



# Building Bridges for Women in Peace

**A gender perspective on  
countering violent extremism**

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## Foreword

The Sindh Commission on the Status of Women (SCSW) is happy to partner with Aurat Foundation to release this research and publication that identifies the linkages between countering violent extremism through peacebuilding and women's rights and the steps that can be taken to strengthen the capacity of SCSW so that it can also contribute to peacebuilding and uniting the women and girls of Sindh.



SCSW was established based on the Sindh Commission on the Status of Women Act 2015 with its preamble specifically mandating that SCSW assist in implementing national and international commitments especially CEDAW. SCSW's main functions as an oversighting body have been to monitor and strengthen institutions, policies and laws involved in protecting the rights of women and girls and be a bridge builder between society and the government. As such, it is placed at a critical juncture to play a role in peacebuilding which is also highlighted in various UN resolutions such as UNSCR 1325 and CEDAW recommendations like Recommendation 30. Karachi has also seen much of the turbulence of the past year due to urbanization and the density of population which includes people of multiple ethnicities and religious backgrounds. Therefore, SCSW felt it was necessary to take part in the unconventional and inclusive approaches being adopted and recognized by the government to combat violent extremism.

Since its formation in 2017, SCSW has adopted a participatory approach through district committees and partnerships with civil society and has aimed to increase its outreach and represent the women and girls of Sindh and increase their ownership of their own narrative. Sindh is already lauded as a pluralistic and tolerant province and is at the forefront in promoting progressive legislation for the protection of the rights of its women, girls and transgenders. SCSW has successfully reviewed and provided recommendations on various pro women laws and has identified further recommendations through a CVE lens to promote the initiation of a new discourse in law reviews. It is now imperative that this lens be included due to the increasing and multi-faceted challenges in a globalized world.

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**CHAIRPERSON**  
**SINDH COMMISSION ON THE STATUS OF WOMEN**  
**GOVERNMENT OF SINDH**

### *List of Abbreviations*

SCSW	Sindh Commission on the Status of Women
CVE	Counter Violence Extremism
VE	Violence Extremism
WDD	Women Development Department
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
UNSCR	United Nations Security Council resolution
GBV	Gender Based Violence
UK	United Kingdom
UN	United Nation
TTP	Tehreek-e-Taliban Pakistan
CI	Counterinsurgency
NACTA	National Counter Terrorism Authority
NAP	National Action Plan
ITMP	Ittehad-e-Tanzeem-ul-Madaris Pakistan
KP	Khyber Pakhtunkhwa
COVID-19	Coronavirus Disease
PVE	Preventive Violence Extremism
HRCP	Human Rights Commission Pakistan
CPLC	Citizen Police Liaison Committee
SHRC	Sindh Human Rights Commission
SHO	Station House Officer
UNODC	United Nations Office on Drugs and Crime
SCMRA	Sindh Child Marriage Restraint Act 2013
PPC	Pakistan Penal Court
CNIC	Computerized National Identity Card
LSOs	Local Support Organizations
PAIMAN	Pakistan Initiative for Mothers and Newborn
PDMA	Provincial Disaster Management Authority
NADRA	National Database and Registration Authority
TORs	Term of References
SAPs	Social Action Projects
CSOs	Civil Society Organizations
LPP	Lodhran Pilot Project
WPC	Women Peace Council
MPA	Member of Provincial Assembly
VAW	Violence Against Women
MoU	Memorandum of Understanding

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**List of credits:**

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- ❖ The role of SCSW in peacebuilding and supportive research inputs provided by Yasmin Arshad (Research Fellow).
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***Abstract (key words)***

Keywords: Peacebuilding, Gender Justice, Violent Extremism (VE), Countering Violent Extremism (CVE), Pakistan, Sindh, Sindh Commission on Status of Women (SCSW)

## *Preamble*

In the following study, we attempt to understand, contextualize and evaluate the implementation of Countering Violent Extremism ('CVE') strategies in the Sindh province of Pakistan, with a specific focus on gender justice. The case studies offer a glimpse into the gendered impact of penetrating VE ideology and/or its after-effects. They also show the avenues for strategic interventions. More legal context on the recent changes in the child marriage prevention laws is also provided in the subsequent section on legal analysis.

In Sindh, several laws exist regarding protection of underage marriages. However, due to lack of sensitization on the law amongst the authorities and people, there is lack of implementation which can have an effect in increasing violent extremism. Creating awareness and spreading knowledge on rights can have a big effect in implementation and counter violent extremism and unrest in society. Therefore, it is important to sensitize judges, lawyers, prosecutors and police. Furthermore, communities themselves need to have awareness on their due rights so they cannot be easily exploited by those who wish to harm them.

This study also attempts to understand, streamline and deploy sustainable and inclusive peacebuilding processes in the province. Women and girls play a critical role in preventing the spread of extremist ideologies and keeping peace within their communities. Increasingly, they are also at risk of being recruited by extremist groups<sup>1</sup>. Therefore, through this report, SCSW aim to stress the importance and path towards focusing on the following factors to combat violent extremism and create effective CVE strategies that safeguard societies in the long-term:

1. Prioritize women's economic empowerment as an essential tool to address violent extremism.
2. Build women's capacity to understand the negative impact of VE, knowledge of the signs of VE, engagement on an individual and community level, engage in alternative religious and cultural narratives, and develop mediation and dialogue skills.
3. Empower women to see their role actively and genuinely autonomous.<sup>2</sup>

Before moving on, it is important to specifically address point no. 2 i.e. "women's capacity to understand the negative impact of VE, knowledge of signs of VE" and so forth. It is hoped that the reader will see that in the existing socio-legal structure, many practices that would be deemed violent extremist and would overlap with such ideologies are already being practiced in many segments of the population. This has built a sense of normalcy and tolerance for many parts of what would, in global discourse be considered violent extremist ideology. These are also tied to points no. 1 and 3, that is, the subordination of women is so normalized that their economic empowerment and their autonomy are neither the norm nor on the priority list for the government or society. Through this report, we try to highlight this aspect and shed light on the importance of ensuring women's access to economic opportunity, access to justice, to dignity and to economic and social independence. Only through this, will effective CVE be possible.

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<sup>1</sup> <https://www.unwomen.org/en/news-stories/feature-story/2022/01/in-pakistan-artists-and-peace-activists-empower-women-and-girls-to-address-violent-extremism>

<sup>2</sup> <https://www.boell.de/en/2019/12/10/preventing-and-countering-womens-participation-violent-extremism-pakistan-practitioners>



## 1. INTRODUCTION

### **What does Countering Violent Extremism (CVE) mean?**

There are two types of responses to violent extremism ('VE'). First is what is known as 'kinetic' power and this refers to active, physical action, counter-terrorism and so forth. The second is what has been referred to as 'soft power'. This refers to the counter of ideology against violent extremism and may include education, economic opportunity, de-radicalization and rehabilitation efforts, disarmament, peacebuilding, dialogue, political empowerment, and/or development. The term 'countering violent extremism' (CVE) refers to the toolbox that enables soft power to identify and exterminate VE.<sup>3</sup> It is also important to note that the threat of VE is taking on new forms with evolving technology. Contemporary spread of VE is frequently fueled and propelled by the internet, therefore, in order to ensure peacebuilding that perseveres it is important to keep an eye on the global trends whilst thinking about and finalizing CVE strategies in Sindh.

### **Localization of CVE and Peacebuilding strategies**

In the recent history, there is a growing acceptance of the need for provincial policies for CVE to supplement the national level policies. To this end, the federal government has also been taking positive steps to include Sindh's civil society as stakeholders in promoting peacebuilding CVE by holding consultations in Karachi with them to develop the National Countering Violent Extremism (CVE) policy 2021.<sup>4</sup> The Government of Sindh is working on a formal CVE provincial policy to promote social cohesion and peace building in Pakistan, acknowledging that women and girls "deserve a smart and strong Counter Violent Extremism (CVE) policy, based on zero tolerance of human rights abuses"<sup>5</sup>. Significant participation has also been taken by Women Development Department of Sindh which is important to note as it shows the realization of the role of women in peacebuilding and CVE and incorporation of peace promotion in development programs for women.<sup>6</sup>

When countering violent extremism there are some traditional methods which are very male dominated which include intelligence and hard power. National Counter Extremism Policy Guidelines 2018 includes formulation of projects for promoting welfare of minorities and strengthening women rights, while Paigham-i-Pakistan also put emphasis on women rights and protection of these rights. Therefore, taking on female perspective includes soft power where the role of women is pivotal - when you approach communities especially in urban areas like Karachi, one cannot use the same traditional approaches. The extremist narrative and propaganda has to be countered and women have an important role because they are enmeshed with their families and the communities over there.

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<sup>3</sup> Anne Speckhard, Ph.D., *WOMEN IN PREVENTING AND COUNTERING VIOLENT EXTREMISM*, ebook (Istanbul, Turkey: United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 2021), [https://reliefweb.int/sites/reliefweb.int/files/resources/pve\\_trainingmanual-min.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/pve_trainingmanual-min.pdf).

<sup>4</sup> <https://www.dawn.com/news/1654457>

<sup>5</sup> <https://tribune.com.pk/story/2330827/biggest-challenge-we-face-is-rising-extremism-minister>

<sup>6</sup> <https://www.thenews.com.pk/print/927673-staff-of-safe-houses-must-be-helpful-to-victim-women-shehla>

Sindh Commission on the Status of Women (SCSW) has a unique role to play because it is mandated to act as a bridge between society and the government and it has built a credibility since its establishment in September 2017 and constituted in November 2017 through the linkages and outreach it developed all over Sindh. It has also conducted a lot of training and sensitizations because of which its reputation has been established as an overarching, monitoring body. Furthermore, the preamble of the Sindh Commission on the Status of Women Act, 2015 states “*WHEREAS it is expedient to set up Provincial Commission on the Status of Women for promotion of social, economic, political and legal rights of women, as provided in the Constitution of the Islamic Republic of Pakistan 1973, and in accordance with international declarations, Conventions, treaties, Covenants and agreements relating to women, including Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and for matters connected therewith or incidental thereto*”.

CEDAW is important because when CEDAW was reviewed internationally, Recommendation 30 was released which specifically recognizes the role of women in peacebuilding and post conflict reconstruction of society. It also specifically mentions UNSCR 1325 on women, peacebuilding, and security and which is legally binding on all states. This directly falls in the mandate of SCSW with this project, because of its role of awareness raising and monitoring institutions to identify gaps so the activities planned were with community women to build bridges and raise awareness on laws thereby developing links and trust to show them that there is a government body available that they can approach for help in resolving their issues. SCSW also wanted to get some sensitization on CVE and how it can incorporate the CVE lens into its activities and law review, policymaking.

SCSW also has some development themes, base of which is political participation. If women are politically emancipated then it will help them in addressing their issues in health, education and in gaining economic empowerment. All of these will eventually help in reducing gender-based violence. This is directly in alignment with the key drivers of violent extremism. Many studies along with SCSW have identified that when women’s access to political processes and justice are hindered and blocked then extremist elements take advantage of that and penetrate and cultivate in that space.

SCSW felt that, with the credibility and linkages established and with previous positive experience in addressing child marriage cases via the Sindh Child Marriage Restraint Act, 2013 as discussed further in the report, getting into a project directly related to peacebuilding would be a good idea. The project activities included community sessions and radio shows for raising awareness as well as media campaigns spreading peace messages. The positive outcome of this is not only a direct relationship with the Chairperson and members of SCSW but also allows for the development and expansion of future projects on peacebuilding in communities throughout Sindh.

## 1.1 Rationale

The report has conducted a legal review analyzing existing laws and identifying potential for CVE lens as well as possibilities for future laws if required that can push for peacebuilding in society. SCSW has also provided recommendations such as the CVE sensitization of notified members of the district violence against women committees keeping in mind the human and financial resource constraints the SCSW also faces. SCSW always recommends awareness raising but also identifies the distinction in awareness raising of society verses that of government institutions as both will be different. Awareness raising amongst the masses is especially recommended regarding laws keeping in mind the fact that knowledge of their rights will give them better confidence in addressing their grievances. This factor was also observed from the results of the awareness sessions with the community women in Karachi who were trained on CVE laws and they also expressed positive growth after gaining legal knowledge. Sindh is known as an over-legislated province and has always been one of the more forward provinces when it comes to pro-women laws but what it lacks is the implementation of these laws. To address this SCSW recommends training and gender sensitization of the authorities involved. The Sindh Commission on the Status of Women (SCSW) was established in 2017 based on the Sindh Commission on the Status of Women Act of 2015<sup>7</sup> for the promotion of social, economic, political, and legal rights of women. Its purpose is to act as an independent body, monitoring various department of the Government of Sindh and making interventions, as and when needed, in order to ensure the promotion of gender justice and women's access to the fundamental rights guaranteed in the Constitution of the Islamic Republic of Pakistan 1973.<sup>8</sup>

The SCSW is also engaged in ensuring that the laws, policies and administrative implementation mechanisms of the Government of Sindh are in accordance with international obligation of Pakistan, as signed and/or ratified through various declarations, conventions, treaties, covenants relating to women. Its work particularly focuses on the implementation of all obligations arising out of CEDAW.<sup>9</sup> Since its establishment, SCSW has worked to review and propose amendments on policies and laws and to whet new legislative drafts from a gendered lens, monitor the working of institutions, jails, safe houses, shelter homes and other departments concerned with women and girls to strengthen them and build bridges between civil society and the government as per its mandate. It has also achieved an outreach of 28 out of 30 districts within Sindh.<sup>10</sup> All of this was done through a participatory approach with the help of committees based on key issues identified by SCSW to give the women and girls ownership in Sindh. The key issues on which SCSW presently engages are:

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<sup>7</sup> PROVINCIAL ASSEMBLY OF SINDH, *THE SINDH COMMISSION ON THE STATUS OF WOMEN ACT, 2015*. (Karachi: Sindh Government, 2015).

<sup>8</sup> NATIONAL ASSEMBLY OF PAKISTAN, *THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN* (Government of The Islamic Republic of Pakistan, 1973).

<sup>9</sup> Ms. Nuzhat Shirin, Chairperson SCSW, Mandate and Work of SCSW, interview by Ms. Yasmin Arshad, in person (SCSW Office, Karachi, Pakistan, 2022).

<sup>10</sup> Ibid.

1. Gender-based violence
2. Women and Girls' Education
3. Women and Girls' Health
4. Economic Empowerment and Resilience of Women and Girls
5. Women in Politics

The aims and objectives of SCSW align with understanding and deploying CVE strategies with a focused gendered lens in promoting space for women to be involved in economic and political decision making and including civil society in initiatives that empower women and girls and transgender community in Sindh. VE manifests itself when there is imbalance in society caused by lack of opportunities, discrimination, and exclusionary policies towards specific segments in society which in this case are the women and girls.<sup>11</sup> Some of the key drivers of VE, as identified by the SCSW are as follows: <sup>12</sup>

- structural conditions, such as poverty, and grievances, such as lack of access to political processes or justice;
- individual psychological and emotional characteristics, such as need for belonging, dignity, meaning, or revenge, or the continuation of cycles of violence brought on by chronic conflict;
- the influence of socialization and group dynamics by family, peers, and schools; and
- the pull of active recruitment to include extremist messaging that inspires violence.

By making economic and leadership opportunities available for women in peacetime, violent extremist groups would have no imbalance to exploit to expand on their participatory base. Similarly, a robust judicial system and a social education system that prioritizes justice for survivors of gender-based and sexual violence, and builds futures that prevent sexual violence altogether would prevent access to communities that can be brainwashed into buying into the revenge rhetoric.<sup>13</sup> Thus, by creating opportunities for women and girls which empower them, GBV will also be addressed and reduced.

Moreover, is also always strongly recommended by the SCSW to localize the projects keeping in mind cultural and religious sensitivities of the communities involved and therefore all material is usually printed in local languages.

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<sup>11</sup> Ibid.

<sup>12</sup> Georgia Holmer, *Countering Violent Extremism: A Peacebuilding Perspective* (Washington DC: United States Institute of Peace, 2013), <https://www.usip.org/sites/default/files/SR336-Countering%20Violent%20Extremism-A%20Peacebuilding%20Perspective.pdf>

<sup>13</sup> Kirithi Jayakumar, "Violent Extremism Through A Gender Lens", *The Gender Security Project*, 2020, <https://www.gendersecurityproject.com/post/violent-extremism-through-a-gender-lens>.

## **1.2 Research Questions**

- How do we understand VE and CVE: (a) globally (b) nationally, and (c) in Sindh?
- What is the role of women and civil society in CVE?
- How has SCSW addressed the recommendations by experts?
- What can be done to further improve CVE tactics through SCSW and community involvement?

## **1.3 Methodology**

- Qualitative desk research using academic databases, lectures, talks and books by CVE experts, policy briefs produced by think tanks.
- Analysis of federal and provincial laws of the government.
- Discussion of cases from the databank of SCSW were also used as reference to demonstrate and/or evaluate the effectiveness of implementation.
- Interviews with the Chairperson of SCSW, Ms. Nuzhat Shirin were also conducted where she shared details of the cases as well as a unique lens on how SCSW has addressed VE till now and what can be done to further strengthen SCSW in order for its work to be more sustainable.

