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Pakistan

Access to justice for the women of Karachi

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Access to justice for women of Karachi
A pilot assessment

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Karachi
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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.

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.

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

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.

LIST OF ACRONYMS

ADB	Asian Development Bank
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CIET	Community Information and Epidemiological Technologies
CPLC	Citizens-Police Liaison Committee
DC	Deputy Commissioner
DIG	Deputy Inspector General of Police
FIR	First Information Report
GoP	Government of Pakistan
IG	Inspector General of Police
LHRLA	Lawyers for Human Rights and Legal Aid
MoWD	Ministry of Women's Development
NPA	National Plan of Action
NGO	Non-governmental organisation
PAWLA	Pakistan Women Lawyers' Association
SHO	Station House Officer

BACKGROUND

"All citizens are equal before the law and are entitled to equal protection of the law."
Article 25 (1); Constitution of Pakistan

Access to justice for women in Pakistan is set in a complex web of historic and cultural dynamics. This may be improved, perhaps complicated, by current transformations of governance in the country.

This pilot study builds on the existing priority identified by the Government of Pakistan both in its National Plan of Action (NPA) for women's empowerment and in the 1997 Commission of Inquiry on the Status of Women. Internationally, Pakistan has ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) on 12 March 1996[1]. However, on issues of justice the country is unable to report on progress on CEDAW or NPA objectives, since there are very few reliable statistics on these issues. Building on the commitment and at the same time addressing some of these gaps, the proposed pilot study looks at mechanisms to document the process of access to justice for cases related to women.

"Devolution will be meaningless if citizens do not have access to prompt, fair and efficacious delivery of justice."
National Reconstruction Bureau, Government of Pakistan, May 2000

The concern about access to justice has been expressed by civil society in Pakistan - both women and men - pressuring for change. Basic principles promoted by the current government in its devolution reform plan, focuses on: "people-centred, rights and responsibility-based and service-oriented". As part of the judiciary reform one of the ends is to "bring justice to the doorstep".

Assistance to the Government of Pakistan to carry forward these commitments has in part been facilitated by the Asian Development Bank's (ADB) Access to Justice Program Loan. Initially focussing on legal reform and strengthening of institutional capacity[2], the current loan's objective has broadened to: "improving access to

[1] CEDAW was ratified but with a reservation to Article 29 (1) and with a declaration that CEDAW would be implemented in accordance with the Constitution of Pakistan. After the Shariat Act (1990), the Constitution calls that all laws must be in accordance with Islam. Thus this reservation allows the primacy of the Constitution over and above all provisions of CEDAW.

[2] The Asia Foundation/DPK Consulting. *Strengthening of Institutional Capacity for Judicial and Legal Reform.* A project supported by the Asian Development Bank TA3433-PAK. 1 February 2001.

justice", with special attention to the poor to reduce their vulnerability[3]. If appropriate, results of this pilot study will be made available to the ADB's Access to Justice Program Loan Group.

CIET has a strong foundation for dealing with sensitive gender issues. In South Africa, between 1997 and 2000, CIET assembled the largest and most detailed database on sexual violence in the continent. It includes the voices from 27,364 youth, 7812 women, 2060 men and 197 service workers including police officers, magistrates, prosecutors, district surgeons, nurses and women's organisations[4]. With the evidence collected, CIET was able to recommend changes to the way South African Police Service handles sexual violence cases. These changes included policy, results-based management and priorities for funding. Several community-based initiatives against sexual violence started as a direct consequence of the work and CIET received requests to extend the process to other provinces.

In Pakistan, as part of an enquiry into maternal and child health issues in 1998-1999, some investigation of domestic abuse began. Progress was made in how to ask the questions in a face-to-face interview, and how to get women, men, NGOs and government to talk about the sensitive issues[5].

Although limited to Karachi in its pilot stage, the evidence and the lessons learned from the present project may help to open a more informed dialogue on access to justice. Funded as part of the Canadian International Development Agency's (CIDA) Democratic Governance Program, this pilot study provides an opportunity for the governance debate to include the issue of access to justice for women.

