



Access to Justice: Strengthening Legal Awareness and  
the Delivery of Legal Services in Sindh

# VULNERABILITY AND SOCIETY

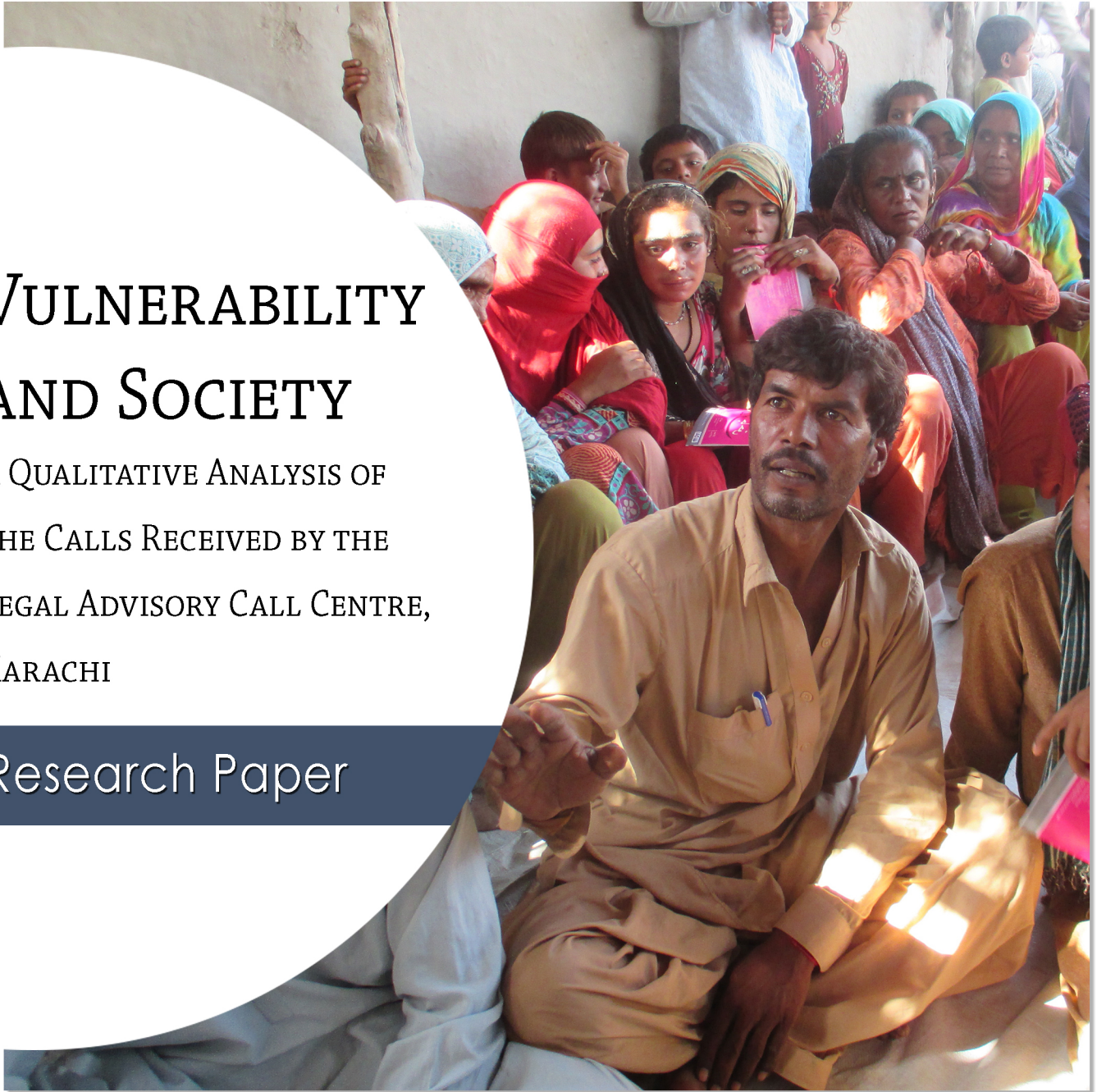
A QUALITATIVE ANALYSIS OF  
THE CALLS RECEIVED BY THE  
LEGAL ADVISORY CALL CENTRE,  
KARACHI

Research Paper

*In collaboration with*

**EDACE**

Enhanced Democratic Accountability  
and Civic Engagement



# VULNERABILITY AND SOCIETY

A QUALITATIVE ANALYSIS  
OF THE CALLS RECEIVED BY  
THE LEGAL ADVISORY CALL  
CENTRE, KARACHI

BY DR. ASHA BEDAR

**Disclaimer:** The views and opinions expressed in this paper are those of the author and do not necessarily reflect the official policy or position of the Legal Aid Society, DAI Pakistan or the Foreign Commonwealth Office.

# ABOUT THE AUTHOR

Asha Bedar is a clinical psychologist, with a PhD from the University Of Melbourne, Australia. Over the last 20 years, Asha has worked both in Pakistan and in Australia with women, children, families and professionals both individually as well as in groups. Her work includes in counselling/therapy, research, self-development workshops, training and resource material/project development. Asha's primary areas of interest and work are gender issues, violence against women and children, trauma, minority/race/peace issues, post-disaster psychosocial support and life skills in children.

# ACKNOWLEDGEMENTS

The author's foremost wish is to show appreciation for the guidance and knowledge imparted by the Chairperson of Legal Aid Society, Justice (Retd.) Nasir Aslam Zahid and the Project Director, Ms. Haya Emaan Zahid.

