & lack of government forms: poor information dissemination

- ⁿ Only 10% of people who approached NGOs for help knew where relevant government offices were located
- ⁿ General unavailability of prescribed forms enable political patronage and become the source of bribes
- ⁿ Payments are delayed and new and renewed schemes facilitate fewer people than before
- ⁿ Access only possible through intervention of NGOs involved from the beginning

Lack of women on poverty alleviation/safety net schemes

- ⁿ The Pakistan Bait-ul-Maal and the Zakat Foundation do not have any women committee members; only 2 out of 12 members of the provincial Bait-ul-Maal committee are women

Pakistan's Planning Commission acknowledges lacunae impeding the effectiveness of safety net schemes, starting with the minimal public spending (0.5% of the GDP). Additionally: the main programmes (*Zakat and Bait-ul-Mal*) cover less than 35% of the 7 million households living below the poverty line; schemes add only 4% to existing incomes of households bordering the poverty line and meet less than 40% of the needed income of the poorest 20% of

households. The selection of beneficiaries is ad hoc, the distribution system and discretion given government functionaries such that it "may result in leakages of funds". Many locations are uncovered; actual transfer of funds is infrequent and unpredictable. Programmes run in an isolated and fragmented manner; they overlap; responsibilities are not clearly demarcated by type of programme and target group. Impact is difficult to assess due to: inadequate monitoring and evaluation mechanisms (weak internal review, no third party validation, no assessment of the benefits reaching the intending beneficiaries) the lack of regular audit and follow-up actions.¹⁹

We call upon the Committee to ask

- ⁿ How will the shortcomings identified by the Planning Commission of Pakistan be addressed?
- ⁿ How is the government asserting that 0.4 million of beneficiaries being women, women comprise 70% of total beneficiaries, when other government documents indicate the number of beneficiaries of the two major programs of Zakat and Pakistan Bait-ul-Mal to be respectively 1.7 million and 1.2 million?
- ⁿ What steps have been taken to gather and share disaggregated data on the number of women beneficiaries (development schemes, affirmative action) from religious minorities? If not, will the government be able to do so by the next Report?

Committee question on Article 10 (paras 21-22)
Government response paras 18-19, 28-30

Girls Education & Stereotypes: There is no system for accurately tracking students through the primary cycle so that completion rates cited by the Government (paragraph 28) are only rough estimates. National level data on schooling hides the stark provincial, regional and urban-rural and gender differences in access to primary and secondary education. Hundreds of villages still lack a girls' primary school.

We call upon the Committee to ask

- ⁿ What plans exist to accurately tracking students through the primary cycle, identifying reasons for non-enrolment and drop-out, so as to rectify the situation?
- ⁿ With poor quality of education being a major reason for the high dropout of girls, what steps are envisaged to improve the quality of education?
- ⁿ Is any strategy in place (national, provincial and district) to ensure provision of educational opportunities for girls in every village? By when?

Committee question para 3
Government responses paras 2-4

Post 2005 Earthquake: Many women were unable to claim compensation and sometimes relief packages because of a lack of NIC. Initial responses to the crisis showed a complete lack of gender-sensitivity; this continued despite calls by civil society actors who highlighted the

19 Planning Commission of Pakistan. Draft Social Protection Strategy for Pakistan. May 2006. pp. 9-12
<http://info.worldbank.org/etools/docs/library/233779/Tahir.pdf>

following key issues:

- ” Women's lack of mobility and NIC impeded access to relief goods, medical assistance and compensation;
- ” Management of camps and relief operations excluded women, further marginalizing their needs and concerns e.g. sanitary needs;
- ” The lack of proper documentation of land ownership hampered widows from inheriting their husbands' property.

We call upon the Committee to ask

- ” What has been done to apprise the public about the scientific causes of earthquakes and to dispel the notion that the 'sins of women' and women's dress cause disasters?
- ” How have the lessons of gender-specific needs identified been effectively incorporated into government directives, policies etc. and in which documents? If not, why not?

B.3. Disseminating Information & Government Forms

A serious perennial impediment is the government's consistent failure to inform both citizens and state implementers about existing laws, policies and schemes and about state obligations under international instruments. This undermines the ability of women to claim rights and benefits and obstructs implementation since no timely and effective instructions and guidance are provided to concerned officials for implementing schemes and laws.

The failure to communicate information effectively has rendered ineffective the federal Human Rights Fund of the Ministry of Law, Justice and Human Rights that includes the Women in Distress and Detention Fund established to assist victims of human rights violations, hardship and women in distress (survivors of rape, kidnapping torture) and those in prison. Few people know it exists and the application process is obtuse, documentation and proof of identity being especially difficult. The result is a shocking non-utilization of this scheme: only 14 percent of the Rs.44.9 million allocated budget has been disbursed since 1994.²⁰ Moreover, the 2003-2005 Audit report revealed gross violation: fund being distributed to undeserving constituents of a former minister. (*The News* 11-04-07)

Lack of Official Forms and Information about Family Law: The vast majority remains unaware of the provisions of personal status law. Despite the commitment to create awareness of and support for women's rights (*NPA Chapter Human Rights; Strategic Objective I.5, Actions 1-4 p. 77*), little has been done to spread awareness about women's legal rights through the electronic media or by incorporation into the school textbooks.

Information about legal amendments and changes in policy regularly fails to reach the implementing officer level; nor are government forms easily available. For instance, many lower court judges were found to be unaware of the positive changes to facilitate women in family law matters under President's Ordinance No. LV of 2002.²¹ No steps have been taken to ensure that the prescribed government marriage registration forms are available. A 2005-2006 survey of 17 districts in three provinces (16% of Pakistan's 104 districts) mapping basic facilities relating to

20. Asia Foundation. [Legal Empowerment for Women and Disadvantaged Groups: Country Situational Analysis Pakistan](#), May 2006. pp 24

21. Shirkat Gah Women's Resource Centre. "Progress Report: Women Law and Status Program," 3/2/2006, pp.12

family law matters²² found that the basic marriage contract form (*nikahnama*) is rarely available. Consequently, when people exceptionally seek to register marriages as required under the law, many end up using non-official forms, a number of which have deleted clauses protecting the rights of women (see samples and translation attached). Some forms have even deleted the bride's signature/thumbprint which is a legal requirement for a valid marriage.

Public ignorance combined with untrained marriage registrars commonly leads to a flouting of legal provisions to women's detriment: family men and marriage registrars frequently delete protective clauses of the marriage contract without consulting the woman; in contravention of legal provisions, religious leaders frequently insist that a divorced woman needs an intervening marriage with a third party before she can re-marry her previous husband. Many women end up trapped in these second marriages. Without rectifying lacunae government actions have little chance to improve the lives of women.

We call upon the Committee to ask

- ° What has been done to inform people of women's legal rights via media, educational curricula, trainings of NGOs and judicial and law enforcement officers, concretizing NPA Strategic Objective I.5, Actions 1-4?
- ° What steps have been taken to ensure those administering Muslim family laws are trained in the law, as given in NPA Strategic Objective G.1 Action 2?
- ° What procedures ensure the availability of government issued marriage contract forms, and that all Muslim marriages are registered accordingly?

C. Lacunae in Measures Taken by the Government

Positive measures taken by the government to promote equality suffer from faulty planning, poor implementation and follow up, undermining effectiveness.

*Committee question on violence against women (paras 11-17)
Government response paras 20-23*

Note: Since the CEDAW Committee sent its list of questions in 2006, the enactment of the Women Protection Act 2006, has addressed many of the problems in the previous Hudood laws. However, information about these legal reforms has not filtered down to the police and all sections of the judiciary as indicated by the continued registration of cases under the previous provisions.²³ Several concerns remain and civil society groups insist the Hudood laws need to be repealed in totality as recommended by the NCSW. (See Section C.4)

C.1. Criminal Law Amendment Act 2004

Passed to address so-called 'honour' killing; under this law, male family members guilty of murdering a female relative *are not liable to receive the maximum punishment* (death or life imprisonment) even though male family members perpetuate the vast majority of criminal acts against women under the pretext of so-called 'honour'. This legal leniency sends the wrong signal to society at large and will encourage the continuation of such crimes.

22. Shirkat Gah: *Mapping Research 2005-2006 to see available resources at local level for addressing family law matters and violence against women* (unpublished research report)

23. *The News*, 13-01-07; *The Nation*, 10-02-07

Monitoring by the independent Human Rights Commission of Pakistan suggests that so-called 'honor killings' are increasing, including in urban centres. In 2005, the HRCP recorded 287 incidents of so-called honour killings and noted that it was unclear whether any accused had been charged under the amended laws.²⁴ In 2006, the figure almost doubled to 565 women, with legal action taken in only 128 cases.²⁵ That attitudes have not changed is indicated by a judge of the superior judiciary declaring that the "Life-term was much too harsh a punishment for a man who killed for honour and such a person deserved the lowest penalty prescribed by the law."²⁶ Human rights groups demand further legal amendments to eliminate the provision of compoundability that is tantamount to allowing murderers to escape punishment.

We call upon the Committee to ask

- ⁿ When will the laws be strengthened and amended to remove the existing lacunae to deal with VAW, such as the existing loopholes for family members who commit murder in the name of honour under the Criminal Law Amendment Act 2004?

C.2. Law Reform Ordinance 2006

Providing for the release of imprisoned women on bail, this remains a presidential ordinance, only effective for 4 months. It was re-promulgated once (8 November, 2006), but has again lapsed. The provision has not been made law, nor has the government stated intentions to re-issue the Ordinance. In any case, the Ordinance ignores the security and livelihood issues of women so released. Without support networks to assist them and fearing being targeted by their own family members on release, several women declined to be freed from jails in NWFP and Sindh.²⁷ This lack of foresight resulted in at least 4 women being murdered after being released on bail under this provision in Punjab in 2006 (2 each in Mianwali and Gujrat).²⁸ Significant confusion regarding procedure delayed the release of some women and only 36 women from amongst more than 200 entitled to be freed had been released from NWFP jails by September 2006.

We call upon the Committee to ask

- ⁿ When will the lapsed Law Reform Ordinance 2006, enabling the release of women on bail, be regularized through an Act of Parliament and current lacunae eliminated?
- ⁿ What rehabilitation measures are planned to secure the physical safety and livelihood of women released under this provision?

C.3. Prevention of Anti-Women Practices (Criminal Law Amendment) Bill, 2006

The bill seeks to further amend Section 310-A of the Pakistan Penal Code, criminalizing the practice of settling disputes by marrying off girls and women. Introduced through the Criminal Law Amendment Act 2004, the existing Section 310-A has failed to address the issue. Human rights groups documented numerous instances in 2005 and 2006 in which the decisions made by *jirgas* (non-formal dispute resolution forums) held by local influentials victimized

24. *State of Human Rights in 2005* Human Rights Commission of Pakistan pp. 185

25. *State of Human Rights in 2006*; Human Rights Commission of Pakistan; pp. 209-210

26. *State of Human Rights in 2005*; Human Rights Commission of Pakistan; pp.54:

27. *State of Human Rights in 2006*, Human Rights Commission of Pakistan, pp. 122

28. *Daily Times* 14-10-06 & Urdu daily *Din* 02-09-06

women.²⁹ No action was taken despite a superior court ruling to eliminate all such non-formal proceedings violating human rights.

