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## After TV Series, Pakistan Rethinks Rape, Sex Laws

By Ashraf Khan, Contributor, Christian Science Monitor



**JUBILATION IN JAIL:** Women prisoners in Rawalpindi, Pakistan, celebrated after hearing the news of the president's decision Friday to release them on bail. Many women in Pakistani jails are awaiting trial on violations of laws that stipulate harsh penalties for adultery and make it difficult to substantiate charges of rape.

ANJUM NAVEED/AP

KARACHI, PAKISTAN – More than 1,000 female prisoners are expected to be released this week on bail in Pakistan following a decision by President Pervez Musharraf to review a controversial set of laws affecting women.

Many of the female inmates are awaiting trial for violations under the Hudood Ordinances, which stipulate harsh penalties for extramarital sex. The laws require a woman who claims that she was raped to produce four pious male witnesses. Otherwise, she stands to be charged with adultery - an offense that can carry a death sentence by stoning. The ordinances have also been used as a weapon against women who defy marriage choices made by their families.

President Musharraf promised five years ago to amend the Hudood Ordinances, only to backtrack in the face of opposition from hard-line Islamic groups. However, a groundbreaking television series has taken the issue to a wider set of religious authorities. The overall verdict of this unprecedented public debate – that the laws are not rooted in the Koran – appears to be giving Musharraf the cover needed to consider changes.

“We have launched this campaign in accordance with our commitment to enlighten people about all those issues, which have remained a taboo, though they have strong bearings on common people,” says Azhar Abbas, the director of news at Geo television, which ran the series last month. “We just want to make people know about the issue. We just want to place the issue in the right context regardless to the outcomes of the debate.”

Talk of repealing or modifying the ordinances had been a taboo since their promulgation in 1979 by Gen. Zia ul-Haq, a military dictator who undertook an Islamacizing of the nation. Efforts by the governments of Benazir Bhutto and Nawaz Sharif to modify or repeal the laws foundered on the assertion that they are drawn from the Koran and the Sunnah (the sayings of Mohammad). Hudood means “limitations or boundaries” in Urdu.

Geo TV, one of a handful of new private stations that have sprung up in recent years under more liberal media laws, decided to tackle head-on the question of whether the Hudood Ordinances are divine or merely man-made. Under the title “Zara Sochieye,” or “Just Think,” the station brought together Islamic scholars, clerics, muftis, and jurists for a hard-charging back and forth. (For transcripts and more, go to [www.geo.tv/zs/](http://www.geo.tv/zs/).)

The scholars, from diverse schools of Muslim thought, came to a consensus that the law is flawed and needs amending.

“The biggest flaw in the ordinance is that it does not distinguish between fornication and rape,” said Mohammad Farooq Khan, a religious scholar. “It has shut the doors of justice for the rape victims, who, in practice, are not able to produce four witnesses for testifying on their behalf, as the law commands for.”

Jurists with an experience of hearing odd Hudood cases also shared their views.

“I came across a score of such cases in which parents lodged a case against their own daughter, accusing her of adultery, while she chose to marry a person of her own choice,” said Javed Iqbal, a retired chief justice of the provincial Punjab High Court.

While most women accused of Hudood violations are eventually acquitted, they often spend years in prison in the process. Musharraf’s decision Friday to free some 1,300 women on bail was welcomed by prisoner advocates.

According to Javed Iqbal Burki, a lawyer with the Human Rights Commission of Pakistan (HRCP), the number of imprisoned women in 2005 was more than 6,000, with some two-thirds of the cases tied to Hudood. The numbers continue to fluctuate based on the granting of bail and the settlement of cases, he says, meaning that the 1,300 women to be released may represent all the women waiting trial for nonviolent offenses.

Not everyone appearing on the Geo series is bent on seeing changes to the laws.

“They [Geo] want to render the Islamic law suspicious and want a society with no moral limits or discipline,” said Mufti Usman Yar Khan after an appearance on Geo. He heads a faction of the hard-line Jamiat Ulma-e-Islam party. “But we will not give them a [free pass] in their bid.”

In the wake of the Geo campaign, Musharraf asked a religious panel to review the Hudood laws and propose amendments, saying that the changes should be “compatible with Islamic law and values.”

“We have already started reviewing the Hudood Ordinances and our legal committee has held several meetings,” says Mohammad Khalid Masood, chairman of the Islamic Ideology Council.

The council, comprised of up to 20 scholars from Sunni and Shiite sects, is a constitutional consultative body tasked with advising the government on religious laws. The council is set to submit the draft of the law to the government by September and could subsequently be taken to the parliament for its approval.

“We feel that the existing law has many flaws and they need to be rectified, and hopefully we would come out with our recommendations by September,” Mr. Masood says.

Some longtime campaigners against Hudood doubt that the move to release women on bail means the government will ultimately decide to end the law.

“There is already a legal provision under which women could be granted bail in nonbailable offenses. The problem is how the women would pay the bonds for granting the bail. And if the government is willing to pay the bonds against the bail this is not a meaningful solution but only a one-off gesture. There must be a permanent solution,” says I.A. Rahman, head of HRCP. “The government’s move ... is very much related to the [forthcoming] elections.”

Still, the head of the Islamic Ideology Council says they are open to building on the Geo debates. “It is a much appreciated effort by the [television] channel and it is of great help to the council, and we have requested them to provide us with all the recordings of the program,” Masood says.

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