

CIET

www.ciet.org
building the community voice into planning

Summary Report
SR-PK-ajk-02

Pakistan

Access to justice for the women of Karachi

Sharmila Mhatre, Neil Andersson and Noor Mohammad Ansari

Comments welcome to cietpakistan@ciet.org

Access to justice for women of Karachi A pilot assessment

Summary

S. Mhatre, N. Andersson, N. M Ansari, K. Omer
CIETcanada

February 2002

Table of contents

ACKNOWLEDGEMENTS iii

SUMMARY v

LIST OF ACRONYMS xii

BACKGROUND 1

SCOPE AND OBJECTIVES 3

METHODS 4

 Design 3

 Sample and sampling 5

 Data collection instruments 5

 Confidentiality, anonymity, disclosure and
 security 9

 Training 11

 Data collection and field logistics 13

 Data entry, validation and analysis 14

 Capacity building 16

 Socialisation of the evidence 16

RESULTS 17

 Respondents 17

 Households 18

 Women’s views of justice 18

 View of women in society 20

 General view of the police and courts . 21

 The right to access justice 22

 Explaining to women that they
 have rights 23

 Women’s views on how justice
 is assured 24

 Problems that require a justice
 system 26

 Views of civil society on access to justice ... 26

 Knowledge of the justice system and it use .. 27

 Using the system 28

 Cases that do not use the justice
 system 32

Women’s experience with police services	33
Information management at the police station	39
Women’s experience with legal services	42
Satisfaction with the services	43
Police services	43
Legal services	45
Safety and domestic violence	46
LESSONS LEARNED	50
ANNEX I	55
ANNEX II	56
ANNEX III	58

List of figures

Figure 1 - Women’s views	20
Figure 2 - Women’s view of the courts/police	21
Figure 3 - Women’s views of when justice is assured	25
Figure 4 - Women’s knowledge of police station	27
Figure 5 - Percent reporting contact ever	28
Figure 6 - Who women talked to first	30
Figure 7 - Dissatisfaction with police, legal and court services	43
Figure 8 - What happened to you as a result of	48
Figure 9 - In the last year have you suffered any	49
Box 1 - Information base	17
Box 2 - What part of the system do women use?	31
Box 3 - Entry points to the justice system	32

List of tables

Table 1 - Reasons for the use of the justice system	29
Table 2 - Use of medical care for certain cases	30

ACKNOWLEDGEMENTS

We are grateful to the 1,881 women who shared their views and experience through the household surveys; the 400 women and men who participated in the focus groups who discussed results and provided depth to the interview data; community leaders in Karachi who gave access to their communities; government officials and civil society members who shared their expertise, concern and commitment; and especially to the Karachi Police officials who, with the permission of the Governor of Sindh, agreed to be part of this pilot social audit.

Special thanks are due to the 20 field workers and 10 team leaders and technical supervisors (listed in Annex I), who documented the voices in the communities. They worked long hours and were dedicated to improving access to justice in Karachi.

The project would not be possible without the expertise and support of key government officials: Minister Shahida Jamil, Minister of Law, Justice, Human Rights and Parliamentary Affairs; Governor Mohammad Mian Soomro of Sindh; Mr Nawaz Sheikh, Deputy Secretary, Law enforcement agencies, Home Department; Mr Aftab Nabi, former IG, Sindh and the current IG, Syed Kamal Shah; Dr Ghulam Sarwar Jamili, Additional IGP Finance and Welfare; Mr Shahid Hayat Khan, Additional DIG, Karachi; and Ms Shahnaz Hamid, former Additional Home Secretary, Government of Sindh. Meetings would never have been possible without the efficient assistance of the PA and private secretaries of these officials.

Recognition is also due for the hard work, commitment and expertise of civil society members who took the time to share their expertise: Ms Hilda Saeed of Shirkat Gah; Mr Zia Awan of LHRLA; Mrs. Rashida Patel of PAWLA; and Mr Jameel Yusuf, Chief of CPLC. Special thanks to Dr Khalida Ghaus, Director of Centre of Excellence for Women's Studies, University of Karachi, who made time for her students and lecturers to participate in the field work.

We thank Mr Mohammad Yahya Waliullah, former director of the Bureau of Statistics, Sindh, for his ongoing support. His commitment to evidence-based planning showed, as before, through his valuable insights. He generously provided Bureau facilities for training and data entry along with the assistance of his highly competent staff.

The initial discussion to initiate this project began with Ms Rukhsana Rashid, Mr Tariq Qurashi and Mr Roger Jodin from CIDA, Islamabad, Pakistan. Their vision and support made it possible for such a project to be implemented. Thanks also to Dr Evan Due, Counsellor at the Canadian High Commission in Islamabad for his ongoing support. At CIDA in Ottawa, Canada, thanks to Dr David Gillies, Ms Jennifer Hosten-Craig and Mr Maury Miloff for their support. This pilot study, Access to justice for women of Karachi, was partly funded by CIDA, under a contribution agreement, purchase order number: 7012156.