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[3] Asian Development Bank. *Pakistan: Proposed Access to Justice Program Loan. Memorandum of Understanding of the Fact Finding Mission.* 7 July 2001.

[4]Andersson N, Mhatre S, Naidoo, *et al*. *Beyond Victims and Villains. The Culture of Sexual Violence in South Johannesburg.* CIETafrica and the Southern Metropolitan Local Council. Johannesburg, South Africa; June 2000.

[5] Mhatre S, Moriani F, Massoud N, Onishi N and Andersson N. *The Bond of Care. Rawalpindi District. Technical Report.* CIETinternational in collaboration with the District Administration of Rawalpindi and UNICEF; July 1999.

SCOPE AND OBJECTIVES

This pilot study adapted CIET's social audit perspective that public services should be evaluated with the public supposed to be served by them. The social audit process focussed on the justice system from the perspective of several stakeholders, including women themselves. Key components of the social audit are *partner buy-in*, *no finger-pointing*, and *impartiality* where community-based audits by a neutral third party can help to build a culture of transparency in public services.

The 'justice system' and the concepts of justice were reviewed with women, men and some key service workers. Although laws can facilitate or impede justice - this study was *not* intended to be a review of the laws[6]. Partly funded by the CIDA, the purpose was to establish a scientifically defensible baseline of the coverage, use, experience and perceptions of users, non-users and service workers related to access to justice for women of Karachi.

The objectives were to identify systemic factors that improve or limit access to justice for women; develop evidence-based community-led solutions to improve access to justice for women in Karachi; strengthen community and official capacity for assessment of evidence on access to justice in Karachi; and disseminate accurate information of best practices of legal/judicial /police and support services, focussing on reducing leakage of resources from these services.

METHODS

The CIETmethods[7] were originally conceived in the

[6] A number of excellent Pakistani references review laws and practices, including: Ali, Shaheen Sardar, Arif, Kamran. *Blind justice for all? Parallel judicial systems in Pakistan: implications and consequences for human rights*. Lahore, Pakistan: Shirkat Gah/WLUML, October 1994. Balchin, Cassandra (ed.). *An action manual. Women, Law and Society.* Lahore, Pakistan: Shirkat Gah/WLUML, March 1996. Balchin, Cassandra (ed.). *A Handbook on Family Law in Pakistan*. Lahore, Pakistan: Shirkat Gah/WLUML, December 1994. Shaheed, Farida, Warraich Sohail Akbar, Balchin Cassandra and Gazdar Aisha (eds). *Shaping Women's Lives - Laws, Practices & Strategies in Pakistan*. Lahore, Pakistan: Shirkat Gah, 1998.

[7] CIET (Community Information and Epidemiological Technologies) is an international group of non-profit NGOs, academic institutes and charities dedicated to building the community voice into planning. Visit the website for further information: www.ciet.org.

mid-1980s as a capacity building process that could simultaneously produce accurate, detailed and actionable data rapidly and at low cost[8]. Ordinarily, these methods focus on the use of epidemiological data in local or national planning[9].

The adaptation in this pilot study followed the usual rigorous, tightly-focussed cross-design combining qualitative and quantitative measurement tools from disciplines of epidemiology, management and anthropology. After a review of existing information on the subject and the local population, a panel of representative sentinel communities followed standard sampling procedures. Fact-finding instruments included a household questionnaire, institutional reviews, key informant interviews and focus group discussions.

CIET has five standard steps to encourage the voice of women in the survey process: the first is the analysis of existing data in terms of gender; second is the stratification of responses, analysing differences by sex of respondent; third is the processing of key findings by female focus groups, to obtain their interpretation of the data even when respondents are men; fourth, the epidemiological backbone of the CIET methods permits analysis of gender-related risk and resilience; and, fifth, logistics of fieldwork are configured to maximize participation of women.