The author would also like to acknowledge the help of the Call Centre Advocates (Legal Advisors) without whom the information would not have been obtainable. A special mention of thanks to Mr. Asad Jamil, Project Advisor and Mr. Nadeem Rizvi, Technical Officer for enormous help in obtaining statistics for the research.

Finally, the author would like to extend appreciation to Ms. Maliha Zia, Consultant and Lead Trainer, for reviewing the research and for her continuous help; the Program Team, Ms. Maleeha Azhar, Ms. Zainab Mustansir and Ms. Firasat Siddiqui for their valuable time and effort in the formatting, editing and designing of this report.

# TABLE OF CONTENTS

ABSTRACT .....	01
ACRONYMS NAD ABBREVIATIONS.....	03
INTRODUCTION TO THE LEGAL ADVISORY CALL CENTER.....	04
THE STUDY .....	04
STUDY DESIGN AND METHODOLOGY.....	05
FINDINGS .....	07
TABLE 1: BREAK DOWN OF CALLS .....	07
TABLE 2: KEY ISSUES .....	10
BASIC RIGHTS - WATER.....	11
EDUCATION.....	13
PROCEDURES .....	17
THE FAMILY .....	19
RECOMMENDATIONS .....	26

# VULNERABILITY AND SOCIETY

## A QUALITATIVE ANALYSIS OF THE CALLS RECEIVED BY THE LEGAL ADVISORY CALL CENTRE, KARACHI

### **ABSTRACT:**

The purpose of this paper is to highlight the key findings of a qualitative study aiming to a) document the legal issues that appear to be of significant concern to the Pakistan population, based on the calls received by the Legal Aid Call Centre since its inception and b) discuss particular legal concerns with a human rights lens, focusing on issues faced by marginalized groups such as women and the rural population of Sindh, locating them within the existing socio-economic and political context. It is envisaged that the implications of the issues discussed will be used to inform future civil society, donor and government strategy by focusing on areas

that emerge as priority concerns in terms of public awareness, capacity building, legal aid and legal redress.

The study brought out three types of concerns: issues related to basic rights such as access to water, schools and sanitation facilities, with women, girls and the rural population being especially affected; information regarding procedures for reporting, lodging legal complaints, following up on legal queries; and legal difficulties related to family issues such as divorce, inheritance and custody, with women and girls being the most vulnerable.



# ACRONYMS AND ABBREVIATIONS

CEDAW - Convention on the Elimination of Discrimination against Women

CRC – Convention for the Rights of the Child

EFA - Education for All

FIR – First Information Report

IDP – Internally Displaced Person

LACC – Legal Advisory Call Centre

MDG – Millennium Development Goals

SDPI – Sustainable Development Policy Institute

# INTRODUCTION OF THE LEGAL ADVISORY CALL CENTER

The Legal Aid Call Centre (LACC), based in Karachi, was launched in September 2014 by the Legal Aid Society as part of its project titled Access to Justice: Strengthening Legal Awareness and the Delivery of Legal Services in Sindh, funded by the Enhanced Democratic Accountability and Civic Engagement (EDACE).

The inception of the LACC was based on the understanding that in a country like Pakistan where over half the population lives below the line of poverty, rights awareness was negligible and access to appropriate legal information aid almost entirely unattainable. Yet Pakistani citizens routinely face situations that require basic legal knowledge and/or engagement with the legal/court system. The LACC was, therefore, set up to fill this void by providing easy access to legal information and advice, thereby increasing the public's awareness of their legal rights and remedies. The most disenfranchised members of society, such as women, youth, minorities and people belonging to lower socio-economic segments are a particular focus.

The LACC offers telephonic guidance (for example advice and information about laws and procedures) by experienced, qualified and practicing advocates with real time experience in courts of law. The helpline is accessible nationwide, and is operational six days a week (after which voice messages are entertained), and legal advice is provided within 24 hours.

## THE STUDY:

The purpose of this paper is to highlight the findings of a qualitative study conducted by LACC with two main objectives. At a very basic level the study aimed

to identify and document for the first time the key legal issues that appear to be of concern to the Sindhi population based on the documented content of the calls received by the LACC over the last seventeen months since its inception. More importantly, however, the study attempted to highlight significant themes and trends in the data and to examine them from a human rights and vulnerability lens, with a focus on their implications for future directions in legal aid, legal advice, awareness and capacity building. Clarity on the urgent needs and concerns of the Sindhi population and specific communities would not only allow LACC to ensure that it is fully equipped and capacitated to provide the correct legal guidance with full information, but it would also lead to guide its future project development and thematic priorities. Furthermore, this un-packaged data is envisaged to serve as a glimpse of the real needs and concerns of disenfranchised people in Sindh. It provides a comment on the development sector priorities, revealing that an essential focus remains on the social disenfranchisement of women as a core issue. However, the basic socio-economic needs of the people and information regarding their access to basic facilities and justice has not yet been highlighted or effectively formulated within the rights based discourse within this sector.

The reason the discussion focuses on the province of Sindh is that this is where the call centre is located, where it has been advertised, and consequently, where the large majority of the calls have been from.

## STUDY DESIGN AND METHODOLOGY:

The study employed a qualitative methodology, the dataset consisting of the data available in existing reports which recorded the content of the calls received since September 2014 (See Table 1). A process of thematic coding evolving from emerging issues and content analysis were used to develop key themes and

noticeable patterns, which were then discussed in the light of the existing socio-political context as it relates to vulnerable groups.

Since the aim was to bring out and discuss specific themes related to human rights and vulnerability, a qualitative rather than quantitative approach was selected.<sup>1</sup> In qualitative content analysis, a range of recorded communication may be used, including documents, reports, transcripts, etc, with the content analysis process involving the development of themes, categories, significant/relevant ideas and contextual information.<sup>2</sup> As the implications and understanding of these themes were the main focus of the study, ranking issues in terms of percentages or other quantitative measures were not used.

