

A purple banner for an event titled "WOMEN & THEIR LEGAL RIGHTS". The banner features several logos and text elements. On the left, there is a circular logo with a scale of justice and a building. To its right, the text "December 3rd, 2021", "Time: 3:30 p.m. to 5 p.m.", and "Venue: USEFP FC College" is displayed. Further right, there is a logo for the "PAKISTAN - US ALUMNI NETWORK" featuring a green and white crescent and star. Below this is a logo for the "U.S. MISSION PAKISTAN" featuring the American flag. At the bottom right, there are logos for "Dunya" (in Urdu), "Dunya News" (in Urdu), and "Dunya News" (in English). The banner is decorated with yellow flowers and a stylized American flag on the left.

WOMEN & THEIR LEGAL RIGHTS

December 3rd, 2021
Time: 3:30 p.m. to 5 p.m.
Venue: USEFP FC College

PAKISTAN - US ALUMNI NETWORK

U.S. MISSION PAKISTAN

SPONSOR AND MEDIA PARTNER

Dunya **Dunya News** **Dunya News**

DUNYA MEDIA GROUP

Presenter: **ZAFAR KALANAURI**



مِحرَرًا نَمِحرَرًا اللّٰهُ مَسْبُورًا

نَهَلُو فَوْرَ عَمَلًا نَهَلًا لِّثَمَّ

And for them (women) are rights similar to the rights against them, according to what is equitable. (*Al-Baqarah* (The Cow) 2:228)



Responsibilities



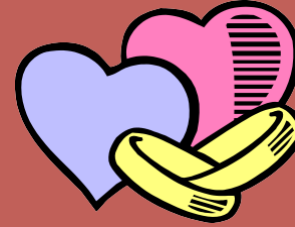
And wife is the supervisor
over the house of her husband and
children (Muhammad (PBUH))

Believing men and the believing
women are helpers of each other.
(*At-Taubah* (The Repentance) 9: 17)

Rights

They are free in

Choosing their Spouses



Earning and Property

بيصنء آسنلا و
ن بستكا امم

And what the
women earn is for
them (*An-Nisa* (The
Women) 4: 32)

They can seek

Separation

From their husbands



They can practice

Religion

of their choice



or



Husbands are made responsible to **provide** them with



Food



Clothing



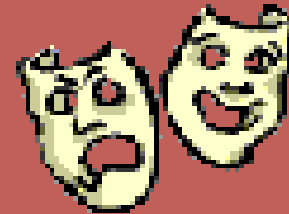
Transportation



Housing



Healthcare



Entertainment

Inheritance

كرت امم بىصنء آسنللو
نوبرقلاو نادلاولا

There is a share for women in whatever the parents and relatives have left.

(*An-Nisa* (The Women) 4:7)

Education



Acquiring of knowledge is a duty on every Muslim (male or female)

(Muhammad (PBUH))

Some Privileges

(Which men do not have)

No Financial Responsibility

Husband has no right over wife's earning or property

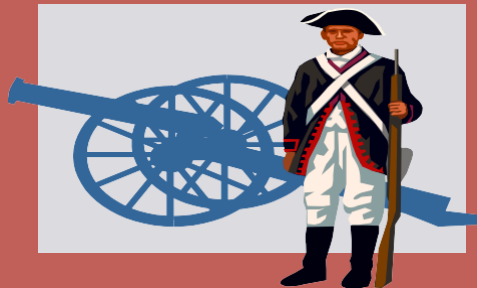
Mothers and Sisters have Priority in treatment over fathers and brothers (Muhammad (PBUH))



Exempted from Mosques



Exempted from Battles





Those are the best among
you who are best to their
wives. And I am the best
among you!
(Muhammad(PBUH))



Polygamy

ی ماتیلای ف او طسقت لا متفخ ناو
باطام او حکناف ثلاث و ی نثم عآسنلا نم مکل
ة دحاوف اولدعت لا متفخ ناف عابرو

If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two or three or four; but if you fear that you shall not be able to deal justly, then only one (An-Nisa (The Women) 4:3).



