



Australian Government
Refugee Review Tribunal

Country Advice

Pakistan

Pakistan – PAK39281 – Divorce – Social Stigma – Divorcee’s Risk of Harm – State Protection – Social Services – Female Divorcees Living Independently

27 September 2011

1. What evidence is there that women who are separated from their husbands are treated differently by the community at large in Pakistan?

A number of sources refer to the ‘stigma’ of being a female divorcee in Pakistan. The US Department of State reports that women who are harmed by their husbands are “reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives.”¹ In 2007, a representative of Shirkat Gah Women’s Resource Centre in Pakistan told the Immigration and Refugee Board of Canada (IRB) that being a divorced woman in Pakistan is “tantamount to being a social pariah”.² A 2006 report produced by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders argues that, such is the stigma of divorce, most women in Pakistan opt to remain with a violent husband.³

There is also substantial evidence that many women in Pakistan who seek a divorce from their husbands are at risk of harm from their own family members for bringing dishonour to the family.⁴ While no statistics were located relating to the number of women who are harmed in so-called honour killings for seeking a divorce, the US Department of State reports in 2010 the Pakistan government “failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.”⁵ A 2009 paper in the *Duke Journal of Gender Law & Policy* makes precisely the same criticism of Pakistan authorities.⁶

Even some wealthy or famous women are not immune from harm at the hands of family members for initiating a divorce; in 2009, the popular vocalist Ayman Udas was shot in her home by her own brothers after she divorced and remarried.⁷

¹ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Pakistan*, 8 April, Section 6

² Immigration and Refugee Board of Canada 2007, *PAK102656.E – Pakistan: Circumstances under which single women could live alone*, 4 December

³ Khan, A.N. 2006, ‘Country Report – Pakistan’, in United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, *Annual Report For 2005 & Resource Material Series No. 69*, July, p.139 http://www.unafei.or.jp/english/pdf/PDF_rms/no69/10_P131-143.pdf – Accessed 6 September 2011

⁴ ‘Woman seeking divorce killed’ 2010, *Dawn*, 14 May <http://archives.dawn.com/archives/73542> – Accessed 19 September 2011

⁵ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Pakistan*, 8 April, Section 1.f

⁶ Yafeet, K.C. 2009, ‘What’s the constitution got to do with it? Regulating marriage in Pakistan’, *Duke Journal of Gender Law & Policy*, Vol.16, August

⁷ Deasy, K. & Esmatullah, S. 2009, ‘Female Pakistani singer killed in Peshawar’, *Radio Free Europe/Radio Liberty*, 29 April <http://www.unhcr.org/refworld/docid/49fb10fcc.html> – Accessed 15 September 2011

2. Is there evidence that the police or government in Pakistan, and in Karachi in particular, provide support and/or protection to women who are victims of domestic violence and/or women who are separated from their husbands? If not, is there evidence of why this support and/or protection is not provided?

Pakistan has a very high rate of domestic violence. In 2009, the Human Rights Commission of Pakistan (HRCP) reported that “up to 90% women in Pakistan face some degree of domestic violence in their families, from husband or in-laws”.⁸ Such domestic violence is not just confined to the rural poor; the US Department of State quotes a 2008 report that states that “nearly 50 percent of wives in developed urban areas admitted that their husbands beat them.”⁹ It is also documented that women who have attempted to divorce their violent husbands have been killed.¹⁰

Despite such figures, in 2011 there is still no law specifically banning domestic violence in Pakistan.¹¹ In August 2010, the PPP-led federal government managed to convince the lower house to unanimously pass a *Domestic Violence (Prevention and Protection) Bill*. However, the HRCP reported that this bill lapsed “after the Senate failed to adopt it within the three month period prescribed by the constitution.”¹² The lack of a specific law on domestic violence, and the low priority placed on such a law by politicians, may be reflective of the normalisation of domestic violence within Pakistan society.

