



WAR Biannual Newsletter
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Editor's Note

Before writing this editorial, as I sat and sifted through the older editions of Hurmat and other publications by WAR, as I browsed the scores of legal evaluations and articles about women's rights and liberation, way back from the nineties, I realised that there is indeed a lot for us to be thankful for.

Although it took us decades, we have emerged from the dark days of the Hudood Ordinance. Although we all felt that it didn't do nearly as much as it should have, the Women's Protection Act (2006) gave us a starting point and women could at least come forward and lodge a complaint against rape without fearing imprisonment. We continued the struggle and we got the National Judicial Policy (2009) which accelerated disposal time of rape cases in court. Today, we have women parliamentarians supporting our cause. We have NGOs dedicated to fighting for human rights. We have driving licences. Most importantly, we have the capacity of continuing to fight the battles against inhumanity!

So, it is up to us how we choose to see the glass. We can choose to sit back criticize the system and be bitter, or we can appreciate all that we have and take that as a start off and continue struggling for more. We don't even have to be part of a big movement to make a difference. All we have to do is look around us. There is at least one person in

everyone's reach, whose life can be made better by a small gesture and a tiny amount of interest from us. Look at your domestic employees, for example; can you perhaps pay for just one of their children's education?

It will cost merely Rs 2000 a year and can improve the life of a whole future generation! Choose hunger, choose education, or choose justice, choose a cause and help make the place you live in, liveable for all.

All of us at WAR have chosen a cause for ourselves; we want to eradicate sexual violence from our society, we want to help women and children who are survivors of this heinous crime by advocating state services for them, and by rehabilitation, and by bringing the perpetrators to justice. We would like to change our patriarchal mindset and live in a society where women are respected, cherished and afforded equal rights. This is our cause. Choose yours.

Sanaa Rasheed

Editor.

Credits

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About Us

War Against Rape (WAR) is a certified not for profit, non-sectarian, apolitical, non-government organization. It was founded in Karachi in 1989 and became a registered organisation in 1992. WAR is committed to creating a rape free society. It endeavours to work on all social, legal, medical and administrative issues that could help either in the reduction of such acts of violence or support, facilitate and improve human rights and conditions for survivors.

It offers services to survivors of sexual violence including free legal aid, psychotherapeutic counselling, medical assistance and crisis intervention, and has an aggressive advocacy component through which various activities are undertaken for awareness raising and capacity-building purposes.

WAR's Working Committee's Message

Dear Friends,

Warmest greetings from all of us at WAR.



The first half of 2011 has been a very disappointing one for women rights in Pakistan. As you all know Mukhtaran Mai has been very much in the news. She has become a symbol of the struggle for women rights not only in Pakistan but in the rest of the world. We should pay homage to this brave and courageous woman from the village of Meerawala in Punjab, who has fought against a very cruel, heartless and shameful tribal "Jirga System" and the establishment under which it flourishes, knowing fully well that the powerful and the influential would be arranged against her. After nearly nine years of litigation and struggle, the verdict is finally out.

On April 21, 2011, the Supreme Court of Pakistan acquitted by a majority of 3 to 1, all but one Abdul Khaliq of the 14 accused in her gang rape case. He will remain in prison to serve a life sentence. This verdict has been very disappointing and discouraging. It has been met with anger by the civil society, women rights organizations in Pakistan and regarded as an unjust decision worldwide. Mukhtaran Mai's reaction to this humiliation has been a courageous one, that of a fighter against injustice. Rather than remain silent, she has decided to fight back for which she has the support of all the women rights organization in Pakistan: War Against Rape, (WAR), Human Rights Commission of Pakistan (HRCP), Women Action Forum (WAF), Aurat Foundation (AF) and Sirkat Gah (SR).

The most distressing part of this verdict is that the delay in filing a First Information Report (FIR) and insufficient police investigation has been made the basis of acquittal of the accused. This verdict will serve to dissuade rape survivors from approaching the courts for justice. Rape survivors will think twice before lodging complaints. If Mukhtaran Mai, who was gang raped in full public view, was not successful in getting justice, what hope have they got of getting it.