The enormous problem posed by the continued presence of informal and non-formal dispute resolution forums in parallel to the state was highlighted in the 2000 NGO Report on the Beijing process. It expressed concern at the "disturbing trend of a revival of informal traditional forums of adjudication on matters relating to violence in general and violence against women and women's rights in particular (e.g. *jirgas*), and an encroachment of tribal attitudes and norms into the formal justice system."³⁰ Rulings regularly violate women's rights and all too frequently promote violence against women to "settle a dispute." New schemes promoting non-formal dispute resolution forums under the leadership of untrained local persons (e.g. the U.N.D.P. supported *Musalihat Anjumans*) are thus problematic and not a solution to a poorly resourced and trained judiciary and an ill-informed public.

Finally, whereas the existing provision (310-A) provides a minimum of three years rigorous imprisonment that may extend to ten years, the Prevention of Anti-Women Practices Bill 2006 proposes to remove the minimum rigorous imprisonment of three years and to reduce the maximum imprisonment to three years. The Bill does not provide any monetary compensation to female victims; nor does it automatically annul any such marriage, failing to address the marital status of women who may have been married off in this manner. Should they be considered legally married, women will have to face lengthy procedures for dissolution of marriage.

A study conducted by Médecins du Monde on domestic violence amongst residents of government-run shelters highlights that "the percentage of the residents who have been married by force, including child marriages is quite high: 60% in Faisalabad, 47% in Lahore and 48% in Gujranwala. The high percentage of forced marriage in Dar-ul-Amans underlines forced marriage as a risk factor for violence against women."³¹

We call upon the Committee to ask

- “ What measures are proposed to ensure expeditious justice to women forcibly married off? What will be the status of such marriages? Does the government envisage any civil remedies to provide such women monetary compensation?
- “ What measures are proposed to ensure public awareness that marrying off women against their will is a crime under law and punishable as such?
- “ How does Pakistan intend to rectify the lacunae in laws relating to 'honour' killings so that family members are not exempted from maximum punishment?
- “ What is being done to implement the Pakistani superior courts' injunctions to eliminate the prevailing illegal parallel justice systems, e.g. *jirgas* and *panchayats*?
- “ Is there any mechanism to monitor the impact on women of the decisions and procedures adopted by the alternate dispute resolution mechanisms, known as the *Musalihati Anjumans*, to ensure compliance with human rights standards?

29. [State of Human Rights in 2005](#) Page 62, 63, 64, 183; & [State of Human Rights in 2006](#) Page 67, 68 & 207.

30. [Pakistan NGO Review Beijing + 5](#); NGO Coordinating Committee, 2000, pp. x-xi

31. [Dar-ul-Aman: Survey: Healing the Wounds of Domestic Violence Project](#); Médecins du Monde; page 14

C.4. Protection of Women Act 2006

The Act has brought about significant improvements to eliminate discrimination and the hardships caused by the previous Hudood Ordinances. However, the definition of adulthood still discriminates against girls. Adult culpability starts on attaining puberty or 16 years for females, 18 years or puberty for males. Girls' puberty is defined by the first menstruation which in Pakistan can be as young as nine years of age and minor girls have been prosecuted in the past for *zina* (adultery/fornication).³² This provision of puberty conflicts with other laws such as the Child Marriage Restraint Act and Majority Act, which disregard puberty. Courts have had some difficulty applying the law and a Lahore High Court judge recently asked "why [the] legislators did not determine the exact age of puberty."³³

We call upon the Committee to ask

- ⁿ Why does the law discriminate against female children for adult culpability by defining adulthood as 16 years for girls and 18 years for boys? Why does the law use 'puberty' to define adulthood, a term that is ambiguous, untenable in law, and renders girls as young as nine years liable to be prosecuted as 'adults' for sexual crimes when Pakistan is a State Party to the Child Right Convention?

C.5. Section 174-A (Code of Criminal Procedure) 2001

The government has not responded to Committee question 14 re requirement of medical practitioners to immediately take the statement of any female burn victim and report all burn cases to the nearest magistrate.

A survey of locally available facilities in cases of violence against women in eight districts of Sindh found very few Basic Health Units authorized to issue medico-legal certificates at the village/tehsil level (second tier of local government). Most medical officers were unaware about criminal law procedures, especially section 174-A. The usual practice is for the medical officers to first inform the police and then take women's statements later, causing delays. In Ghotki District only one Tehsil had a female doctor who attends to the entire district; medical personnel in three of the four Tehsils were unaware of the 174-A procedure. In Qambar District two of six Tehsils had medico-legal officers who knew about Section 174-A, but they were unaware about the procedure involved. In Golarchi, District Badin the medico legal officer post had not been filled. Doctors in many Rural Health Centres are only available on call.³⁴ In Quetta (Balochistan) and Peshawar (NWFP) there are no female medico legal officers available.³⁵

Further, there is limited ad hoc application of government policies in training, duty hours, responsibilities and rotation of duties among medico-legal officers (MLO) serving in Karachi. Also, limited funds for equipment and salaries of workers translate into ill-equipped centres unable to provide quality care.³⁶

32. See *Report of the Commission of Inquiry for Women - Pakistan, August 1997*; pp. 73

33. *Dawn*, 28-02-07

34. Shirkat Gah: *Mapping Research 2005-2006 to see available resources at local level for addressing family law matters and violence against women* (unpublished research report)

35. *Research Report on Medico Legal System, Policy & Services* War Against Rape; 2006; page 5

36. AAHUNG: A Research Study on the Medico-Legal Sector in Karachi; 2007.

We call upon the Committee to ask

- “ What measures have been taken to ensure medico-legal facilities at the Basic Health Unit accessible to women, to ensure immediate medical examination in VAW cases?
- “ What has been done to appoint and ensure the presence of trained women medical officers in all medico-legal units e.g. by providing better incentives and facilities?
- “ Is there mandatory comprehensive training for medico-legal officers, particularly on women rights, and sensitization on gender and VAW?

C.6. Domestic Violence & Crisis Centres

Only 17 of the 25 Women Centres are operational (eight are being established).³⁷ Most offer only temporary shelter for up to 48 hours, after which women are referred to other NGO or government run shelters (Dar-ul-Aman) in the area. The effectiveness of all crisis/women centres is seriously impeded by the absence of dedicated, sensitive and trained staff and lack of well-prepared guidelines and protocols for dealing with survivors. Staff is recruited from a general pool of Social Welfare Officers transferred from and to other services, occasionally being given responsibility for running the shelters as an additional charge. This undermines investment in capacity building which, carried out as stand-alone occasional sessions, is inadequate.

Security for both staff and survivors is problematic. Mostly untrained guards lack sensitization and knowledge of safety protocols; most shelters are located within the crisis centres, the location of which is advertised. Staff is only available during official office timings and centres ill-equipped to deal with emergency cases outside office hours.

We call upon the Committee to ask

- “ What strategy exists to ensure sustainability of the centres beyond the current 5 years project cycle?
- “ Are there any plans to ensure shelters and women's crisis centres have dedicated trained staff?
- “ What rehabilitation options, other than reconciliation, are given to survivors to help them reintegrate back into society? How does the government define success other than reconciliation?
- “ Do shelters service providers have clear guidelines regarding approach, systems, language protocols, attitude, and dealing with residents? What is done to encourage accountability and monitoring of the quality of the services provided to the survivors?
- “ What security measures are taken for the staff and survivors in case of crisis?

On domestic violence, we call upon the Committee to ask

- “ Is a law criminalizing domestic violence under consideration? If not, why not?
- “ What is being done to accurately document the incidence of violence against women?

C.7. Police Sensitization to VAW/Gender

A module on Attitudinal Change for Police Curricula to be run in all police training schools, colleges and centres was endorsed by the National Police Training Management Board

37. Rawalpindi, Faisalabad, Mirwala, Faisalabad, Hyderabad, Nawabshah, Dera Ghazi Khan, Khuzdar, Swat.

on 15 July 2006. Developed in a government-civil society partnership³⁸ the module includes self awareness, and sensitization to human rights issues, including violence against women and children, and issues of gender. 66 police instructors were trained in January 2006 to implement the module, yet by April 2007 it was being run in only 5 of the 20 police training institutions. There is no monitoring and accountability mechanism within police management; with no internal budget allocated for this module, the financial burden falls exclusively on external donor and NGO support; no measures have been taken to secure the continued presence of trained instructors to ensure sustainability.

184 women have been recruited in the last 2 years in the Islamabad Police, mostly in the rank of Lady Constables. These police women are not involved in regular police operations (case registration, investigation, patrolling etc.). They are mostly restricted to administrative roles in women police stations, arresting women beggars, body searching accused women, and security duties during demonstrations/events.

We call upon the Committee to ask

- “ What accountability mechanisms are in place to ensure implementation of the syllabus on police self-awareness, sensitization on gender, human rights and VAW in all police training schools and colleges? Are there plans to ensure sensitivity is also developed in senior police management?
- “ What mechanisms exist to ensure meaningful mainstreaming of women in police work and sensitivity of work environment especially viz. a viz. sexual harassment?

With respect to VAW, we call upon the Committee to ask

- “ What steps has the government taken to proactively counter the cultural notions that make violence against women acceptable acts? On media, in school textbooks?
- “ When does Pakistan plan to ratify the Rome Statute of the International Criminal Court, which recognizes serious crimes of VAW as crimes against humanity?

C.8. Legal Protection of Women Workers

***Committee question on Article 11 (paras 24-24)
Government response para 31***

On July 1st 2006, the amendments introduced under the Finance Act undermine the protection of women workers from exploitation. The provision barring females from working in factories before sunrise and after sunset (Factories Act 1934) has been repealed. Employers may now force them to work two shifts at a time, up to 10 p.m. The Shops & Establishment Ordinance 1969 has been amended to increase daily working hours from eight to twelve hours. The compulsory weekly holiday has been abolished. The West Pakistan Industrial & Commercial Employment (Standing Orders) Ordinance 1968 has introduced a new category of "contract worker". Contract workers will not be entitled to compensation for overtime. In addition, the ceiling on overtime has been raised from 150 hours to 624 hours a year for adults and from 100 hours to 468 hours for juveniles.

38. Rozan, a civil society organisation and the National Police Academy Islamabad

The reality is that the majority of women workers are contract workers; as such they will be the most affected by this amendment. Moreover, a vast percentage of women engaged in the labour market work as home-based workers paid by the piece in the "putting out" system; approximately 70% according to the NCSW research on home-based workers. As stated by the NCSW, it is not enough to merely recognize these women as workers in the 2002 Labour Policy³⁹. Of equal concern is the lack of recognition of women working in agricultural and livestock sectors as unpaid family workers with no legal cover.

We call upon the Committee to ask

- ” When will legislation be enacted to protect home-based workers as recommended by the NCSW?
- ” When will labour laws be extended to provide legal coverage and protection to women working in fisheries, agriculture, forestry and livestock?

