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actalliance



# Case Studies and lessons learnt from a **Drive to Combat Gender Based Violence** in Khyber Pakhtunkhwa



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### **INTRODUCTION**

These case histories are taken from the records of Khwendo Kor (KK), an NGO whose work for women includes fighting individual cases of violence and injustice. The stories provide vivid illustrations of the approach already being taught through training courses and community groups. Many of the women, and men, who approach KK for help have been encouraged to do so by members of Women's, Men's, and Gender Based Organizations whom KK has sensitized to issues of Human Rights, in particular relating to family and marriage, but also to frequently associated issues of Gender Based Violence (GBV). The resulting cases have further increased understanding of these issues among the communities involved and demonstrated that injustices can be successfully fought by a variety of methods. It is hoped that these case studies will fulfill a similar purpose for other courses and groups, both bringing a variety of issues alive at a personal level and stimulating discussion. They can also be used to encourage victims to speak up and to persevere when initial efforts to find justice have failed. Finally, we hope that they will inspire both individuals and organizations to contribute to the struggle to give a voice to women who have previously been voiceless and powerless, and that such contributions can be sustained in the local communities.

### **Background**

Since 1993, Khwendo Kor (Pushto for 'Sisters' Home') has been working for women in Khyber Pukhtoon Khwa (KP) and the Federally Administered Tribal Areas (FATA) of Pakistan. Its approach is to seek the active involvement of communities and partner organizations, thus ensuring that its development work is both owned by local communities and sustainable. Its main programme focuses on the development of community-led social services (education and health), the promotion of good governance (through policy advocacy, social organization and mobilization and networking), the creation of sustainable livelihoods (with a focus on micro enterprise, natural resource management and alternative energy sources), and relief and rehabilitation. Its target rural areas are generally conservative and women's personal and social life is restricted by rigid traditions and cultural practices. Gender issues are severe and varied.

Khwendo Kor has addressed the main effects of gender discrimination by making women literate, enhancing their income level and addressing their health issues. However, a strong need was felt to address directly women's rights of inheritance and consent in marriage. Many women also needed psychological help and forums

for expressing their anxieties, sharing experiences and accessing professional help. The associated issues faced by women were mainly domestic violence, beating, and harassment.

Based upon its successful experience of promoting women's development and empowerment through organized groups of women and men in many parts of KP and FATA, KK felt confident that it was possible to address the sensitive issues of women's rights.

### **The Problems**

The communities involved have a strong traditional culture where the institution of the family and marriage is accorded profound importance. Islamic teachings provide clear guidelines for marriage that protect the rights of all stakeholders - the husband, the wife, the children, and society at large. They also provide for rights in marriage dissolution, for example, the right to dissolution of marriage is given to both spouses. Islamic teachings are, for the most part, the basis of the different family laws in Pakistan. However, there are traditional practices in Pakistan, which are often in blatant violation of both rights and law, largely due to public ignorance and weak implementation of law, and partly to weaknesses in the laws. One main reason for this is the misinterpretation of religion, which is wrongly used to reinforce oppressive practices. Where there is dispute between families, often a mediator will arrange a Jirga, that comprises influential members of communities, elders of the families, and takes care to include supporters of both sides. The jirga then considers the case and, after discussing the matter, comes to a decision about how to handle it, which the mediator then announces. The decision of a jirga is binding. KK realised that religious leaders and institutions such as Imams, Mosques and Madrassas (religious schools) can play a crucial role in this regard, but themselves needed to have a raised awareness, especially when the members of a jirga had not previously been sensitised to the issues of forced marriages and deprivation of rights to inheritance, or to their impact on society, especially women. KK also found that Government officials might lack awareness of these issues, so that victims had difficulty in getting medical and legal services. In some cases this was further compounded by the vested interests of social, religious and political figures. No proper mechanism existed for referral of individuals to the relevant service providers.

Local culture and tradition have also prevented individuals and the media from bringing these issues to larger forums. The lack of proper case records made it

difficult to address them properly. Traditional and religious constraints combined to put barriers in the way of individuals who wanted to share their experiences and demand justice. There was no space for women to express and share their grievances at family and community level.

