

***Karo Kari
TorTora, Siyahkari,
Kala Kali***

**“There is no ‘honour’ in killing”
National Seminar Report**

25 November 2001, Lahore



سوانحیہ رپورٹ مسلمانوں کے حقوق
Women living under muslim laws
النساء فی ظل قوانین المسلمین
Femmes sous lois musulmanes

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شرکت گاہ

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Glossary

<i>diyat</i>	blood money payable to the heirs of a victim in case of murder
<i>faislo</i>	variously used in Sindhi for the resolution of a dispute, a decision and a judgement; also used to describe the traditional system of adjudication/settlement
<i>ghairat</i>	honour
<i>hadith</i>	<i>sayings of the Prophet Mohammad (pbuh)</i>
<i>harjana</i>	<i>compensation</i>
<i>ijtihad</i>	<i>interpretation by the Muslim community</i>
<i>iwaz</i>	<i>compensation in the form of girl or money</i>
<i>jirga</i>	tribal council
<i>kala kali</i>	refers to honour killings in Punjab where the victims are accused of illicit relationship (<i>kala</i> being man; <i>kali</i> being woman)
<i>karo kari</i>	refers to honour killings in Sindh where the victims are accused of illicit relationship (<i>karo</i> being man; <i>kari</i> being woman)
<i>khoon-baha</i>	blood money
<i>kot</i>	village
<i>mairh</i>	a delegation of local notables in Sindh
<i>maulvi</i>	Muslim cleric
<i>mullah</i>	Muslim cleric
<i>nikah</i>	literally conjunction; in law denotes the marriage contract
<i>panchayat</i>	informal court constituted by community comprising elders and noblemen
<i>pirs</i>	ordained spiritual leader
<i>qisas</i>	retribution for murder and bodily hurt, e.g., an eye for an eye

<i>razinama</i>	reconciliation agreement
<i>sardar</i>	chief
<i>shariah</i>	the law, including both the teachings of the Qur'an and the traditions of the Prophet (pbuh)
<i>siyahkari</i>	refers to honour killings in Balochistan where the victims are accused of illicit relationship
<i>swara</i>	a woman given in compensation to the aggrieved party to settle dispute in NWFP
<i>taana</i>	<i>accusation</i>
<i>taazir</i>	any punishment other than <i>hadd</i> , in matters relating to <i>qisas</i> and <i>diyat</i> , discretionary punishment awarded by the court other than <i>qisas, diyat, arsh, daman</i>
<i>tor tora</i>	refers to honour killings in NWFP where the victims are accused of illicit relationship (<i>tor</i> being man; <i>tora</i> being woman)
<i>wadero</i>	Sindhi feudal lord
<i>watta satta</i>	exchange of women in marriage between two families
<i>zan, zar, zamin</i>	woman, gold, land
<i>zina</i>	extramarital sex; includes both adultery and fornication
<i>zinakari</i>	<i>adultery</i>

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Backdrop

During the course of activities initiated by Shirkat Gah under its “Women, Law and Status Programme” involving community based organizations in Sindh, various incidents of a cruel custom came to surface due to which the lives of countless women and girls are sacrificed. Further investigation revealed that the roots of this custom, known as *karo kari*, are deeply entrenched and that motives behind murders taking place in its name are also surprisingly varied. Shirkat Gah thus realized the importance of further broad based and systematic research concerning this issue, which it initiated in the three provinces - Punjab, NWFP and Sindh. For sharing research findings and for initiating discussion on problems encountered during the field experience, Shirkat Gah organized a seminar on 25th November 2001. And in response to subsequent persisting demands, what follows is the proceedings of this seminar that were printed (in Urdu) in the form of a special bulletin. Presentations are being printed as they were made.

Introduction

Violence against women is not confined to our country alone but its prevalence is evident across the world. Violence against women is a phenomenon that takes several identifiable forms and cuts across national, ethnic and social backgrounds. In Pakistan certain social precedents, call them customs or traditions justify acts of torture, violence and murder infused with a sense of righteous pride. The worst of such customs is that of so-called 'honour' killings. In Baluchistan, the act of 'honour' killings is termed *siyahkari*, *karo kari* in Sindh, in NWFP *tor tora*, and *kala kali* in the Punjab.

In all four provinces of our country there are areas where this custom persists in its worst forms even today. On the accusation of illicit relations, women and men are murdered, although women form the majority of victims. The primary reaction to these acts is silence. Majority of the population consider such actions justifiable.

Shirkat Gah wants to shed some more light on what this issue entails and why it continues to persist. We also want to determine the type of action that can most effectively be initiated against it. We hope that by the end of this seminar some recommendations and suggestions will emerge that can provide further guidance in this regard.

It is a source of great pride for us that Dr. Attiya Inayatullah, the Federal Minister for Women and Special Education, is the chief guest for this event. Our panelists include the honourable Nasir Aslam Zahid, former Chief Justice of the Supreme Court and Syed Iqbal Haider, who is also a former senator. Mr. Haider is amongst the few senators who proposed and backed a resolution against 'honour' killings in the Senate. We also have Ms. Neelam Hussain on our panel. Ms. Hussain is associated with Simorgh (a women's organization), she is deeply involved in work on human rights, particularly women's rights issues. A Senior Superintendent Police, Ghulam Nabi Memon, was supposed to attend but he excused himself saying that he would send someone else from the department; however, we have since been unable to reach them.

Shirkat Gah's programme 'Women, Law and Status' is operational in three provinces of Pakistan. Part of this programme requires direct involvement with community based organizations. The issue of *karo kari* is very serious in parts of the Sindh where our CBOs are working. It was due to their specific identification of the issue and insistence that Shirkat Gah began research on the subject. The purpose of the research is to determine the inherent dynamics and underlying realities tied to the incidents of 'honour' killings. We wanted to find out the real motives behind such occurrences and whether illicit relations were the foremost cause or mere suspicion considered reason enough for committing such an act. Conversely, were these only excuses while the real motivating factors were greed of acquiring land, or avoiding punishment for another murder by declaring

a woman a *kari* and murdering her to obtain customary endorsement for their actions. We wanted to find out if all these things really do happen? One purpose of the research was to clarify misperceptions and gather information about the prevalence of this custom in Sindh and another two provinces – Punjab and NWFP.

Our research did unearth various aspects and issues concerning the subject that had not been evident before. For example, within Rajanpur in the Punjab, very similar incidents to those in Sindh are taking place under the name of *kala kali*. Then we further broadened the geographic scope of our research to find out if similar occurrences were evident in NWFP. The research eventually took place in three tehsils of district Larkana in Sindh, three tehsils of Rajanpur district in the Punjab and in Mardan, Swabi, Peshawar and Malakand Agency in NWFP. We solicited people's opinion on the subject and asked them about its origin and what they considered to be feasible means for its eradication since it is an act that is clearly illegal and there is no law within our constitution that could possibly lend it any support.

Organizing the seminar on this particular day is due to its concurrence with the International Day against Violence Against Women that is part of a chain of activities spanning over a period of sixteen days, from 25th November to 10th December, protesting violence against women.

Farida Shaheed

16 days of activism against gender violence

In 1991 Women's Global Leadership Institute with support from Centre for Women's Global Leadership initiated the "16 Days of Activism Against Gender Violence" campaign. This protest campaign starts from the 25th of November (the International Day Against Violence Against Women) and ends on 10th of December (the International Human Rights Day). These dates have been consciously chosen to establish a symbolic connection between violence against women and human rights and to emphasize that all forms of violence are clear violation of human rights.

Sixteen days is an international campaign, raising public awareness on human rights and gendered violence. The time period encompasses four significant dates:

25th November was chosen to commemorate the lives of the Mirabal sisters and marked the day when the three Mirabal sisters from the Dominican Republic were violently assassinated in 1960 during the Trujillo dictatorship (Rafael Trujillo 1930 - 1961). The Mirabal sisters were political activists and highly visible symbols of resistance to Trujillo's dictatorship. They and their families were constantly persecuted for their overt and covert activities against the government. Over the course of their political activity, the women and their husbands were repeatedly imprisoned at different stages. On November 25th, 1960, the sisters were assassinated as they were being driven to visit their husbands who were in prison. The incident caused much public outcry and shocked and enraged the nation. This brutal assassination was one of the events that helped propel the anti-Trujillo movement, and within a year, the Trujillo dictatorship came to an end. Trujillo was assassinated in May 1961. The sisters have become a global symbol of the fight against gender violence and the victimization of women. They have also become the symbol of resistance and have been commemorated many times in poems, songs and books. Their belongings have been placed in a museum.

November 25th has been observed in Latin America and the Caribbean as "International Day Against Violence Against Women" since it was first declared by the first Feminist Encuentro for Latin America and the Caribbean held in Bogota, Columbia, 18 to 21 July 1981. At that Encuentro, women systematically denounced gender violence from domestic battery to rape and sexual harassment, to state violence including torture and abuse of women political prisoners.

Since the World Health Summit 1989, 1st December is being commemorated as AIDS Day. The basic issues taken up in this regard include how to best take care of AIDS patients and how to work on preventive measures against the disease.

On 6th December 1989, about five o'clock in the evening at the Montreal University of Engineering, a 25 years old man, Marc Lepine, opened fire at female students with an automatic rifle. Due to this attack, fourteen people died and another thirteen people were injured. Out of the fourteen killed, nine were women and five men. Marc Lepine was angry because he could not get admission to the university, which he believed was due to increasing competitiveness of women who ended up filling most of the seats on merit. Marc Lepine also shot himself. In his suicide note he named nineteen feminists whom he absolutely detested and regretted that he was unable to kill them. The innocent women who died that day have come to represent the continued injustice and violence being suffered by women. All across Canada, women's groups marched out on the streets after these deaths, held memorials and vigils. Local and provincial governments promised further attention and support to female education to help lessen the injustices against them. In 1991, the Canadian government declared 6th December as the national day of remembering the innocent victims of Montreal Massacre. Numerous women's organizations also emerged within the country after this incident to protect and help women against violence in any form or at any level and to work for promoting awareness.

The 10th of December is commemorated as the International Day of Human Rights. On 10th of December, 1948 governments of several nations jointly consented to and signed A Universal Declaration of Human Rights (UDRC). The United Nations had prepared this declaration after the massive violations and brutalities against humanity that had been witnessed during the Second World War. This day respective nations of the world remind their governments that this declaration was not only a written statement but that all its signatories must frame national laws in accordance with the declaration and that it is the state's primary responsibility to provide and safeguard basic human rights of all its citizens.

The 16 days campaign is global and in all parts of the world this time period is utilized by organizations in holding activities that create awareness and sensitivity towards women's issues in their respective regions according to the needs of their women. These include holding seminars, awareness raising sessions, workshops, advocacy, all geared towards making the world a safer place for women. Many organizations focus on lobbying for legal changes to secure women's rights.

In Pakistan, there is no specific legislation that addresses the issue of domestic violence. The promises made by our government during the Fourth World Conference on Women and more recently in June 2001 Beijing Plus 5 follow-up in New York need to be fulfilled. The government also needs to increase its involvement in and support to women's rights activities besides simultaneously increasing focus on community based action.

Shirkat Gah has been working since 1992 to get the government to 'honour' their commitments. We initiated a signature campaign that was sent to the Vienna Tribunal. Then five years ago we launched a host of activities that began with dubbing proceedings of the Vienna Tribunal into Urdu and showing the videos to community based organizations followed by detailed discussions on the subject. This video was often played during the course of workshops concerning violence. Today's seminar was also timed to link it with the 16 days campaign against violence against women. The slogan of 'violence against women' was changed to 'against gender violence' after the realization that men are also victims of violence, even if in the majority of cases it is perpetuated against women.

Shabana Naz

Section 1

Case studies

- Real life case studies obtained from research findings were presented using multimedia during the seminar proceedings (Shahnaz Iqbal, Nabila Malick and Sohail Akbar Waraich)
- From amongst the participants, Mr. Fazal Hakeem, recounted his experience.
- Hashim Khan narrated two decisions of the *jirga* held under his supervision.

Case studies

Twenty-five year old Rashida's husband, Zahid, had a land dispute with Rizwan's family. To resolve the issue, Zahid and his brothers called Rizwan over to their house. When he got there, Zahid shot and killed Rizwan right outside his house. Then picking up an axe he rushed inside his own house saying that Rizwan was karo with his wife, and that was the reason why he had just killed him. Rashida seeing her husband with an axe in hand and listening to what he was saying, rushed to the cupboard and took out a copy of the Qur'an, swearing and pleading that she was innocent. Zahid, deaf to her pleas, hacked away at her. Rashida and Zahid had gotten married only a month ago. At the police station, an FIR was registered and post mortem performed on the bodies but the local wadero arranged for an agreement (razinama) between aggrieved parties leading to Zahid's acquittal. The wadero decided that Zahid and his brothers should pay Rs 15,000 to Rizwan's family for gorging out his eyes and cutting off his nose.

Javed drove his wife, Amina Khatoon, back to her father's house on the accusation of her having illicit relations with a relative named Ali. After a few days, Javed realized that he had wrongly accused his wife and asked for her to return. Amina Khatoon's father placed a condition for the return. He said that since Javed had falsely accused his wife, either he himself or the person with whom he had affiliated her should pay compensation of one hundred and fifty thousand rupees to him. The issue was taken to the jirga and it was decided that instead of paying the fine, Ali (the co-accused) should wed his own fiancée to Amina Khatoon's brother. On this condition, Amina Khatoon came back to live with Javed. While making the decision neither Amina Khatoon nor Ali's fiancée were consulted by the jirga. When Amina Khatoon's brother demanded Ali's fiancée's hand in marriage, Javed refused saying that if his wife was not kari then how could Ali be karo? Javed said to Amina Khatoon's brother that if he wanted to obtain Ali's fiancée in reconciliation then he would first have to kill his own sister to establish that she was a kari. Aminah Khatoon was sitting in her veranda at home, nursing her child when her brother came and killed her with an axe. Whatever happened to her child is not known.