C.9. Personal Status Laws of minorities

Christians comprise 2.5 million of the country's total population; Hindus an equivalent number (1998 census). The laws governing Christian family matters are provided by the Christian Marriage Act 1872 that has only been amended once on procedural matters in 1976. Christian women seeking to legally dissolve marriage confront such obstacles that many have ended up converting to Islam or opting for informal forums that have no authority to adjudicate the matter.⁴⁰ These laws need to be amended and measures taken to ensure that legislation in the name of the majority religion does override community laws, in keeping with Article 227 (3) of the Constitution that protects the personal laws of the minorities.⁴¹ The personal status laws of Hindus remain un-codified. Cognizant of problems, the government-appointed Commission of Inquiry for women, headed by a serving justice of the Supreme Court, recommended in its 1997 report that a commission be appointed to review and revise the personal status laws of non-Muslims in Pakistan.⁴² The recommendation was adopted by the NPA (Strategic Objective I.3, Action 3).

We call upon the Committee to ask

- ” What initiatives have been taken to review and revise the personal laws of religious minorities to ensure women's rights? Why has Pakistan's NPA Strategic Objective I.3, Action 3 not been implemented?
- ” What has been done to ensure non-Muslims are not governed by laws different than their faith and to annul the overriding effect of laws said to be Muslim?

39. NCSW with Pakistan Manpower Institute, Labour Manpower and Overseas Pakistanis Division; *Policy Research On The Status of Home-based Women Workers in the Informal Sector Draft Report (Revised After National Survey)*

40. Information provided by Centre for Legal Aid Assistance and Settlement (CLAAS)

41. Adultery has been the principle ground for dissolving marriages under Christian law. This became problematic when the Hudood laws made adultery punishable with stoning to death. Following the Women Protection Act 2006, non-Muslims can still be tried under this provision although the punishment is imprisonment. The evidence of non-Muslims remains unrecognized under the revised Hudood law which continues to prohibit non-Muslim lawyers from representing Muslim clients. This violates. See *Discrimination Lingers On Shadow Report submitted* by NCJP & DCHR

42. *Report of the Commission of Inquiry for Women* - Pakistan, August 1997; page 20

C.10. Women's Political Participation & Representation

**Committee questions on Articles 4, 7 & 8 (paras 8, 19)
Government responses paras 14, 25-26**

The government response that there are 39,964 women elected representatives in the local government is incorrect: after amendments to the local bodies reduced over-all seats (though not proportion of women's reserved seats), the number of women councilors is 28,582.⁴³ More importantly, the local government affirmative action does not ensure minimum representation of women as heads and deputy heads (*nazims* and *naib-nazims*) of councils, whereas *the* 'local government' as defined by the rules consists of the council head and deputy head *and* some 13 members of the bureaucracy. Councilors not considered part of the Local Government are therefore excluded from many aspects of decision-making.

Women councilors often lack necessary information to be effective, and there is no budgetary allocation for women's work specifically or for dispensation by women councilors as a whole. While the government has announced that women representatives will benefit from stipends to facilitate their participation in council meetings, these have not been disbursed so far.

We call upon the Committee to ask

- " Why has affirmative action not been extended to provide quotas for women as heads and deputy heads (nazim & naib nazim) of local body councils since these are the only persons included within the ambit of what is referred to as the 'local government'?
- " What provisions, if any, have been made for women representatives to have earmarked budget allocations and to ensure that some proportion of all local government budgets is earmarked for gender-specific development work?
- " Is it mandatory for women to be included in all the civil society and public-private committees provided for under the local government? If not, why not?

C.11. Ombudsman Office

The government response to Committee question Article 3 that "2005 shows that out of total of 15,136 complaints, 41 cases providing relief, six, registered by women complainants were (in all cases) disposed of with favorable judgments" means that women *only* registered a negligible *0.004%* of the cases; underscoring that women do not approach this institution. In any case the Ombudsman Office mandate is limited to reviewing cases of mismanagement of duties by government officials/institutions.

43. Aurat Publication and Information Service Foundation. *Women in Local Government 2005*; Islamabad: December 2005; pp 4

ANNEX

Editorial daily *Dawn* 30-03-07

Why this tolerance of extremism?

SCENES of utter lawlessness staged by the Lal Masjid seminary students in Islamabad on Wednesday came as a warning, yet again, that the monster of extremism has to be reined in to keep any semblance of sanity in society. Stick-wielding and armed zealots have held the federal security apparatus virtually hostage since January 21, when women students of Madressah Hafsa had first occupied a children's library to push for their demands aimed at 'Islamisation' of the social order. The latest events of violence would not have taken place if appropriate action had been taken to get the library vacated more than two months ago. The government's soft-peddalling on the issue has emboldened the misguided zealots. On Wednesday women seminary students took three women hostage after accusing them of immoral activities. Another band of zealots went about forcing music and video shops to close down or face the consequences of indulging in 'un-Islamic' trade. Local FM radio waves were hacked and extremist propaganda broadcast, calling the people to jihad against government policies. Two policemen and their vehicles were then taken hold of by seminary students, and later released in exchange for four madressah students whom the police had taken into custody for indulging in violence.

All this is wholly unacceptable, not only because the conduct is in complete violation of the law but more so because it aims at forcing mediaeval values on the vast majority of the people who do not share this narrow-minded view of their faith. The violators of the law and public order are not some obscure, tribal people living in their isolated hamlets in a far-off tribal territory, but right in the middle of the federal capital. The government's apparent acquiescence in their illegal activities, ranging from land encroachment to unlawful construction and occupation of public buildings, to abduction, to intrusion into citizens' privacy and institution of moral policing of the worst order, demands an explanation. What are the capital police doing if they cannot even stop acts of lawlessness in the city? Why was the interior ministry found napping when the writ of the state was being challenged by a band of self-styled guardians of faith and public morality? And what were the myriad of intelligence agencies doing? Isn't it their job to pre-empt such an open assault on state authority?

In a country where hundreds of people have mysteriously 'disappeared', some only to resurface in American investigation and detention cells abroad, the tolerance shown towards the violence perpetrated by the Lal Masjid seminary students is but a joke. It shows a government not exactly known for tolerating dissent or peaceful protests by the opposition, and even by members of civil society, in a curious light. The peaceful and moderate silent majority cannot be held hostage by a handful of bigoted mullahs and their misguided young followers. The state's writ must run, even if it means taking swift but firm action against the violators of the law. This needs to be done before more damage is done to the social order, and before the mainstream religious right jumps on the bandwagon and politicises the issue. Religious fanaticism which uses violence and coercion as a means of achieving its goals set by a mediaeval mindset must not be allowed to take root. Members of civil society, too, should rise to the occasion and stop this push towards obscurantism.

Creeping Talibanisation

Editorial *Daily Times* 30-03-07

Students of the female seminary Jamia Hafsa raided an alleged brothel in Islamabad on Tuesday and took three women and a six-month-old baby hostage. People say the hostages are the family of a government employee. The ulema who guided the attacking girls decided that the house was a brothel. The "danda"-wielding girls say they will similarly raid 22 other houses in the capital city. Yesterday, the alleged Madame "repented" in captivity before her Islamic brothers and promised not to continue her "business". Earlier the danda-wielding shuttlecocks had threatened to take action against shops in the federal capital selling film and music DVDs. The same righteous women are still in illegal occupation of a children's library in the federal territory and the ministry of interior and ministry of religious affairs are quavering in their chappals.

In any other country the law would have been applied in short order. The ulema would have had the right to register a case in the local thana or police station against the allegedly offensive 22 households and let the court decide whether those households were practising prostitution or not. If the ulema had turned out right, then the members of the household involved in the crime would have been punished under law. But if anyone had taken the law into his own hands, the state would have rapped him unequivocally. But this is Musharraf's Pakistan, where militant ulema are increasingly wont to take the law into their own hands and are threatening to launch an armed jihad against the state. The scary thing is that the state seems to have absolved itself of all responsibility in such matters, which are erupting with fearful regularity all over the country, and not just in Tank or Mardan or Warizistan. *

Editorial daily The News 30-03-07

Friday, March 30, 2007 News

Who will fight this Talibanisation?

The events of recent days in the NWFP town of Tank and in Islamabad should shatter the assessment of all those policymakers, government functionaries and members of civil society who thought that Talibanisation was a feature only of FATA or some other remote and backward area of the country. Tank, which is now under curfew, and where several people were killed as extremists (thought to be allied with a Waziristan militant commander with whom the government brokered a "peace deal" last year) launched an all-out attack on Tuesday night on the district headquarters of Tank district and not far from Bannu, Dera Ismail Khan and Lakki Marwat, all reasonably large towns of NWFP. The violence there began on Monday after a school principal had the courage to call in the police after jihadis barged into his institution and tried to win recruits to their cause. The local SHO also responded and he sadly paid for it with his life, reportedly killed in the most cold-blooded manner possible, after he thought he had managed to broker a truce with the militants who would leave the school peacefully and without any new schoolboys in tow. The principal was kidnapped the following day from his home and he too paid for his courage in standing up to these extremists with his life — on Thursday it was reported that his body was found from South Waziristan. The militants who attacked Tank on Thursday have been linked to pro-Taliban commander Baitullah Mehsud since this is his area of influence, although he has himself denied any such connection. However, it is worth reiterating that on many oc-

casions in the past militants have carried out attacks against government installations and security personnel or killed so-called 'informers' in areas under their influence but then disassociated themselves from these acts. One can only hope that the president is absolutely one hundred per cent accurate when he says that those elements in the intelligence agencies who in the past had supported the Taliban, the jihadis and their sympathisers are no longer in the service of the government and that now any assistance to these extremists is coming, if at all, from retired intelligence officials. The other disturbing development is taking place right in the heart of the federal capital. In this case particularly, the government and the Islamabad local administration are to blame for not having acted earlier when the female students of Jamia Hafsa had forcibly and illegally occupied a children's library demanding that this occupation would end only after the government rebuilt a portion of a mosque complex that had been demolished by the Capital Development Authority because it was built on encroached land. Now since those protesting claim to be religious students, one would first like to ask them their position on the legality of a house of worship — both from the temporal and the theological point of view — that is built on encroached land. Had the government acted promptly and strongly against this illegal occupation of the library and told the students and their madressah patrons that mosques built on illegal land are not legal, and had the students been ejected and not allowed to roam around Islamabad and launch 'raids' perhaps what happened on Wednesday could have been pre-empted. But as usual, the government seemed to sleep through this all, with the religious affairs minister claiming a "breakthrough" some weeks ago in the occupation stand-off.

The creeping coup

By Zaffar Abbas

ISLAMABAD, March 30. The primary theatre of battle may still be North and South Waziristan, as evidenced by the Taliban's recent bloody assault on the walled town of Tank that lies in the tribal areas. But the events of the last few days in Islamabad are more disturbing in some ways, suggesting as they do that creeping Talibanisation is now a reality across the country. Indeed the Lal Masjid mosque, which has never right to subsist, Tuesday's showdown with the police was its most savage episode of the year. First to sign up to the wing, comprising hundreds of lawyers and businessmen, occupied a children's library in the federal capital in January.