Seen in context, polygamy was not designed to improve the sex life of the boys- it was a piece of social legislation.

The men who had died (at the battle of **Uhud**) had left not only widows but daughters, sisters and other relatives who needed a new protector.



To prescribe only four was a ***limitation, not a license*** to new oppression.

Muslim law has built on this: a man must spend absolutely the same amount of time with each one of his wives; besides treating each wife equally financially and legally, a man must not have the slightest preference for one but must esteem and love them all equally.”

(Karen Armstrong, *Muhammad*, p.191).
(Only about 1% practice polygamy)



Veil/Hijab/Purdah

عآسنو كتانو و كجاوزلا لقى بنلااهايا اي كذاذ ن هبيلاج
نم ن هيلع نيندي نينموما
نيزوي لاف ن فرعي ناى ندا

O Prophet! Tell your wives, and daughters, and believing women that they should cast their outer garments over their persons (when going out), that is most convenient, that they should be known, and not molested.

(Al-Ahzab (The Coalitions) 33:59)



Hijab thus gives a protocol of honor,
distinction and security to women- like
that of a robe to a physician, a lawyer,
a judge, etc.

*“Thus many of the Muslim women who
first took the veil saw it as a symbol of
power and influence, not as a badge
of male oppression”*

(Karen Armstrong, *Muhammad*, p.198)



Women related laws in Pakistan

Articles 8 to 28 of the Constitution of Pakistan, in principle, assure equal opportunities and fundamental rights to all, without discrimination on the basis of ethnicity, sex or gender (with some limitations in regards to minorities).

Article 25 ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone. Articles 25(3) and 26(2) allow the state to make special provisions for the protection of women and children.

Constitutionally, Pakistani Muslim women are able to vote, participate in elections, hold public offices and pursue most profession.

Laws which protect the rights and safety of women

The Domestic Violence (Prevention and Protection) Bill (2009)

The Acid Control and Acid Crime Prevention Act (2010)

[The Protection Against Harassment of Women in the Workplace Act \(2010\)](#)

The Criminal Law (Amendment) Act (2010)

The Prevention of Anti-Women Practices Act (2011)

The Women in Distress and Detention Fund (2011)

The Criminal Law (Amendment) Act (targeted at preventing acid-related crimes) (2011)

Laws which protect the rights and safety of women (Cont..)

The Domestic Violence Prevention and Protection Bill (2012)

The National Commission on the Status of Women Act (2012)

The National Commission for Human Rights Act (2012)

[Transgender Persons \(Protection of Rights\) Act, 2018](#)

The Dowry and Bridal Gifts Act

The Women, Violence and Jirgas Act

Marriage in the Quran

Women Agriculture Bill 2019

Pakistan Penal Code, 1860

The Pakistan Penal Code usually called PPC is a penal code for offences charged in Pakistan. Whereas the PPC covers the majority of criminal offences; recent pro-women laws have focused on making amendments in the PPC to address any shortfalls.

Offences covered in the PPC include (but are not limited to):

Physical harm of any sort (illegal touching, violence and abuse)	Wrongful restraint	Assault and criminal force against a woman with intent to strip her of her clothes or outrage her modesty	Forced abortions and miscarriages
Mental harm	Trespass of all types and criminal offences committed during trespass	Unnatural Offences	Exchange of women for purposes of settling a dispute
Assault	Kidnapping and Abducting children and women	Human Trafficking	Depriving a woman of her inheritance
Murder	Deceiving a woman in affairs relating to marriage	Forced prostitution	Attempted Offences (including aiding and abetting)
Honour Killings	Wrongful confinement	Forced marriages	Marriage to the Holy Quran

Child Marriage Restraint Act, 1929

Child marriages have been one of the most problematic issues in Pakistan. The biggest issue relates to the age of majority, which under Islamic law is age of puberty while in other legislation it varies from the age of 16 to 18. The issue of child marriages is related to a number of other societal issues and customary practices such as exchange marriages, forced marriages, practice of giving women and children in compensation in tribal/familial clashes etc all often include the element of child marriage.