The Call Centre has received queries from 180 cities and towns across Pakistan. The content of the calls was related to Civil Law, Criminal Law and Public Matters with 33 Sub Categories relating to property, family, inheritance, employment, and criminal procedure, along with providing information related to identification and registration and other general information (See Table 1).

Civil law is a body of law that delineates private parties and remedies and governs disputes between individuals in such areas as contracts, property and family law etc. Criminal law is substantive criminal laws i.e. it defines crimes and establishes punishments. Public law is that area of constitutional, administrative, criminal, and international law that focuses on the organization of the government, the relations between the state and its citizens, the responsibilities of government officials, and the relations between sister states. It is concerned with political matters, including the powers, rights, capacities, and duties of various levels of government and government officials.

---

<sup>1</sup> Webley, L (2012). Qualitative approaches to empirical legal research, *The Oxford Handbook of Empirical Legal Research*, Cane, P & Kritzer, H. M (Eds).

<sup>2</sup> Mayring, P (2000). Qualitative Content Analysis. Forum: Qualitative Social Research, Vol. 1

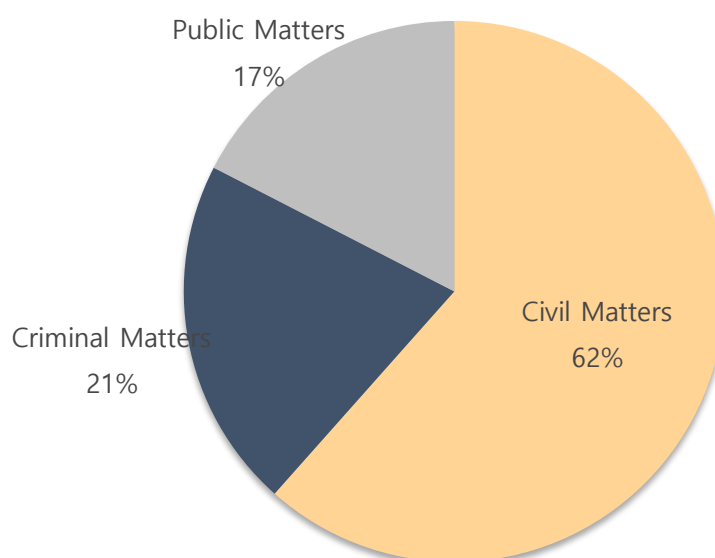
## FINDINGS:

The break-up of the calls and a list of the most common issues are presented below.

### TABLE 1: BREAKDOWN OF CALLS

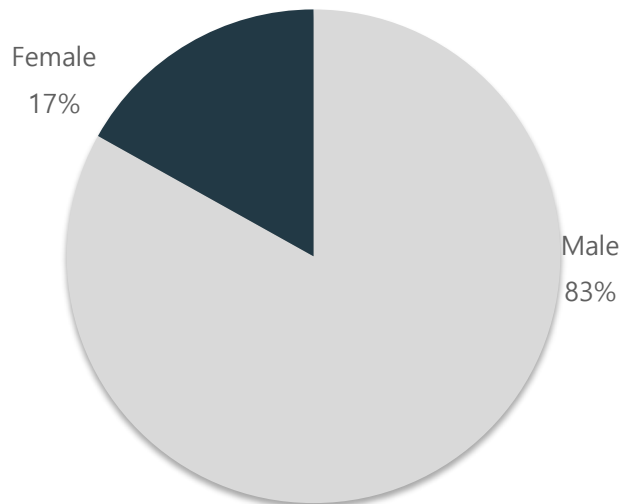
Total number of call received by LACC	12,390
Number of calls used for the data set (i.e. related to civil, criminal and public law)	9090
Number of civil law queries	5596
Number of criminal law queries	1909
Number of Public law queries	1585

### Distribution of Calls Category-Wise



Total No. of Calls by Gender	9090
Number of Male Callers	7554
Number of Female Callers	1536

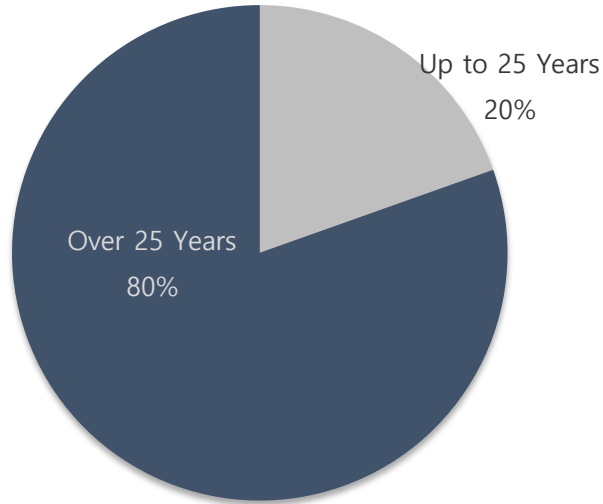
### Gender Distribution of Callers



Total No. of Calls by Age	7759
Number of Callers up to 25 Years	1518
Number of Callers over 25 Years	6241

