

**Report of Seminar on**  
**Violence against Women & Criminal Justice System:**  
**Challenges & Responses**  
**Held at:- Marriot Hotel, Ambassador Hall 01, Islamabad**  
**on December 1, 2005**

**Introduction**

Criminal Justice System (CJS) is designed to control crimes by arresting, prosecuting, convicting, and punishing those who disobey the laws. It not only defines what is illegal, but also outlines the rights of citizens setting out the procedure to achieve the goals of the states. People do not have authority to enforce laws; it is society who has assigned this authority to Criminal Justice System.

Criminal Justice System revolves round legislature, police, prison and court. People rely upon CJS because the process of administration of justice and protection of human rights gets strength under CJS.

**Main features of Criminal Justice System of Pakistan**

- It is not friendly in its treatment towards women
- Attitude of police is discriminatory and biased against women
- Women hesitate moving to courts for redressal of wrongs in rape cases
- Lack of medicolegal facilities
- Lack of training for police officials on basic medico legal education and sensitivity of women issues
- No code of ethics for prosecutors curbing scandalous and indecent questions on the women in court room
- Absence of separate prisons and police station for women
- Absence of legislation like Gender Justice Act
- Lack of training for judges sensitizing them on gender based issues
- Overload of cases on judiciary
- No separate courts to deal with cases of domestic violence
- Existence of discriminatory laws against women

- **Non provision of services like shelter and burn units for abused women**

### **Objectives:**

**In recognition to above-mentioned faults in Criminal Justice System (CJS), Parliamentarians Commission for Human Rights organized a seminar in collaboration with Islamabad Police with following objectives:**

- 1. To analyze the Criminal Justice System response to violence against women (VAW).**
- 2. To elicit viewpoint of legislators on the issues of VAW.**
- 3. To know the opinion of police personnel.**
- 4. How judiciary faces problems to deal with the cases of VAW?**
- 5. To suggest measures for legislation to deal with the problems of VAW effectively.**

### **Participants**

#### **Members Parliament**

- 1. Mr. Muhammed Wasi Zafar (Federal Minister for Law, Justice & Human Rights)**
- 2. Ms. Kashmala Tariq MNA (Executive Director PCHR)**
- 3. Dr. Shehzad Waseem (Minister of State for Interior)**
- 4. Mr. Akhtar Khan Kanju MNA**
- 5. Ms. Jamila Ahmed MNA**
- 6. Mr. Kanwar Khalid Younis MNA**

#### **Judiciary**

- 7. Ms. Marilymn Morington (Civil Judge from Liverpool U.K)**
- 8. Justice (Rtd) Khalil-u-Rehamn (Rector International Islamic University Ibd)**
- 9. Mr. Khalid Mehmood Ranjha (Judiciary)**
- 10. Javed Akhtar (Advocate)**
- 11. Mr. Khurram Hamid Raja (Advocate)**
- 12. Mr. Siraj Ahmed (Advocate)**
- 13. Ms. Humaira Masihuddin (Advocate & Criminologist)**
- 14. Mriza Raffiuzzaman (District & Session Judge Ibd)**

15. Mr. Tariq Mehmood Jahangarri (Advocate & President District Bar Islamabad)
16. Mr. M.A Rauf (Vice President High Court Bar)

**Civil Society Organizations**

17. Naseem Sherin (Oxfam GB Islamabad)
18. Anbreen Ajaib (Actionaid Islamabad)
19. Sajida Toor (Amal Human Development Network Islamabad)
20. Dr. Ishtiaq (SHARP Ibid.)