### Glossary of Initials and terms

FATA	Federally Administered Tribal Areas of Pakistan
KP	Khyber Pukhtoonkhwa
KK	Khwendo Kor (Pushto for 'Sisters' Home')
KACC	Khwendo Kor Area Coordination Committee
RO	Regional Office
CFC	Community Facilitation Centre
FIR	First Information Report registered with Police when it is believed a crime has been committed
DPO	District Police Officer (the senior officer in the district)
GBV	Gender Based Violence

**Eid al-Fitr** – The festival at the end of Ramadan, in 2016 in Pakistan, July 5-9th.

**Jirga** - A traditional assembly of leaders that make decisions by consensus and according to the teachings of Islam. The jirga conclusion is binding and it holds the prestige of a court in the tribal areas of Pakistan, but this usage is being replaced by formal courts of law in some areas.

**Nikah nama** - Marriage contract, includes dower and dowry etc. (also Nikkah)

**Rukhsati** - A formal "sending off" after the nikah ceremony when the groom and his family leave together with the bride, taking her to her new home with them.

**Iddah / iddat** - The period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. Its purpose is to ensure that the male parent of any offspring produced after the cessation of a nikah (marriage) would be known.

**Wani /vani** – An outlawed cultural custom that survives in rural Pakistan wherein young girls are forcibly married as part of punishment for a crime committed by her male relatives. It is an arranged child marriage, the result of a punishment decided by a jirga. Pakistani Law forbids it.

### The Case Studies

The following case histories show that KK's work is enabling the voices of women to be heard. The individuals have contacted KK in a variety of ways: through referrals by members of KK's women's and men's groups; after hearing KK's radio broadcasts or attending their training courses; or as a result of contact with a KK staff member on a field visit. Women have benefited from the self-confidence gained through the support of respected KK staff to both initiate new cases and challenge previous decisions. The Community Facilitation Centres (CFCs) set up by KK at Union Level have been able to use both the traditional methods of the Jirga (a decision-making assembly of male elders) and the law to gain justice (usually in the family courts).

Sometimes counseling and negotiation were sufficient for a settlement to be reached. Sometimes the next step was usually where an element of authority is added to the impartial consideration of arguments. Sometimes this meant reconvening a Jirga that had been unable to reach a satisfactory decision, or overturning the decisions of a previous Jirga (Case Studies 4, 5, 7, 11, 12). In these cases, one or more Jirgas had already been held, and it was not until KK's support was enlisted that the woman's viewpoint was fully expressed and heard and justice was won. In-laws often proved more willing to compromise when faced with the arguments of skilled KK negotiators. In one case, the members of a Jirga were themselves charged with unlawfully upholding the practice of 'wani' the forced marriage of a child. (Case Study 12). In other instances, police or the family courts were involved, where KK's access to professional lawyers gave additional strength to the women's cases. Two cases (11, 12) show how publicity and the media can be used to apply civil pressure, so that the attention of official authority is brought to bear. Almost all the cases can be seen to arise from society's inability, within every level, to attend closely to the condoning of cruelty and violence, financial hardship and deprivation of choice. All the cases show that the dedicated work of groups such as KK bring hope to women, and others disempowered in an abusive culture, as their stories are heard, and their rights supported and sustained.

#### **1: CASE concerning second marriage and rights to inherit**

In June a KK office was approached by Nasreen (a government schoolteacher). KK registered her complaint regarding her husband Anwar, (a lawyer).

Ten years previously, from her own village, A, Nasreen married Anwar, from a different village, B, with the consent of both families. Anwar was a widower with two

sons and one daughter from his first wife. This first family have each married, though the younger son is divorced. As second and younger wife, Nasreen bore a son and daughter, who are 10 and 8 years old. During the ten years of her marriage she said she had always been abused mentally and physically but had borne this for the sake of her children. She also reported that she and Anwar had moved to town C when they had been married for 5 years, and the house in Anwar's village was rented out. She claimed that she was always treated as a servant or maid for all his children and that he did not give her money, 'not a single paisa', for domestic expenses. As a government teacher Nasreen herself provided the expenses of her own children. She also said that Anwar demanded Rs 10,000 to Rs 20,000 every month from her, which she paid every time because she knew if she did not, he would abuse her. Nasreen's brother had previously arranged more than one Jirga, but with no effect.

In the previous week, while housekeeping, Nasreen had found an official document. This said that Anwar had transferred all of his property to the sons and daughter of his first wife. She was shocked that her own son and daughter were not included, and decided that she did not want to live with Anwar any more.

Nasreen asked KK to help her with:

- Getting her son and daughter their share of their father's property.
- The dissolution of her marriage.
- The recovery of dower items and dower amount.

The KK Regional office (RO) contacted Nasreen's husband Anwar. A meeting with him was held in RO on 8th July 2016. He said that Nasreen was his wife, he did take care of her and indeed had also taken care of her family during the 2005 earthquake, and after the death of her father he had helped her family in the marriage of their younger daughter, her sister. He further disclosed many of his domestic concerns.

