

Unlimited discrimination

Many well-documented customs in tribal communities of Sindh, lower Punjab and Balochistan adversely affect women yet no government has taken decisive steps to curb them.

The tradition of karo-kari decrees that any man or woman who has an illicit relationship, dishonours the tribe and must be punished with death. Although equally applicable to men, in practice it is used to harass, punish and intimidate women.

In recent years, the practice of karo-kari has been widely abused for other criminal purposes, facilitated by the fact that virtually no one is criminally prosecuted for a karo-kari killing. Families, sometimes, dub an older female family member Kari and eliminate her and subsequently name a man as Karo, in order to extract compensation for the death from him. In other cases, honour killings serve as a pretext for the violent settling of property disputes; sometimes ordinary murders are camouflaged in this way to evade prosecution — a practice which the state simply appears to ignore.

In just over three months, between 5 January and 15 March 1996, some 66 cases of Karo-kari killings were recorded in the Sindh language dailies for Sindh province; the victims were 27 men and 39 women. The Sindhiani Tehrik (Sindh Women's Movement) stated in March 1996 that during the previous 15 months, some 246 people, including 148 women had been subjected to Karo Kari killings in Sindh. Some men accused of illicit sexual relations, were reportedly let off by paying compensation — often by handing over female members of their own families to the family of the offended woman. Accused women not killed for their alleged sexual misbehavior, were

sometimes handed over to the local feudal lords, either to be held as domestic servants or to be sold by them.

The related practice of *Siahkari* — involving the killing of women alleged to have engaged in illicit sex, was declared by the Balochistan High Court to constitute murder, to be investigated under the usual process; but this has not stopped it. A seminar organised by the Democratic Women's Association of Pakistan in Quetta in March 1996 noted that some 171 people, including 110 women, had been killed in different parts of the country under the system of Siahkari during 1995, yet the authorities took no steps whatsoever to stop the practice and bring the perpetrators to justice.

It must be ensured that the unlawful practices including karo-kari, bonded labour and tribal justice systems adversely affecting women, are ended, and those still engaging in them are held to account, opines Ali Nawaz Malik.

Society at large and police, despite their task of investigating offences, tacitly condone the so-called honour killings — killing of a woman on suspicion of dishonouring her husband or family by supposedly engaging in an illicit relationship. Homicidal attacks by husbands or brothers on the mere suspicion of infidelity are still viewed by society as acceptable responses

to 'grave and sudden provocation'; the punishment, if the offence is at all brought to trial, is usually likely to be only a few years' imprisonment.

In Pakistan's North West Frontier Province and the tribal territories, the practice of *Swara* persists according to which young girls and women are handed over to rival parties to settle disputes or conflicts. The practice was originally used to end feuds between enemies as the blood ties thus established were expected to create a blood bond which would put an end to the feud. Today, if a man has committed an offence against a particular family, his younger sister is frequently delivered to the aggrieved family so that they may not initiate prosecution or seek formal redress. Women given as *Swara* usually do not enjoy the full rights of a married woman.

A similar practice has been reported from Southern Punjab where women are sometime punished for offences committed by their male relatives. In early August 1996, a young man in Lodhran district attempted to rape an eight-year-old girl but let go of her when she screamed. The local panchayat (village council) reportedly declared that father of the girl, Muhammad Ramazan, had the right to rape the assaulter's mother, Akbar Mai. The panchayat reportedly forcibly handed over Akbar Mai to Ramazan for the implementation of its decision. Subsequently, a case was registered against six panchayat members as well as Muhammad Ramzan but apparently the more influential panchayat members were not charged. Some of the accused were arrested but it is not known if the police investigation is proceeding.

The abolition of the Zina Ordinance is a must as it discriminates against women and

effectively permits their imprisonment on grounds of gender; it prescribes cruel, inhuman and degrading punishments; it discriminates against girls; and it permits rape victims to be prosecuted for the offence of illicit sexual relations.

Moreover, the government should ensure that all legal safeguards available under the law to women in custody are fully and meticulously implemented and that all those who fail to implement these safeguards are held to account.

The abolition of all cruel, inhuman and degrading punishments, including the death penalty for women as a step towards the eventual abolition of the death penalty, is vital. The girls who are often the most vulnerable members of society should be suitably protected against discriminatory laws and practices.

It must be ensured that the unlawful practices, including karo-kari, bonded labour and tribal justice systems adversely affecting women, are ended, and those still engaging in them are held to account.

A fully and speedily implementation of all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international standards on women's rights, including the UN Declaration on Violence against women as also to submit a full report to the Committee on the Elimination of All Forms of Discrimination against Women as required by Article 18 of the Convention.

The ratification of other international human rights treaties including the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights is necessary, to internationally and nationally commit itself to the promoting and safeguarding of all human rights.