



LEGISLATIVE WATCH

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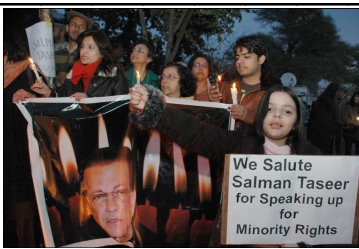
The polarisation between rationalist and Islamic literalist forces in Pakistan had never been as sharp and visible in recent years, as it stands following the assassination of Governor Punjab Salmaan Taseer by a policeman assigned to protect him. With some leading Islamic parties and scores of religious-minded individuals branding the assassin, Malik Mumtaz Hussain Qadri, a hero for what they perceive as "a justified act" of killing a person opposing the blasphemy law, the very trial of the accused has all ingredients to become an explosive issue that could prove a test case for the state itself.

Top leaders of religious parties, includ-

Our Litmus Test

As we were going to press, Salmaan Taseer, the governor of Punjab province, was assassinated in Islamabad on Tuesday, January 4, 2011, by his own security guard, who later confessed his crime. The tragic assassination of Taseer stirred a national debate on political and ideological motives of the murder. Below, we are re-producing an article on the incident that illustrates a clear divide in the society on the issue of our intolerant behaviors and situation of the rule of law in the country.

ing Maulana Fazlur Rahman, have already upped the ante by announcing at a Karachi rally on January 9 that they plan to defend the killer of Taseer come what may. The country's civil



A view of the candle-light vigil in Islamabad on 5 January 2011.

society, led mainly by non-governmental organisations, remains in the forefront in condemning the murder and the killer. Ironically, one side's villain remains a hero for other. An active section of lawyers,

supporters of religious parties are showering Qadri with rose petals, underlining the complexity and sensitivity of the issue.

As frenzy and rigidity reigns supreme, there appears no middle ground on which the two ideologically opposing sides could see eye-to-eye. The Islamic forces of all shades and colour appear more aggressive and emboldened following this high-profile murder. As they try to build a campaign on incontestability of the blasphemy law, there are chances that the radicals among them may like to broaden the agenda and set bigger goals. Currently, the active street power appears on their side.

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Asma makes history

By Nayyar Shabana Kayani



Asma Jahangir made the history when she defeated two male candidates in a very close contest and became the first woman president of Supreme Court Bar Association on 27 October, 2010. She secured 834 votes and defeated her nearest rival marginally by 38 votes. Asma described her success as a victory of liberal and democratic forces. Asma has devoted all her life to fight for the protection of human rights of women, minorities and children in a courageous

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Musarrat first Ombudswoman

By Staff Reporter



In order to set an effective mechanism for addressing the grievances of the victims of sexual harassment, Prime Minister Syed Yousuf Raza Gilani, on December 22, 2010, appointed Ms Musarrat Hilali as the first Federal Ombudswoman of Pakistan. She hails from Malakand and is a law graduate from the Peshawar University. She was enrolled as Advocate of District Courts in 1983 and High Court in 1988.

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Global consensus on women's role in peace-building

By Rubina Saigol

October 31, 2010 will mark a decade since the passage of UN Security Council Resolution 1325. This is the right time to reflect upon the reasons why it was adopted, its continuing relevance and the measures required to make it effective in the specific context of Pakistan.

Historical Background

In contemporary times the nature, scope and impact of conflict has undergone major transformations. While wars between nations and states continue, there is increasing preponderance of intra-state conflict involving the state and a sub-national group or between different sub-national and sub-state groups. Ethnic, religious and sectarian strife in many parts of the globe has embroiled civilian populations more than ever before. The civilianization of conflict has occurred

10th Anniversary of Security Council Resolution 1325

simultaneously with the militarization of societies. Increasingly, non-state and extra-state actors, and cross-state armed movements, have led to the widespread proliferation of weapons and small arms that are used against civilian populations in major cities.

With the intensified impact of armed conflict on civilians, women have come to engage with conflict in a number of ways. There are primarily two broad ways in which women negotiate conflict: 1) as non-combatants affected by the conflict and becoming its most vulnerable victims; 2) as combatants actively fighting the war alongside their male counterparts. However, in recent times the boundary between combatants and non-combatants has become blurred. Even as combatants women are vulnerable in gender-specific ways, and as non-combatants they may be engaged in secondary war labor that supports and

further the conflict.

Impact of Conflict on Women

As non-combatants women are exposed to conflict-engendered violence in several ways, direct as well as indirect. With regard to direct violence women suffer the indiscriminate bombing, firing, missile attacks and occasional capture, beatings and torture to gain information about the whereabouts of their male kin. Scores of women, including pregnant and lactating mothers, have been killed during such attacks or while fleeing their homes accompanied by young children.

One of the earliest forms of direct violence against women during war and conflict is sexual aggression by those who take advantage of the absent males in the home or by members of the 'enemy' group. Women bear the symbolic burden of representing their

nation or community and as the biological and cultural reproducers of the group. Sexual violence is directed at them by members of the rival or enemy group and is seen as a victory against the males of the group who were unable to protect their women. Rape is seen as the ultimate victory for it signifies that the enemy's seed has been polluted. For this reason raped women often suffer at the hands of their own kin who believe that their honor has been lost and either kill the woman or disown her. She is thus punished twice, first by the perpetrator, then by her own family for becoming 'tainted'.

Indirect violence is multitudinous. Even in situations of intense danger and insecurity, women still have to provide food and water for their families, healthcare to the sick, elderly and the young, and carry on the multifarious tasks of everyday existence. Even dur-

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Global consensus on women's role in peace-building

From Page 1

ing so-called peace time women are mainly responsible for taking care of the young and the elderly. During conflict, the demands of the care economy on women become multiplied. With the males of the house at war, women often have to find a source of livelihood to enable the family to survive. This pressure has occasionally led to beggary and prostitution, especially among those widowed by the conflict, to be able to feed the young and the frail.