A review petition has been filed by Barrister Aitzaz Ahson on behalf of Mukhtaran Mai, seeking the constitution of a larger bench of the Supreme Court to decide the issue for the safe administration of justice.

In this edition of Hurmat, we have highlighted the distressing aspect of Mukhtaran Mai's case verdict as it represents a great miscarriage of judgment and reflects poorly on our judiciary for providing speedy justice to survivors of rape and other forms of sexual violence against women and children.

We thank you for your support. Our struggle for women rights is like the confrontation between the rock and the stream. The stream wins not through strength but perseverance. We hope to persevere and collectively continue our struggle to create a just society that is free of sexual violence against women and children.

Dr. Abdul Bari Awan,
Member WAR Working Committee

Press Briefing

A press briefing was held at the Karachi Press Club. This briefing was held to:

- Highlight the increase in sexual violence in year 2010 through statistical data gathered by WAR.
- Share WAR's findings and field inquiries in regard with rape cases.
- Demand that the government ensure survivors' access to justice in a dignified manner.

WAR released the following Press Release at the Conference.

SEXUAL VIOLENCE REGISTERS RISE GOVERNMENT EFFORTS REMAIN WOEFULLY INADEQUATE

(WAR AGAINST RAPE – PRESS RELEASE 18 February 2011)

War Against Rape (WAR), Karachi, expresses alarm and despair over the increase in sexual violence in the city in 2010, particularly the rising number of child rape and laments failing efforts by the government to address the issue and needs of survivors.

According to official data released by the Capital City Police (CCP) and three major government hospitals in Karachi, there was an 8% increase in the number of cases registered with the police and a 7% increase in medico-legal examinations in 2010 compared with 2009. However, the number of cases that reached the court during this time constituted only 30% of those that had approached the health sector. Approximately 70% of cases were disposed off by the police following investigations for one reason or the other without the court's involvement.

WAR's findings and field inquiries into reported and unreported cases of rape in Karachi also revealed that 31% of families that reported rape against a family member shifted from their home to avoid social persecution and being 'disgraced' in their community. Most of these families dropped out from the legal system as well.

Additionally, 43% of all reported cases were of children aged less than 16, the age of adulthood in Pakistani rape laws. This reveals that most reported cases were of minors that were disposed off by the police on different counts (see WAR's Factsheet for more details of WAR's statistical findings).

The year 2010 did not see many improvements in the status of women and the rights awarded to them by law. With the exception of the Protection Against Harassment of Women at the Workplace Act, 2010, other important pieces of legislation such as Prevention of Domestic Violence Bill, 2008, were allowed to lapse. More damage was caused by a verdict by the Federal Shariat Court, terming the single most important pieces of legislation for women's rights in Pakistan's recent history, the Protection of Women Act, 2006, unconstitutional and repugnant to Islam.

At this juncture, WAR would like to make the following demands from the government of Pakistan, to ensure that survivors of sexual violence are able to access justice in a dignified manner:

- Broaden the definition of sexual violence in Pakistan's statute. Rape is not the only form of sexual violence perpetrated against women and children.
- Move beyond the focus of using law only for criminalization. Pakistan's legal framework should make use of other areas of law including civil, criminal, administrative and constitutional law to address other needs including prevention, protection and support for survivors.
- Allocate specific budgets that aid the implementation of laws. Law-making should be complimented by regular and institutionalized trainings for public officials and should have in-built monitoring and evaluation mechanism that check for the most consistent implementation of laws and procedures.
- Address gaps and biases in legal and medical jurisprudence textbooks as well as police training curriculum for the advancement of a gender-sensitive and rights-based approach towards public servicing. Use educational curricula to change customary discrimination and stereotyping against women.
- Require that all relevant departments and ministries develop and adopt regulations, protocols and operation standards that promote comprehensive and timely response to cases.
- Ensure timely and expeditious trials in sexual violence cases
- Evolve systems that mechanisms that are consistent with laws and reduce secondary victimization of survivors at all levels.