This report was produced by CIET and does not necessarily represent the position of CIDA or the Government of Sindh.

Karachi
January 2002

SUMMARY

Justice has several dimensions and its administration is seldom a simple process. The purpose of this pilot study was to establish a scientifically defensible baseline of the coverage, use, experience and perceptions of users, nonuser and service workers related to access to justice for women of Karachi.

This pilot study builds on existing priorities identified by the Government of Pakistan and civil society. CIET's social audit approach was adapted to evaluate public services with the public supposed to be served by them. The justice system and the concept of justice were reviewed with women, men and some key service workers. Although important, a review of the laws was not the focus of this study.

Information base

Number of women 14yrs and older interviewed	1881
Feedback focus groups	
female	20
male	20
Key informant interviews	
NGOs	12
Police officers	38
Institutional review of police stations	19

Methods: A cross-design of methods combined quantitative and qualitative measurement tools in a way that facilitates action and builds capacity. Government and civil society members were key in the design of the instruments. A total of 32 individuals from government, NGOs and the Karachi University were trained to conduct the field work. After design sessions with key government and civil society organisations, the field workers conducted household interviews with a representative sample of Karachi women. The household questionnaire consisted of a primary questionnaire and a secondary questionnaire for completion by those women who had used the justice system. Two weeks later, the evidence was returned and discussed in female and male focus groups providing a more in depth understanding of their view of justice and ways to facilitate access. Police officers from the police stations serving these communities were interviewed about the results from the household questionnaire. Their information management and case loads were reviewed. NGO officials were also interviewed regarding their view on improving access to justice for women of Karachi.

Pilot assessment:

Justice for Karachi women was described by a field worker:

“During the focus group in the community the ladies listened and talked with great interest. It was clear that women, whether educated or not, know about their rights. However, they dare not break the rules made by society. This does not mean that they have no courage to demand their rights, it is only that they are afraid of the problems that will occur afterwards. When we asked them how women get justice within the household, all of the women said that there was ‘justice’ for those problems settled at home. However, it is obvious that to women, ‘justice’ is only a contract between the woman and her circumstances. It is simple. This is her reality.”

What is justice? Improving access requires insight into women’s views of justice. Their concepts centre around social justice – access to education for their children, equal opportunity to education, employment and health. Regarding their own well-being, they raised the importance of being heard, being protected from violence and simply being treated well. Some 97% (1812/1859) of women interviewed said they felt they had the right to access to justice and of the two-thirds who responded, 55% (780/1416) said that women of Karachi had sufficient access to justice.

Men’s focus groups similarly discussed education, health and water for their communities. The majority, however, commented on the injustices they had faced with the police and courts. Men also talked about how faith in Allah was a way of ensuring justice. A few did mention equality; to them this meant husbands giving wives their rights.

Explaining to women that they have rights: Suggestions by women from focus group discussions included educated women helping the less educated, being “bold” and “struggling” for their rights and the use of religious arguments to explain to women about their rights. Male focus groups suggested educating the husbands and fathers of women’s rights so in turn they will pass the message on to the women in their households and the using the media.

Community leaders, governments and NGOs were seen to be part of the solution. However, Pesh Imams (religious leaders) were not seen as part of this process.

General views: Some 58% (972/1684) of women said the courts were there to help and 40% (689/1718) said that the police help them feel secure. Those women who said that it was ‘okay’ to seek legal help or report to the police were more likely to have a positive view of the courts and the police. A woman who said that it was ‘okay’ for women to obtain *khula* (divorce) was also

more likely to have used the court system.

Knowledge of the system: Some 12% (216/1867) of women knew of an organisation that offered legal assistance and 68% (1270/1865) knew the location of their nearest police station.

Female focus groups clearly indicated that women did not have a good understanding of the legal and court system. Education of women and girls and use of media (primarily drama) were the main suggestions given to increase women's understanding of the court and legal system.

Use of the system: Use of the institutional system was not common: three percent have used the services of the police (63/1866) or the courts (60/1803) at some time. Four percent (74/1866) have consulted a lawyer and one percent (13/1866) have used legal aid at some time. Of the 1881 women interviewed, 81 (4%) completed a secondary interview to document their experience with the institutional justice system. Although this small sub-sample makes it difficult for substantive analysis, it identified important methodological issues for such studies.

Assuring justice: According to the women of Karachi, justice was assured at home, with the facilitation of elders or by the legal system (considered the formal system). There was however, less emphasis on the formal system. Barriers to access ranged from not having permission to report and, once in the system, concern about their treatment and issues of corruption.