Thirty-five years old Neelam was wed to Shahid. Shahid's relative Saif had a lingering dispute with another person named Haider. One day Saif accused Neelam of being kari with Haider. Shahid refused to accept the accusation and the matter was taken to the local wadero. The wadero decided that Neelam was kari and had her imprisoned in his own house. In addition he asked Haider to give one hundred and ten thousand rupees as fine to Neelam's relatives. Haider absconded from the village. The wadero raped Neelam during her captivity and had her resulting pregnancy aborted. Shahid wanted to obtain police assistance in getting his wife back but the wadero proved much too powerful. Instead of helping Shahid, police forced his thumb print on a blank piece of paper to be used for divorce. When Shahid reached the village, his relatives drove him out of the house calling him dishonourable and even sold off his house. On the backing of the wadero, Neelam's brothers decided to sell her off in marriage into another clan for eighty thousand rupees. Shahid went to this clan's sardar and swore on the Qur'an that Neelam was his wife and asked for his help in forbidding his clansmen from buying her. But the understanding between the wadero and this sardar rendered Shahid's pleas meaningless. Neelam has been sold off in marriage and Shahid is still trying in vain to get her back.

Twelve years old Reshma's wedding was decided in watta satta with Hayat but then there was a dispute between the two families. However, since the woman in exchange for whom Reshma's wedding was agreed upon had already been wed into Reshma's family, Reshma's father could not call off his daughter's marriage. On Hayat's demand, Reshma's wedding also had to take place. The village maulvi refused to perform the nikkah ceremony because the bride was underage but was coerced to do so at gunpoint. On the wedding night, Hayat shot his young wife five times saying that she had admitted to an illicit relation (been kari) with a relative of her so it was her fate to die.

Forty years old Shumila was wed to Hassan twenty-two years ago. Shumila worked at the local health center as the lady health visitor. Shumila's daughter Resham got married according to her own wishes with the approval of her mother. However, Hassan and his brother filed a case against Resham's husband for abducting Resham. Shumila then went and disputed her husband's charge in court and endorsed her daughter's marriage instead. On the way back from the court, Hassan killed Shumila and claimed having seen her with another man. She was thus labeled kari and slaying her was in accordance to the local tradition. Also, in keeping with the tradition her body was not bathed nor was there a funeral prayer. She was just buried into a hole in the ground. However, all three of Shumila's sons are convinced that their mother was innocent and that their father murdered her. They prepared a proper grave for their mother laden with flowers.

Seventeen year old Rabia was married in watta satta. She lived with her husband in the city but had come with him to the village to visit her in-laws. Her husband had to return to the city for work but he left his wife behind for some time. One day her father-in-law accused Rabia of being kari with her brother-in-law to be. The boy ran away but her in-laws severely beat Rabia. She kept rejecting their accusations. After three months, the jirga decided that the boy with whom she had been declared kari should give fifty thousand rupees to Rabia's in-laws as well as his sister's hand in marriage. Rabia was sold off into another village for forty five thousand rupees. Rabia's husband and her own father disputed the decision but were admonished by the local sardar. The real motive behind this accusation was Rabia's father-in-law's dislike of her and his need for money to wed off his own daughter. Accusing Rabia of being kari solved his problems and also provided the added benefit of obtaining daughter-in-law for another son.

Statistics

One cannot accurately quantify incidents of *karo kari*, *siyahkari*, *tor tora* and *kala kali* ('honour' killings) nor of people who sell off their women. But there are still some figures available. In 1999, national papers reported the following statistics concerning 'honour' killings:

Total incidents	278
Killings	303
Girls	45
Women	258
Marital status known	255
Married	54
Unmarried	101

Out of 278 incidents, in 269 cases victims' relation to the killers was known:

Killed by fathers	22
Killed by brothers	96
Killed by husbands	68
Killed by in-laws	11
Killed by sons	12
Killed by relatives	60

Since reports of such cases are mostly published in Sindh, let us take a closer look at this particular province. In 1999, incidents of karo kari reported in Sindh newspapers were as follows:

Incidents	353
Killed	446
Women	271
Men	175

Karo kari incidents cannot easily be separated from other incidents in which the cause for murder is not officially listed as 'honour' killing or revenge even though subsequently this is seen as the primary motive.

Incidents in which only women were killed	175
Incidents in which only men were killed	101
Incidents in which both men and women were killed	77
Total	353

Despite the country's legal provisions, the sanctity of life is constantly violated by family and by society. Those who usurp this right are not held accountable and even if they are, they get let off too easy. In the first place, very few such cases

are taken to court, and those that get there most often get lenient punishments. Even where Session Court gives a heavy sentence, it is easily reduced during appeal. In a case at Bhakkar's Session Court, 25 years of rigorous imprisonment was awarded to three convicts but the Lahore High Court in its overruling decision said, "It is true that according to law there is no concession in murder if it is on the supposed basis of 'honour' but an 'honour' killing and an intentional killing are not the same and people who commit 'honour' killings deserve leniency which should be granted to them." The punishment was thus reduced to five years.

Experiences

Fazal Hakeem's account

First of all let me say that I don't understand Urdu that well. I am from Swabi and I am also illiterate. I am grateful for the support provided for bringing me here. My son and his wife lived with my daughter-in-laws' parents. My daughter-in-law's brother, her uncle's son and another friend of theirs (three men) killed my son and my daughter-in-law and placed the blame on an innocent person. Sahabzada Khurshid Sahab is a judge in Swabi who gave a court decision against the accused who had been apprehended instead of the real culprits. The accused was given two death sentences in addition to an imprisonment sentence. My son's father-in-law had gotten an FIR (First Information Report) registered in which this innocent person had been named while no mention was made of the real culprits. Certain members of the *jirga* pressurized me to forgive the wrongly accused person by accepting some money and consenting to a settlement. More for the sake of freeing the wrongly accused, I consented to this settlement. The *jirga* had additionally decided to give me three girls in *swara* but I didn't take them. After all this, I want to say that if crime cases are prepared accurately only then can the judicial system do what it needs to do.

Hashim Khan and *jirga* decisions

I also don't know Urdu too well for which I too apologize. We hold *jirgas* in our area for issues facing both men and women. Today I will tell you about two *jirga* decisions.

One *jirga* that I supervised concerned the case of a boy and girl who were caught red handed in a compromising position by the people and brought before the *jirga* for punishment. The boy's uncle came to me earlier saying "*Haji Sahib* resolve this problem through a decision made by the *jirga*." Thus on a Friday, I called a *jirga* and also asked the *maulana sahib* to sit beside me. I told the *Maulana* that the dispute was being instigated by the girl's brother and suggested, "Why don't we give this girl in marriage to the boy with whom she has been caught?" I felt that this was the best way to resolve the problem. *Maulana Sahib* agreed with me so I announced that the girl was to be given in marriage to the boy. They are now happily married and there are no further problems in this regard.

In another case, one of the girls from our village had been married into the Talagang area of the Punjab. She had come home after some disagreement and been home two weeks or so when her husband came to get her back. He came to us and told us that his wife had come back to her father's house following a disagreement. I told this man that we did not know whom he was referring to and could not really help him in finding her. Later on, I found out more about the case through my own sources and went and asked the girl the real reason for

abandoning her in-laws. She informed me that she was being ill treated and even beaten there. She said that they made her do much more work than she was used to doing as an unmarried girl living at her father's house. Her husband brought someone as a guarantor but I refused to accept his guarantee since I didn't know the person so I decided upon twenty-five thousand rupees as surety before sending the girl back to the in-laws. Later on, I got a phone call from them saying how happy they both were to have resolved the matter amicably.

Section 2

Research

The most significant information gathered by Shirkat Gah's research teams during the course of their fieldwork was shared with the seminar participants in the form of presentations and discussions. This entire proceeding was guided by a question/answer format. Sohail Akbar Warraich played the host. On the discussion panel were Shaheena Ramzan and Wahab Pandrani from Sindh, Shahnaz Iqbal and Nargis from Punjab and Yasmin Begum and Waqarunnisa from NWFP. They presented the field-based findings in a comprehensive and interactive manner.

What is this *karo kari* tradition? Are so-called ‘honour’ killings *karo kari*? When did this tradition begin and how did it gain such credence?

Sindh: The research that we undertook included studies and focus group discussions in which men and women presented various opinions that we will like to share with the audience here.

The majority of women had said that this custom has come from Baluchistan from the border area of Shahdaskot in close proximity to Larkana in Sindh. They maintained that people from all over would come to this bordering town during the cold weather and for economic reasons, particularly from areas like Jhal Magsi and Khuzdar. This constant flux of people also brought about an exchange of customs and traditions thus leading to the diffusion of this tradition to other parts of the country. When we spoke to the men, they agreed that nowadays people think that the tradition of *Karo Kari* came from Baluchistan but its origin can be traced back to the Arab settlers in Baluchistan who had many similar anti women traditions even prior to the advent of Islam. The men also thought that since Arab presence had dominated Baluchistan for a long time, it could very well be their influence that implanted this particular tradition in the region.

Some men and women held the opinion that this custom was given credence at the same time when patriarchal traditions came into force and when rules pertaining to ownership and inheritance were being articulated. According to this view, the value of women as chattel was tied to her value as a repository of male and tribal ‘honour’ and this perception brought with it the idea of ‘honour’ killings.

Punjab: In Punjab research was undertaken in three *tehsils* of district Rajanpur. There was no conclusive consensus reached regarding the origin of *kala kali* even though several respondents thought it was a Baluchi custom. It was thought that Baluch have been practicing this tradition for centuries. According to a women’s group, this practice was more rampant in localities of Rajanpur bordering the Sindh province. They felt that the Baluchis, in turn, had influenced the Sindhis, since criminals and convicts from Sindh often sought refuge in tribal areas of the former province. Another opinion dismissed the issue of origin but maintained that when the British took control of the Subcontinent this practice spread rapidly. When asked the reason for this, it was stated that the British were preoccupied by the notion of enhancing their stranglehold over the province and issues like human and women’s rights or provision of facilities to the local populace featured last on their priority. Perhaps they also felt that this was an age-old local tradition and saw no reason to meddle in it. Due to this particular attitude of leniency towards ‘honour’ killing convicts, the practice spread very rapidly and continues to grow unhindered.

North West Frontier Province: In NWFP, a woman being interviewed by the research team said, “This custom has been practiced since the very birth of the

Pathan and will continue until his very death.” However while interviewing other groups and individuals like *jirga* (tribal council) advisors, lawyers and professors, this ethnic stereotype was refuted and we were told by one of the respondents that the Pathan heritage traces its roots back to the Judaic race. The famous Pushto poet, Ghani Baba, has referred to the Greek ancestry of the Pathans. According to other respondents, the Muslims adopted this practice from the Hindus since the subcontinent had been home to both Muslims and Hindus and women had no real status according to the latter’s beliefs. Moreover, Islam never did nor could permit any such act.

How is this tradition put to practice? What actually happens? Is the accusation made first or does that happen after the murder has taken place? Who usually makes such accusations?

Sindh: In Sindh, our research was confined to a specific area, so no comprehensive claims can be made about the province as a whole. In the localities we went to and according to the information that has surfaced so far, first an accusation is made then sometimes the murder takes place instantly and sometimes the killing is a planned act. It was also reported that at times when someone gets killed as a result of a sudden act of violence, the murderer goes and kills a woman from his own household to label the entire episode as *karo kari* incident so as to avoid paying compensation (blood money) and to turn circumstances in his favour. It also happens that a man upon seeing a woman of his household with another man kills her there and then without acknowledgment of any tradition or practice on the basis of which he has acted thus.

Punjab: In Rajanpur, despite conducting focus group discussions, case studies and interviews, it has been hard to obtain any significant statistics concerning the sequence of events concerning *kala kali* incidents, i.e., how many were blamed before being murdered or killed before being blamed? However, whatever chronological details were reported show that there is no predominantly consistent trend in this particular area.

North West Frontier Province: According to the views of several interviewees during the course of the research, the accusation is made prior to the actual killing and, in some cases the actual murder takes place years after the accusation. However, when an insulting comment is hurled at someone referring to that accusation to a male relative, the man may get enraged and murder to the accused to defend his 'honour'. There were reports of such incidents even 25 years after the accusation was first made, as with the case of a woman who had run away from home and was killed by her fiancée when she returned after twenty-five years. Generally, the common trend in this province is that of accusation followed by the actual murder.

Where does a woman, if she survives, go for refuge?

Sindh: In Sindh the most noticeable trend is that women usually do not survive. If by some chance she does manage to survive, the influential local *wadero* (Sindhi feudal lord) is the most powerful person she can try to seek refuge in his house, where she must throw herself at his mercy. But even if she is proven innocent according to his judgment, her status is still that of a *kari* and she can never redeem her character of this blemish. Despite the *wadero's* decision to the contrary, she will still not be accepted back into the folds of society. In case of seeking protection with the *wadero*, a woman becomes vulnerable to abuse and rape by the *wadero* himself, or his associates. In any case, a woman once labeled a *kari* becomes a slave to the whims of the *wadero* who is given free reign in deciding a price and selling her off into whatever clan he deems appropriate. Often she is sold into a far-flung area because in her own area her life can always be in danger. There were very few cases where a woman had fled to the shrine of a *pir* (holy man, spiritual guide). And even if she goes there, she eventually lands back into the hands of the *wadero*. There have been recent cases showing slight improvement in awareness. Some accused women have recently gone for protection to the police station or some other local organization or individual considered somewhat progressive in the area.