This law was promulgated to deal with child marriages and the above issues and prescribes punishments for those involved including adult bridegrooms, nikkah registrars, parents etc.

Muslim Family Law Ordinance, 1961

This law deals with all matters relating to marriage, including registration, polygamy, divorce, maintenance and other relevant processes and procedures.

This is relevant as violence is often manifested through marriage and family. In a patriarchal society such as Pakistan where a woman's recognition is through her family, it is important to ensure her protection within the marriage itself. The processes and procedures can be used for the violation of women's rights and protections. It is important for a marriage to be registered and a woman to be aware of her rights of divorce and in situations where the husband marries a second time etc.

Dowry and Bridal Gifts (Restriction) Act, 1976

This law places restrictions on the amount of gifts to a bride and groom, while also requiring limited expenditure on the wedding functions. It also mandates all dowry items to be vested property of the bride. It further requires listing and valuation of all dowry and gift items.

Criminal Law (Amendment) Act, 2004

This law introduced the definition of honour crimes within the PPC and recognized it as an offence. It recognised that killings committed in the name of honour were murders and must be booked and prosecuted as murder and that exemptions will not be given for honour killings or crimes. It also made illegal the exchange of women in marriage or otherwise for the purposes of settling disputes

Protection for Women (Criminal Law Amendment) Act, 2006

This law created changes in two of the Hudood Ordinances, namely the Zina and Qazf Ordinance. It removed a number of clauses, such as the clause pertaining to rape, kidnapping, abducting or inducing a woman to compel for marriage, fornication, offences relating to buying and selling for prostitution, kidnapping or abducting for unnatural lust etc from the Zina Ordinance and placed them in the Pakistan Penal Code 1860. This has the result of the overarching rules and procedures of the PPC being applicable to these offences, such as investigation techniques and forms of evidence.

The Protection Against Harassment of Women at the Workplace Act, 2010

This law introduced the definition of harassment at the workplace as an offence. It provides for wide descriptions of the workplace to include premises out of the place of work, where any official work or work activity is being carried out. Harassment is defined within the concept of work. A number of penalties are identified for those found guilty of harassment, varying upon the degree and extent of harassment. It also spells out the procedures where cases of harassment come forward. It also requires all workplaces to set up a committee to deal with such cases. It also requires the Government to appoint an Ombudsman to deal with any such cases.

Criminal Law Amendment Act, 2010

The law creates an amendment to Section 509 of the PPC. It replaces the original section with the offence of sexual harassment. As a result, a wide definition of sexual harassment has been included in the law, effectively criminalizing it. It also provides a corresponding punishment. This law talks more specifically about the harassment at public places.

Criminal Law (Second Amendment) Act, 2011

This law includes provisions within the PPC to specifically deal with the offence of hurt being caused by acid, a crime which women are the most common victim of. It makes amendments in the section of hurt to include the effects of acid i.e. disfiguring or defacing. It also adds a specific clause relating to hurt by corrosive substance and a corresponding punishment.

The Prevention of Anti Women Practices - Criminal Law (Third Amendment) Act, 2011

This law makes amendments to the PPC, including within the PPC a number of offences considered to be customary practices. It expands the existing clause on prohibition on exchange of women for purposes of resolution of a dispute to include prohibition of customs such as Wanni, Swara or any other such custom. New sections added include prohibition of depriving women from inheriting their property; creating an offence for forced marriages of women; and marriage of a woman to the Holy Quran. These amendments target those who force women into such situations, depriving them of their rights or coercing them against their will.

Domestic Violence (Prevention and Protection) Act, 2012

The Domestic Violence Bill makes violence against women and children an offence, punishable by time in jail and imposition of fines. The Bill also stipulates that the cases regarding domestic violence be dealt with expeditiously, time lines in this connection have also been given.