## 2. THEORY AND BACKGROUND

### 2.1 Current State of VE: Global Perspective

#### The Penetration of the Internet

At present, the most active recruitment ground of VE appears to be online spaces. The alarming thing with radicalization through the internet is that it is not constrained by geographical distances and VE propaganda can discretely make its way into homes and devices of impressionable minds.<sup>14</sup>

#### The Search for Identity

Moreover, it is important to briefly stand the historical moment we are occupying. In his observations Jonathan Sacks, the former chief rabbi of the UK, notes that religion, offers a strong identity and sense of community; it “offers meaning, direction, code of conduct and a set of rules for the moral and spiritual life”.<sup>15</sup> This is relevant to the context of Sindh. Even though Sindh has boasted disparate cultures and religions co-existing, the same co-existence can be a source of tension and feelings of alienation that leave many groups vulnerable to radicalization, many of these may be propelled by the internet and broadcast media. That is, it may give rise to vengeance and/or copy-cat incidents of VE. This may be specifically dangerous for those areas of Sindh where basic amenities such as nutrition, healthcare, clean water, public transport etc. are not available, and there is no sustained avenue for political participation or redressal of grievances. In such instances, when people have access to television and the internet, there may be deep seated disillusionment. As a result, they may be vulnerable to recruitment by VE groups and/or stand-alone copy-cat attempts.

It is also important to note that the use of religious ideologies to springboard violent extremism is not a novel or recent notion. However, given the increased use of technology and the increased connectedness of the world through the internet, the flow of extremist ideologies is faster, more efficient and more penetrative. Therefore, the responses to violent extremism need to be tailored accordingly.

#### Countering Violent Extremism (CVE): the Global Perspective United Nations

The emergence and evolution of the concept behind peacebuilding and related tools of soft power (that are now recognized as CVE) was popularized through the UN; specifically, UN Secretary General Boutros Boutros-Ghali’s report “An Agenda for Peace”. Countering violent extremism (CVE) has been defined as “is a global State-led approach that is part of a broader counter-terrorism agenda. This “whole-of-society” approach aims, through a wide range of mostly non-coercive activities, to address the root causes that may ultimately result in

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<sup>14</sup> Farah Pandith, "How Governments Can Still Win The Ideological War", *Institute For Global Change*, 2021, <https://institute.global/policy/how-governments-can-still-win-ideological-war>.

<sup>15</sup> Koch, Ariel. "The New Crusaders: Contemporary Extreme Right Symbolism and Rhetoric." *Perspectives on Terrorism* 11, no. 5 (2017): 13–24. P 15. <http://www.jstor.org/stable/26297928>

“violent extremism” and acts of “terrorism”.<sup>16</sup> In order to counter violent extremism, it is imperative to cut at the root, to take away the attractiveness of extremist ideologies and the otherizing ‘us vs them’ narratives. For CVE to be effective, “governments have to dismantle the intellectual, technological, demographic, economic and cultural machinery that keeps it [VE] working.”<sup>17</sup> Long term CVE & peacebuilding measures in Sindh need to be strategically geared towards accomplishing these goals whilst paying particular attention to vulnerable groups.

While kinetic power can offer short-term reprieve, VE cannot be rooted out until necessary efforts are made towards CVE by deploying soft power. These measures must be backed by adequate resources and consistent research and development.<sup>18</sup> Without CVE, any kinetic efforts will simply result in short-term victories where the presently radicalized violent extremists may be decimated but the process of radicalization itself will continue. Keeping in mind this holistic approach, the UN and other international agencies have increasingly recognized the need for the role of women and other marginalized communities to be included in peacebuilding and CVE agenda. UNSCR 1325 not only specifically recognizes the role of women in prevention and resolution of conflict but also highlights their importance in maintain peace and security.<sup>19</sup> Furthermore, UNSCR 2242 pushes for “deliberate outreach to women in counter terrorism projects” and therefore most initiatives in the purview of this resolution aim for an outreach towards women, especially mothers in communities “to take a more active role in the community, family and economy and to raise awareness about violent extremism.”<sup>20</sup>

There is a difference in how peace is perceived by men and women. For women, conflict is not the only source of violence, it is also conducted by the men in their direct communities and family.<sup>21</sup> Therefore, women tend to look at peace in a broader context as opposed to men. They view it from a formal and informal approach. Thus, it only makes sense that when looking at direct verses indirect CVE strategies, direct strategies are male dominated hard power tactics whereas indirect strategies tend to involve elements of state that would otherwise not be used in conflict. Women’s inclusion in peace processes and decision making is vital as it allows for different perspectives to be brought forward.

As noted above, a more gendered lens on peacebuilding is essential as the impacts of violent extremism are both overt and covert. Traditionally, extremism and its counter measures have

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<sup>16</sup> ICRC, BACKGROUND NOTE AND GUIDANCE FOR NATIONAL RED CROSS AND RED CRESCENT SOCIETIES ON “PREVENTING AND COUNTERING VIOLENT EXTREMISM”, Geneva 2017, p 2 [reliefweb.int/sites/reliefweb.int/files/resources/icrc\\_guidance\\_note\\_on\\_pvcve\\_to\\_national\\_societies.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/icrc_guidance_note_on_pvcve_to_national_societies.pdf)

<sup>17</sup> <https://institute.global/policy/how-governments-can-still-win-ideological-war>

<sup>18</sup> The World Affairs Council presents Countering Violent Extremism with Farah Pandith <https://www.youtube.com/watch?v=XwqklMOKLOE>

<sup>19</sup> Landmark resolution on Women, Peace and Security, OSAGI, Accessed on May, 2022, <https://www.un.org/womenwatch/osagi/wps>

<sup>20</sup> Emily Winterbotham, “Do Mothers Know Best? How Assumptions Harm CVE,” 17<sup>th</sup> September 2018, <https://institute.global/policy/do-mothers-know-best-how-assumptions-harm-cve>

<sup>21</sup> Asma Shakir Khawaja, “Women in Security and Policy-making: A Case Study of Pakistan,” Strategic Studies, Vol 37, No. 1, 2017, Islamabad, Pakistan, [http://issi.org.pk/wp-content/uploads/2017/04/5-Asma\\_SS\\_Vol\\_37\\_No.1\\_2017.pdf](http://issi.org.pk/wp-content/uploads/2017/04/5-Asma_SS_Vol_37_No.1_2017.pdf)

been looked at from a male perspective which has been limited and ignored a whole section of society-women. Traditional measures to counter extremism have based their strategies on hard power and overlooked the use of structural violence and gender by extremists to further their goals. Furthermore, due to increasing population and urbanization, countering violent extremism (CVE) tactics must also take more nuanced forms. Overt violence takes the form of sexual violence such as rape, trafficking or forced and child marriage whereas covert violence can be demonstrated through extremists using gender norms as a propaganda tool to expand their influence and attract new recruits.<sup>22</sup>

### **Direct and Indirect Violence**

“Terrorism and VE are gendered phenomena because they are experienced differently by women and girls compared to men and boys, as victims, perpetrators, or those working to prevent or counter the threat.”<sup>23</sup> Women can potentially play numerous roles in both preventing or propagating VE. Their experience as victims of VE is also distinct. Gendered assumptions by policy makers ignore the role of women in VE as extremist groups also recruit women due to the fact that they are often underestimated as a source of VE thereby hindering a holistic implementation of CVE approaches.<sup>24</sup> With VE assuming a more global role, recruitment methods have also expanded. Women deployed by VE groups allow those groups to gain more publicity and push the harmful propaganda forward. For effective countering of these actions, women’s recruitment in law enforcement agencies needs to increase. A common thread shared by extremist groups has been their consistent targeting of the rights of women and girls as well as an ambush tactic to lure the armed forces.<sup>25</sup> Furthermore, women can also be mobilizers in the women’s wings of extremist groups for attaining healthcare, funding, logistics, food and safe houses.<sup>26</sup> Keeping these factors in mind, in order to have an implemented response, women’s agency and gendered perspective are vital.

Therefore, any CVE policies need to ensure they are “gender-responsive and inclusive security and preventive policy frameworks.”<sup>27</sup> Due to increasing population and urbanization, countering violent extremism (CVE) tactics must also take more nuanced forms. For example, note that only 10% of the women in Sindh are literate,<sup>28</sup> even fewer are likely to be aware of their rights or have access to any form of political expression.

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<sup>22</sup> <https://www.gendersecurityproject.com/post/violent-extremism-through-a-gender-lens>

<sup>23</sup> <https://www.boell.de/en/2019/12/10/preventing-and-counteracting-womens-participation-violent-extremism-pakistan-practitioners>

<sup>24</sup> Sara Mahmood, “Negating Stereotypes: Women, Gender and Terrorism in Indonesia and Pakistan,” <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Negating%20Stereotypes-%20Women%20Gender%20and%20Terrorism%20in%20Indonesia%20and%20Pakistan.pdf>.

<sup>25</sup> “Countering Violent Extremism While Respecting The Rights and Autonomy of Women and Their Communities,” Pp. 223-225, <https://wps.unwomen.org/pdf/CH09.pdf>

<sup>26</sup> Ibid.

<sup>27</sup> <https://www.boell.de/en/2019/12/10/preventing-and-counteracting-womens-participation-violent-extremism-pakistan-practitioners>

<sup>28</sup> <https://www.usip.org/sites/default/files/PW104-Conflict-Dynamics-in-Sindh-Final.pdf> , pg 16



According to a report by United States Institute for Peace, “Politicians and journalists interviewed for this report blamed poverty and inequality for the rise of extremism in Sindh, arguing that students who enroll in madrassahs to receive a free education and free meals are recruited by extremist groups and that others turn to militancy out of desperation and a lack of better options. Recent research, however, has shown that this is not necessarily the case. In a 2012 study, Graeme Blair and his colleagues surveyed six thousand Pakistanis across the country and socioeconomic groups and found that poor Pakistanis dislike militancy more than their middle-class counterparts and that the dislike of militant groups is three times stronger among the urban poor living in districts that have experienced militant violence (likely because of the direct exposure to violence).<sup>67</sup> Such findings highlight that the causal link between poverty and rising extremism is difficult to establish, though, unlike the urban poor surveyed, who have experienced militant violence, many Sindhis have not been directly exposed to extremist rhetoric and the fallout of militancy before and might be more vulnerable to engaging with extremist groups.”<sup>29</sup>

“[F]undamentalist perspectives on gender cast a uniquely revealing light on the nature of fundamentalism as a whole.” That is, most known organized religions are “patriarchal in the moral code they sanction and the social arrangements they uphold.” And therefore, “all fundamentalist forces... proclaim the specific agenda of restoring the centrality of the family and home in the life of women and patriarchal control over her sexuality.”<sup>30</sup>

## 2.2 Historic lens: VE & CVE in Pakistan

### The seeds of VE in Pakistan

Pakistan has had to confront VE due to Pakistan’s porous border with Afghanistan, resulting in the persistent threat of spread of violent extremists and extremist sympathizers.<sup>31</sup> More dangerously, this was immediately following the decade of Islamization that Pakistan had itself undergone in the 1980s.<sup>32</sup>

### Recent History

According to the South Asia Terrorism Portal, approximately sixty thousand people have been killed by 2014, in various incidents of terrorism. These statistics have severe implications for the most vulnerable segments of society.<sup>33</sup> Therefore, it was important that the military approach (kinetic war) operated in tandem with an institutionally strong civilian approach (soft power). Resurgence of TTP activities in Swat in recent years, particularly after the 2012 attack on Malala Yusufzai, indicated how deeply extremist ideology is embedded in the fabric of

<sup>29</sup> <https://www.usip.org/sites/default/files/PW104-Conflict-Dynamics-in-Sindh-Final.pdf>, pg 16

<sup>30</sup> <https://www.marxists.org/archive/gandhy/2001/00001.htm>

<sup>31</sup> Weinbaum, Marvin G. “War and Peace in Afghanistan: The Pakistani Role.” *Middle East Journal* 45, no. 1 (1991): 71–85, 72. <http://www.jstor.org/stable/4328240>.

<sup>32</sup> <https://asiasociety.org/education/pakistan-political-history>

<sup>33</sup> Shahid Ahmed Afridi, *Pakistan’s Counterinsurgency: Military and Civilian Approach*. ISSI. 2016. P. 21.

society. Terrorist attacks on security personnel in Swat were reported in May, June and September 2014. The year ended with the brutal attack by the TTP on the Army Public School Peshawar on 16<sup>th</sup> December 2014 that killed 148 people, including more than 130 school children. The moratorium on death penalty, in force since 2008, was immediately lifted.<sup>34</sup>

### **Turning point towards CVE**

Afridi pinpoints, that in his opinion, the 2007 Lal Masjid siege as the event that catapulted the trajectory of insurgency activity in Pakistan.<sup>35</sup> It is also imperative to note that the Lal Masjid siege proved to be the catalyst for the culmination of broad VE movements based in Pakistan to coalesce under the wider umbrella organization now referred to as the Tehreek-e-Taliban Pakistan (TTP).<sup>36</sup> Thus, keeping this development in mind, it was incumbent upon the State to deliberate over how a ‘civilian approach’ may be adopted in tandem with the previously tested militaristic prescriptions. Nevertheless, numerous national (and provincial) initiatives for CVE started emerging after 2007.

### **The Emergence of CVE Initiatives**

By 2009, US-Pakistan coordinated effort for ‘civilian counter-insurgency’, i.e. CVE, as a feasible theoretical framework to guide future course of action.<sup>37</sup> Such a blueprint necessitated the civilian and political government rendering the strategic direction and orientation for the effective implementation of CI campaign.<sup>38</sup>

The establishment of the National Counter Terrorism Authority (NACTA) in 2009 with the objective to “act as a focal national institution to unify state response to counter extremism and terrorism”<sup>39</sup> represented one of the first institutional moves towards putting this civilian counter-insurgency theorization into practice. In 2013, NACTA’s mandate and mission were reconfigured as per the NACTA 2013 Act. Following the 2014 Army Public School Attack in Peshawar by the TTP,<sup>40</sup> A 20 Points National Action Plan (NAP) for countering terrorism and extremism was devised by NACTA/ Ministry of Interior and relevant stakeholders and was approved on 24th of December, 2014 by the Parliament and became the 2<sup>nd</sup> consensual policy document approved by the Government.<sup>41</sup> National Counter Extremism Policy Guidelines 2018 is a step in the right direction if NACTA takes measures to get the policy guidelines implemented through appropriate legislation or administrative actions. It proposes an extensive plan for promotion of women rights under education reforms:

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<sup>34</sup> P 10-12, <https://piler.org.pk/wp-content/uploads/2017/02/Status-of-Labour-Rights-in-Pakistan-2014-compressed.pdf>

<sup>35</sup> Ibid, 22.

<sup>36</sup> Stephen Watts, Jason H. Campbell, Patrick B. Johnston, Sameer Lalwani and Sarah H. Bana. 2014. Countering Others' Insurgencies: Understanding U.S. Small-Footprint Interventions in Local Context. RAND Corporation. P. 121.

<sup>37</sup> Afridi, p. 25.

<sup>38</sup> Ibid.

<sup>39</sup> <https://nacta.gov.pk/vision-mission-statement/>

<sup>40</sup> “ The December 16 attack on the Army Public School of Peshawar was the worst terrorist act in Pakistan’s history: more than 140 people were killed, including at least 130 children, and a nearly equal number injured. After a squad of seven armed men launched a suicide attack during class hours, eight hours elapsed before military forces regained control of the school. Many pupils and school personnel were executed and injured in that interval. Responsibility for the massacre was claimed by the Tehrik-e-Taliban Pakistan (TTP), which said it acted in retaliation for the army’s Zarb-e-Azb offensive, which has taken place in the Pakistan’s tribal areas since June 2014” [https://www.europarl.europa.eu/RegData/etudes/ATAG/2014/536429/EXPO\\_ATAG%282014%29536429\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2014/536429/EXPO_ATAG%282014%29536429_EN.pdf)

<sup>41</sup> <https://nacta.gov.pk/nap-2014/>

- (a) Women rights to be taught from basic elementary level;
- (b) A module on human rights should be sensitively developed without segregating women rights as separate from human rights; and
- (c) Our heroes should not remain limited to men, but female figures should also be included in curriculum.

Paigham-i-Pakistan also put emphasis on women rights and reminds us about the protection of these rights and non-discrimination or equality before law. Whereby, women have right to vote, education and employment; to destroy women educational institutions, to attack on female students and educationists is contrary to human values, Islamic teachings and the law of land. The declaration also declares honor killing, marriage with Quran, and exchange marriage (*watta-satta*) against the injunctions of Islam; exchange marriage being most prevalent in Sindh (66-78%)<sup>42</sup>.

### **Madrassah Reforms**

One of the focal infrastructural entities that contribute towards the overall spiritual, educational and political socialization of the youth are the Madrassahs (seminaries or non-mainstream institutions). They have and continue to remain a key mobilizing group for religious-political activity. Directing the State's attention towards the content and curriculums employed in country's Madrassahs. In 2001, the 'Pakistan Madrasah Education Board Ordinance' was introduced to reforms Madrasah curriculum; then in 2002 the 'Voluntary Registration and Regulation Ordinance 2002 was introduced to control and check the enrolment of foreigners in different Madrasahs. The government has shown consistency in registration, regulation and reforms of Madrasah and scrutinizing their curriculum to prevent the spread of religious extremism."