Punjab: The women who survive have two options. One is to go to the local *sardar* (chief) and second is to go to the *pir*. In such cases, there are two distinct ways of seeking refuge, one is when a woman directly flees to them or secondly when her family places her in the local *pir's* or *sardar's* custody until a conclusive decision has been reached. After this, the predominant practice is that of selling such women off to far-flung areas but with the consideration that they are sold into the same caste/tribe as their own. Concerning this practice of being specifically sold off to far flung areas, women informed us that it was meant to prevent a *kali's* return to her village and to sever all links with her family and community. Often she is sent far away so that even her bones might not come back for burial. The usual price quoted for such women ranges between thirty thousand to one hundred thousand rupees. It was also said that women are often sold off repeatedly as the person who purchases her is free to sell her off to someone else. One woman was reportedly sold off in this manner for six or seven years.

In cases when the woman accused of being *Kari* is not sold, there are other alternatives for her survival. One is that she ends up as a lifelong servant at the household of the local *sardar*. Another practice is that the local *sardar* gets such a woman married to a household servant if he happens to belong to the same clan as that of the woman. The status of such women is literally that of a slave. Once accused, the woman loses control over her life. No one asks her what she wants. She has to comply with whatever is decided for her. While at the *sardar's* compound, the mental and physical abuse wreaked on such women damages their psyche and status even further. Some other examples came to light of

women who had been accused of being *kali* but were not sold off and somehow got married thereafter and still reside in the same community. But even after the passage of more than twenty years, they were unable to remove the blot of the accusation or lessen the severity of its implications. In case when a woman can not be sold or work in capacity of a household servant, she is married under the terms of marriage of a *kali*. The marriage of a *kali* takes place in the middle of night without any lights. The bridegroom and the bride are dressed in black and the woman is supposed to wear black for the rest of her life. However such incidents are few and far between. One such woman was married for twelve years and had seven children. She is still taunted by men, women and children alike whenever she leaves her house. Similarly other women who are once labeled *kali* are called *kali* forever and they don't have any status for the rest of their lives, which is spent in a state of misery.

North West Frontier Province: Such women rarely escape death. Those who somehow are not killed after being accused are taken to the house of the *Khan* or *Malik* (local landlord) for safekeeping. But nowadays this practice is fast disappearing and the women or girls who are thus accused are married off into the Punjab. The reason for sending them off so far away was again to create sufficient distance between them and their former homes. Their return to their homes and villages is not considered acceptable by the rest of the community, which remains unwilling to tolerate their presence. People in another province marry such women unaware of the accusation on them.

What is the difference between the burial practices of murdered men and women? What is the procedure? Are they buried in a normal graveyard?

Sindh: According to the information gathered from Sindh, Baluchi women informed that in the past if both the *karo* (man) and *kari* (woman) were killed, then the woman's body was not even touched by her own family but rather by the *karo* man's family. Her family felt shame in touching her body due to the enormity of crime committed by her. Instead the *karo*'s (man's) relations would take the two bodies along the riverside or to some distant place in the jungle and drag them by their legs into holes dug into the ground. These graves were not covered decently and completely abandoned thereafter. The bodies themselves were not wrapped in shrouds nor given the ritual bath prior to burial, merely thrown into the ground in the same state as they were found. Even now, similar treatment is given to *karo kari* victims in localities like Kubo Syed Khan. Bodies brought for post mortem are not shrouded and often stripped off their clothes. When inquired why the bodies were stripped, we got the reply that the act committed was of much greater indecency, so it was futile to attempt to cover up the bodies. In other areas, victims' bodies are doused with water from a distance since touching them is believed to pollute hands.

In the Rorhi area of Sindh, it was discovered that certain tribes, as per their tradition, take the girl accused of being a *kari* into the jungle for her death and the very first blow is inflicted by her father. He strikes her on the neck or some other vital part of the body and if he lacks the strength or the resolve to kill her, someone else may then finish her off. Besides this, relatives are not allowed to mourn or cry for the deceased *kari* or say funeral prayers or cover the body in a burial shroud. Previously men were also not given the bath before burial either, but now a *karo*'s body is bathed, shrouded and given a ceremonial burial including prayers. In areas nearer the cities, there is some leniency being shown towards women victims as well which includes bathing, shrouding and funeral rites as required by the religion, but this happens in areas near cities only.

Another issue that was revealed was the reluctance of the local clergy to lead funeral prayers of *karo kari* victims. They consider it unjustifiable to hold funeral prayers of such big sinners and consent very reluctantly and usually under immense pressure.

Punjab: In tribal areas of the province, *kali* women are killed and chopped into pieces and dumped into the river to wipe out any permanent trace of her existence on earth. There are certain rural areas where such women are hurriedly dumped into the ground without a burial shroud.

In certain areas there are places near graveyards from where potters extract mud for making earthenware, where holes are made into the ground. Whenever a *kali* woman is killed she is dragged and dumped into this hole and covered with a bit

of dirt, not enough to prevent animals from digging up the body. It is not considered worth the effort. Another thing reported was that a *kali's* face is not shown before she is buried and no one is allowed to mourn or even express sorrow for her death.

North West Frontier Province: In certain areas of the NWFP if men and women are killed together after being found in a compromising position they are not given a funeral prayer. However, if a man and woman are killed separately, then there is a burial prayer and all other normal rituals are observed including burial in the proper graveyard. But there were also reports of incidents, where bodies were chopped into pieces and thrown into the river.

How is the punishment, for those accused who escape being killed, determined? Who sits in such *jirga* or *panchayat*? Are the accused boy and girl or their family members, allowed to sit in such proceedings or the *wadero* makes the decision alone? What is the procedure?

Sindh: In certain areas including Jacobabad, the judgment for theft and *karo kari* is made with the help of a walk over embers (see below for details) test. Besides this, the authority of determining a fine rests with the *wadero* only. Now it has almost become a business, where the *wadero* takes five or ten per cent as commission for his personal expenditure and reserves the right to sell off the woman in question. The *kari* women are also exploited and abused by *waderos*. There are also incidents reported of *waderos* themselves getting married to the accused or of giving her to their sons or else of subjecting her to sexual abuse without laying any overt claim over her. It was found that people living in border regions of the province prefer decisions in such cases to be made by *waderos* in Baluchistan. The reason given for this was that whenever decisions are made in Sindh, the maximum fine determined is that of two hundred thousand rupees whereas in Baluchistan the *waderos* charge fines up to five hundred thousand rupees. And another reason quoted was that in Baluchistan the *waderos* are more powerful and effective and their decisions are considered irrefutable even by the people in the surrounding areas.

One thing became evident with regard to decisions in Sindh. If a female's relatives kill their woman, then they reserve the right to kill the accused male. Thus, the man's side has to give immediate compensation to save his life and there is no way out for them to bypass or subvert this process.

Punjab: During the research, a couple of procedures have surfaced that are most frequently used. Most decisions are not made by resorting to legal channels that involve going to the police station or the courts but are reached through availing the discretion of local *pirs*, *sardars*, or other influentials of the area. The decision maker is given the names of the accused and the decisions are reached after hearing accounts of witnesses who come and give statements under oath. Several women spoken to during the research openly said that people often bear false witnesses.

Another practice that was reported and mentioned above as well was that of using a walk over ember test to ascertain the guilt of the accused person. According to this practice, the ground is dug out in an area of about seven feet length and two and a half feet width, in which fire is lit which is called '*mach*' in the local language. When the fire turns into embers, the person accused of being *kala* is asked to run across the bed of embers and if his feet get burnt, he is considered guilty and if not, he is considered innocent and wrongly accused. If the accused belongs to an influential family, his family might bribe to keep the fire low. In this way the feet are not scathed and the 'not guilty' verdict is obtained.

In some localities, besides the *sardar* or *pir*, local influentials often make decisions after hearing the witnesses and the respective parties are compelled to accept these decisions as they are mostly landless farmers tilling the *sardar's* lands. *Pirs* are held in high esteem. People are convinced that if they do not accept a *Pir's* decision, some calamity will hit them. Disobeying a *Pir's* order is viewed as an unforgivable sin. Therefore, people accept their decisions without question.

It also came to light that when the decision-making process is going on, the family of the *kali* is in a strong position to make monetary demands since their woman is already killed and the 'honour' of the family already stained. Such families are considered justifiable in seeking financial compensation.

When the charge on *kala* is proven, whether through witnesses or the ember test, he is commonly sentenced with fine. Either he has to give '*chatti*', the amount of which goes up to two hundred thousand rupees or more, or they have to give '*iwaz*'. If a young woman is unavailable, then two girls are given as compensation. The common method to determine the age of young girls is to make her sit on an inverted pitcher of a specific height. If her feet reach the ground, she is not considered underage. In many cases it has been learnt that three-year-old girls have also been offered and accepted in exchange. It is then left up to the discretion of the aggrieved *kali's* family to take the girls immediately or let them stay with their parents till they reach puberty. The parents no longer have any rights over such girls. They can be married within the aggrieved party's own family or else sold off by them or treated however deemed fit by them.

Women expressed great dissatisfaction and discontent with the decision-making processes. They complained that the whole procedure is designed to prove guilt and punish the women. It makes it impossible for her to prove her innocence. The only purpose of these forums is to decide when and where the woman will be sold to make more money. They also said that no woman is included in the decision-making process. They are not even considered worthy as witnesses. Women are not consulted even if the incident takes place within the confines of their own households. Women are not given any chance to express their views or to say anything during this entire process. During the whole research, not one case was reported where the decision was announced in favour of the woman or to prove her innocent. Neither did any other decision come to our notice which could be called sympathetic towards the woman in any way.

North West Frontier Province: In cases where a man and a woman are found in a compromising position, they are both killed instantly and later both sides are reconciled by the *jirga* which decides how much fine the killer must pay and this can range from three to twenty hundred thousand rupees. However, if the case occurs in a poor household where the killer's family cannot afford to pay such amount, they may provide '*swara*' (a woman given in exchange to the aggrieved

party). Whatever financial compensation the perpetrator of the 'honour' killing gives, the *jirga* keeps no part of it, except to cover costs of feeding people who take part in the *jirga* proceeding. On such occasions, usually a lamb is sacrificed bought with part of the money provided by the killer's family.

What are the common causes for 'honour' killings? Is it the accusation of illicit relations or is it something else?

Sindh: During the research, people told emphatically that customs like child marriages, *watta satta* (exchange of women in marriage between two families) and personal feuds are the underlying factors for the prevalence of this particular tradition. Women said that men often kill their mothers, daughters or sisters in order to kill a man from the opposing faction without retribution. Even if the opposing faction member is not murdered, money, land or a hand in marriage is obtained from them. Another common motive is to usurp woman's share of inheritance. So accusing her of being *kari* and murdering her prevents not only loss of property but provides the added gain of compensation from whoever is accused as *karo*. Sometimes a fiancé will accuse his fiancée of being *kari* if he doesn't like her or wants to marry some other girl. These days a fiancé is also considered justified in getting compensation obtained from the co-accused.

Another important thing we noticed was that if there is an indication that a woman is raising voice against repressive traditions or talking of change, she is also labeled *kari*. For example, there was a case where a woman had endorsed her daughter's choice in marriage and was consequently labeled *kari* and killed. When we visited the place ourselves, it was learnt the reason behind this action was the fear that this woman who had endorsed her daughter's choice in marriage could take other bold steps. She was considered an encouraging influence on other women for making independent decisions concerning marriage. Thus to demonstrate the consequences of bold actions, she had been killed.

With time *karo kari* has also assumed a commercial aspect. Poverty and economic disparity is another major underlying cause. During the research it was learnt while talking to men's groups that when people are economically weak a convenient way of acquiring wealth is to declare a woman of their household *kari* and subsequently seek compensation from the co-accused.

In areas where *waderos* are all powerful, they also instigated people to murder to hold sway over the community. Suspicion was identified as a major factor in *karo kari* cases. Often people have specific/strange notions concerning relations between men and women. Wherever a man and a woman are seen together they are automatically assumed to be involved in illicit relations deserving instantaneous death. Sometimes a woman may accuse another woman due to personal jealousy or intra or inter family tensions.

In Sindh, the famous word affiliated with *karo kari* is a '*taana*'. If someone is sitting at a public place and gets into a fight where he is told "first go and put your own house in order," it is taken to mean that one of the women in his household has illicit relations with some man. To prove his 'honour', the man will have to

commit murder. Incidents instigated on the basis of a mere *taana* are quite frequent.

Punjab: In the light of the information collected, the foremost reasons are similar to those encountered in Sindh where family feuds lead to killings. To cover the crime, those killed are declared *kala kali*. Many a times disputes over water distribution cause conflicts often leading to violence and murder. When a man kills another man, to escape punishment he accuses a woman in his household of association with the murdered man saying, "I have killed a man, so you should prepare to die as well." Thus a wife, a daughter or a sister is killed.

Besides this, murders take place to acquire wealth or to capture someone else's land. If a person is tilling someone else's land, then the best way to acquire it is to label a woman of his household *kali* and claim that the owner of the property is *kala* so his land should be given over as compensation. Murders take place on suspicion as well. For example, if someone is lingering around a household or a stranger passes by a household, he is considered suspicious. Or if someone's daughter, sister or wife is working in the field and even so much as looks up at someone, she can be held accountable for staring at a stranger and brought to task. It raises the suspicion of an illicit relation, and can escalate to her being labeled *kali* and thus killed.

Women said that men use this practice to suppress and control women. We came to know of a case of a Punjabi woman who had married a man of her own choice. Her brother declared her *kali* and was determined to take her life. The husband and wife were on the run for their life but somehow the brother found out their whereabouts. He came and killed his sister and dragged her all the way back tied to his motorcycle to demonstrate the seriousness of her crime to women having any such intention.

According to the information obtained through an interview with a journalist, Baluchis defend the practice of 'honour' killing since 'honour' is affiliated with this act. Syed families kill their women to prevent their marriage out of family. As for people belonging to lower economic class, they kill their women to avoid the label of dishonour, so they could live honourably in their communities.