**Police Department**

21. Dr. Shoaib Saddle (D.G Police Bureau Islamabad)
22. Mr. Eshan Sadiq (SSP Investigation Islamabad)
23. Mr. Asim Gulzar (Islamabad Police)

**Media**

24. Ms. Bushra Iqbal (Internews Islamabad)
25. Matiullah Jan (Freelance Journalist)
26. Mr. Faisal Hakim Mughal (INP News Agency)
27. Mr. Shehzad Khan (PPI News Agency)
28. Ms. Alia Kashif (Daily Business Recorder Islamabad)
29. Mr. Zahid Hamid (Daily Times Islamabad)
30. Dr. Arshid (Online U.K)
31. Mr. Salim Khan (APP News Agency)
32. Mr. Zahid Quayyum (NNI News Agency)
33. Mr. Abid Rahi (Online News Agency Islamabad)

**PCHR Staff**

34. Mr. Shafique Chaudhry (Chief Coordinator)
35. Mr. Tajammul Hussain Shah (Assistant Research Officer)
36. Mr. Muneeb Siddiqi (Media Officer)
37. Mr. Rana Javaid Iqbal (Admin Officer)

## Proceedings

Chief Coordinator Parliamentarians Commission for Human Rights (PCHR) Mr. Shafique Chaudhry initiated the proceedings of the seminar with the recitation of Holy Quran. He briefly highlighted the objectives of the seminar to the participants showing concerns over the unsatisfactory response of the Criminal Justice System regarding cases of violence against women. He said that it is deplorable to say that response of all the constituents of Criminal Justice System i.e. police, prison police, prosecutors, and judiciary is biased-oriented against women. Resultantly, victim women remain in a state of astray for seeking justice.

## Muhammad Wasi Zafar

- Federal Minister for Law, Justice and Human Rights, Mr. Wasi Zafar delivered the inaugural address focusing on the steps being taken by the Ministry of Law, Justice and Human Rights to end violence against women. He said that it is binding on the state signatory to UDHR & CEDAW to make such legislative arrangements which ensure protection of women rights in society. Mr. Wasi Zafar referred Law Reform Bill 2005 in which many steps were taken to ensure security of women rights which include;
- Punishment for police officer found guilty of dishonest investigation
- Illegal confinement to be an offence punishable with seven years imprisonment and fine
- Police officer failing to record FIR in cognizable offence would be liable to prosecution under Article 155 of the Police Order 2002
- According to Federal Minister, Ministry of Law (MOL) is also considering on introducing the legislation that women should not be summoned to police station with their relatives or 'mehram'
- In addition to this, MOL is also working on a project on VAW with Asian Development Bank, and it has recruited skilled professionals on law and jurisprudence.

- He said that MOL will welcome every positive suggestion for legislation on VAW from civil society organization.

### **Dr Shoaib Saddle**

Director General Police Bureau Dr. Shoaib Saddle a renowned Criminologist as well, disapproved the response of Criminal Justice System towards positively dealing with the cases of violence against women. He said that the root of VAW can be traced to home. Reasons are many like cultural and in society it is sub-culture of police. According to his view points;

- Passive response of police is due to great gender balance
- Police is not fully trained how to handle the cases of VAW?
- Victim's women hesitate whether to report or not to report to police station, because CJS is unresponsive and due to discriminatory laws, women themselves become faulty.
- There happens intimidation of family members by police, lawyers and judges
- Lack of forensic science lab to identify the nature of case

He suggested following measures;

- Complete training of police to make it fully sensitized on gender bases issues
- We need to adopt a system calling upon gender audit of all police practices, i.e. how police has reacted to the cases of VAW
- It is imperative that any case of VAW should be treated as a special case. For this the copy of FIR should be sent to I.G, Chief Minister or Governor as a special case
- Investigation of case should have been conducted by Superintendent of Police (SP) or Deputy Superintendent of Police (DSP)
- There is need to observe the differences between the cases of rape & adultery

- **More and more women need to join police force**
- **Medical examination should be strengthened**
- **Establishment of Forensic Science Laboratories in all cities of Pakistan**
- **Chemical Examiner should keep sample for certain period of time as it will facilitate the arrest of the culprits**
- **Separate police stations should be established for victim women, and they should be produced before the magistrate even before passing 24 hours**
- **Criminal Justice System should uphold positive social values**