Besides children and women, the Bill also provides protection to the adopted, employed and domestic associates in a household.

The law classifies domestic violence as acts of physical, sexual or mental assault, force, criminal intimidation, harassment, hurt, confinement and deprivation of economic or financial resources.

Family laws

The Dissolution of Muslim Marriage Act (1939, amended in 1961)

The Muslim Family Laws Ordinance (1961)

[Hindu marriage laws in Pakistan](#)

Marriageable age and divorce

[Divorce in Pakistan](#) is mainly regulated by the Dissolution of Muslim Marriage Act (1939, amended in 1961) and the Family Courts Act (1964). The Child Marriage Restraint Act or CMRA (1929) set the marriageable for women at 16; in the province of Sindh, as per the Sindh Child Marriage Restraint Act, it is 18.

Inheritance

Under British rule, the Married Women's Property Act (1874) was in force, which primarily defined issues related to pre-marriage and post-marriage assets, liability and insurance. The Muslim Personal Law (Shariat) Application Act (1937) and its successor, the Muslim Personal Law (Shariat) Application Act (1961), provide Muslim women with limited inheritance rights; they received half of the amount assigned to sons, raised to two-thirds if there were no sons, and further complex calculations settled the remainder per sectarian principles. While this right to inheritance existed on paper, customarily it was not observed in fact, so the Government of Pakistan enacted strong provisions in sections 498 A and 498 C of the Prevention of Anti-Women Practices (Criminal Law Amendment) Act (2011) to ensure women received their proper inheritance

Recent Policy Initiatives For Women Empowerment in Punjab

Punjab Women Empowerment Package 2012 (PWEPP)

Punjab Women Empowerment Initiatives 2014 (PWEI)

Punjab Women Empowerment Package 2016 (PWEPP)

Punjab Women Development Policy, 2018

Laws for the Protection of Women in Punjab

Punjab Women Protection Authority Act, 2017

Punjab Protection of Women against Violence Act, 2016

Punjab Muslim Family Laws (Amendment) Act, 2015

Punjab Family Courts (Amendment) Act, 2015

Punjab Marriage Restraint (Amendment) Act, 2015

Punjab Partition of Immovable Property (Amendment) Act, 2015

The Punjab Land Revenue (Amendment) Act 2015

Punjab Fair Representation of Women Act, 2014

The Punjab Protection against Harassment of Women at the Workplace (Amendment) Act, 2012

The Criminal Law (Amendment) Bill 2021 amended the Pakistan Penal Code, 1860, and the Code of Criminal Procedure, 1898.

According to the bill, “chemical castration is a process duly notified by rules framed by the prime minister, whereby a person is rendered incapable of performing sexual intercourse for any period of his life, as may be determined by the court through administration of drugs which shall be conducted through a notified medical board”.

The Anti-Rape (Investigation and Trial) Bill, 2021, providing for the establishment of special courts and use of modern devices during the investigation and trial of rape cases was also among those bills passed during the joint sitting.

The Anti-Rape (Investigation and Trial) Bill, 2021 was passed in view of the fact that in recent years offences against women and children, especially pertaining to rape and child abuse, have increased manifold in the country. The bill on becoming Act of Parliament would provide for establishment of special courts and use of modern devices during investigation and trial of such offences against women and children. It would also envisage creation of anti-rape crisis cells in public hospitals to ensure prompt registration of FIR and medical examination. **The Criminal Laws (Amendment) Bill, 2021** would envisage chemical castration in cases of rape through court orders. It would also provide for punishment of 25-year imprisonment or imprisonment till the natural death. In case of gang rape, each person found guilty would be awarded death sentence.

