



LEGISLATIVE WATCH

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Critical appreciation of National Commission on the Status of Women Act, 2012

NCSW on road to autonomy

By Maliha Zia Lari

The formation of a National Commission on the Status of Women (NCSW) in 2000 was one of the biggest achievements of the women's movement. The creation of a commission for women had first been highlighted by the 1975 Pakistan Women's Rights Committee under Yahya Bakhtiar, set up by the Government. The Committee recommended that a permanent commission be established, not just as a watch dog but also as the highest policy making body for women's interest in the country. Since then, it became one of the forefront demands of civil society. As a response to national demands, as well as national and international commitments of the Government of Pakistan which include Beijing Declaration and Platform for Action, 1995; and National Plan of Action (NPA) for Women, 1998, the NCSW was finally established in 2000.

However, despite the success of the establishment of the Commission,

there remained a number of flaws which hampered its envisioned function and role. Civil society and the Commission itself have advocated for years to make amendments to ensure the autonomy of NCSW and enhance its role and capacity. In 2012 the Government of Pakistan finally

amended the 2000 law creating the NCSW in an attempt to deal with the gaps affecting its functionality. The new law is titled National Commission on the Status of Women Act, 2012.

The 2012 law has made improvements in the procedure of appointment of the

Chairperson. Rather than being appointed by the Government, the option of open nomination and the formation of a Parliamentary Committee to make the final decision not only allows recommendations from the public but also allows the appointment

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Autonomy and record pro-women legislative review are major achievements: Anis Haroon

By Staff Reporter

The National Commission on the Status of Women, the permanent constitutional body for women, has achieved maximum possible autonomy in the new law which has replaced the presidential ordinance, under which it was established in 2000, said Ms. Anis Haroon, former chairperson of the commission while talking to the Legislative Watch in Islamabad soon after completing her three-year tenure as head of the commission. The commission's third tenure ended in March 2012.



The new law called National Commission on the Status of Women

Act 2012 promises executive as well as financial autonomy to the commission, she said. "When I joined the commission in March 2009 as its chairperson, the enactment of new law giving autonomy to the commission was mine and my colleagues' foremost priority, because as member of the women's rights movement we have been demanding this for years", she said. "My predecessors Justice (Retd.) Majida Razvi and Syeda Arifa Zehra also made serious and strenuous efforts in this regard",

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Question of domestic violence and necessity of DVB

By MZL

The promulgation of a Domestic Violence Act has been high on civil society agenda for a number of years. Domestic violence is a health, legal, economic, educational, social, development and a human rights issue. In the overwhelming majority of cases, such violence is perpetuated by men against women. There have been cases where women are violent, but such incidents are only a small percentage and women and children largely remain the victims.

There are an increasing number of reported cases of domestic violence against women in Pakistan, and innumerable more unreported incidents and cases; yet the State has consistently refused to give legal recognition to this serious and deep rooted issue. The State continues to perpetuate the public/private divide, i.e. whatever hap-

pens in the home should not be brought into the public realm. By the State remaining silent and the law enforcing mechanisms passive on this issue, such violence is tacitly condoned by them. Treating domestic violence as a private affair has given protection to perpetrators or violence and has led to the victimization of women.

Aurat Foundation in its annual report on "Violence Against Women in Pakistan: A qualitative review of statistics 2011" has found that that 610 incidents of domestic violence were reported in 2011. Many more cases of domestic violence remain unreported.. This will not stop until families, society, government institutions and the state address the issue directly and recognize that women and children have a right to State protection even within the private realm of the family home. These rights are also enshrined in Articles 9, 14 and 25 of the

Constitution of the Islamic Republic of Pakistan 1973, which provide from the right to security of person, inviolability of the dignity of man etc., and equality of citizens before the law and equal protection of law.

Despite this constitutional guarantee of protection, the issue of domestic violence is exacerbated by the lack of institutional recognition of the issue and the implicit acceptance evidence by the silence and disregard of the issue.

Article 25 of the Constitution of the Islamic Republic of Pakistan allows the State to makespecial provisions for the protection of women and children. Given the high statistics of domestic violence against women and children, it is vital to have a specific law on domestic violence enacted in order to not just identify domestic violence as a crime, but also to provide support and

protection for victims and for the prevention of such offences.

The Domestic Violence Bill - History and Current Status

There have been several attempts to introduce and pass a law on domestic violence at all levels. This article does not deal with the substantive material of the domestic violence laws, it is important to note at this juncture, while civil society strongly advocates the promulgation of a law on domestic violence, it also advocates that any such law must be comprehensive and not have negative clauses within it. Civil society has worked with parliamentarians on the drafting of the various bills, however it has not concurred with some of the final drafts that were placed before the legislative forums, which it has shared with the

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to be transparent.

The Commission has also been given a budget by the Government. This shows a commitment of the Government towards the Commission. Alongside this, it continues to have the power to raise its own funds, allowing it to have an allocated funds and the potential for extra funds, which allows it financial independence.

The Commission also now has its own independent secretariat with its own Secretary. It will not be placed within a Ministry as it was done previously, thereby giving it an independent and cross-Ministry status.

The right of inquiry into complaints of violations of women's rights has been given to the Commission. It has been given powers vested in a civil court under the Code of Civil Procedure 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents. This is a welcome amendment and increase in the powers of the Commission. This allows it to take a more active role backed by the necessary power.

While the law could have included several features including making the Commission's input and recommendations a mandatory feature in all laws, policies and programmes affecting women, it does not mean the amendments in the 2012 law are not welcome. The mandatory nature of the recommendations of the Commission must continue to be advocated for, but in the meantime, the Commission must continue to strengthen itself and its role in protection of women's rights.

The salient features of the 2012 law are enumerated below. The rules, according to the law, must be made within ninety days of the commencement of this Act.

The Commission

The Commission, as defined by Section 3, will be a body corporate, which in essence gives it a legal personality, allowing it to acquire, hold and dispose of property, as well as sue and be sued by its said name.

