



General Assembly

Distr.: General
2 June 2016

English only

Human Rights Council

Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-08930(E)



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PAKISTAN: Call to curb rise in violence against women

1. The Asian Legal Resource Centre (ALRC) would like to draw the UN Human Rights Council's attention to the rise in violence against women in Pakistan. According to a *Thomson Reuters Foundation* poll, Pakistan is the third most dangerous country for women after Afghanistan and Congo. The poll report has cited cultural, tribal, and religious practices that are harmful to women in Pakistan, as well as acid attacks, child and forced marriage, and punishment or retribution by stoning or other physical abuse as reasons for the ranking. The Report also states that 90% of women in Pakistan face domestic violence. Though the country is witnessing a surge in legislation meant to uplift the social and economic state of women, mere promulgation of law is not enough. In a country where the literacy rate is dismal as per UNESCO's Report titled "Atlas of gender inequality in education", almost 16 million girls between the ages of 6 and 11 are currently out of school, expecting the status of women to be elevated just by promulgation of law is wishful thinking.
2. The persistence of violence against women in Pakistan reveals the failure of the criminal justice system and the judicial system itself, which do not have capacity to deal with crimes against women. Some laws for the protection of women have been promulgated, but the public justice system is affected by a strong feudal system, religious and social taboos, traditions, customs, a homogeneous religious society, a vast gender gap, and a primitive policing system, as well as sexual discrimination in economic and social activities. Thus gender violence crimes, for instance (dis)honor killing crimes generally go unreported.
3. The Judiciary is predominated by male judges and Pakistan does not even have one percent female judges. This is also a major factor of violence against women. Virtually no perpetrator of violence against women or those holding illegal judicial system of Jirga have been punished by the Judiciary, on charges of honour killing, or violence against women. Mostly, the Judiciary takes shelter behind Islamic laws or traditions for the protection of perpetrators. The existence of Sharia courts seems to be for only this purpose.
4. The women from religious minority groups (other than Muslims) are the biggest victims of State sponsored violence, and where the State remains a silent spectator when Muslim extremists force the girls to convert to Islam, abduct, gang rape and parade them naked. The Judiciary is always looking for evidence which in almost all cases the prosecution fails to provide in fear of backlash from the extremists.
5. Domestic violence is rampant throughout the world. In Pakistan, however, female victims of such violence are left without reprieve, as they have to suffer the dogma of being labelled loose women if they decide to stand up to their abusers, who are usually male family members. According to a survey of 'Aware Girls', some 90% of the women face domestic violence but most of the perpetrators enjoy impunity. The finding suggests that men tend to use of domestic violence for compliance of gender roles expected from women, and upon the failure to fulfil these roles, the society accepts violence against women. So domestic violence is used as a tool to push women in gender boxes.
6. Very recently (28 April 2016), a brother mercilessly stabbed his 17-year-old sister to death in the name of so-called honor, in Karachi. The video of this cold-blooded murder on social media shows girl continuing to beseech the brother for her life but he let her bleed to death right in front of a male crowd. In another recent dreadful incident (5 May 2016) of honor killing in a village near Abbottabad (KPK), the local Jirga (council of elders) ordered a 16-year girl to be burnt to death. The only fault young Amber committed was to help her friend elope with her lover.
7. Such level of violence against women in the name of customs and culture is nothing but barbarity. And it can't be stopped unless the cruel patriarchal mindset is not changed. For the prevailing mindset, a woman's body is nothing but a symbol of "honor" in society. This very concept encourages the (dis)honor killing under which the man feels it a duty to "kill" his wife, daughter, sister, or mother if she crosses "the line" and brings 'shame' to the family's name, by exercising her right to marry.
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‘kill’ his wife, daughter, sister, or mother if she crosses “the line” and brings ‘shame’ to the family’s name, by exercising her right to marry.