National and International Commitments

As per its statutory mandate to report on, and advise the Government of Punjab on matters relating to women's empowerment and rights, and gender equality in connection with Pakistan's International commitments, PCSW has provided feedback, reports and policy recommendations to concerned departments for the following:

- Convention on Elimination of All Forms of Discrimination against Women (CEDAW)
- GSP +
- ILO Conventions
- Beijing Declaration and Platform for Action
- Sustainable Development Goals
- UPR

Universal Declaration of Human Rights

Pakistan is a member of the United Nations and is a party to Universal Declaration of Human Rights 1948

Pakistan, as a signatory of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), is expected to make further progress towards eliminating property discrimination and recognizing the equality of citizens as a fundamental right

ISLAMIC LAW OF INHERITANCE

Islamic Concept of Inheritance Explained in the Holy Quran and Sunnah

Allah, the Exalted, stated in the Glorious Qur'an:

(Allah commands you as regards to your children's (inheritance); to the male, a portion equal to that of two females.) [4:11]



**Primary and most noteworthy instruction in the Quran
with regards inheritance is offered in *S ūrat l-Baqarah***

“It is prescribed for you, when death approacheth one of you, if he leaves wealth, that he bequeath unto parents and near relatives in kindness. (This is) a duty for all those who ward off (evil).” S ūrat l-Baqarah (2:180)



The concept of inheritance is further supported by *Sūrat al-Mā'idah*:

“O ye who believe! Let there be witnesses between you when death draweth nigh unto one of you, at the time of bequest - two witnesses, just men from among you, or two others from another tribe, in case ye are campaigning in the land and the calamity of death befall you. Ye shall empanel them both after the prayer, and, if ye doubt, they shall be made to swear by Allah (saying): We will not take a bribe, even though it were (on behalf of) a near kinsman nor will we hide the testimony of Allah, for then indeed we should be of the sinful



**The shares of property as determined by
Quran should not be altered as
commanded in *An-Nisā'*(4: 33)**

*“And unto each We have appointed heirs of that
which parents and near kindred leave; and as for
those with whom your right hands have made a
covenant, give them their due. Lo! Allah is ever
Witness over all things*



According to Islamic law, the estate of a deceased Muslim is to be applied successively in many matters as laid down by Islam: in Payment of

- (1)the deceased's funeral expenses;**
- (2)expenses of obtaining probate, letters of administration, or succession certificates;**
- (3)wages due for services rendered to the deceased within three months next preceding his/her death by any laborer, artisan or domestic servant,**
- (4)other debts of the deceased according to their respective priorities (if any);**
- (5)legacies not exceeding one-third of what remains after all the above payments have been made. The remaining is to be distributed among the heirs of the deceased according to the law of the sect the deceased belonged to, at the time of death.**



Allah has determined all the shares of all the relatives in respect to their relationship to the deceased. As He the Most Wise said:

(There is a share for men and a share for women from what is left by parents and those nearest related, whether the property is small or large, an obligatory share.) [4:7]

Allah has stated three types of shares for a woman's inheritance as follows:

- 1. A woman will have an equal share as that of the man.**
- 2. A woman will have an equal share to that of the man, or a little less.**
- 3. A woman will have half the share of a man.**



Qur'an expressly said:

*"For men is a share of what the parents and the near relatives leave, and for women is a share of what the parents and the near relatives leave, whether it be little or much-an appointed share',
(Surah an-Nisa, 4:32)*



HADITH

- “Learn the laws of inheritance and teach them to the people for they are one-half of useful knowledge.”
(Sunnan Ibn Majjah)

BACKGROUND

- Payment of funeral expenses.
- Payment of his/ her debts.
- Execution his/ her will.
- Distribution of remaining estate amongst the heirs according to Sharia.

"It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any opinion in their decision. And whoever disobeys Allah and His Messenger has indeed strayed into a plain error." [Quran 33:36]

PROFESSOR ALMARIC RUMSEY

(1825-1899)

“Muslim law of inheritance comprises beyond question the most refined and elaborate system of rules for the devolution of property that is known to the civilised world.”

Just as there is a share for men in what their parents and kinsfolk leave behind, so there is a share for women in what their parents and kinsfolk leave behind - be it little or much - a share ordained (by Allah).