Design

The design involved an international literature review of studies in this field and meetings with government officials and civil society members (NGOs and academics) in Karachi. In one-to-one meetings the objective of the pilot study was shared and they were asked about their area of work, information gaps and key issues that they thought were important to address. Key

[8]Andersson N. Impact, Coverage and Costs: An operational framework for monitoring child survival emerging from two UNICEF projects in Central America. September 1985.
[9]Andersson N, Martinez E, Cerrato F, Morales E and Ledogar RJ. The Use of Community-Based Data in Health Planning in Mexico and Central America. *Health Policy and Planning* 1989;4(3):197-206.

members of the design phase were sent questionnaires as it was being piloted enabling their input during its development.

Sample and sampling

In collaboration with the Sindh Bureau of Statistics, to obtain a representative sample of Karachi, twenty communities were drawn by a two-stage, last stage random sample stratified by urban and rural location and proportional to population. The survey was conducted prior to the devolution process, so at that time Karachi consisted of five districts, two of them with a rural population[10]. For each sentinel community a map was obtained and a grid drawn to identify a random starting point for fieldwork.

Data collection instruments

The seven instruments that were developed were standards-based, using previously validated questions, to the extent possible. They included: a household questionnaire, a community profile, male and female focus group questions, an NGO service worker questionnaire, a police questionnaire and a police institutional review questionnaire.

The *household questionnaire* followed the standard CIET five-step pilot process. Some of the questions given the sensitivity and the 'newness' of the concept required extensive pre-testing. It consisted of a primary and secondary questionnaire. The primary questionnaire was administered to all women 14 years and older in the house. Any respondent who had any contact with the medical system (for a domestic violence case), organisations that provide legal assistance, the police, a lawyer or the courts, was asked if the interviewer could continue with a second questionnaire.

The primary household questionnaire took about 15

[10] Proportion of urban population by district: Malir (67.3%); West (90.7%); East (100%); Central (100%); South (100%). Source: Sindh Bureau of Statistics, 1998.

minutes to complete depending on the extent of the woman's contact with the system. The questionnaire had a total of 58 questions covering the following areas:

- general household information: number of people in the house, number of rooms, the type of roof, main occupation and level of education of the head of the household and whether the woman resided with her in-laws;
- specific information about the woman respondent: education, occupation, mother tongue, age, marital status, number of children and whether she had the authority to spend money on essential household items;
- women's view of whether certain actions were 'okay' for women to do or not to do in society: e.g. own property, seek legal help for concerns about property; obtain a khula (divorce);
- general view about the police and courts;
- general and specific views of justice: whether women of Karachi have sufficient access to justice, whether they have the right to access to justice and when justice is assured for them;
- experience with medical services: the last contact for an incident of domestic violence and the level of satisfaction with the service;
- experience with organisations that provide legal assistance: if they know of one, the last contact, reason for contact and the level of satisfaction with the service;
- experience with police services: the name of the nearest police station, the last contact, reason for contact and satisfaction with the service;
- experience with services of a lawyer: reason for contact and satisfaction with the service;
- experience with court services: reason for contact and the level of satisfaction with the service; and
- issues of domestic violence: how common it was in their community, what would help a friend who suffered domestic violence, knowledge of someone they knew and that person's experience, and the respondent's own experience with domestic violence in the last year.

The secondary questionnaire provided further details of a woman's experience with the system. It covered details on the timing of the incident, the type of incident and the first person contacted for help. Specific questions were asked on medical, police, legal and court services:

- whether medical care was sought, details of the medical care and the resulting report;
- contact with specific NGOs (CPLC, PAWLA, LHRLA, Shirkat Gah, WAR);
- contact with the police asking details about the registering of FIR (registered, time, payment, received a copy), time to begin investigation and time taken to take a *challan* (case) to the courts;
- contact with a lawyer asking details of the type of lawyer; and
- contact with the courts asking details about prior preparation before the court trial and protection.

For all of the services, questions were asked about the level of satisfaction and the amount of payments.

Data for the household surveys were captured in an exercise book with the questionnaire pasted on the inside cover and each page used for a woman within a particular site[11]. The secondary questionnaire was pasted in the exercise book to fold out when needed.

Feedback focus group discussion guides were developed for gender stratified focus groups to return evidence back to the communities. A female and a male focus group were conducted in each of the communities. The number of participants for each focus group ranged from four to ten, in addition to one facilitator and one recorder.