Women are also often burdened with pursuing official authorities for the whereabouts of the 'missing' and 'disappeared' persons. In this process, they are often maltreated by un-cooperative and hostile authorities unwilling to reveal the information, especially if the captors happen to be powerful. The absence of male members sometimes becomes a signal to other men, or those of the rival group, to take advantage of the women left alone. Many are forced to flee their homes with the few belongings they can carry, others have nowhere to go. They stay back and face the bombs, missiles and rocket attacks rained down on them often by all sides of the conflict. Those who leave their homes become refugees or internally displaced persons living in temporary camps set up by governments or other organizations as shelters. Women and children constitute the largest number of refugees and internally displaced persons.

Life inside camps is harsh and unrelenting. The daily work of cooking and providing care is largely managed by women. While women themselves may be seriously depressed, they have to console their children and others in the presence of disorientation and perpetual uncertainty. As a result of living a life of transience, they develop health problems that need medical attention which may not be easily accessible in camp conditions. There is no privacy and fear of the unknown is constant. Latrines may be few and shared by scores of other women so that women's health and sanitation needs go unmet. There are seldom special provisions for the needs of pregnant and lactating mothers and menstruating women. Physical, psychological and emotional illnesses result from multiple issues of livelihood, survival, daily chores and care of the young amid hostile conditions in an alien environment.

Women engaged in conflict as combatants, whether as direct fighters or as couriers, cooks or caregivers performing secondary roles, face a unique set of problems. Most detention centers are for male combatants. There are very few detention cells that cater specifically to the needs of women captured during combat. Some are just adjuncts to the male detention centers and do not have sep-

arate toilets for women with special facilities for their needs. There are very few trained female personnel to deal with women's issues in detention centers. Detention centers often become places of extreme sexual and other violence against women detained during conflict.

International Humanitarian Law

International Humanitarian Law governing inter-state conflict has historically attempted to address the issues of war crimes including the gendered nature of many war crimes. International law affords women equal protection with men while also taking into consideration the specific needs of women in situations of war and conflict. For example, International Humanitarian Law contains special

enforced prostitution or any form of indecent assault". Since the Geneva Conventions were drafted in 1949, the language of protecting honour rather than the person herself may seem offensive to latter day activists, nonetheless the language regarding women has been evolving over time in a manner compatible with feminist sensibilities. Article 76 of Additional Protocol I demonstrates this evolution for it stipulates that "women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault."

In July 1998 the Rome Statute of the International Criminal Court was adopted and it came into force in 2002. Article 7 (g) of the Rome Statute stipulates that "crime against humanity"

need specialized training on the protection and special needs of women and children; 6) effective institutional arrangements are required to ensure the full participation of women in peacemaking processes; 7) data collection and research is required on the gendered impact of conflict; 8) women's representation is required in all mechanisms and institutions at the local, national and international levels for the prevention and resolution of the conflict; 9) all actors involved in negotiating and implementing peace agreements need to adopt a gender perspective; 10) All parties to a conflict must respect international law and all impunity must be ended and those responsible for war crimes and sexual violence should be duly prosecuted and punished; 11) All parties to the conflict must take special measures to protect women and girls from gender-based violence during conflict; 12) The specific needs of women combatants and their dependants must be considered.

Conflict and the Pakistani Context

The situation faced by women during conflict varies from one context to another therefore the responses to it depend on the uniqueness of the circumstances. Pakistan has witnessed intense armed conflict in various parts of the country for the last several years. Religious militants have flogged women publicly and have bombed or torched around 200 girls' schools in the Malakand Division. Scores of women have been killed by both the militants through suicide bombings and sniper fire in marketplaces, and by frequent drone attacks. Thousands of women were displaced when the army launched operation to root out militants from Swat. In Balochistan, thousands have gone 'missing' and women have gone from pillar to post searching for relatives who seem to have disappeared from the face of the earth.

The bombing of girls' schools has deprived thousands of the right to education while women's mobility was severely curtailed in camps for IDPs due to insecurity. Due to potential exposure to males of rival ethnic groups men in camps tended to impose enhanced restrictions on women in the name of purdah and chastity. There are few social safety networks for women and owing to lack of registration and ID cards, widowed women were unable to access social services by international and national aid agencies. Sexual harassment and mobility remained serious problems in the camps. One of the problems faced by women in IDP camps was that relatives of men detained by the security forces were regarded with suspicion and deemed less entitled to the state's social services. —*The Author is an independent researcher on social development.*

Measures required to implement 1325

Some of the measures that the state of Pakistan can take to address the issue of women in conflict situations, are as follows: 1) Root out religious militancy from all parts of the country; 2) Ensure tolerant, enlightened, moderate and gender-just values through changes in educational curricula; 3) Ensure that for women affected by conflict there are sufficient shelters, access to food, mobility, health services, counseling and security; 4) Set up a special fund for displaced women and create opportunities for livelihood so that they are not forced into prostitution or beggary; 5) Sensitize the police, judiciary and security agencies to women's issues and enable them to find 'missing' relatives; 6) maintain an information service for women affected by conflict; 7) Ensure the participation of women legislators, ministers and women's rights activists and organizations in the negotiation of any peace deals; 8) Ensure judicial services for women subjected to sexual or other violence during conflict; 9) run national awareness campaigns through public television, posters and wide-reaching media in the vernacular languages; 10) Provide the security forces with training and materials on Resolution 1325 and 1820 (which specifically refers to sexual violence during conflict).

provisions for pregnant women and mothers of small children with regard to their nutritional needs and protection.

The Third Geneva Convention (1949) pertaining to the Treatment of Prisoners of War stipulates that prisoners of war shall be treated humanely at all times. Apart from this general protection, women are also given special protection based on the principle outlined in Article 14, paragraph 2, that "women shall be treated with all the regard due to their sex". Additional Protocol II makes provisions for the special treatment of women who are arrested, detained or interned in relation to the hostilities. In such cases it is specified that "except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women".