Training and Sensitization Workshops

Identifying and Preventing Child Sexual Abuse



As part of the Community Outreach Project, the WAR team conducted training workshops with teachers in various schools. Through these workshops we aim to build teachers' capacity for effective communication with children by promoting an understanding of barriers to communication and the importance of non-verbal communication in responding to child sexual abuse. Symptoms of child sexual abuse and its physical, psychological and social effects on children were also under discussion, as well as the myths around child sexual abuse.



During the first six months of 2011, Training and Sensitization workshops were conducted at 4 schools. These included NJW Grammer School, in Korangi Town and in the town of New Karachi at Major Shabbir Sharif School, Molvi Tameez Udding School and Tariq bin Ziyad school, which are run by the City District Government.

WAR coordinated with Ms. Shakila Banu, (Incharge of the Education Department in New Karachi), acting under the instruction of the area ADO, Mr. Mushtaq Ahmed, in organizing and conducting the workshops.

An estimated total number of 3050 children were reached through 80 teachers.

State Actor's Meeting 2011

During the previous year of program implementation (2010), WAR engaged Women's Development Department (WDD) of Sindh in a strategic partnership in order to bring all relevant State Actors on one platform to discuss the procedural gaps in medico-legal sector, law enforcement and judiciary.

This year, WAR engaged the WDD to introduce "Sexual Assault Documentation Protocols" in the medico-legal sector through Health Department of Sindh. These protocols are based on a policy brief developed by WAR in year 2010 to address lacunas in medico-legal examination of rape survivors through consultations with over 60 professionals from three (3) major cities of Pakistan. These professionals include doctors, lawyers, paediatricians, police officers, medico-legal officers, representatives of civil society, legislators and gynaecologists.

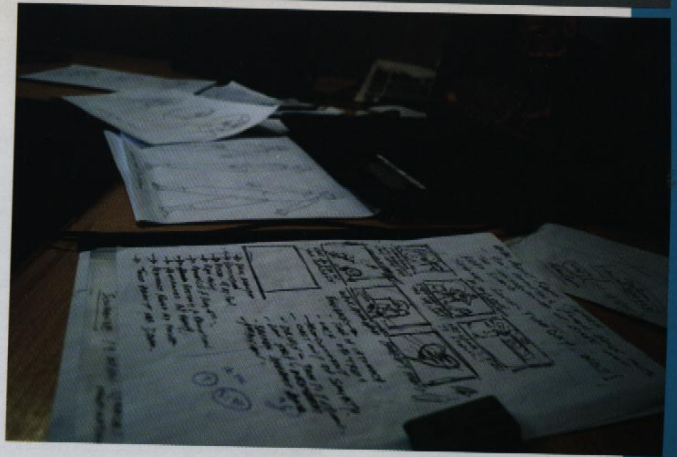
WAR has had two (2) meetings with the Minister WDD till now. In the first meeting, the Minister was briefed about the need of said protocols, format of the protocols, efforts by other national/international organizations, relevant State actors, possible partners and their role in the implementation of the protocols, and expected results/impact. The Minister was very responsive to this initiative. She assured WAR full cooperation of her department.

In second meeting, the Minister had prepared and forwarded a summary of the initiative to Minister Health for his consideration and further consultation with WDD and WAR.

A N K A H I

This year a team of volunteers has come together at WAR to launch a multimedia project, Ankahi (www.ankahi.org). Ankahi will shed light on the unspoken taboo issues of society by telling stories of people who never had a chance to get heard elsewhere.

Ankahi recognises that every NGO that aims to help the under privileged has their limitations, be it on account of finances or protocol; with this project we will aim to step in where others might not be able to lend a hand anymore. Whilst it may be too late for justice for some, Ankahi will still make sure that at the very least their story gets heard and offer them whatever help we can.



To become a part of this exciting project, or if you want to tell a story that ought to be heard, contact us at ankahi.org@gmail.com

Press Conference on Mukhtaran Mai verdict 26 April 2011

A press conference was held by War Against Rape (WAR), Karachi in collaboration with Aurat Foundation (AF) and Women's Action Forum at Karachi Press Club. A panel of speakers comprising of Sarah Zaman (Director, WAR), Advocate Iqbal Haider (former Federal Minister for Law, Justice and Parliamentary Affairs and senior Advocate of the Supreme Court), Barrister Faisal Siddiqi, Barrister Hammad Haider, Advocate Anwar Mansoor Khan (President, Sindh High Court Bar Association), and Nuzhat Kidvai (WAF), addressed media representatives. Mukhtaran Mai also shared her feelings on the verdict through a telephone call.