Now both the civil and military wings of this emerging brand of the Pakistani Taliban have started to impose new rules of society by forcibly shutting down shops and movie shops in Islamabad, and by abducting women whom they believe are engaged in "immoral" activities.

Based in an area where the game warden's secretary and son of power is on one side, and the headquarters of the country's premier intelligence agency, the ISI, on the other, Lal Masjid and its offshoot Hafsa madressah have not only managed to enforce the Taliban-style system of "moral policing" in terms of "vice and virtue", but also they continue to control the situation.

Who are these people, and why are the government and the security services finding it so hard to enforce the rule of law? It is that the government really wants to avoid bloodshed in these hotbeds, if not thousands of innocent lives as part of the "moral policing" drive. It is a reflection of some kind of delinquency in the establishment where one leader still has a soft corner for their former Islamic allies.

Let us look at the headlines, the Lal Masjid brigade is considered a new phenomenon in Pakistan's militant politics. But the socio-economic reasons which its leaders have sought publicity in the last few months has clearly set alarm bells ringing among the general public as well as sections of the security establishment.

Son of Maulana Abdulhali, a featured preacher there who was assassinated inside the mosque about a decade ago, Maulana Abdul Aziz and Maulana Abdul Rashid Ghani have been running two separate wings of this movement.

Maulana Aziz, the more religious and scholarly of the two, leads Islamabad's biggest Jamia Feroziah madressah, which is located in the woods near the airport. He was also arrested by the late General Ziaul Haq. At one time, the madressah boasts over 7,000 students seeking high or diploma in Islamic education. But in fact, how does one during the present conflict, it also provides the bulk of the Lal Masjid support force.

The younger brother, Maulana Rashid Ghani, known to be a worldly man, manages Lal Masjid. Once known for his close links with the establishment, he is now spearheading the Islamic "brigade" which includes several thousand madrassah students, both men and women.

Popularly known as Lal Masjid — generally after the building's facade of red bricks — it has long been regarded as the city's main mosque for the followers of the Deobandi faith. It caught the eye of its detractors during the present campaign by pro-Taliban forces as the stronghold of the ISI leaders and the United Islamic of Afghanistan.

However, the critical point came when Lal Masjid hosted a water conference of Islamic and clerics about two years ago to inaugurate a fatwa which was only against the military operation in Kandahar. But who called for a

boycott of the namaz-jamans of soldiers killed in the fight with Islamic militants.

A number of people were arrested shortly after the fatwa was issued but Maulana Ghani went into hiding. During this period the authorities made half-hearted efforts to arrest him, while Maulana Ghani effectively used his contacts with the media for publicity and quickly transformed himself into the leader of the pro-Taliban movement in Islamabad.

The latest confrontation is also of his making, as was the case in January when he led the campaign against the demolition of mosques in Islamabad described by the government as illegal or unauthorised.

On that occasion, hundreds of burqa-clad women from the adjacent madressah Hafsa, all of them breastfeeding babies, occupied a small children's library in protest.

And though the controversy revolving around a demolished mosque was resolved with the religious affairs minister, Ejazul Haq, coming to their support, the library still remains in the control of the Hafsa women, and has in fact been made part of the madressah.

Encouraged by the manner in which the authorities capitulated, those managing Lal Masjid increased their demands, and called for regularising a large number of mosques constructed without prior permission. More recently they decided to push the campaign a step further by introducing the Taliban-style police system based on "amar fatwa" of "sahab nahi aur munkar", more commonly known as the "department of vice and virtue".

Within no time groups of men and women from the brigade started visiting shops, threatening them with dire consequences if they didn't stop selling DVDs, CDs or music cassettes. People were also issued directives about dress codes and other "moral and ethical" issues.

The latest confrontation, which again ended in victory for the Hafsa women, was also the result of this campaign during which they raided a nearby house and abducted an elderly woman as well as her daughter and daughter-in-law, accusing them of immorality.

The authorities, meanwhile, focused on securing the release of two policemen who had been made hostage the same day by the Lal Masjid boys. The women were set free only a day later, and that too after being forced to seek "forgiveness". All this happened not somewhere in remote and distant Miranshah or Wana, but a score's throw from the seat of power.

The situation today is that the leaders of Lal Masjid are declaring victory in this latest round. The children's library is still in their control, and their home-welding force patrols the streets in the area. The authorities keep claiming that a number of wanted men are hiding inside the mosque but remain reluctant to take action. The excuse they offer is that the use of force may result in bloodshed. That leaves force with only a few days ago to crush opposition supporters a few hundred yards from Lal Masjid is nearly forgotten.

Lal Masjid is supported by not only the Hafsa and Feroziah madressahs but also has the backing of a dozen or so other large and small seminaries in different parts of city. And their students — almost all of them from outside the city — are assemble at the madressah post office, as has been witnessed during recent protest gatherings.

To some it seems the government doesn't realise the gravity of the situation. And that has prompted a few to ask if a government even exists in Islamabad.

But of course there is a government, with Mr Shaukat Aziz sitting pretty in the palace and well-secured Prime Minister's House on the hill. President Pervez Musharraf, with much authority on his plate, is meanwhile busy trying to solve issues more crucial to him, ranging from the judicial crisis in Waziristan, and even the Islamic ummah's wider concerns like Palestine and Iraq.

It then the stand-off in Islamabad may not yet be a huge crisis as has been the case with crisis in the past. It may take a while for the decision-makers to understand how dire the situation has become. In the meantime, the creeping coup by the Pakistani Taliban will continue unabated to challenge the writ of the government and the state. And perhaps alter the country's social fabric to an extent that it is rendered unrecognisable.

Down 31-03-07



The Nation 23-08-05



Other Angles Khan Development Foundation, Cartogain 2005, Progress Report - November 2005. A banner posted in the Northern Areas of Pakistan after the October 8 earthquake.

Due to service of Imam Hussain Hazrat, Imam Ahmed Bagar said: Rampant adultery and usury cause of earthquake.



Epidemic victims die as martyrs: cleric

By Sadia Qasim Shah

PIZA GHAT (Swat), Feb 21: Raising voice against the fanatical cleric, a religious figure in Man Dherai village of Swat has forbidden people to take any preventive measures against polio "as those killed during an outbreak are martyrs".

"I must tell my brothers and sisters that thinking a cure (vaccination) is not allowed in Shariah," said Maulana Fakhri during a Friday sermon in Man Dherai village where he is building a madrasah with monetary help from locals.

"According to Shariah, one should avoid going to the areas where an epidemic has broken out, but those who do go to such areas and get killed during an outbreak are martyrs," he said.

According to him, influencing people into refusing polio vaccination in many parts of the NWFP. Like Nigeria, Pakistan is another country where clergy is blocking efforts aimed at eliminating fatal diseases like polio.

Cases of people misbehaving with polio staff have been reported from several areas.

Recently, a surgeon, Dr Ghani Khan, was killed in a bomb blast in Bajaur Agency, causing postponement of the anti-polio campaign, official sources said.

The provincial government has launched an anti-polio campaign to run between February 20 and 22 in selected parts of the province, but there have been reports of people refusing to get their children vaccinated.

Swat is one area where polio staff is facing resistance, said an official.

People more inclined towards religion were bitterly against anything related to foreigners, he said.

Maulana Fakhri suspects the instigation of foreign agencies involved in funding drives against fatal diseases: "I don't understand why foreigners would think of our well-being when we see that they are killing Muslims in Afghanistan and Iraq."

He cited the example of a companion of the Holy Prophet (peace be upon him) who, he said, was "martyred" during an epidemic.

Maulana Fakhri - who is the son-in-law of Maulana Sadiq Muhammad, leader of the De-funct Tehreek-e-Nilari-Shariat Muhammadi - has gained popularity in the villages and hamlets of Swat due to his religious teachings transmitted through an illegal FM radio station. His Friday sermons held in an open area on the bank of the river Swat in Man Dherai village draw big audiences.

The health department also holds clergy responsible for the refusal of the people to get their children immunised against polio in some districts of the NWFP.

Last year, 15 polio cases were reported in the NWFP - seven belonging to the tribal agencies and eight in the settled areas, officials said, adding that in 2007, a 10-month-old was decimated with the polio virus in Nowshera.

"The propagation of the clergy is causing more and more people in Swat, Bajaur, Lakki Marwat and Mardan agency to refuse polio drops for their children," said an official of the Expanded Programme for Immunisation (EPI) run by the NWFP Health Department. In the wake of the killing of surgeon Ghani Khan in Bajaur, the polio staff, mostly comprising locals, had refused to go ahead with the anti-polio campaign in the agency, sources said.

Confirming the postponement of the anti-polio drive, an official said the government was faced with multiple obstacles like staff security, inaccessible areas and presence of large number of Afghan refugees.

"Most of the eight people, decimated with the polio virus in the settled areas, were of Afghan origin," official said.

Dawn 22-02-07

Population welfare office set on fire in Dir

Delawar Jan Banori

DIR: Some unidentified miscreants set the Population Welfare regional centre on fire at Wari area of the district the other night reducing all the official record and furniture to ashes, however, no loss of human life was reported.

Police have registered First Information Report (FIR) but are still clueless about the perpetrators. The centre was being run by three female officials of the department, but they remained safe being absent from the premises. The district officer of the Population Welfare apprehended the incident had links with Bajaur-style hostility towards Extended Immunisation Programme (EPI) and population control campaigns.

"As we see a spate against the polio and population control in Bajaur, this incident could also be linked to that fanaticism," Asim Zia said. However, he said it was yet to be corroborated. The officer expressed astonishment as to how one could torch a building at such a time in the middle of village on the roadside. The officials are also examining the possibilities of personal enmity of the rented building owner with any person. "Our female staff has neither received any threats from any person or organisation nor there had been any expression of disapproval regarding the family planning as far as our centre is concerned," he said.

Reply to a query he agreed that a wave of hatred and antagonism did exist in Wari against the family planning referring to the last year vehicle blast. Asim said that investigations were in initial stages and no final conclusion could be drawn at this stage.

It was not the first incident in which the family planning programme was targeted as on June 16 last year a vehicle owned by health department was blown up at Dislawar, Wari, to stop the said programme.

The News 27-02-07

PAKISTAN:

Taliban Writ Runs in Border Areas

Ashfaq Yusufzai

PESHAWAR, Mar 13 (IPS) - "Shaving beard isn't done here. Contact only for hair cut", reads a sign pasted outside the entrance of a barber's shop in Upper Dir, a rugged and mountainous district in Pakistan's North West Frontier Province (NWFP) that borders Afghanistan.

"Shaving beard isn't done here. Contact only for hair cut", reads a sign pasted outside the entrance of a barber's shop in Upper Dir, a rugged and mountainous district in Pakistan's North West Frontier Province (NWFP) that borders Afghanistan.

All the barbers' shops in Timergarah, the district headquarters, and Munda have stopped providing shaving services since leaflets advising them that it was Islamic to grow a beard were distributed by an unnamed group last Tuesday.

On Mar. 4, there were explosions inside two saloons, a music shop and four other shops in the adjoining Bajaur Agency, part of the Federally Administered Tribal Agencies (FATA) along the resive Afghan border. The Taliban have reportedly banned music in the tribal areas, and have started firing taxi drivers found listening to music.