The Fourth Geneva Convention with regard to the Protection of Civilian Persons in Time of War, and under Additional Protocol I, protects civilians both women and men who do not actively engage as combatants in the conflict. The said Convention stipulates that "women shall be especially protected against any attack on their honour, in particular against rape,

means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity. These examples illustrate that International Humanitarian Law takes cognizance of crimes committed against women during armed conflict and holds the parties to the conflict responsible. However, the lack of adherence to international law and its weak implementation indicated the need for a strong re-assertion of its basic principles. The UN response was Resolution 1325 which aims to address the issue of women and armed conflict.

Salient of UN Resolution 1325

The Resolution upheld the following principles: 1) international peace and security is the responsibility of the UN Security Council; 2) civilians, mainly women and children, account for the vast majority of those adversely affected by conflict; 3) women can play a pivotal role in the prevention and resolution of conflict; 4) women can play a leading role, and must be involved in, peace-building and post-war reconstruction efforts; 5) peacekeeping personnel

Women excel in sports — Hurray!!

By Imran Naeem Ahmad

The remarkable victory of the Pakistan women's cricket team at last month's Asian Games in Guangzhou has come as a breath of fresh air for a country plagued with a string of problems. The gold medal that they have brought home underlines the fact that if their male counterparts can excel at sports, so can the women.

The splendid achievement of these girls that saw them beat Bangladesh in the final, could just prove to be the right tonic for women's sports that have not been given the kind of solid official backing that is really needed.

In this light, the conquest of Asia by the national team is all the more creditable something that has shown the world that Pakistan is not the conservative country it is often portrayed to be internationally. Surely, for this we have this group of talented cricketers to thank, all of whom have done their bit.

But before they set the cricketing greens in Guangzhou ablaze, two other women shone at the South Asian Games in Dhaka 2010 - Nasim Hameed being crowned the Fastest Woman in South Asia and Sara Nasir striking gold in karate. Both brought cheer to a nation hit by a spate of suicide bomb attacks.

While it is heartening to see women slowly making their mark in sports, it is amazing all the same that they are shining with only little or at times no international exposure. This is what makes their success even sweeter.

Lack of exposure apart, talented women such as these have risen mainly because of their own determined efforts and the continued backing of their parents and are not the products of an organized sporting structure; a structure that was not allowed to flourish when the first real attempt was made to organize women's sports in the country back in 1996.

It was during the tenure of late Prime Minister Benazir Bhutto that the first conscious effort was made to give women's sports the importance and boost they needed with the announcement that Pakistan would host the Islamic Women's Games in Islamabad in 1997.

The aim, says Zakir Hussain Syed, the man mandated to stage those Games, was to remove the taboos associated with women's sports in Pakistan. A Women's Sports Board was created and as a curtain-raiser to the mega event, Invitation Islamic Games were successfully organized in Islamabad in 1996.

Surely it was a big day for the country, more so for women, who were simply delighted that finally they were getting



the importance in sports they fully deserved. Everyone began keenly looking forward to the 1997 showpiece event that would be the real turning point for women's sports in Pakistan.

Unfortunately, like all things Pakistani, the Games were abruptly cancelled after Nawaz Sharif's government came to power - the cancellation coming about because the event had the Pakistan People's Party seal on it.

It was a blow of sorts yet women's interest in sports did not wane, not one bit as the national athletes went on to win as many as 26 medals, three of them gold, at the 1997 Islamic Women's Games in Tehran. This was not all; in subsequent editions in 2001 and 2005, the Pakistani girls collected an impressive 81 medals with 11 of them being gold.

At the SAF Games level, Shabana Akhtar did the country proud in 1995 by winning the long jump gold in Madras while four years later in Kathmandu, Rehana Kausar bagged gold in high jump. These were landmark achievements in the country's sporting history and the girls were acclaimed as heroes.

While traditionally women athletes have not been given the space and secure platform that is required, their



keenness to participate in sports, however, has led to a change in perception towards women's sports. The claims by clerics that women's participation in sports was un-Islamic are now a thing of the past.

Today more and more women are taking up sports and do not seem afraid to come out and play; the fairly large number of women members at the Pakistan Sports Complex swimming pool is one example of how keen women really are in sports.

When two women's marathons were organized before the Islamic Invitation Games in Islamabad in 1996, hundreds turned up to take part with some coming from far away villages in Punjab. The organizers themselves were surprised by the numbers.

At the time of Independence, Pakistan inherited a lively sporting tradition. Sports were an integral part of the curriculum and women enjoying great freedom, took active part. But with time, schools and colleges ran out of space. Classrooms and college blocks replaced playgrounds and the involvement of women in sport came down.

A lot many years were just wasted by the country's sporting authorities that thought of women in sports as something not important. Women athletes

largely remained sidelined during the 60s, 70 and the 80s. Fortunately, it was only after the International Olympic Committee (IOC) began pressing the Pakistan Olympic Association (POA) in the 90s to ensure women's participation at the national and international levels that the Pakistani administrators woke up from their slumber.

Much has changed since and thanks to television and print media, there is now more open-mindedness towards women's sports. Today when Nasim and Sara are shown flashing their gold medals on television screens, aspiring girls look up to them and when pictures of jubilant women cricketers celebrating their Asian Games victory are splashed in newspapers, young girls paste those pictures on their bedroom walls. This is the stuff that inspires, these are achievements that promise to transform the way we treat women's sports.

However, challenges remain. Women still need to be provided a secure and uninhibited platform where they could comfortably train and compete. Their requirements are often ignored in development projects. Take for example the Sports Center that the Capital Development Authority (CDA) established in Sector F6/1. It does not have changing rooms for women, neither does it have separate times allocated for them to practice and play. Social constraints are such that women cannot mix and play with men. Hence, it is only fair that they be provided exclusive time and facilities.

