

PARLIAMENT WATCH – PAKISTAN*

JANUARY-MARCH 2011



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Proceedings of the National Assembly of Pakistan

January-March, 2011

The National Assembly of Pakistan had met for a total of 24 working days during the first quarter of this year. It had completed its third parliamentary year and met for 10 working days each in January and February and four days in March 2011. A joint session of the parliament was held on 22nd of March. The business of the House during these three months also relates to legislation and discussions on issues of public interest.

January 2011

The Constitution (Amendment) Bill, 2010 was introduced in parliament during the House proceedings of the first month. It proposes that provincial languages (Punjabi, Sindhi, Balochi, Pushto, Shina/Balti and Sarakai) along with Urdu be recognized as national languages. An opposition Party had introduced this Bill in order to give equal status to the languages spoken in all the five provinces of Pakistan.

This is a very important development in a sense that, so far the people of Pakistan were deprived of their right to culture. The objective behind introducing this Bill was to recognize one's right of speaking his or her native or mother language. All the said provincial languages are popular and a number of movements are going on in the country demanding the grant of National status to these languages.¹

It is important to note that meeting this demand of the people particularly of those living in Balochistan, Sindh and the Southern part of the Punjab Province can prove as one factor for keeping the federation united.

Besides this, consideration of The Pakistan Penal Code (Amendment) Bill, 2010 is another important business of the House conducted in this month. A Member of the National Assembly (NA) Justice Retired Fakharrun Nisa Khokher had introduced this Bill². This proposed legislation aims to bring the crime of throwing acid, with the aim of disfigurement of face or any other body part, under the provision of law with its proper definition and punishment.

This is yet another important development for women. In Pakistan, throwing acid at women, by men, had become quite a common crime. Now the proposed bill says that whoever causes permanent disfigurement of face or any part of an organ of the body through using acid, fire or any arsenic weapon shall be punished for a term which may extend to life imprisonment and a fine of Pak Rs 0.5 million to be recoverable from his property or from his share of property. This bill relates specifically to disfigurement of any human being particularly females.

¹ Demo held for acceptance of Sindhi as national language, Dawn,
<http://www.dawn.com/2011/02/02/demo-held-for-acceptance-of-sindhi-as-national-language.html>

² http://www.na.gov.pk/private_bills/pvt_bill2010/pakistan_penal_code_amend_act2010_160310.pdf

Parliamentarians had declared it as an excellent initiative and welcomed it saying that the Amendment should have been tabled long time ago. The members of the House are of the view that this (disfigurement of body parts) is the most important issue of Pakistan where women and girls face different forms of torture and violence. A Parliamentarian, Abdul Ghafoor Chaudhry, suggested that more amendments should be brought to the Bill besides taking it seriously. He suggested that the Bill should be welcomed and supported at all levels besides getting it passed as early as possible. The NA members suggested at least life imprisonment for offenders of such crimes. They urged implementation of such laws with letter and spirit. All of the political parties represented in the parliament are supporting this Bill, considering it a great achievement of the national parliament of Pakistan³. It is believed that this Bill after becoming law would greatly assist in deterring the increasing crimes of throwing acid particularly at the faces of women and young girls. It will be a sigh of relief for women living in remote and rural areas in particular and cities in general.

According to the estimates from media reports, about 150 acid attacks are made every year in Pakistan particularly in Balochistan and Sindh provinces. The gravity of the issue can be perceived for an incident in which three sisters had suffered serious facial burns after two unidentified men on a motorbike threw acid at them in Balochistan.⁴ The sisters, aged between 14 and 20 years, were attacked while they were going from Kalat city to Pandarani village. During the same month, another two women from the same area became victims.

Majority of the victims are women and they are attacked for various reasons including a jealous spouse, refusal to sexual advances of a male or when a girl or her parents reject a marriage proposal. There have also been acid attacks on children, men and older women that are the result of family and land disputes.

Law and order's situation in Pakistan was another area that was much debated in parliament during the month of January. This debate focused on how the lives of the citizens of Pakistan are exposed to threats. The people's basic right to life, safety and freedom of movement are being blatantly violated due to the worsening law and order situation and suicide bombings and incidents of indiscriminate firings have dissipated the peace of the country. This was an area on which, the members of the House expressed their deep concern.