According to news reports, a video shop in front of a police station in Bannu, the hometown of the NWFP chief minister Akram Durrani, was attacked by armed men suspected to be Taliban on Feb. 27, who destroyed CD players and CDs of Urdu, English and Indian films.

The district of Tank, located on the border with South Waziristan Agency has slipped into the control of the Taliban. There is a total collapse of the civil administration. Police stations remain closed after sun down, and the Taliban fighters patrol the streets and the bazaars riding on their favorite Datsun pickups...

Administrative control in North and South Waziristan and Swat district has slowly slipped into the hands of radicals. A demoralised police force which has been the target of suicide attacks -- most recently in January 2007-- is unable to provide protection to businesses banned by the Taliban. Some music shop owners have shifted to Peshawar.

"The Taliban frequently visited our shop and asked us to close down. One day, they delivered an ultimatum: either you close it or we will do it for you," said Hamza Khan, whose family owned a chain of music shops in Tank for 20 years, and has now relocated to old Peshawar.

The local Taliban burnt TV sets even in Charsadda district, which is adjacent to Peshawar. "The government has lost its writ due to which Taliban are thriving," observed Ali who is doing his doctorate.

Even girls schools in upscale Peshawar are receiving anonymous threats of suicide bombing. Several schools were recently forced to close after the administration received threatening letters. The Taliban are against providing education for girls and letting women work.

Last month, two government-run girls schools in Mardan, the second biggest district in NWFP, were shut down as a precautionary measure following warnings from Taliban groups. Another letter warned that girl students must be veiled from head to toe or the schools would be blown up.

Religious extremists in the district of Swat have derailed the government's anti-polio campaign. At the forefront is a charismatic local cleric, Maulana Fazlullah, who has his own FM radio. "Anyone getting crippled by polio or killed by an epidemic is a martyr", he announced at a sermon during Friday prayers.

The cleric, who likes to ride on a horse followed by his supporters in the bazaars, told IPS: "Vaccination of children against polio is a conspiracy by the U.S. to make the coming generation sterile."

In February 2006, in neighbouring Darra Adamkhel, religious extremists killed a senior doctor and health workers involved in the polio campaign.

Anti-U.S. sentiments are growing even in Peshawar city, rued researcher Ali. "Some barbers are refusing to shave off beards -- a sign of their hatred for the U.S.," he said. (FIN/2007)

IPS 13-03-07

Women teaching in Darra feel harassed

By Abdul Sami Paracha

KHAT, March 4: Women teachers from Kohat working for different schools in Darra Adakhel feel harassed, though the authorities have provided them a guard following threats from a Taliban-style militant group.

The recent assassinations of eight teachers from Kohat to the Swat district area in Darra Adakhel.

Steadily, in the Swat area, the administration has deployed a Khazdar force for round-the-clock duty at middle schools for girls, officials told Dawn on Saturday.

The tribal administration has also warned local tribes that if any terrorist incident occurs in the girls' schools, their elders will be responsible.

Mr Atrai, the principal of a school, said "Such incidents have become very common and recent attacks on shops have spread a new wave of fear among women teachers."

Mr Atrai, whose sister announced a Prize of Performance award two years ago, said tension still persisted because the culprit threatening women teachers had not been arrested. "We'll feel safe once the people involved in terrorist activities in general and those threatening teachers in particular, are brought to justice."

She said the car of a college principal, assassinated in the school for the same reason, had been chased by four motorcyclists up to Mardan in Peshawar.

Parents are also afraid of sending their children to schools due to the rise in terrorist acts and threats by the so-called Taliban in Darra Adakhel.

Meanwhile, watchmen at schools have refused to cooperate and perform duty in this situation.

"Their point of view is that as they are local, they cannot provide names of someone if they identified them, and so there is no need to perform duty," an official quipped watchmen said, adding that the watchmen were also not allowed to fire on terrorists if they attacked, which was the actual reason behind their refusal to guard schools.

"They cannot fire on their fellow tribesmen if identified as terrorists under local customs. Otherwise, they will have to pay a huge fine to be imposed by a jirga and it will result in enmity with visitors' families."

The security arrangements for women teachers were made on directives of Kohat district coordination officer Shabaz Khan, who also holds the charge of administrator of the FR, Kohat.

Mr Chaudhry Sahar, who has been serving for 42 years, said such incidents had started after teachers from Peshawar were appointed in newly-upgraded colleges in Darra Adakhel.

"These teachers are not aware of the culture of the tribal area and are not ready to wear burqa, or dupatta even while standing on the road. They have been warned many a time by unknown tribesmen claiming to be the local Taliban to observe local dress code."

She said a letter teachers had been receiving from the Taliban for several months stated: "There is no need to teach girls after the fifth class, otherwise they will blow up all such schools." She said abusive language had been used in one of the letters.

Many schools and CD centres in Ter Chappar, Pawal, Samskhal and Muhammad Hussain Mela, Akbarabad and Now Ali Kaley areas have been targeted by explosives from August to December last.

One of the schools and a market were completely destroyed in blasts.

Officials said they had failed to trace the group claiming to be the Taliban who were attacking girls' schools and CD shops only, while the drug and arms business was continuing as usual.

Dawn 05-03-07

Cleric launches drive against female education

Our correspondent

MINGORA: The campaign launched by a cleric through his FM channel against girls' education is gathering momentum as hundreds of girls students have stopped attending schools on the advice of their elders.

Maulana Fazlullah, secretary of the defunct Taliban Jirga Shariat-e-Mohammadi (JSSM), has launched an aggressive campaign against girls' education through his illegal FM channel from a small village of Inan Dast, close to Mingora town of Swat district. Every night after Jaha prayers he delivers special sermons on the topic banning girls' education against Islamic injunctions and a source of obscenity and vulgarity.

Some say that followers of Maulana Fazlullah have now also started wall chalking to contradict their fundamentalist views on girls' education and vaccination against polio. According to one report, about 1,100 children were deprived of anti-polio drops during the previous campaign.

Though exact figures of girls' dropout from schools are not available, majority of the residents in the rural areas of Mingora are subscribing to the extremist views of the Maulana and forbidding their girls from attending schools. The number is increasing with every passing day.

"There are people who don't consent to these views but due to fear cannot express their single word against them," a resident of the area told The News on condition of anonymity, adding that the Maulana was mainly targeting women in his religious sermons.

A teacher in a local school, Ahmad Ali said that the defunct JSSM movement, which supported Taliban-style rule in the region, was now re-emerging in a new shape. "The Maulana is working very systematically. First he assigned the people to burn their TV sets, computers, CD players and VCRs by turning them sources of vulgarity, then he motivated women through his speeches to stand against their husbands if they refuse to grow beards and now he is discouraging girls' schooling. Of course, he

is propagating his own brand of Islam," the schoolteacher said.

Requesting anonymity, a local lady commented that the cleric warned women of dire consequences both in this world and hereafter if they had stepped out of their houses. "Women in the area are donating jewellery worth millions of rupees for construction of the Maulana's madrasah [seminary]," she added.

It is pertinent to mention here that immediately after bombing of a seminary in Bajaur Agency, where about 80 people were killed (including some close relatives of Maulana Fazlullah, he laid the foundation of the seminary along River Swat.

"Every day in the morning hundreds of Maulana's followers from the surrounding villages come here to work for construction of the madrasah with a religious zeal. People are also donating money to start the construction cost in response to the Maulana's appeal," Saba Khan, a resident of the area said.

When asked about the situation, District Nazim Jamal Nadeem

The News 20-02-07

Veil threat to girls school in Mardan

23-2-07
MARDAN: A school for girls in Mardan has been warned that its building will be bombed if teachers and students do not start wearing veils and burkas. According to a private TV channel's report, the principal of Mardan Government High School received a letter from an unidentified man, who had written that the school would be bombed within seven days if students and teachers did not start wearing veils. The school administration told the area's ADI and DCO about this, following which security personnel in uniform and plainclothes were deployed around girls' schools. It is believed that the letters are being sent by associates of Al Qaeda leader Abu Farah, who was arrested from the same area. Similar letters were also sent to some schools in Peshawar, and as a result, two schools were closed down and security for others was increased. **ONLINE**

Daily Times 23-02-07

Female teacher, students asked to wear veil

Our correspondent

DARA ADAMKHEL: In wake of growing threats from local Taliban, political authorities in FR Kohat have directed women teachers and girl students to wear traditional white veils (burqa) while attending their schools.

Political tehsildar Abdul Ghafar the other day summoned all the women teachers and watchmen of the primary and higher schools and directed them to strictly implement the decision in order to ensure law and order in the tribal territory.

Local Taliban have been distributing pamphlets in the area for the last two months directing prin-

cipals of girls' schools to close the institutions or face consequences.

Meanwhile, authorities warned elders of the FR Kohat of armed action, if they failed to hand over anti social elements to the administration.

The administration also threatened Guldar, an alleged gambler, along with his two sons to surrender otherwise action would be taken against them. The authorities refused to take the two minor grandson of Guldar into custody in place of him.

The administration also warned the guarantors of notorious car snatcher and kidnapper Amir Saif alias Charg to hand over him by today (Monday).

The News 22-01-07

Police in civvies deployed outside PU boys' hostels

• PU administration mulling over crackdown on IIT activists
 • Committee formed to investigate Tuesday's incident

LARORE: Following incidents of violence sponsored by the Islamic Front (IF) on campuses at Punjab University, law enforcement personnel in plainclothes have been deployed outside the PU boys' hostels to monitor the activities of IIT activists. A PU official said Daily Times on Wednesday that the university administration was also thinking of initiating a massive crackdown on the hostels at the weekend. He said the university administration would meet senior police officials in a day or two to plan and coordinate the crackdown.

He said the IIT had challenged the administration's writ by forcing students to follow their agenda. "The plan to start the crackdown was made when IIT activists on Tuesday met at some students of the English Language and Literature Department for their 'anti-bias' views, taking part in terrorist activities and improper dressing," he said.



Thursday and urged him to take action against the IIT activists who had up students of law department," he said. The official said that in March the PU administration had reported an IIT activist and resident of two others for allegedly shouting and disturbing a group of students who took part in performing arts activities. The IIT activists have also forced five power breaks at the PU hostel system, cafeteria and other places. PU superior Dr Naveen Khan confirmed the deployment of plainclothesmen. However, he did not confirm the imminent crackdown on the IIT activists, saying the PU administration would talk to senior government officials to plan curbing the activities of IIT activists. "A crackdown will be the last resort," he added. He said the university would not allow IIT activists to force students to follow their agenda. He also said a committee had been formed under PU Hall Council chairman Prof. Akhtar Khan and Student Welfare Officer Dr. Tahir to investigate Tuesday's incident. He said the committee would submit its report within two days.

Daily Times 12-04-07

Wear veil or face bombs, students warned

MOHAMMAD ASHFAQ

23-2-07
PESHAWAR - Many English-medium schools of Peshawar remained closed for another day on Thursday after receiving continued threats of being targeted by the terrorists.