Besides, in order to draw more women to sports, incentives should be the same for women as they are for men. Also, the government needs to ensure prompt disbursement of cash awards to medal winners which are usually announced quite quickly yet the actual cash takes ages to reach them.

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Asma makes history

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manner. She always took a principled stand, whether it was lawyer's movement or rift between government and judiciary. Asma Jahangir is one of those pioneers who formed the first all-women law firm in Pakistan, AGHS, in 1983. Before contesting the SCBA election, Asma also served as chairperson of Human Rights Commission of Pakistan (HRCP) for several years.

Contesting election in any field is not easy chore, particularly, when contender is a woman. Generally in Pakistan, where society conceptualizes good woman, as living inside the dwelling, and saying yes to what others have decided for her, it was hard to assimilate for patriarchal mindset to see women, arguing about rights and challenging the so called norms of the society. The general environment of the courts and chauvinist societal attitude towards women lawyers today has slightly changed, no doubt, due to the struggle of brave and leading women lawyers, like Asma Jahangir, Nahida Mahboob Ellahi, Shahla Zia, Hina Jilani and so many others, who played important role to ensure independence, freedom and equality for women lawyers in practicing law.

Yet, the barriers for women in legal profession are not completely removed; still women lawyers are battling against the anti-women and gendered mindset of the people; they are not encouraged or supported to contest election for main seats, rather they are confined to the seats having less significance, such as joint secretary or member executive council etc. In order to demoralize women lawyers from contesting elections they are also subjected to character assassination. Asma Jahangir was also targeted by some anti-women forces during the recent Supreme Court Bar elections. Asma's victory has not only shaken the gender stereotypes, but it also indicates a positive change in the patriarchal mindset of our educated segments of society.

At present women's presence in legal institutions is comparatively very low, according to the facts and figures, Pakistan and provincial bar councils seriously lack women's presence. There are only two women members, one in Punjab out of a total of 75 and one woman member in Sindh Bar Council out of 37 members. Similarly, women judges are also invisible particularly in apex courts, apart from Sindh High Court, where only two women judges are presently holding the office. None of the other High Courts or Supreme Court of Pakistan has any woman judge. Also, the entire Supreme Court and High Courts' office posts are occupied by men. Government and legal community are required to take some affirmative actions on priority basis for creating enabling environment for women lawyers. —**The Author is National Coordinator, LWP-WE, Aurat Foundation**

Civil society demands abolition of Federal Shariat Court, parallel legal systems

A three-member bench of the Federal Shariat Court (FSC), comprising Chief Justice Agha Rafiq Ahmed Khan, Justice Afzal Haider and Justice Shahzad Sheikh, in its judgment on December 22, 2010, declared sections 11, 25, 28 and 29 of the Protection of Women Act (PWA), 2006, unconstitutional that these sections annulled the overriding effect of the Hudood Ordinance 1979 and hence violated Article 203DD of the Constitution. The court further declared that FSC's jurisdiction in matters relating to Hudood under Article 203DD of the constitution is exclusive and pervades the entire spectrum of orders passed or decisions given by any criminal court under any law relating to the enforcement of Hudood and no other court is empowered to entertain appeal, revision or reference in such cases. No legislative instrument can control, regulate or amend this jurisdiction which was mandated in Chapter 3A of Part VII of the constitution

Aslam Ghuman, Shahid Orakzai, Abdul Latif Sufi and Mian Abdul Razzaq Aamir had filed identical petitions in the FSC challenging various sections of the Protection of Women Act-2006 and the Pakistan Penal Code (PPC).

The bench directed the government to amend the impugned laws in conformity with the Holy Quran and the Sunnah, otherwise, these sections would cease to be effective from June 22, 2011 and the judgment will also stand operative on the same day. Some leading civil society organizations also decided to go into appeal against this decision.

The decision of the Federal Shariat Court sparked country-wide condemnation of women's rights and human rights organisations and committed activists, distinguished members of legal community and political parties, including a number of women parliamentarians. They believed that the FSC verdict was the latest blow to the cause of women's empowerment. Press conferences and protest demonstrations were held in major cities of the country. Insani Haqooq Ittehad, a civil society coalition of human rights in Islamabad, organised a press conference and public demonstration in Islamabad to condemn the decision. Below is the text of the joint position held by Insani Haqooq Ittehad (IHI):

"We, the members of Insani Haqooq Ittehad, a network of NGOs, civil society and human rights activists, strongly condemn the Federal Shariat Court's attempt to revert the Women's Protection Act's Clause 11, 25, 28 and 29 back to Hudood Ordinances. Another alarming aspect of the FSC



A view of the rally held under the auspices of Insani Haqooq Ittehad (IHI) on December 25, 2011, at the Parade Chowk, in front of Parliament House. The participants of the rally demanded abolishing of Federal Shariat Court and other parallel legal systems in the country.

judgment is its attempt to expand its jurisdiction and undermine constitutional jurisdiction of High Courts and the Supreme Court of Pakistan.

We would like to state that women's rights groups struggled for more than twenty-seven years to repeal Hudood Ordinances. Plethora of evidence was gathered through research to show the anti-women nature of Hudood Ordinances and their massive misuse particularly Zina Ordinance. Thousands of women languished in jails under Zina Ordinance while the acquittal rate of women charged under this law was more than ninety percent.

In response to women's consistent demand for the repeal of Hudood Ordinances, Women's Protection Act was finally introduced in 2006 by the Parliament to redress the violation of women's rights under these laws. The recent study of National Commission on the Status of Women (NCSW) has shown that Women's Protection Act has brought tremendous relief to women's lives. Currently there's hardly any woman who is in prison under Hudood Ordinance.

It's highly deplorable that Federal Shariat Court has made an attempt to reverse the gain made by Women's Protection Act. We believe that the institution of Council of Islamic Ideology and parallel judicial structure of Federal Shariat & Appellate Shariat Court was a part of the political project of military dictator Zia-ul-Haq who used religion to legitimize his own dictatorial rule. It is regrettable that despite a consistent demand from civil society organizations and women's movement for the repeal of all forms of parallel judicial system, the successive civil governments

failed to take any concrete action in this regard. We strongly demand that all citizens of this country should be treated as equal, under one law and one judicial system.