Based on a preliminary analysis of the household data, evidence on women's views of justice, the right to access to justice, reporting to the police and how justice can be assured by women, was returned to the communities for discussion. The women's focus group delved further into how justice was sought by women and problems that can

[11]Andersson N, Kerr Muir M, Mehra V, Salmon AG. Exposure and response to methyl isocyanate: results of a community-based survey in Bhopal -- results of a community-based study. *British Journal of Industrial Medicine* 1988;45:467-75.

and cannot be solved at the household level. The men's focus group questions sought to have a discussion on how men, community leaders, government and NGOs can facilitate justice for women. Both focus groups discussed ideas on the roles of different groups to improve access to justice for the women of Karachi. These feedback focus groups took place two weeks after the completion of the household interviews.

Community profile interviews obtained general information on water, sanitation, health and police services available to the community. This interview was conducted by the male team leader in all of the 20 communities visited. It also served to bring the community leader into the process and gain his acceptance of addressing what was perceived as a sensitive issue in the communities.

Service worker interviews were conducted with heads of NGOs working in this field and police officers. Senior officials of NGOs were asked about their services, hours of operation, their views on the problems facing women to access their services and accessing justice, their view on the medical-legal forms, and changes required to serve women of Karachi more effectively.

For each of the police stations serving the 20 communities surveyed in Karachi, the Station House Officer (SHO) and one other officer such as a sub-inspector, per police station, were interviewed.

Evidence from the household survey was returned to the police getting their views on why women said that a FIR was not registered and delayed, women's concern about the amount of money the police were asking, and women's dissatisfaction with how they were treated at the police station. Other questions included police views on training to deal with complaints brought by women, opportunities for corruption and suggestions for prevention and their views on how to improve services for women when they come to the police.

At the initiation of the pilot study, key informant

interviews were going to be conducted with the judiciary and senior legal officials. With the changing structures and too few cases who used the system (n=81) to provide a strong evidence base for effective discussion, this group of service workers were not interviewed. In a larger study, with a larger number of cases discussion of the evidence will be more fruitful with the judiciary and senior legal officials.

Institutional reviews of 19 police stations, including one women's police station (the only one), were conducted with a police official suggested by the SHO. The review examined the information management of complaints that come to the police stations - where they were recorded, how they were acted upon, and how they were tracked. Information on caseloads was also collected for the month of August 2001.

After question 20 the woman made me stop the questionnaire. I realised her brother-in-law had come home. She started to cry and rushed me to the door.
Field worker

Confidentiality, anonymity, disclosure and security

Many of the household interviews began with *"I have no permission to speak".* Although the approach of this audit was from the perspective of examining a public service, it was clear that the nature of the topic was sensitive. Thus the training and the protocol of the logistics of data collections were structured to ensure transparency of the process in the community, yet at the same time, ensuring confidentiality and anonymity of the data collected. Community leaders were always approached first, requesting their permission to work in their community. Women were always asked their consent before starting, explaining how the data will be used. At times this required explaining to the husband or father-in-law first.

For the household questionnaires and key informant interviews anonymity was maintained by not attaching any names to the responses. The only identifying information was the geographical location which made up the unique identifier for each respondent.

Sensitive issues, such as perception of justice and domestic violence, were piloted until there was

Photo: CIET/SMerhi

reasonable certainty about how women understood the question. The challenge of obtaining women's views on justice was approached by finding words women understood and scenarios they could identify with, and then asking them to comment if "is it okay if..." (*Kya yeh theek hai*) or "do you think justice is assured when..." (*Aap ke khayal main insaaf yeh hai*).

For domestic abuse, indirect questions were piloted first ("someone you know..."). Direct questions can be difficult to answer when there is a concern that disclosure may have negative ramifications. To improve the disclosure rate, several non-verbal methods were tested. For example, women were asked to put a mark on a "yes" or "no" circle after the interviewer asked the question. Low literacy rates made this difficult. Another tested method used hair accessories ("scrunchies"). The interviewer would place one on each hand: one colour on one hand meant "yes" and another colour on the other hand meant "no". To answer the question, the woman would then point to the colour that represented her response. This worked better than the paper and pencil.