Sources suggest that the police are often reluctant to intervene in domestic violence matters. The US Department of State reported in April 2011 that both police and judges are “sometimes reluctant to take action in domestic violence cases, viewing them as family problems.” Consequently, women who attempt to lodge a First Information Report (FIR) following violence have been told by police to go home and reconcile. There are currently eight female only police stations across Pakistan, including one in Karachi. These stations are intended to make women feel more comfortable about approaching authorities about various matters, including domestic violence. The US Department of State notes that these stations are “poorly staffed and equipped”.¹³

Another obstruction to adequate state protection for women at serious risk of harm by husbands or other relatives is that in 2010, the Federal Shariat Court ruled that sections 11, 28 and 29 of the *Protection of Women (Criminal Laws Amendment) Act* of 2006 introduced by President Musharraf are unconstitutional, on the contention that these provisions negated the over-riding effect of the Hudood Ordinances of 1979.¹⁴ This reinstates the principle that a woman’s testimony is equivalent to a quarter of a male’s testimony, making it harder for police and the courts to prosecute perpetrators of a variety of crimes against women.

As mentioned previously, some women who initiate a divorce have been harmed by their own relatives for bringing dishonour to the family. While so-called honour crimes are illegal in Pakistan, there is some evidence that police have assisted families in their attempts to perpetrate such crimes. The Asian Human Rights Commission (AHRC) reported in 2009 that

⁸ Human Rights Commission of Pakistan 2009, *State of Human Rights in 2008*, March, p.122 <http://www.hrcp-web.org/pdf/ar2008.pdf> – Accessed 16 September 2011

⁹ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Pakistan*, 8 April, Section 6

¹⁰ ‘Man kills wife seeking divorce’ 2010, *Dawn*, 30 January <http://archives.dawn.com/archives/129229> – Accessed 19 September 2011

¹¹ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Pakistan*, 8 April, Section 6

¹² Human Rights Commission of Pakistan 2011, *State of Human Rights in 2010*, April, p.203

¹³ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Pakistan*, 8 April, Section 6

¹⁴ Human Rights Commission of Pakistan 2011, *State of Human Rights in 2010*, April, p.203

police in some districts of Sindh have assisted persons seeking to harm family members in order to restore honour by apprehending them on the family's behalf. In one such case, a female police officer in a female-only police station in Sindh province handed over a girl who had sought protection after family members paid a bribe to the office. The girl was later killed.^{15 16 17}

Victims of domestic violence do have some access to shelters and other services. The Pakistan government funds some 26 Shaheed Benazir Bhutto centres, which provide "temporary shelter, legal aid, medical treatment, and psychosocial counselling". There are also approximately 200 'darul aman' centres for women and child victims; however, these centres are said to be frequently "full beyond capacity", and lack adequate resources.¹⁸ In mid-2011, the federal government announced that operation and funding of Shaheed Benazir Bhutto centres would be transferred to the provincial governments. However, according to *The News*, the government of Pakistan's most populous province, Punjab, has stated that it has no interest in supporting the centres, primarily due to the extra financial burden it would bring.¹⁹

3. Is there evidence of tertiary educated women who have separated from their husbands living and working independently in Pakistan, and in Karachi in particular?

Sources are divided regarding the degree to which a female middle class divorcee can live independently in urban Pakistan, including in the large, relatively cosmopolitan commercial capital of Karachi.

In December 2007, the Immigration and Refugee Board (IRB) of Canada quoted an unnamed "adjunct professor of gender studies and international politics at the University of Denver" on the issue of women living alone in Pakistan. The adjunct professor, who reportedly had at least ten years' experience working with women's and human rights groups in Pakistan, stated that "[y]oung unmarried/divorced women in all classes in urban areas find it difficult to live alone. They cannot get apartments to be rented. If they own a property, they can more conveniently opt to live alone but again there is social pressure around them and they have to face all kinds of gossips and scandals".²⁰

The same IRB report also quoted a representative from an NGO working in Pakistan who states that "though it is not illegal for women to live alone, there would be obstacles for a woman to try to rent an apartment or house on her own and 'cultural pressures and personal

¹⁵ Asian Human Rights Commission 2009, 'Pakistan: Police complicity and judicial inaction lead to the murder of a girl on the pretext of an honour killing', 14 May

<http://www.ahrchk.net/statements/mainfile.php/2009statements/2026/> – Accessed 9 November 2009

¹⁶ Asian Human Rights Commission 2009, 'Pakistan: Love marriage greeted by the torture of a family; one girl is abducted by a Punjab MP', 20 May <http://www.ahrchk.net/ua/mainfile.php/2009/3159/> – Accessed 9 November 2009

¹⁷ Asian Human Rights Commission 2009, 'Pakistan/Kashmir: Two women are abducted and three others are arrested as a result of a love marriage', 9 July <http://www.ahrchk.net/ua/mainfile.php/2009/3203/> – Accessed 9 November 2009