North West Frontier Province: In certain areas, women are not given a share in inheritance. When these women ask for their share, they are accused as being dishonorable and their lives are swiftly put to an end. In certain places, jealousy and envy amongst women result in accusations that lead to their murder. At times marriage proposals lead to accusations and murders. When a particular proposal is refused, the boy's family accuses the girl to compel her brother to take her life. But in NWFP, there is no evidence of women being killed due to feuds between families.

What are the changing trends over the past fifteen or twenty years with regard to decision-making and accusations in 'honour' killing cases? What are the factors for the continued prevalence of this tradition?

Sindh: Research illustrates that previously when decisions were made, no one could speak against them. But now there has been a major shift that the verdict can be debated. The accused party is at least given a chance to speak in his/her defense and relate the incident and sequence of events therein. In this regard, there have been some important changes. One, the accused is given a chance to give his version. Secondly fundamental change has been observed that people have begun to raise questions in such cases whereas previously there was absolute silence whenever the term *karo kari* was used. In Shikarpur, there was a decision in which a *karo kari* accused was declared innocent. The decision was reported in the media. After a short while there was another similar decision. Within our designated work area in Sindh (Shikarpur, Jacobabad and Larkana), this is the first time that something like this has happened. People consider it an important change.

Another changing trend has been observed in Ghotki, where a local *sardar* gave a decision that a woman would not be granted as compensation. There have been reports of similar decisions in Shikarpur. Newspaper articles on the subject are creating awareness and causing positive change in attitudes. The commercial aspect of *karo kari* is being criticized openly by many Sindhi papers. Much has been written about the reported cases of land disputes leading to such incidents. This advocacy campaign, commenced in the early nineties, and due to the media campaign people have begun to openly question and discuss the issue as they have become more aware. Secondly the work done by NGOs also needs to be acknowledged in this regard. NGOs have made remarkable contribution in raising awareness on the subject. In Sindh, when we held our initial workshops on the issue, local people called us dishonorable and some of them still think that way. But now the situation has changed. In localities like Shahdadkot, women get together to discuss the practice of *karo kari* and even the influentials of the area have begun to denounce this tradition and the commercial aspect that often lies underneath it. This changing trend is being promoted to a great extent by the work of NGOs.

Politicians were previously reluctant to talk about the issue and avoided it on the premise that they did not want to tamper with traditions but now that people themselves have begun to debate the issue, political parties are also changing their attitude and thinking about adopting a stance on the issue.

There is some change in the government's attitude. Previously, whatever decision the *wadero* took was considered final but during the present government's tenure, a committee has been established to combat the practice.

If good representatives come into such committees and actively take an interest then much can be done to root out this practice.

Women's role too has been changing. Previously they were not allowed to defend themselves nor did they have any say during the decision-making. But now there is a change. The women who are accused as *kari* are themselves becoming vocal and demand inclusion in the decision making process. We have heard of a few incidents where women, literally hung on the backs of the cars in which men were driving off, demanded to be taken along to prove their innocence. When they were not taken, they used other strategies such as going to the press club. There they gave statement to clear their position and declared the decision process concerning their character was incorrect and unilateral. So far this has not helped them getting a decision in their favour and they were fined. However, this is a change from the traditional practice and women accused of being *Kari* are coming forward and trying to give their side of the story. These incidents took place in Shahdadkot.

Punjab: Some changes with regard to this practice are evident. There is a greater likelihood that women who have been accused as *kali* and are in the custody of the *sardar* can meet other women of their family, whereas in the past such visits were impossible. These visits take place under the supervision of trusted maidservants of the *sardar*. Another change is that in several cases brothers have defended their sisters, claiming that she had been falsely accused. In the past brothers were the most likely murderers of their sisters. In some cases, brothers totally rejected accusations made on their sisters and landed them complete support.

Another change is that local papers have begun reporting such incidents more frequently whereas in the past there was complete silence on the issue. Even now not all incidents are reported in the media; never the less the issue has been raised in print to some extent.

With respect to factors that reinforce this tradition, women said that each killing in the name of 'honour' strengthens this tradition. Specially in Rajanpur area there is no resistance movement, neither are there any organizations to take up the issue. There still prevails forbidding silence in this regard which needs to be broken. Some women also said that those who commit such crimes get away without any punishment or with a light admonishment. They walk around proudly which also encourages others to follow suit with the assurance that afterwards they can lead a normal life. The women also pointed out that the society lauds such criminals as honourable hence the continuance of the tradition. They gave examples of several Punjabi families of the area, where there was no such precedence of such a tradition, yet they became influenced by their surroundings and reportedly have started accusing and killing their women as *kalis*.

With regard to the question of decreasing incidents, women said that there is no let up but an increase. However, our researchers felt that in areas where there was a slightly higher level of education, the number of incidents was decreasing. Otherwise in all tehsils of Rajanpur district, this practice is very much alive.

North West Frontier Province: In NWFP, previously the accused were killed immediately but now (in very few areas) instead of murder the accused are married to each other. This change is due to increasing level of education. Those who sit in the *jirgas* are also more educated and make decisions cautiously and are more inclined to get the two accused married to each other. Another change concerns the declining trend of giving 'swara' in each case. If it is promised, people withdraw the claim. In areas where NGOs and other local organizations are active and work with communities, their members participate in local *jirgas*. According to women of one such locality, there was a discernable change and such incidents were decreasing rapidly. Now if there is report of any such violence against women, it is immediately brought to the notice of *jirga* which deliberates on the case and gives its verdict.

What is and what should be the role of the state institutions in such incidents?

Sindh: The police in our area never go against the wishes of the *wadero* since he is the one whose recommendation gets them their job in the first place. Often the police staff is corrupt and their role in this regard is quite negative. Sometimes the police are paid before a *karo kari* murder is committed and sometimes the *wadero* informs the police that a certain person is going to commit a murder and then present himself at the police station. Since it is considered to be an act of 'honour', the police are expected to give him some concession.

Though there is a slight change, still a person who commits a *karo kari* murder is referred to as a 'prisoner of honour' at the police station. Another problem concerns the judicial proceedings. The time taken to resolve cases is very long and the cost incurred is too high. Similarly, appeals too take a long time. People prefer to go to the *wadero* and obtain a private decision. As far as the state is concerned, its decisions are not expeditious and those accused of 'honour' killings are given several concessions. However in one case the accused of murder was sentenced to death. Legal procedure is slow and there is likelihood of corruption. Previously there were sub-divisional magistrates but now with the new district government system, who knows what system will emerge and who will work on cases of this nature.

Punjab: In Rajanpur women said that no significant role has been played by the state to check this tradition. Instead, the state is perpetuating it further by not punishing the murderers in such cases. They said that murder cases of this sort are primarily not registered in police stations. If the police does find out about the murder, then local residents do not provide any help or give testimony. Even if a case is registered, it is not followed up properly. Instead the accused bribe the police and even the challan is not presented in the court. If relatives of the *kali* try to follow-up on the case and manage to get the accused arrested, he is freed on bail after one or two appearances in court.

Women said that perpetrators in such cases are not afraid of the state or the existing laws because they know that the maximum punishment they will face is a month or two in jail before being released on bail. Most women stressed the need for more stringent legislation to help put a stop to this practice.

North West Frontier Province: If both the accused (man and woman) are killed then neither side will get the case registered with the police. It is considered a matter of shame to take such case to court. The majority relies on *jirgas* for decisions in such matters and cases are not registered at all. However, there are some cases which were registered but the police was bribed and they were declared suicide cases.

What difficulties were encountered in obtaining information during the research?

Sindh: In terms of administrative hurdles, the police department is very uncooperative. Different objections were raised, asking us for this or that document. If you go to the police station, they are reluctant to give any information fearing that this will be later used against them. In this regard, it is important to mention SP (Superintendent Police) Ghulam Nabi Memon who is taking interest in registering such cases but he will not remain SP forever and there is no guarantee that the next SP will be sensitive to the issue. Therefore, this is not a permanent solution. There are administrative hurdles which need to be removed.

Sindh: While investigating we had to face the hostile attitude of the police and then also cultural constraints. Since the practice has customary approval, local people do not want to condemn it nor talk to us about it, as they don't want to get into trouble themselves.

Punjab: To conduct a research on 'honour' killings in an area like Rajanpur, was a very demanding task because no other organization had taken up women's rights issues before, particularly concerning a subject like this. The biggest hurdle was that of holding programme activities in tribal areas and informing people and making required logistical arrangements. For this purpose, we would first send our resource person to the concerned area to inform the community of our arrival but not disclose the subject of our discussion. When we met with women, during the course of conversation, the issue of 'honour' killings came up by itself. We did not bring up this topic directly and first talked about general women's issues. Women were very reluctant to talk about this topic and were afraid lest their families should find out as they are strictly told not to speak about such issues which are considered unpleasant and dishonourable. They also had suspicions that the information being solicited could reach the police or court. Our methodology was to go to areas where some incident had taken place and talk to the affected women. During the course of group discussions, if there were some women, who had been victims, they found it very difficult to relate this part of their life. They feared as soon as they would go back they would have to face a barrage of queries from their family and it would only add to the existing pressure on them.

North West Frontier Province: We also faced difficulties and the women were mostly hesitant to speak. Elderly women were even more reluctant to speak. Younger women were more open but were often admonished by older women in the group for sharing confidential information about their locality which could get them all into trouble. They were afraid that we would print the information in newspapers or broadcast it on television. In fact, men were much more cooperative than women and gave us information quite openly and without hesitation.

Sindh: Our team undertook great peril during our investigations. At certain places there was danger of us being labeled *karo* and killed on the spot. We were even threatened that if we did not stop our work, we would be accused of being *karo kari*.

Baluchistan

Although we did not conduct research in this province, information provided by other provinces has many references to the Baluchis and Baluchistan. Therefore, a brief analysis of the information on this province obtained from district gazetteers and other official documents is being given.

Baluchistan is different from other provinces in that its gazetteers contain mention of each locality's customs and rituals. Among these *seyahkari* (Baluch and Berahavi areas of Baluchistan used the term *seyahkari* and in Pushtun areas there is no specific term, only the word *zinakari* is used) has been mentioned including detailed descriptions and standards under the heading of code of 'honour' of each area. Its punishment and mode of punishment have also been described with reference to different tribal traditions. It should be kept in mind that these gazetteers were compiled during the end of the nineteenth or beginning of the twentieth century and at that time various parts of the province had different administrative rules. Certain areas were under direct rule of the British whereas others fell under the domain of the State of Kalat.

However, *seyahkari* was practiced differently in different tribes regardless of administrative controls. There was not much change in tribal customs during the British rule. The gazetteers mention that whatever customs prevailed before the establishment of British rule remained in effect even afterwards. There were minor changes, for example in Kalat when some *seyahkar* male paid compensation the government was also entitled to part of the amount. In the Kachi locality among the Magsi Baluch people, there was a custom that if a *seyahkar* male ran away, another male of his family was killed in his place and thus the feud lingered on for years. On the 9th of February 1906, the royal *jirga* issued a decision that if in place of a *seyahkar* some other innocent is killed, it will be considered murder. It will have a punishment and according to the rule the murderer will have to pay the blood money. The government political agent had also consented and became a signatory to this decision. Besides such minor amendments, there was no real interference by the government in British dominated areas.

This custom is today found in all four provinces and there is a clear difference in its practice from the past. When we look at the history of this custom in Baluchistan, we only find cases against wives, except for the area of Sibi where widows are included. However, there is no mention of unmarried girls in the gazetteers. So it is not clear what happened to the accused women who were unmarried.

In the area of present day Makran division, the difference from the rest of the provinces was that murder was rare and when there was reconciliation the

seyahkar male had to marry the accused woman. If the *seyahkar* man refused to marry her then either he lost his life or else made to pay *harjana*.

If you consider this system of Baluchistan, there is first of all an underlying principle which denied refuge to anyone accused of crimes of murder in *seyahkari*, except in certain areas of Loralai, Sibi and Lolan. Secondly, in case of bloody murderous clash between the tribes, one tradition was that if on behalf of the woman of the other tribe, the Pir or Syed intervened, crime could be forgiven. *Seyahkari* was a crime which would never be forgiven except in certain areas where the act could be forgiven on intervention and after paying compensation. There were also details about what would happen if both the accused were killed or if one of them survived. Ninety years ago, it was all clearly spelt out. The limit of compensation in Khandari currency was also mentioned. In Makran locality, there was a special clause regarding compensation by which not only the affected husband but the wife's parents received the money in proportion (the husband got three-fourth of the share and the parents' one fourth). The condition attached was that if the man and woman having illicit relations eloped then the husband was obliged to divorce the wife. The procedure of divorce, as well as the status of divorce, has been discussed in detail. It is also stated whether or not and with whom she is allowed to remarry.

In certain areas differences appeared, as in Pashin, where the Kakkar tribe had the tradition that the accused women's husband was compensated and she could marry her co-accused. Similarly in Sibi, Venechi Derain and again Kakkars and Makrani tribes have been mentioned. This means that there were set rules and regulations which changed over the years with increasing commercialization and exploitations and it is not the same as the tradition that was practiced by the Baluch. As was said before, these customs have been described with reference to married women and there is no mention of unmarried women in the gazetteers.

Section 3

Presentations

Panelists:-

- **Neelam Hussain** (Simorgh)
- **Iqbal Haider** (Former Senator and Federal Minister for Law)
- **Nasir Aslam Zahid** (Former Judge Supreme Court)

Chief Guest:-

- **Begum Attiya Inayatullah** (who was the then Federal Minister for Social Welfare and Special Education)

Other guests:-

- **Perveen Magsi** (Active social and human right activist)
- **Charmaine Hidayatullah** (member of the National Commission on the Status of Woman from Sindh)
- **Bushra Gohar** (member of the National Commission on the Status of Woman from NWFP)

Neelam Hussain

My comments on *Karo Kari* and violence in the name of culture and tradition are based partly on the experience of culturally contextual language-use and partly on discussions with members of the women's police force in Lahore, jail officers, law students and those from the Mass Communication departments of the Punjab University and Kinnaird College. These discussions took place during a series of workshops organized by Simorgh on Violence Against Women over the past two years.