From taking histories from both Nasreen and Anwar, the KK team drew a conclusion that in this case both the parties had many misunderstandings and confusion in their communication with each other. KK staff engaged in two counseling sessions with Anwar and three counseling sessions with Nasreen.

### **The following decisions have been taken:**

- Nasreen is now willing to remain with her husband under some conditions. (Written statement officially recorded).
- Anwar gave a written statement that he will not commit any acts of violence and

will take good care of Nasreen. (Written statement officially recorded)

- It was decided that Anwar would accommodate both his families in separate houses and would treat both families equally.
- All his sons and daughters from both marriages will be treated equally and have equal shares in their father's property.
- The rights of her children being upheld, and being given assurance of her own safety, Nasreen changed her mind regarding wanting her marriage to be dissolved.

KK found that counseling was the action that brought about this result satisfactory to both parties.

### **2: CASE concerning negative family interference in marriage, and child custody issues**

Jamila had been told by a relative about KK, and made contact with a community facilitator (CFC) in village E, who guided her towards the Regional Office. She registered her complaint there in September 2016 as follows.

In October 2013, Jamila married Naveed, and lived happily with him in a joint family home with his parents and his sisters. In 2015 she gave birth to a baby girl and thereafter conflict arose as a boy had been hoped for, especially by Naveed's sisters. They teased her, denigrated her and persuaded Naveed to join them in this mental pressure.

When the child was about six months old Naveed suggested that they visit Jamila's parents in their home. On arrival, he threatened her and her parents, saying that he no longer wanted her in his home, but that he would take her daughter. This threat distressed Jamila very much, and indeed 25 days later, he did come to her parent's home where she had remained, and took the baby. Jamila called her father-in-law, and begged for his help with everyone present, to have her daughter returned. She tried to make contact with Naveed, but was ignored. In July at Eid al-Fitr celebrations, her father arranged a jirga to help her, but her in-laws rejected it. Then, while in a very depressed state, Jamila heard about KK.

When she visited the KK office, she brought her Nikkah Nama with her and asked for free legal aid for the process of

- Dissolution of marriage



- Child custody
- Her expenses during her stay at parents' home.
- Expense of her daughter after custody.
- Dower/ dower items given by her parents at the time of marriage.

After taking the history above the KK staff called the regional office in Mansehra, and asked advice about the case. KK's Regional Manager, a lawyer, arranged a counseling session with Naveed. This resulted in the realization that Naveed and Jamila still loved each other and believed that they could live together happily, but should take some counseling sessions. As there were also difficulties with in-laws, KK also decided to arrange a Jirga for Naveed and Jamila along with their families to be held in the KK office in Mansehra.

On 29th of September 2016, this final Jirga was held with both parties and their families participating. During the proceedings it was observed that both Jamila's mother and Naveed's father created problems in the marriage relationship. Therefore two separate counselling sessions were arranged with both in-laws. These sessions had positive results and both parties were more able to see each other's point of view. It was decided that

- Jamila would return to her husband's home and her mother would not involve herself negatively in their relationship.
- Naveed's father gave assurance that he would make efforts to resolve Jamila's issues with his family, and ensure her security in future.

KK found that counseling, and enabling representation of both sides in jirga proceedings were the actions that brought about this result satisfactory to both parties.

### **3: CASE concerning violation of Nikah Nama and domestic violence**

A community activist had informed Saeeda and her father about KK, so they came to a KK office in October 2015 when the case was registered.

Saeeda said that she was married to Rahim the previous year in November 2014 and within two months her husband was both physically violent and mentally abusive. Rahim wanted to marry a different woman, Amina, and Saeeda had refused to give permission as refusal is her right under Article 21 of Nikah Nama. However, Rahim

put her out of his home and married Amina. Saeeda returned to her parents' home and while there gave birth to a baby girl through an operation. The expenses of this operation were borne by her parents. Doctors have also identified that the baby has a problem "water in the head" and Saeeda has no money to meet the expense of her baby's treatment and care.

### **Saeeda asked for help with:**

- The expense of the operation, her stay at her parent's home and the treatment for the baby
- a separate space for her to live, apart from his second wife
- assurance that she would not be beaten or abused
- the ongoing expense of caring for the baby girl

KK staff contacted Rahim and he came in to the office. He met with staff seven times for counseling sessions. In March 2016 he made a written statement in front of the local jirga that

- Saeeda would be kept in a separate room
- she would not be abused or beaten
- Rahim would bear the expense of both Saeeda and their daughter
- Saeeda will be able to visit her parents home when she wishes.