¹⁸ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Pakistan*, 8 April, Section 6

¹⁹ The Researchers 2011, 'Pakistan Governance Forum', Edition VII, Volume III, June, p.4

<http://www.theresearchers.org/PGF/2011/June2011.pdf> – Accessed 15 September 2011

²⁰ Immigration and Refugee Board of Canada 2007, *PAK102656.E – Pakistan: Circumstances under which single women could live alone*, 4 December

security would continue to be issues, especially if it was common knowledge [that] a woman was living alone’.”²¹

More recently, the IRB has been advised that the degree to which women can successfully live alone in Pakistan depends on the city and province in which they live. The IRB was advised by a law professor specialising in Pakistan that women in rural areas would find it extremely difficult to live alone; however, in urban areas, wealthier women “with jobs or some property income would not have much difficulty...[i]t all depends on who you are, what resources you have, which part of the country you come from, [and] what your own educational and economic, professional status is...[e]ducated urban, upper/middle class working women or housewives do not find it difficult to rent an apartment or to open a bank account or travel domestically or internationally.”²²

While this might be true in Karachi, it no longer appears to be the case in Peshawar. The Human Rights Commission of Pakistan (HRCP) reported that in January 2011, Peshawar’s district administration issued an order barring real estate agents and landlords from renting houses and flats to women living alone. This order was apparently in direct response to a spate of killings of women living alone in the city.²³

The Aurat Foundation states that while Karachi is notorious for its political violence, it was in fact “conspicuous by its absence from the list of top 15 districts for [violence against women] VAW crimes [in 2010].” The Aurat Foundation suggests that this “could be explained by the high literacy rate compared to the rest of the country, vocal presence of social activists, higher awareness and exposure to a vigilant media.”²⁴

While employed, middle class women in large urban areas might not find it difficult to rent accommodation, sources are more guarded regarding the treatment young and middle aged women living alone. An assistant professor advised the IRB that elderly women in both urban and rural settings won’t face many problems, however “[a] young or a middle age woman finds it hard to live alone in all of these contexts. All kind [of] gossips surround her and she is watched by everyone for every move she makes.” The law professor states that the absence of a male relative may make a woman “vulnerable”, posing a danger to the safety of even “a resourceful woman”.²⁵

Little information has been located on the ease with which educated, single women are able to attain employment. In 2010, the Peshawar High Court directed the Khyber-Pakhtunkhwa and federal governments to relax rules in relation to age limits in place for employment so as not to disadvantage professional women seeking to re-enter employment following divorce. In his

²¹ Immigration and Refugee Board of Canada 2007, *PAK102656.E – Pakistan: Circumstances under which single women could live alone*, 4 December

²² Immigration and Refugee Board of Canada 2010, *PAK103608.E – Pakistan: Circumstances under which a woman has the legal right to get a divorce through the courts (judicial divorce) through her own initiative; circumstances under which single women can live alone*, 17 November <http://www.unhcr.org/refworld/docid/4dd1015f17.html> – Accessed 15 September 2011

²³ Human Rights Commission Pakistan 2011, *State of Human Rights in 2010*, April, p.209

²⁴ Aurat Foundation 2011, *Annual Report 2010: Violence Against Women in Pakistan, A qualitative review of statistics*, June, p.13

<http://www.af.org.pk/PDF/VAW%20Reports%20AND%20PR/Annual%20Report%202010%20-%20VAW.pdf> – Accessed 15 September 2011

²⁵ Immigration and Refugee Board of Canada 2010, *PAK103608.E – Pakistan: Circumstances under which a woman has the legal right to get a divorce through the courts (judicial divorce) through her own initiative; circumstances under which single women can live alone*, 17 November <http://www.unhcr.org/refworld/docid/4dd1015f17.html> – Accessed 15 September 2011

judgment, Justice Dost Muhammad stated that the upper age limit rules for professional women needs to be relaxed given that “after divorce they are in dire need of earning bread for themselves and for the their kids.”²⁶ No sources have been located relating to whether Justice Muhammad’s directive has been instigated.

²⁶ Dastageer, G. 2010, ‘Jobs for divorced women’, *The News*, 5 January
<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=216975&Cat=7&dt=1/5/2010> – Accessed 19 September 2011

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