These measures include mapping Madrasahs, auditing of their account and check their sources of funding and action against those found to be involved in hate speech and militancy. In mid-2005, the Government renewed its effort to require all Madrasahs to register with the government and to expel all foreign students."<sup>43</sup>

Finally, the government devised the Madrassah Regulation Ordinance in 2008 in a bid to increase the State's involvement in the substantive content of the Madrassa curriculum and the overall activities at the Madrassahs. This was later followed by government entering into an agreement with the Ittehad-e-Tanzeem-ul-Madaris Pakistan (ITMP), an umbrella organization of madrassas oversight boards, so as to recognize and link the five ITMP Madrassas boards to the Ministry of Education through an Act of Parliament.<sup>44</sup>

<sup>42</sup> Manual for Sindh Commission on Status of Women and Government Officials for Peacebuilding in the Context of Women's Rights , SCSW/AF, 2021

<sup>43</sup> Minhas Majeed Khan , 'Violent Extremism: The Status of Religious Minorities as targets and Victims in Pakistan' Pakistan Peshawar Islamicus Vol:8, Issue 11 Jan-June 2017, p 11

<sup>44</sup> Afridi, 2016. P. 28-29.

However, note that the registration and integration of local madrassahs with the State has been a contested policy area since 2003. With only 295 out of 30,000 madrassahs in Pakistan being registered at present,<sup>45</sup> the aforementioned goal towards increasing state supervision of madrassahs becomes even more shaky. The Ministry of Education, has pledged that it would open twelve regional offices across the country to assist madrassahs in imparting technical and vocational training as well as offering training workshops to teach contemporary subjects of the relevant boards and that the madrassah students would be awarded a nationally-recognized certificate by the Federal Board.<sup>46</sup> Unregistered madrassahs, however, and those seminaries which failed to meet the criteria established by the conditions for registration would be 'cancelled.'<sup>47</sup> This remains a work in progress.

In Sindh, many note that wherever roads are built and access becomes easier, the establishment of large Madrassas often follows. However, surveillance of the substantive content of Madrassa education and any side activities remains an aspiration in progress.<sup>48</sup> This means that there is a consistent vulnerability to VE, particularly in those areas where sizeable proportions of the population are non-Muslim and there is a higher risk of communal tensions. This threat of radicalization through unregulated Madrassas is even more pronounced in the over-populated, under-resourced, multi-ethnic and multi-religious city of Karachi.<sup>49</sup>

### **2.3 The effect of violent extremism on the protection of women's rights**

Traditionally, in parts of Pakistan, women are discriminated against in the public and private domain. Even in those areas of Pakistan where women are not physically confined to the home, their movement is heavily surveilled and controlled. There is a strong proprietary attitude towards women's bodies which then increases their vulnerability to violence, exploitation, and abuse, particularly in crisis situations.<sup>50</sup> This has remained the case, particularly across South Asia, in varying degrees, regardless of the spread of violent extremism.<sup>51</sup> However, this vast disparity and power differential between genders makes societies ripe for the penetration of VE ideologies.<sup>52</sup> The subjugated gender that has been denied equal access to power, to justice and to a political voice, suddenly feels more empowered by VE ideologies, if tempted or recruited. On the other hand, they are also less likely to be able to resist VE if the male members of the family impose it and expect the rest to be conduits and reproducers for VE.

Moreover, sexual violence and abuse, is also noted to become more frequent in the aftermath of a crisis or conflict limits women and girls' access to economic opportunities as well as their access to basic health and education. In the accompanying spread of violent extremism, women's mobility becomes extremely compromised. In the Swat region of the Khyber

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<sup>45</sup> <https://thetruthinternational.com/national/no-government-able-to-enforce-madrassah-reforms/>

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> [https://reliefweb.int/sites/reliefweb.int/files/resources/14E21A34E9FC61CFC125774C00078AD3-Full\\_Report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/14E21A34E9FC61CFC125774C00078AD3-Full_Report.pdf)

<sup>49</sup> [https://www.files.ethz.ch/isn/29719/130\\_pakistan\\_karachi\\_madrassas.pdf](https://www.files.ethz.ch/isn/29719/130_pakistan_karachi_madrassas.pdf) pg 14, 16

<sup>50</sup> <https://www.usip.org/publications/2017/02/women-peace-and-security-pakistan>

<sup>51</sup> Palvasha Shahab. 2020. *State as the Absent Parent: Child Marriage in Sindh, Pakistan*. Legal Aid Society's Research Products. <https://www.las.org.pk/wp-content/uploads/2021/10/Final-Gap-Paper-English-July-29-2021.pdf>.

<sup>52</sup> ibid

Pakhtunkhwa Province (KP) for example, the TTP banned women from working, being educated, and from leaving the house unless accompanied by a male family member. This is most famously documented through the 2012 attack on Malala Yousafzai. These limitations have affected women's access to education, to justice, health-care facilities, limited their household incomes and made them vulnerable to abuse.<sup>53</sup> Other examples of anti-women attitudes and policies, highlighting the foregoing, will be shared under the section on changes under the military regime.

What is more alarming, and must be considered in the case of Sindh, is how much the existing culture is imbued with violent extremism towards women, regardless of whether or not it is fueled by any radical extremist ideology. For example, traditions such as *karo kari*, which is a form of honor killing, usually only taking female victims, in cases where a woman chooses to marry of her own choice.<sup>54</sup> Another example, is found in the common practice of arriving at a compromise with rapists of women, by marrying the victims of sexual crimes to their rapists. Such compromises are usually made between men and men and are aimed to protect the honor of men. Another example, is child marriage and/or forced marriage which remains prevalent as the cultural norm in Sindh. Child marriage is also regularly used as a tool to forcibly convert non-Muslim girls to Islam. Domestic violence and marital rape are considered routine, unremarkable occurrences. Women's access to justice, to health care, to education, to reproductive health, to nutrition, to economic independence, and to physical mobility is not guaranteed by the state but it remains the decision of their family, regardless of their age or marital status. Consequently, they are regularly denied all of the above. They are regularly denied their inheritance and/or stripped off their lawful property through by forcing them to 'gift' it to male family members, or simply having it snatched, or in extreme cases— by being married to the Quran or a tree.<sup>55</sup> Therefore, regardless of the express threat of VE, the cultural norms of Sindh (and various other parts of Pakistan), particularly in rural areas, have long forced the women to live under constant threats of violent extremism—where neither their physical being, nor their psycho-social being nor their material possessions are safe. In a situation where women are already struggling to be recognized as equal beings, the threat of VE means that their progress in their battles with cultural norms (which have already resulted in several legislative changes) will be lost. In fact, they are so marginalized that they may easily be enlisted by the other side.<sup>56</sup>

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<sup>53</sup> <https://www.usip.org/publications/2017/02/women-peace-and-security-pakistan>

<sup>54</sup> Palvasha Shahab. 2020. *State as the Absent Parent: Child Marriage in Sindh, Pakistan*. Legal Aid Society's Research Products. <https://www.las.org.pk/wp-content/uploads/2021/10/Final-Gap-Paper-English-July-29-2021.pdf>.

<sup>55</sup> *ibid*

<sup>56</sup> <https://www.marxists.org/archive/gandhy/2001/00001.htm>

## 2.4 Role of women in the context of CVE and peacebuilding

In Pakistan, women are disproportionately affected by conflicts and so are uniquely positioned to provide solutions. But patriarchal norms and structures limit their ability to meaningfully participate in conflict prevention and peacebuilding<sup>57</sup>.

Given the right opportunities, women can consistently bridge divides, build understanding within communities, promote dialogue and build trust. Whether they are preventing violent extremism, contributing to interfaith harmony or responding to emergencies like COVID-19, women tend to adopt an inclusive approach. Therefore, it is important to push for integrating their views and leadership when developing strategies to address violent extremism.<sup>58</sup>

“We must tackle existing prejudices at the social and cultural level, which want women relegated to private spaces and away from public life,” says Qadeem. “Only by doing this can we empower women to become leaders and change-makers. We must be given the opportunity to participate in peace processes, as well as in national and international forums, as experts – only then will the purpose of UNSCR 1325 be fully realized.”

It is for the forgoing reasons that the importance of centering women in the fight against violent extremism increases manifold. Georgia Holmer notes that “[a] community that promotes tolerance and inclusivity, and reflects norms of gender equality, is stronger and less vulnerable to violent extremism.”<sup>59</sup> The reverse it also true: a society that is tolerant of gender-based violence and subjugations is often proof that violent extremism is taking root in it. Therefore, women empowerment should not be the only priority, women’s equality should be prioritized as well so that they hold the required clout in their community to convince people to move away from VE.<sup>60</sup>

The majority of P/CVE strategies have a narrow focus on the role of women as either victims or peacemakers who can help prevent ‘violent extremism’, without paying attention to the diverse roles they play in countering, mobilizing against, or participating in violent movements. This means engaging women from all parts of society, including teachers, elected representatives, leaders of religious-political parties, media representatives, activists, mothers, and community members.<sup>61</sup> The success of CVE can ride on women’s meaningful participation.<sup>62</sup> There is more durable peace and better implementation of agreements when women participate in peace processes.<sup>63</sup> Studies by UN Women and Council of Foreign

<sup>57</sup> <https://asiapacific.unwomen.org/en/stories/feature-story/2022/05/inspiring-voices-from-pakistan>

<sup>58</sup> <https://www.unwomen.org/en/news-stories/feature-story/2022/01/in-pakistan-artists-and-peace-activists-empower-women-and-girls-to-address-violent-extremism>

<sup>59</sup> P 5 , [https://docs.google.com/document/d/1ZdE9wYFkamrh0jGtovgBIE9svPGTDhWRXBf14x\\_TvLA/edit](https://docs.google.com/document/d/1ZdE9wYFkamrh0jGtovgBIE9svPGTDhWRXBf14x_TvLA/edit)

<sup>60</sup> <https://static1.squarespace.com/static/5db70e83fc0a966cf4cc42ea/t/5f99c3c808c217048216008a/1603912649120/Gender+and+CVE+FIN+AL.pdf>

<sup>61</sup> <https://www.boell.de/en/2019/12/10/preventing-and-counteracting-womens-participation-violent-extremism-pakistan-practitioners>

<sup>62</sup> P 2 , [https://docs.google.com/document/d/1ZdE9wYFkamrh0jGtovgBIE9svPGTDhWRXBf14x\\_TvLA/edit](https://docs.google.com/document/d/1ZdE9wYFkamrh0jGtovgBIE9svPGTDhWRXBf14x_TvLA/edit)

<sup>63</sup> <https://www.cfr.org/womens-participation-in-peace-processes/>

Relations have shown that when women participate in peace processes the likelihood of lasting peace increases by 20 per cent.<sup>64</sup>

Asma Shakir Khawaja's case study on Pakistan presents different arguments in favor of female participation in decision making such as:<sup>65</sup>

- The justice argument – women account for approximately half the population of the world and therefore have the right to be represented as such;
- The experience argument – women's experiences are different from men's, which need to be represented in discussions leading to policy-making and its implementation. These different experiences mean that women 'do politics' differently from men;
- The interest argument – the interests of men and women are different and even conflicting at times, therefore women are more needed in representative institutions to articulate the interests of women;
- The critical mass argument – women are able to achieve solidarity of purpose to represent female interests when they achieve certain levels of representation;
- The symbolic argument – women are attracted to political life if they have role models to emulate;
- The democracy argument – equal representation of women and men enhances democratization of governance in both transitional and consolidated democracies.

It is important to remove the misconception that VE and CVE is the sole domain of men and that women are passive bystanders of this phenomena. In order for women to be able to have a positive influence within the private and the public sphere, it is important to ensure women are economically and socially empowered; their position in their family and community is strengthened. Interfaith harmony can also be promoted through the training and empowering of religious female leaders within political parties and communities who can help remove prejudices and promote coexistence.<sup>66</sup>

Recruits for VE are often belonging to local communities and so any policy to target them and move them away from radicalization must include comprehensive intervention that covers the ground realities and takes into confidence members of the community especially the women who can influence their youth. However, the assumption that *simple inclusion* of women in these processes will produce the desired result should not be made. They might not always hold the power to do so in their communities.<sup>67</sup>

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<sup>64</sup> <https://www.partnersglobal.org/newsroom/20-years-after-resolution-1325-why-are-women-still-excluded-from-peace-processes/>

<sup>65</sup> Asma Shakir Khawaja, "Women in Security and Policy-making: A Case Study of Pakistan," Strategic Studies, Vol 37, No. 1, 2017, Islamabad, Pakistan, [http://issi.org.pk/wp-content/uploads/2017/04/5-Asma\\_SS\\_Vol\\_37\\_No.1\\_2017.pdf](http://issi.org.pk/wp-content/uploads/2017/04/5-Asma_SS_Vol_37_No.1_2017.pdf)

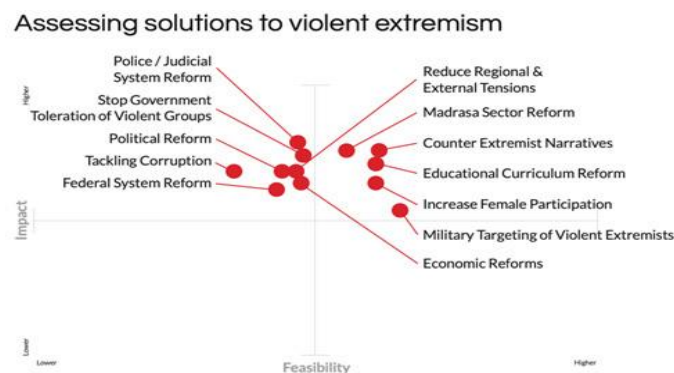
<sup>66</sup> Mossarat Qadeem, 2018, *ENGENDERING EXTREMISM: WOMEN PREVENTING and COUNTERING VIOLENT EXTREMISM in PAKISTAN*. Centre for Women, Peace and Security, p.8, [http://eprints.lse.ac.uk/104035/1/Qadeem\\_engendering\\_extremism\\_women\\_preventing\\_published.pdf](http://eprints.lse.ac.uk/104035/1/Qadeem_engendering_extremism_women_preventing_published.pdf).

<sup>67</sup> Emily Myers, and Scoville Fellow. 2018. Review of *GENDER & COUNTERING VIOLENT EXTREMISM (CVE)*. ALLIANCE FOR PEACEBUILDING. April 2018. <https://static1.squarespace.com/static/5db70e83fc0a966cf4cc42ea/t/5f99c3c808c217048216008a/1603912649120/Gender+and+CVE+FINA+L.pdf>.

Public-Private partnerships may be a beneficial strategy for CVE. Many civil society organizations in Sindh have strong linkages on the ground and have built trust with the communities. They also have unique knowledge of the context they work in and good knowledge of the issues affecting their local communities.<sup>68</sup> However, can still face security risks especially women case workers, the government can provide security arrangements and backing that will make their work more legitimate and trustworthy.<sup>69</sup>

Moreover, community led approaches are also not given much importance and often overlooked in favor of state sponsored, male dominated and exclusionary tactics despite data showing that civil society participation can further enhance peace initiatives with the probability of peace agreements failing decreased by 64 percent.<sup>70</sup>

However, in the context of Pakistan, it is important to remember that the criminal justice system itself lacks the trust of the public. “Pakistan’s police forces are historically under-resourced and plagued by corruption, heavy handedness, and civilian mistrust. Negative experiences with criminal justice sectors corrode public trust in rule of law institutions, hindering their effectiveness and generating grievances. These conditions are conducive to violent extremism and bolster terrorist recruitment.”<sup>71</sup> Among other things, it is important to not only increase the representation of women in law enforcement but also to ensure that the law enforcement and other actors of the criminal justice system are sensitized to the ideas of gender equality and inclusivity. If the criminal justice system does not gain public trust, and particularly, if it continues to alienate more than half the population (i.e. women and other genders, including non-cis men), there will be a continued lack of faith in rule of law in general and in the criminal justice system in particular. This will then have the continuing effect of undermining women’s potential role in preventing and combatting Violent Extremism.<sup>72</sup>



<sup>68</sup> *Local Approaches to Preventing Violent Extremism in Pakistan*. Peace Direct, p.4, <https://www.peacedirect.org/wp-content/uploads/2017/03/Report-Pakistan-8-single-pages.pdf>.

<sup>69</sup> *ACCOUNTABILITY the WOMEN’S REGIONAL NETWORK: VOICES from AFGHANISTAN, PAKISTAN, and INDIA*. n.d. Peace Women. Accessed 2022. <https://www.peacewomen.org/e-news/article/accountability-womens-regional-network-voices-afghanistan-pakistan-and-india>.

<sup>70</sup> Ashleigh Subramanian-Montgomery, Alexa Fedynsky and Dr. Solange Bandiaky-Badji, "20 Years After Resolution 1325: Why Are Women Still Excluded from Peace Processes?", *Partners Global*, 2020, <https://www.partnersglobal.org/newsroom/20-years-after-resolution-1325-why-are-women-still-excluded-from-peace-processes/>.