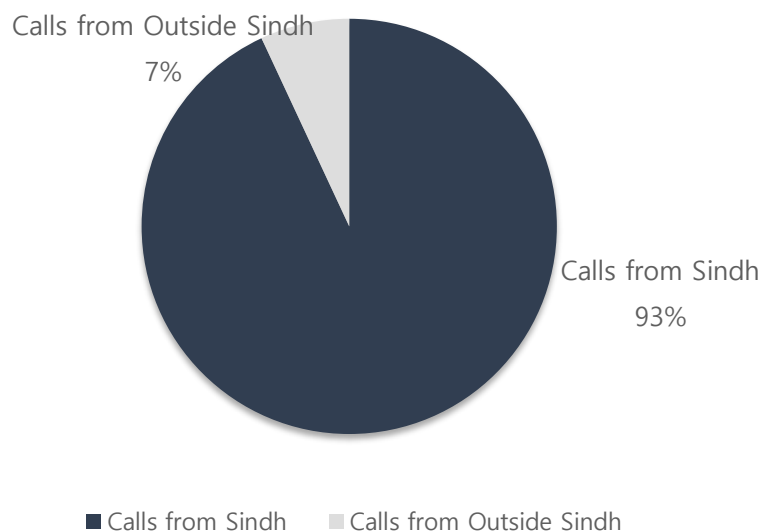
*\*Note: not all callers' ages were recorded*

## Distribution of Callers Age-Wise



Total No. of Calls by Geographic Location	9090
Number of Calls from Sindh	8459
Number of Calls from Outside Sindh	631

## Geographical Distribution of Callers



## TABLE 2: KEY ISSUES

KEY ISSUES
• Basic facilities – health, water, schools, electricity, etc.
• Corruption
• Public services (e.g., NADRA)
• Employment (appointment/termination/salary/benefits)
• Land/property disputes
• Loans
• Fraud/forgery
• Assault/threats/harassment
• Abduction
• Inheritance (share/will/gift)
• Restrictions on education/employment/economic rights
• Marriage by choice
• Conjugal rights
• Domestic violence
• Dissolution of marriage/divorce
• Custody/maintenance/recovery of dower/dowry
• Polygamy
• Sexual abuse/rape
• Cybercrime
• Illegal confinement
• Sale of girls/forced/child marriage
• Karo kari
• FIR registration/false



Callers from primarily across Sindh, but also from other parts of the country, contacted the Call Centre for help with a diverse range of legal matters, mostly for accurate, often detailed information. Most frequently, this information was sought regarding either a) legal and court procedures (e.g., the registering of First Information Reports, sending/responding to legal notices, lodging complaints against companies/public services, filing suits, making applications, etc.) or b) their rights under the laws related to various issues, such as inheritance, custody, assault, property ownership, appointment, termination, salaries, etc. Many cases also required support and advice beyond information, for example when callers were already involved in the court system, when their cases were complex, when multiple legal processes and technical aspects were involved and when socio-political power dynamics were at play.

It is beyond the scope of one paper to do justice to all the legal issues revealed in the extensive data of over 9000 calls. This paper will, therefore, focus on two groups that emerged as the most vulnerable: people belonging to rural areas (in Sindh) and women. The emergence of these two groups and the nature of their queries reflect the strong socio-political link that exists between awareness/information and power in society.

## **BASIC RIGHTS – WATER:**

Complaints regarding basic rights such as water, health facilities and schools were frequently noted. Callers lamented that their villages lacked basic facilities, and that the lives of the population, including children and even cattle were being adversely affected or even lost because of this neglect. The quality and/or quantity of water for drinking, sanitation or irrigation, including obstructions caused development projects or by people in power who have control over local resources appeared to

cause significant stress and difficulties for villagers, for example, landowners illegally creating water courses for themselves, while restricting others' water supplies.

Although Pakistan is a signatory to International Covenant on Economic Social Cultural Rights (ICESC), which includes water and sanitation, this basic human right remains inaccessible to the ordinary Pakistani.<sup>3</sup> An estimated 90% of the rural population is deprived of clean drinking water. Waste management and sanitation facilities also continue to be gravely inadequate.<sup>4</sup> The public health implications of these violations of Pakistanis' water and sanitation rights are severe, with about three million Pakistanis, especially children, facing waterborne diseases such as diarrhoea, acute respiratory tract infections, and Malaria and iodine deficiency.<sup>5</sup>

The deplorable state of water and sanitation in Sindh is well established, and is attributed primarily poor governance, including inadequate planning and low priority given to water as a basic right at local, provincial and national levels.<sup>6</sup> The result is uneven water distribution, misuse of water resources and inefficient irrigation techniques. The River Indus, the source of water for 97% of the Sindhi population is routinely polluted by industrial wastes and sewage water.<sup>7</sup> With about 80% of the rural population having no access to adequate sewerage or waste water facilities, the risk of contamination is extremely high. Further, drainage water is also often reused for irrigation after mixing with the River Indus water, rendering the water available to Sindh is both inadequate and dangerous.

---

<sup>3</sup> United Nations Department of Economic and Social Affairs (2015). International Decade for Action 'Water for Life 2005 - 2015

<sup>4</sup> Khisro, S. N (2014). Water and sanitation: a basic human right, *Social Development Log of Pakistan*, Jan 2 2014

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Abro, H (2013)(Water issue in Sindh. *Pakistan Observer*, Nov 19 2013

## EDUCATION:

The state of schooling was of particular concern to many callers of all ages, both men and women. Schools, they reported either did not exist in their region, or existed only on paper, with no actual educational activities being carried out on the allocated premises. Teacher absenteeism was also a common grievance as was the actual state of the school buildings and lack of basic facilities. The callers recognized that education was their children's fundamental right under the Constitution of Pakistan 1973, and were eager to learn whether, and if so, how they could take legal action to push for its attainment. Complaints about the lack of girls' schools in parts of rural Sindh were also recorded, reflecting the fact that girls' education and human rights were being most violated.