KK reached this resolution through counseling, and the commitment agreed was confirmed in jirga.

### **4: CASE concerning divorce and return of dower**

A relative told Habiba about Khwendo Kor. She said she came to the Community Facilitation Centre in September 2016 to obtain justice. KK recorded Habiba's statement that she was married to Fahad in August 2008. The dower amount to Fahad was Rs 80,000 fixed at the time of the marriage. Habiba lived in her husband's home for three years. During these three years he had abused and beaten her almost every day but she bore the violence because her parents had bound her at the time of marriage, saying "that whatever is going to happen even if your dead body should come out from your door you are bound by the respect and honour of our society".

One day, however, her husband ordered her to leave his home and told her not to come back. Habiba was confused about what she had done, did not know why she was put out, but returned to her parents' home and told them what had happened.

They contacted my husband through jirga, but he denied his actions in each and every Jirga. Now, for three and a half years, Habiba has remained at her parents' home and Rahim has never come to the house nor has he sent sends a single penny for the expense of her upkeep.

### **Habiba asked for help in:**

- Acquiring her maintenance for three and a half years.
- Divorce from her husband
- Return of Dower Articles (she attached a list)

The KK Community facilitator contacted Rahim and arranged a Jirga in early October 2016. at the Community Facilitation Centre, in which family members of both parties participated. During that Jirga

- Counselling from KK staff to Rahim enabled him to agree to divorce his wife.
- It was decided in jirga that Rahim would pay Rs 60,000 as dower amount and he will return all dower items.
- Habiba refused in Jirga to take any maintenance amount.

On 27th of October 2016, in the community facilitation centre Rahim paid Rs 60,000 to Habiba's father and sent all dower articles to her home.

KK found that although previous jirgas had failed, their representation of the case and counseling within this jirga, enabled a successful resolution.

### **5: CASE concerning abuse by in-laws, loss of dower items, non-compliance with jirga decisions, and failure of action from police.**

Shazia's brother approached the KK office after he was informed by a community Activist that KK worked for women's rights to inheritance, consent in marriages and GBV issues. He was asked to return with his sister and required documents so that KK could offer legal assistance. When Shazia visited the office, her case was registered and the story recorded.

Shazia had been married on 6th of April 2014 to Wahid. Not long after the marriage, her husband's family (in-laws, and his brother and sister) started harassing her mentally and quarreled with her. Then her husband joined them, and he abused her

mentally and beat her physically. When Shazia reacted to his behavior, he stopped giving her money for expenses, and by 11th of November 2014 she was unwell and returned to her father's home. She could not afford hospital expenses and spent 6 months in her father's home as a patient. On 8th of May 2015 a Jirga was arranged by both the families and it was decided that Wahid would provide separate residence for Shazia, away from her in-laws. But before being able to go to this home, she found that her dower (given by her parents on marriage) had been moved. A day later she found out that the dower items were incomplete and some things were missing or had been stolen by Wahid's family.

The missing items were

- Sofa set
- Some expensive clothes
- 8 Gram Jewelry (Gold)
- One expensive watch and one men's gold ring.

Then, her husband locked the main door, the only door kept open being in the house of her in-laws. She was kept prisoner, and again beaten by them, when she demanded her dower items. she also demanded that her husband take her to her parents' home and to allow her to stay there. At this time Shazia was pregnant, and after two months gave birth to her baby. All expenses were covered by her parents.

On 14th of Feb 2016 Shazia made an application to the Police Station of X Township but no action was taken on that application. On 17th of Feb 2016 Wahid arranged a Jirga of his colleagues working in city courts and after that Jirga Shazia was taken back to his house. After reaching there, she again demanded the stolen items, and Wahid beat her. Then his mother and sister took her gold bangles and other jewelry by force, and again put her out of their house.

On 23rd of Feb 2016 Shazia made another application in the police station but again the police took no action. Having found KK, she asked for help in:

- Getting her health expenses
- Getting expenses for her stay at her parents' home
- Child expenses
- Recovery of stolen items
- An assurance of my security from harm
- Monthly expenses in future

KK took action, first arranging to meet with Shania's husband (Wahid) at the KK

office. Wahid told KK that Shazia's mother and brother don't want her to remain with him. He said that he was still paying rent for the house hired for Shazia. He also said that he was willing to take her back with him and asked KK to help him in this regard. Following this statement from Wahid, a meeting was arranged with Shazia and her brother to share both points of view. They showed their willingness for her to return to her marriage on the following conditions:

- Wahid will return Shazia's Jewelry
- Wahid will pay expenses on a monthly basis.
- Wahid will sign an agreement concerning her security.