If other near of kin orphans and needy are present at the time of division of inheritance give them some thing of it and speak to them kindly

Although they are not legally entitled to any share it is seemly for people to act magnanimously and give them something out of their inheritance, and especially to desist from making hurtful remarks

LEGAL INJUNCTIONS

- First, that women as well as men are entitled to inheritance
- Second, that inheritance, however meagre it might be, should be distributed
- Third, this verse indicates that the law of inheritance is applicable to all kinds of property - movable and immovable, agricultural, industrial and so on.
- Fourth, it shows that the right of inheritance comes into force as soon as a person dies leaving property
- Fifth, it implies the rule that immediate blood-relatives exclude those that are further removed.

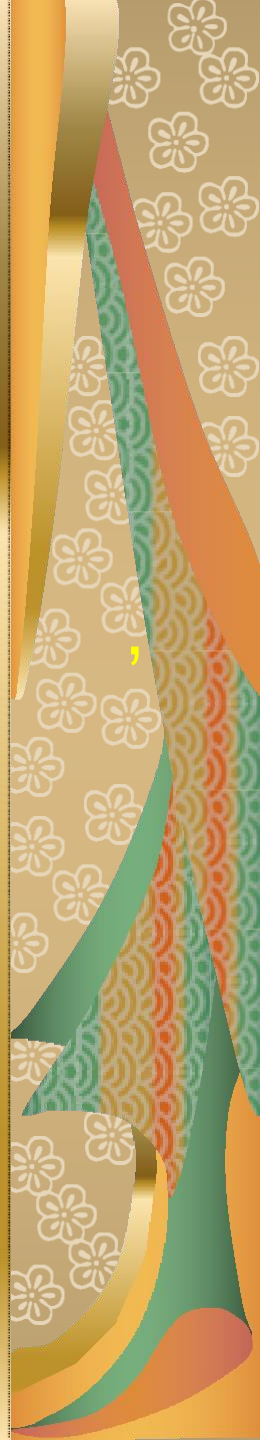
PRINCIPLES

Certain heirs referred to as primary heirs are always entitled to a share of inheritance, they are never excluded:

They are:

**Father, mother, husband, wife,
daughter, mother**

All remaining heirs can be totally excluded by the presence of other heirs.



WILL VS INHERITANCE

- In Islamic Law, the inheritance from the deceased person is defined by Shariah Law. However, a person is entitled to make his own will for 1/3 of his wealth/assets. Hence:
 - 2/3 of wealth/assets are distributed based on Shariah Law. This is called mirath.
 - 1/3 of wealth/assets are distributed based on person's will, if he chooses to write his will. This is called "Al-Wasiyyah"

PRINCIPLES

The first principle which the Quran lays down refers to males and females of equal degree and class. This means that a son inherits a share equivalent to that of two daughters, a full (germane) brother inherits twice as much as a full sister, a son's son inherits twice as much as a son's daughter and so on.

“Allah commands you regarding your children. For the male a share equivalent to that of two females.” [Quran 4:11]

Pre-Islamic rules

- Females were deprived of inheritance
- Minors had no share in inheritance
- Adopted son(s) had share in inheritance

Post-Islamic rules

- } Females were given due rights in inheritance
- } Islam recognized even the “child in womb” rights in inheritance
- } Adopted son can only have share if given through wassiyah (will) upto 1/3rd