<sup>71</sup> P 3, [https://docs.google.com/document/d/1ZdE9wYFkamrh0jGt0vgBIE9svPGTDhWRXBf14x\\_TvLA/edit](https://docs.google.com/document/d/1ZdE9wYFkamrh0jGt0vgBIE9svPGTDhWRXBf14x_TvLA/edit)

<sup>72</sup> *Local Approaches to Preventing Violent Extremism in Pakistan*. Peace Direct, p.20, <https://www.peacedirect.org/wp-content/uploads/2017/03/Report-Pakistan-8-single-pages.pdf>.



### 3. DISCUSSION & ANALYSIS

#### 3.1 The Nexus between Gender Justice and Violent Extremism: gender dimensions of violent extremist practices

It is impossible to think of understanding or countering violent extremism, without engaging with its gender dimension. There are four key aspects to this understanding. Firstly, extremist ideologies, almost invariably, attack women's equal and equitable participation in public life. They seek to ensure the subordination of women and all genders except heteronormative males. Secondly, they also seek to enlist women into extremist ideologies because they can reproduce these ideologies through biological reproduction and in their roles as primary caregivers and nurturers. They can operate as teachers, preservers and disseminators of fundamentalism and of radical extremist ideologies. Thirdly, women, who occupy an inferior, marginalized and/or largely disenfranchised role in most societies are a group that is vulnerable to radicalization themselves. This is particularly true in instances where the male members of their family have been radicalized and/or when they are promised higher spiritual rewards for their participation and whilst they are experiencing a dearth of material comforts, access to opportunities of advancement and a positive identity for themselves. VE can potentially provide such women a sense of identity and belonging. And fourthly, women, when empowered and capacitated, are an important force against radicalization and the spread of violent extremism.<sup>73</sup>

“Women and men play a multi-faceted role in peacebuilding. Violent extremism is a phenomenon that impacts everyone and men and women are equally vulnerable to being affected and recruited by extremist ideologies,” says Durre Maknoon, Director General Outreach of National Counter Terrorism Authority, Pakistan (NACTA).

#### 3.2 Provincial context: Understanding, Preventing and/or Responding to Violent Extremism in Sindh

Sindh, particularly the city of Karachi is defined by constant migration; it has a consistent trickling of immigrants, passers-by and settlers, and has developed a cosmopolitan, pluralistic and multicultural character over the centuries. The forgoing factors makes it a particularly complex and strategically important ground for tackling and/or preventing and remaining vigilant against the spread of violent extremism.

As with most societies ravaged by violent extremism and kinetic efforts to combat violent extremism, the social fabric, particularly that of Urban Sindh, has suffered many blows, as noted below and detailed in subsequent sections. It is important to remember that “Gender is one of the organizational principles in Pakistan. Patriarchal values embedded in local tradition

<sup>73</sup> “Bridging Voices” Final Report. 2016. Georgetown University: M.A. Conflict Resolution Program, p.3, [https://www.britishcouncil.us/sites/default/files/bridging\\_voices\\_final\\_report\\_nov.pdf](https://www.britishcouncil.us/sites/default/files/bridging_voices_final_report_nov.pdf).

and culture, predetermine the social value of gender.”<sup>74</sup> Therefore, any blows to the social fabric also mean an exacerbation of the subjugated position of women.

It is also for these reasons that the most holistic and gender inclusive approaches to countering violent extremism need to be deployed in Sindh.

The province has had to do immense labor in order to climb out of periods of extreme urban violence and terrorist attacks, however, urban Sindh is now stabilized and keeps vigilant guard over infiltration of violent extremist elements from other provinces in Pakistan.<sup>75</sup>

In the past, Sindh has had to fight tough battles in order to arrive where it is today, and some of the echoes of the past still resonate in the province today. The 1990s saw the rise of politically, ethnically, sectarian and religiously motivated violence.<sup>76</sup> Warring political parties weaponized the urban youth and the province suffered many breakdowns of law and order.<sup>77</sup> Writing in 2011, Haris Gazdar notes that “according to data compiled by the Human Rights Commission of Pakistan (HRCP), over 1,100 people were killed in Karachi during the first six months of 2011, of whom 490 fell victim to political conflict. The Citizen's Police Liaison Committee (CPLC), a semi-official body that works with the police force, has reported that there have been 1,200 killings in Karachi between January and July 2011, compared with 1,339 such killings in all of 2010. The 2010 figure itself represented a 10-fold increase over a five-year period. Karachi's political violence is likely to have become comparable, in terms of lives lost, with the action with the TTP and related jihadists in the north of Pakistan.”<sup>78</sup>

There are several gender specific issues that have emerged as a result of this. For instance, this has meant increased sexual violence against women and increased domestic violence. In some cases, practices like honor killing which had mainly remained rural practices, have now been observed in the city. Over population and inter-ethnicity tensions have meant that women's mobility is even more strained. Additionally, they are pushed down the priority list for education and employment opportunities, which are increasingly scarce. It is true that even generally, the subjugated position of women has “resulted in low resource investment in women as a group by the State and the family. As a consequence of this low resource investment, women suffer greatly, whether through low life expectancy, lack of education etc.”<sup>79</sup>

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<sup>74</sup> Maliha Zia Lari. 2011. Review of “*Honour Killings*” in *Pakistan and Compliance of Law*, November, p. 10, [https://www.af.org.pk/pub\\_files/1366345831.pdf](https://www.af.org.pk/pub_files/1366345831.pdf).

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<sup>76</sup> Claude Rakisits, Urban conflict in Pakistan, Paper presented to the conference on “Conflicts and Emergencies in Urban Areas” Webster University, Geneva 30 January 2009; Haq, Farhat. “Rise of the MQM in Pakistan: Politics of Ethnic Mobilization.” *Asian Survey* 35, no. 11 (1995): 990–1004. <https://doi.org/10.2307/2645723>.

<sup>77</sup> Policing Urban Violence in Pakistan, Asia Report N°255 | 23 January 2014 International Crisis Group Headquarters Avenue Louise 149 1050 Brussels, Belgium

<sup>78</sup> Karachi Battles Author(s): HARIS GAZDAR Source: Economic and Political Weekly, SEPTEMBER 17-23, 2011, Vol. 46, No. 38 (SEPTEMBER 17-23, 2011), pp. 19-21 Published by: Economic and Political Weekly Stable URL: <https://www.jstor.org/stable/23047326>

<sup>79</sup> Maliha Zia Lari. 2011. Review of “*Honour Killings*” in *Pakistan and Compliance of Law*, November, p. 10, [https://www.af.org.pk/pub\\_files/1366345831.pdf](https://www.af.org.pk/pub_files/1366345831.pdf).

Women from religious minorities have suffered an additional layer of offences such as forced conversion, abduction and forced re-marriage of married women (whose marriages are unregistered). Therefore, for effective CVE, it is also important to center and champion non-Muslim women in order to create an inclusive, tolerant, equitable society built on mutual respect, economic and social independence for all.



### **The gender dimension in existing CVE laws in Sindh**

This section exploring the gender dimension on relevant CVE laws has been researched and authored by Mohsin Abbas (Legal Expert).

#### **Sindh Protection of Communal Properties of Minorities Act, 2013:**

##### Background & Introduction

The Sindh Protection of Communal Properties of Minorities Act, 2013 was passed by the Provincial Assembly of Sindh on 15th March, 2013 and assented to by the Governor of Sindh on 28th March, 2013. Sindh was the first amongst provinces to enact the law in 2013, followed by KP in 2014, and Balochistan in 2018. The objective of the law is to protect the properties of minority communities meant for their communal use. In past, we have seen VE groups occupying the religious places of the minorities.

##### Salient Features

The law declares any such activity as unlawful and provides legal cover against any such illegal occupation. It says that no property of a minority community meant for its communal use be bought, sold or transferred by any person without no objection certificate from the Provincial Government. The Government cannot grant permission for transfer of a communal property of any minority unless it is recommended by the Provincial Commission for Minorities. In case of violation, the law prescribes punishment of up to seven years imprisonment and fine of not less than one hundred thousand rupees for the person who transfers communal property of minority community without permission of the Provincial Government. It also provides such unauthorized transfer is of no legal effect.

## **Analysis**

Though made for a noble purpose, it is a skeleton and intransitive law. There is no identification or list of specific communal properties with their existing status, uses and persons or associations responsible for the management of the properties. Hence, there is no system of inclusion and exclusion of properties from the list or change of management. The law prohibits transfer of such properties. Transfer of property is broadly defined under section 5 of the Transfer of Property Act 1882 as to convey property from one living being to another living being. License, lease and mortgage are also regarded as transfer of properties under the Transfer of Property Act 1882. This makes the law counterproductive as it totally prohibits licenses and leases of commercial parts of communal properties on whose income, communal property may have been maintained. Law makes it mandatory for the Provincial Government to issue no objection certificate only after obtaining recommendation of the Provincial Commission for Minorities. There is no such Commission and the law becomes redundant in the absence of the Provincial Commission for Minorities. A comprehensive law for the establishment of the Provincial Commission for Minorities may be made in order to make such Commission ultimate custodian of these properties. It may have all the powers to protect such properties. There is no data available to judge effectiveness of this law. Mandatory parliamentary supervision for enforcement of this law is also absent.

Women are frequent users of communal properties of religious minorities. Their right to use communal properties is seriously affected if the communal properties are not properly protected.

## **Sindh Sound Systems (Regulation) Act, 2015:**

### **Background & Introduction**

The Sindh Sound System, (Regulation) Act, 2015 was passed by the Provincial Assembly of Sindh on 10th April 2015 and assented to by the Governor of Sindh on 12th May 2015. The Act is a positive step towards ongoing efforts to eradicate violence and extremism in Province of Sindh. There were a number of bills presented to Sindh Assembly in last few years but were technically or politically knocked out. This bill was advocated and lobbied by many right based organizations and individuals, especially since the APS school shooting. Similar bills are also passed by Punjab in 2015 and in Baluchistan in 2016, respectively. Spreading messages of hate and violence as well as religious, cultural and social intolerance is one of the most common issues of the day. Many studies show that Pakistan is one of those countries where prevalence and likelihood of intolerance is extremely high.

### **Salient Features**

Its objective is to establish an effective system to regulate and control the use of sound systems which generates any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the ease, health, peace, or safety of persons in or beyond the vicinity. The purpose is to prevent a nuisance to the public, an incitement to terrorism, and the voicing of utterances of a controversial nature that are likely to cause public disorder, It is also meant to regulate, control and prohibit the use of certain sound systems in the Province of Sindh in the interest of environment, public order, and public decency. VE groups usually use loud sound systems to disseminate their message and radicalize members to join their movement. This law will help in placing a check on extremist agenda.

The Act is general law as it extends to the whole of Sindh province and substantive law in nature as it set out punishments on its violations. Moreover, its provisions supersede the other

laws due to having overriding effect. The Act defines “*place of worship*”, a mosque, imambargah, madaris, church, temple or any other place of worship of any sect or religion.

The law defines the term “*public place*” a public street, a public thoroughfare, a public park or playground or any other place to which the members of the public or section of public have access with or without invitation. The law also defines the term “*sound system*” under this law means a loudspeaker, sound amplifier or such other equipment as may be prescribed.

As per law only a licensed Sound System is permitted after obtaining permission and no person can use, assist, permit or allow the use of a sound system which disturb or discomfort health, peace, or safety of persons. No person can use sound system at a public place or vicinity, worship place, hospital, educational institution, court or office during working hours and only one external sound system is allowed at worship place for Azan, Juma / Eid prayers.

A sound system which generates loud noise audible from ten yards is prohibited and where sound system is permitted under the law only specified sound system of a certain quality can be used. Law also prohibits spreading sectarian hatred and using a specific brand which creates crackling or unbearable sounds.

A Judicial Magistrate shall conduct summary Trial. The Court may order to confiscate loudspeaker or sound amplifier or apparatus used in the commission of an offence. SHO of the local area is responsible for regular inspection of the worship places and maintenance of record. If a person is found violating any of the aforementioned provisions they are liable to punishment of up to 6 months imprisonment and fine of 25000-50000 rupees.

### Analysis

- There is no evidence or data to prove that the purpose of the law to control hate speech and misuse of sound system by extremists has been achieved. Data of registered cases (FIRs) is available but there no impact analyzes of this law.
- The law is inherently discriminatory against minorities. They don't have permission to use sound system at their places of worship as all permissible uses are for majority faith worship places.
- There is complete absence of Parliamentary oversight/ report to Assembly and the Provincial Assembly is not being informed on the utility and enforcement of this law. Similarly, there is no effort to find ways and means to reduce instances of abuse or misuse of this law or selective/ discriminatory use of this law.
- It may be more appropriate to completely prohibit external use of a sound system or limit/ regulate it to mandatory prior licensing. License may be given after obtaining undertaking for specified time and not to use it for hate speech and/or propagation of extremists' ideology.
- Only a specified system with in-built recording/connectivity may be allowed to be used and every use of such system may be reviewed by a panel of experts who may render their views in writing to police. Police may only act on the basis of report of the panel of experts.
- Some changes are likely to make this law more effective from women/human rights perspective. There are instances of targeting women rights in hate speeches. An effective sound system law will be able to protect environment, women rights and

precious lives and properties by controlling the hate speech. Effective implementation will also protect the right of citizens to comfortable living without any nuisance or annoyance.

### **Gaps and Avenues for Improvement: Recent Case Studies Sindh**

The following case studies offer a glimpse into the gendered impact of penetrating VE ideology and/or its after-effects. They also show the avenues for strategic interventions. More legal context on the recent changes in the child marriage prevention laws will be provided in the subsequent section on legal analysis.

In Sindh, several laws exist regarding protection of underage minorities against conversion before adulthood. However, due to lack of sensitization on the law amongst the authorities and people, there is lack of implementation which can have an effect in increasing violent extremism. Creating awareness and spreading knowledge on rights can have a big effect in implementation and counter violent extremism and unrest in society. Therefore, it is important to sensitize judges, lawyers, prosecutors and police. Furthermore, communities themselves need to have awareness on their due rights so they cannot be easily exploited by those who wish to harm them.

#### **a. Case Study 1: Mehek Kumari**

Mehek Kumari's case in January 2020 set a precedent where for the first time a Pakistani court in the province of Sindh nullified the marriage as per the Sindh Child Marriage Restraint Act of an underage Hindu girl who was converted to Islam and married to a Muslim man.<sup>80</sup>

The Chairperson of the Sindh Commission on the Status of Women (hereafter 'Chairperson SCSW') also monitored the proceedings of the case, after she was approached for assistance by members of the Hindu community as the case had started unrest in the community between the Hindu and Muslims.<sup>81</sup> As per her narration; Mehak's home was visited by Ali Raza Solangi who was a *mazdoor(laborer)* and she left her home with him. The Chairperson visited Mehak in the shelter home of Larkana, where she had been kept after being recovered by the police. Chairperson SCSW advised the community leaders to stop their protests which were further fanning unrest and instead rely on the Commission which would assist them in getting relief through the law. When she visited Mehak in Larkana, she discerned that Mehek knew nothing about Islam and its teachings. She was also in a lot of distress due to the claim of her conversion to Islam. When the court case started, the Chairperson SCSW attended the first hearing to the surprise of the authorities. There was a curfew in the area outside the court to prevent the unrest from worsening. The Muslims had been barred in the mosque and Hindus in their temple. The hearing went well. The police only allowed the Chairperson SCSW to

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<sup>80</sup> Orissa POST. 2020. Pakistan Court Nullifies Converted Minor Hindu Girl Mehak Kumari's Marriage, February 19, 2020. <https://www.orissapost.com/pakistan-court-nullifies-converted-minor-hindu-girl-mehak-kumaris-marriage>

<sup>81</sup> Chairperson SCSW, Nuzhat Shirin. 2022. *Child Marriage Cases of SCSW* Interview by Yasmin Arshad.

meet Mehak Kumari. Nobody else was allowed to meet her. At that time, Child Protection Units had not been established and the court called out Social Welfare Department for their inaction in establishing these units. Due to a lack of units, Mehak was sheltered in the public-private initiative of the Panah Shelter Home in Karachi.

The second hearing and other future hearings were in the high court in Karachi. The Chairperson attended each hearing of the case with the parents of Mehak. Mehak herself wanted to go home with her parents and as per Sindh Child Marriage Restraint Act, 2013, every effort is to be made to ensure the child stays with her parents till she reaches adulthood. However, courts are often hesitant to let the so-called “Muslim” child go home with non-Muslim parents in cases of forced conversions. However, Chairperson SCSW supported the case that Mehak should be allowed to stay under the protection of her parents and at the age of 18 be called to the court to give her statement on her choice of religion. Therefore, it was a first in recent history, when the court decreed to send Mehak Kumari home with her parents.

When the local religious groups started to object and show anger, the Chairperson SCSW intervened and called out to the judge for his attention. She stated that the SCSW supports the stance of the Court which gives the right to the parents irrespective of religion to have their child under their protection if that is the wish of the child. The judge agreed to this stance and not only ordered for the arrest of the accused but also granted security to Mehak Kumari.

Mehak Kumari was allowed to leave with her parents and granted security till they reached home. This is a successful case where a Hindu girl was protected and the SCSW played a role in assisting in implementation of the law and preventing politicization of the case.