Section 3 also identifies the individuals who shall form the Commission. Members of Commission have separated members into voting and non-voting members. Voting members include: a Chairperson; 2 members from each Province, one of whom shall be a woman; one woman each from FATA, Azad Jammu and Kashmir, Gilgit-Baltistan, Islamabad Capital Territory and minorities; Chairperson or designated member from each Provincial Commission on Women's

Rights (PCSW). Non-voting members include: 5 ex officio members representing the Ministries of Law, Finance, Foreign Affairs, Interior and the Ministry concerned with the subject of women's rights, all of whom shall not be below BPS-20; and Secretary of the Commission. Every member of the Commission and every officer appointed or authorized by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 PPC

The secretariat of the Commission will be headed by the Secretary, along with officers and support staff. The Secretary, amongst his/her other duties, will also be in charge of preparation of the Annual Work Plan and budget. The Commission itself will consider, approve and monitor implementation of the Strategic Plan and Annual Budget.

The Commission shall also prepare its Annual Report which shall be presented to the Prime Minister and the concerned Ministry. The Annual Report shall also be laid down before and discussed in the Parliament. Section 17 requires all Federal executive authorities to assist the Commission in the performance of its functions.

Meetings of the Commission will be chaired by the Chairperson, or anyone designated by her and will be held 4 times a year, in every quarter. Additional meetings may be called if and when required. Quorum for the meeting shall not be less than one half of the total strength of the Commission.

Section 13 mandates the formation of an Executive Committee consisting of the Chairperson and three other members appointed by the Commission to oversee implementation of the decisions and recommendations of the Commission. Committees may also be formed on specific matters amongst its members, and if necessary, inclusion of any person with specialist knowledge on a subject.

Funding

The Federal Government shall create a Fund known as the National Commission on the Status of Women Fund, which shall vest in the Commission and shall be used by the Commission to meet charges in connection with its functions under the Act.

The sources of the Fund may include: fund that shall be allocated by the Federal Government each year as a non-lapsable grant in the annual budget; donations by private individuals, national or international agencies, income from any investments of the Commission; all funds held by the Federal Government under the title of "National Commission's Fund"; and all

other sums or properties or assets which may in any manner become payable to or vest in, the Commission in respect of any matter.

Chairperson

The Chairperson of the Commission shall be a woman with experience of working on issues related to women's rights for more than fifteen years, and is committed to the cause of women's empowerment. She shall be appointed under procedures identified in Section 4. The Federal Government is required to invite suggestions through public notice of suitable persons as Chairperson. Upon scrutiny of these persons, it shall submit a list of those persons to the Prime Minister and the Leader of the Opposition in the National Assembly. The Prime Minister, in consultation with the Leader of the Opposition, shall put forward three names to a Parliamentary Committee which will be formed as per this section. If there is no consensus between the Prime Minister and Leader of the Opposition, they shall both forward separate lists to the Parliamentary Committee. The Parliamentary Committee shall hear and confirm one of these persons as Chairperson of the NCSW.

The Parliamentary Committee shall be a maximum twelve member Committee, out of which one third shall be from the Senate. It shall regulate its own procedures. Members of the Committee shall include the Speaker of the National Assembly and will comprise of an equal division of members from the treasury benches and opposition, based on their strength in the Parliament and nomination by the respective Parliamentary Leaders. The Chairperson shall be appointed for a term of 3 years from the date of entry into office. The term may be extended only once.

The Chairperson shall be a fulltime employee and will have the status equivalent to a Minister of State and of the Federal Government. The salary and allowances of the Chairperson shall be prescribed by the Federal Government. The Chairperson will have the executive and financial authority, responsibility and charge of the Commission.

Members

The members of the Commission shall not be less than 30 years of age and must have experience working on women's issues and commitment to the empowerment of women. The Federal Government, shall after consultation with relevant stakeholders, recommend to the Prime Minister three names for each member who fulfills the necessary qualifications.

A member of the Commission shall

have status equivalent to BOS-21 of the Federal Government.

Functions of the Commission

Section 11 details the functions and powers of the Commission. The Commission is mandated to oversee all policy, programmes and other measures of the Federal government in relation to women, as well as review of all laws, rules and regulations affecting the status and rights of women and making recommendations as to amendment, repeal or promulgation of new regulations to protect and safeguard the rights of women.

The Commission is also mandated to provide research and collect data and provide analysis in order to maintain a database relating to women and gender issues. This will work towards guiding national policy and strategic action for women's empowerment.

It is also responsible for the creation and maintenance of links with non-governmental organizations, experts and individuals, as well as with other similar commissions and institutions in other countries for collaboration and action to achieve gender equality at national, regional and international level.

It also has the responsibility to mobilize grants from domestic and international, including multi and bilateral agencies, approved by the Federal Government, for meeting any of its obligations and performance of its functions. It must also liaise with Provincial Commissions set up under provincial laws and other concerned provincial organizations.

The Commission also has the mandate to facilitate and monitor implementation of international instruments and obligations affecting women and girls to which Pakistan is a signatory and to advise the Federal Government before accession to any such proposed international instrument, protocol or treaty. It can also recommend the signing or ratifying of any international instrument.

The Commission has been given the power to inquire into complaints of violations of women's rights. The Commission has been given powers which are the same as those vested in a civil court under CPC for enforcing attendance of any person and compelling the production of documents. It may also, in accordance with relevant laws and with prior permission of the provincial government concerned, inspect any jail or sub-jail or other places of custody where women and girls are kept and to make appropriate recommendations to the authorities concerned. It shall also monitor the mechanism and institutional

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procedure for redressal of violation of women's rights.

The Commission may also act for advocacy, lobbying, coalition building, networking and as a catalyst for promotion of cause of women to facilitate their participation in all spheres of life including legal, economic, social and political empowerment;

Major Concerns

While many of the amendments have made positive changes, there remain lacunas which must be filled in order for the Commission to become a truly independent autonomous body with the power to make recommendations and evaluations of the constitution, laws, policies and of the Government and government bodies, without being subjected to political influences of changes in the government.

The Commission has still not been

given official consultative status with reference to policy-development, planning or law-making. It has been assigned to only 'make suitable recommendations to the concerned authorities'; 'suggest repeal, amendment or new legislation'; 'advise the Federal Government before accession to any such proposed international instrument, protocol or treaty'; and 'recommend to the Federal Government the signing or ratifying of international instrument'.