SHOs of the police stations visited the public and private sector schools in their respective areas and asked the principals and watchmen to keep vigil on the suspected elements as secret agencies had reported that terrorists' next target would be the educational institutions, a school teacher informed.

The terror reports spread panic and fear among the students, parents and teachers of the schools, particularly the Beacon House and City Schools, which remained closed for the last two days. The four branches of Beacon House, located in Hayatabad Township, and one at Bara Road, and a branch of Bloomfield in the University Town remained closed, the sources said. Principal City School Naheed Kamran told The Nation that they have not received any threat, however, telephone calls to the Beacon House admin caused panic among the teachers and students.

Online adds: Girls schools in Mardan also received threats of being bombed if the teachers and female students did not start wearing veils and burkas. Principal of Govt High School Mardan received a letter from an unidentified extremist group stating that they will bomb the school if the students and teachers did not wear veils.

The Nation 23-02-07

Girl students in shuttlecock 'burqas'

15-3-07

Our correspondent

TIMERGARA: Girl students of local schools have started using shuttlecock 'burqas' after some unknown persons delivered letters to educational institutes asking the students to do so.

The miscreants had threat-

ened them to launch a suicide attack on them if they defied their orders.

The letters triggered a sense of fear among girl students and their parents. Besides, many of the girl students stopped attending schools after issuance of the threatening letters.

The News 15-03-07

Lal Masjid on the warpath

Maulana Aziz threatens suicide attacks if govt blocks Shariah enforcement; Islamic court set up

From Muhammad Anis

ISLAMABAD: The administrator (Khatib) of Lal Masjid, Maulana Abdul Aziz, Friday asked the government to enforce Shariah in Islamabad in a month, and threatened that they would themselves take measures in this regard in case of government failure.

He also warned the government of suicide attacks if hurdles were created in their way.

Maulana Abdul Aziz was addressing a daylong "Nifa-e-Shariat and Azmat-e-filhad Conference" at Lal Masjid here.

"We are ready to sacrifice our lives for the success of our movement for Nifa-e-Shariat."

The khatibs also announced setting up of an Islamic Shariat Court (Qazi Court) that would comprise 10 Mufitis. He gave a deadline of one month to the government to close down all brothel houses in Islamabad, Rawalpindi and its surrounding.

Continued on page 9
• Special coverage on page 8



ISLAMABAD: Students gather beside a pile of burning CDs and DVDs outside Lal Mosque on Friday.—AFP

The News 07-04-07



ISLAMABAD: Burnt CDs are set ablaze by the residents of Barri Ismail following the actions of the students of Jamia Masjid. (AP)



ISLAMABAD: People watch the burning CDs and DVDs as a shopkeeper closed down his CDs and DVDs business following a call from the 'Vice and Virtue' squads on Monday.—AFP

Daily Times, The News 10-04-07

Really, what is going on?

7/4/07

THE NWFP HAS ALREADY SUCCEMDED, or near-surrendered, to religious extremism. Clerics in Batawi have decided to fine Rs5000 anyone listening to music; elsewhere, people are being punished or fined for not keeping heads and so on; in Tank, the last town in the settled area before South Waziristan, militants tried to forcibly recruit students for suicide missions and killed the principal when he showed the courage to intervene and prevent them from such madness.

As if this was not enough. Now we have something even more serious to worry about and it is much closer to home, in fact right in the capital.

The Jamia Hafsa and Lal Masjid have been unleashed on the hapless citizens of the capital. The chronology of events is known but it is important to recap it to understand what's going on.

The CDA decided to launch a campaign against encroachments on government land in Islamabad. Among the encroachments they destroyed was a boundary wall of a mosque. Protesting this, the female students of Jamia Hafsa occupied a public library for children.

Within forty-eight hours, the government not only succumbed to their pressure but our wimpy and very holy Minister for Religious Affairs, Ijaz-ul Haq, son of the venerable Gen Zia-ul Haq, very ceremoniously laid the foundation-stone of the boundary wall to be reconstructed on an encroached government land!

Emboldened thus with their signal success, the female students kidnapped a woman, who they accused of raising a brothel, along with her daughter and grand daughter. In a ridiculous and feeble response, the Islamabad police responded

by abducting two female teachers of the Jamia Hafsa and two drivers of the institute who were preaching to shopkeepers in Anbaram market the evils of selling videos and DVDs/CDs. If it were not shameful, it would almost be comic. The students of Jamia Hafsa responded by kidnapping two policemen along with two vehicles belonging to the police!

Once again top government officials decided to succumb to the pressure and unilaterally released the teachers and drivers apprehended by the police, expecting a corresponding response. While the policemen and their vehicles were released later the same day, the three kidnapped females remained in custody until they made a public apology for their 'evil deeds' two days later and promised not to return to their evil ways.

Now the female and male students of Jamia Hafsa are running riot in Islamabad, threatening those running video/DVD/CD shops and telling them to take to another business. They are doing so without any attempt by the police to interfere and protect the citizens from this unnecessary harassment. They are threatening to uncover other brothels and deal with them as they have done on the previous occasion and what is more, Maulana Abdul Aziz, the mufti who leads prayers at Lal Masjid, has put the government on notice and asked it to impose 'Sharia' or else his boys would do so.

The latest in this ongoing drama is the fact that ten muftis have been selected to set up a 'Shariat Court' in the Lal Masjid and an Azma-e-Hudud and enforcement of Sharia conference is underway at the time of writing this article.

VIEW



SHAUKAT QADIR

Why would Musharraf, who proudly portrays himself as Pakistan's strongman, allow this episode to drag itself unnecessarily in Islamabad when he has not been averse to using force in the tribal areas, in Balochistan and in Karachi

Meanwhile, the newspapers tell us that 'the President and PM are concerned' about the situation and that the use of force is a last-resort scenario.

While falling prey to 'conspiracy theories' is not commendable, there is little doubt that occasionally there is substance to such theories. Let's consider this case.

Jamia Hafsa began with government funding and continued to receive

substantial government funding for many years. Whether it still does is not known. The opposition has already alleged that the government has created this situation to divert attention from the chief-justice crisis. Even the MMA has collectively condemned each act of the students of Jamia Hafsa and Lal Masjid and disclaimed responsibility for their acts.

In the background, General Pervez Musharraf is not only faced with the judicial crisis he has created, but is being pressured by the United States on the necessity to hold free and fair elections (US congressmen have gone from Pakistan straight to London to meet with Nawaz Sharif. They were already in contact with Benazir Bhutto, with whom a government deal appears to be in the offing).

It is difficult to see why the government, which can easily pull the curtain on this drama, has refused to do so thus far. Why would Musharraf, who proudly portrays himself as Pakistan's strongman, allow this episode to drag itself unnecessarily in Islamabad when he has not been averse to using force in the tribal areas, in Balochistan and in Karachi?

Is it possible that he has deliberately permitted the situation to go this far, in the hope that it will reinforce the view that he is indispensable if Pakistan has to have a moderate future? This may or may not be true. But if it is, then all one can say is that if he has, then he has descended to depths hitherto unprecedented. His legacy will be worse than his predecessor, Zia-ul Haq's.

The author is a retired brigadier. He is also former vice president and founder of the Islamabad Policy Research Institute (IPRI).

Daily Times 07-04-07

Aunty Shamim freed after apology

From Mobarik A Virk

ISLAMABAD: Talibat of Jamia Hafsa Thursday afternoon released Aunty Shamim, an alleged brothel owner, after she pledged to refrain from indulging in the immoral activities. Aunty Shamim along with her daughter, daughter-in-law and six-month-old grand daughter was forcibly kidnapped from her home in sector G-6/1-4 by the Talibat on Tuesday evening, and was kept under

Continued on page 9

- FIRs against Lal Masjid admin, Hafsa students—P10
- See also editorial



ISLAMABAD: A Burqa-clad alleged brothel owner Shamim reads her statement during a press conference. —The News photo

Continued from page 1
forced confinement inside the Jamia Hafsa. The three women and the baby girl were released by the management of Jamia Hafsa on its own without any effort made by the government after Aunti Shamim agreed to conditions laid out for her to accept and follow in future.

Shamim addressed a press conference inside Jamia Hafsa where she announced her repentance over her past activities and promised to live like a pious woman in future and refrain from indulging in any immoral acts.

She also donned a black 'burqa' like the one donned by the Talibat of Jamia Hafsa as she spoke in front of the media and

even appreciated the Talibat for helping her and treating her humanely while she and her daughter, the daughter-in-law and the grand daughter were in the Jamia.

"I apologise for what I had done in the past and promise in the name of God that in future, I will live like a pious person," Shamim said while talking to reporters.

However, once safely outside the madrassa, she turned extremely bitter about the treatment meted out to her and the other two ladies of the family.

"They repeatedly told us that we are 'Kafir' and even invited a group of women to stare at us as they told them that we are 'Kafir' (infidels). We would prefer to

turn to Christianity. At least those Christians would provide us protection. Here, we are sure that even President Musharraf cannot provide us protection," Shamim said while talking to a private TV channel later.

She alleged that they were all male Talibat of madaris who barged into her house on Tuesday, breaking not only the outer door but those of the rooms inside the house as they tried to protect themselves by putting on latches from inside once these men entered their home.

Shamim alleged that she was dragged by these men who put a rope round her neck and brutally beat up the other two women, one of them getting her finger swollen badly as she received a

hit on her hand.

She criticised the Islamabad police for failing to provide them protection. "I have managed to come out after agreeing to tell the reporters what they asked me to say in front of them. Otherwise, there seemed to be no power in the world, including President Musharraf, who would have been able to get us freed from their custody," she said.

She also said that she would be approaching foreign missions in Islamabad, seeking protection from them because "they (Talibat and Taliban) have warned us of a severe consequences if we said something against them".

"They told us that they would bring the whole of NWFP over to Islamabad if anybody tried to stop them from what they are doing. They also put forth the names of those Kashmiris — Khalid Khawaja and others — for their release, as a condition to set us free. Now, what we have to do with these Kashmiris. We even don't know who they are talking about," Ms Shamim said.

She kept reiterating the maltreatment she and the other female members of her family suffered at the hands of Talibat who, according to her, dragged them from their home, beat them up publicly and continued to ask if that was allowed by Islam.

Earlier, Maulana Abdul Rashid Ghazi, the administrator of Jamia Hafsa, said that they had nothing personal against the women and...

The News 30-03-07

Lashkar-e-Ababeel orders NGO workers to leave Hazara
NGOs blamed for spreading vulgarity;
NGOs warned against strict action if they do not vacate the area
within three days. (Urdu daily *Mashriq* 19-09-06)



Urdu daily *Mashriq* 19-12-06



National Rural Support Programme (NRSP)
office gutted in Swat.
Unidentified miscreants also fired bullets
on the office building. Two motorcycles &
other office materials destroyed due to fire.
(Urdu daily *Aaj* 09-04-07)

Urdu daily *Aaj* 09-04-07



My name is Amna Buttar, and I am the president and co-founder of Asian-American Network Against Abuse of Human Rights (ANAA)...