#### **b. Case Study 2: Arzoo Raja**

The case of Arzoo in November 2020 was that of an underage 14 year old girl named Arzoo Raja belonging to the Christian community. The SCSW met members of the Christian community, who were supporting Arzoo’s parents.

After her disappearance, Arzoo’s parents tried to file a police report, however, the police kept giving them the run around until two days later when a marriage certificate appeared. After this, the 45 years old accused who had allegedly married Arzoo filed a harassment petition before the court, falsely stating that Arzoo was 18 years old that her parents were harassing her after she married from her own free will. This alerted Arzoo’s parents and they joined the proceeding and informed the court, that their child was only 14 years old, which was a matter of record. After this, the child was placed in Panah Shelter home. The Chairperson SCSW was the first person to reach the (abovementioned) Panah shelter home to see Arzoo.

At the shelter, Arzoo continued to take the position that she has married the 45 years old accused and that she had taken the step of marriage of her own free will and wanted to stay with him. A delegation consisting the Chairperson of SCSW Nuzhat Shirin, Chairperson of SHRC Justice (R) Majida Rizvi and Minister for Women Development Department, Sindh, Syeda Shehla Raza visited Arzoo in the shelter home. In the statement given by Arzoo as she was crying and refusing to go to her parents<sup>82</sup> she claimed they beat her and locked her in the house and that she married of her own free will. This issue caused a division in the community and amongst the lawyers involved in the case.

However, in December 2021, the Sindh High Court gave the verdict to allow Arzoo to return to her to her parents. The court has directed Arzoo's parents to report to the SHO in their area every three months till she turns 18 in order to ensure that the girl was being treated well by her parents. However, the parents also had to give an undertaking that they would not pressurize Arzoo to change her religion since she claimed it was of her own free will.<sup>83</sup>



### 3.3 Critical review of gender justice laws from CVE lens

The position of women and the position of men stands in sharp relief in society. According to the authors, this disparity, i.e. the unequal sharing of power between men and women, and more importantly, the societal tolerance for it, makes the Pakistani society fertile for violent extremist ideologies. This fertility for violent extremism was beta tested and/or further cemented during the 1980s, through laws and policies specifically aimed at removing women from public spaces and institutionalizing their status as inferior citizens.

<sup>82</sup> Ishaq Tanoli. 2020. Review of *Arzoo Refuses to Go Home after SHC Finds Her Marriage "Not Legally Valid."* DAWN, November 10, 2020. <https://www.dawn.com/news/1589502>

<sup>83</sup> Ishaq Tanoli. 2021. Underage Marriage: SHC Allows Arzoo to Leave Shelter Home, Return to Her Parents. DAWN, December 22, 2021. <https://www.dawn.com/news/1665223>.



In order to understand the task for CVE in Sindh, it is imperative to first understand the legal developments under the military regime, which were implemented across Pakistan, as described in the following section. The section also details the efforts that have been made to undo (at least the most discriminatory features) of these changes in the past four decades.

### 3.3.1 Criminal Law Amendments: from 1980's to Present Day

The military regime was successful in charting a path to the removal of women from the public sphere<sup>84</sup> and/or perpetuation of women having an inferior role in Pakistani society. A number of motives and patterns that are now clearly recognized as gateways to (violent) extremist ideologies were institutionalized and legalized, as will be shown below. Under the regime, women witnessed active demonization of their kind, both through the legal and administrative infrastructure of the state, and through national media outlets. Zia notes as follows:

“Television programmes started depicting women as the root of corruption; working women were depicted as the cause of lax morality and the disintegration of the family and social values. From official campaigns and government-controlled television, it appeared that the only manner in which the rapid deterioration of society could be checked was by eradicating the presence of women altogether.”<sup>85</sup>

In addition to this, state sponsored sports training for women and their participation in international competitions was cancelled and recruitment and/or promotion of women in national banks was stopped. No women employed with the Foreign office were given any foreign postings. Women were not allowed to take scholarships abroad. It even was proposed that women be taken out of co-educational public universities and that they should go to their own universities.<sup>86</sup>

Thus, this radicalization had two major consequences: (i) it encouraged religious ideology to take center stage in government at a time when religiously driven extremist ideology was being propagated (ii) it gave legal footing to the marginalization of women from the public sphere while throwing the public and private sphere in much sharper relief than it had been before (by popularizing and legitimizing notions such as ‘*chadar aur chardivari*’ etc).

The cumulative effects of these legislative, administrative and narrative changes left Pakistan a very different nation— in terms of societal attitudes, tolerance and aspirations to equality.

### 3.3.2 Protections for Religious Minorities

An important aspect of monitoring, preventing and countering violent extremism in Pakistan is to ensure the safety and prosperity of all minority communities within Pakistan. Pakistan is a country that lays down clear constitutional guarantees for the safety of all religious minorities and promises freedom of conscience for all. “At the time of independence, the number of

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<sup>84</sup> Maliha Zia Lari. 2011. Review of “*Honour Killings*” in *Pakistan and Compliance of Law*, November, p. 13, [https://www.af.org.pk/pub\\_files/1366345831.pdf](https://www.af.org.pk/pub_files/1366345831.pdf).

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

religious minorities out of the total population was twenty five percent, which has now dropped to three percent. This is due to various factors, religious violence and discrimination are amongst many others. According to Pakistan Bureau of Statistics, 96.28% of the population is comprised of Muslims with 85–90% Sunni, 10–15% Shia, 1.59 include Christians, 1.60% Hindus, 0.22% Ahmadi and 0.07 others.”<sup>87</sup> While part of this decrease may be because the border between India and Pakistan was porous for the first decade or more after independence and many non-Muslims slowly made their way out, while many more Muslims came to Pakistan during this period.

As mentioned above, gender is the organizing principle of Pakistani society. Hence, non-Muslim women of Pakistan, suffer an added layer of disadvantage. This disadvantage is often further exacerbated by the fact that they belong to the lower rungs of socio-economic class. Thus, leaving non-Muslims women vulnerable to attack. In the recent past, these attacks have presented in a range of forms— from increased propensity of sexual violence, kidnapping, child marriage, forced conversion, illegal dispossession from property and so forth. There are also structural ways in which women are sidelined, such as, when compared to Muslims women, they have even more limited access to justice, to education, to employment and so forth—the layers of intersectional disadvantage pile on. This is a recurrent theme that will present itself throughout the legal analysis below. In order to have an effective CVE strategy, non-Muslim women, who are one of the most marginalized and vulnerable segments of Pakistani, and in turn Sindhi society, need to be championed first.

### **Blasphemy Laws**

The Blasphemy law is regularly weaponized for matters as distant from blasphemy as property disputes.<sup>88</sup> Human Rights Commission of Pakistan (HRCP) stated, “there was a direct link between the rise of the TTP and the suppression and oppression of the minorities and of all those whose beliefs differed with those of the extremists ...It is obvious that the mere charge of blasphemy, however preposterous it may be, is now a conviction in itself.”<sup>89</sup>

What is important to note is that the law is (a) usually used to settle personal scores and (b) used to target non-Muslims and/or women, especially if they have transgressed from their subjugated positions.<sup>90</sup> In recent history, in 2021, many activists of the ‘Aurat Azadi March’ (Women’s freedom march) were threatened with allegations of blasphemy. Many were even made victims of cyber-crimes where their images were distorted to be carrying controversial

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<sup>87</sup> Minhas Majeed Khan , ‘Violent Extremism: The Status of Religious Minorities as targets and Victims in Pakistan’ Pakistan Peshawar Islamicus Vol:8, Issue 11 Jan-June 2017, p3

<sup>88</sup>Tabinda Siddiqi. 2012. *Timeline: Accused under the Blasphemy Law*. DAWN, September 19, 2012.

<https://www.dawn.com/news/750512/timeline-accused-under-the-blasphemy-law> ; Asad Hashim. 2014. *Living in Fear under Pakistan’s Blasphemy Law*. Al Jazeera, May 17, 2014. <https://www.aljazeera.com/features/2014/5/17/living-in-fear-under-pakistans-blasphemy-law>.

<sup>89</sup> Minhas Majeed Khan , ‘Violent Extremism: The Status of Religious Minorities as targets and Victims in Pakistan’ Pakistan Peshawar Islamicus Vol:8, Issue 11 Jan-June 2017, p6-7

<sup>90</sup> SHAHEED, FARIDA. “Contested Identities: Gendered Politics, Gendered Religion in Pakistan.” *Third World Quarterly* 31, no. 6 (2010): 851–67. <http://www.jstor.org/stable/27896585>.

slogans so that, even before the law could act, they would be under the constant threat of a mob attack. Thankfully, in such cases the authorities intervened these threats were withdrawn.<sup>91</sup>

In summary, if the spread of VE has to be curbed and if effective CVE is to be deployed, then it is important for the state to curb the misuse of blasphemy laws and to ensure that any accused are given a fair trial, as is their constitutionally guaranteed right.<sup>92</sup> It may also be fruitful to re-evaluate the law and make the threshold stricter so that innocent people or those whose crimes are unrelated to blasphemy are not caught in these allegations.<sup>93</sup>

## **Sindh Child Marriage Restraint Act, 2013**

### History

Child, early and forced marriage has a deep and intrinsic link, albeit not a perfect concurrence with the spread of violent extremism.<sup>94</sup> Child marriage has periodically been instrumentalized for with forced conversions. On an international level, there is a recognized link between child marriages and the recruitment of child soldiers.<sup>95</sup> In Pakistan, as in many other parts of the world, it is important to remember that not only child marriage but early and forced marriage is equally putting women at risk. The notion of women choosing their own spouse is still viewed as an anomaly, with shame and considered an indignity.

The UNODC Executive Director, in their speech at the Commission on the Status of Women Side Event in March 2021, noted as follows:

“our efforts to better understand and address this challenge have revealed a dangerous intersection between different, serious forms of violence against children, including forced marriage, trafficking in persons, and child recruitment by terrorist and violent extremist groups. They have also shed light on underlying risk factors that leave women and girls more exposed.

Forced marriages are often directly linked to financial gain for families or interlocuters.

Women and girls who find themselves in poverty and without access to education and employment are more likely to be victims of such unions, as are those who suffer from disabilities. Victims of rape and sexual violence are also more likely to be forced to marry their abusers, suffering in silence to uphold discriminatory social norms.

Underreporting of victims persists, leaving too many without the assistance they need. Fear of reprisal, stigmatization, and shame are often the cause, as well as fear of losing children,

<sup>91</sup> <https://www.aljazeera.com/news/2021/4/16/pakistan-police-file-blasphemy-case-against-feminist-marchers> ;  
<https://www.wionews.com/south-asia/pakistan-women-activists-facing-blasphemy-allegations-after-aurat-march-376111>;  
<https://www.dawn.com/news/1618433>

<sup>92</sup> <https://www.vice.com/en/article/xwpep7/using-religion-for-reform-trying-to-change-pakistans-oppressive-blasphemy-law-from-within>

<sup>93</sup> Mazhar, A., & Moulvi, S.Z. (2021). Plurality, Dissent and Hegemony: The Story Behind Pakistan’s Blasphemy Law. In M.K. Masud, K. Vogt, L. Larsen & C. Moe (Eds.). *Freedom of Expression in Islam: Challenging Apostasy and Blasphemy Laws* (pp. 131–156). London: I.B. Tauris. Retrieved February 13, 2022, from <http://dx.doi.org/10.5040/9780755637690.ch-007>

<sup>94</sup> Ghada Waly. 2021. Review of Remarks of the UNODC Executive Director Commission on the Status of Women Side Event: Child, Early and Forced Marriage – Preventing Forced Marriages and Empowering Girls in an International Context. Presented at the Commission on the Status of Women Side Event: Child, early and forced marriage – preventing forced marriages and empowering girls in an international context, March 19. <https://www.unodc.org/unodc/en/speeches/2021/cswseforcedmarriage190321.html>.

<sup>95</sup> Ghada Waly. 2021. Review of Remarks of the UNODC Executive Director Commission on the Status of Women Side Event: Child, Early and Forced Marriage – Preventing Forced Marriages and Empowering Girls in an International Context. Presented at the Commission on the Status of Women Side Event: Child, early and forced marriage – preventing forced marriages and empowering girls in an international context, March 19. <https://www.unodc.org/unodc/en/speeches/2021/cswseforcedmarriage190321.html>.

homes, and livelihoods. The arrangement of marriages without consent in many cases constitutes trafficking in persons, as defined by the Palermo Protocol. Women and young girls are recruited or transported, in some instances by organized criminal groups who employ coercion, deception, abuse, and abduction, and reduced to commodities.”<sup>96</sup>

In Sindh, after a protracted struggle of over a decade, the ‘Child Marriage Restraint Act 1929’ was replaced successfully in Sindh with the passage of the Sindh Child Marriage Restraint Act 2013 (SCMRA). Pakistan has the sixth highest number of absolute child brides in the world (1.9 million). With the legal age of marriage for girls being 16 except in Sindh (where it is 18), child marriages remain alarmingly high; one fifth of girls are married before 18 and at least 3 percent before they are 15. These marriages are valid and legal under the laws and the perpetrators are subjected to criminal punishment but victims are required to initiate divorce procedures to end such a marriage. Under the Pakistan Penal Code, 1860, sexual intercourse with a girl below the age of 16 with or without her consent is legally considered to be rape,<sup>97</sup> but is not usually applied in cases of child marriage because marital rape, even if it is with a minor is socially and culturally protected, by conjugal rights, and is in a legal grey area.<sup>98</sup> Even outside of the question of age, whether it is 16 years or 18 years, the notion of forced marriage is one of the most extreme forms of violence against women and puts women and girls at particular risk of sexual, physical and psychological violence throughout their lives. Girls who marry before the age of 18 are more likely to experience domestic violence than unmarried girls who have economic independence and/or have any recourse to. The girls who are married as children are also unlikely to ever join the formal work force. They are more likely to report their first sexual encounter as forced and as a result of the age difference and power dynamics in such marriages, it is difficult for them to assert their wishes to their husbands or negotiate safe and consensual sex.<sup>99</sup>

Lastly, for the purpose of studying the phenomenon of child early and forced marriage from the lens of CVE and gender, it is important to recognize that the simplified manner in which child early and forced marriage is presented in the law is dissonant from the complex reality. As Zaman and Zia note with respect to rape, the social category is different from the legal category; this is true for child early and forced marriage too.<sup>100</sup> Nevertheless, to understand how the existing law may be used to address child marriages, mechanics of the SCMRA and supplementary laws must be understood.

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<sup>96</sup> Ghada Waly. 2021. Review of Remarks of the UNODC Executive Director Commission on the Status of Women Side Event: Child, Early and Forced Marriage – Preventing Forced Marriages and Empowering Girls in an International Context. Presented at the Commission on the Status of Women Side Event: Child, early and forced marriage – preventing forced marriages and empowering girls in an international context, March 19. <https://www.unodc.org/unodc/en/speeches/2021/cswseforcedmarriage190321.html>.

<sup>97</sup> Section 364-376, Pakistan Penal Code 1860

<sup>98</sup> Naima Qamar, Maliha Zia, and Tara Khan. 2019. Review of De-Constructing Conjugal Rights in Pakistani Law. Legal Aid Society’s Research Products. <https://www.las.org.pk/wp-content/uploads/2019/12/De-Constructing-Conjugal-Rights-in-Pakistani-Law.pdf>.

<sup>99</sup> Palvasha Shahab. 2020. *State as the Absent Parent: Child Marriage in Sindh, Pakistan*. Legal Aid Society’s Research Products. <https://www.las.org.pk/wp-content/uploads/2021/10/Final-Gap-Paper-English-July-29-2021.pdf>.

<sup>100</sup> Palvasha Shahab. 2020. *State as the Absent Parent: Child Marriage in Sindh, Pakistan*. Legal Aid Society’s Research Products. <https://www.las.org.pk/wp-content/uploads/2021/10/Final-Gap-Paper-English-July-29-2021.pdf>.