In view of the history of Federal Sharia Court for giving anti-women decisions and blocking the protective legislation for women and religious minorities, we demand that the government should immediately challenge the decision of Federal Shariat Court in the Supreme Court of Pakistan and abolish Federal Shariat Court and parallel legal systems. We also demand that the Constitutional Reform Committee of the Parliament and Supreme Court look into the serious constitutional implications of the FSC verdict.

We also demand that the Parliament should immediately initiate legislative measures to not only repeal all discriminatory laws against women and religious minorities (such as Blasphemy Laws, Hudood Ordinances, Qisas & Diyat and all clauses under Sections 298 of PPC that single out and persecute a religious minority) but also to abolish all parallel judicial systems.

Civil society would like to express its resolve that we will frustrate all attempts to reverse the gains of Women's Protection Act. We announce today to launch a nationwide movement for the dismantling of all parallel judicial systems in Pakistan. We call upon all the democratic and progressive forces in the country to join the citizens' movement to safeguard the rights of people of this country and to preserve the vision of Quaid-e-Azam's Pakistan in which the state would not use religion to run its business". —**AF Report**

EDITORIAL

As the pillars are built to create and support a structure, parallel institutions are erected to keep the system of governance in balance. This, however, does not look true in case of system of justice. Recent verdict of Federal Shariat Court (FSC) is an example. A three-members bench of the Federal Shariat Court, comprising Chief Justice Agha Rafiq Ahmed Khan, Justice Afzal Haider and Justice Shahzad Sheikh, in its judgment on December 22, 2010, declared sections 11, 25, 28 and 29 of the Protection of Women Act (PWA), 2006, unconstitutional that these sections annulled the overriding effect of the Hudood Ordinance 1979 and hence violated Article 203DD of the Constitution.

At its face, the FSC verdict looks an onslaught on women's rights, their struggle for gender equity and hence their constitutional right to legislate. In its composed analysis, the verdict challenges the Constitution and therefore Parliament's right to legislate and higher courts' (including High Courts and Supreme Court) jurisdiction to translate and implement the laws as set by the Parliament.

The timing of the FSC verdict also requires a strategic reflection. The verdict came at a time when women leaders are experiencing their empowered status as legislators by challenging discriminatory laws and introducing new laws for women's protection against domestic violence and their basic rights; parliamentary democracy is gaining strength and provincial autonomy is being granted after the passage of 18th and 19th Constitutional Amendments and; higher judiciary is pro-active and making independent decisions for the welfare of common citizens.

The FSC verdict, thus, seems to be challenging these historic developments while stretching its own jurisdiction to unbound and un-constitutional limits. The verdict has stirred a debate in civil society. Human rights organizations and networks have concluded that FSC and other parallel systems of justice, including jirgas and punchayts need to be abolished.

The civil society organisations, in their immediate response have announced to challenge the verdict in the superior courts. The independent minds also believe the parallel justice systems like FSC were introduced by a dictator to perpetuate its rule in the name of religion. They believe that the FSC has, in fact, attempted to grab unlimited powers through expansion in its jurisdiction and by inclusion of almost all offences in the realm of Hudood.



**LEGISLATIVE
WATCH**



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Advisory Board:

I.A. Rehman, Tahira Abdullah, Naeem Mirza

Editorial Board

Wasim Wagha, Sarwat Wazir

Letters, opinions and contributions are welcome. Please write to House 12, Street 12, F-7/2, Islamabad Tel: (051) 2608956-8, Fax: (051) 2608955

Email: lwprs@af.org.pk Website: www.af.org.pk

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Our Litmus Test

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The liberal, secular and rationalist Pakistanis are without an organised political force. The political parties, which should have represented their aspirations on the issue of blasphemy law and Taseer's murder, have been found wanting. Even the ruling Pakistan Peoples' Party appears on the back foot despite the fact that two of its leaders - chairperson Benazir Bhutto and Salmaan Taseer - were murdered by the extremists. Its federal ministers - as they have done on so many other issues - have been issuing contradictory, self-defeating statements aimed at appeasing the religious forces rather than taking a clear and firm position on this sensitive issue.

But political expediency of one side does not mean that the religious groups are in a benign mood. They have become more assertive. No wonder there is pessimism and fear among many liberal and educated Pakistanis about the country's future as they see the space of democratic discourse, moderate views and tolerance shrinking in the society. For many affluent and liberal Pakistanis, today's black humour - which also serves as a grim warning - is when they ask one another whether they checked loyalties and religious leanings of their security guards.

Yes, today's Pakistan stands not only divided but at war with itself. The tidings are ominous. When law-breakers and murderers are hailed as heroes and the state institutions keep mum about it, then something has gone terribly wrong with society. No so-called lofty ideal goal justifies taking the law in one's own hands. If collective conscious of any society allows this, it is a one-way road to anarchy, chaos and lawlessness. It results in the weakening and collapse of the state.

The government's weak reaction on the killing of Governor Taseer has exposed the fragility of this democratic dispensation, surviving on a day-to-day basis. The religious parties can now smell blood and radicals among their ranks can try to expand their boundaries. There is a growing realisation among the religious-minded hardliners that their movement has a potential to gain momentum because of a frail government, state and civil society. The situation can encourage them to go for an adventurous course.

While Pakistan struggles to adjust and get to terms with itself post-Taseer, the international community appears more sceptical about a nuclear-armed Muslim state. The notion of a failing and crumbling state is likely to gain more currency about Pakistan - whether we like it or not. News from here does nothing to change this perception.