The method chosen involved a mirror key chain. This was developed initially to provide women with telephone numbers to call for help in cases of personal security, including after the household interview. Several studies have raised the importance of this issue but concluded that the benefits of being able to disclose outweigh the distress from disclosure[12]. During the design process, Ms Rashida Patel, president of PAWLA, suggested providing women with a pocket mirror.

A mirror key chain was developed by CIET. On one side of this key chain was a plastic mirror and, on the other

[12] Draucker CB. The emotional impact of sexual violence research on participants. *Arch Psychiatr Nurs* August 1999; 13(4):161-9; 1999.

Heise L., Pitanguy H. and Germain A. Violence against women: the hidden health burden. World Bank Discussion Papers Number 255; 1994.

Jain D. "Does participation in a domestic violence study endanger women?: A follow-up study of women in Maharashtra, India". *Injury Prevention and Control - 5th World Conference. Abstracts*. New Delhi, India; 1999. p 382.

side, help lines and the names of the organisations in Urdu and English were printed. The mirror then was hooked to a key chain. The help line numbers on the key chain were tested by two women calling at different times of the day to ask for help. Only numbers of the agencies that responded promptly were included on the mirror key chain[13].

As one stakeholder noted "few women have keys to households here, so it is a good symbol, given the topic of this study."

Since this mirror key chain was going to be given to women at the end of the interview, it was found to be useful as a method to improve disclosure and the accuracy of response for the question on domestic abuse. Choosing a moment when they would not be overheard, before the last question, which asked women to disclose history of abuse in the last year the interviewer would say:

> *"I have one last question, but before I begin I would like to give you this key chain. So you don't have to speak and no-one can hear your answers to the next question, we will use this gift. The mirror side of the key chain means "yes" and the other side there are contact numbers where you or any other woman can call for help. This side with the contact number means "no". Mirror means yes. Contact numbers means no. So just use this to answer the last question."*

Women could respond truthfully without having to speak and all the people around in the household would not hear the response. Without speaking a woman had technically not disclosed and maintained her security.

Training

Training took place at the Sindh Bureau of Statistics involving members from government (health, Bureau of Statistics), Karachi University (Centre for Excellence of Women's Studies) and NGOs (Shirkat Gah, PAWLA, HOPE, Orangi Pilot Project, HANDS, EPI). A seven day

[13] Shirkat Gah did pass the test, responding promptly. However, for this pilot study they requested that we leave their name off the key chain. For the larger social audit they have requested that their name be included.

training was conducted for the household survey and, for those involved in the feedback focus groups, there were another three days of training. As part of the training, the CIET methods, the objectives of the project and survey techniques were reviewed. Extensive discussion about the instruments, role playing and piloting of instruments also took place. Every question of the instruments was discussed - why it was there, what analysis was possible, how the question needed to be asked and the translation. Role playing provided some practice, followed by piloting of the instruments by the participants of the training. This provided participants hands-on experience with the CIET team on site overseeing how field workers implemented the instruments.

Extra attention was given to issues of confidentiality, how to make the woman feel comfortable and safe, how to deal with cases where the permission for the interview had to be requested from the man of the house or if the man wants to be present for the interview and how to administer the sensitive questions. The female technical supervisors and the team leaders received extra training on how to go into communities and gain permission and support from community leaders, and their role and responsibilities in quality control for their team.

Training did not stop with these sessions. During the field work, the survey books were checked at midday by the technical supervisor, team leader and a member of the CIET team. At the end of the first field day there was a debriefing session with all of the field workers. For the subsequent days it was with the individual teams and one CIET team member. For this cycle the debriefing sessions with the field workers with the CIET team were important as there were many stories from the field that some of the field workers needed to talk about. The debriefing sessions provided a forum for the field workers to talk about positive and negative experiences and at the same time facilitated consistency of the field work as methodological issues were always raised and discussed.