KK staff contacted Wahid and called a Jirga to discuss these conditions. He agreed and the meeting took place with both parties present at KK Regional Office on 13th of May 2016. The meeting participants were Wahid and his uncle, Shazia and her brother, a legal advisor and the KK regional team. The matter was discussed in detail. The KK Regional Manager engaged in some counseling outside the meeting to enable resolution.

Resolution was reached after three hours under the following conditions:

- Wahid will reimburse Shazia's Jewelry within one year.
- Wahid agreed to pay all monthly expenses to Shazia.
- Wahid agreed to repair and maintain his house properly.
- Both parties will sign the written agreement
- A counseling session will be conducted with the parents of both Shazia and Wahid by KK staff.

After the agreement of these conditions Wahid, the legal consultant and the KK team went to Shazia's parents' home along with Wahid and arranged counseling. They agreed and requested that the KK team implement the agreed conditions. KK assured them that they would support the implementation and see that the legal agreement is followed. Shazia left her parent's home happily and thanked the KK team for their help in ensuring her rights in law.

Again, KK found that although a previous jirga had failed, and police had not acted, their presentation of the case and counseling, enabled a successful resolution within this jirga.

### 6: CASE concerning false accusation of theft

In mid August the Regional Manager for KK happened to meet a woman, Benazir, on her way to work. Benazir told her story saying that she was a widow and had moved when her husband died to Z Township. After the move, she met her neighbor Parveen bibi who took good care of her family and a strong relationship built between the two women. After a month Parveen bibi asked Benazir to keep some boxes of luggage in her home because her son was getting married and there was not enough space in Parveen's home. Parveen also told Benazir that she would pay Rs 1500 if she would store the boxes in her home. Benazir agreed and Parveen then stored her luggage in Benazir's house.

However, six months later the owner of the house gave Benazir notice to leave. She called upon Parveen bibi to tell her of the new circumstances and ask her to take back her boxes. Benazir also asked for the Rs 1500, that had been agreed but not received. Parveen bibi asked her to wait while she went to get the money. Benazir waited, but when Parveen returned instead of money she brought police. She had gone to file an FIR (First Information Report) against Benazir, in which she claimed that Benazir had broken the locks of her boxes and stolen Rs 100,000.

Although the police officer saw that nothing had been broken, as all the locks were in good order, he nevertheless arrested Benazir and put her in Jail. After four days in Jail she suffered from an angina attack and then the police moved her to hospital. When she had recovered, she tried to file a case to reply to the charges but could not because she was unable to pay the expenses of lawyers and other fees.

After hearing the story, the KK Regional Manager told Benazir to come to the KK offices bringing required documents so that her case could be registered. When this had been done, KK made contact with a lawyer and the required legal actions were taken. As a result the Benazir who was both accused and petitioner, was acquitted from the charges that had been leveled against her.

KK found the necessary legal assistance that reversed this injustice, that had been compounded by official actions.

### **7: CASE concerning an inability to keep the contract of Nikah Nama (marriage)**

In April 2016, KK staff in a local office received a phone call from Mohammad Khan (not his real name) a person of influence in the area. He said he had heard in a meeting with friends about KK's work on women's rights, especially with regard to consent in marriage and domestic violence. He was aware of a very sensitive case in which both parties wanted resolution but needed privacy and confidentiality so they had not found help within their own area. After making an assurance of confidentiality, KK staff heard the story and took the names of those concerned. They then contacted Akbar, the father of Azhar, the woman in the marriage, and asked him to visit the regional office in Mansehra along with his daughter and the required documents.

In early April, 2016, Azhar and her mother and father visited the KK Regional Office, Mansehra. According to Azhar, 'I was married to Bashir in October 2015. Immediately after my marriage I was shocked to hear from Bashir that my rights as a wife could not be fulfilled because he was medically unfit as a husband. He was impotent. He asked me not to tell anyone else. I agreed and moved into our home. After a month his behavior became aggressive, I felt from what he said that he was afraid his secret would become known. One day when I was talking to my mother by phone, he came into the room and beat me, accusing me of telling my mother that he was impotent.' "Immediately on the same day my mother came and brought me back to my parent's home. Then I told my parents about his impotence. My parents contacted Mohammad Khan who was influential locally, and the Jirga of our village, requesting resolution for the problem. The Jirga tried to resolve the issue but failed. This is when Mohammad Khan thought to approach KK and ask for help from their Regional Office, away from the local area."