Indeed, Pakistan is at the brink of becoming a parish state because of the unabated rise of extremism and terrorism. It has already become a no-go area for international sports and tourism. Foreign investors and businessmen like to stay away from this country, while even leading local businesses are making fresh investments abroad because of security fears. The government's incapacity to carry-out the much-needed reforms, provide clean governance, fight extremism and militancy from inside Pakistan are fuelling fears of Pakistan's slide into anarchy and strife.

The need of the hour is that the leadership on both sides of the ideological divide makes sustained efforts to bring down the rising temperatures. The government needs to play an active role to make this happen and open channels for dialogue and exchange of ideas on proper platforms. Taking such sensitive matters on the street or trying to decide them in emotional debates on television screens won't help, but add fuel to the fire.

But this does not mean that there should be a compromise on the supremacy of the law or the writ of the state. This needs to be ensured in an emphatic manner by dispensing justice to the killer of Governor Taseer. There are religious scholars and clerics belonging to all the Islamic schools of thought, who stand for the constitution and rule of law.

There is also an urgent need to address concerns of the religious minorities of Pakistan with the participation of Pakistani clerics. Whether regarding procedural issues of the blasphemy law, which is not meant to target innocent people or implicate anyone on false charges. Yes, it is time to assert for supremacy of the law - nothing less than that. —*The writer is journalist working with daily The News; the article was published on January 14, 2011. (Courtesy daily The News)*

Women excel in sports — Hurray!!

From Page 3

Women medal winners must be given equal importance, something that wasn't done in the case of Sara Nasir because the media clearly played up the achievement of Nasim Hameed and not hers - her only fault perhaps being that she won gold in a less glamorous event.

Then there is also the politics, the hallmark of Pakistan sports that has seen Sara not being allotted the residential flat that Prime Minister Yusuf Raza Gilani had announced for her. Similarly, the sports minister recently handed over a cheque of Rs 500,000 to Nasim but Sara was ignored altogether for reasons not known. Such treatment only goes to dishearten athletes.

Sports facilities for women are virtually non-existent in the country. Not everyone can become a member of an elitist club and hence it is imperative that attention be paid to building exclusive infrastructure. But until that infrastructure is developed, whatever existing facilities there are should have separate days reserved exclusively for women with coaches to guide and train them.

Also, an organized sporting system has to be put in place, if Pakistan wants their women to win them more medals in future.

For now though we can bask in glory that our women athletes have brought us this year. Hurray!! —*The writer is a sports journalist*

From Page 1

Ms Musarrat Hilali was elected Secretary High Court Bar Association Khyber-Pakhtunkhwa (1988-1989), Vice President High Court Bar Association twice (1992-93 and

First Ombudswoman

1993-94) and Secretary General High Court Bar Association (1997-98). She was appointed Additional Advocate General on 02-11-2001 and served in this capacity till 06-03-2004. Ms.

Musarrat Hilali pleaded numerous cases before the Peshawar High Court, Federal Shariat Court and Supreme Court of Pakistan. Currently, she is Chairperson of the Environmental Protection Tribunal.

25 November: International Day for Elimination of Violence against Women.

Mirabal Sisters gave life for democracy, civil liberties

The Mirabal sisters Patricia, Dedé, Minerva, and María Teresa were reared in Ojo de Agua, Dominican Republic in a home of privilege at the time of the Trujillo dictatorship. During the 1950's when the sisters were young women an underground anti-Trujillo movement began to proliferate. One by one, Minerva, María Teresa, and Patricia Mirabal became involved in the resistance.

The sisters known as "las Mariposas" ("the butterflies") became inspirational leaders of the resistance.

The government imprisoned the three sister's husbands. On the evening of November 25, 1960, as the Mirabal sisters returned home from visiting their husbands in the Puerto Plata prison, soldiers ambushed their jeep. The three women and their driver were strangled and clubbed to death.

To hide the murder, the bodies were placed in the jeep and rolled off a cliff. The Dominican public did not believe the government's story of the "accident". Historians consider their murder a turning point in the downfall of Trujillo dictatorship.

Following the Mirabal murder support for the dictator waned as the resistance gained momentum. The Catholic Church became openly critical of the regime. On May 30, 1961, Trujillo was ambushed and assassinated.

Murder of the Mirabal Sisters

One account of the murder of the Mirabal Sisters says:

Minerva, Maria and Patricia were all returning from Puerto Plata on a heavily raining evening after visiting their spouses in jail. They had travelled from their home town of Salcedo with their driver Rufino de la Cruz. It was November 25 1960. As they drove back home along the main highway between Puerto Plata and Santiago, their Jeep was stopped by the secret police as planned by Trujillo. There is



Patricia Mercedes Mirabal: 27 February, 1924 - 25 November, 1960
Minerva Argentina Mirabal: 12 March, 1926 - 25 November, 1960
Antonia Maria Teresa Mirabal: 15 October, 1935 - 25 November, 1960

The Mirabal Sisters, Patricia, Minerva and Maria were natives of the Dominican Republic and were ardently opposed to the cruel dictatorship of Rafael Leonidas Trujillo. They defied the flow of conformity and stood out as National Heroines. They grew up in an affluent family and were well cultured and educated women at a time when most women did not receive a good education. The Mirabal-Reyes family was a prosperous family from a town in Salcedo called Ojo de Agua on the north coast, near to La Vega. The Mirabal sisters were born to Enrique Mirabal Fernandez who married Mercedes Reyes Camilo (mum is also known as Chea).

Patricia Mercedes Mirabal, born on February 27, 1924, was given her name as her birth date coincided with the anniversary of the Dominican Republic's Independence Day. Patricia supported her sister Minerva in her anti-government efforts and opposed the dictator Trujillo. Patricia was famous for saying "We cannot allow our children to grow up in this corrupt and tyrannical regime, we have to fight against it, and I am willing to give up everything, including my life if necessary".