**Ms. Marilyn Morington**

**Civil Judge from Liverpool U.K Honorable Ms. Marilyn Morington thanked the participants for invitation in seminar. She portrayed the way Criminal Justice System in U.K respond to the cases of violence against women. She said that;**

- **VAW is result of many factors like patriarchy, poverty, and ignorance**
- **VAW is not only the issue of women but men as well**
- **U.K too is not immune from the issue of VAW, but Criminal Justice System is more responsive to VAW as compare to underdeveloped countries**
- **U.K government provides one year training program for police personnel on gender based violence**
- **Law students are trained and sensitized on gender based violence (GBV) during their course of study**
- **Judges and magistrate are also trained on the issues of GBV**
- **U.K provides Domestic Violence Court to deal with the cases of DVW**
- **There are special judges to trial the cases of DVW**
- **U.K provides Adopted Children Act (ACA) to check if children are violated within the houses.**

- **There are special provisions for all vulnerable who come to court for DVW**

**Ms. Marilyn Morington very much lauded the teachings of Islam in term of its highly awarded status to women, and the treatment which Prophet Mohammed (SAW) has adopted towards the women.**

**She said that;**

- **Proper Islamic education to be awarded to enlighten people on women rights**
- **Effective media campaign to be launched to create awareness about GBV**
- **Needs to support medical assistance and proper and transparent investigation of the cases of VAW**
- **Police training is a vital part particularly to protect the rights of the victims**
- **She opined that all depends upon our commitment with the cause of ending VAW. When we are serious, willing to protect the rights of women, then we can.**

#### **Justice (Rtd) Khalil-u-Rehamn**

**Honorable guest Mr. Justice (Rtd) Khalil-u-Rehman said that position of justice in domestic violence against women entirely depends upon the nature of law existing on the statute book, and Judge is unable to repeal the laws on statute book.**

- **He said that Islam highly reveres women in four capacity i.e. as daughter, sister, mother, and wife.**
- **Islam provides in-built protective system for the protection of women rights, as it provides logical explanation of doing something or something not.**
- **He criticized the point that Islam enjoins upon authenticity of witness when it is accompanied by two women only. It is discriminatory and anti-Islamic**
- **Wrong conception of Islamic teachings result gender based violence**

**Justice Khalil suggested following measures to end VAW;**

- **Women presence in the court must be accompanied by their relative or ‘mehrums’**
- **Judges should be provided with sufficient necessities and financial emoluments to avoid bribery and corruption**
- **Separate courts should be established to deal with the cases of DVW**
- **Judges should be trained and sensitized on the issues of GBV with sophisticated training**
- **There is urgent need to understand the concept of ‘Shahadda’ within the real spirit of Holy Quran. As provision of true information to the judges is imperative irrespective of any fear and intimidation**
- **Provision of basic education to judges in respect to women issues and cases is necessary**
- **Victims face intimidation at the time of registering FIR. Proper framework for registration of FIR is imperative.**
- **Judges should not have overloaded number of cases.**

**Mirza Rafi-uz-Zaman (District & Session Judge Islamabad)**

**In his speech honorable guest stated the history of honor killings, highlighted the step the government has taken to address the issues in Criminal Justice System, and gave proposals for its reformation. He said that the problem arises due to misconception of Islamic Justice System, socio-cultural tradition, and mindset of the judiciary. Unfortunately, lacunas in law permit the offenders go scot-free, and if they are punished, the punishment is minimum possible and does not cause any deference in the society. Effective legislation has yet to come to curb the evil.**

**He presented following proposals to deal with the issues of VAW:**

- **Formulation of national policies that recognize VAW as a national issue to be addressed**

- **New legislation and or legal reforms that address VAW, notably on sexual exploitation, trafficking of women and children as well as sexual and physical abuse of women in he domestic sphere**
- **Emerging partnership between government, civil society especially women’s groups elected representatives, the media private sector**
- **Enhance women political representation at all levels**