At the Regional Office a meeting was arranged with a KK legal advisor, Azhar and her family. Azhar was advised to try to resolve the issue through mediation before filing the case in the court, but was assured that if this was not successful, court proceedings could proceed as KK would take the case.

After this consultation with Azhar and her parents, the KK team contacted Bashir's family and within two weeks the regional manager had a long session with Bashir and his father and brother, again at the Regional Office. They expressed willingness to resolve the issues. However, in the meetings KK observed that

- Both parties want separation (Divorce) but each had some demands.
- Neither party was willing to trust the other that the demands would be fulfilled.
- After marriage Bashir's father had transferred a canal plot as a dower to Azhar. Bashir's family interest in that plot prevented the Jirga resolution and delayed KK in finding a way through.
- The Azhar family was interested in the dowry given by Azhar's parents and in the dower amount, the plot that was written into the Nikkah Nama given by Bashir.

KK then worked with both families during five meetings and a couple of counseling sessions before agreement was reached as follows:

- Bashir will pay half dower to Azhar, that is Rs 100,000 cash. Jewelry worth Rs 150,000 had already given to Azhar.
- Azhar will return the plot documents to Bashir's father.
- Dowry will be safely returned to Azhar as on a list she has provided.

A final meeting was held at the KK office to find a way to implement the decisions. The KK Regional Manager, the KK Legal consultant, Azhar's family, as well as KK staff and Bashir's family participated. A legal advocate and a stamp paper seller\* were also present. The decisions were written on stamp paper and signed by both parties in front of both advocates. KK staff monitored and facilitated the process of handover. For example, the dower amount was given to the KK team, held by them until the legal procedure to transfer the property was complete, then it was given to Azhar.

\*Stamped paper refers to a piece of paper that bears a pre-printed revenue stamp. [not a form of postal stationery]. The paper is a requirement for a plethora of official documents such as domicile forms, sale deeds, undertaking for school and college certificates, birth and death certificates, marriage certificates (nikahnama), They are available from Stamp paper sellers.

KK found that mediation with the aid of legal process and counseling were all needed actions to resolve the problems satisfactorily for both families.

### **8: CASE concerning GBV and Nikkah Nama not fulfilled**

[Iddah / iddat: the period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. Its purpose is to ensure that the male parent of any offspring produced after the cessation of a nikah (marriage) would be known.]



Fareeda Bibi visited her local KK office and asked for free legal aid for the dissolution of her marriage, and the recovery of Dower and Dowry articles or alternatively, its worth in gold ornaments and maintenance.

Fareeda said that in August 2010, the Nikkah between her and Yousaf took place, and Rukhsati (Fareeda goes to Yousaf's home to live) was agreed to be completed within two months. At the time of the Nikkah, Rs 60,000 had been fixed as dower, but in lieu of this Yousaf had promised to give one room constructed within the family house to Fareeda. However, Yousaf has neither paid the dower nor given her the room, so the entire dower is outstanding. Also at the time of rukhsati, Fareeda had brought with her dowry articles and 2 tola of gold her parents had gifted. This was forcibly taken from her by Yousaf through torture. The dowry articles are now in Yousaf's possession.

At the beginning of the marriage Yousaf had a good regard for Fareeda, but as time passed his attitude changed and he had tortured her. He had also put her out of the home several times, but she had always returned.

In March 2015 Yousaf again beat Fareeda and then called on Fareeda's brother to remove her from his house, saying he would never again live together with her. Fareeda's parents arranged many jirgas but Yousaf refused to take her back. Yousaf threatened Fareeda. He told her that he will not take her back, and that if he was forced to do so, if she returned again to his home, he would kill her. Fareeda said that since she had left, Yousaf neither looked after her nor gave her maintenance, instead he had contracted a second marriage without her permission. Fareeda wants a dissolution of marriage on the basis of cruelty.

After taking this history KK staff contacted Yousaf but he refused to visit the KK office. KK staff therefore referred this case to KK lawyer's forum and filed the case in court. The court found the following:

- Court order was in favor of Fareeda
- Fareeda, the plaintiff is entitled to recover maintenance from 1-3-2015 when she had been put out of Yousaf's home
- Yousaf will give maintenance of Rs 2500 per month and for the iddat period set at three months (during which Fareeda may not remarry) is Rs 3000 per month
- Fareeda can recover ordinary daily use articles in used condition that are at Yousaf's house or their price value to the extent of Rs 15000 from Yousaf, the

defendant.