### **Mechanics of the Act**

Through the SCMRA, the minimum age for marriage, which had been 16 for girls and 18 for boys according to the Child Marriage Restraint Act, 1929, was equalized. That is, according to the SCMRA, the minimum age for marriage for both boys and girls is now 18 years of age.<sup>101</sup> Then, the SCMRA made child marriage a cognizable offence and allowed for complaints to directly be made to the police (whereas in the previous law, a complainant could only approach a magistrate who would then give directions to the police if any) or to a magistrate.<sup>102</sup>

For the purposes of the present study, Rule 13 of the SCMRR is extremely important. It provides that a child threatened by marriage into another faith must be taken into protective custody and placed under a Child Protection Institution. In the absence of Child Protection Institution, after ensuring the security measures at the shelter, the police may place the child in the custody of Dar-ul-Atfal or an Edhi Shelter or, for Karachi, they may also place the child at the Pannah shelter. While this is not what is provided for in the law, the courts have taken a lenient view towards placing children in well reputed and safe shelter homes, as an alternative to the Child Protection Institutions. However, Pastor Ghazala, a Christian community leader in Karachi, notes that many of these provisions are not followed. Minority girls are brought to crowded, open courtrooms without any regard for their safety and are regularly subjected to intimidation and threats before, during or after the hearings.<sup>103</sup>

### **Gaps in the Act**

While the SCMRA represented a breakthrough in many respects, it continues to be plagued by several procedural loopholes as well as a severe lack of political will to implement the act, further exacerbated by the fact that most stakeholders are unaware of the existence of the SCMRA itself. At present the reporting mechanism, although improved is still inaccessible for the girl child or any informant on her behalf as the police stations and magistrates continue to be intimidating, hostile and (due to a lack of reliable transport) distant. Moreover, Section 6 of the SCMRA states that the jurisdiction for a case of child marriage lies with the magistrate. However, in most cases of child marriage, the crimes of rape, kidnapping etc.<sup>104</sup> have also been committed. The jurisdiction for the trial of such offences lies with the Sessions Court (which is superior to the court of a magistrate). Therefore, the complaint, the First Information Report and/or the Investigation Challan need to be split between these courtrooms accordingly. In such instances, magistrates and/or the relevant investigating officer often simply remove the other offences from the record and do not pursue them. Moreover, although the SCMRA does criminalize child marriage, it does not invalidate the marriage itself. In fact, if it did invalidate the marriage, the victim of child marriage may fall prey to further character assassination particularly if the marriage has been consummated and even more so if a child has been conceived therefrom. However, it is important that these concurrent crimes be recognized and divorce proceedings for cases of child marriage be simplified so that the exit from such a

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<sup>101</sup> Section 2(a) &(b)

<sup>102</sup> Section 7, SCMRA, and Rule 5&6, SCMRR

<sup>103</sup> Palvasha Shahab. 2020. Review of *State as the Absent Parent: Child Marriage in Sindh, Pakistan. Legal Aid Society's Research Products.* <https://www.las.org.pk/wp-content/uploads/2021/10/Final-Gap-Paper-English-July-29-2021.pdf>.

<sup>104</sup> Section 359-376 of the Pakistan Penal Code, 1860

marriage and the trial and prosecution can be pursued by an aggrieved party can without excessive re-traumatization. At present, many are forced to simply give up their fight because they are required to fight in so many different directions.

There are also a myriad of religious complexities at play in the matter of child early and forced marriage. The mainstream belief, although refuted by many, is still that a Muslim girl, or a girl of any faith who has *accepted* Islam, is free and eligible for marriage as soon as she has her first menstrual cycle. This makes hardline stances against child early and forced marriage somewhat dangerous as they may invite the ire of the religious parties and their grassroots following. The stakeholder consultations on legislative review also stressed upon detailed regulatory framework by making rules. In the absence of detailed regulatory framework, the law is likely to be implemented in discriminatory manner<sup>105</sup>As a result, even though the law exists, its implementation is hesitant and tentative and even if the perpetrators are penalized, it rarely results the child being released from wedlock. It is also important to note that there is severe under-reporting and most cases of child marriage are only reported if an adolescent has expressed their wish to marry according to their choice and not their parents. It is usually only in these circumstances that parents invoke the law against child marriage to stop their adolescent child. On the contrary, forced and child marriages often go largely unreported.<sup>106</sup>

## **Hindu Marriage Registration Act, 2016**

### History

A society where the plurality of religious belief is protected and respected, is less fertile to the penetration of violent extremist ideologies.<sup>107</sup> In the 73<sup>rd</sup> Session of the UN General Assembly, the Special Rapporteur on freedom of religion or belief presented their report in which, as UN Secretary General states, “[w]hile cautioning against securitizing religion or belief, the Special Rapporteur urges States to operationalize various tools developed by the United Nations system in the context of freedom of religion or belief and mass atrocity prevention, and which are grounded in the human rights framework, to build societal resilience against violent extremism.”<sup>108</sup>

In keeping with the same guiding principles, (and in addition to the discussion of Rule 13 of the Sindh Child Marriage Restraint Rules, 2016,) this paper will discuss the Hindu Marriage Act, 2016. In January 2015, the Honorable Supreme Court of Pakistan directed the federal government to finalize a bill for the registration and regularization of Hindu marriages.<sup>109</sup>

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<sup>105</sup> Manual for SCSW and Government Officials for Peacebuilding in the Context of Women’s Rights. SCSW/AF, 2021

<sup>106</sup> Palvasha Shahab. 2020. Review of *State as the Absent Parent: Child Marriage in Sindh, Pakistan*. Legal Aid Society’s Research Products. <https://www.las.org.pk/wp-content/uploads/2021/10/Final-Gap-Paper-English-July-29-2021.pdf>.

<sup>107</sup> Peter Mandaville, and Melissa Nozell. 2017. Review of *Engaging Religion and Religious Actors in Countering Violent Extremism*. Washington, DC: UNITED STATES INSTITUTE OF PEACE. <https://www.usip.org/sites/default/files/SR413-Engaging-Religion-and-Religious-Actors-in-Countering-Violent-Extremism.pdf>.; [A\\_73\\_45410 - OHCHR](https://www.ohchr.org/Issues/Religion)

<sup>108</sup> [A\\_73\\_45410 - OHCHR](https://www.ohchr.org/Issues/Religion)  
<https://www.ohchr.org/Issues/Religion>

<sup>109</sup> Nasir Iqbal. 2015. Review of *SC Wants Draft of Hindu Marriage Bill Approved in 2 Weeks*. DAWN, January 14, 2015. <https://www.dawn.com/news/1156940/sc-wants-draft-of-hindu-marriage-bill-approved-in-2-weeks>.

The Hindu Marriage Act, 2017 was unanimously passed in by the National Assembly on September 26, 2016 and brought into law on 21<sup>st</sup> March 2017 ('National Act 2017').<sup>110</sup> It had failed to pass thrice before ( in 2008, 2011, and 2012.)<sup>111</sup> In February 2016, approximately six months before it passed in the National Assembly, Sindh was the first province to pass similar legislation as the Sindh Hindu Marriage Bill, later enacted as the Sindh Hindu Marriage Registration Act 2016 (Act 2016).<sup>112</sup> Pakistan's Hindu minority, comprises 1.6 % of the population and is concentrated in Sindh so it was important for Sindh to be leading the national campaign to safeguard the marriage laws of Hindus.<sup>113</sup> That said, after the national law was adopted, it also applied to Punjab, Baluchistan and Khyber Pakhtunkhwa, because as per "article 144 of the Constitution of the Islamic Republic of Pakistan, the Provincial Assemblies of Baluchistan, Khyber Pakhtunkhwa, and Punjab adopted resolutions that allow Pakistan's Federal Parliament to regulate matters that are not under the federal legislative list in the Constitution, thereby allowing application of the bill throughout the country; the bill also extends to the Islamabad Capital Territory."<sup>114</sup> Then, in 2018, the Sindh Act, 2016 was amended to grant Hindus the right to divorce, among other things.<sup>115</sup>

Prior to the passage of this Act, Hindus had no procedure in place to register their marriages. As a result Hindus women suffered particularly because they need to have their husband's name written on the national identity card and/or passport.<sup>116</sup> There were also reported instances of harassment by various government departments, and even of forced marriage of married Hindu women to Muslim men.<sup>117</sup> Child births from within Hindu wed-locks were also difficult to register accordingly.

### **Mechanics of the Act(s)**

The Act(s) mandates that five key conditions be met before a Hindu marriage is solemnized: i.e. (a) that both parties to the marriage be 18 years of age, (b) that they be able to give consent, (c) that they give free consent, (d) that they are not within the prohibited degree of relationship, (e) that neither party has a living spouse (except in case of a Hindu male whose living wife has medically proven to not be able to give birth), and the Act, 2016 requires that there are two witnesses to the solemnization of marriage.<sup>118</sup> Failing to meet the conditions that the parties are not within. The prohibited degree of the relationship and that neither has a living spouse would constitute a void marriage.<sup>119</sup> Moreover, the Act (s) have also now laid out the terms

<sup>110</sup>[https://www.ilo.org/dyn/natlex/natlex4\\_detail?p\\_lang=en&p\\_isn=104946&p\\_count=96214&p\\_classification=01&p\\_classcount=12517](https://www.ilo.org/dyn/natlex/natlex4_detail?p_lang=en&p_isn=104946&p_count=96214&p_classification=01&p_classcount=12517)

<sup>111</sup> Kalbe Ali, NA Finally Passes Hindu Marriage Bill, DAWN ; [https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=\(Nov.,Marriage%20Bill%2C%20DAWN%20\(Sept.](https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=(Nov.,Marriage%20Bill%2C%20DAWN%20(Sept.)

<sup>112</sup> <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.IX%20of%20201>

<sup>113</sup> [https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=\(Nov.,Marriage%20Bill%2C%20DAWN%20\(Sept.](https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=(Nov.,Marriage%20Bill%2C%20DAWN%20(Sept.)

<sup>114</sup> [https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=\(Nov.,Marriage%20Bill%2C%20DAWN%20\(Sept.](https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=(Nov.,Marriage%20Bill%2C%20DAWN%20(Sept.)

<sup>115</sup> <http://sindhlaws.gov.pk/setup/publications/PUB-18-000069.pdf> ; <https://www.thenews.com.pk/latest/321768-divorced-widowed-women-allowed-second-marriage-in-sindh-hindu-marriage-amendment-bill-2018>

<sup>116</sup> Kalbe Ali. 2014. "Absence of Marriage Laws for Minorities Denies Them Many Rights." DAWN, December 8, 2014. <https://www.dawn.com/news/1149522>.

<sup>117</sup> Nasir Iqbal. 2015. SC Wants Draft of Hindu Marriage Bill Approved in 2 Weeks. DAWN, January 14, 2015. <https://www.dawn.com/news/1156940/sc-wants-draft-of-hindu-marriage-bill-approved-in-2-weeks> .

<sup>118</sup> Section 4 (Sindh Act, 2016), Section 5 (National Act 2017)

<sup>119</sup> Section 9 (Sindh Act, 2018), Section 10 (National Act 2017)

under which a marriage would be voidable.<sup>120</sup> In addition to this, the 2018 Amendment of the Sindh Act has provided for the termination of a Hindu marriage (which was previously not possible),<sup>121</sup> including termination by mutual consent.<sup>122</sup> Additionally, it allows Hindus to remarry (which was previously not possible).<sup>123</sup>

Most importantly, the Act(s) stipulated that a marriage certificate called “*Shadi Parat*,”<sup>124</sup> or marriage certificate similar to the *Nikahnama* of Muslims, be issued for all Hindu marriages.<sup>125</sup> Each Hindu marriage is mandated to be registered and marriage registrars are required to be appointed and to maintain a marriage registers and keep all records up to date and safe.<sup>126</sup> “The *Shadi Parat* also proves instrumental in reducing the risk of forced second marriages, as the Hindu woman can give documentary proof of her first marriage, without which she would be unable to protect herself from an illegal and forced second marriage.”<sup>127</sup>

### **Gaps in the Act (s) and/or their implementation**

“According to a report released by the Movement of Solidarity and Peace in Pakistan, up to 300 Hindu women are forced to convert and marry Muslim men every year in Pakistan.”<sup>128</sup> The fact that there was no law to govern Hindu marriages until very recently, and the fact that the existing law continues to lack implementation<sup>129</sup> clearly shows “the Pakistani state’s extended failure to provide legal protection to the basic social institution of family for its Hindu citizens”.<sup>130</sup> The matter of Hindu citizens is particularly sensitive because of Pakistan’s specific history and political environment. Ever since their independence in 1947, the states of India and Pakistan have had a turbulent relationship at best. The state of India is perceived to be the Hindu state, which is the sworn enemy and vice versa in India. As a result of this, the Hindu minority in Pakistan, most of whom reside in Sindh, are often treated with suspicion, discrimination and condescension (and vice versa for Muslims in India, particularly so in the past decade). Representations of Hindus, in the media, popular literature and even in history books, frequently cast them as immoral, villainous characters and the same perception persists in the popular imagination.<sup>131</sup> This places Hindus in a particularly vulnerable position in Pakistani society, where they can often potentially be made into the focal point of hate speech and incitement to violence. Therefore, protecting and owning the Hindu minority is extremely important for the purpose of preventing and mitigating the spread of violent extremist ideologies. Having the noted this, it is also important to note that Sindh, and in particular rural

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<sup>120</sup> Section 10(Sindh Act, 2018), Section 11 (National Act 2017)

<sup>121</sup> Section 11, Sindh Act 2018

<sup>122</sup> Section 13, Sindh Act 2018

<sup>123</sup> Section 14, 15, Sindh Act 2018

<sup>124</sup> Section 2 (i), (National Act 2017)

<sup>125</sup> Section 2 (a) (Sindh Act, 2016)

<sup>126</sup> Section 6, 7, Sindh Act, 2016 and Section 6, 7 National Act 2017

<sup>127</sup> [https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=\(Nov..Marriage%20Bill%2C%20DAWN%20\(Sept](https://www.loc.gov/item/global-legal-monitor/2016-11-15/pakistan-national-assembly-passes-hindu-marriage-bill/#:~:text=(Nov..Marriage%20Bill%2C%20DAWN%20(Sept)

<sup>128</sup> <https://sahsol.lums.edu.pk/law-journal/hindu-marriage-act-2017-review>

<sup>129</sup> Shazia Hasan. 2021. *Implementation of Hindu Marriage Law Remains a Challenge, Moot Told*. DAWN, July 1, 2021.

<https://www.dawn.com/news/1632510/implementation-of-hindu-marriage-law-remains-a-challenge-moot-told> .

<sup>130</sup> <https://sahsol.lums.edu.pk/law-journal/hindu-marriage-act-2017-review>

<sup>131</sup> DAWN. 2011. “*Pakistan Schools Teach Hindu Hatred*,” November 9, 2011. <https://www.dawn.com/news/672000/pakistan-schools-teach-hinduhatred>. ; Jürgen Schaflechner. 2017. In *Pakistani Pulp Fiction, the Scariest Villian Is Always the Hindu*. QUARTZ INDIA, March 17, 2017. <https://qz.com/india/935254/in-pakistani-pulp-fiction-the-scariest-villian-is-always-the-hindu/>.



Sindh, has a long history of peaceful co-existence between members of the Hindu and Muslim faith. In some areas, such as the Thar desert, the population of Hindus and Muslims is almost at 50% each. However, it is also important to remember that violent extremist ideologies frequently travel from the urban to the rural, and that in the country in general, Hindus occupy a tentative space at best.

Given this context, the one most important omission of the existing, albeit alarmingly belated, law on Hindu marriages is that it does not account for nor mitigates practical reality that most Hindus do not have access to state apparatus, such as, the issuance of national identity cards (CNICs) and or passports. Even if the law exists, many cannot easily access the state apparatus to activate their rights. Hindu women in particular, have suffered the worst of it. They are not only easy targets for violent extremism to rear its ugly head but are also woefully oppressed within their own communities. Therefore, additional mechanisms and strong political will is required for Hindu citizens and their marriages to be regularized and made visible to the state. This is not limited to the registration and protection of Hindu marriages but also to the issuance of necessary identification documents.

In addition to this, most do not know about the passage of the recent laws and due efforts have not been made to spread awareness regarding the law. The Hindu Registrars that are supposed to register their marriages are often not notified by the government and the state apparatus that needed to be activated after the passage of this law, remains flaccid.<sup>132</sup> If effective CVE strategies are to be deployed, it is imperative that the laws aimed at securing the most vulnerable are implemented thoroughly.



<sup>132</sup> Shazia Hasan. 2021. *Implementation of Hindu Marriage Law Remains a Challenge, Moot Told*. DAWN, July 1, 2021. <https://www.dawn.com/news/1632510/implementation-of-hindu-marriage-law-remains-a-challenge-moot-told> .

### 3.3.3 Proposed Laws under Discussion by Sindh Lawmakers

#### **Forced Conversion**

On November 24, 2016, the Sindh Assembly passed a new law called the Criminal Law (Protection of Minorities) Act, 2015, which prohibited forced religious conversions.<sup>133</sup> The same provincial assembly also established a Sindh Minorities Rights Commission “aimed to provide a platform to examine the grievances of minority communities, suggest mechanisms for accelerating the pace of their socioeconomic development, and promote and protect their identities at the provincial level.”<sup>134</sup> However, unfortunately due to mass protests by religious extremist elements and the threat of rioting prevented the bill from being signed by the governor and passed into law. Nevertheless, since 2016, there have been several attempts to resurrect the bill into law and thus criminalize forced conversions, even if the bill has to be amended in order for it to be passed without inciting rioting. However, the bill (or any version of it has not been passed into law till date.<sup>135</sup>

#### **Mechanics & Analysis of the Criminal Law (Protection of Minorities) Act, 2015**

Chapter III of the bill, entitled “Age of Conversion,” prohibits children from converting to a different religion until while they are minors. Section 4(1) states “[n]o person shall be deemed to have changed their religion until they attain the age of majority,” which is 18 years of age. According to Section 4 of this bill, it was only allowable for a minor to be deemed to have changed their religion if their guardian or head of the family changed their religion, however, “[a]ny minor who claims to have changed their religion before attaining majority shall not be deemed to have changed their religion and no action shall be taken against him or her for any such claim or action made by the minor.”<sup>136</sup>

Through Section 5, the bill defined forced conversion to mean “forcing a person to adopt another religion under duress, force, coercion or threat.” In this bill, duress could have been applied to the victim directly, to a member of their family, loved one community or property. And forced conversion could lead to marriage, or bonded labor or other oppressive circumstance. It is also important to note that this bill was passed by the Sindh Assembly after the passage of the Sindh Child Marriage Restraint Act, 2013, according to which the minimum age of marriage is 18 years of age. Therefore, an inter-faith marriage between an adult and a minor where the child changes their faith could reasonably be deemed to be a case of forced conversion and forced marriage.