9. Last but not least, there are chances that the Council of Islamic Ideology (CII) and the religious clergy would be building more pressure in future to oppose the Anti-honor Killing Amendment Bill, the Anti-Rape Amendment Bill, presented in joint parliamentary session in March 2016 and as well as the Punjab Protection of Women against Violence Act.

10. More than 7,010 cases of violence against women have been reported in the year 2015. Pakistan’s performance in terms of the Gender Inequality Index (GII) is also one of the worst in the world.

11. The Protection of women against violence Act (PPWA) was passed in the two major provinces, Sindh and Balochistan. It provides rehabilitation and justice for women that are victim to domestic abuse, emotional or psychological violence, verbal abuse, stalking, and cybercrime. The law has attracted the ire of the orthodox clerics who have termed the Act to be against the injunctions of Islam and have vowed to use all mediums to oppose the Act. The government is also facing unfettered criticism from religious political parties who are terming the Act to be against the injunctions of Islam.

12. According to the statistics of violence against women contained in a report, by the Ministry of Law, Justice and Human Rights to the Parliament, there were 860 “honor” killings (mostly women), 481 incidents of domestic violence 90 cases of acid burning, 344 cases of rape/gang rape, and 268 incidents of sexual assault/harassment. And this is just the official toll. Less than half of the abuse is reported in Pakistan.

13. A rape occurs every two hours. Going by the statistics, each day 12 women suffer rape in the “land of the pure. Rape is the most common form of custodial torture against accused women. Law enforcement officials also force the accused to confess to a crime by raping his female relative in front of him, i.e. rape is used as a means of torture. It is not simply a matter of blaming a proportion of perverts in a society, when State functionaries are themselves indulging in rape with abandon.

14. A woman in Pakistan can also be punished with rape if she refuses to stop administering polio drops. There is a common misconception amongst the people from tribal areas – for instance in Khyber Agency – that polio drops are a conspiracy of the West to make their children impotent. On 5 January 2016 the AHRC reported on the gang rape of a lady health worker by police personnel who tried to pass themselves off as Frontier Corp personnel. The woman, a mother of five, was gang raped in front of her children and husband when she refused to stop administering polio drops to young children. As the chief culprit is well placed and influential, the police refused to register the victim’s first information report (FIR), and later, upon pressure from different quarters, registered a faulty FIR, which seeks to link her husband with drug possession. The woman has been running from pillar to post seeking justice, but has so far been unsuccessful.

15. The ALRC, through its sister concern, the Asian Human Rights Commission (AHRC), has been documenting several cases of violence against women by Jirgas, the parallel and illegal judicial system, in the name of customs and traditions. For instance, on 6 April 2016, the AHRC reported on the case of a 14-year-old girl from Umerkot District of Sindh Province who was gang raped by influential persons from a political party, the matter was settled with compensation of 1,200 kilograms of wheat through the illegal jirga system. The girl’s father says he had no choice but to accept the compensation, as the rapists were influential persons and he is simply a peasant. Following media attention, one of the perpetrators was arrested, while the other remains at large. The police have also taken no action against those conducting the illegal jirga. The girl’s family is living in fear from threats by influential persons.

16. In the light of the above, the ALRC appeals the Human Rights Council to urge the Pakistani government to:

- a. To overhaul the criminal justice system particularly in context of providing justice to the survivors or family members of victims of violence against women including the victims of honour killings and Jirgas.
- b. To increase the female judges, particularly in higher Judiciary, at least 30 percent of the total number of judges are needed immediately.

- c. To abolish the Islamic Ideology Council and Shariah courts which have been remained as the strong hand against the women.
 - d. To increase the reserved seats for women at every tier of the governance up to 30 percent of the total numbers of seats.
 - e. Investigate and punish the perpetrators of honor killings. It is vital that even if the family pardons their brother, father, son, for the murder of the victim, the case must prosecute the culprit nevertheless. Under Pakistani law an accused of honor killing can get away with murder of his female relative because the family pardons him under Qisas and Diyat law.
 - f. Implement in earnest the women friendly laws promulgated to protect the rights and interests of the women of Pakistan.
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