The 18th Amendment to the Constitution of Pakistan 1973 enshrines education as a fundamental human right, mandating the provision of free and compulsory education to all children between the ages of 5-16 years. Pakistan is also a signatory to the United Nations Convention on the Rights of the Child (CRC), which lays down education as a basic right of the child.<sup>8</sup> In violation of both its own constitution and international commitments, the state of schools and education and even basic literacy is officially estimated to be 58%, one of the lowest in the world.<sup>9</sup> According to the Pakistan District Education Rankings 2015' report produced by Alif Ailaan and Sustainable Development Policy Institute (SDPI), aiming at helping to understand state of education within Pakistan at national, provincial and district levels, Pakistan continues to miss each of its Millennium Development Goal (MDG) 2 targets to achieve universal primary school access and improving retention in schools and scores. It is also far from achieving any of its goals laid

---

<sup>8</sup> Child Rights Committee (2015). Pakistan, Implementing child rights in Pakistan: alternative report for the UN CRC, June 2015

<sup>9</sup> Abbasi, K (2015). Literacy rate remains unchanged. *Dawn News*, June 5 2015

out in the Education for All (EFA), with an estimated 47.3 per cent of the children (25 million) between ages 5-16 being out of school.<sup>10</sup> Schools and education continue to be plagued by issues of access, quality, infrastructure and inequality as well as an alarmingly large number of non-functional schools. Many existing schools lack basic facilities and are also victims of the water and sanitation problems that affect the country. In rural areas, for example, only 64% government primary schools have drinkable water facility and 47% have usable toilets.<sup>11</sup>

Poverty, law and order situation, natural disasters, budgetary constraints, lack of access, poor quality, equity, gender discrimination and governance continue to contribute to educational difficulties.<sup>12</sup> Natural and manmade disasters have had an impact on the progress made in the field of education, with many schools being damaged and an increase in school drop outs. The ensuing threats of violence have further affected the students and teachers school attendance. Many schools in the host communities post floods in Sindh, for example, have been used for months at a time as makeshift camps for the Internally Displaced Persons (IDPs).

Even in existing schools, however, the overall quality of education continues to remain a cause of concern with poor learning outcomes. Poor standards of teaching, corporal punishment; teacher absenteeism, lack of teachers, inaccessible locations and poorly maintained and missing facilities, are identified as some key contributing factors to low school attendance.

In the national ranking, the province of Sindh scores the lowest, falling at almost 10 points below the national average.<sup>13</sup> Issues include a deplorably low number of schools that offer education beyond primary, high rates of children out of school (including drop-outs), low school performance (low rates of literacy, numeracy, etc)

---

<sup>10</sup> Alif Ailaan and Sustainable Development Policy Institute (2015), Alif Ailaan Pakistan District Education Rankings 2015, May 2015

<sup>11</sup> Institute of Social Justice

<sup>12</sup> Child Rights Committee, 2015

<sup>13</sup> Kunbhar, Z (2015). *Sindh's primary education continues to remain worse*. *Daily Times*, May 9 2015

and highly poor infrastructure (lack of water, toilets, safe buildings, etc). In addition to these *functioning* schools, the province is also estimated to have over 5500 schools that are not operational at all and over 2000 *ghost schools* and 6000 – 7000 schools that exist, but are closed.<sup>14</sup>

Independent research and reports on the state of schools and education in Sindh over the last few years blame consistently bad governance, a non-serious attitude towards development and widespread corruption for this abysmal situation.<sup>15</sup> These factors also strongly feature in the content of the calls that the Call Centre has received, with coercion and other human rights violations being attributed, among other actors, to the *waderas* or feudal lords, who typically rule over many parts of the province with impunity.

It may be useful here to also highlight the three-way relationship between gender, education and water. While water and education are human rights issues for both girls/women and boys/men in rural Sindh, women and girls are disproportionately affected by both. Pakistan has some of the largest gender disparities in education when compared to the other South Asian countries.<sup>16</sup> While the situation has slightly improved in recent years, girls' enrolment in schools remains significantly lower than that of boys at both the primary and secondary levels. Insufficient recruitment of female teachers and cultural barriers to girls' education, long distances of the schools from the homes etc. contributes to the low enrolments and retention of girls. Sociological factors such as poverty, cultural constraints, and illiteracy of parents, and parental concerns about safety and mobility of their

---

<sup>14</sup> Ahmed, N (2013). Unfulfilled promises: with 6000 ghost schools education is a scary prospect. *The Express Tribune*, Jul 14 2013

<sup>15</sup> Child Rights Committee, 2015

<sup>16</sup> Ibid.

daughters, society's emphasis on girl's modesty, protection and early marriages may limit family's willingness to send them to school.<sup>17</sup>

Within the rural population of Sindh, the female literacy rate is just 22 per cent, and out of over 44000 primary schools, only about 7000 are girls' schools,<sup>18</sup> which are largely favoured over co-educational schools. The fact that girls have to travel long distances that girls in order to attend school and that most schools have male teachers means that the large majority of girls in Sindh's rural areas remain out of school. It is then no wonder that the absence or of inaccessibility of girls' schools is an issue over which callers wish to pursue legal action.