ANAA has been tracking Supreme Court of Pakistan's decision regarding key issues pertaining to women, and missing persons, and under the leadership of Chief Justice Chaudhry Ifikhar, the Supreme Court of Pakistan has decided on landmark cases to promote human rights and Justice for all. This is why we were appalled to see the military regime show disrespect to the highest office in the apex court of Pakistan. ANAA issued press release condemning this behavior, and demanded that Pakistani Government free the courts, and assure justice for all in Pakistan. When a group of Pakistani-American Doctors came to Pakistan from the USA, I decided to join them and went to Islamabad. We arranged a meeting with the suspended Chief Justice Ifikhar Chaudhry at his house in Islamabad, Pakistan on April 2nd, 2007. At the meeting, Justice Ifikhar Chaudhry assured us that he is innocent and his hands are clean. Later on that day, we had arranged a press conference at the Holiday Inn, Islamabad. At the press conference, we expressed our frustration at the lack of rule of law in Pakistan. Next day, we went to the rally as a group. Around 9 am, Justice Ifikhar arrived with his lawyers in a jeep and a van. There were many police men facing the gate forming a wall, and the crowd had to pass through the wall of police. As I got closer to police, all of a sudden, several hands grabbed me from all sides. These men started aggressively touching my private parts. The aggressive grabbing continued and I realized that I had to turn around and walk out of the Supreme Court Gate. As I turned around, these men came after me and continued to grab me and pulled me back. One of them pushed me down and I fell on my knees. He pushed my head down and put one hand on my back so I could not get up and with one hand he kept aggressively groping my private parts. This attack was very sexual in nature and terrifying for me. Most terrifying part of it all was that it was broad day-light, and I was in the middle of a crowd of thousands of people, and yet I was being attacked by these monsters who could have done any thing to me at that time. This feeling of terror, humiliation, and helplessness is unbelievable. Here I am, an inspiration to the rest of the world and a voice for the victims and survivors, and yet I was voiceless at that time. I did not give up, and continued to fight him; with my right hand, I kept pushing his filthy hand away from me and with my left arm and leg, I was trying to wiggle out. I was able to get up from under him, and then turned around to see who he was and, who were the accomplices. I saw a group of men wearing black T shirts that said Anti-terrorist Squad...

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Fatwa (Verdict)

By Mufti Khalid Shah

In present times, with the exception of a few organizations and individuals, governments and non-government organisations all over the world are working for the greater deceiver (Dejia), Christians and Jews. All multi-nationals, IMF, World Bank, WTO, UN, all its subsidiaries formed to serve women's issues, technical institutions such as ICAO, WMO, IMCO, UPU, ITU, IMO, ILO, other institutions working to eliminate social problems like UNESCO, WHO, IFD, those working for the economic betterment for example, IBRD, IDA, IFO, UNICO, GATT, purely financial institutions like WTO, FAO are puppets of the Jewish and Christian ideologies/policies. Other than these, several Christian and Jewish organizations and NGOs are working for the same purpose. Similarly, Red Cross and human rights organizations are working to promote the Jewish cause.

Therefore we appeal to the Muslims to immediately disassociate themselves from these institutions/organisations, and not promote the Jewish ideology.

UN is already serving the Jewish cause, and because of its dominating role all over the world, has launched a war against Muslims and earth has become a fierce battlefield. And the way the infidels are causing destruction, they should be encountered on every front. Jihad has become compulsory on the entire Ummah (Muslims). As prescribed in the Quran, Hadiths, and scholarly verdicts permission of parents to launch jihad is not mandatory. Since the entire world has become a battlefield, we declare war on UN and its bodies, NGOs pursuing Jewish ideology and criminality and other different Christian organizations. It is every Muslim's duty to attack them; kill member of these organizations, destroy their homes and cars. Muslims also have the right to forcefully occupy, lay claim over the properties and assets owned by the infidels, whether through conspiracy or force.

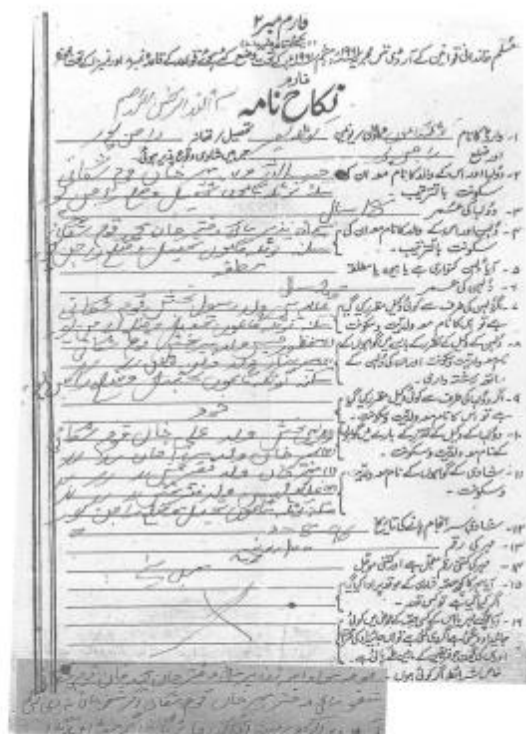
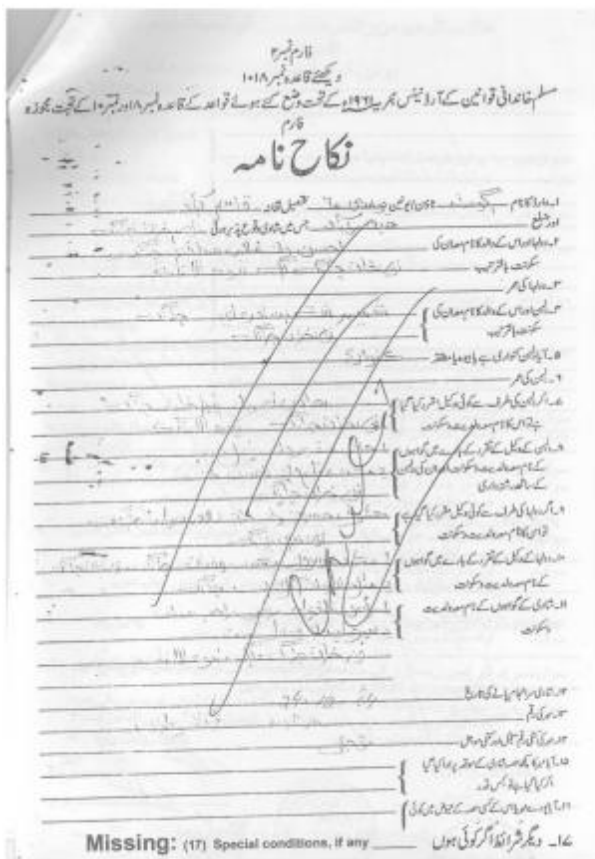
In the given situation, where war has already been declared by the infidels (Jews and Christians), it would not be wrong to take up arms against them.



OFFICAL NIKKAHNAMA FORM

- (1) Name of Ward, _____ Town/Union _____ Tehsil/Thana _____ and District _____ in which the marriage took place.
- (2) Name of the bridegroom and his father, with their respective residence _____
- (3) Age of bridegroom _____
- (4) The names of the bride and her father, with their respective residence _____
- (5) Whether the bride is a maiden, a widow or a divorcee _____
- (6) Age of the bride _____
- (7) Name of Wakil, if any appointed by the bride, father's name and his residence _____
- (8) The names of the witnesses to the appointment of the bride's Wakil with their father's names, their residence (1) _____ and their relationship with the bride (2) _____
- (9) Name of the Wakil, if any appointed by the bridegroom, his father's name and his residence _____
- (10) The name of the witness to the appointment of the bridegroom's Wakil with their father's names and their residence (1) _____ (2) _____
- (11) Name of the witnesses to the marriage, their father's names and their residence (1) _____ (2) _____
- (12) Date on which the marriage was contracted _____
- (13) Amount of dowry _____
- (14) How much of the dowry is ready (tamuz) and how much deferred (dehaz) _____
- (15) Whether any portion of the dowry was paid at the time of marriage. If so, how much _____
- (16) Whether any property was given in lieu of the whole or any portion of the dowry with specification of the same and its valuation agreed to between the parties _____

- (17) Special conditions, if any _____
 - (18) Whether the husband has delegated the power of divorce to the wife. If so, under what conditions _____
 - (19) Whether the husband's right of divorce is in any way curtailed _____
 - (20) Whether any document was drawn up at the time of marriage relating to dowry, maintenance, etc. If so contents thereof in brief _____
 - (21) Whether the bridegroom has any existing wife, and if so, whether he has secured the permission of the Arbitration Council under the Muslim Family Laws Ordinance, 1961, to contract another marriage _____
 - (22) Number and date of the communication conveying to the bridegroom the permission of the Arbitration Council to contract another marriage _____
 - (23) Name and address of the person by whom the marriage was solemnized and his father _____
 - (24) Date of registration of marriage _____
 - (25) Registration fee paid _____
- Signature of the bridegroom or his Wakil _____ Signature of the witnesses to the appointment of the bridegroom's Wakil _____
- Signature of the bride _____ Signature of the Wakil of the bride _____ Signature of the witnesses to the appointment of the bride's Wakil _____
- Signature of the witnesses to the marriage (1) _____ (2) _____ Signature of the person who solemnized the marriage (1) _____ (2) _____
- Signature and seal of the Nikah Registrar _____ Seal _____



In future family one minor female Ms. Shafa d/o Mehr Khan from bride's family will be given in marriage to a man Mr. ... belonging to the groom's family. In case of any violation Rs. 200,000/- will be paid by

SC questions women's security after release

Staff Report

ISLAMABAD: Supreme Court (SC) Chief Justice Iftikhar Muhammad Chaudhry on Friday said that releasing women prisoners on bail under the presidential ordinance involved serious legal issues because their security protection had not been guaranteed by anyone.

"Recently, an under-trial woman prisoner who was released on bail was murdered in Mirpurwa. The suspicious and helpless women are neither provided security and protection nor find any safe shelter to live in after their release," the chief justice said, while hearing a petition challenging the presidential ordi-

nance regarding the release of women prisoners on bail.

The objection was filed by Shabid Urakasi, who stated that although the law had been amended to give the right of bail to women prisoners accused of crimes other than murder and terrorism, they remain vulnerable when they were released from jails after their relatives disown them. He said that in some cases women had no family or relatives to return to and ultimately fell victim to criminals.

On Friday, Attorney General Mukhammad Ali Khan, who had been summoned by the court, failed to attend the hearing. The SC bench, consisting of Chief Justice Iftikhar Muhammad Chaudhry and

Justice Muhammad Nawaz Abbasi, adjourned the case and directed the attorney general to appear in his presence in the next hearing.

President General Pervez Musharraf on July 6, 2006 had issued an ordinance according to which under-trial women prisoners were to be released on bail. Over 1,200 women prisoners, mostly involved in Hudood cases, were to be freed from jails. As women facing charges under the Hudood Ordinance cannot be released on bail, the presidential ordinance amended Section 497 of the Criminal Procedure Code under which women involved in rape, adultery and other criminal and Hudood cases became eligible for the release.