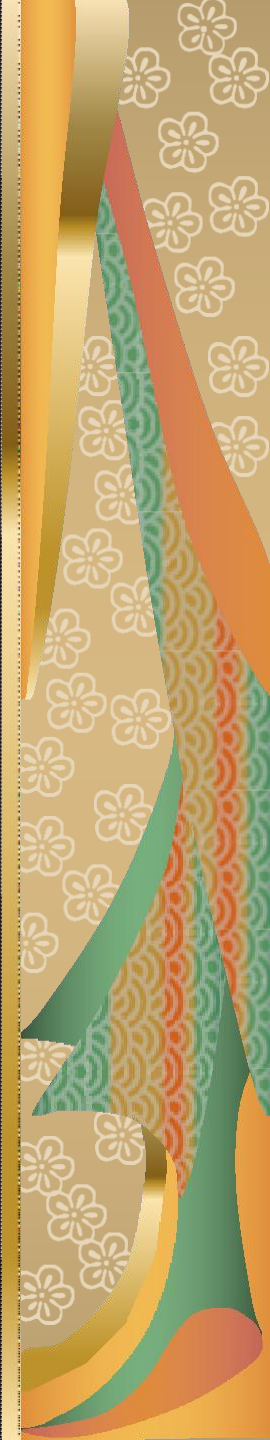
Shares of women as nearest kin of the deceased in Sunni sect

Relationship with the deceased	Share in property (In accordance with Sunni law)
Daughter	In case of brother(s): 1/2 of the share of the brother. In case of only daughter(s): 2/3 of the total inheritance. The remaining is directed towards the residuary class.
Wife	In case of children: 1/8 th of the property. In case of no children: 1/4 th of the deceased's property.
Mother	Inherits 1/6 th of the property in some cases and 1/3 rd in others.



Salient Features of Shia Scheme of Inheritance

- Similar to Sunni law, Shia law recognizes Sharers and Residuaries
- There are 9 Sharers in Shia law. Grandparents and son's daughter are not regarded as Sharers
- Residuaries do not play significant role in Shia scheme
Shia law does not recognize Distant Kindred
- Legal heirs are classified in three main classes in addition to Sharers and Residuaries
- Rule of Aul is not resorted to in Shia law
- Principle of Representation is applied for distribution among distant layers of relatives
- Shia law is more gender sensitive than Sunni law



Classification of Legal Heirs

1. Class 1:

- a. Parents, and
- b. Children (male and female) and children of male and female descendants how low so ever.

2. Class 2:

- a. Grandparents (true or false) how high so ever, and
- b. Brothers and sisters (full, consanguine, and uterine) and their descendants how low so ever irrespective of their gender.

3. Class 3:

- a. Paternal uncles and aunts,
- b. Maternal uncles and aunts, and
- c. Their children how low so ever irrespective of their gender.



Women in Islam

Understanding their *MIND*

- Thinking their way

Relating to their *HEART*

- Feeling the joys and needs

Start walking in their *WAY*

- Getting into her shoes



Women in Islam

1. Understand their Mind –

 How do Muslim women perceive themselves?



Poetry from a Woman in Pakistan

*The journey of my life begins from home,
ends at the graveyard.*

*My life is spent like a corpse,
carried on the shoulders of my father and
brother, husband and son.*

*Bathed in religion, attired in customs, and
buried in a grave of ignorance.*



Understand her Mind

 *How does she see herself?*

Under the domination of man...

Sura 2:228 Man have a degree over women

Sura 4:34 Man should control their wives

They are the protectors and managers
of the affairs or women

Sura 2.282 Women are inferior in legal situations

Sura 4:1 her share is half in the matter of
inheritance




Marriage in Islam

- Sura 24:32 If a servant of God gets married, he is fulfilling half of his religion.
- Sura 30:21 “...he has created for you, out of yourselves, wives, that you may cohabit with them; and has put love and compassion between you...”
- Sura 4:34 “Men shall have the pre-eminence above women...”
- Sura 2:223 “Your wives are as a tilth (= field)...”




Role of M-woman in the family

 The woman is the ruler of the house of her husband and she is answerable for the conducts of all the affairs.

 “Paradise lays at the feet of the mother.”



Dress Code and Veiling

 Sura 33:59 ...tell your wives to cast their outer garments over their bodies, so they will not be molested

 Sura 24:31 Believing woman should guard their modesty, not display their beauty



Relating to her Heart


Polygamy

- Sura 4:3 “...marry women of your choice, two, three or four. But if ye fear that ye shall not be able to deal justly with them then only one...”
- Sura 36:56 “...they and their wives shall rest in shady groves (=gardens), leaning on magnificent couches.”