The role of the Commission therefore remains consultative and the Government is not bound to consult it, take advice or take note of its recommendations. This has been one of the most crucial demands of civil society - to make the Commission a mandatory consultative body.

The review of the Constitution has been excluded from the Commission's mandate. The Commission's area of review has been limited to 'Federal laws, rules and regulations'. This again is problematic as the basic fun-

damental rights of all citizens, including women, stem from the Constitution.

The Commission has not been given the role of critical appraisal of the Government. The public accountability of the Government through critical evaluation was one of the forefront roles originally envisioned for the Commission.

The Commission is still only charged with 'assessing implementation' or 'monitoring the mechanism and institutional procedure for redressal of violation of women's rights' as opposed to evaluation of the progress and the Government's and organs of state's role and commitment.

There are no provisions mandating serious consideration of the recommendations of the Commission by the State. Provisions have been made for the Commission to make recommendations to the Government and 'concerned authorities' and for the Annual Report of the

Commission to be laid before the Prime Minister and concerned Ministry and laid before the Parliament.

It must be acknowledged that the new law does require the annual report to be placed before the Prime Minister as opposed to the President. However, apart from the Prime Minister, the cabinet, the highest executive authorities have not been mentioned. There are no provisions to ensure serious consideration and implementation of any recommendations and suggestions made by the Commission at any level, including the executive and legislative authorities. This includes the power to inspect jails, sub-jails or other places of custody where women and girls are kept.

The inquiry procedure under the new amendments is very welcome. However, the Commission can only inquire into complaints. It has not been given the power to take suo moto action to inquire into issues and incidents.

Expectations of the NCSW and its current achievements

The 2012 amendments to the law and subsequent changes to the NCSW lead to a number of expectations of how the NCSW should function and expected results. The NCSW, in recent years, has played a fundamental role not only with regard to legislation, policy and research, but also in creating linkages between the Government and civil society. It is anticipated that this work will be built upon in the next term and become institutionalized alongside any future initiatives.

With the devolution of the Ministry of Women's Development post the 18th amendment, the NCSW is the only body at the Federal Level which exclusively represents women. Resultantly, this becomes its most fundamental role. As per the 2012 law, the Chairperson shall have the status as equivalent to Minister of State. Therefore, the expectation is that the Commission will be considered an important institution within the bureaucracy. It must play its role accordingly and function to ensure women's representation at all levels within the Federal Government. It must also encourage the formation of Provincial Commissions on the Status of Women and liaise and support them.

One of NCSW's most important functions is as a catalyst for recognition of issues at the governmental level. It draws the government's attention to issues relating to women that could range from different forms of violence against women, home based women workers, women in conflict zones etc. Its primary role is to bring attention to the women-specific problems and needs. Although the role of the NCSW has not been given official consultative status with reference to policy development, planning or making related to women, the Chairperson must ensure it creates linkages which allows it to make regular recommendations to these with regards to women's issues. Successes from the last term (2009 - 2012) include the recommendations formulated by the NCSW to the Constitutional Committee and the inclusion of some of these recommendations in the final amendments.

The NCSW has conducted research on the different topics and issues identified and recognized. Such research is vital as it provides details and analysis of the different situations. It allows the Commission to not only identify the areas to focus upon but also identifies best possible interventions, as well as the pertinent points of intervention.

These studies influence potential future projects and actions to be taken. Most importantly, these studies are shared not only with civil society, but also with the government, who also have ownership of these studies. One prime example of the process of research resulting in action is the research on Parallel Legal Systems conducted by the NCSW.

One of the outcomes of this research and other work on the issue, was the NCSW presenting a petition in the Supreme Court relating to the illegal parallel systems purporting to implement law such as the jirga/panchayat systems. This petition is currently being argued before the Supreme Court. It is essential that the NCSW continues conducting such research to encourage and guide future projects and interventions.

As a catalyst of change within the official framework, some of NCSW's most successful work has been with regards to legislation. Past work has included work on the Honour Killings law (enacted as Criminal Law and the amendments to the Hudood Ordinance. In the last term, the NCSW formed the Law Committee consisting of some of the top lawyers, retired judges and human rights advocates. The NCSW through the Law Committee has worked on drafting laws and amendments including Acid Crimes, Muslim Family Laws etc. It has also worked successfully on advocacy and lobbying on the promulgation of laws, including the Sexual Harassment at the Workplace, Acid Crimes and this 2012 NCSW law. The Commission has created strong links not only with civil society, but also with different departments and Ministries including amongst others, the

Ministry of Law and Ministry of Human Rights. Through these linkages, the Commission has not only consistently raised women's issues, thereby giving awareness and sensitization to the issues, but has proved to be a strong advocacy body.

The NCSW is mandated to support the government in the implementation of the government's international commitments, as well as recommend the signing and ratification of other important conventions. The Commission can therefore play the role of coordination between international and national bodies, as well work towards making the national laws and policies synonymous with international obligations, laws and standards.

Another vital role played by the Commission is the linkages between civil society and government. The NCSW has played a coordinating role amongst civil society on the advocacy and lobbying. It creates a space where the government and civil society can work together on relevant issues. It can choose to play the role of an advocacy and lobbying institution, as a catalyst, as a convener and even as a mediator if necessary. It provides a sustainable and official tool for better coordination and hopefully successful strategy of civil society and government interaction and action.

The 2012 law has officially given the NCSW the right to make inquiry into violations of women's rights. This mechanism allows the NCSW to take notice of and make queries of violations against women. However, it has not given suo moto powers to the NCSW.

It has increased powers of production of documents and enforcing the appearance of persons before it. However, it is as important to realize that the NCSW cannot make inquiries to each and every case of violation of women's rights. While it can support civil society organizations in conducting inquiries of their own, the Commission must draw up a criteria of where it can personally apply this inquiry mechanism.

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parliamentarians, the government institutions and addressed publically. Civil society continues to work with the parliamentarians and legislative institutions on improvement on these laws in order to ensure their effectiveness.