- 2 tola gold was recovered.

KK enabled the court proceedings, and divorce. Fareeda will be supported.

### **9: CASE concerning recovery of dower and maintenance after divorce**

In March 2015 Nadira brought her case to KK. She gave the details of her marriage to Nawaz and their families and villages of origin. She said that after marriage the behavior of her in-laws changed. At first they made harsh criticism of her that she had to bear. As time passed the statements became mental abuses that hurt her. Nawaz did not care and never even asked his parents to stop. She bore it all and did not complain to her parents or brother about her in-laws' behavior. But, after 6 months marriage she was shocked to hear that her husband Nawaz also had a second wife, and had made this second marriage two months before. She had not been told anything about this. When she did hear, when Nawaz came home, she probed him about this second marriage, and he responded with violence, beating her. He then confessed that he did have a second wife, said that he did not want Nadira any more and divorced her. He then put Nadira out of his home.

#### **She asked KK, for help:**

- In recovery of dower which is Rs 200,000.
- In recovery of expenses during my stay at Nawaz's home which is Rs 5000 per month.
- In recovery of expenses of the months of my Iddat (Rs.15000).

KK took the case to a legal advisor and in April 2016, by order of the court, obtained the following result:

Plaintiff sought recovery of Rs 200,000 cash which is payable on demand.

Plaintiff sought recovery of maintenance allowance that will be paid at Rs 5000/- per month from the date of marriage till the end of Iddat.

*KK enabled legal action to obtain recovery of dower and maintenance after divorce*

### **10: CASE concerning human rights, violent crime**

A very well known social activist and leader of Transgender Rights, now known as Kamilah, formerly Adeel Khan, contacted KK about robbery with violence in her home.

In December 2014 Hameed Khan invaded her home and attacked her and her housemates. Hameed broke the locks of all the cupboards in the house and disturbed and damaged the contents. Kamilah knew him very well so she warned him that she would sue for this act. After the warning Hameed was angry and violent, beating her. He also broke frames and equipment in the house. After Hameed had gone, Kamilah went to the civil hospital for treatment and then came to KK to ask for help in filing a case against Hameed.

KK staff contacted their lawyer group and took Kamilah to file a First Information Report [FIR] at the police station. The case was registered and filed in the court by a KK lawyer.

After nine or ten hearings in court, the respondent Hameed contacted Kamilah, apologised for his behaviour and agreed to pay for the items which he broke at the day of robbery.

### **The Order of Court, dated in March 2016:**

The complainant Adeel Khan alias Kamilah has made a statement wherein the complainant states that she has mended relationships with the accused facing trial and has accepted his apology for the beating on the day of the crime. The complainant states that she no longer wants to prosecute the accused, and has no objection to acquittal provided that the defendant pay for the losses borne by the complainant.

In view of this statement the court ordered that the accused facing trial namely Hameed Khan is bound to Pay Rs 15000 for the losses of the complainant and acquitted him from the charges on the basis of this settlement.

*KK enabled the legal action leading to settlement without trial.*

### **11: CASE concerning sustained abuse and mutilation**

***As this case has already been reported widely in print and online media, the names are unchanged. It is ongoing.***

In the month of April, 2016, the Gul Shifa case was the top story of all the local newspapers in Mansehra. The abuse and mutilation she had suffered was public knowledge, but she had not had redress for the wrong done to her. Indeed, at that

time her husband's family had compelled a jirga to make a resolution in their favour. Gul Shifa belongs to the area where KK is directly active, so a KK staff member took the initiative made contact with her family and gave assurances of their security through references from activists and influential elders working in Karmang village UC Ichrian. After a number of meetings Gul Shifa and her family agreed to approach KK for justice and in May 2016 Gul Shifa along with her Father and brother visited the KK Regional Office in Mansehra.

Gul Shifa is the daughter of Maskeen from Ahal village. At the age of 18 at 21<sup>st</sup> of August 2014 she married Alam Zeb, son of Abdul Rehman. She was not asked by her parents if she was willing, and the marriage was held without her consent. Her uncle (Mamoo) took a keen interest in the marriage. Whatever the reason for this, she did not know, but she accepted her husband and went to his home after Nikkah. Her husband was not good; he had beaten her after just a few days of marriage. She bore all the punishments for a year and a half. Then, one day when he had beaten her severely, she left her home and returned to her parents' home. Her parents arranged a Jirga, in which her husband assured the Jirga that he would not beat her and would keep her in a good environment. Alam Zeb took his wife home, but after few days he again beat her. Therefore she left her husband's home and this time did not go back to her parent's home because she knew they would make her return. She says she still does not know how she reached Gandian, as she was in severe pain and mentally very distressed. She only remembers how when it became dark she was sitting near Gandian Bridge, alone and very scared. About midnight a police patrolling van came, they saw her, and having found out who she was, they brought her back to her husband's home.