The speakers expressed their views on Supreme Court's verdict on Mukhtaran Mai's gang-rape case on 21 April, 2011, under trial under the apex court since 2005, and pressed to ensure that justice is provided to rape victims in Pakistan. They discussed weaknesses in the judicial system and the changes which need to be brought about to ensure that justice is delivered to all victims of rape and sexual abuse.

Internship Placements

Every year, WAR gets applications from individuals looking for internship placements. Many of them are international, under-graduate students highly motivated to work on sexual violence. The internship program at WAR offers a wonderful synergistic opportunity where research students can gather quantitative and qualitative data on sexual violence. It is also a great learning experience about the challenges that exist in addressing gender-based violence in Pakistan.

If you, or someone you know, is interested in an internship placement at WAR, please send us an email at waragainstrape.khi@gmail.com

The Bearers of Shame and Guilt

*"Fears are educated into us, and can, if we wish, be educated out."
Karl Augustus Menninger*

Societies known as shame societies keep their members in line by instilling a sense of shame for 'wrong' actions and by threatening them with banishment. On the other hand we have what are known as guilt societies in which the members feel guilt for 'wrong' actions, since offenses are prescribed a due punishment. Justice in tribal systems is carried out by eradicating the source of shame. Shameful acts committed by women are liable to the most heinous types of punishments, as are those committed by men. A crime is always answerable to a law and is made right through a punishment for the offender. This seems only fair and to an extent quite logical. Yet justice in tribal systems seems to be carried out only by redirecting the blame to a female next in kin of a male offender.



Shahnaz Bibi, an elderly woman from the village of Neelor Bala, was stripped of her clothing and paraded in her village in this condition as a punishment for an egregious crime. A crime which she was completely oblivious of since it wasn't committed by her – but rather committed by her son. The son caused shame to his family and the family of the girl with whom he is accused of having an affair with; thus it is now the responsibility of the men of this girl's family to undo this wrong and to restore their honor within the tribe. They rid themselves of shame by degrading a woman who had no knowledge of this crime until she found herself being paraded through her village, naked. She saw the people that once looked at her with respect now turn away in shame. Justice has been served and as a result this woman can no longer return to her home, and has no right to defend her honor.

Honor, as defined by men from tribal societies such as Neelor Bala, comes from their social standing and has a great deal to do with their control and authority over their property, which includes the women of their household. Therefore justice for women becomes difficult to appropriate if not completely impossible. Acts such as those carried out against Shahnaz Bibi are not part of a justice system, but rather a power struggle. Within this struggle a woman though not guilty of any crime can become subject to such disgrace. With no power women become the target of both shame and guilt. Sadly this reality doesn't only exist in rural parts of Pakistan but is also evident in the manner in which women are treated in the judicial system of the nation. The law may theoretically be governed by rules but in actuality it is at the whims of dominant males. So even if a woman were to go so far as to seek justice through the judicial system to demand that the cause of her shame be deemed a crime, she will in the end be silenced. The justice system of a tribe will not allow for her to live in peace and neither will that of the country.

The solution is as convoluted as the mindset of these men. To reprogram their frame of mind is nearly impossible and yet without this no chronic solution can ever be sought. We must also highlight the fact that within these tribes no woman will ever aid or raise her voice for another woman no matter how much she wants to. By doing so she would be risking her life and going against accepted norms which have been infused deeply within her. The power that men have over women is acquired by instilling fear in them. As long as fear prevails, these incidents will continue to prevail. Understanding this fear can only be done by realizing that there is nothing to fear. Power is manmade and ephemeral and the longer fear riddles our minds the longer power will remain in the hands of those who wish to hurt rather than help us.

-Sanam Kalhoro is an Undergraduate at SZABIST University, studying social sciences with a major in International Relations. Sanam was part of the WAR internship program during May-June 2011.