About 66 percent of the population lives in rural areas and around half of it is made up of women, who have very limited access to health facilities, clean water and sanitation.<sup>19</sup> Water problems, particularly contaminated water and the lack of adequate sanitation facilities are also responsible for many of women's health and hygiene issues. As with other international conventions, this is a violation of Pakistan's commitment to the Convention on the Elimination of Discrimination Against Women (CEDAW) that lays down principles to end discrimination against women, including their living conditions related to sanitation and water. In Sindh, women and girls spend an average of six hours a day collecting water, walking long distances, at the cost of their own health and development. According to a study conducted in four countries, including Pakistan, the time spent fetching water is one of the reasons girls are out of school.<sup>20</sup> A higher school dropout rate of girls

---

<sup>17</sup> Ashraf, E, Afzal, M.Y & Shurgeel, H. K (2015). A Review of rural women education in Pakistan, *Science International (Lahore)*, Vol.27. No.1

<sup>18</sup> Channa, A.R (2013). Female Literacy in Sindh. *The Express Tribune*, Jan 6 2013

<sup>19</sup> Pakistan Bureau of Statistics, Housing, water supply and sanitation

<sup>20</sup> Sanitation Update (2012). Focusing attention on the critical role of gender in water and sanitation, Feb 16, 2012

from schools is also attributed to the absence of proper sanitation facilities for millions of girls.<sup>21</sup>

The CRC also clearly identifies water, environmental sanitation and hygiene as a fundamental right for children.<sup>22</sup> Yet, according to the Child Wellbeing Index, which is based on indicators related to children's survival, indicate that out of the 132 districts and agencies surveyed, 57% suffer from low child well-being, with the most deprived districts being in Sindh (68 per cent).

## PROCEDURES:

Many of the callers had queries or complaints regarding procedures for various applications or for responding to a range of violations by different bodies, such as companies, institutions or services, including public services. A lack of simple and accurate information, lengthy, complicated processes, red tape, corruption and fraud, including in the police, emerged as key hurdles to the acquisition of justice.

The lack of information about basic laws and legal procedures emerged as a very basic underlying reason for callers' legal concerns. This indicates that Pakistani citizens, particularly, the underprivileged continue to be disenfranchised of their legal rights because due to a lack of understanding of basic fundamental rights guaranteed in the Constitution of Pakistan, thereby further limiting their knowledge of the rights to which they are entitled and also on how to access those rights. While providing legal awareness and access to justice is the responsibility of the State, the existing situation is far from satisfactory, with people belonging to the lower socio-economic strata, and therefore with low education and resources, being most disadvantaged.

---

<sup>21</sup> Gender News Pakistan (2013). Girls' Education and Sanitation, Oct 31 2013

<sup>22</sup> Child Rights Committee, 2015

At a second level, Pakistanis are further disempowered because of the notorious extent of corruption in the country at every level. According to Transparency International, Pakistan ranks 126<sup>th</sup> out of 175 countries in corruption, with the police being the most corrupt department, followed by public officials.<sup>23</sup>

Corruption within the Sindh Police Department was confirmed by the callers who reported substantial difficulties with the reporting of offences, including murder, rape and abduction. This has been the subject of several reports, starting from the very basic, yet critical point of contact with them, which is the registering the FIR.

Being one of the most tangible representations of control in society, the Pakistani police is infamous for its complex relationship with societal power dynamics by being, on the one hand being the most susceptible to their influence, and on the other, by abusing power in the most blatant ways, especially with the most socio-politically powerless. Corruption in the police is a product of a range of factors, including inefficiency, poor training and capacity, inadequate resources and external pressures because of which the institution whose primary responsibility is to protect citizens and maintain law order, is one of the least trusted in the country.<sup>24</sup> Vulnerable groups, such as women, religious minorities and other disadvantaged groups are particularly susceptible to being disregarded, abused or even brutalized by the police. With only 1% of the police being women, for example, women's issues are grossly susceptible to mishandling and even further victimization.<sup>25</sup> It is not unusual for the Police to not register legitimate FIRs or to minimize the nature of the crime, and at other times, to knowingly register false FIRs, particular in the face of political pressure, bribes and personal prejudices. As

---

<sup>23</sup> The Express Tribune (2013). Land services, police most corrupt in Pakistan: Transparency International, Jul 9 2013

<sup>24</sup> Pakistan Institute of Legislative Development and Transparency (2015). Citizens' periodic reports on the performance of state institutions, Jan 2015

<sup>25</sup> International Crisis Group (2015). Women, violence and conflict in Pakistan, Apr 8 2015



a result, the rate of reliable arrests and convictions from crime, especially those involving powerful perpetrators is, therefore, alarmingly low.

Not only does this depth of corruption, ranging from basic services, to the police to the judiciary itself, have serious implications for the country's progress, it also greatly hampers citizens' access to basic rights and justice. The power dynamics inherent in corruption mean that the most marginalized members of society, with the least access to resources, are the most vulnerable to its impact and most at risk for human rights abuses as a result.

## THE FAMILY:

A strong sense of vulnerability was reflected in the caller's queries about a range of family legal matters. Predictably, girls and women were the most commonly involved in concerns of this nature. The issues reported affected women almost across the life span, starting from before marriage until the marriage ended through dissolution or the death of their spouses. Young women (and at times men in their families or friends concerned about their plight) enquired about what legal courses they could pursue in order to prevent or annul early/forced marriages.

During the marital relationship itself, women of all ages complained about domestic violence in all its forms, including verbal, physical, economic and sexual, including marital rape. Many reported that they, along with their children were being deprived of their basic right to financial support. Others reported second marriage without the first wives' permission as is the legal requirement, and then of discriminatory treatment. Stories of women being abandoned or cast off to their parents' homes indefinitely, and with or without their children also emerged. Many of the cases of marital discord, domestic violence or polygamy ended in separation or potential dissolution of a marriage, requiring a series of legal actions, depending on the specific situations faced by the callers.

In some cases, the women were not eager to sever ties with their husband and asked about how to regain their conjugal rights and to resist their attempts to separate; most female callers, however, required information on the procedure for applying for dissolution of marriage (*i.e. khula*). Cases of separation and dissolution were typically accompanied by conflicts, including at times threatening or otherwise complex situations, related to the recovery of dower items/ dowry, and in particular maintenance and custody. Women frequently reported that laws and agreements related to these matters were being consistently violated, at times involving young children, including infants being taken away from their mothers by force or deception.