Three private member bills were moved by Mehnaz Rafi, Sherry Rehman and Riaz Fatyana on the issue of domestic violence in the 2002 - 2007 National Assembly. The National Assembly Standing Committee on Women's Development constituted a sub-committee in December 2006 to examine the proposed Bills submitted by Mehnaz Rafi and Sherry Rehman. The sub-committee decided that the two Bills should be merged by the Ministry of Women's Development (MoWD) and Ministry of Law, Justice and Human Rights. The National Assembly Standing Committee on Women's Development approved the Bill jointly prepared by the two women parliamentarians, in consultation with the sub-committee in April 2007. This process for the Bill lapsed with the dismissal of the National Assembly in November 2007.

However the process pushing for the acceptance of the Bill was continued by Government and civil society. The 2007 Bill was circulated by the Ministry of Women's Development (MoWD) to Ministries, government departments and civil society in 2007 and in early 2008 and was the subject of numerous Government and Civil Society forums.

The Domestic Violence (Prevention and Protection) Bill 2009 was introduced in the National Assembly by Yasmeen Rehman in 2008. The Bill was passed unanimously by the National Assembly on 4th August 2009. Prime Minister Gillani stated that the PPP government supported the promulgation of the bill as it fell within the party manifesto's purview. The Minister for Parliamentary Affairs congratulated the House as well as the nation on this moment of pride when the House has passed a bill to protect the women, children and other vulnerable persons from domestic violence. He noted that along with the caucus of women parliamentarians, both Prime Minister Gilani and President Asif Ali Zardari took an extreme interest in the passage of the bill. However, the Bill was stalled in the Senate, where it was referred to the mediation committee for further deliberation. Upon the passage of the 18th Constitutional Amendment, the issue was devolved to the provinces, therefore lapsing the bill.

A number of legislations on domestic violence by a variety of parties have been introduced into the Provincial Assemblies in all 4 provinces and in

consonance with the Ministries of Women's Development. They are all in the vetting process and have not yet been placed before the Assemblies. To date, none of them have been passed by the Provincial Assemblies. With the elections due in 2013, these laws are in danger of lapsing.

On 20th February 2012, The Domestic Violence (Prevention and Protection) Bill applicable in the Islamabad Capital Territory (ICT) was introduced by Senator Nilofar Bakhtiar and passed unanimously by the upper house of the federal parliament. It has however, not yet been presented in the National Assembly.

ly introduced by Yasmeen Rehman in 2008 was placed before the joint sitting of the Parliament and became the subject of great opposition and controversy. The JUI-F, in particular, strongly contested the law, stating it was 'western agenda' and 'undermines Islamic values'. The bill has now been delegated to another committee for further examination and discussion.

In April 2012, the legislation original-

Arguments against Domestic Violence Bill and responses

There have been several arguments and questions raised against the promulgation of a bill against domestic violence in Pakistan. The most common of these have been laid down below, followed by counter responses:

● *Why do we need a separate law on domestic violence?*

Article 25 of the Constitution of the Islamic Republic of Pakistan allows the State to make special provisions for the protection of women and children. In essence, this allows the State to create laws and rules for specific issues facing women and children, which are being ignored. Special laws are usually brought forward for two reasons:

Special laws may be created when certain issues are not being adequately dealt with by law such as if there are no existing laws which cover the issue or discrimination facing women and children, or where existing law, in its interpretation and application is proving to be inadequate in providing protection or dispensation of justice to a segment of society.

Such laws may also be created when there is a need to draw attention to a particular issue which is being ignored by society and the executive, legislative and judicial mechanisms of the country.

Domestic violence falls within both categories. It is an invisible crime. Few discuss it, even fewer admit to it. There is tacit acceptance on the part of the society, state institutions and even the state itself, which thereby condones it. Therefore, there is a great need to bring attention to this issue. Further, the laws and penal provisions which, under normal circumstances, would apply to the violence being committed against a citizen wherever they may be, are often not applied in cases of domestic violence due to the public/private divide in Pakistani society.

There is an unwillingness to recognize offences committed in the home as 'crimes' as this would be a 'violation' of the privacy of the 'sanctity' of a household. In actuality, the individual being victimized in the home is as much a citizen as an individual being victimized in a public place. Therefore, the same protections and justice must be accorded to them. Yet, perpetrators of violence within the home are often allowed impunity for the violence committed by them and the women and children they live with face great danger from the very persons they are meant to trust and in spaces where they should feel safest and most protected

In Pakistan, as is the common scenario across the world, domestic violence in most cases is perpetuated against women by men. Therefore, in the terms of Article 25, it is clear and vital that a law on domestic violence for the protection in particular of women and children is a necessity.

It must be noted that the domestic violence law does not create a whole separate parallel scheme. The draft

domestic violence laws which advocate the criminalization of domestic violence, refer to the offences and punishments accorded in the Pakistan Penal Code 1860. The law merely identifies these existing offences as those which would be applicable in cases of domestic violence. These also introduces offences which are common in cases of domestic violence and do not exist as specific laws under the Pakistan Penal Code. Alongside this, the domestic violence laws merely lay out procedures to be put in place to ensure protection of women and children from domestic violence and implementation of the domestic violence law and the Pakistan Penal Code 1860. It is therefore a necessary law, which has been created in consonance with existing law and merely expands the law to cover all forms of violence committed against women and children in Pakistan.

● *A law against domestic violence promotes a western agenda in Pakistan under the pretext of protection*

Violence against women is present in every country around the world, cutting across boundaries of culture, class, education, income, ethnicity and age. The only difference is in the pattern and trends that exist in countries and regions. World Health Organisation's 2005's "World Report on Violence and Health" reviewed 10 countries and found that rates of partner violence ranged from a low of 15 percent in Yokohama, Japan, to a high of 71 percent in rural Ethiopia. Pakistan is no different. Aurat Foundation reports 610 incidents of domestic violence reported in the media in 2011 alone. Other reports such as the Human Development in South Asia Report 2000 state that domestic violence occurs in every third household in Pakistan and almost 80% of women are subject to some form of domestic violence in their lives.

Domestic violence is clearly not a western agenda. Domestic Violence laws exist in Malaysia, Turkey and Indonesia, all of which are Muslim countries. Domestic Violence laws also exist in Sri Lanka, Nepal and Bangladesh, all of which are South Asian countries. Domestic violence is a global women's and human rights agenda, including that of women in Pakistan.