Her husband's family accused her of running away from home with someone else. After the police had returned her, the family arranged a Jirga and there her husband's family asked with whom had she run away. They demanded a person's name. Gul's uncle Mamoo was also present in the Jirga, and he suggested to the Jirga that he would take Gul to his house and question her, to find out who it was with whom she had left. While on the way to his house Mamoo harassed her. Gul realized his intention was sexual and defended herself by crying and by screaming loudly. She also told him that she would tell the Jirga that he had tried to rape her. Then Mamoo was both angry and scared. He called her husband and told him that Gul, his wife, had a bad character, and she had offered her body to him for sex. Mamoo then took her back to her husband's home and left her there.

Alam Zeb took her to Karachi, where she experienced the darkest ever period of her life. There he locked her in a room and every day tried to make her confess to these stories in which she was assumed to be at fault. One day he and his brother cut her hair as punishment. She pleaded that she be returned to her parents, but he refused this. Seven days after shaving her head, Alam Zeb and his brother Rafeeq cut her nose. They said we have given you this as punishment so all of your life you will be seen as a "nighter", unchaste, branded, dishonoured in your home village Ahal. When they were cutting her nose Rafeeq's wife who was also present tried to stop them but they locked her in another room and said 'just keep your mouth shut otherwise we will do the same to you and your children'.

The KK Regional office registered this case, the Regional Manager called a meeting of lawyers and journalists. After this meeting application was made to the District Police Officer [DPO, is the senior officer in a district] for further action. He registered a First Information Report. KK have also involved electronic and print media to highlight the issue so that justice can be obtained for the victim, Gul Shifa.

*KK continues to work on Gul Shifa's behalf, and also to bring education that will prevent future such cases.*

### **12: CASE concerning the illegal practice of Wani**

***This case has also been reported in the media, and again the names are unchanged.***

*Wani /vani is an outlawed cultural custom that survives in rural Pakistan wherein young girls are forcibly married as part of punishment for a crime committed by her male relatives. It is an arranged child marriage, a punishment decided by a council of tribal elders, the jirga. The custom became illegal in Pakistan in 2005 or 2011 at the latest; however, it continues. Recently the courts in Pakistan have begun taking serious note and action against the practice.*

Maryam Bibi daughter of Ghulam Hussain, a resident of Baghar Kotgali, married Ishfaq son of Sherzaman a resident of Banda Gucha. The marriage took place in Karachi through the court without the consensus of their families.

The families having discovered that the marriage had taken place, a Jirga was arranged on 16<sup>th</sup> April 2016. The Jirga members were the District Council member

Ghulam Nabi, Muqadam Mehboob of Kalavan, Muqadam Ayub of Gali, Sardar Qaloo and Ghulam Hussain, Maryam's father. The Jirga charged Ishfaq's father Sherzaman as the perpetrator of wrong, and Maryam's father was nominated as the victim of that wrong. The Jirga decided that Sherzaman will wani his niece Iqra bibi a daughter of Bashir who is eight years old. Also Sherzaman would be bound to Pay Rs 500,000 to Maryam's father, Ghulam Hussain. Finally they decided that the execution of these decisions would be held within four days on 20<sup>th</sup> April, 2016.

When he heard about this, The District Coordination Officer of Mansehra [DCO is the head of Administration in a Pakistani District] involved the social welfare department, who referred the case to KK's regional office in Mansehra.

A KK Advisory Council member decided to involve media and civil society as a pressure building tool. With the help of journalist Sher Afzal, the main headline of the Shamal Newspaper on 18<sup>th</sup> April 2016 was the decision of the Jirga to wani an eight year old girl. The newspaper headline worked as a catalyst bringing civil society pressure on the district administration. The next day, the District Police Officer [DPO] took action, registering a First Information Report on the Jirga participants. As a result the Jirga participants approached the DPO office and recorded written statements that their decision would not be executed.

KK staff also contacted both Ghulam Hussain, Maryam's father, and Sherzaman, Ishfaq's father, who also gave statements that they would not take part in the execution of the Jirga decision, now or in the future.

*To enable resolution, as in this case, KK networks with contacts in other agencies and uses publicity when it is thought that civil pressure will support the upholding of rights and law.*