This situation can be well understood from the assassination of former Prime Minister Benazir Bhutto, Punjab Governor Salmaan Taseer and Federal Minister for Minorities Shahbaz Bhatti.⁵ Civil society in Pakistan does not take such incidents as a mere lapse of security but a logical

³ Debates of the house, <http://www.na.gov.pk/hdebate/session27/tuesday281210.pdf> and <http://www.na.gov.pk/hdebate/session28/tuesday250111.pdf>

⁴ Fanatics throw acid on 3 hijabless sisters Pakistan, <http://viewstonews.com/index.php/fanatics-throw-acid-on-3-hijabless-sisters-pakistan/pakistan>

⁵ Shahbaz Bhatti Shot Dead in Islamabad – Federal Minister, <http://www.cnewsworld.com/pakistan/news-pakistan/shahbaz-bhatti-shot-dead-in-islamabad-%E2%80%93-federal-minister/>; Punjab governor Salman Taseer shot dead by bodyguard in central Islamabad after speaking out against blasphemy laws, <http://sheikyermami.com/2011/01/04/punjab-governor-salman-taseer-shot-dead-by-bodyguard-in-central-islamabad-after-speaking-out-against-blasphemy-laws/>

aftermath of the obscurantist policies prevailing in Pakistan on the behest of religious parties and right wingers.

The parliament expressed deep concern over how the innocent people in Balochistan were being slaughtered⁶, how lives and properties of those living in Federally Administered Tribal Areas (FATA)⁷ were being destroyed and how the people were being killed in markets and at worship places. Target killings in Karachi was another area of deep concern.⁸ The discussion also stressed that the government should take all possible steps and make foolproof arrangements that could help maintain respect for the people's right to life, movement, education and health.

It is important to note that frequent suicide attacks at city markets, mosques, shrines and public places have caused a great sense of fear among the masses and they feel no security for their lives and properties.

Discussion on The Women in Distress and Detention Fund (Amendment) Bill, 2010, The Guardians and Wards (Amendment) Bill, 2009 and The Family Courts (Amendment) Bill, 2009 was also on the agenda of the proceedings of the House during the reported month. The National Assembly has not yet passed any of these Bills.

The Women in Distress and Detention Fund (Amendment) Bill, 2010

"Women in Distress and Detention Fund" was established under an Act of the Parliament. The objective of this Fund is to provide financial and legal assistance to women languishing in jails on account of different allegations and who face extreme hardships. Earlier, the Ministry of Law, Justice and Human Rights in Islamabad was administering the Fund, but now the fund has been transferred to the Ministry of Human Rights which was (recently?) established. However, this Ministry is not in a legal position to operate this Fund and it will be through this (The Women in Distress and Detention Fund (Amendment) Bill, 2010) legislation that the Ministry of Human Rights would be enabled to operate this Fund.

⁶ At least six killed in Balochistan violence, <http://www.pakistantoday.com.pk/pakistan-news/National/18-Mar-2011/At-least-six-killed-in-Balochistan-violence>; 16 Punjabis killed in Balochistan attacks, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/15-Aug-2010/16-Punjabis-killed-in-Balochistan-attacks>

⁷ At least 41 killed as US drones attack tribal Jirga in North Waziristan, <http://news.antiwar.com/2011/03/17/at-least-41-killed-as-us-drones-attack-tribal-jirga-in-north-waziristan/>

⁸ 9 more killed in target killings in Karachi, Daily Times, http://www.dailytimes.com.pk/default.asp?page=2011%5C03%5C24%5Cstory_24-3-2011_pg7_1; Triple suicide attacks kill 40 at Data Darbar, Daily Times, http://www.dailytimes.com.pk/default.asp?page=2010%5C07%5C02%5Cstory_2-7-2010_pg1_1; Terror spate continues: Bomb blasts kill 38 in Lahore market, 9 in Peshawar, Daily Times, http://www.dailytimes.com.pk/default.asp?page=2009%5C12%5C08%5Cstory_8-12-2009_pg1_1

The Guardians and Wards (Amendment) Bill, 2009

Through this Bill, an amendment has been proposed to the Guardians and Wards Act, 1890 with the objective of protecting the rights of mothers in keeping custody of minors. In case the proposed amendment is passed by parliament and is incorporated in the said law, it would help end a traditional practice among the males where the child is kept with them after divorce. It would also help save the children/minors from going into critical conditions.

The Family Courts (Amendment) Bill, 2009

This Bill provides for speedy trials in cases relating to women's shares of inheritances by including them in the schedule of the Family Courts Act, 1964. It will bring issues relating to shares of women in inheritance into the jurisdiction of the Family Courts. After this proposed legislation becomes law, it would help females in the community to have their right to inheritance decided within a suitable time rather than waiting for years or standing in long queues outside the ordinary civil courts of the country. In Pakistan, women are more often deprived of their right to inheritance due to delaying tactics. Denial of women's rights to property is basically feudal thinking aiming to hamper women from gaining "control" in society. Since most women in Pakistan are illiterate and the courts also operate in a patriarchal system, males use delaying tactics to keep property under their control.