The punishment for forced conversion was set in Section 6 for a minimum term of five years and a maximum term of life imprisonment, in addition to a fine (compensation) paid to the

<sup>133</sup>[https://www.loc.gov/item/global-legal-monitor/2016-12-22/pakistan-sindh-provincial-assembly-passes-new-law-prohibiting-forced-religious-conversion/#:~:text=22%2C%202016\)%20On%20November%202024,Religious%20Conversions%2C%20DAWN%20\(Nov](https://www.loc.gov/item/global-legal-monitor/2016-12-22/pakistan-sindh-provincial-assembly-passes-new-law-prohibiting-forced-religious-conversion/#:~:text=22%2C%202016)%20On%20November%202024,Religious%20Conversions%2C%20DAWN%20(Nov)

<sup>134</sup> Barry Lerner, *Pakistan: Sindh Provincial Assembly Passes Law to Establish Commission for Protection of Minority Rights* GLOBAL LEGAL MONITOR Monitor (Dec. 19, 2016)

<sup>135</sup> DAWN. 2019. Review of Sindh Assembly Urged to Reject Forced Conversion Bill, April 30, 2019.

<https://www.dawn.com/news/1479291>; Shazia Hasan. 2020. Lawmakers’ Body Discusses Minorities’ Rights Bill, Forced Conversion. DAWN, October 9, 2020. <https://www.dawn.com/news/1584048>.

<sup>136</sup> <http://openparliament.pk/bill-details/?billId=2347>

victim. According to the bill, any persons who performed, conducted, directed, or brought about or facilitated a marriage, knowing that either or both parties are victims of forced conversion, or who are abettors to a forced conversion, are also liable to imprisonment and a fine. Chapter V of the bill introduced complaint mechanisms against forced conversion. According to this, the victim of or person aggrieved by a forced conversion, or any person authorized by the victim, or an informer may present a petition of complaint against it to a local court, and such a case must be disposed of within 90 days. The rescue, custody, and special procedures in cases of forced conversion were laid out in Chapter VI and these provisions included but were not limited to: a victim of a forced conversion being given temporary residence in a shelter for the duration of the trial; if it is not in the his or her best interest to be with the parents or guardian, child victim can be placed in temporary custody at a child protection institution during the period of the trial, the court had the discretion in the interest of the victim's security to withhold information about the location of the shelter, and anyone who violated the Court's orders in that respect would have faced the same penalties as contempt of court as under the Contempt of Court Act, 1976, "and any other penalties seen fit by the Court." In the case of an alleged forced conversion of an adult, the alleged adult victim could have a 21-day period to independently consider whether or not their decision to convert to another religion was forced, before it initiates a forced conversion case.<sup>137</sup>

### **Gender-based Violence**

As discussed above, a society that is accustomed to and accepting of violence and oppression even in the private sphere becomes more amenable to violence - many however do not make the link between apathy towards domestic violence and the propensity towards violent extremist ideologies.<sup>138</sup>

### **Sindh Acid Burn Crime Bill, 2018**

In a country threatened by violent extremism, and ever on the cusp of falling over the hill, it is imperative that citizens know that they are safe and in case of any attacks, they will be able to access justice and rehabilitation. Acid crimes are gendered; they can be understood through the lens of power and ownership.<sup>139</sup> Such crimes create a sense of horror and terror that is almost incomparable to any other. This is particularly important to the conversation on violent extremism because of the distinct manner in which acid crimes undermine life, liberty and freedom. The societal apathy and indifferent attitudes that would be spawned if acid crimes went unpunished; the inferior position of women that would be reinforced (as is the aim or at least the by-product of most extremist ideologies)— would only make a society ripe for exploitation and weaponization by extremist ideologies. While it is unclear if acid attacks have a direct link to violent extremism per se, it has repeatedly been pointed out by experts and reiterated in this report, that CVE includes creating a society with gender parity; this entails security for all citizens, including their access to justice and reasonable faith in rule of law.

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<sup>137</sup> <http://openparliament.pk/bill-details/?billid=2347>

<sup>138</sup> Alexandra Arriaga. 2017. Review of *Linking Security of Women and Security of States. Futures without Violence*. Futures Without Violence. <https://www.futureswithoutviolence.org/security-of-women-and-states/>

<sup>139</sup> Maryam Saeed. n.d. *Acid Crimes in Pakistan Laws and the Plight of Victims*. Accessed 2022, p. 6-11, <https://hrp-web.org/hrpweb/wp-content/uploads/2020/09/Acid-crimes-in-Pakistan.pdf>; Leena Nishtar. 2018. *Eradicating Acid Violence*. *The Express Tribune*, August 9, 2018. <https://tribune.com.pk/story/1776282/eradicating-acid-violence>

Therefore, in the opinion of the SCSW it is imperative that these extreme crimes (such as acid attacks), which leave entire communities terrorized are curbed before their persistence creates a greater tolerance for violence and apathy in society.

### **Anti-Honor Killings Laws (Criminal Laws Amendment) Bill, 2017**

Honor killings are another severely barbaric gendered practice that plagues many societies across the globe<sup>140</sup> and de-sensitizes societies to violence, subjugation and murder (usually of women). There are possible linkages when we talk about P/VE and the role rural women can play in order to navigate the conflicts and disputes related to this practice. It is also important to remember that honor crimes are not limited to killings, they also encompass “assault, confinement or imprisonment, and interference with choice in marriage, where the publicly articulated justification is attributed to a social order claimed to require the preservation of a concept of honor is vested in male (family and/or conjugal) control over women and specifically women is sexual conduct, actual, suspected or potential.”<sup>141</sup> This is relevant to a society that is made fertile for violence and thus for violent extremist ideologies to take root and prosper. There is evidence for such a propensity across a diverse cultural and geographical spread.<sup>142</sup>

The practice continues, and its continuation makes the society vulnerable to violent extremist ideologies. It is therefore imperative to disrupt existing power structures, and to establish comprehensive law, policy and supplementary social mobilization, that uphold criminalizing all forms of honor crimes.

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<sup>140</sup>P 2-3 <https://nchr.gov.pk/wp-content/uploads/2019/01/Final-Report-Honour-Killing.pdf>

<sup>141</sup> P.4, Honour Crimes, Paradigms, and Violence Against Women, Edited by Lynn Welchman, Sara Hossain, Oxford University Press, 2005 qtd in P 17, [https://www.af.org.pk/pub\\_files/1366345831.pdf](https://www.af.org.pk/pub_files/1366345831.pdf)

<sup>142</sup> Honor killings in Muslim and Western countries in modern times: A critical literature review and definitional implications, *Vered Ne'eman-Haviv*, 10 July 2021, <https://doi.org/10.1111/jfr.12426>; Are Honor Killings Unique? A Comparison of Honor Killings, Domestic Violence Homicides, and Hate Homicides by Far-Right Extremists *Brittany E. Hayes, Colleen E. Mills, Joshua D. Freilich*, October 17, 2017, <https://doi.org/10.1177/1088767917736796>

## 4. MAPPING POLICIES, LEGISLATION & PROGRAMS

### 4.1 Reflection on women priorities in government policy plans covering peacebuilding efforts: Mapping policies, legislations & programs of the Sindh Government

An extremely noteworthy contribution towards changing mindsets and towards setting the national tone for CVE strategies was the ‘Paigham e Pakistan’ initiative. Through this initiative, in 2017, the government of Pakistan, supported by the International Islamic University, Islamabad, and then joined by organizations belonging to all major sects and schools of Islam, banded together to create the fatwa (religious judgement) that all terrorist activities, suicide bombings and support for violent extremism is unequivocally un-Islamic. Under the banner of this initiative, the government has been conducting conferences, seminars, workshops and creating awareness regarding the importance of positive narrative building to counter violent extremism and encouraging the constructive and fruitful that comprise real Islamic teachings, thus, allowing for “Reconstruction of Pakistani Society in the light of Meesaq-e-Madinah.”<sup>143</sup> Under this initiative, a sub-project titled “Dukhtaran e Pakistan” shed specific light on female religious scholars and politicians and conducts conferences, seminars and events under this banner. Additionally, under the sub-banner of “Saiban-e-Pakistan” it is even conducting workshops, seminars and other events for inter-religious tolerance and unity and to develop a strong sense of unified citizenship.<sup>144</sup> These initiatives, particularly when engaged together could prove pivotal for the future of CVE strategies in Pakistan.

What is important and remains to be seen how federal and provincial initiatives will be mutually coordinated in order to amplify each other and to create improved overall penetration and response.

At the provincial level, the Sindh government has taken initiatives to generally further the cause of women, minorities, transgender, and differently abled people in order to empower them which is keeping in line with the government’s plans, national and international commitments. In creating safer, more tolerant and more inclusive communities, the provincial government can directly supplement its CVE strategy.

In light of Covid-19, Sindh government will launch door to door vaccination for women in Karachi who are lagging behind due to restrictions preventing them from seeking the vaccination without chaperones.<sup>145</sup> The Women Development Department has highlighted its current projects for 2021-2022<sup>146</sup> which include establishment of Women Development Complexes in Sukkur, Shaheed Benazirabad and Karachi. It is also establishing Day Care Centers in Karachi, Sukkur and Jamshoro. Furthermore, it is in the process of expanding Women Complaint Cells in more districts of Sindh at Sanghar, Kamber, Kashmore, Jamshoro, Khairpur, Shikarpur, Badin, Ghotki, Naushero Feroze, Thatta, T.A. Yar, Umerkot, Tharparkar, Dadu & Matiari. WDD is also working on projects for economic empowerment of home-based

<sup>143</sup> <http://www.paighamepakistan.com/programs/>

<sup>144</sup> <http://www.paighamepakistan.com/programs/>

<sup>145</sup> <https://www.reuters.com/world/asia-pacific/karachi-launches-door-to-door-covid-19-vaccination-women-2022-01-07/>

<sup>146</sup> <https://wdd.sindh.gov.pk/adp-schemes>

workers in collaboration with Japan International Cooperation Agency for the women belonging to the informal economic sector.

In order to strengthen political participation of women in Sindh, the Sindh Assembly amended the Local Government law to increase the reserved seats for women in local bodies from 22 to 33 in 2016. 5 per cent quota was also fixed for youth, non-Muslims and peasants<sup>147</sup>. Furthermore, to empower differently abled persons, Chief Minister Syed Murad Ali Shah has said that his government planned to reserve local government seats for differently abled so they could participate in decision making at the grass root level.<sup>148</sup> For economic empowerment and to bring women, minorities and transgender's into the mainstream labor forces, the Sindh Government increased the quota of female personnel in the police from two percent to five percent in 2017<sup>149</sup> and the Services, General Administration & Coordination Department issued notifications in 2017 in connection with Enhancement Women Quota 5% to 15% for Recruitment under the Sindh Government.<sup>150</sup> There is a reserved quota for members of the transgender community in the jobs in the government departments and subsidiary agencies in the province. The Sindh cabinet, headed by Chief Minister Syed Murad Ali Shah, approved the draft of the Sindh Civil Servants (Amendment) Bill-2022 for reserving a 0.5 per cent quota for transgender people in jobs related to the provincial government.<sup>151</sup> The government is also in the process of compiling data of differently abled people especially women<sup>152</sup> to bring in more effective policies for their benefit such as job quotas of five percent for differently abled people in the government to increase inclusivity<sup>153</sup>

As per the information provided by the Minorities Affairs Department of Sindh, the government has taken positive steps to ensure protection of minorities and harmony including official celebration of the festivals of 10 religious minorities, the introduction of a five percent quota in federal employment for members of religious minorities and the establishment of a 24-hour hotline to report acts of violence against religious groups.<sup>154</sup> The Sindh Non-Muslim Welfare Committee has also been reconstituted to induct a few new leaders from various minorities communities.<sup>155</sup> The "Sindh Minority Educational Seats Act, 2020" and "Sindh Minorities Access to Higher Education Act, 2020," is also in process of being referred to the Law Department for vetting.<sup>156</sup>

### Sindh Government and CVE-Recognition and Move Towards Peacebuilding Initiatives

Up until recently, there has been no formal recognition of VE needing to be a provincial government issue and subsequently neither have CVE approaches been adopted at any policy

<sup>147</sup> <https://tribune.com.pk/story/1092185/local-government-system-bill-passed-to-increase-female-reserved-seats-to-33>

<sup>148</sup> <https://tribune.com.pk/story/2332347/sindh-to-reserve-lg-seats-for-differently-abled-people>

<sup>149</sup> <https://www.dawn.com/news/1377769/sindh-govt-increases-female-police-quota-from-2pc-to-5%20pc>

<sup>150</sup> <https://www.glxspace.com/2017/03/14/enhancement-women-quota-5-15-recruitment-sindh-government/>

<sup>151</sup> <https://gulfnews.com/world/asia/pakistan/sindh-reserves-quota-for-transgender-people-in-government-jobs-1.85068105>

<sup>152</sup> <https://www.dawn.com/news/1615385>

<sup>153</sup> <http://www.sindheducation.gov.pk/Contents/Notifications/Implementation%20of%20quota%20for%20differently%20abled%20persons%20in%20Govt%20of%20Sindh%20Job.pdf>

<sup>154</sup> <https://minorityaffairs.sindh.gov.pk/background-of-minorities>

<sup>155</sup> <https://www.thenews.com.pk/print/893586-sindh-non-muslim-welfare-committee-reconstituted-with-more-members>

<sup>156</sup> <https://tribune.com.pk/story/2155684/1-opposition-moves-minorities-quota-bill-admissions>

level discussions. In November 2021, Sindh Minister for Mines & Mineral Development, Mir Shabir Ali Bijarani acknowledged that people “deserve a smart and strong Counter Violent Extremism (CVE) policy, based on zero tolerance of human rights abuses” and that the Government of Sindh is working on a formal CVE provincial policy to promote social cohesion and peace building in Pakistan.<sup>157</sup> He also highlighted the successful implementation of the Sindh Sound System Act, 2015 and the swift action taken by lawmakers in discouraging hate speech and discrimination against minorities. Sindh Rural Support Program has also inculcated specific peacebuilding training of rural women through Local Support Organizations (LSOs) especially in order to navigate the conflicts and disputes related to for example, honor killing arising in the tribal systems prevalent in Sindh and to further empower women through socio-economic opportunities that will help them be equal to their counterparts in a heavily male dominant society.<sup>158</sup> Other initiatives for promotion of women in peacebuilding has been the formation of the Women Peace Council formed with Sindh Assembly Deputy Speaker Rehana Laghari as the council’s patron-in-chief. The main purpose of forming the Women Peace Council is to accelerate women’s role in peacebuilding and countering violent extremism in society.<sup>159</sup>

#### **4.2 Gender stereotypes that hinder greater participation of women in peace-building?**

Pakistan has had a checkered history when it comes to compromising gender security in its confrontations with terrorism. “Gender security is often sidelined and forgotten.... Compromises made now will continue to shape the post-conflict reconstruction and transition phases for a long time to come.”

In the past, women have barely even been recognized as key stakeholders in the peace process, let alone as key actors. On the contrary, Pakistan has shown a “willingness to compromise on core issues of gender security in negotiating with the Pakistani TTP and to yield to a set of highly gendered demands [which] reflects a failure to adhere to the failure to adhere to the letter or the spirit of SC Res. 1325. It is a failure to recognize and effectively enforce women’s equal right to peace and security.”<sup>160</sup>

As discussed above, the primary problem is that women are largely viewed as property and are given a subordinate position, usually tied to the domestic sphere in the Pakistani imagination. However, this is not true for urban areas, where women from all classes are increasingly part of the workforce and are engaged in public life. However, while this trend is encouraging, most women, regardless of whether they are earning and/or engaged in public life are still understood to be subordinate to men and their economic and social independence is still dependent on the

<sup>157</sup> <https://tribune.com.pk/story/2330827/biggest-challenge-we-face-is-rising-extremism-minister>

<sup>158</sup> [https://www.srso.org.pk/LSO\\_initiatives.html](https://www.srso.org.pk/LSO_initiatives.html)

<sup>159</sup> <https://www.thenews.com.pk/print/848813-women-s-council-formed-for-peace-building-at-community-level-in-sindh>

<sup>160</sup> P 65-66, Siobhán Mullally , Women, Peace and Security in Contemporary Pakistan: Meeting the Challenge of Security Council Resolution 1325?, January 2011, *Irish Studies in International Affairs* 22(-1):53-66, DOI: 10.2307/41413193

male members of their families. In practice, this is also not true for the rural areas as women equally contribute to family incomes by working on the family farm or with livestock, however, it would be naïve to suggest that women’s labor towards the family income in the rural space is well recognized, or that it frequently translates into women having independent agency, economic or social independence.