**Ms. Jamila Ahmed MNA**

**Ms. Jamila Ahmed said that;**

- **98 % of our population is involved in VAW**
- **The intense need is to snsure implementation of already existing law**
- **Efforts should be made to remove socio-economic problems of the people.**
- **We have to find the solution in the light of Islamic teaching**
- **Reforming investigation system is also imperative and wrong investigation should be punished. At the time of investigation, women should be accompanied by their ‘mehrums’**
- **Media can play effective role in changing the public mind.**
- **Judges and police officials should be imparted training through seminars and workshops focusing on women issues.**

**Ms. Kashmala Tariq MNA**

**According to Ms. Kashmala Tariq,**

- **Keeping in view the growing rate of crimes of violence against women, like rape, acid burning, bruising, physical tortures, suicides among women, we can rightly say that our criminal justice system is faulty. So far as the constituents of criminal justice system are concerned, role of police in this connection stands supreme. Because whenever and wherever violence against**

women occur in whatsoever forms, the police are the ones who are called upon to protect her, and it is the police who are there on the frontlines to investigate the case. Therefore, it is men and women in uniform to live up to and act upon the values that we as a society profess.

- Apart from biased and whimsical attitude of police in violence cases, the discriminatory laws also complicate the situation, thus blocking the ways for victim-women seeking justice. The glaring examples of these is element of witness for women to produce four witnesses in rape cases, no differentiation between rape and adultery, equal application of Hadood Ordinance upon minorities, and above all, the compoundability in cases of honor killings crimes are causes of concerns.
- Jirga System is discriminatory in nature, because usually the jirgas are male dominated and there is no representation of women permitted. Even when women are the victims, they are not heard. These are the areas demanding attention of the parliamentarians, jurists, and religious scholars.
- Provision of shelter for women victims of domestic violence is also imperative. Our criminal justice system does not provide any shelter or protection to the women becoming victim of domestic violence. The result is contempt of women dignity and honor.

### **Conclusion**

From above discussion, PCHR suggests following measures to reform the Criminal Justice System for dealing with the cases of violence against women:

1. Complete repeal of Hadood Ordinance and Honor Killings Laws is necessary, as under Zina Ordinance victims hesitate to file charges because it presents the threat of potential prosecution for adultery. Similarly, these laws fail to criminalize marital rape and to establish the crime of statutory rape or sex with or without the consent of a minor. Moreover, definition of rape and adultery is unexplained. Due to complexity of these laws, discrimination sets in the registration of FIR. Honor killings are condoned under the

**pretext of compoundability i.e. under Qisas & Diyat. Need is to amend these laws within true Islamic spirit.**

- 2. There is urgent need to introduce Gender Justice Bill, because Pakistan does not have the same. It will prove to be of great help for providing the base to fight the crimes of VAW.**
- 3. Cases of VAW should be treated as a special case, and for this, the copy of FIR should be forwarded to I.G, Chief Minister or Governor.**
- 4. Establishment of Forensic Science Laboratory in all the cities of countries is imperative. There should be a training program for all government doctors assigned with medicolegal duties in rape and adultery/fornication cases focusing on medicolegal methodology and principles.**
- 5. Special prosecutors should be appointed in every district to trial the cases of rape and other forms of VAW.**
- 6. Separate women police stations and prisons are urgent need in this regard.**
- 7. Training programs for judges and police officers must be initiated so as to sensitize them on women and gender biases issues.**
- 8. It is government duty to ensure the provision of shelter for abused women and their children.**
- 9. There is no special arrangement of keeping separate statistics on the cases of violence against women particularly for the cases of domestic violence. Presently available statistics on rape and adultery are mixed one. Independent crime category should be provided for the both.**
- 10. More and more collaboration of government with civil society organizations is sine qua non. Media campaign, both electronic and print, should be launched to make the people conscious of women issues and rights. It will help greatly in reforming the normative structure of our society.**

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