Talking About Incest

What is Incest?

- Simply put, Incest is any sexual act between two individuals who are too closely related to marry.
- Most incest occurs between older male relatives and younger female children in families. Common perpetrators include fathers, uncles and brothers.

How is Incest different from other form of Sexual Abuse?

- Incest differs from other forms of sexual abuse in that the perpetrator is assumed to stand in a protective or parental role to the survivors.
- This is also the reason why the psychological damage to the survivor is much worse in incestuous abuse cases, as there is a betrayal of trust and a sense of powerlessness.

Under Pakistani law, there are no special legal provisions or punishment for cases of incest. The cases are dealt with under **Section 376**, which deals with rape.

What are the factors that contribute to Incest?

- The factors that contribute to incest and sexual abuse of children are very complicated. When boys and men are supported in the belief that they have a right to dominate and control women and children, they may well decide that this includes the right to use them sexually.
- Amongst the lower order working classes, it is mostly the women who go out to earn whilst the men stay at home. In these families, where 6-10 members are sharing a one or two bedroom house, girls have no privacy, and frustration levels are at an all time high. Thus, children fall prey to such crimes.
- Amongst the affluent classes, especially in cases of brother-sister incest, it has often been noted that the perpetrator blackmails the survivors, forcing her to concede to incestuous behaviour.

What can we do?

- www.way2hope.org suggests using a buddy system; always have another trusted friend or relative around so there are always 2 adults with the child.
- Watch out for sudden and unexplained behavioural changes in children; such as extreme mood swings, withdrawal, fearfulness or excessive crying, as well as physical symptoms such as poorly explained cuts or injuries, or pain, bleeding or rawness in the private areas.
- Also keep in mind that children do not always demonstrate obvious signs such as these but may do or say something that hints at the exploitation

Since 2004, WAR has investigated a total number of 8 incest related cases, 60 percent of which involve men in a fatherly position

THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT 2010

Women's Rights Activists all over Pakistan celebrated on 10th March 2010, when through the hard work of women parliamentarians across party lines, with input from various NGOs, the Protection Against Harassment of Women at Workplace Act was finally passed. However, we knew that while a great hurdle had been crossed in getting the law passed, a greater impediment would be to get the establishments to recognise the issue and implement the law in their respective organizations.



The Act was passed with the aim of creating a safe working environment for women, and men, and made it compulsory for every organization, public or private, to incorporate the terms of the Act into their employment policies.

Sexual harassment basically refers to any unwelcome sexual advances not only in the office, but also in any situations linked to official work, including official activity outside the office. Under the Act, harassment has been defined as

"any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment".

Furthermore, the act makes provisions for abuse of authority, creating a hostile work environment and retaliation. This means that it is illegal for the management as well as co-workers to abuse any authority they have over a fellow employee and use it as leverage to coerce women in the workplace into accepting harassment; it is illegal to create a work environment where a pattern of offensive conduct exists; and it is illegal to limit the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights as retaliation for a refused sexual advance. Even in the case that after being initially welcome, the advances become undesirable, it is still legal for the victim to lodge a complaint.

The act also requires every institution to form a three-member inquiry committee, of which at least one member must be a woman, to take complaints of sexual harassment and institute a code prescribed by the law as part of the Human Resource policies. The reason for this provision is to make the process of lodging complains easier.

Should a person be found guilty, the penalty imposed by the act varies from a reprimand or warning to the postponement of a promotion or increment, for minor violations. For major violations, the guilty may be demoted, fired, forced to retire or be made to pay a fine. Also, organizations that fail to incorporate the new law into their policies may be made to pay a fine of up to Rs 100,000.

Harassment is one of the biggest hurdles faced by working women today, preventing many professionally qualified women from seeking gainful employment and/or working at their optimum level. Whilst the Act has made it mandatory for its terms to be included in every organization's human resource policies, over one year down the line, there are still too many organizations that fail to recognize the issue as their own.

One the other hand there are many organizations that are still working to support the Act and to help organizations understand and implement it.