I will begin by relating an incident that I witnessed many years ago at Nila Gumbad in Lahore. A congested bazaar comprising high-rise banks and a medley of shops selling household and medical goods as well motorcar accessories. This somewhat electric mixture results in an equally diverse clientele.

The incident that I want to speak about took place on a hot summer afternoon, in one of the network of streets that lead off the main road and is devoted almost entirely to motor workshops. Tiny workshops crowd both sides of the street and most of the work is carried out in the limited space outside the shops. As most of the shops offer similar services, there is a constant and, usually noisy, competition for customers among them, with the younger mechanics doing their best to entice potential clients to their particular shop.

I had gone there for some minor repair work to my car and witnessed a quarrel that broke out between two young men from different shops over a prospective customer. The fight flared up suddenly. There were shouts, blows – and as spanners and wrenches were at hand – sudden gout of blood – then intervention from the community. Despite the highly dramatic nature of the happening, it seemed like a routine event; for where livelihoods are precarious, violence is routine – and within minutes both fellow workers and passer-bys returned to whatever they had been doing before this brief interruption. As street brawls go, it was brief and inconsequential. Yet the incident has stayed with me across these intervening years, as fresh, as sharply etched, as it was that day under the white-hot sky of the summer afternoon.

What made the incident stay in my mind was not the quarrel itself, but the terms of abuse that one of the men – in fact the one who had been injured – hurled at the other. He did not use the ordinary routine swear words, which, despite the fact that they are obscene and deal almost exclusively with the women's body, are so much part of one's environment as to have become meaningless. What he did was to tell graphically and in detail in every day routine language, what he planned to do to the other's sister. No word was used which lay outside the boundaries of ordinary social intercourse, yet each word was replete with violence as the sentences stripped the absent, unknown woman of each article of clothing and transformed her nakedness into a spectacle, and transformed us

into voyeuristic participants in the drama which he proceeded to unfold before our eyes.

As perhaps the only woman in the crowd of spectators, his speech granted my own position an uneasy, uncomfortable ambiguity. As a part of the crowd, I belonged among the viewers/voyeurs, but as a woman, I was also somewhere upon the stage – as much part of the spectacle of humiliation as the other woman who like me, was at the same time there and not there.

Stunned by the violence, the thought that kept running through my mind was that the first thing this boy – the one whose sister had been transformed into a locus of violence and shame – would do once he reached home, would be to vent his anger on his sister who had no part to play in the quarrel, and lock her up in the house. He would deny her existence, hide her from the eyes of the world; make her invisible to the violence of the male gaze and punish her for being a woman.

The language of abuse had brought about a sinister shift in the field of vision. Just as it had dissolved the boundaries that separated the woman who was the target of abuse from me, a woman only accidentally present on the scene and having no connection either with the male protagonists or with the absent, invisible woman, it also subsumed the real reasons of the quarrel and drew away attention from the reasons that had led to it.

The material causes of the fight were directly traceable to the quarrel over customers, indicative of a scarcity of resources. This factor, in combination with poor working conditions, the physical labour required for the work had sparked off the fight between two men. Tempers had arisen and the anger had been translated first into physical violence and then into speech where a significant change occurred. Like a change of scenery in a play, the transition from physical to verbal violence changed the parameters of the fight. The curtain that had arisen on the street scene where the protagonists were men came down, to rise again on the body of a woman who had nothing to do with the fight about whom nothing was known – who perhaps did not even exist. A woman who was absent and yet who had been conjured up so sharply and vividly by a particular conjugation of words that all else faded into insignificance before the spectacle of her violated body.

I have cited this incident here as I feel it illustrates the crucial link between the woman as a symbol of male 'honour' and the maintenance of patriarchal power relations in a continuum of violence against women, of which *Karo Kari* is an extreme example. The power dynamics of patriarchy reduce the woman to her reproductive/sexual potential and in the process deny her not only her productivity but also her agency as human being. The system of patriliney valorises the male whose name is perpetuated in time as it passes from him to his son along with his property if he has any. That the daughter is designated as the object of exchange between the natal and the conjugal family ensures her

status as male property. In the process she is marginalized and in the interest of property relations, the preservation of her chastity and fidelity through segregation and control become the responsibility of the men to whom she belongs. This symbolic status as sign and guarantor of male/family 'honour' that is granted to her can therefore, be seen not only as part of patriarchal logic but as one that can, inevitably and at any time, be transformed into a site of violence that ensures patriarchal control through her destruction.

The fact that these unequal gender-based relations are condoned by law, reinforced by customary practice and religious interpretation and institutionalized and brought into play in the family, the community and the state through customary attitudes and behaviour corroborates this argument.

The findings of Shirkat Gah's research team on *Karo Kari* have provided substantial evidence showing that in *Karo Kari* cases, despite the fact that the man and the woman are equally implicated, the multiple levels of violence suffered by women is far greater than that by men who by virtue of their access to economic resources and mobility have greater negotiation powers as well as the potential for escape.

Shehla Zia's research 'Violence Against Women and Their Quest for Justice' undertaken for Simorgh as part of its 'Gender and Judiciary' project under the Asia Pacific Advisory Forum on Judicial Education on Equality Issues, was based on judgments on 'honour' killing cases. In the majority of cases they had studied, a man guilty of a woman's murder (a) took recourse in the rhetoric of 'honour' and pleaded mitigating circumstances and (b) that in the majority of cases judges accepted this plea and decided cases on the basis of 'grave and sudden provocation' thus giving sentences which were in no way commensurate with the crime committed. Taken together with interviews with litigants and lawyers regarding their experience of discrimination and sexual harassment in law courts, the report revealed how traditional/mainstream perceptions of femininity play themselves out at all levels in the law courts and in the process reinforce attitudes resulting in acts of violence against women.

Simorgh's own findings/observations during workshops on violence against women held with jail officers, member of the women's police and law and mass communications students from Punjab University and other colleges in Lahore revealed how deeply mainstream ideas, attitudes and behavioural practices have been internalized by both women and men in our society. That the jail officers saw violent punitive measures against all prisoners as the only means of dealing with them was in itself a revealing statement not only about our state institutions but also about our society. In so far as women prisoners were concerned, there was a certain degree of confusion and ambivalence in their comments about those who were in prison under the Zina Ordinance, despite the fact that the officers themselves stated that most of them were innocent and were there on false premises. The basic thrust of their argument was that there were good

women and there were bad women, and if a bad woman got herself killed, or punished or humiliated or insulted, then in the final analysis, she had called the violence upon herself and deserved what she got. Not surprisingly, the final clincher to all argument was recourse in religion and custom based on the woman's inherent inferiority to the man. This was seen as ample justification for the man's right to control and punish women. One jail officer from the Punjab even cited what was obviously a dubious hadith, in which the better quality of the milk of one nursing mother as compared to that of another was seen as proof of the fact that she had given birth to a male child therefore proving once again the 'natural' superiority of the male. The fact that the prevalence of son-preference in our cultures could have resulted in the male child's mother having access to better dietary resources was not, of course, taken into account.

In so far as *Karo Kari* was concerned, while only one jail officer from Sindh openly argued for the merits of the custom as it kept society 'clean', it could be seen that the others did not disagree with him. Perhaps workshop dynamics and the presence of so many women as 'hosts' made silence an easier and less troublesome option than open disagreement, or perhaps they felt the issue did not merit debate and was not worth discussion.

Attitudes of women police were not too different, for while they could and did identify with many of the problems faced by women, their views about 'honour' and female morality were mainstream and they were unable to recognize women as agents and therefore found it difficult to critically analyse the dynamics of crimes committed in the name of 'honour'. Like the men they too felt that the onus of proving innocence and/or preserving their 'reputation' lay with the women.

A similar ambivalence towards violence against women especially with regard to notions of 'honour' was witnessed in workshops with students. In this case however, mainstream attitudes about what was deemed as 'correct' behaviour for women including the view that women were responsible for their own destruction, were complicated by group dynamics in which issues of class and institutional affiliations also played a role, for the most part, the male students were aggressive and saw morality and female behaviour in rigidly conventional black and white terms. Typically, there was a tendency to use female behaviour, dress codes etc., as markers of overall social morality and even when compelled by logic to interrogate or question certain laws or customs, they tended to be judgmental and patronizing in that they constantly defined morality for them while excluding themselves from the debate. Even in instances where male students defined *Karo Kari* and other forms of 'honour' killing as a crime, they tended to minimize their criticism with comments like, 'Yes, it is a crime and *Karo Kari* a bad custom, but we must not forget that under these circumstances, the man too is helpless – after all, who can fail to agree and who can entirely blame him for what is done in the heat of the moment – especially where his wife or sister is concerned.

Female students on the other hand, tended to be on the defensive and reluctant to contradict their male class fellows, at least in the early days of the workshop. They were more vocal as the workshop progressed but continued to be hesitant when it came to questioning the moral high ground appropriated by their male colleagues.

Interestingly, these group dynamics shifted in later workshops where there were larger numbers of female participants from single sex 'elite' colleges like Kinnaird. In these workshops the female participants were more vocal and, because of their greater fluency in English language did succeed not only in countering conventional arguments regarding male 'honour' and women's behaviour but also in partially silencing the male students. Whether they succeeded in convincing them or even in bringing them to a point from where they were ready to reconsider their own views is open to question, especially as they persisted in assessing women's behaviour only in terms of female sexuality while conflating male violence and the exercise of male control over women with moral responsibility.

Given the increase in crimes of violence against women and the persistence of women's murder in the name of male 'honour', these attitudes along with laws like the Hadood Ordinances that further create the ground for the criminalisation of women, the future looks bleak. Attitudinal change is always slow, what is needed is a concerted multi-level effort by the state as well as pressure from civil society groups to do away with discriminatory laws, negative representations of women in the media and school texts which should be designed to create awareness of the equal rights of women and men and not reinforce violent behaviour as is largely the case today.

Syed Iqbal Haider

I am very grateful to Shirkat Gah for inviting me today. I believe the slogan "There is no 'honour' in killing" hits at the very heart of the issue. I am also happy that our Federal Minister Attiya Inayatullah is also present here today. Our country's administration is a bit shy when it comes to participating in gatherings of this nature. So, I am happy that we sit here under your chairperson because you can use your influence and position to change the establishment's reluctance in participating in such events. It is important because they are the ones who have to provide the real protection. Ministers can merely give orders but their execution rests with the establishment.

I don't know why in layman terms we refer to this practice as 'honour' killing when in fact it is a blatant example of a barbaric and most dishonourable act.

Let me congratulate your research teams for it is a matter of great courage to not only talk but conduct a research in rural areas on such a sensitive issue. The information gathered by your teams and the research done deserves our appreciation. If you keep up this effort, I strongly believe that in rural areas where this type of brutality is more common, now spreading to urban areas as well, the situation will soon start to change.

The reason for me being invited to this seminar is perhaps the resolution that I presented in the senate against 'honour' killing and violence against women to particularly condemn the murder of Samia Sarwar. On August 2, 1999, the Senate failed to adopt the resolution and buried it just the way Saima's case was buried. Despite the change of government, her killers are still at large which proves that this brutal insensitivity towards women is deeply rooted in our feudal system. It is our feudal system in which the murder of a woman, domestic violence, bonded labour and many other kinds of exploitations take place. The worst forms of exploitation prevailing in this country can be described and explained by one word and that is feudalism. Feudalism thrives on the unending suppression and exploitation of marginalized groups including women. The laws of this country are made to keep a check on the landless and poor. Feudal are above these laws.

The rules of law are not applicable to feudal and the high ups. These people are free to violate laws and get away with it. They commit crimes like murder, rape, forced labour, kidnappings for ransom and remain unpunished. The feudal system guises and even justifies the inhuman, illegal and un-Islamic acts through sheer power.

Even some of our clergymen endorse and support this system. It was due to this system that the otherwise intelligent and educated people within the Senate including doctors and PhDs opposed the resolution. Representatives from tribal and rural areas were expected to do so but I was upset by the fact that urban and

seemingly liberal minded senators also either opposed the resolution or abstained from voting. In the end, there were only four of us who voted in favour of the resolution. I blame the dissolution of the Senate soon after, on June 2001, on the apathy of the senators as a nature's way of dispensing justice.

I want to talk about various aspects of the issue but due to time constraints I will focus my attention particularly on judicial decisions reached by the courts pertaining to cases of 'honour' killings. Ninety per cent of the decisions by the Lahore High Court in cases of 'honour' related crimes endorse tribal, feudal and primitive values. I am both sad and angry about this fact.

In the Ghulam Yasin vs the State¹ case, Justice Ramday gave the decision that "Although in existing laws there is no concession for momentary insanity but those implicated in 'honour' killings are worthy of some concession since 'honour' killings cannot be considered the same as a murder in cold blood."

This decision was followed by many similar decisions by the Lahore High Court where similar views have been expressed. In one 'honour' killing case², while deciding on a bail application, Justice Asif Jan gave a similar decision.

Similarly in Mohammad Ismail vs the State³ case, Said-ur-Rehman Furrakh also decided that such murderers should be given clemency and the circumstances of grave provocation should be acknowledged. In the judgment he considered the imprisonment already served, during the trial, by the accused to be sufficient and released him.