It is this power disparity that needs to be targeted and corrected by CVE strategies to build inclusive, tolerant and equitable communities that are immune to the threat of violent extremism. In truth, Sindh already has a head-start on this, as it is a province that is remarkable for its values of tolerance and religious co-existence. Unfortunately, this has not translated into parable gender equality but the authors of this report strongly believe that this is an achievable goal.

However, recent moves towards introducing new laws and administrative policies shows that priorities are shifting and that women are now recognized as key players in countering violent extremism.

#### **4.3 Integrating a gender dimension into state policies and programs to CVE/PVE?**

In Pakistan, there are strong women led civil society organizations that are working towards increasing and improving the role of women in peacebuilding. PAIMAN Alumni Trust was the first organization to identify women’s activism in support of VE. “Inclusive Security implemented its program “A Cross-Sectoral Approach to Countering Violent Extremism in Pakistan,” which built upon an existing partnership between the organization and local partner PAIMAN Alumni Trust. The project brought together a diverse group of Pakistani women leaders in parliament, the police, and civil society for a series of workshops over two years. The project’s long-term goal was to decrease violent extremism in Pakistan by ensuring women’s priorities and perspectives are represented in national and provincial security policies and processes related to countering violent extremism.”<sup>161</sup>

It is vital to understand VE and peacebuilding from a gendered lens as women and girls have a different experience as victims compared to men and boys. Therefore, when addressing the drivers of radicalization, gender responsive and inclusive policies are important which take ground realities into account. This means that women participation must be ensured for the CVE programmes to be effective and sustainable.

The recent Government efforts (CVE recognition above), particularly at the provincial level, are a testament to the fact that the tide is turning towards a gender inclusive approach towards gender justice. That noted, much remains to be accomplished in terms of legal interventions, policy design and implementation.

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<sup>161</sup> P 7 , [https://docs.google.com/document/d/1ZdE9wYFkamrh0jGtovgBIE9svPGTDhWRXBf14x\\_TvLA/edit](https://docs.google.com/document/d/1ZdE9wYFkamrh0jGtovgBIE9svPGTDhWRXBf14x_TvLA/edit)





## 5. SUSTAINABLE FUTURES – Potentialities

### 5.1 Enhanced participation of women in decision-making including political participation as voters/ public office holders for sustained efforts and results towards peacebuilding.

The Sindh Commission on the Status of Women (SCSW) was established in 2017 based on the Sindh Commission on the Status of Women Act of 2015 for the promotion of social, economic, political, and legal rights of women, as provided in the Constitution of the Islamic Republic of Pakistan 1973, and in accordance with



international declarations, conventions, treaties, Covenants and agreements relating to women, especially Convention on the Elimination of all forms of Discrimination against Women (CEDAW).



CEDAW and UNSCR 1325, discussed above, seek to ensure that countries work towards decreasing discrimination against women. They emphasize the role of women in public life and in conflict resolution respectively. Read together, they mandate a review of the impact of armed conflict on women and girls, the role of women in peacebuilding and the gender dimensions of peace processes and conflict resolution, as well as reconstruction and rehabilitation processes.<sup>162</sup>

In 2013, the Committee on Elimination of Discrimination Against Women adopted General Recommendation No. 30 on women in conflict prevention, conflict, and post-conflict situations.<sup>163</sup> The scope of the Recommendation specifically mentions “ internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency and suppression of mass uprisings, power against terrorism and organized crime, that may not necessarily be classified as armed conflict under international humanitarian law and which result in serious violations of women’s rights and are of particular concern to the Committee.”<sup>164</sup> Furthermore, it specifically recognises the various Security Council resolutions (including UNSCR 1325) in conflict and post conflict contexts, and therefore recommends that State parties, “(a) Reinforce and support women’s formal and informal conflict prevention efforts; (b) Ensure women’s equal participation in national, regional and international organizations, as well as in informal, local or community-based processes charged with preventive diplomacy; (c) Establish early warning systems and adopt gender-specific security measures to prevent the escalation of gender-based violence and other violations of women’s rights.”<sup>165</sup> Recommendation No. 30 is reinforced by Recommendation No. 28 adopted in 2010 on core obligations of state parties under Article 2 of CEDAW.<sup>166</sup> It outlines the scope of Article 2, provides ways for states to domestically implement CEDAW through State parties’ legal obligations to eliminate discrimination.

Keeping these Recommendations in mind, although they are not legally binding and do not need ratification, they are considered authoritative statements on the content of legal duties assumed by State parties and are therefore a substantive framework for the implementation of CEDAW and other Security Council Resolutions regarding women.<sup>167</sup>



<sup>162</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

<sup>163</sup> <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>

<sup>164</sup> Ibid pp 2/24

<sup>165</sup> <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf> pp 8/24

<sup>166</sup> <https://www.refworld.org/docid/4d467ea72.html>

<sup>167</sup> <https://blogs.lse.ac.uk/vaw/int/cedaw/general-recommendations/>

Recommendation No. 30 was the first recommendation developed through regional consultations and therefore has the input of people affected directly.<sup>168</sup> It specifically reinforces women’s critical role on peacebuilding and is a strong document that can be used as a guidance tool for SCSW for the implementation of its national and international obligations.

As discussed in previous chapters, organisations like SCSW can play a softer role in facilitating peacebuilding in society. SCSW has the unique position of being an impartial monitoring body that acts as a bridge between society and the government and therefore is able enable the trust needed in communities. It has also achieved a vast outreach in the province of Sindh and is recognized as an unbiased and reliable organisation by communities. Details of the issues identified above have been discussed in the next section.

Despite UN resolutions and other international commitments, barriers to inclusion and participation of women in peacebuilding and peace processes remain. Conflict, war, community fallouts have an established and disproportionate impact on women and girls especially in societies with strong patriarchal structures.

Analysts have identified some key factors that hinder women from not being included in peacebuilding; structural exclusion, devaluation of women’s role in informal peace processes, hegemonic masculinity and patriarchal norms, funding, and pressure to speak with one voice.<sup>169</sup>

They have further recommended steps that will increase the role of women in CVE and peacebuilding such as committing to enhance women’s political participation, enhanced role of women in governance and grassroots politics through changes in local government structure, taking a gendered response to crisis, support to women networks locally and regionally, harness the role of media and engage the youth<sup>170</sup>.

## **5.2 Implementation mechanisms— strengthening institutions (human /financial resources), training component and implementation of laws etc., to effectively address the issue of CVE and peacebuilding.**

SCSW has strengthened its linkages with civil society throughout Sindh through the signing of MoUs and by creating an outreach to 28 out of 30 districts in Sindh. Based on these linkages, SCSW has officially notified subcommittees on district level through a participatory approach and established a Woman Facilitation Desk in district Mirpurkhas in 2020 which acts as a focal point for women who seeks assistance regarding VAW cases or information. The SCSW is also a part of government disaster management task force bodies such as the Provincial Disaster Management Authority (PDMA) of Sindh and facilitated number of women who had no legal identity due to lack of documentation. On its recommendation to the Chief Minister and NADRA, a booth for persons with no ID documentation especially women and transgenders

<sup>168</sup> <https://www.unwomen.org/en/news/stories/2013/11/ed-statement-on-adoption-of-cedaw-general-recommendation-on-women-in-conflict>

<sup>169</sup> <https://www.partnersglobal.org/newsroom/20-years-after-resolution-1325-why-are-women-still-excluded-from-peace-processes/>

<sup>170</sup> <https://www.usip.org/publications/2017/02/women-peace-and-security-pakistan>

were set up. The relationships with civil society has been further expanded in a multi sectoral approach adopted by the Commission with those working in the areas of health, climate change and peacebuilding. The authorities like NADRA and PDMA have a strong relevance to strengthening the role of women during crises and conflict, the Commission can push for more inclusivity in their policy and decision-making bodies.

As per its mandate in the SCSW Act, 2015 and as a neutral, monitoring body, SCSW reviews all provincial laws, rules and regulations prejudicial to the legitimate interests and rights of women. Since its establishment, SCSW has worked to review policies and laws from a gendered lens, monitor the working of institutions, jails, safe houses, shelter homes and other departments concerned with women and girls to strengthen them and build bridges between civil society and the government as per its mandate.<sup>171</sup> All of this is done through a participatory approach with the help of committees based on key issues identified by SCSW to give the women and girls ownership in Sindh through education, health, legal and economic empowerment and resilience of women and girls.

The Sindh Commission on the Status of Women (SCSW) has developed a mechanism whereby it analyzes all legislation that is forwarded to it by the relevant departments by reviewing through a gendered lens. SCSW has revised process for formation of the committees on a district and provincial basis and drafted TORs for each committee. Thus, the law and legal expert committees have also been reformed to increase participation by stakeholders and make law reviews a more inclusive process in Sindh so there is more ownership of the work done by SCSW. SCSW then finalizes the draft amendments as per the directions of its legal experts and forwards the amended bill to the relevant department to process.

Law reviews conducted in this report highlight the legal changes possible, the gaps identified and how a CVE lens can be possible. This legal review was discussed in a consultation which included the district commissioners of Karachi who are in the VAW committees as well as law makers. Most specifically, the Minister for Women Development Department Sindh and the Secretary attended the consultation where they were able to benefit from the review, give input and meet with the community women invited to share their experiences. MPA member of the Women Peace Council was also present and shared her feedback and the fact that as part of a separate intervention, MPAs were taken to the communities to get exposure to the ground reality situation which would give insight in developing laws.

SCSW can empower women to see their role actively and genuinely autonomous through law making while garnering support for their legal and political inclusion and lobbying for their participation in the work force.

As a part of its objective of strengthening institutions SCSW directs any cases it receives to the appropriate department or law enforcement agency so that cases can be resolved through the

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<sup>171</sup> SCSW Act, Chapter III, pg 6,  
<https://scsw.sindh.gov.pk/storage/rulesRegulations/eFTHdzqDF3CXmXcjYWzHChUkqUrA6gUl4c4kEuGH.pdf>

appropriate channels for more sustainable results. To strengthen the institutions of Women Development Department and Sindh Police, SCSW submitted a report in 2020 to the high court based on which a court order brought safe houses, shelter homes and complaint cells under one umbrella of the Women Development Department for more efficient coordination of cases and a helpline 1094 was also set up. Furthermore, SCSW also drafted SOPs for safe houses in 2018 so there is uniformity in their working throughout the province. Women police officers and gender sensitized policing can have a major effect on building trust in the community and preventing factors that push people towards violent extremism. Negative experiences reduce public trust in law enforcement agencies and rule of law which hinders their effectiveness and generates resentment.<sup>172</sup>

Since SCSW has highlighted the need for increased participation of women in political processes and bureaucracy, it has successfully lobbied for the appointment of more women police officers and at a higher posting specially to run the women complaint cells. It has also engaged with minority women candidates in Sindh, the provincial election commissioner and held a collective dialogue with all women candidates. SCSW also conducted observation on Pre-poll and Election Day and has also engaged and consulted women Parliamentarians.

### **5.3 Supportive and concrete measures for SCSW towards peacebuilding through community engagement, oversight functions on CVE laws, legal reforms and P/CVE strategies**

To promote peacebuilding in society, SCSW aims to revive the women's peace council whose patron is Ms. Rehana Leghari, Deputy Speaker of Sindh Assembly and the launching of which the Chairperson of SCSW was present for. SCSW as per its mandate would also like to use this platform to strengthen linkages with other provincial commissions on the status of women especially the newly established Baluchistan Commission on the Status of Women, to exchange experiences on peacebuilding initiatives and to launch a network of coordination between the provinces on women related peacebuilding initiatives. The network would include the Provincial Commissions on the Status of Women and district commissioners of the provinces as local partners.

SCSW has already notified district violence against women committees throughout Sindh in 2021 which include the district commissioners. It is through this platform that peacebuilding training can be conducted so that the committees established by SCSW throughout Sindh can play a more cohesive role. SCSW aims to deepen its engagement with Union Councils for the purpose of enhanced participation of women in decision-making including political participation as voters / public office holders for sustained efforts and results towards peacebuilding. Presently it is engaged with them through the violence against women committees in which they are represented.

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<sup>172</sup> Allison Peters and Jahanara Saeed, "Promoting Inclusive Policy Frameworks for Countering Violent Extremism: Bridging Theory and Practice: A Pakistan Policewomen Case Study," GIWPS, 2017, p.6



SAP sessions already laid the ground and strengthened contacts with women in communities located in dense urban areas of Karachi which are particularly vulnerable to communal tensions due to the influx of internal migrants and existing residents and unrest over the past few years. This linkage was then further developed via community sessions organized by AF where they conducted awareness sessions with the women and promoted the peaceful resolution of disputes via knowledge of local laws that would facilitate them. These community sessions were also attended by members of SCSW and the Chairperson which developed confidence amongst the local communities as they had a source to reach out to which was easily accessible. Most of the discussions focused on experiences of conflict resolution and how better strategies could be adopted. Furthermore, SCSW was also able to explain its mandate and present itself as a peacebuilding body available to the residents as a bridge between society and the state.





The radio sessions were part of a broad-based campaign in local languages with the aim of outreach to other areas of Sindh so as to raise awareness about the program and its impact on women who benefitted from it. Furthermore, media campaigns were run about specific clauses in local laws that would benefit citizens should they face any problems. Community women expressed more confidence in handling issues for themselves and their neighborhood due to their increased knowledge of laws. The benefit of the media and radio campaigns are that they can be used in the long run by all parties involved.



Some key learnings from SAPs and advocacy media campaign are given below:

- Building the capacity of community women to detect early warning signs of VE and negotiate the negative impact through mediation and dialogue skills.
- Strengthening linkages with the District administration and law enforcement agencies, through training and sensitization on CVE to facilitate free legal aid/ single helpline.
- Utilizing IEC material through help desks and district VAW committees formed by SCSW in sensitizing women on their legal rights and lodge complaints.



- Spreading awareness on child marriage and its related CVE laws in local languages through concerted efforts and rigorous advocacy/ media campaigns during 16 days of activism and other important events like marking international women’s day
- Women government officials’ engagement in alternative religious narratives on various inter-faith & harmony forums and holding cultural activities and festivals under the SCSW-WDD platform in partnership with CSOs working on peacebuilding.
- Inviting women peace leaders and peace champions as role models and a symbol of encouragement for other women to apply and be a part of change as peacebuilders.
- Enhancing women’s role under the ambit of peace & security and recognizing the role of women police officers to improve prevention and countering violent extremism, as they can effectively address issues and barriers that men cannot due to cultural sensitivities.

### **Recommendations:**

The recommendations are gleaned from this SCSW research (study findings) and in the light of resolutions from the Women’s Conference (Lodhran Pilot Project):

- 1) Incorporating UNSCR 1325, UNSCR 2242 and Recommendation 30 of CEDAW into strategic objectives of SCSW and lobbying for the inclusion of its implementation in the National Action Plan (NAP).
- 2) The above resolutions specifies the “deliberate outreach to women in counter terrorism projects” and therefore most initiatives in the purview of this resolution aim for an outreach towards women, especially mothers in communities “to take a more active role in the community, family and economy and to raise awareness about violent extremism.”
- 3) The Provincial Conference “Building Bridges with Women in Peace” under the SCSW project also suggested that Pakistan should make an Action Plan under the UN Resolution 1325, titled Women, Peace and Security. As many countries of the world have already made their action plans under resolution 1325.
- 4) Empowering women through legislation and amplifying their voices through economic, legal and political inclusion towards peace and security.
- 5) Better provincial laws for transgender community; though we have good national laws for transgenders but crime rates are still high.
- 6) Including trained women peace committee and civil society members in district VAW committees.
- 7) Increasing membership of women working for peace in the parliamentary working groups as well as arranging exposure visits of women MPAs by trained women.
- 8) Inclusion of women in Council of Islamic Ideology, relevant Departments, District Peace Committees and networks working on religious and inter faith harmony etc.
- 9) Engage with the Government of Sindh which is working on a formal CVE provincial policy to promote social cohesion and peace building - to integrate women concerns and ensure a gendered CVE policy.
- 10) Launch a campaign based on zero tolerance of women and human rights abuses based on Paigham-e-Pakistan narrative.
- 11) Connecting women peace leaders such as ROZ (who has demonstrated an active peacebuilder role throughout SAPs and campaign) with district administration to actively follow-up cases of minority communities identified during consultations.

- 12) More opportunities for consultative meetings between the trained women peace leaders and district / local government are proposed.
- 13) Priorities' focus towards women's economic empowerment can be an essential tool and linkages with provincial departments like WDD can play a major part in mitigating resistance and advancing initiatives towards women active role in peacebuilding.
- 14) The district commissioners as entry points for training on CVE (as part of VAW committees) with the inclusion of law enforcement agencies so they can work collectively.
- 15) Addressing lack of human resources and financial resources for SCSW which is a trickle down effect from lack of appropriate heads and gender sensitized budgeting in the Sindh government..
- 16) Appropriate lobbying required to increase powers and budget heads for recruitment and training programs etc.. This lobbying can be improved through strengthening female membership of parliamentarian working groups with the assistance of civil society organizations.
- 17) Pushing for commemorating religious festivities of minorities and supporting their celebrations through relevant government departments like the Minorities Affairs and Women Development, encouraging an inclusive approach.





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