War Against Rape, for instance, is a non-profit, apolitical, non-sectarian NGO run and managed by women. We have a "Protection Against Harassment of Women at the Workplace" policy in place. WAR has a three member enquiry committee, of which two are women. WAR seeks to provide a secure and safe working environment free of harassment, abuse and intimidation of any kind for its workers. Any violation is taken seriously, resulting in immediate action as required.

AASHA is the Alliance Against Sexual Harassment; an organization committed to raising awareness on the issue as well as helping the government and private entities to ensure a safe and healthy working environment for women by providing adequate protection to them. They have, on their website (www.aasha.org.pk), provided a comprehensive code of conduct for companies to download, with a further document outlining an implementation framework to help companies incorporate the law into their Human Resource policies.

In the past the issue of sexual harassment was met with a dismissive attitude coupled with the culture of victim blaming; for example "What does she expect if she dresses that way" or "Well she is always smiling, she should have known better". Our society fails to recognize a woman's right to respect as a basic freedom, but rather treat it as something that she has to be dished out after judgment from men (and even other women) at each and every step.

Even though laws have now been formulated to further the rights of women, the will to implement such laws is lacking. To date, only a handful of cases have been filed under the Sexual harassment Act, at City Court, Karachi. This further reflects the fact that women's issues receive a very low priority in our male dominated and conservative society. It is therefore left up to women ourselves to take a stand when our rights are infringed and use tools such as this Act, to change society's mindset regarding gender issues.

**When we speak we are afraid our words will not be heard or welcomed.
But when we are silent, we are still afraid.
So it is better to speak. [Audre Lorde]**

Sanaa Rasheed

Call for Submission of Articles

If you are a keen writer and would like your work to be published in Hurmat, you can submit your article to us. Articles must be on a topic relevant to the publication and should be on topics such as:

- Women and Children's Right's Issues
- Domestic Violence and Rape
- Support articles for survivors of sexual abuse
- Any other issue related to women's empowerment.

The submitted article must be the writer's own work; plagiarizing material is strictly prohibited.

All submitted articles are subject to review by WAR's editorial committee and WAR reserves the right to print the material whenever space allows and does not offer financial remuneration for an accepted article.

Submit your articles, with your name, postal address and a few lines about yourself, to waragainstrape.khi@gmail.com

Survivor Support Program

WAR's Survivor Support Team initiates first contact with survivors and their families when they come to know of an incident of sexual violence through media reports, reference from other NGOs or the police. It is not very often that survivors approach WAR directly for assistance. WAR's Survivor Supports Officers obtain details of the survivor's place of residence and visit them and their families at their doorstep where they are offered basic counselling and information about their legal rights and how WAR can provide these free of cost to them.

Investigation

In the first six months of 2011, WAR's team investigated 22 rape cases, and made 32 home visits to survivors. Various visits were also made to different Police Stations in Karachi for data collection. Police visits are also necessary when assistance is required in the filing of reports. A total of 27 visits were made to the various police stations and 2 visits were made to the Capital City Police Office (CCPO) for data collection.

A total of 34 visits were made to the three major Government hospitals, Jinnah Postgraduate Medical Centre (10), Karachi Civil Hospital (11), and Abbasi Shaheed Hospital (13) where medico legal exams are conducted for rape survivors.

Psychotherapeutic Counselling

Psychotherapeutic counselling is an important program of WAR. Its purpose is to help survivors and their families to get through the emotional and psychological issues that arise in such instances, and help them develop coping mechanisms so they may be able to once again lead a normal life.

During these six months, 24 counselling sessions were held with 11 survivors and their families. Four survivors who felt unsafe in their residences were referred to PANAHA, a shelter home that provides a safe haven for women until they are able to either go back to their homes or make alternate arrangements. One survivor was referred to the Karwan-e-Hayat for psychiatric consultancy and one was referred to Indus hospital for other medical consultancy, where they are treated free of cost.

Financial Support

During this period, WAR also provided support to survivors and their families through the Survivor Support and Crisis Aid Funds, disbursing PKR 24000/- for the provision of food, medicines, clothing, house rent and education of survivors.