There are other examples as well. I only saw two cases in which a different point of view was presented, and in which the killer was not considered worthy of any clemency for his act of murder. Justice Nawaz Sahab Ghandapur of the Peshawar High Court gave the decision⁴ that there is no question of giving anyone the license to commit a murder under any circumstances or for any reason whatsoever. The other example is from the Lahore High Court of Mian Allah Nawaz and Tasaduk Hussain Gilani⁵ decision which also did not consider safeguarding 'honour' a legitimate reason for clemency and upheld the death sentence for the accused. The decision in Mohib Ali's case⁶ reflects the same point of view. It was stated that no one can be given the license to kill in the name of 'honour' and this sort of murder is equivalent to an intentional murder and the convict deserves the same punishment as that given to any other killer.

¹ Ghulam Yasin Ghulam vs the State 1994 PLD 392 (Lahore)

² Mohammad Faisal vs the State 1997 LMD 2527

³ Mohammad Ismail vs the State 1999 PRLJ 549 (Lahore)

⁴ Sher Nawaz Khan vs the State 1999 PLD (Peshawar) 24

⁵ Riaz Ahmad vs the State 1996 PCRLJ 43 (Lahore)

⁶ Mohib Ali vs the State 1985 SCMR 2055

In the light of these decisions and in the capacity of a lawyer, I will recommend that Shirkat Gah, Aurat Foundation and Human Rights Commission of Pakistan should organize more workshops on the subject particularly in the rural areas. I am confident that I speak on behalf of the rest of the panel when I say we will go there with the same eagerness as we have shown today. This kind of workshop should be conducted in the Police Academy, Judicial Academy and Civil Services Academy regularly. If you visit these places once without a follow-up it will be useless, however, regular visits coupled with assignments like report writing, etc. will create the much needed awareness about the issue.

I agree to and endorse the majority of recommendations presented here, as they are very relevant. It is also obvious that our legal and administrative systems need to be revised and in terms of judicial measures it is also necessary to influence the psyche of the judiciary on this subject. Their work is not to protect the feudal or tribal system but to provide justice and to protect and safeguard human rights. I am grateful for the opportunity to be here.

Justice (Retd.) Nasir Aslam Zahid

I am grateful to Shirkat Gah for inviting me to this workshop today. I think at least all judges of the Lahore High Court should have been invited to this occasion so they could hear for themselves about the plight of women in this country.

Justice Mehboob, the Chief Justice of the Lahore High Court who later became Chief Justice of the Federal Shariat Court, in one of his addresses published in the PLD said and I quote. It is my favourite quote and I use it often.

Talking about the responsibilities of the members of the judiciary he writes, "We fall into the category of people who are responsible for justice in the society. A society without justice is a society without the blessings of God. A society deprived of the blessings of God is a society where tyranny reigns supreme. And under tyranny's reign death dominates life. Therefore, justice is an absolute essential for the survival of mankind."

In my opinion women have always being subjected to injustice since the beginning of time. I give credit to the courage of women, especially in Pakistan, India and other parts of South Asia, for enduring injustice for so long and more so for raising their voice against it despite the difficulties. Many issues that I wanted to raise have already been talked about. Some were raised by one of my students, Iqbal Haider and when a student talks, like he did today, he makes his teachers proud.

We need to look at the reason behind injustice. What is it? The reason is that a woman has always been considered a personal property of man. About forty or forty-five years ago when I was at Cambridge, women were considered the property of men even in England. People praise England and America for respecting equal rights of women but few realize that these positive changes have occurred only within this century. In 1899, the Married Women Act was passed in England which for the first time gave English women the right to purchase property in their own names. Before this they were not allowed to do so.

The root cause of the problem is that men make all the laws. When they consider it necessary, they can also change the laws. The judge is also a man who conducts case proceedings according to his own views and gives decisions in the same capacity as well. If you do a survey of Pakistan, I think you will not find any woman judge who reached the Supreme Court. There are two women judges in the Lahore High Court; one is Justice Fakhr-un-Nisa and the other Justice Nasira Javed. There is no female judge in Baluchistan and Sindh in the High Courts. In the Peshawar High Court, there is one female judge, Justice Khalida Rashid. So, in the superior judiciary of Pakistan, there are a total of three women judges. As for the Federal Shairat Court, it should have been full of

women. Even the Chief Justice of the Federal Shariat Court should be a woman in my opinion.

When we presented cases to judges, we used to try and think about their thought processes which influenced their judgments, for example if the issue was that of forced sex, the thing to consider was why the judge was leaning towards sex by mutual consent. If you look at the Haddood Ordinance, you will realize that the punishment for forced sex is stricter than sex by mutual consent and the decision of whether it is a case of forced sex or sex by mutual consent is not based on a woman's statement but rather it is gauged by the fact whether the woman put up any resistance or not. The man sitting in the seat of a judge thinks like a man so to him the obvious conclusion is that if a man is attacked he will surely put up a fight. He does not realize that the one attacked is not a man but a woman or a girl who has perhaps left home for the first time, so is it necessary that if this woman is forced to have sex she will put up physical resistance? Yet, if there are no marks on her body then the decision makers often conclude that it was by mutual consent rather than forced sex.

The circumstances of women and protection available to them are primarily different from circumstances and options available to men. I believe that the primary reason for this difference is not taken into consideration by 99 per cent of our judges. I realized this fact after my appointment as Chairman of the Inquiry Commission on Women in 1996. The office provided an opportunity to visit female prisons, female wards and care centres and to speak to women about their issues and also to interact with NGOs. It was then that I discovered that women and their views are so different from men.

Keeping this in mind, when I was made Acting Chairman of the Federal Judicial Committee, I insisted that the Judiciary Academy must include the subject of gender so that new judges are made aware of the issue during the course of their own training. At this time, Ajmal Shahab, Chancellor of Hamdard University, asked me to establish the faculty of Law at the University. In February 2001 the Hamdard School of Law was opened. We specified college timings from 9 am to 4 pm, but students nowadays do not want to attend college for more than two or three hours so the school could get only 22 students during the entire year. However, we have introduced topics of gender and equality in the LLB programme for which separate professors have been engaged.

I want to tell you that there is no space in Islam for leniency on grounds of grave provocation and if someone commits a murder in a fit of rage or to defend his personal 'honour', it is still considered an intentional murder. Islam is very clear on the issue. The clauses 299 to 338 of the Penal Code of Pakistan have been replaced by the Qisas and Diyat Ordinance. The Federal Shariat Court and the Supreme Court had ordered that as these clauses were against the texts of Islam, they should be changed accordingly. Therefore, these articles of Pakistan Penal Code were removed through Qisas and Diyat Ordinance. In the new

clauses, there is no mention of grave provocation with regard to murder, whereas the repealed clauses did in fact acknowledge this aspect. But as Iqbal Haider said, judges still defend murders committed in a fit of rage applying the obsolete grave and sudden provocation clause. The punishment for murder given under Section 302 specifies three types of punishment. The Qisas option is placed at the second degree. Under *taazir*, the death sentence or an imprisonment for 25 years can be given and the third kind of punishment mentioned in Section 302 is that of 25 years of imprisonment. So, all the murders committed in the name of 'honour' or in a fit of rage under the so called grave provocation, are considered punishable under the third option of Section 302, i.e. up to 25 years of imprisonment. But if someone has killed intentionally, as per Islamic law he should be given the full punishment.

When the Women's Commission's report came it was discussed in the newspapers but no judge ever spoke to me about it directly. There was no discussion in the judiciary on the topic. One judge, who is a close friend, commented that I have made very fearsome recommendations. The only comment I received from the whole of judiciary concerning recommendations in the Women Commission of Inquiry Report, 1997 was that they were very fearsome. There is need to bring about change in laws and there is need to specify that killing in the name of 'honour' or *karo kari* should not be prosecuted under Section 302 (c) but that the punishment will be given in accordance with the Islamic law.

Also there is great need to remove delays in obtaining decisions. An expeditious judicial process is vital for justice. When someone is apprehended for murder and his case remains pending for two years, he legally becomes eligible for bail. So lawyers use all sorts of tricks to delay proceedings for this period to get the accused out on statutory bail.

Iqbal Haider: Nasir Sahab this law has recently been amended. Some days ago a new ordinance has come into force.

This is good news but in a sense even this is not so good enough. The decision should be announced speedily. Within one week of a murder the decision should be announced and for *karo kari* cases the decision should be reached within three days. Only then can one hope that someone will be brave enough to come and bear witness in a *karo kari* case. If the decision is reached after six or seven years then it will be much harder to solicit genuine witnesses. It is true for a *karo kari* case, an ordinary murder case as well as an accident.

I was reading a book published in India about delays in justice in the year 2000. One of the chapters is titled 'Judicial Delays'. This section begins with a gypsy curse, "May you get caught in a case where you know that you are innocent...." The chapter then goes on to state:

“There is enormous dissatisfaction with the state of the legal system in India. In a speech at a function to commemorate the golden jubilee of the Supreme Court, the President compared courts to casinos rather than cathedrals, since the throw of the dice determines decisions. India is a country where there are an estimated 38 million cases pending in various courts, 20 million in district courts, High Courts and the Supreme Courts and 18 million in the lower courts. 13.4 million of these are criminal cases. 12 million Indians await trial in criminal cases throughout the country. On an average, it takes twenty years for a dispute to be resolved. Unless real estate or land is involved, in which case it can take longer. The Thorat case in Pune took 761 years to be settled, it was started in 1205 and ended in 1966. If present rates of disposal continue and there are absolutely no new cases, it will take 324 years for the present backlog to be cleared. Moreover, the conviction rate is only around 6 percent.

On the basis of this rate such percentages of punishments it can be assumed that if there are 100 cases of rape, dacoity, or even murder, 94% of the accused are let off without any sentencing. I personally think that there is not much difference between figures quoted for India and the situation within Pakistan. In our country, there are not more than 10% ‘honour’ killing cases reaching the courts while the rest are taken to local *jirgas* for adjudication. Out of ten such cases, hardly one accused would end up being sentenced. In ‘honour’ killing cases, judges are reluctant to give punishments of more than two or three years. In one such case, the judge sentenced the accused imprisonment to last till the end of the court’s proceedings. I was in Lahore at the time when I read the news report quoting the Judge’s decision along with its justification claiming that the decision was taken in light of the fact that it was an ‘honour’ killing. The convict probably stayed in jail for a total of a year or eighteen months.

This issue of delays needs to be resolved somehow. But how is this to be done? Should there be more courts? Should there be better judges appointed to expedite cases? I was Chief Justice of the Sindh High Court from 1992-1994 during the tenure of three different Chief Ministers (Jam Sadiq Ali, Muzafar Shah and Abdullah Shah), but none of them tried to resolve issues facing the judiciary.

If you want to make amends within the judiciary you need resources. If you need a clerk it requires money, if you want to improve prison conditions, you need money. You need money for transport to bring witnesses to the court. When I became Chief Justice of Sindh, four cars were used to take criminals from jail to the City Court in Karachi. I found out that six months ago one van with a capacity of seating fifty passengers had developed a fault and could not be repaired for lack of funds. It was then that I gave a statement in the newspapers which caused uproar. I had said that all the big Pajeros of our ministers should be confiscated and sold off to improve the pathetic conditions in our jails, a statement for which I was severely criticized.

Another important issue is that of mutual coordination between the judiciary and society. For subordinate courts the effectiveness of the Judicial Academy is vital but how to train judges of apex courts? Lawyers who don't know much about law become high court judges. So when Iqbal Haider comes to that court as a lawyer, the judge will say, "Yes Mr. Iqbal Haider. You do not know the law. Let me tell you what the law is. Perhaps you are not prepared. Come back tomorrow after you have prepared your case."

I don't know what there is in a judge's seat that affects the psyche of a man. Much care is required for judges' selection and their training should be made compulsory. The superior judiciary also needs training. They should be asked to participate in seminars as the one being held today. Shirkat Gah's team has given an excellent presentation and I have not yet heard a more convincing presentation in this regard. Other judges should also be invited to such seminars.

The way my concepts changed while working on Women's Commission of Inquiry Report, I am sure other judges too will be sensitized towards the excesses, injustice and atrocities faced by women in our society.

In the end I would like to add that everyone speaks of equality and Article 25 (All humans are equal, men and women are equal and we should treat them equally) but the reality is that when a common Pakistani woman reaches the court she is in a far weaker position compared to a man. The man who is accused can hire renowned lawyers whereas most women cannot afford legal representation of any sort. Sometimes an NGO representative will come to help her. Some years ago, on my visit to Delhi for a moot, an NGO worker told me that family court judges do not allow NGO representatives inside the courtroom, where mostly a woman is left alone to face the accused and his lawyer. How can an uneducated girl, unfamiliar with the law, alone take a man to court? The case is lopsided before it begins. Often judges pay lip service to the notion of equality without realizing that sometimes the traditional concepts of equality are themselves responsible for injustices. Therefore, it is necessary that the judge and judiciary be given appropriate training so they can remove such inequality before initiating court proceedings. Once the scales are balanced then apply the law. Thank you all.

Dr. Attiya Inayatullah

As we all know, in 1961 on this date (25th November) three sisters were killed in the Dominican Republic on the order of a ruthless dictator. Thus it became an international day at the UN level for raising voice against violence against women. I am grateful to Shirkat Gah for giving me the opportunity to draw people's attention to this perturbing issue along with my other concerned colleagues. The presentations made here today need to be shared with the world. The way Shirkat Gah has conveyed/brought the concerns of rural areas to the city, similarly it is necessary to take these issues further to the SAARC level and then the rest of Asia. The awareness campaign and research on the issue should continue.

It is an established fact that one in every three women experiences violence and exploitation in her life. Researches at world level show that the perpetrator of violence is often some close relative of the woman. At places where violence against women is common, their basic rights are also ruthlessly violated. Various examples/incidents were quoted during the presentation by the team. One sentence that I would like to repeat is, "the word *karo* is heavy in the term *karo kari*." It is noteworthy that this sentence was uttered by a male and not a female.

I agree with Justice Nasir Aslam Zahid that *karo kari* is intentional murder. The government will not tolerate violence and discrimination against women. The government is striving for a check on customs that are discriminatory against women and control these atrocities committed under the guise of custom on priority basis.