Relating to her Heart

Polygamy

 Sura 70: 29-31 “...who abstain from the carnal knowledge of women other than their wives, or the slaves which their right hand possess..., but whoever covets any women besides these, they are transgressors...”



Relating to her Heart

Divorce

Sura 2:226-240 To wait for four months – possible time of reconciliation – men ought to have superiority over them. If divorced twice keep your wives or dismiss them with kindness – let them keep their ‘dowry’, unless the wife insists on divorce by bargaining with some of her dowry.



Relating to her Heart

Divorce

- Divorce is said to be the most destable of permitted things.
- Sura 2:223 gives conditions of re-marriage

Walking in her shoes

- Understanding the insecurity in her spiritual life due to regulations of cleansing, induced inferiority, male domination.



Walking in her shoes

 Show her how Jesus treated women

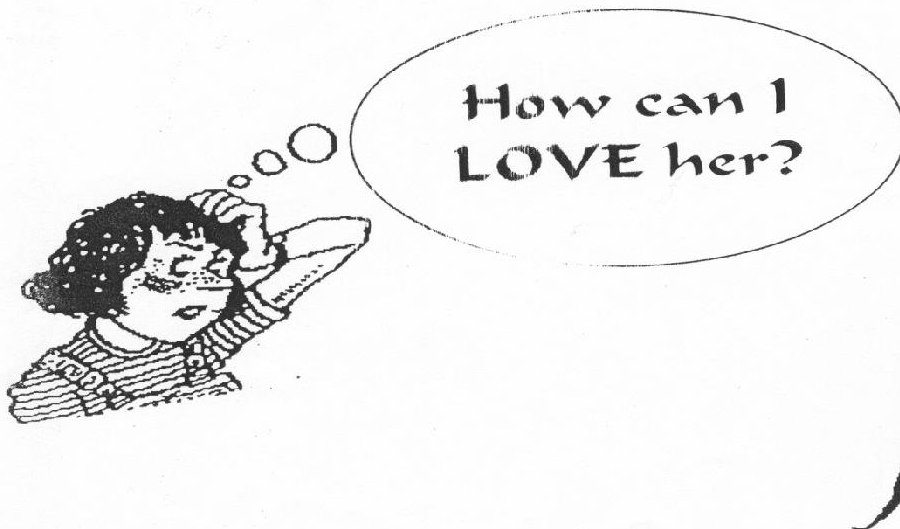
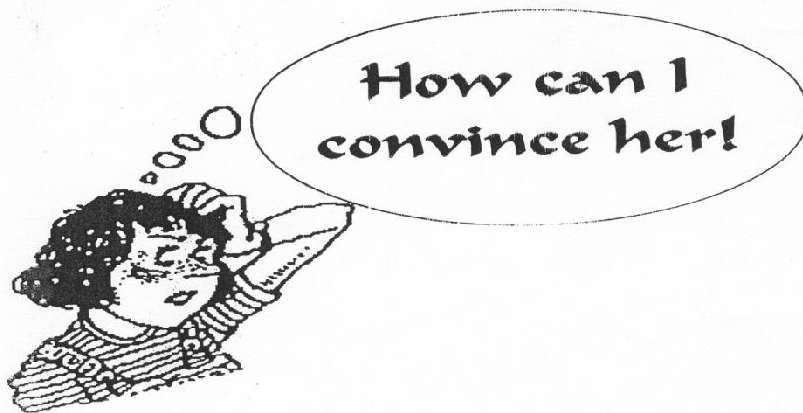
>John 8:1-11 Caught in adultery

>Mark 14:1-11 Anointing

>Luke 8:43-48 Woman with a disease of chronic bleeding

>John 4 Conversation with Samaritan woman





**THANK
you!**

WASSALAM