Issues of inheritance rights were also a common concern. For women the issue was often about being deprived or a fear of being deprived of their rightful share of their fathers' or husbands' property. Queries regarding gifts and wills were frequently recorded both by women and men and women. Men's inheritance concerns often centred around disputes among brothers.

Pakistani women's experiences of abuse within intimate family/domestic relationships, their struggles to escape these relationships and seek legal support and the barriers they face in this process constitute a pervasive issue of violation of their fundamental human rights to dignity, safety and justice.<sup>26 27</sup> Domestic abuse and discrimination are clearly linked to gender inequality, specifically to male power, privilege and dominance in the family and society,<sup>28</sup> all of which are built into the very structure of Pakistani society.<sup>29</sup> The socio-political status of women and girls in Pakistan is often referred to as being among the worst in the world

<sup>26</sup> Report of the Commission of Inquiry on Women, Pakistan, 1997

<sup>27</sup> Human Rights Commission of Pakistan (2015). *State of Human Rights in Pakistan in 2014, 2015*

<sup>28</sup> United Nations, Declaration on the Elimination of Violence against Women, 1993

<sup>29</sup> Tarar, M.G & Pulla, V (2014). Patriarchy, gender violence and poverty amongst Pakistani Women: A Social Work Inquiry, *International Journal of Social Work and Human Services Practice Horizon Research Publishing*, Vol.2. No.2 Apr, 2014

and includes a serious lack of adequate health care, restrictions on their education and mobility, limited decision-making, opportunities for self-development and access to resources and a deprivation of their basic human rights, which cut across all socio-economic classes, although its nature may differ according to class, region and ethnicity.<sup>30</sup>

The pattern of discrimination faced by girls begins at birth and is typically reflected at every stage of their lives, as they are socialized into conforming to rigid gender role expectations, the final goal being to marry, have children and to nurture their families for the rest of her lives. These gender roles, structures and rules regarding the public and private sphere lie at the heart of the issue of domestic abuse in Pakistan and are critical to an understanding of its dynamics. The private and public spheres are clearly divided in Pakistan, and crossovers from one to the other are not easily accepted. As such, marriage, the family and the home define women, and any deviation from the norm is met with disapproval or even violence. Since men are considered the guardians and the heads of the family, they are expected to take maintain control over their families through whatever means. Thus, resorting to controlling or abusive behaviour may be accepted, as a way of dealing with women whose behaviour is considered inappropriate.

Rigid gender roles in Pakistan also increase girls' vulnerability to early and forced marriage, which is a significant issue affecting millions of Pakistani girls despite the fact that there exist laws preventing girls to be married before the age of 16, and consent is considered a legal prerequisite. However, as with other laws, customs based on traditional notions of femininity, gender roles and adulthood (based on puberty) and feudal attitudes often overshadow legal protections available to women, blatantly ignoring their human rights, wellbeing, choice and agency.

---

<sup>30</sup> Dawn (2014). Pakistan at bottom in gender equality global ranking, Oct 28 2014

As upholders of the traditional role of care-giver, nurturer and preserver of the family unit, women who attempt to or are separated from their husband, are disapproved of. Women who are divorced by their husbands are blamed for having caused their husbands to discard them and/or pitied for their misfortune. Women who choose to separate, even in response to abuse, face enormous social condemnation, and socio-legal difficulties, which for many women serve as significant deterrents. In addition to disapproval and legal difficulties, women wishing to end their marriages may experience the following:<sup>31 32</sup>

- Personal traditional perceptions regarding the sanctity of marriage;
- Limited ability and opportunity to support themselves financially as single women or mothers;
- Lack of support from their own families and friends'
- Discriminatory attitudes and behaviours by the police who may prevent women from seeking a divorce, which may include at best protectionist strategies, such as attempting a reconciliation, and at worst, victim-blaming;
- Threats to themselves of their children, including the very real threat of children being kidnapped;
- Harassment by the husband and/or his family during legal proceedings
- Self-blame
- Low self-esteem resulting from a pattern of verbal and physical abuse
- Psychological issues, especially depression

---

<sup>31</sup> Awan, Z.A. Violence against women and impediments in access to justice

<sup>32</sup> Shackle, S (2013). Protecting women from domestic abuse, The Express Tribune, March 31 2013

An extreme case of domestic violence is that of honour crimes.<sup>33</sup> These are defined as ‘...acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonor upon the family’. Such crimes occur in all parts of Pakistan, including commonly in Sindh, where honour killing is known as *karo kari*.

There are many actions and behaviours on the part of women and girls that may be considered to have dishonoured or shamed their family members (especially the men), such as:

- refusing to enter an arranged marriage
- choosing one’s own marriage partner
- perception of having gained too much independence, such as through education/co-education or employment, especially in work places where men and women work together
- being in a relationship that is disapproved by their family
- having (or being suspected of having) sex outside marriage
- becoming the victim of sexual assault/rape
- seeking a divorce (even from an abusive husband)
- dressing in ways which are deemed inappropriate
- smoking, drinking, staying out late at night, especially in places associated with the free mixing of men and women
- interacting with men with whom they can potentially have a sexual relationship

---

<sup>33</sup> Lari, M.Z (2011). Honour Killings in Pakistan and compliance of law, Aurat Foundation, 2011

- perception/suspicion that a woman has behaved in a way that brings 'shame' to the family

Once a family or man's honour has been tarnished, there are many ways in which they/he may attempt to restore this honour, such as restricting the woman's right of choice to marry, forcing a marriage on to her, forcing her to remain in an unwanted relationship, punishing her for leaving (or trying to leave) one, imposing virginity testing, restricting mobility, etc. However, none of these measures guarantee that there will be no future transgressions, nor can they reverse the loss of honour. Honour killings are, therefore, the only way a dishonoured family member can cleanse himself of the shame.