The work that we are doing may not seem worthwhile at this point but it will have long standing results. We are adamant to prevent child marriages. Someone said that a three-year old girl can be given away in marriage in some areas. We know that sometimes marriages are fixed for girls at the time of birth or worse even before birth. We are determined to stop this. You will be happy to know that the latest census revealed that the average age of marriage is rising and right now it is 20 years. We want further improvement in this regard.

Wife beating and her emotional and psychological abuse are issues we are focusing on at the government level and with the cooperation of women themselves we are trying to handle the issue. Another important thing is that we want to end girl child labour. Let me share with you that the plan approved by the Cabinet will completely eradicate child labour from our country by 2010.

We do not wish to ignore women's education any further. The Compulsory Universal Education Ordinance will ensure primary level education for all by the year 2005.

We are all aware of the discrimination faced by women in the economic sector. The government of Pakistan has signed the ILO Resolution No. 100 according to which men and women are supposed to be paid equal wages.

Then there are these explicitly un-Islamic acts of rape and 'honour' killings which not only deserve our most serious attention but all possible efforts to completely eradicate them. The philosophy of *zan, zar* and *zamin* (woman, gold and land), rooted in the feudal system has to be eradicated. We cannot allow it to prevail in the twenty first century. 'honour' and killing are two contradictory terms. On the one hand is 'honour' and on the other the ultimate dishonour that is implicitly associated with ending someone's life and that too of a powerless woman. We have to change this psyche and the culture that perpetuates it. There is global consensus on the fact that suppression and violence not only violate women's basic rights but also threaten her health and the very state of her being.

The Government of Pakistan is trying to devise a zero tolerance policy towards violence against women that will be accompanied by an appropriate package that can be implemented. This will include identification of those practices and beliefs which perpetuate the exploitative culture of violence against women for which a framework and interpersonal communication mechanism is being formulated but this will take some time. It is not an easy task for any government, particularly this one, given the limited time span, but I think that the steps taken by us will initiate and direct efforts which will then have to be jointly realized by efforts made by both men and women. As Iqbal Haider already mentioned, there is great need for activities like this seminar today and they should also be arranged in rural areas.

It is now time for men to speak out against exploitation of women. This is an obligation for all men in our country whether they are part of the bar council or university students. They should speak out openly using all means especially the media. That is the only way to solve this problem. Someone said earlier that when a woman goes to court, she enters an uneven playing field. We will try to level this ground as well. But we need the momentum of a movement to aid us in these efforts and for it both men and women need to struggle together. I request you all to give your time and energies to aid the media task force that will soon be formed and also the above mentioned package. On behalf of all women, I would like to thank two men who have taken up our concerns and are present on this panel today, Iqbal Haider and Justice Nasir Aslam Zahid. You have our sincere gratitude.

Domestic violence will no longer be considered a personal matter but a crime. For this, appropriate law is being devised which will be presented to the Cabinet for approval in six months time so that domestic violence becomes a criminal offense. Let me also inform this gathering that a social audit or survey has been conducted at the national level to obtain comprehensive information about

violence against women which will be made available in the form of a report by July next year. This is a very important step.

In addition, the Ministry for Women's Development has prepared a strategic framework to deal with the issue of violence against women. This includes construction of a building which will be called Family Protection Complex. The Complex will have shelter homes, legal aid and rehabilitation facilities for helpless women. A crisis center will be established to deal with complaints of women victims of violence. As Justice Nasir Aslam Zahid said earlier, women compelled to go to courts often do not have the required resources to engage a lawyer. For that purpose, funds will be allocated for legal representation of women. The police reforms that will be initiated in three/four month's time include a training programme for the Police Academy on the subject of gender and women issues. We are also thinking of having separate police force and police stations for women but we realized that this will not suffice, so we are now trying to improve the existing police network by deputing special staff to deal with issues concerning women.

As for the courts, we will make special provisions at the district level for expeditious and inexpensive access to justice particularly for women and children. The district governments will be responsible for the construction of Family Protection Complexes at the district level. The next issue in this regard concerns operational management. Should NGOs or other voluntary local organizations be given this charge? The British government has assured us support for this scheme and we are planning to utilize the district government apparatus for the establishment of these centres. I agree with Iqbal Haider that ministers can only issue orders. It is then up to the administration to implement these orders. It is thus imperative to enhance the effectiveness and improve attitudes of our administrators particularly with regard to women's issues.

I would like to conclude with an expression of solidarity with the women of Occupied Kashmir. We are aware of the state sponsored violence and torture being perpetuated there. Perturbing findings place the number of rape victims at 8,000 while 20,000 women have been widowed. The lives of Kashmiri daughters, wives and mothers are ripped by violence and terror. We feel their pain. I appeal to the international community to put pressure on the Indian government to fulfill its moral obligations and end the ruthless suppression.

Also, many children and women have come into our country as refugees from Afghanistan. A special package has been announced to help them and provide facilities at the camps put up for them. The government of Pakistan also raised the issue of women's representation at the meeting to be held in Bonn, Germany, for which two female representatives have already been selected. Finally allow me to thank Shirkat Gah for the work that it is doing for women.

Perveen Magsi

When it was announced that this research was conducted in three provinces only, I was disappointed because it meant this kind of valuable information was not being collected from the province of Baluchistan. However, I have been assured that in the coming year, during the second phase of the research will include Baluchistan. Besides Baluchis, there are a lot of Pathans living in Baluchistan as well. In Loralai where we do have many such incidents, a research team urgently needs to look into the nature of these incidents. I volunteer to supervise the research in Baluchistan.

I have to applaud the researchers for the work they have done in the other provinces, which surely was not an easy task. Your teams must have visited many households in many districts to obtain such detailed information. Furthermore, I hope that this research will not be concluded at this point and that the teams will continue to gather more information on the issue. Although Baluchistan was repeatedly mentioned during the course of discussion, I feel that the real situation in the province cannot be assessed unless a research is conducted in the province. Shahdadkot was mentioned during the presentation by the researchers. It is true that this is a border area where seasonal migration is common but unless more specific research takes place, one cannot make more than assumptions about the origin of this custom from this particular area.

Bushra Gohar

For quite sometime now we have been reviewing printed media portrayals of 'honour' killings in NWFP and have reached the conclusion that newspapers have failed miserably in providing an insight into the issue. For one year, we reviewed reports of various incidents reported by five main newspapers and in majority of the cases found their sketchy portrayals to be biased, often incomplete and omitting important details, conveying only a superficial condemnation ending up in actually justifying the incidents. Our society is still dominated by the tribal system, which does not pay much heed to state interventions, and particularly in 'honour'-related matters, the government itself also feels hesitant to intervene. These are tribal areas where even the Mughal Emperor Babur failed to levy taxes. Given the rigidity of the locals, compounded by the government's lack of resolve, uprooting this despicable custom becomes even more difficult in these areas.

Charmaine Hidayatullah

A major cause for our country's underdeveloped status is the feudal system. In addition to this system the prevalent inequity and poverty are the reasons behind the constant rise in the incidents of 'honour' killing. Until and unless the Zina Ordinance and Qisas and Diyat Ordinances are amended to deal with contemporary issues and circumstances, we will not be able to make much headway. You must have noticed that in cases concerning 'honour', there are no female witnesses, women are not granted bail nor do they have any place to flee to that will provide them the required protection. We have no crisis centres or shelter homes. And if there are some, they are present only in cities; I don't think there are any to be found in the rural areas.

It is also imperative to involve and obtain support of the clergy in light of the fact that this custom is against the very essence of our religion. In this regard, we went to the Minister of Religious Affairs in Sindh, to ask him to inform the clergymen to take up this issue in Friday sermons and to emphasize that there is no 'honour' in killing women. It is in fact an act to be ashamed of. There has also been a legislative revision in this regard but as Mr. Iqbal Haider already pointed out, despite the change in law, there have only been two appropriate judgments in 'honour' killing cases in the last decade and the prescribed punishment was ultimately not received in these cases either.

We have suggested some other legislative changes with the consent of the government. I still say that increased public awareness is vital and the Commission and concerned NGOs are willing to help increase this awareness wherever we can extend our outreach. I think that a stronger police force can be of help. Now let me thank everyone for the participation and I hope that today's event shall also prove useful to our goal.

Section 4

Discussion

The speeches were followed by an open session in which the audience was invited to give comments or ask questions from the research teams and panelists. The following segment documents the proceedings of the session.

Mehnaz Rafi: I would like to point out two things. In a society where people as well as the government consider the men heads of households, they naturally become responsible for women in their family and are considered justified in punishing them when they err from the path men think is right. This is the main cause of murder and violence because women are considered property of men rather than human beings existing in their own right. In this context, I want to ask Justice Nasir a question. When a woman is killed in our society in the name of 'honour', her guardian/protector has the right to forgive her murderer. And men murdering their wives are often forgiven on the grounds that their children have already lost a mother and prosecuting her death could deprive them of a father as well. This rationale often leads to the aggrieved consenting to forgive the act with or without monetary compensation. Is it not possible to remove this clause of blood money or forgiveness particularly for 'honour' killing cases? Also I want to make the comment that in the new national identity card forms, under the head of household a woman's name should also be allowed.

Justice Nasir Aslam Zahid: As far as the issue of underage children forgiving the act is concerned, we always ask for a report from the sessions judge and ask all the guardians to make an appearance in court and if any of them is underage we reject their declaration of forgiveness and order this person's share of blood money and *diyat* to be deposited and not waived off. Thus we work within legal parameters to ensure that the under age's share of blood money is thus obtained.

As for the guardian's forgiveness of the killing, this is a matter of *shariat* and a change in concerned laws can only be brought after *ijtihad*. I agree that it is a legal lacuna when the killer is also the woman's guardian.

Iqbal Haider: In this type of cases no attention has so far been given to this aspect of forgoing *qisas*. The Federal Shariat Court has also not given any guidance with regard to incidents in which the murderer is father, brother or husband of the woman and belongs to the same family as that of the compensation recipients. There should be an amendment since at present there exists an option of forgiving *qisas* but this *qisas* should not be forgivable in 'honour' killing cases. However, making this payment obligatory will require a legal revision.

Farida Shaheed: Let me make the clarification that under the caption of head of household, in the new identity card forms, it is not necessary to put a man's name. There is no restriction placed by the government in this regard. The only hurdle is people's own attitude and perception. It is very important to in fact state that the name of a female can also be entered in this category.

Mehnaz Rafi: After marriage when women go to get an identity card or passport, they are told to bring their *nikahnamas* and to have the existing Id card revised to reflect the name of spouse instead of father, are these demands a legal requirement?

Farida Shaheed: Our recommendation in this regard is to permit women the same criteria of identification as men, i.e., on the basis of their father's name. This will facilitate all sorts of documentation for women including vote casting.

Sheen Farrukh: I want to raise an issue on the basis of a personal observation and experience. It is in reference to the hesitation and perceived danger associated with investigating 'honour' killing incidents. First let me draw your attention to a recent report printed in the daily *Dawn* according to which a woman was killed by her brother in Larkana. The only other fact it mentioned was that her brother had killed someone else only a week prior to this incident. These are the kind of reports typically printed by our newspapers, which obviously leave much unsaid. Reports of this nature mention the incident with some details but they do not attempt to explain why the incident occurred, what was the case's particular background or to what extent the local *wadero* was involved. Such details are always missing. I personally asked Ahsan Junejo, who belongs to Larkana and is present here today, to send us an investigative report for this particular incident. But Ahsan sent an apology saying that he was a resident of the area and his probing into the matter would prove problematic. Unless newspapers print investigative reports of such incidents, they will not be able to change people's attitudes. We need to think about this issue and try to somehow remove the hurdles and challenges in the way.

Huma Haq: Undoubtedly this research has been very useful in collecting a wealth of information. I myself am a researcher and in a research on sensitive issues, it is a priority not to reveal the identity of our informants. Did your team also keep this in mind and alter the name of respondents before going public with the information given by them? The second question is for Justice Nasir Aslam Zahid. He, as well as others, maintained that 'honour' killings are not allowed in Islam. It seems that *karo kari* prevents women from choosing a partner. And a women's body becomes the battleground of 'honour' for men. Two issues come to surface. One is that of denying women the right to choose a partner and secondly of making a woman's body a cause for battle between two men. A similar problem occurs due to Hudood Ordinance. There are *zina* cases motivated by the conflict between families. Zina cases are registered against a woman of ones own household to implicate a male from the opposing faction. Are we going to approach this issue realistically and condemn this practice too? *Karo kari* is a custom not a law made by the state. Why are we reluctant to talk about laws made in the name of religion?

Farida Shaheed: First of all let me clarify your first concern in the presence of our research teams. The names that you heard here today are fictitious and we consciously refrained from naming any specific localities. We did this in realization of the potential danger of publicizing the identity of our respondents and the threat it could also pose to our own research teams.

Justice Nasir Aslam Zahid: You have asked me about two different issues, one being that Islam does not permit *karo kari* and secondly the issue concerning the *Zina* Ordinance. In the Commission of Inquiry Report of 1997 we had clearly stated that the *Haddood* Ordinance or *Zina* Ordinance was not in accordance with Islam and thus recommended its repeal. In the second and fourth verses of *Surrah-ul-Nur* it is said that prior to accusing a woman for *zina* (adultery), one must provide four witnesses and if four witnesses are not available, separate from your wife, and if one does not trust her, divorce her. There is no mention of killing her. When *Zina* Ordinance was formulated it did include the mention of four witnesses for prescription of severe punishment but it should also have included implications for those who falsely accuse a woman of *zina* or those who get an FIR registered against her. The Chairman Islamic Ideological Council even sent me a notice once saying that I should explain my position for making the statement during a speech somewhere that the *Zina* Ordinance is un-Islamic. I had the Commission Report sent to him explaining that these were my recommendations submitted in my official capacity.