SERVICES THROUGH THE LEGAL AID PROGRAM

The objective of the legal aid program is to extend access to justice to every individual in society, especially to those who cannot afford it. WAR provides legal support to woman and child survivors of sexual violence.

During the period January 2011 to June 2011 WAR investigated a total number of 22 cases. Of these 7 were taken to court (32%) by the WAR team. These figures, compared with the 30% of cases taken to court in the period preceding this, reflect the emerging trend of women seeking justice for the wrongs committed against them.

However, there is still a large number of approximately 70% where cases are still not going to court, not mentioning the vast number of cases that never even get reported. The reason for this is the behaviour and the attitude of the service providers which is extremely discouraging and suspicious; more effort is required to check for irregularities in systems. Conviction rate in rape cases still lies around a depressing 5%. Although there is acceleration in the disposal time of cases, there are still concerns over the quality of court proceedings, police investigations and especially the documentation of medico-legal findings.

Cases Won/Lost in 2011

State V Muhammad Iqbal - Lost

Overview

Twelve year old A resided with her mother, brother and step father in Orangi Town, Karachi. One night her mother found her sobbing and upon questioning her discovered that her husband had tied A's hands and raped her.

When she confronted him, he threatened to throw acid on both their faces. A's mother then went to the police and lodged an FIR, as a result of which the accused was arrested.

By definition, this is an incest case, but due to the lack of special legislative provisions to deal with incest, this case has been dealt with under the same section as rape.

JUDGEMENT

The court cited that the prosecution had failed to raise sufficient evidence to prove the guilt of the accused beyond a reasonable doubt. The accused was thus acquitted and released from jail on 15th June 2011.

The State Vs Mola Dad - Won

Overview

Five year old S was on his way to the market when the accused lured him into an unconstructed building, threatened him and committed the act of sodomy.

When the family came to the WAR offices, the child was petrified and clearly suffering from post-traumatic stress.

The complaint and FIR was registered on behalf of the child by his father.

JUDGEMENT

The court acknowledged that the offence of sodomy committed by the accused had caused great mental anguish and psychological damage to the survivor and his parents and noted that in a society where sexual abuse is rampant, the only way to discourage such conduct will be through awarding exemplary and maximum punishment provided by law.

The accused was sentenced to the maximum sentence of imprisonment for 3 years, and a fine of Rs 45000, with a further compensation of Rs 2 Lacks awarded to the complainant.

STATE V Muhammad Asif - Won

Overview

On 25th February 2009, 18 year old N was at home with her younger sister M, whilst her mother and other sister had gone out to the market. N was busy with household chores when there was a knock at the door and M answered, assuming it was their mother. It was in fact, Asif, the accused in the matter. He pushed M outside the house and locked it from inside. He then approached N (who was in another room). He took her by the arms and forced her on a sofa, where he raped her. Her cries for help were unanswered.

JUDGEMENT

Prosecution was able to prove the accused guilty beyond a reasonable doubt, as the court found that the testimony of the survivor was corroborated by the documented evidence.

Accused was convicted for Rape and sentenced to suffer rigorous imprisonment for fourteen years and to pay a fine of Rs 50,000 and in case of default in payment, a further rigorous imprisonment for six month.

** Names withheld to protect identity of survivors*

Rage against rape

After years of struggle, WAR (War against Rape) is disappointed with the judgment

By Rabia Ali

Tuesday, 29 March 2011

PAKISTAN TODAY

08 | KARACHI

War Against Rape wins another case with hallmark judgement

Rapist sentenced to 14 years' imprisonment with a fine of Rs 50,000

Leading an organization, WAR (War against Rape), solely dedicated to help the victims of sexual violence, Director Sarah Zaman is amongst those who have been left disappointed with the judgment.

Sitting at her office, Zaman warns of a society where women will roam free, and women protect their dignity would remain within the four walls of their homes.

Zaman says that the severe repercussions coming from the top have changed everything, and have set a precedent. The reflection of the judgment would be seen in the police investigations, the medico-legal officer conducting the examination and the judiciary deciding the case.

According to the WAR data, only three percent conviction cases. Zaman repeats, "More people become rapists knowing that they will never be punished for their crime. Already, rape survivors have to go through an exhausting and degrading procedure to register their case. Their examination conducted by defence lawyers. Moreover, they wait for years to know about the outcome of their case."