Women in focus groups discussed how they receive justice within the household: resolution of disputes by elders, compromise, patience and faith in their elders. There was a mixed reaction about whether a resolution within the household was justice.

Suggestions by civil society organisations to assure justice for the women of Karachi include: improving coordination and information sharing, improving use of

the media to create awareness, addressing the issue of financial independence of women, and increasing resources to improve skills of staff and providing more services to the public.

Increasing reporting: Corruption, lack of trust in the police and social stigmas were reasons given by women for not filing reports with the police. This could be changed with more support from family members, improving behaviour of police personnel and increasing awareness among women about the process. The police suggested more women police officers, more educated officers, circulation by higher authorities of standards on how to deal with women, specialised communication training and a separate women's cell at each police station.

Some male focus groups expressed concern about the women of their households going to the police station and suggested going in their place. Others suggested the use of the elder to facilitate reporting by women to the police.

Information management - rules versus practice: There are gaps between the law and the practice of police reporting. A woman can go to the police station to make a complaint, but her complaint is not necessarily entered into the police information system. Some police stations follow the rule that a non-cognizable complaint should not be documented. Yet, according to section 154 and 165 of the Criminal Procedure Code, “every information relating to an offence whether cognizable or non-cognizable, shall be recorded in writing by the officer in charge of a police station”.

The Code of Criminal Procedures makes the distinction between cognizable and non-cognizable offences. In cognizable offences, the police officer can arrest without a warrant; non-cognizable offences require a warrant from a magistrate to make an arrest.

The law supports areas of police discretion that, by accident or design, do not facilitate justice for women. The police determine if the complaint is a cognizable offence. If they determine it is, then they are required to register a First Information Report (FIR). Personal views could determine the discretion which these police officers apply in accordance with the law. The implication here is that the law alone cannot change

discretionary behaviour.

There is also a gender difference in information processing. Based on case loads from 18 police stations for the month of August 2001, a male complainant was four times more likely to have had his complaint registered as a FIR compared with a female complainant.

Addressing corruption: Police officers were presented with concerns about corruption as presented by women in the household surveys. Police officers said that it was important that the public refused to pay for processing of their case. Other suggestions to prevent corruption, or what can be termed as ‘system leakage’, include: provision of resources and the infrastructure to conduct their work, strict monitoring of officers, increased scientific methods to investigate cases, raise public awareness of police and legal procedures, promotion of Islamic teachings for women and improved salary and benefits for women.

Women in focus groups also recognised the working condition of the police and suggested increasing their salary and providing them with more training and education.

Medical-legal evidence: A larger study should be conducted to explore the content and completion of medical-legal forms. Service providers suggested improving the consistency, clarity and comprehensiveness of the form. Police suggested the introduction of a board or at least more than one medical legal officer to provide the medical-legal evidence to prevent corruption.

Satisfaction with services: Three out of every ten respondents were very satisfied or satisfied with their treatment by the police (20/52). Seven out of every ten respondents were very satisfied or satisfied with services of a lawyer (44/56). Six out of every ten respondents were very satisfied or satisfied with the services of the court (40/59). Reasons for dissatisfaction were probed, but the number of women who had contact to the system

was too small for a full analysis.

Police were presented the evidence from the household surveys and asked what they could personally do to improve services for women. Suggestions included being more sympathetic, listening to the problems, creating a more comfortable environment, giving women priority and ensuring that a senior and experienced officer attend to women complainants.

Methodological gains: Through this pilot study CIET developed well tested survey instruments that can provide defensible evidence on sensitive issues. What questions need to and can be asked, and how to ask them were the lessons learned. This was a result of several pre-tests of the instruments before implementation and subsequent analysis of the resulting data provided further testing ground. The survey instruments captured both quantitative and qualitative data on women's conceptions of justice, their experience and level of satisfaction with the justice system and suggestions for change. Service workers and the police were receptive to discussing how to improve access to justice for women and dealing with corruption. The police instruments served as an excellent forum for engagement of the evidence from the household with the police officers.

Given the nature of the topic, a methodological challenge that was overcome was how to maintain transparency of the process in the community and at the same time maintain confidentiality and anonymity of the data collected. This required finding the words women understand to explore the concept of justice and improving disclosure on extremely sensitive questions. The latter was done through the development of non-verbal survey techniques, allowing less empowered women, who might otherwise be silenced, to have a voice.

Next steps: This pilot study has provided some evidence for a wider and informed dialogue on justice and access to justice. Information management issues need to be discussed with key stakeholders to ensure that there is

documentation of all reports. The pilot study set a strong foundation for a national study on abuse against women and strategies for prevention.