Imran: It has been seen that in such cases even if an FIR is registered there is a lot of interference by local politicians or influentials to impede the investigation. Even fifteen or twenty people in the form of a *jirga* can go to the concerned SP and this essentially leads to a halt to the investigation. Is there any way to prevent this from happening?

Justice Nasir Aslam Zahid: When an FIR has been registered, it needs to come to some sort of conclusion. In such cases, either the police investigation will conclude that the incident reported in the FIR did not occur or else it will have to present a challan before court. These are the only two options and if the police do not perform their duty, their action can be challenged by a High Court writ and they can be compelled to do their job.

Bashir: I have two questions for the panel. First, I contend that there are economic factors behind 'honour' killing incidences. In Rajanpur for example, due to the extreme poverty women are often killed when they seem to have become a burden on a household or else to retain and conserve household wealth. So my first question is whether there is any way to tackle these socio-economic factors that are ultimately becoming motives for 'honour' killing? The second question is addressed specifically to Justice Nasir Aslam Zahid. It concerns the role of the judiciary in implementing laws and providing justice in changing circumstances. Why is our judiciary still so hesitant in dealing with 'honour' killings and can it not take a firmer stance in putting a stop to this practice?

Justice Nasir Aslam Zahid: As far as judges are concerned, we must remember that they are all men as are the legislators who make laws on the basis of which court judgments are to be made. One problem is that most judges dealing with such cases do not have any relevant experience on the issue nor do they have contact with the society like other common men. They think that they

are doing justice but their prejudices and preconceptions affect their decisions. That is why I have stressed upon the need for gender education and awareness raising trainings concerning this particular issue for them. They need specific background information as is being given today. Judges are not aware of such details since their only exposure to this issue is through insufficient information provided in newspapers. They do not know details of what horrors are perpetuated upon women in the name of 'honour'. They themselves are a part of this male-dominated society. If a judgment is passed which gains an impression that 'honour' killing deserves lenient punishment, then it should be made clear through legislation that 'honour' killing is murder and shall be treated/punished as such.

Saleem: I want to talk about *karo kari* and violence against women taking place in Sindh. I think there is an urgent need to train the media personnel to report comprehensively on *karo kari* cases that are as revealing as possible. I also want to make a suggestion with reference to the proposed district level complexes. Would it be better to work on improving the state of existing *bait-ul-mals* and women jails. I twice had the opportunity of going to the Larkana women's jail with Shirkat Gah's team, the condition of women languishing there is indescribable, it was winter but they did not have any blankets or food. Even the young children who were being kept there with their mothers were not provided with medical or education facilities. The women who were falsely accused had no one outside to pursue their cases. They were incarcerated for longer periods than the prescribed punishments of the offense they were accused of, without any court appearance. Thus I feel that if the government wants to do something for women it should try to improve the state of existing institutions rather than creating new ones. I also have a specific suggestion for the police. In Jacobabad district, in an incident a woman accused of being a *kari* managed to flee to the local police station, but when the local *wadero* came to the station, the woman was handed over to him and subsequently killed. When the incident was reported in the press and came to the notice of HRCP, an inquiry was initiated against the concerned SHO. However, the parents of the murdered girl were pressurized so much that they made a statement refuting the very existence of their daughter, let alone her murder. There is a need to provide security to people as well as police from this sort of pressure or influence.

Madiha Gohar: When the role of the media was being discussed, the entire focus was on the print media. In a country like Pakistan where the majority is illiterate, television has not been utilized to its full potential. We at Ajoka Theatre Company prepared a serial *Ghairat* after much research with the intention that its broadcast on television would take our message into homes particularly in areas where this problem is rampant. But when this serial was ready and we approached PTV it was rejected on grounds of being too bold. I think that electronic media is the only way by which our awareness raising campaign can have the desired outreach. This seminar is a good initiative but real change can only start where this discussion reaches the local level. We are also circulating

our serial to limited circles but for wider dissemination of information, the government needs to step forward with its support, cooperation and endorsement of this issue on a priority basis.

Nighat Said: I agree with the recommendations that were sent to us but there are certain issues that I wish to raise that were also mentioned by the Minister. One thing she mentioned was that a survey is taking place. That is indeed a need, but I want to point to the fact that we have not yet been able to develop consensus on the definition of violence. It is a sensitive subject and I wonder what good will it do to have foreign consultants, coming with their own cultural baggage and limitations, asking people questions and gathering information.

The more basic question is whether the Pakistan government is committed to doing something in this regard or is it going to rely on the support of aid agencies for taking up women's issues and replicate efforts already being undertaken by NGOs. We are also supposed to make pressure groups and mobilize support of the public. When we talk about budgetary constraints it shows our lack of prioritization. I don't want to single out this particular government but government priorities in general. When we look at the budgetary commitments we see how little importance is being given to such issues. All NGOs can do is have someone like Neelam Hussain give training to ten judges or put together another Dastak, HRCP will write a report or Shirkat Gah will do a study. These things will be done but these are only conceptual efforts. The government representatives have endorsed our recommendations but not taken matters any further. No commitment has been made in terms of monetary or human or physical resources. Changing attitudes is not so easy. It requires consistent effort and long term planning extending over a period of a decade or two. Whenever we take recommendations to the government, we get the answer/suggestion that we need to undertake more significant efforts at our level. But now let me make the observation that the national survey about to take place needs thorough groundwork, otherwise it will not yield more than misleading and cosmetic results since we cannot expect surveyors to really go ask respondents if there is domestic violence taking place within their households.

Farida Shaheed: It is our solemn promise that at least Shirkat Gah will not stop this research here. We consider it a longer term commitment than a project and will continue more research with our local CBOs in all three provinces and will also send a team to Baluchistan. We hope that people belonging to the region will come to our aid in this regard. I agree with the panelists that the state needs to play a more significant role. We should thus identify the most pressing issues and feasible solutions and means of implementation on which we may form a pressure lobby for the government to take immediate action. Thank you.

Section 5

Outcome

This section contains recommendations that had been sent to panelists along with their invitations.

There are additional recommendations at the end of the section that came forth during the seminar proceedings.

Recommendations

The following recommendations had been sent to panelists along with their invitations. They not only endorsed the recommendations but also added to them some very relevant input, as is documented below.

The existing legislation or legal clauses, which specifically deal with 'honour' killings and the subsequent implementation mechanism, also must include the following:

1. Legislation should be enacted which makes all forms of domestic violence a criminal offence. Amnesty International points out that the UN's Special Rapporteur on violence against women has developed a framework for model legislation on domestic violence. This framework should be used as a guide in drafting necessary legislation against domestic violence. Efforts initiated by the government of Pakistan in 1994-95 to review existing laws in other countries, such as the Domestic Violence Act of Malaysia should be revived.
2. Murder (honour killings included) should be made a non-compoundable offence. Pending the repeal of the Qisas and Diyat Law, a provision should be added to the proposed Criminal Law (Amendment) Act of 1997 that clearly defines honour killings as intentional murder and explicitly prohibits the mitigation of sentences and the application of the "grave and sudden provocation" defence in such cases.
3. *Jirga*, *faislo* or *panchayat* settlements in cases of honour killings should be declared unlawful. Any compensation for murder, whether in the form of money, land or livestock, also should be declared against the law. *Waderos*, tribal chiefs, local *sardars*, or any other persons who preside over *jirgas* on honour killings, or any person making *mairh* representations to the murderer or his family, should be charged for complicity in murder.
4. The use of women as compensation or fine or payment in all or any transaction, including honour killing settlements, should be defined as trafficking in human flesh and be declared unlawful with strict penalties for those violating the law.
5. All organs of the criminal justice system – police, prosecutors, district magistrates, judges, medico-legal personnel – should be made aware and be expected to have full knowledge of legislation on domestic violence and honour killings.

6. All senior officials in civil administration and in the police department at the province and district level should be required to take special notice of all reports of honour killings and to ensure that all cases are properly and thoroughly investigated and the perpetrators brought to trial. The State should establish an independent body to monitor police handling of honour killing cases as well as their treatment of women who have been victims of violence.
7. To facilitate the above, special police units should be established in each district, preferably headed by women officers in the police force, who would be especially charged with the responsibility of collecting and forwarding to the central police offices information on honour killing cases reported in the local precincts. In addition, a special cell should be established in each central police office charged with monitoring the progress of investigation into cases of honour killing and other forms of domestic violence.
8. Police should be required to promptly register and investigate all complaints of honour killings and other forms of domestic violence. There should be clearly defined guidelines for police intervention in such cases. The police should be expressly forbidden to encourage or accept any *razinamas* or other settlements between the perpetrators and others involved in the case. Failure to register and investigate all cases should result in dismissal from service.

Preventive Measures

As part of a national campaign to end the practice of honour killing preventive measures should include the following:

1. A comprehensive and countrywide programme of public awareness and education should be launched with the full endorsement of the State. The objective of the programme should be to educate everybody – men and women – of the equal status and rights of women. In launching such a programme Pakistan would also be fulfilling one of its obligations as a ratifying party to CEDAW. The education programmes should be conducted through the media, in schools and colleges, amongst local communities in towns and villages, in collaboration with the various women's and human rights organisations and other private and public forums in civil society.
2. Education programmes dealing specifically with the nature and extent of domestic violence in general and honour killings in particular should be a central part of a public awareness campaign. This is especially important to lift the shroud of secrecy and denial that, for too long, has prevented women from seeking and securing help and allowed men to beat or kill them with impunity. Such education programmes should also include information on the legislation dealing with honour killing and domestic violence offences.
3. Programmes and publications, designed especially for women, should disseminate information on all the rights under law that are and should be available to them. In addition, women should be also educated in the procedures of seeking redress through the country's criminal justice system. (A 1999 Karachi University study found that over 64 percent of educated women had no information on their constitutional and fundamental rights as citizens of this country.)
4. Education and training programmes designed especially for the law enforcement and judicial personnel in order to eliminate gender biases are imperative if women are to seek and secure redress. As part of their basic legal training, the police, prosecutors and judges should be made to realise that domestic violence, including honour killings, is neither a private matter, nor excusable under any circumstances.
5. In accordance with the recommendations in the August 1997 report of the Commission of Inquiry for Women, these education and 'gender-sensitisation' programmes should be part of a sustained process which involves an uninterrupted dialogue between the State and women's groups so that the gender perspective becomes an integral part of planning and policy-making in the country.

After considering recommendations made by Shirkat Gah as well as the seminar proceedings, the following suggestions/recommendations were additionally put forth by the participants:

- There should be similar workshops as well as follow-ups held at specific venues including the Federal Judicial Committee, the Police Academy and the Civil Service academy.
- Creating linkages with Supreme Court judges is vital as is the need to include them in awareness inculcation programmes
- In *karo kari* cases the police should set the precedent by becoming witnesses themselves
- Electronic media particularly the radio and television need to be utilized for raising public awareness on the issue of 'honour' killings
- Means of communication, particularly the print media need to be pressured to desist from negative portrayal of women
- There is common agreement that *karo kari* has nothing to do with religion, there is need for creating awareness among people on this particular aspect – Women's Commission and NGOs should try to disseminate information and make women conscious of this problem where ever there is a need.
- Prior to elections, political parties should be contacted and programmes initiated for raising their awareness about this issue
- Similar types of workshops need to be conducted in smaller cities and rural areas, particularly in localities where this practice is rampant.
- Steps must be taken so that the police do not come under pressure of the influentials to desist from providing protection to those who need it or from coercing the aggrieved into compromises or withdrawing their cases (this is a common practice).
- The government needs to pay particular attention to stamping out the heinous crime of 'honour' killings since NGO resources are not entirely sufficient in this regard.

نحوائين زبير اثر مسلم قوانين

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Women living Under Muslim Laws

Was formed in response to situations which required urgent action; during the years 1984-85.

The case of three feminists arrested and jailed without trial, kept incommunicado for seven months, in Algeria, for having discussed with other women the project of law known as "Family Code", which was highly unfavorable to women.

The case of an Indian sunni woman who filled a petition in the Supreme Court arguing that the Muslim minority law applied to her in her divorce denied her the rights otherwise guaranteed by the Constitution of India to all citizens and called for support.

The case of a woman in Abu Dhabi, charged with adultery and sentenced to be stoned to death after delivering and feeding her child for two months.

The case of the "Mothers of Algiers" who fought for custody of their children after divorce.

Amongst others...

The campaigns that have been launched on these occasions received full support both from women within Muslim countries and communities, and from progressive and feminists groups abroad.

Taking the opportunity of meeting at the international feminist gathering "Tribunal on Reproductive Rights" held in Amsterdam, Holland, in July 1984, nine women from Muslim countries and communities ; Algeria, Morocco, Sudan, Iran, Mauritius, Tanzania, Bangla Desh and Pakistan, came together and formed the Action Committee of Women Living Under Muslim Laws, in support of women's struggles in the concerned contexts.

This Committee later evolved into the present network.

The objectives of Women Living Under Muslim Laws are

- to create links amongst women and women's groups (including those prevented from organizing or facing repression if they attempt to do so) within Muslim countries and communities,
- to increase women's knowledge about both their common and diverse situations in various contexts,
- to strengthen their struggles and to create the means to support them internationally from within the Muslim world and outside.

In each of these countries till now women have been waging their struggle in isolation.

Women Living Under Muslim Laws aims at

- providing information for women and women's groups from Muslim countries and communities.
- Disseminating this information to other women from Muslim countries and communities.
- Supporting their struggles from within the Muslim countries and communities, and make them known outside.
- Providing a channel of communication amongst women from Muslim countries and communities.

These objectives are fulfilled through

- building a network of information and solidarity
- dissemination information through "Dossiers"
- facilitating interaction and contact between women from Muslim countries and communities, and between them and progressive and feminists groups at large.
- Facilitating exchanges of women one geographical area to another in the Muslim world.