Minerva Argentina Mirabal, born on March 12, 1926, showed signs of her great intelligence from a very early age. Minerva attended the University of Santo Domingo and it was there she met her future husband Manuel (Manolo) Tavarez Justo. They married on November 20 1955 and had 2 children, Minu and Manolito. Minerva was famous for saying "....it is a source of happiness to do whatever can be done for our country that suffers so many anguishes..."

The youngest of the Mirabal sisters, Maria Teresa was born on October 15, 1936. Mathematics was Maria's domain. She looked up to her sister Minerva and admired her actions and later became involved in her sisters political activities. Maria was famous for saying ".....perhaps what we have most near is death, but that idea does not frighten me, we shall continue to fight for that which is just..."

no way of knowing exactly what happened that night, however a narrative still exists from Ciriaco de la Rosa, one of the henchmen.

This is an excerpt from the Dominican Encyclopaedia 1997 CD ROM...

He says.. "After stopping them we led them to a spot near the chasm where I ordered Rojas to pick up some sticks and take one of the girls, he obeyed the order and took one of them, the one with the long braids, that was Maria. Alfonso Cruz took the tallest one, that was Minerva, and Malleta took the driver, Rufino de la Cruz. I ordered each one of them to go to a sugar cane grove on the edge of the road, each one separated so that the victims would not sense the execution of one another, I ordered Perez Terrero to stay and see if any one was coming who could find out about the situation. That is the truth of the situation. I do not want to deceive justice or the state. I tried to prevent the disaster, but I could not because if I had, he, Trujillo, would have killed us all..."

It was in this manner that the Mirabal sisters and their driver Rufino de la Cruz were clubbed, beaten and then strangled to death alongside a mountain road between Puerto Plata and Santiago. Patricia was 36 years old, Minerva was 34 years old and Maria was 24 years old. Dede, the youngest sister did not accompany her sisters that fatal day.

After they were killed, their bodies were then put back into their Jeep, the Jeep was then pushed over the side of the cliff at La Cumbre to make it appear like an accident had taken place in the bad weather. Everyone knew it was Trujillo that had ordered the murders. This was the beginning of the end for Trujillo. Trujillo himself would not know that within a six month period, he himself would face assassination in 1961.

The sisters have finally been given recognition in Dominican Textbooks as national martyrs. — *Staff Report*



Saadia Mumtaz, specialist in gender and law, speaking at the working group meeting to discuss the policy draft on IDPs, held in Islamabad on December 29, 2010; on her right are Salman Hyder, Lecturer, Fatima Jinaah Women University, Nayyar Shabana, National Coordinator, Legislative Watch Programme of Aurat Foundation.

Meeting with women survivors of violence at Islamabad

Aurat Foundation, on 26 November, 2010, organized a visit to meet women survivors of violence, sheltered in the Shaheed Benazir Bhutto Centre for Women, Islamabad. The delegation included Dr Marilyn Wyatt, distinguished development professional and wife of US Ambassador to Pakistan, Mr Cameron Munter, and Ms Simi Kamal, Chief of Party, Gender Equity Program (GEP). While talking to media, Dr Wyatt, said: "Despite the crisis situation Pakistan is currently facing on many fronts, it is commendable that the government is maintaining a network of support mechanism for violence victims through out the country." The delegation met with survivors and presented centre with a month's supply of rice, sugar and milk for the women survivors and their children currently residing in the centre. They also visited the training centre established within the area where violence victims get training on variety of skills.



Women call for legislation against domestic violence



As part of series of activities to commemorate the 16 days of activism to end violence against women, 'Women Solidarity Mela' was organized by Aurat Foundation in collaboration with Oxfam-GB and We Can campaign in Islamabad on December 4, 2010 at Shah Abdul Latif Bhittai Auditorium. The days are observed internationally from November 25 to December 10 each year.

Mr Naem Mirza, COO, AF, Ms Neva Khan, Country Representative, Oxfam GB welcomed the participants. Mr Younas Khalid, Ms Nayyar Shabana and Sarwat Wazir moderated the sessions. Ms Neva Khan, while highlighting the need for collective efforts to end violence against women, said that Pakistan is one of the few countries in the world to have a negative female-male sex ratio i.e. for every 100 women, there are 108.5 men. Mr Naem Mirza demanded immediate legislation on domestic violence. The second session, titled Actions and Achievements to End Violence against



Women, focused on experience sharing by women leaders from the communities and institution. The session was addressed by Ms Tahira Abdulla, a known rights activist and volunteer humanitarian worker, Ms Sameena Nazir, Executive Director, PODA, six grassroots women leaders, namely Dr Naseem Shakeel from Sialkot, Ms Tayaba Aziz from D G Khan, Ms Riffat Khan from Bhakkar, Ms Razia Sultana from Rawalpindi and Ms Nigar Raoof from Nowshera.

The third session comprised showing a documentary, titled 'Bol' (speak), produced by Ms Samar Minallah, from Ethnomedia. Other documentaries shown in the session were produced by the 'We Can Campaign' of the Oxfam GB, to raise awareness on ending violence against women. The fourth ses-

sion, a theatrical performance by the Lahore-based Interactive Resource Centre and Sialkot-based Hum Theater Group was titled 'Dafa 509 (section 509) - a section of recently passed Harassment at Workplace Bill, 2010.

The performance highlighted the various provision available in the bill to register complaints against sexual harassment of women at workplace. Mr Zamard Khan, Chairman Pakistan Bait-ul-Maal (PBM), was the chief guest for the fourth and fifth session.

Mr Zamard Khan said that passage of sexual harassment bill from the parliament in fact showed the commitment of People's Party and vision of its leader Mohtarma Benazir Bhutto. Later, Aurat Foundation staff, along with the members from civil society,

sang their traditional Women Anthem 'Darya ki Qasam, Maujoon ki Qasam, ye tana bana badley ga - tu khud ko badal, tu khud ko badal, phir he to zamana badley ga'.

Famous rights activist and dancer Ms Sheema Kermani, along with her group performed choreography, in the fifth session, titled *Meri Kanani* (My Story) on theme of violence against women and extremism in the society.