It is the agenda of 610 Pakistani women whose cases were reported in 2011; it is the agenda of the thousands of other Pakistani women who suffer domestic violence, whose plight is not recognized as 'suffering'. Opposition to a law on domestic violence states that such a law promotes 'western culture', which therefore seems to imply that 'eastern culture' then supports it. This is obviously not true.

Opposing domestic violence is a global movement - which includes Pakistan. Protecting women and children from domestic violence must be the priority for the State as per its own principles enshrined in the

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Given the increasing number of domestic violence incidents in Pakistan, as well as the entrenched patriarchal mindset of Pakistani society which condones domestic violence, it is a travesty that a domestic violence bill has still not been passed. It is even more distressing that a bill has been passed unanimously on separate occasions in both the National Assembly and Senate, but has been allowed to lapse, despite the Prime Minister and the Government's apparent support of the law. A failure to see through this law will contribute not just to the weakening of societal social structures, but will result in the continued victimization of women and will demonstrate the lack of the State's commitment to provide protection to women and children where it really counts. A domestic violence bill, which must be effective and comprehensive, providing adequate support and protection to the victims of domestic violence must be passed as a federal law as well as by the provinces and no excuses can be acceptable in the provision of such protection.

The passage of legislation for ending domestic violence should accompany a policy framework on violence against women by the federal government. This could either be developed as a separate and independent policy or this could also be incorporated in a comprehensive manner in the already existing National Policy for Women's Development and Advancement, which was launched in 2002. Any such policy framework should include measures to bring in all support structures and services for survivors of gender-based violence under its ambit. Installation of a hi-tech 'helpline service' and reaching out to the survivors of violence should be the cornerstone of any such policy. Federal and provincial governments must also re-visit and revise their plans and strategies in the light of this policy and any such existing baseline studies on the prevalence of violence against women, particularly domestic violence, as well as, on the needs assessment of survivors of violence.

Gender-sensitization of law-enforcing personnel is being highlighted as a major requirement to realize the objectives of ending violence against women. The process of gender mainstreaming of institutions across ministries and line departments at the provincial level should include personnel form law-enforcement agencies. Information orientation sessions and capacity-building initiatives by various institutions should also be undertaken on a number of new laws that have been recently enacted to curb harmful social practices and acid attacks as well as sexual harassment of women at work place.



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'Life On The Margins' Study on minority women in Pakistan reveals shocking facts

The study *Life on the Margins*, carried out by the National Commission for Justice and Peace during 2010-11 looks into social, political and economic conditions of the minority women in today's Pakistan with the help of a baseline survey conducted in 26 districts of Punjab and Sindh, the two provinces where 95 % of minorities in the country happen to live. 1000 women Hindu and Christian were interviewed, the two communities forming 92% of the entire minority population of Pakistan. The research was lead by Ms. Jennifer Jag Jivan and Mr. Peter Jacob.

Besides informing the readers on minority population (p. 26, annex 1) the policy framework (p.13-17) and the space available for minority women with reference to human rights standards enunciated in the International and national legal instruments (annex 11), this study reviews the literature available on the minority women. Issues such as legal disparity, review of personal laws concerning minorities, religious and gender biases (p. 40-41), forced conversions, lack of policy focus and segregated data are part of this study that affect everyday life of the minority women.

The results of the survey point to stark realities faced by minority women needing a policy response, e.g.

a) 43 % of minority women complained of facing religious discrimination at workplace, educational institution and neighborhoods, whereas 27% had faced in admissions in educational institutions. Most of the minority children are forced to take Islamic Studies for lack of appropriate alternative (p. 29, 44, 55-66).

b) Only 47 % of minority women interviewed were educated (p. 28) lower than the national average (57% national literacy rate) and far behind the urban literacy among women which is above 65% among women (70% of the respondents belonged to urban areas p.35).

c) A mere 5.5% of minority women are members of a political party with a 68% answering in the negative and 26% not responding at all. Of these, only 0.4% are office bearers and 1.5% representatives. From among these, 18% are not asked to take part in the deci-



Dr. Nafisa Shah, Secretary, Women's Parliamentary Caucus and Ms. Asiya Nasir, Member National Assembly at the launching ceremony of the study. Mr. Peter Jacob is also seen in the picture

sion making process, with only 4% taking part in decision making and the larger part (69%) not responding at all.

d) The data showed a higher infant mortality rate among minorities than national ratio; 314 infant deaths among 3050 births is 10.30% mortality rate which is quite high to national mortality rate that is 8.7% according to World Bank reports. A majority of the deceased offspring died either at birth or within 30 days of birth - 33.12% at birth and 36.62% within 30 days making it a total of almost 70% (p. 9).

e) 76% of the working women had faced sexual harassment (p.47).

f) Living (housing, civic facilities) and economic conditions assessed through income, saving, health, education, also place minority women on the margins of social and economic development (p. 30, 36-39).

g) Though 55% of minority women saw the social environment as conducive to multi-religious living around 62% of respondents thought that in the wake of a religious disturbance like those in, Shantinagar, Gojra, Korian, Sialkot, etc. the majority community will not stand with them.

h) While the minority women face a threat in the form of forced conversion and assimilation into the larger culture, their families tend to control their autonomy thus the important decisions about their lives and well being are controlled by the male, making it a case of several jeopardizes.

Besides stressing a thorough

review of laws and policies to root out religious and gender discrimination, the study notes the lack of official data on minorities that can actually help the civil society and government to assess development and make interventions to improve the conditions and mainstreaming minority women.

Noting the discrimination (de jure; Constitution of Pakistan Hudood Ordinances, blasphemy laws, personal laws and de facto; education policy and curriculum) and analyzing the consequences of these discrimination, the study also includes practical policy correctives and institutional ways of improving integrating minority women in the mainstream and safeguarding their rights in the conclusions and recommendations part (p.65-71).

There are some positive indicators as well, for instance 79% of the respondents hold the Computerized National Identity Card, 74% of the respondents are registered voters and 65% having exercised their right to vote. 62% have never been forced by their families to vote for a specific candidate, but one fifth (21%) have faced such coercion (p. 40 and 42).