Data collection and field logistics

Prior to data collection of the household survey the Deputy Inspector General (DIG) of Police, Karachi and the Additional Home Secretary were consulted, for security reasons but also as future users of the evidence. They were extremely supportive, providing official letters as well as a telephone check from the DIG's office during field work to make sure all was well and to let us know that if we needed any assistance to call. The Minister of Justice was also kept up to date of the field work schedule.

There was a total of five teams, each with five females and one male. For each team there was a female technical supervisor and a male team leader. Each team spent one day per community, completing the household interviews of 1881 women and a community profile in four days. Community leaders were approached on arrival at the community, and only after consultation and receipt of permission did data collection proceed. The nature of the topic proved somewhat difficult and although all community leaders in the end were supportive, at times it took some skilful negotiations. The support of the community leader was critical to facilitate field work and to raise awareness in the community.

"I have a problem but I have no permission to talk."

"I can come back after one or two hours?" responded the interviewer.

"No, no, I cannot. The others will tell you about it." She shut the door.

The neighbours did not say a word.

Once given permission, the household interviews would proceed. They also required some skilled negotiations - as the men of the house did not always want their women to be interviewed and women would begin by *"I have no permission."* During some interviews, the field worker had to convince the man to leave, assuring him that it is just a ladies discussion. The mother-in-law was also present at times.

Midway during data collection, data entry began. Thus preliminary analysis was possible relatively soon after household data collection was completed. Feedback focus groups went back into the field two weeks after household data collection. There was a total of four teams, each with a female facilitator and recorder and a

male facilitator and recorder. Each team conducted two focus groups per day. This involved going to the community and consulting with the community leader and getting his help to find a place to hold the focus groups. For the women's focus groups, many were held at someone's home. For the men, it included the mosque and sitting outside. The communities were surprised and pleased to discuss the data. Putting together men's focus groups on the topic proved more difficult than the women's.

The key informant interviews ensured that the police were part of the process. Permission for the police interviews was sought from the highest official in the province, the Governor of Sindh, who was supportive. The Home Department wrote to the office of the Inspector General of Police for their assistance. The Inspector General, in turn, requested the Deputy Inspector General of Police for Karachi to provide access to police officials in Karachi. The DIG of Karachi sent out a letter to the police stations, which made it easier to set up interviews.

Although this official process took considerable time, it was necessary and an important part of increasing women's access to justice. The police are future users of the evidence.

Official support was received shortly before the events of 11 September 2001. This was a difficult time to conduct interviews. Leaving some time, the police stations were approached few weeks later and the interviews conducted. To complete some interviews required several visits as the SHO would get called away on an emergency during the interview.

Data entry, validation and analysis

Data entry was done at the Sindh Bureau of Statistics by their officers and female field workers. Having field workers participate in the data entry offers them the advantage of seeing how the different steps fit into the whole CIET cycle and also teaches them the importance

of clarity of recording during an interview.

Data entry used the public domain software, Epi-Info. The data were entered twice by different individuals. Then it was validated and mismatches identified by both data enterers. This way the data enterers learn from their errors and improve their accuracy of entry. After validation, there were additional cleaning routines checking for duplications and logical errors. This involved generating simple frequencies and then cross-referencing discrepancies with the original hard data.

Analysis also relied on EpiInfo. The analysis was enriched by data from key informants and focus groups. Qualitative data were thus "quantified," as characterising the community -- a process known as *meso-analysis* by which data from the individuals can be interpreted in the local context[14]. Meso-analysis deals with factors operating in the community by linking them to the behaviour of the individuals.

Formal epidemiological analysis probed for a deeper understanding of access to justice, attempting to characterise who was left out by the services and whether certain views were more supportive of using the system. Promising associations indicating possible vulnerability or social exclusions were analysed using standard epidemiological techniques to identify potentially confounding effects of age, sex of respondent, education, residential area and other factors. Risk analysis used the Mantel-Haenszel procedure[15]. Contrasts were reported as odds ratios and confidence intervals (CI) were those of Cornfield. Heterogeneity between strata was tested using the procedure of Woolf.

