

## Women's rights situation in Pakistan

Domestic violence was a widespread and serious problem. Human rights groups estimated that a large number of women were victims of domestic violence at the hands of their husbands, in-laws, or other relatives. According to the HRCP one out of every two women was the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported in 2001 that violence against women "has been described as the most pervasive violation of human rights" in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands were known to kill their wives even for trivial offenses, and often newly married women were abused and harassed by their in-laws. While abusers may be charged with assault, cases rarely were filed. Police usually returned battered women to their abusive family members. Women were reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also were reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which rarely were invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim was a direct lineal descendant of the perpetrator. Police and judges tended to see domestic violence as a family problem, and were reluctant to take action in such cases. Thus it was difficult for women to obtain relief from the justice system in cases of domestic violence.

During the year, the press reported on hundreds of incidents of violence against women and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During 2001, 471 dowry deaths were reported, but according to one NGO, only 60 to 70 percent of such cases are reported. During the year, 317 burn cases were reported to the Progressive Women's Association (PWA). Human rights monitors asserted that many cases were not reported by hospitals and that, even when they were, the police were reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" in fact are killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women.

By year's end, The Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress. A second crisis center in Vehari, in southern Punjab, opened in 1998.

Rape was a pervasive problem. In 2001 the HRCP estimated that at least eight women, five of them minors, were raped every day, and more than two-thirds of those were gang-raped. The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks. On June 22, a woman in Meerwala, Punjab was gang-raped on the orders of a council of tribal elders.

According to HRCP, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments. Accordingly, if a woman cannot prove the absence of consent, there was a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd--or maximum punishment for this offense--was public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence were followed. Hadd punishments were mandatory if evidentiary requirements were met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses were not Muslim, the punishment was less severe. The testimony of four female witnesses, or that of the victim alone, was insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements were not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases were tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders.

According to an HRCP lawyer, the Musharraf Government has brought fewer charges against women under the Hudood Ordinance than were brought in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. According to AI, men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges.

According to a 2001 Human Rights Watch report, women face difficulty at every level of the judicial system in bringing rape cases to trial. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending towards a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly were reluctant to convict; however, if there was some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). In 2001 HRW also reported that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that the doctors were trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are abusive physically or verbally during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently were harassed by police or the alleged perpetrators to drop the case. Police sometimes accept bribes from the accused rapist to get the victim to drop a case; however, in other cases, police will request bribes from the victim to pursue the case against the accused rapist. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one.

The Parliamentary Commission of Inquiry for Women in 2001 criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed, asserting that they are based on an erroneous interpretation of Shari'a. The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. According to one human rights monitor, 80 percent of adultery-related Hudood cases were filed without supporting evidence. The Commission found that the main victims of the Hudood Ordinances are poor women who were unable to defend themselves against slanderous charges. These ordinances also have been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission. One NGO run by a prominent human rights activist reported that 262 women were on trial for adultery in Lahore as of May 2001. An additional 33 were awaiting trial and 26 had been convicted under the Hudood Ordinances in 2001, the most recent statistics available.

Marital rape is not a crime. The Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally.

There were numerous reports of women killed or mutilated by male relatives who suspected them of adultery. Few such cases were investigated seriously and those who are arrested often were acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations, in order to restore tribal or family honor women are far more likely to be killed than men. The HRCP estimated in 2001 that as many as 204 women were killed by their husbands or family, mostly as a result of honor killings, known as "karo/kari" (or adulterer/adulteress) in Sindh. Around 278 honor killings took place in Punjab according to the HRCP. More than 800 women were killed by family members in honor killings during 2001. The problem was believed to be even more extensive in rural Sindh and Baluchistan, where "karo/kari" killings were common. Tribal custom among the Baluch and the Pathans sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who were the victims of rape may become the victims of their families' vengeance against the victims' "defilement." The Government failed to take action in honor killing cases, particularly when influential families were involved. In April 2001 Mehvish Miankhal was killed by her uncle and the Government did not arrest her attacker.

Female genital mutilation (FGM) is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

Sexual harassment is a widespread problem in the country but there is no separate law to prosecute offenders. There is one article in the Pakistan Penal Code that deals with harassment. Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than are male children. According to a U.N. study, girls receive less nourishment, health care, and education than do boys. In June, the New York Times reported that the country has only 94 females for every 100 males, when the international average is 104 females for every 100 males.

Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is accepted more readily.

The value of women's testimony is not equal to that of a man's in certain court cases tried under the Hudood Ordinances or before a federal Shariat Court.

In inheritance cases women generally do not receive--or are pressed to surrender--the share of the inheritance they legally are due.

