

# THE NEWS

Saturday, December 25, 2010

## Govt urged to challenge FSC decision in SC

**Myra Imran**

ISLAMABAD: Prominent human right activists and representatives of civil society organisations on Friday criticise the decision of the Federal Shariat Court to revert the Women Protection Act's clause 11, 25, 28 and 29.

In a press conference here they claimed it was an effort of FSC to expand its jurisdiction and undermine constitutional jurisdiction of High Court and Supreme Court of Pakistan. They urged Constitutional Reform Committee of the Parliament and Supreme Court to look into the serious constitutional implications of the FSC verdict.

The press conference was organised by Insani Huqooq Ittehad (IHI), a network of NGOs, civil society organisations and human right activists based in Islamabad. In its recent decision, the FSC has declared Sections 11, 25 and 28 of the Protection of Women (Criminal Laws Amendments) Act 2006 as violation of the constitution because these provisions annul the overriding effect of the Hudood Ordinances of 1979.

"We demand that the government should immediately challenge the decision of FSC in the Supreme Court and abolish FSC and other parallel legal systems," said Sameena Nazir, Executive Director Potohar Organisation of Development Advocacy (PODA). "We would like to state that women's rights groups struggled for more than twenty-seven years to repeal Hudood Ordinances. Plethora of evidence was gathered through research

to show the anti-women nature of Hudood Ordinances and their massive misuse particularly 'Zina' Ordinance. Thousands of women languished in jails under 'Zina' Ordinance while the acquittal rate of women charged under this law was more than ninety percent." In response to women's consistent demand for the repeal of Hudood Ordinance, she said that Women Protection Act was finally introduced in 2006 by the Parliament to redress the violations of women's rights. "A recent study shows that Women Protection Act has brought tremendous relief to women's rights. Currently there is hardly any woman who is in prison under Hudood Ordinance," she pointed out.

Sameena said that it is highly deplorable that Federal Shariat Court has made an attempt to reverse the gains made by Women Protection Act. "We believe that institutions of Islamic Ideology and parallel judicial structures of Federal Shariat and Appellate Shariat Court was the part of the political project of military dictator Zia-ul-Haq who used religion to legitimise his own dictatorial rule." She further said that it is regrettable that despite a consistent demand from civil society organisations and women's movement for the repeal of all forms of parallel judicial systems, the successive governments failed to take any concrete action in this regard. "We strongly demand that all citizens of this country should be treated as equals under one law and one judicial system."

Chief Operating Officer of

Aurat Foundation Naeem Mirza said that Federal Shariat Court has always taken stand against pro-women laws. "The FSC opposed land reforms in 1972 and also challenged progressive changes in family laws," he said.

He was of the opinion that the decision is an attempt to completely eliminate the gains of Women Protection Bill 2006. "The only difference is that instead of announcing its abolishment, the FSC has declared section 11, 25 and 28 null and void that will automatically restore Section 3 of 'Zina' and Section 19 of 'Qazaf' Ordinance."

Women right activist, Marvi Sermed, said that a certain section of the society is continuously struggling to bring back extreme mindset back into the mainstream and the FSC decision is part of that struggle.

Sawar Bari said that unlike Pakistan, other Muslim countries are on the track of development because of the progressive changes they have made in their constitution.

Others who participated in the press conferences included Arifa Mazher from Sungi, Valarie Khan from Acid Survivors Foundation, Shabana Arif from Rozan and Rehana Hashmi from Sisters Trust Pakistan. They called upon all progressive and democratic forces to join citizen's movement to safeguard the rights of people and to preserve the vision of Quaid-i-Azam's Pakistan in which the state would not use religion to run the businesses. The civil society plans to organise a protest rally against the decision on December 30.