Differences between averages (for example, unofficial cost of services) were tested using standard procedures: where the variances of the two groups were

[14] Andersson N. Meso-analysis: linking quantitative and qualitative data. In *Four Essays on Evidence-based Planning.* EDI/ World Bank 1996.
[15] Mantel N, Haenszel W. Statistical aspects of the analysis of data from retrospective studies of disease. *J Natl Cancer Inst* 1959;22:719-748.

homogeneous (95% confidence), the t-test was used. Where the variances were heterogenous, the Kruskal Wallis test for two samples was used. Only those associations that were significant at the 5% level were reported. Most other associations can be assumed to have been tested and found to be easily explicable by chance alone.

Capacity building

During the design phase, stakeholders provided names of their staff and volunteers for training in the pilot study. All of the names that were submitted were invited to an interview and, from them, a team was selected. Field workers came from Karachi University, NGOs and government (see Annex I for names). The sampling was done in collaboration with the Bureau of Statistics, providing another opportunity for interaction. Some members of the field team had previously worked on CIET cycles.

The idea of training individuals from different sectors was to build their capacity and enable them to go back to their institutions with the newly acquired skills.

Socialisation of the evidence

The major output of this pilot study was to set a foundation for the Social Audit on Abuse Against Women (SAAAW) - a national survey by the Federal Steering Committee on the Family Protection Programme. This committee was chaired by the Ministry of Women's Development and its membership includes the ministries of law and the interior. Some of the preliminary evidence has already been used to conduct the design interviews for SAAAW.

This report will be distributed to the stakeholders and where possible closed discussions will take place to see how to use some of the evidence for action.

RESULTS

Respondents

Box 1
Information base on access to justice for the women of Karachi

Population of sample	10,282
1437 households	
1881 women interviewed	
rural	17%
Average household size	7.2
Feedback focus groups	
female	20
male	20
Key informants	
NGOs	12
Police officers	38
Institutional review of police stations	19

A total of 1,881 women was interviewed in a stratified last stage random sample representing Karachi.

Respondents were women 14 years of age and older, the average age being 31 years. Six out of ten respondents (61%, 627/1847) were between the age of 14 and 30 years. Another one third were in the age group of 31 to 50 years of age (607/1857).

Three-quarters (73%, 1366/1880) of respondents were married and two-thirds of the respondents (67%, 1263/1877) had children. Of those who had children, the average number of children was four children (range one to 13).

Three-quarters of respondents (1390/1875) worked at home and another 8% (148/1875) worked in skilled occupations (for example, lady health workers and lady health visitors). Some 3% (63/1875) were professionals. Four out of ten respondents (752/1874) had no formal education.

One out of every three had some secondary education or higher (37%, 696/1874). Respondents in urban communities were eight times more likely to have some form of formal education compared with respondents in rural communities[16].

Language can be important in accessing public services. The three most common languages of the respondents, based on a question of the respondent's mother tongue, were Urdu (52%, 978/1880), Sindhi (12%, 224/1880) and Punjabi (10%, 195/1880).

[16] Odds ratio 7.60; 95% CI: 5.63-10.3; 68% (1053/1555) of respondents in urban communities had some form of formal education compared with 22% (69/319) of respondents in rural communities.

Households

One-half (51%, 950/1847) of heads of households were non specialised labourers and another 19% (352/1847) were skilled (electricians, plumbers). Professionals made up 13% (237/1847) of the reported occupations.

Three out of ten heads of household (31%, 580/1863) had no formal education. Two out of ten (21%, 395/1863) had some secondary education and another 23% (423/1863) had university education.

The average household size was 7.2 people; one-quarter of the respondents (26%, 377/1436) said that they lived with their in-laws. The number of rooms in the dwellings was between one and 11, the average number of rooms per household being three. This does not include the kitchen, bathroom or storage areas.

One-half of the homes in the urban communities (54%, 644/1189) had reinforced concrete ceilings (RCC) and a further one-quarter (25%, 296/1189) had a tin roof. In the rural communities, most of the homes had a tin roof (44%, 104/237).

The type of dwelling, the number of rooms and employment levels were used as socioeconomic indicators in the analysis to identify those households likely to be more marginalised from the mainstream.