February 2011

During February, issues relating to law and order came under discussion. The government was urged to take necessary steps to ensure complete eradication of polio from the country. It was placed on record that more than 100 polio cases had been detected in the country. Most of them were from conflict stricken Federally Administered Tribal Areas (FATA) where infrastructure has been completely damaged and where there are no health facilities available to people.

Besides this, a calling attention notice regarding non-repatriation of Pakistanis stranded in Libya and obstructed at the Egyptian border was moved in the House. It expressed deep regret and sorrow over the loss of human lives and the tense situation which is particularly painful for women and children residing in Libya.⁹ It demanded the government of Pakistan to take immediate steps to bring Pakistanis back in order to save their lives.

In this month the National Assembly had also passed The National Commission for Human Rights Bill 2010. The Bill was passed in order to set up the National Commission for Human Rights (NCHR). It is in pursuance of the UN General Assembly Resolution No 48/134 of 20th December, 1993, and other relevant resolutions of the UN Commission on Human Rights where Member States are under obligation to establish such Commissions. It is considered as a singular criterion to judge a State's commitment towards the protection and promotion of Human Rights. The formation of the NCHR would fulfil the international obligation on one hand and serve as a driving force for negating the propaganda of Human Rights violations in Pakistan.

The Commission established under this legislation will be empowered to assume the role of a court in special circumstances with authority to take suo motu notice. It is also pertinent to mention that the move came days after the release of the annual report by Human Rights Watch (HRW) which states that 2010 was the worst year for Pakistan in preserving human rights, with forced disappearances at an alarming level and minorities being targeted by extremists.¹⁰

The Commission will be an independent body that has powers to summon any authority from the government machinery. It will be empowered to intervene in any proceedings involving allegations of violation of human rights and visit jails anywhere in Pakistan. The body, according to the draft of the bill, will have powers of a civil court while inquiring into complaints under this Act. This Bill also speaks about the establishment of Human Rights Courts at provincial levels in order to effectively safeguard human rights.

It can review the laws, including laws of terrorism which inhibit the enjoyment of human rights, and to recommend appropriate remedial measures; review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights, recommend adoption of new legislation, the amendment of the existing laws and the adoption

⁹ Debate of the House <http://www.na.gov.pk/hdebate/session29/tuesday010311.pdf>

¹⁰ National Commission for Human Rights': Bill approved to create independent rights body, <http://tribune.com.pk/story/110385/national-commission-for-human-rights-bill-passed-to-create-independent-rights-body/>

or amendment of administrative measures for their effective implementation. Moreover this Commission could recommend ratification of International Human Rights Instruments or accession to those instruments, and make efforts for their implementation.

It would have the power to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through print and electronic media, seminars and other available methods. It is worth mentioning that passing this law was a great achievement of the current government of Pakistan. Such legislation or setting up of such commissions in societies like Pakistan would help immensely in addressing the human rights issues where violation of human rights is very rampant¹¹ and mostly goes unnoticed due to the lack of legislation or systems.

March 2011

In March, much discussion took place surrounding the ghastly murder of Mr Shahbaz Bhatti, Federal Minister for Minorities' Affairs and homage was paid to his excellent services as a parliamentarian and minister of the government. Mr. Shahbaz was killed in the federal capital on March 1, 2011 by three unidentified gunmen. According to reports, Tehrik-i-Taliban claimed responsibility for the attack on the federal minister.

Besides this, the Standing Committee on Law, Justice and Parliamentary Affairs presented its report on the Bill to amend the Muslim Family Laws Ordinance, 1961 [The Muslim Family Laws (Amendment) Bill, 2010]. Proposed amendment to the Bill requires the Registrar of Marriages to ensure that a premarital blood screening of the bride and groom has been undertaken and a certificate to this effect has been produced by each party before the marriage is registered.

The basic objective behind this legislation is to ensure the birth of a healthy child. In Pakistan, more than 12 million children and individuals are affected by Thalessemia, which can be controlled through appropriate medical tests before entering into wedlock. It can help prevent the birth of 5000-6000 thousand children suffering from the abovementioned disease every year

Note: There is not much to report for the month of March because the NA remained in session just for four days in this month. Secondly any other business done in this month was not relevant to this report.

¹¹ National Commission for Human Rights Bill Passed to Create Independent Rights Body, The Express Tribune, <http://tribune.com.pk/story/110385/national-commission-for-human-rights-bill-passed-to-create-independent-rights-body/>