Daily Times 14-10-06

Rape case under WPA turns to be an eyewash

From Shakoal Anjum

ISLAMABAD: The first rape case lodged by a federal capital woman under the recently-enacted Women's Protection Act (WPA) has turned out to be an eyewash.

The medical report in the case has simply denied the rape charge levelled by Dr Mamoona Anjum, a resident of I-10/1. The controversial WPA allows a woman to get an FIR registered against a person on charges of rape merely on circumstantial evidence and without any fear of being punished for wrong accusation.

Shahnaz Bokhtari, protector of the women's rights when contacted for her comments said: "The WPA should not be abused and misused. When a woman is victim, she should be helped, but if she misuses the law, she should be punished." Dr Mamoona Anjum, 37, wife of Rana Shafique Ahmad resident of street 96, I-10/1 lodged a complaint with the Sabzi Mandi police, saying that her husband was in Saudi Arabia for a couple of years, and she was living in her own house along with her son. She said that one Nazir Ahmad, a grade-18 Scientific Officer of the Ministry of Science and Technology, was living in a portion of the house for the last 10 years as tenant while her husband bought the house two years back, and now she wanted to get it vacated, but he denied to vacate.

She said that the accused used to tease her frequently, but she always ignored and didn't com-

plaint when Nazir entered her room from back-door at about 1.00 am and raped her forcibly," she said in her written complaint. "I straightaway went to the PIMS hospital after the rape for medical examination where Dr Sobia Luqman examined her," she said.

Dr Sobia Luqman, Resident, Gynaec/Obs, MCH Centre, PIMS hospital, in medical report confirmed the heinous offence, marking wounds on the various parts of her body. The medical report confirmed the rape saying the symptoms of rape were clearly found during the examination. She told the police that she was a doctor by profession but was not practising. She had two sons - one is a student of MBBS while the other a student of class 10.

The Industrial Area police, on the grounds of preliminary medical report, registered the first case under the Protection of Women (Criminal Laws Amendment) Act 2006 after the promulgation of the new law - 375/376 PPC and arrested Nazir Ahmad and sent HVS (high virginal swab) and Rectal Swab (RS) for chemical examination to confirm the act of rape. But the chemical examiner's report, signed by Dr Basharat Hussain (Chemical Examiner, Rawalpindi) and Dr Khalid Abbas Janjua (Assistant Chemical Examiner) discarded the allegation of rape levelled by Dr Mamoona Anjum, saying that HVS and RS tests were negative for sperm. Additional Session Judge Islamabad, Chaudhary Akhbar Qureshi, on the ground of

The News 13-01-07

Release of women prisoners under presidential ordinance. Death engulfs women after release from jail. Urdu daily Din, 02-09-06



Will Najma get relief under WPA?

MEHREEN SOLEHRIA

Amjad, her husband who is behind bars.

LAHORE - Only 34 women prisoners out of a total of 101 prisoners convicted under the Hudood Ordinance have been released so far from the Kot Lakhpat Jail.

Najma Manzoor the prisoner left unreleased even after the Presidential Order to release women prisoners from jails clearly shows the violation of the order.

19-year-old Najma who eloped last year with Muhammad Amjad, her maths teacher, to Karachi where they got married. Najma told The Nation, "Muhammad Amjad used to come home to teach me maths when I was preparing for my Matric examination. We developed an understanding and became fond of each other.

Amjad also asked my mother for my hand in marriage but she refused asking him not to come again to teach me.

Since I was above 18 years we decided to elope and get married."

Najma's mother filed a kidnapping and abduction case against Muhammad Amjad. As a result both of them were caught and were now facing trail for the charge of adultery.

According to the Women's Protection Act Najma would be released from the case whereas her husband Muhammad Amjad would not be able to be bailed out under pressing charges.

After her release from the prison alone Najma will undergo a lot of suffering as she will not be supported by her family.

The only one to protect her from the worldly sufferings could be

According to Ch Javed Latif Superintendent Kot Lakhpat jail Najma has been facilitated under the Women's Protection Bill but since her family is not willing to accept her and bail her out, her case would remain in pending until finalised in the court.

On the other hand Najma seems to be quite content in the jail as she believes she is protected from her family who she fears could harm her.

According to the monthly prisoner list of the Punjab Prison Department there is a total number of only 16 under trial women left under the Zina Ordinance who after submitting applications according to the new Act will be facilitated and released.

The Women's Protection Act has managed to facilitate several innocent women suffering in jails, yet it is still unable to provide relief in cases like Najma's where legal husband and wife have to face the wrath of the prison cell.

The point to ponder is even if these women are released from prison, their families will not accept them and may kill them for honour.

The story of Najma clearly indicates that even after the WPA there is no protection for those women who wish to marry against the consent of their families and still have to suffer in jails with their spouses.

The question remains if a woman is released under the WPA, why her spouse should continue for the same charges.

The Nation 10-02-07

'Some WPA provisions require interpretation'

Lahore High Court seeks assistance on law point whether girl under 16 years can marry on her own will

By Our Correspondent

THE Lahore High Court has observed that some provisions of the Women Protection Act 2007 require further interpretation as the issue of puberty becomes meaningless for declaring a girl a minor when women take liberty from constitutional rights.

Justice M.A. Shahid Siddiqui also sought assistance on a law point whether a girl, less than the age of 16 years, can exercise her freedom for marriage under the provisions of Women Protection Act. The court raised the point when Chief Justice produced a girl to the court. The girl, according to her father was 16 years old and was to be taken to her home in the city. The girl, however, submitted before the court that she had married with her own free will and she has also stated her name.

The court observed that why legal cases did not consider the age of puberty much sufficient and in the age of 16. The court noted:

Justice M.A. Shahid Siddiqui was hearing a habeas corpus petition filed by lady Yasmin Binti of Chitral. She has sought recovery of her daughter Harra who is 16-year-old. The petitioner has al-

leged that her father has abducted the girl. The girl, however, deposed that she had married on her own free will with Nasir, younger brother of her father. Chief Justice, however, rejected the petitioner's case against the accused under section 486-A of the Women Protection Act 2007 on the basis of Karachi High Court's decision in *Shahid vs. Shahid* on Feb 1, 2007.

Chief Justice also produced a birth certificate of the girl before the court which declares her 16-year-old. The court observed that the girl's age is less than 16 and she cannot be declared a minor.

The court further observed that rights of parents should also be considered, adding that such marriages will create disturbance because reasons for parents while seeing a daughter being taken away. The court adjourned further proceedings for March 14, directing counsel to file their views to assist the court on the issue.

Blasphemy trial adjourned

ADDITIONAL District and session judge S.M. Shoukat Hashmi has adjourned the proceedings of a video and trial of blasphemy ac-

cused Yasmin Binti on March 6. The prosecution had already completed its final arguments but on Tuesday again presented the court to make more submissions which was accepted. On court direction, SP Special Investigation, who was holding the office in September 2005 when this case was registered against Yasmin, also appeared. The judge directed him to appear on next hearing also. District Judge also registered a blasphemy case against Yasmin under Section 295-C of IPC, after he allegedly made derogatory remarks about Prophet Muhammad (PBUH) at a Qawal on September 6.

Accused counsel Anwar Soofi challenged the whole legal process for this case and lodged the whole investigation against the accused illegal. He said that according to the law, a police officer below the rank of SP could not conduct the investigation but in this case a sub-inspector conducted the investigation, which made the whole process illegal. He requested to quash the case. During the proceedings the accused was sitting in a special room of the Lahore High Court and the judge was sitting in a room prepared for video trial.

Age of puberty not determined, observes LHC Women protection law needs interpretation

By Our Staff Reporter

LAHORE, Feb 23: Observing that some provisions of the Women Protection Act 2007 require interpretation, the Lahore High Court (LHC) on Tuesday sought assistance on a law point whether a girl aged under 16 could exercise her free will to marry someone after the enforcement of the law.

The court raised the point when Chief Justice produced a girl who, according to her father, was 16 years old and, therefore, could not exercise her free will to marry.

The girl on the other hand said the court that she had contracted the marriage of her free will and she had also stated her name.

The court observed that the issue of puberty became meaning-

less for declaring a girl a minor when women took liberty from the provisions of such law.

The court asked why legislatures did not determine the exact age of puberty.

Justice M.A. Shahid Siddiqui raised the question while hearing a habeas corpus petition filed by Yasmin Binti of Chitral, seeking recovery of her daughter Harra.

The petitioner alleged that a man named Asif and his sister had abducted the girl.

The girl, however, deposed that she had married Nasir, a younger brother of Asif, of her free will.

Chief Justice police had registered an abduction case under section 486-A of the Women Pro-

tection Act, 2007 on the complaint of Yasmin Binti on February 1, 2007.

Chief Justice for the petitioner, Zahir Khalid Chaudhry, produced a birth certificate of the girl before the court, according to which she was 16. The court observed that the girl's age was less than 16 and she could not be declared a minor.

The court also observed that rights of parents should also be considered, adding that such marriages would create disturbance because nobody could tolerate seeing a daughter being taken away.

The court adjourned further proceedings for March 14, directing counsel to file their views to assist the court on the issue.

Dawn 28-02-07

The News 28-02-07

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From Saudi Arabia with love, at Rs 500 a piece

MS brings burqas for Mayo Hospital nurses

By Afnan Khan

LAHORE: Mayo Hospital medical superintendent Dr Fayaz Ranjha has asked nurses to wear burqas on the job and is allegedly selling cloth for the purpose at Rs 500 a piece. Hospital officials said a Saudi Arabian philanthropist had gifted him the cloth during his recent visit to the country for umra.

"The MS held a meeting with nurses and urged them to follow Islamic teachings," an official told Daily Times.

Dr Ranjha denied compelling nurses to make burqa part of their uniform. "I have only urged them to use hijabs (veils)," he added. He denied buying or getting the cloth from Saudi Arabia.


A nurse said the cloth was fine and cost at least Rs 4,000 in the market. She said most nurses had bought it and intended to use it for shalwar kameez. A source said the MS had held meetings with "a well-off Arab" in Saudi Arabia. One of Dr Ranjha's aides said the Arab philanthropist had gifted him the cloth after the doctor told him of his philanthropy at Mayo Hospital and helping earthquake victims.

He said Dr Ranjha told the person that he wanted his nurses to wear the veil but the government could not afford to pay for the new addition to their uniform.

Dr Ranjha met the nurses in the hospital's committee room soon after his return about a week and a half ago, an official said.

A senior staff nurse said the MS asked all the nurses to wear burqas and adopt "the Islamic culture" so that they would look more devout. He then offered the cloth for cheap to the nurses who couldn't afford burqas. Another nurse, attending the meeting (originally called to discuss nurses' problems) said the deputy chief nursing superintendent, the deputy nursing superintendent, and other senior nurses then met the MS again. Dr Ranjha told them he had brought very fine cloth from Saudi Arabia, she said.

Additional medical superintendent Dr Manzoor Chaudhry confirmed part of the story but said the hospital did not intend to change the nurses' uniform. He said getting cloth from Saudi Arabia was Dr Ranjha's personal matter and the nurses were free to wear burqas after duty hours.





شیرکت گاہ

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