The study includes interviews and objective assessment of the situation by three prominent minority women, Ms. Asiya Nasir, MNA, Mrs. Ernestine C Pinto, a Karachi based senior Lawyer and Ms. Pushpa Kumari, a social activist. — *Courtesy to: NCJP, a human rights body established by the Pakistan Catholic Bishops' Conference. The Commission involves itself in advocacy initiatives on human rights issues, in particular minorities' rights in Pakistan since 1985. (The report 'Life on the Margins' is available on www.ncjppk.org)*

Autonomy and record pro-women legislative review are major achievements

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she said.

"I am glad that this dream came true just before the expiry of our term. It took us three years to realize this objective. We were making all-out efforts to get this law drafted, discussed and finally passed by the Parliament. But, a plain and proud fact behind the success of this legislation is that this enactment would have not been possible without the dedicated efforts of women parliamentarians, particularly the members of the Women's Parliamentary Caucus", Ms. Haroon said.

"In all fairness to the parliamentary history of Pakistan, as well as, to the history of women's rights movement, I owe my humble acknowledgement to some distinguished personalities, who throughout the process played a pivotal role in the passage of this bill", she said. "They are Prime Minister Syed Yousaf Raza Gilani and Speaker National Assembly Dr. Fehmida Mirza, who in fact, came to its rescue when at one stage it went into some kind of stalemate situation. Then, Begum Shahnaz Wazir Ali, Special Assistant to Prime Minister on Social Sector, Mr. Mustafa Nawaz Khokhar, Advisor to PM on Human Rights and Members of the National Assembly Dr. Attiya Inayat Ullah, Dr. Azra Fazal Pechuho, Dr. Nafisa Shah, Ms. Bushra Gohar, Ms. Kishwar Zehra, Ms. Yasmeen Rehman, Ms. Asiya Nasir, Mr. Riaz Fatyana and Senators Raza Rabbani and Afrasiab Khattak; they were so committed and supportive to get the bill passed that I have no words to express my gratitude", Ms. Haroon

said. She explained that in the Standing Committees of Human Rights of both Houses, the bill was strongly supported by MQM, PPP, PML-Q, ANP, and other parties followed suit and it was passed unanimously.

"Ironically, though I have no regrets, this law was passed when our tenure is ending. I and my fellow members would have felt more relieved and satisfied, if they had got some time to implement this law and had undertaken really fundamental follow-up measures for early transformation to autonomy of this important commission for women of Pakistan. When asked if she was applying for the second term, she said "yes, I am ready to take this challenge and accept the responsibility, if I am given the second term in office. I have been asked by several mainstream human rights and women's organizations and committed activists, and also by several parliamentarians to continue in order to make the commission really autonomous. Let's see what happens", Ms. Anis Haroon said. "I am only interested in consolidating the gains which are still on paper. Since I handled the process and affairs of the commission from micro to macro level for this autonomy for three years, I have gained experience and I know how to work around for securing practical results and benefits for the women of Pakistan", she emphasized.

She said that the NCSW during her tenure had undertaken a number of initiatives which made it a vibrant commission whose presence was felt in the power corridors and parliamen-

tary lobbies as a custodian of women's social, economic and political rights in Pakistan. The NCSW contributed in the passage of following laws on women: The Protection Against Harassment of Women at Work Place Act, 2010; Criminal Law Amendment Act 2010 (Section 509); Criminal Law Amendment Act 2011 (section 332, 336 -criminalization of acid throwing); Anti Women Practices (Criminal Law Amendment) Act, 2011; The Women in Distress and Detention Fund, 2011 and; finally the National Commission on the Status of Women Act, 2012.

Ms. Anis Haroon said that the NCSW also reviewed the Citizenship Act, 1951 for removing discrimination against women. She further elaborated that the commission also formulated the following bills: Acid Crime Prevention Bill, 2011, which is a comprehensive draft law; Hindu Marriage Bill, 2012; Christian Marriage and Divorce Bill, 2012 and; Domestic Violence (Criminal Amendment) Bill, 2012. She informed that the commission had formed a 'Legal Committee' as a landmark step to perform this task. This committee comprises best legal brains of Pakistan. "We also went for a comprehensive consultative process to share these drafts with civil society organizations, different governmental stakeholders and concerned experts", she said.

The former chairperson said that the NCSW saw to it that the Protection Against Harassment of Women at Work Place Act, 2010, was implemented at federal and provincial level. Various ministries and departments were persuaded to set up "inquiry com-

mittees' for this purpose. She said that the NCSW throughout its tenure handled a number of cases of violations of human rights of women and violence against women by linking the survivors of violence to concerned institutions and by offering them legal help in collaboration with civil society organizations and conscientious citizens. The NCSW is also pursuing litigation against the parallel illegal judicial system of jirgas and panchayts at the Supreme Court.

Ms. Anis Haroon said that the commission strengthened networking with civil society organizations and Women's Parliamentary Caucus to act as a bridge between the two and to bring the voices of women to the corridors of power whether it was the package of constitutional reform or strategies to deal with natural disasters. "We organized one international conference, two national conferences, five national consultation meetings and 20 provincial consultation meetings in three years, in addition to organizing and facilitating commemoration of national and international women's days, rural women's day and working women's days on regular basis during these years", she said

"The outgoing body of the commission - all my colleagues - have a sense of accomplishment that we were able to perform to the best of our abilities to do something for the ordinary women, who look towards the government for justice and better economic conditions. We have done some excellent research studies involving review of policies and government institutions and structures like police, shelter homes etc.", she said.

Question of domestic violence and necessity of DVB

From Page 4

Constitution, including Article 9 which guarantees the right of security and life.

● *The law undermines Islamic values and promotes anti-family sentiment*

The domestic violence law contains a series of provisions which re-define existing penal offences within the concept of domestic violence and provides the technical and legal procedures to be used for the process of any case of domestic violence. It does not refer to any Islamic values or culture. In fact, it works towards strengthening the family institution by ensuring that spouses deal with each other with love and mutual respect.

The law merely brings recognition to the fact that in many cases incidents of violence do occur within a domestic relationship and a household. The domestic violence law does not deal with cases of divorce, which is a separate issue dealt with by Muslim family laws. This law protects an individual and member of a household from any sort of violence being committed against them. It perpetuates the idea that every individual, no matter the relationship between the perpetrator and victim, has the right to protection against harm, security of per-

son and access to justice. When such violence occurs, this law mandates that the State will provide protection and justice to the victim of violence because every individual's fundamental human rights must be safeguarded. It provides support to the victims to stand up for their rights and conveys to the perpetrators of violence that such violence, abuse and disrespect is unacceptable and will be punished in the same manner as such actions would be punished if they had occurred outside the home. It provides protection to an individual, whether man, woman or child, within the sacred space of a home. All of these are Islamic principles, principles of natural justice, that the Islamic State of Pakistan ascribes to.