In addition to real or suspected dishonour, 'honour' is also used as a pretext for a variety of reasons. For example, issues related to inheritance, family/tribal rivalries, covering up murder etc., where vested interests use the excuse of honour as a blanket cover for the multitude of sins'.

Discrimination and violence against women continues to be a pervasive issue because of the level of social acceptance of such violence, the lack of accountability, and a legal and court system that allows gross violations of human rights go largely unrecognised and unpunished. Discriminatory gender roles and expectations, the use and acceptance of violence in general, the concept of family privacy and preservation at all cost, lack of government and social action in response to reports of partner violence seem to be contributing significantly to domestic abuse in Pakistan.

When women become involved in the legal system either by choice or because they are forced to do so, their struggles, as documented by the LACC continue to reflect the deeply rooted patriarchal mind-set, norms and prejudices of Pakistani society, and such are not surprising. It is well-established that women's access to justice is abysmally restricted within the Pakistani court system at every step. Even

with favourable laws in place, women's and other marginalized groups' legal rights are routinely violated for several reasons:<sup>34</sup>

- Low levels of education and awareness in women and other disadvantaged groups, including awareness of their own rights;
- women generally have much less access to financial resources compared to men, and are more likely to experience poverty, which makes the lengthy and expensive process of litigation unaffordable for many;
- women's mobility and interaction with the public sphere is often limited because of traditional notions of purdah and segregation, which makes dealing with the court system is daunting for many women;
- many laws themselves are discriminatory
- The implementation and interpretation of laws occur in a patriarchal context and are, therefore, subject to prejudice.

As a result, often simple civil procedures, such as applying for dissolution of marriage, claiming maintenance or criminal procedures such as registering an FIR are fraught with difficulties because of police or court attitudes that are heavily biased against vulnerable groups such as women, especially in cases involving the family.

While the study brings out clear themes that revealing areas of concern, the scope of the findings is limited in certain ways: first, the study focused only on the calls received and documented by one legal aid centre in Sindh. Second, not all people with legal concerns are able or willing to call helpline for help or are aware of its existence, and as such the findings do not necessarily capture all the socio-legal issues faced by the Sindhi population. Third, the analysis was based on the quality

---

<sup>34</sup> Awan, Z, A.

of the existing documentation of the calls, and may, therefore be limited by the documenters' ability to fully articulate the issues.

However, the available data strongly indicate that vulnerable groups are disenfranchised at a number of levels, with legal awareness and access to services both legal and social being the primary areas of concern. Limited resources, both financial and educational, as well as social prejudice play a significant role in creating a socio-political environment in which the fundamental rights of these groups are ignored or even blatantly violated.

## RECOMMENDATIONS:

The recommendations emerging from the findings of the study discussed above are as follows:

- Basic rights awareness for all
- Legal awareness on laws, the Constitution of Pakistan and basic legal procedures, especially using strategies that are useful for marginalized groups with limited access, literacy skills, etc;
- Re-examination and recognition of basic human rights and needs including third generational rights such as clean water, hygienic environment etc through research and advocacy with relevant institutions;
- Liase with development sector partners to introduce a rights based discussion and approach on socio-economic rights (as opposed to a primarily civil and political rights focus) to be injected into mainstream discourse;
- Assessment and dissemination of information and reports on basic rights violations in rural areas, such as education, water, sanitation, health, etc., with a focus on disenfranchised groups;



- Develop synergies with Government and civil society organizations working on education and education policies to identify methods of ensuring access to education for all, as provided under the Constitution;
- Shift the focus in the discussion within the human rights framework from political and civil rights to include economic, social and cultural rights, as well as acknowledging and recognizing third generational human rights as core rights which the State is obliged to protect and ensure;
- Develop strategies and petition the Government to provide a core focus on the needs for basic facilities for the communities;
- Advocate the Government to develop a clear cut complaints mechanism, including a focus on ability for complainants to track the status of the complaint, effective and timely State response to the issue, monitoring and evaluation within the structure to ensure the lack of response of the relevant institution may result in censure, demotion and any other action for the persons involved in the lack of response.
- Advocacy with the State to provide clear cut processes, particularly administrative for access to basic government facilities and institutions, as well as easy to read and easy access to said facilities and institutions.
- Implementation for strategies promoting transparency and accountability in government departments, ministries and institutions in order to reduce corruption – for example using the use of the Right to Information under the Constitution of the Islamic Republic of Pakistan 1973;
- Development and implementation of strategies to bring about attitudinal change and reforms (e.g, in the police force and society) towards issues of human rights, justice and equality, especially related to women and girls;

- Development of strategies to challenge undemocratic and abusive power structures in society (e.g., *waderas*) in order to promote land rights and social justice;
- Resource mobilization and increased funding for work and capacity-building on psychosocial, human rights and socio-political issues.



## Legal Aid Society

Spanish Homes, Mezzanine Floor, Plot No. 13/A.

DHA Phase 1, Karachi

Phone: 021-99266011-4, Fax: 021-99266015

Website: [co.lao.org.pk](http://co.lao.org.pk)

Facebook: [LegalAidSocietyPakistan](https://www.facebook.com/LegalAidSocietyPakistan)

Call Us **Toll Free** for **Free Legal Advice** at **0800 70806**