Civil marriages do not exist; marriages were performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved. Children born to Jewish or Christian women who convert to Islam after marriage were considered illegitimate only if their husbands do not also convert, and if women in such cases do not separate from their husbands.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often the laws were not observed. One NGO reported that legal literacy is constrained by the lack of laws printed in local languages. Judicial reforms begun in April with foreign funding included plans to publish laws in Urdu, which is understood by the majority of citizens; some laws had been published in Urdu as of year's end. The Parliamentary Commission of Inquiry for Women recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also called for the punishment of those who coerce women or girls into forced marriages. A husband legally is bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or 16 for females. However, the legal process is so complicated and lengthy that it can take years for the children to get maintenance.

Discrimination against women particularly is acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates were 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the reason they kept their daughters from attending school and sent their sons instead. Similarly a study by the NWFP directorate of primary education concluded that most girls in rural areas do not go to school because they have to look after the household while their mothers help in the fields. In Karachi only 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions were much worse, with only 2 percent of the province's women having received any formal education. Education activists noted that many parents would like to educate their daughters; however, many parents reportedly chose not to send their daughters to school due to the poor quality of instruction and the lack of facilities. In rural areas, the practice of a woman "marrying the Koran" still was accepted widely if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males more than 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian--usually her father). However, in practice social custom dictates that couples are to marry at the direction of family elders. When this custom was violated, especially across ethnic lines, violence against the couple may result, and the authorities generally failed to prosecute such cases vigorously.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless an increasing number of women are entering the commercial and public sectors. Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

In 2001 an amendment ordinance to the citizenship law was issued which enabled women married to foreigners to claim citizenship for their children.

### **Trafficking of women**

The law prohibits trafficking in persons; however, trafficking in persons, especially in women, is a serious problem. The law prohibits the trafficking of women under age 21 into the country for sexual purposes or kidnaping. The Constitution prohibits slavery and forced labor. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the estimated thousands of women involved, only 88 cases were registered in Sindh between 1990 and 1999. Of the 260 men and 110 women arrested, 87 were charged and only 7 were sentenced. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims.

Pakistan is a source, transit, and destination country for trafficking in women and children for sexual exploitation, but more significantly, for use as bonded labor. Thousands of women are trafficked into the country every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, Afghan, and Central Asian women also are trafficked into the country and some Pakistani women are trafficked overseas, mainly to Afghanistan or Saudi Arabia to work as prostitutes or domestic workers. East Asian and Bangladeshi women are trafficked through the country en route to other destinations. Internal trafficking of Pakistani women and Afghani refugees from rural areas to urban centers is a problem. Trafficking in women has occurred for decades; there likely are several hundred thousand trafficked women in the country. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab.

Foreign trafficking victims usually were deceived with false prospects of marriage or offers of legitimate jobs in the country. Traffickers also used force, abduction, threats, and coercion to entice and control trafficking victims. Traffickers generally were affiliated with powerful criminal interests. There have been some reports of lower level official complicity and corruption with regard to trafficking. The border police, immigration officers, customs officials, police, and other officials (including members of the judiciary), reportedly sometimes facilitated trafficking in return for bribes.

Trafficking victims do not have legal residency and, if found by the authorities, are detained, arrested, and prosecuted for violation of immigration laws or of the Hudood ordinances. The Hudood ordinances criminalize extramarital sexual relations and place a burden on female rape victims because testimony of female victims and witnesses carry no legal weight. If a woman brings charges of rape to court and the case cannot be proved, the court automatically takes the rape victim's allegations as a confession of her own complicity and acknowledgment of consensual adultery. These laws discourage trafficking victims from bringing forward charges. Without money to pay for bail, trafficking victims often were bailed out by their pimps, who require them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters run by NGOs that assist trafficking victims, but most did not because there were few such shelters available. Many women who were not bailed out were not repatriated. Since most Bangladeshi women arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home. The Commission of Inquiry for Women drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and

should be treated with compassion. One NGO, Lawyers for Human Rights and Legal Aid (LHRLA), has reported extensively on trafficking and has provided documentation of the problem; several other NGOs occasionally work on the issue. Lawyers for Human Rights and Legal Aid and the Society for Human Rights and Prisoner's Aid run specific programs to assist trafficking victims, and a few other local NGOs also assist trafficking victims on a smaller scale.

Physical beauty and educational level were major factors in determining prices. Some women reportedly were sold into slavery and sent to Persian Gulf countries; women sent to rural Pakistan reportedly were de facto slaves. Buyers in such shops reportedly purchased women for purposes of labor or sex; some married their buyers.

Source:

**Country Reports on Human Rights Practices**

<http://www.state.gov/g/drl/rls/hrrpt/2002/18314.htm>