● *There is no protection for men who may be victims*

The law is primarily for women and children as they are usually the victims of domestic violence. However, the law is applicable to all persons who are victims of domestic violence.

● *The bill is a copy of the bill passed in India and we cannot allow Indian law to corrupt Pakistani law*

Domestic Violence laws exist in a variety of different

countries including Malaysia, Turkey, Indonesia, Sri Lanka, Nepal, Bangladesh and South Africa. The Pakistani domestic violence law examined all of these laws before drafting its own law.

The domestic violence laws presented in all of the assemblies in Pakistan, including the National Assembly and the Senate, have been drafted by Pakistani draftpersons. They have been subject to mediation committees, vetting by the different government institutions, including the Ministries of Law and Standing Committees. All parties have been included in the process of vetting the law, including JUI-F, PML N and especially the PPP, who have all had plenty of opportunity to make their objections, suggestions and amendments to the law. It has also been the subject of a variety of public forums organized by civil society, where participants have included members of the government and representatives of the different political parties. It has been passed unanimously by the National Assembly in 2009 and the Senate in 2012. It is clear that the final drafts that reach the floor of the assemblies are very clearly products of Pakistan and are based on Pakistani law and the needs of Pakistani society.

Envoy visits 'little Norway' in Pakistan to reinforce ties

City of Kharian is known as one of Punjab's most important cantonments. What many of the people, however, are not acquainted with is that this town of over 80,000 is also called 'Little Norway' because of the number of people who have links with Norway. Pakistanis were one of the first ethnic groups to come to Norway from the outside and had introduced a new culture. Over the years, thousands migrated to Norway from Kharian and now it is an important place to visit for any Norwegian envoy to Pakistan. In a small country like Norway with a population almost close to 5 million, there are between 40,000 and 50,000 Norwegians of Pakistani origin. Of this, more than 70% belong to Kharian, hence the name 'Little Norway'. Back in Norway itself, the Norwegian-Pakistanis worked in almost every field - from being the vice president of the parliament to working in cutting-edge technologies like the communication sector, to politics, movies and as taxi drivers.

On March 4, 2012, Ambassador of Norway to Pakistan Madam Cecilie Landsverk visited Kharian to meet the Norwegian-Pakistanis that live there. Talking to journalists, Landsverk said that it was very important to acknowl-



Ambassador of Norway to Pakistan Ms. Cecilie Landsverk (left) with a local family during her visit to Kharian.

edge the feelings of these people who have contributed to the development of Norway but at the same time have stayed connected to their roots. She, however, pointed out that her government did not focus on this area alone for assistance. "There are other challenges in Pakistan and we are investing in them." She also said the focus was now more on education. Although Norway

was a rich country because of its oil reserves, it was developed because of its education. She said that more needs to be done on institutional building between universities. They are in the process of connecting the University of Gujrat with the University of Oslo to understand each other better.

As she entered the little village of

Ogarian in Kharian, she was greeted by Aslam Ahsan, a Norwegian-Pakistani, and his family at his residence. To greet the ambassador in a traditional manner, her car was escorted by a dancing horse. As soon as she stepped out, one was treated to another unusual sight. A man looking like a typical Pakistani farmer in his shalwar kameez and shawl around his shoulder greeted and conversed with the ambassador in Norwegian, with the rest of the family doing the same. "They look Pakistani but they are Norwegians," said Landsverk.

A large number of people from the village had gathered to meet the ambassador. As she walked through the village, people looked on from windows and from rooftops and most just kept on joining the crowd as she went around the village, like some local hero being welcomed. Her visit took her to a primary school and then to the Kharian Press Club. Banners were put up to welcome the ambassador and she was greeted with flowers. She then planted a sapling at the press club and the crowd cheered. "I am intoxicated with flowers. I have never been greeted this nicely. I'm honoured," the Ambassador remarked. —*Courtesy to: The Express Tribune*



'Jab tak aurat tang rahey ge, jang rahey ge

Islamabad: Insani Haqoq Itihad (IHI), a network of civil society organizations and human rights activists organized a candle-light march to observe the International Women's Day on 8 March, 2012, in Islamabad. The event was organized to pay tribute to the girls and women of Pakistan for their ongoing struggle for rights, equality and justice. The civil society members and activists held torches and raised slogans. The activities also included speeches, distribution of awards to those who took encouraging steps to break social taboos. In the end a statement by civil society organizations was adopted and shared with the media. The statement demanded repeal of discriminatory laws and effective policies for curbing domestic violence, acid crimes, traditional discriminatory practices, especially badal-e-sulah, sang chatti, vanni, swara, wulwar and, "honour" killings.



KARACHI: 'ending violence against women' - member provincial assembly, CSOs, lawyers, students rally towards press club.

Immediate legislation on domestic violence in Punjab demanded

Civil society representatives demanded immediate legislation on domestic violence in Punjab. The press conference was organized on the eve of International Women's Day by Aurat Foundation's Legislative Watch Programme for Women's Empowerment on 7 March, 2012, at Press Club, Lahore. The press conference was addressed by former MNA Mehnaz Rafi, Salman Abid, Regional Head SPO, Akbar Dogar, Secretary High Court Bar Association, Hina Hafeez Ullah Ishaq, advocate Lahore High Court, Bushra Khaliq from Wise, Ambreen from Action Aid, Nasreen Zehra, Mumtaz Mughal and and Shamaila Tanvir from Aurat Foundation.



Rally in Karachi on IWD

Aurat Foundation Karachi office along with other civil society organizations and human rights activists organized a rally on 7 March, 2012, from Arts Council to Karachi Press Club, to celebrate the International Women's Day. One objective of the rally was to appreciate the government, political parties and parliamentarians for their support for the passage of women friendly legislation. The participants also appreciated the parliamentarians for their role in drafting and tabling the domestic violence bill in the Parliament. However, since the issue is not shifted to the provinces, the participants demanded the provincial ministries of women's development and provincial assemblies for the urgent passage of domestic violence bill. Ms Shahla Raza, Deputy Speaker, Sindh Assembly, Ms Zareen Majeed, MPA-MQM and Ms Nusrat Sehar Abbasi MPA-PML (F).