"In our part of the world, there is a preconceived notion about rapists and the victim. It is that a rapist cannot have a beard especially a white beard. They believe that if a victim is above the age of 10, then it must be because of her ill intentions that she was raped."

The dismal performance of the society in government involvement in registering the medical survivor.

"Here, the story, as the police disfigure the case, some women are not registered."

Sexual violence cases under-reported in media: speakers

By our correspondent Karachi

Cases of sexual violence under-reported in the print and electronic media. In general, survivors of sexual violence in particular are not registered during a training and sensitization workshop organised by War Against Rape (WAR) on Thursday.

The one-day training workshop was organised at a local level to address the stereotypes and prejudices of survivors of sexual violence in the media.

Workshop was attended by women's studies from Karachi and the importance of sending the right message, best practice of sexual violence reporting.

In what can only be referred to as a landmark judgement and a refreshing change from the manner in which rape cases are generally dealt with by lower courts, Additional District and Sessions Judge Karachi East, Ch Wasim Iqbal sentenced a rapist to 14 years' imprisonment with a fine of Rs 50,000.

The accused was convicted on Monday under Section 265-H (2) of the Criminal Procedure Code for the offence punishable

under Section 376 (i) of the Pakistan Penal Code. Failure to pay the fine would mean an additional six months in prison.

According to a press release issued on Monday by War Against Rape (WAR), 'N', a resident of Awami Colony, Karachi, was home alone with her younger sister on 25 February 2009, while her mother and elder sister were away at a local market. Their sister entered the house, knocked on their door and neighbour, Asif, thinking that her N's younger sister, M, thinking that her mother and other sister had returned, opened the door. Asif entered the house, pushed M out, bolted the door from inside and raped N. M, who was around 11 years

old at the time, ran to Asif's house and told his mother that her son had forcibly entered their house and locked her outside. Asif's mother turned M away, saying that she wasn't well. A case was registered with the police when N's elder sister and mother returned home and found her crying in despair. Asif, meanwhile, had fled.

The case was registered in February 2009 at the Awami Colony Police Station, Karachi. It was referred to WAR in July 2010 to assist prosecution and to push for expedient resolution after the trial was delayed for nearly a year and a half.

"The police are biased, the forensic department is poor and above all there are a number of presumptions which affect such cases"

War Against Rape director Sarah Zaman

Rape survivors have to go through an exhausting and derogatory procedure to register their case, have their case conducted and then reply to questions from defence lawyers.

"Legally, when such cases are taken to court there is a lot of interest in the past sexual history of the victim to see if they are telling the truth," she said, quoting Qanun-e-Shahadat, Article 151.

Zaman feels that the verdict will encourage the phenomena of informal justice. "My case was a significant one as a judge had ordered her rape. Now in such cases, the judge will hand out such punishment to women."

WAR programs are funded by:



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psychology and behavioural probability must be borne in mind while assessing the testimonial potency of the victim's version in such a case. How could the victim, [a young girl of 18] foist a rape charge on her [self] unless a remarkable set of facts or clearest motives are made out? Inherent bashfulness, innocent naivety, and feminine tendency to conceal the outrage of masculine sexual aggressive are relevant factors which had rendered improbable the hypothesis of false implication of the actor in the case. [The] fact that hymen of the girl was found torn [as a] consequence of rape... has substantiated the prosecution

R director said that the victim must be used to stereotyping. She, WAR shared with the press conference its data on rape victims of sexual violence. 0 were children.

KORANGI TOWN TOPS THE LIST

By our correspondent Karachi

The sexual violence cases investigated by WAR highlighted the following facts:

- * Highest number of incidents took place in Korangi Town (22%)

- * 15% in Gulshan-e-Iqbal

- * 19% in Bin Qasbi

- * 32% cases were reported in the district

- * Majority of victims were aged between 10-19 years

- * In 2010, the incidence of sexual violence was reported to be 7% in the district

- * Five children were murdered

- * Five children were murdered

- * Five children were murdered