The choreography, through dance expressions, spoke out the social and cultural violence which women face in the male dominated society. In the end, renowned singer Ms Aliya Rasheed with orchestra presented Sufi and classical music.

A lot of organizations, namely, First Women Bank Limited, Ministry of Human Rights, Pakistan Red Crescent Society, PODA, Aurat Foundation also set up stalls to display their products, information and publications.



Call for protection of human rights

Aurat Foundation in collaboration with HRCP, Asian Human Rights Commission, Pakistan Institute of Labour Education & Research (PILER) and Youth for Human Rights International arranged a seminar on December 10, 2010 at PMA House, Karachi to celebrate the International Human Rights Day. Speakers of the seminar were Justice (Retd.) Shaiq Usmani, Munir Malik, former President Supreme Court Bar Association, Mahnaz Rahman, Regional Director, Aurat Foundation, Nizamudin Nizamani, social worker and columnist, Fareeda Abbasi of Youth for Human Rights,



Fareed Awan, labour leader from PILER, and Dr Abdul Hayee Baloch, former Senator. Tauqeer Chughtai recited a poem on the occasion. All the speakers highlighted the inviolability and protection of human rights.

Candle light vigil in Lahore

AF Lahore office started the 16 Days of Activism activities by organizing a candle light vigil on November 25 in front of Lahore Press Club. The vigil

elimination of violence and harassment against women. A huge media both electronic and print media covered this activity.

was participated by Mehnaz Raffi, a prominent politician and former MNA, Nasreen Zehra, Resident Director, AF Lahore and representative of different civil society organizations. AF Staff prepared placards with different slogans demanding



Shaheed Benazir Bhutto Human Rights Awards for civil society activists



Leading human rights activists from Pakistan were recognised at a ceremony held at the President House on December 9, 2010, to mark December 10 - the International Day of Human Rights. The ceremony was organised by the Ministry of Human Rights and supported by the United Nations Development Fund for Women (UNIFEM-Part of UN-Women), Pakistan office.

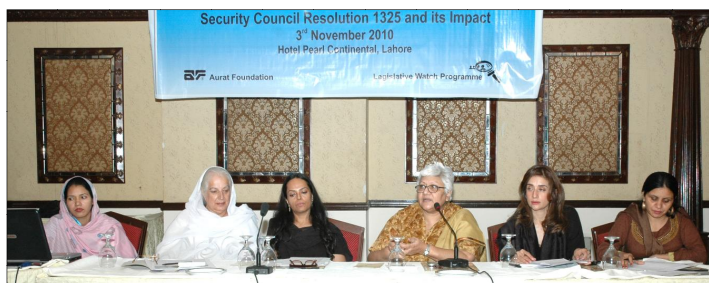


In the pictures above, President Asif Ali Zardari is giving Shaheed Benazir Bhutto Human Rights Awards to prominent human rights defenders of

Pakistan. (From left to right): Nigar Ahmad, founder Executive Director of Aurat Foundation (inset) was the first among all awardees to receive the award for setting up a countrywide programme for legal rights and gender equality demands in Pakistan. She

could not attend the ceremony due to her illness. Her award was received by Mohammed Tahseen, Executive Director of South Asia Partnership (SAP-PK) from Lahore, who is also Member Board of Governors, Aurat Foundation. He also received his own

award. Next to him, Nasreen Azhar, a member of Women's Action Forum and Human Rights Commission of Pakistan and a veteran human rights defender is receiving her award. Naeem Mirza, COO of Aurat Foundation also received an award for his advocacy for women's human rights. Marvi Sarmad, Rehana Hashmi, Chaudhry Shafique are also seen receiving awards from the President. Sameena Nazir, Director Potohar Organization for Development Advocacy (PODA) is seen with her award at her office.



Discussion on SCR 1325 and its impact

Aurat Foundation Legislative Watch Programme team of Lahore office of Aurat Foundation, organized a provincial seminar on 'Security Council Resolution 1325 and its Impact' at a local hotel, on November 3, 2010. The event was attended by the representatives of civil society organization, women parliamentarians, academia, women political workers and media. Ms Rubina Saigol presented the history of Security Council resolution 1325 and Ms Shaher Bano Khan briefed the participants about the eighteen articles of the Security Council Resolution 1325. Ms Zakia Shahnawaz, Advisor to Chief Minister, Punjab, was the chief guest on the occasion.



Representatives of political parties and civil society organizations, university students and women's rights activists, intellectuals, poets and media friends gathered under the banner of Insani Haqooq Itehand (IHI) and observed candle vigil at Kohsar Market, Islamabad, to pay homage to Shaheed Salman Taseer, who was assassinated in Islamabad on January 4, 2011.



(L to R); Mahnaz Rahman, Resident Director AF Karachi office, Zakia Shahnawaz, Advisor to Chief Minister, Punjab, Tauqeer Fatima Bhutto, Minister for Women Development, Sindh, Amina Ansari, Member Legislative Assembly, Gilgit-Baltistan and Raheela Durrani, Minister for Prosecution, Balochistan, at a national consultation held on November 11, 2010, at Islamabad hotel, under the auspices of Aurat Foundation on National and Provincial Legislative Initiatives on Women's Rights Issues. Bushra Gohar, Chairperson, Standing Committee of the National Assembly on Women's Development, was the Chief Guest.



A delegation of women from the civil society organizations and media in Pakistan was invited by the US State Department to attend International Visitors Programme for Pakistani Activist Women in September-October 2010. The delegation visited four states in America namely Washington, Jourgea, Arkansas, Seattle and New York. The main objective of the program was the networking with other US departments like Human Rights Department, Health Department, UN Department and NGOs. The delegation comprised Malka Khan, Rabeeha Hadi, Aqsa Khan, Erum Wali Khan, Asma Malik, Zahida Dethio, Aliya Ijaz, Zainab Saeed, Huma Fouladi and Aaima Mehmood.