Study on 'honour' killings in Pakistan launched



Ms Maliha Zia presenting her findings at the launch. On her right are: Her Excellency Cecilie Landsverk, the Ambassador of Norway, Ms Nasreen Azhar and Ms Tahira Abdullah; on her left is Mr Naeem Mirza.

Aurat Foundation's Legislative Watch Programme for Women's Empowerment launched its pilot study 'Honour Killings in Pakistan and Compliance of Law', on January 4, 2011, at Islamabad. Her Excellency Cecilie Landsverk, the Ambassador of Norway, participated as the Chief Guest. Ms Nasreen Azhar, Member, Commission on the Status of Women, chaired the launching ceremony. Ms Maliha Zia Lari, the author of the report, presented main findings of the study. Ms Tahira Abdullah, a development worker and human rights activist, was the Guest Speaker.

Ms Maliha Zia said that lack of data from courts, lack of available consolidated data, categorization of FIRs, and reluctance of persons to comment on the incidence of 'honour' killings were the main reasons affecting the implementation of the law. The study showed that a lot of cases were highlighted in the media but were not reported with the police or even if registered but not classified as 'honour' killings. Ms Tahira Abdullah criticized that almost 77% of the 'honour' killings cases, involving killing of women, end in acquittal of the criminals. Her Excellency Cecilie Landsverk, the Ambassador of Norway, said in her concluding remarks that it was further required to be seen and studies as to why such an abhorrent practice was taking place in modern times.

Heroes of the movement remembered

Aurat Foundation, in collaboration with Islamabad Crescent Lions Club (ICLC) and ACTION (Advocacy for Change through innovative options and Networking) organized 10 Days of activism, starting from 1st March, for women rights on the eve of International Women's Day. The activities included candle light demonstration, debates at college and university level on 'Women's Empowerment is a Nation's Empowerment', long march with girls students, seminar on girls health and adolescent health issues, exhibition of paintings created by girl student of high school and colleges, women poetry recitals and prize distribution as well as dialogue on 'women's rights and inter-faith perspective'.



A candle light vigil was organized to pay tributes to women leaders of Pakistan from various walks of life, including Mohtarma Fatima Jinnah, Begum Ra'ana Liaquat Ali Khan, Begum Shaista Ikramullah, Begum Nusrat Bhuttu, Mohtarma Benazir Bhuttu, and Ms Shahla Zia of Aurat Foundation. The vigil was held on March 5, 2012, at Super Market, Islamabad.



(L-R) Ms Farheen Mughal, Ms Rashida Panwher, Ms Kulsum Chandio, Ms Touqir Fatima Bhutto, Ms Shehla Raza, Ms Humaira Alwani, and Ms Nusrat Abbasi at the consultation meeting in Karachi.

Provincial Consultation on 'Domestic Violence Bill'

Aurat Foundation's Legislative Watch Program for Women's Empowerment at Karachi office, in collaboration with the Sindh Directorate of Women Development Department, organized a provincial consultation on 'Domestic Violence Bill' on February 22, 2012, at Sindh Assembly Building, Karachi. Ms Touqir Fatima Bhutto, Minister Women Development, participated as the Chief Guest. Other parliamentarians included Syeda Shehla Raza, Deputy Speaker, Sindh Assembly, Ms Farheen Mughal, Ms Shama Mithani, Ms Humaira Alwani, Ms Kulsoom Chandio, Ms Rashida Panwher, (from PPP), Ms Zareen Majeed, Ms Shahnaz Saifuddin, Ms Naheed Begum, Ms Sabra Sultana, Ms Husna Aftab (from MQM) and Ms Nusrat Sehar Abbasi from PML- (F). Government officials from Home, Law, WDD, Social Welfare department and legal experts, civil society members and media also participated in the consultation. The consultation was aimed to discuss the four bills on domestic violence and combine those into one bill. The four bills were separately submitted in provincial assembly by Ms Farheen Mughal, Ms Shama Mithani, Ms Humaira Alwani (all from PPP), Ms Heer Soho, Ms Bilquis Mukhtar and others (from MQM), and a draft proposed by Aurat Foundation's Maliha Zia Lari. The meeting reviewed and compared all the private bills with the one proposed by Aurat Foundation and extensively discussed different clauses of the bills. The legislators, rising above their political affiliations, expressed their desire that the four bills should finally be given a consolidated shape as a single bill.

8 March 2012 - Connecting Girls - Inspiring Futures



(L-R) Malala Yousafzai receiving award from Ms Tahira Abdullah, Samina Baig from Ms Sabira Qureshi, Sara Nasir from Ms Naheed Aziz, Shahroo Malik from Mr Paul Healy and Marium Malhar from Ms Shehnaaz Ahmed.

Aurat Foundation organized a ceremony on 8 March, 2012 at Islamabad to celebrate the International Women's Day and pay tribute to girls who achieved excellence in various fields. The awards were distributed among the girls who are role model for society, namely Malala Yousafzai (the peace-maker), Samina Baig (the mountaineer), Shahroo Malik (the artist), Marium Hote Malhar (the social worker) and Sara Nasir (the sports-girl). Malala Yousafzai belongs to Swat. When there was extreme Talibanisation and militancy in the area, Malala was one of the few who stood up and spoke for children's rights. Shahroo Malik, in 2005, won 2nd prize in Japanese Art Competition titled 'Remembering peace: 60 years after Nagasaki and Hiroshima'. Sara Nasir is the only female karate from Pakistan to have earned a gold medal in karate at a recognized martial arts competition at the South Asian Games in Dhaka, Bangladesh, in February, 2010. Marium Hote Malhar, a Head Girl Guide, along with other girl guides, organized a successful campaign to raise awareness on Dengue Virus. Samina Baig said that if a girl could climb a mountain she could do anything. She and her brother climbed a mountain 6400 feet high, which was never climbed before. They named it 'Equality Mountain' (Koh-e-Brabari).