

Abuse and naked humiliation of three women casts shame on Pakistan's justice system

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The violent humiliation of three women reported from Punjab this week has thrown stark light on the complicity of the police and courts in gender-based crimes, and on the continued degeneration of law enforcement in Pakistan. When police arrived at the scene and found that three women had been forced to parade naked through their neighborhood and onto a local highway, they promptly arrested the women at the behest of the perpetrators. The courts subsequently complied with the arrest.

According to media reports, this violation, like many others in the country, began with a land dispute. Union Council Chairman Mr Ilyas Khanzada wished to purchase the house of Ms Shehnaz Sirajo, who had been accused of running a brothel from home for a number of years. On September 27 a mob dragged two women out of her house and destroyed it. The women were stripped, reportedly under the orders of a Mr Intezar-ul-Haq who leads a banned Muslim militant organization, Lashkar-e-Jhangvi, but before they were forced to walk nude, children were instructed to degrade them by poking them with sticks, one woman's face was blackened with ink and garlands of shoes were put around both their necks. When Ms Shehnaz arrived on the scene, the same was done to her. The three women were then paraded and tormented in a procession from their village to a highway about 500m away.

As soon as the police arrived on the scene, they arrested the three victims to a chorus of jeers. The women were charged under sections 371-A and 371-B of the Pakistan Penal Code, dealing with prostitution. Despite their actions being contrary to legal and human rights principles, the police have protested that they did their duty by providing the women with clothes before they were taken away.

The next day in the local magistrate's court of Patuki town, advocates objected to the women's arrest and demanded that cases be filed against the police for the inappropriate use of the penal code: they had applied the wrong section with no evidence. The magistrate chose not to do so, simply releasing the women on bail. It is still not clear on which charges they were being released on bail; according to Pakistan's law, persons wrongfully booked must be set free.

Although women's rights to respect and dignity, and to be free from arbitrary arrest and abuse are protected in Pakistan's constitution and penal code, these were callously overlooked by the police and the judge. In fact, section 354-A of the penal code states that "assault or use of criminal force to women and stripping her of her clothes, in that condition exposes her to the public view, shall be punished with death or imprisonment for life, and shall be liable to a fine". Instead however, the police officers found charging the women with possible prostitution to be a priority. Pakistan's laws and legal principles are thus being disregarded and abused by those meant to uphold them. The country's police and judiciary have failed in their duties to protect individuals and serve justice. They are instead following the dictates of corrupt and influential politicians, criminals and feudal lords.

It is pertinent here to question the legal knowledge of the police and the magistrate; it is more than likely that they were not even aware of section 354-A. With the rights of women being so little regarded in Pakistan's legal practice, it is not surprising that laws protecting them have fallen into the shadows. The Asian Human Rights Commission (AHRC) consistently comes across cases, particularly in Punjab, in which vital laws are not being used, and which raise doubts regarding the knowledge and competence of certain police, judicial members and even ministers in the provincial government of Punjab, in applying laws correctly in the running of the state.

The AHRC urges that all those involved in the abuse and humiliation of the three women be thoroughly investigated and punished under section 354-A of PPC, and the relevant police officials and magistrate be investigated for misconduct. Such violations plague the country precisely because they go unpunished. The government must take a much stronger interest in the revival and implementation of laws to protect women and all individuals. Gender based training and education are also clearly required. For the women who fell foul of this male ocean of administrative and moral ignorance, the legal system must now be strong and representative. Compensation must be paid and their dignity restored.