"Justice? I have never heard about this word until you came to my door today."
Household respondent

Women's views of justice

Access to justice begins with how women conceptualise justice. How women see or believe in justice will determine their access to and use of the system. In turn, chronically limited access to justice will inevitably colour women's vision of justice.

"I am a woman, you can guess for yourself if I get justice."
Household respondent

Women's view of justice is not just in the legal realm. It enters every facet of their lives. The Oxford English dictionary describes justice as about "fairness...exercised

in the maintenance of rights"[17].

When you hear the word justice, women and men were asked in focus groups, what comes to your mind? Women spoke about:

- education for their children, peace, clothing and housing;
- being heard - *"if anyone listens to my problems, it is justice"*;
- peace at home, no quarrels, good treatment of a mother-in-law of her daughter-in-law and the husband taking care of her needs;
- protection from violence in the home;
- good treatment of women - *"if women are treated properly then that is justice"*;
- love - *"one who gets love, gets justice"*;
- equality between men and women, equal opportunity of work and property; and
- having an identity and *"a society where women can move easily and safely without any kind of fear."*

I saw an old woman, about 75 years old, carrying a very heavy bucket of water. She was bringing it from another community since there was no water in her community. She reminded me of my mother, who is no longer with us. She seemed frail. I took the bucket from her and helped her carry it to her destination. She told me there is not much choice. She must do this. We are here in this community documenting aspects of justice. Is this justice?
Field team leader

The court and legal system were mentioned in the women's focus groups, yet the discussion centred around the home and the treatment of women.

Some women clearly said *"there is no conception of justice"*, *"justice is a mere dream"* and *"justice is only found in the law books with no connection to real life"*. Men's focus groups, when asked how they saw justice, stated that *"in our country there is no justice"* and voiced that justice was for the rich: *"justice only comes from money."*

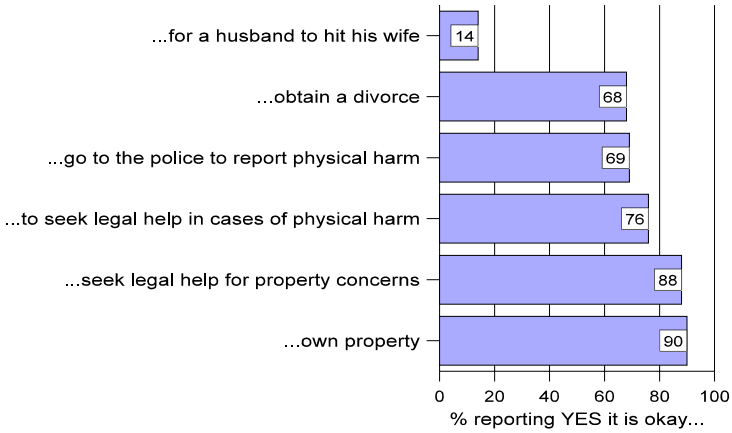
Although they discussed education, health and water for their communities, a majority commented on the injustices they had faced with the police and the courts: *"we do not get any justice in our courts... police and political leaders do not provide any justice."* Men also talked about how faith in Allah was a way of ensuring

[17] Oxford University Press. *The Pocket Oxford Dictionary*. Oxford: Oxford University press, March 1994.

justice. A few did mention equality; to them this meant husbands giving wives their rights. As expressed by one participant, *"I give my wife her due rights, this I view as justice."*

Justice for Karachi women was described by a field worker:

Figure 1
Women's views: what women in Karachi think is 'okay' to do... (n=1839-1866)



"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."

View of women in society

Women in the household interview were asked a series of questions including whether it was 'okay' for a woman to own property, or to obtain a divorce (*khula*)[18]. Ownership of property and legal action to redress any problems were views upheld by the majority (Figure 1). Most said it was 'okay' to go to the police to report physical harm (69%, 1266/1848) or to seek legal help

[18] Khula is divorce initiated by a woman and is the most common form used by women in Pakistan. A woman can ask the court to dissolve her marriage when from her point of view she can no longer live with her husband. (Source: Balchin, Cassandra (ed.) *An action manual: Women, Law and Society*. Lahore, Pakistan: Shirkat Gah, March 1996.)

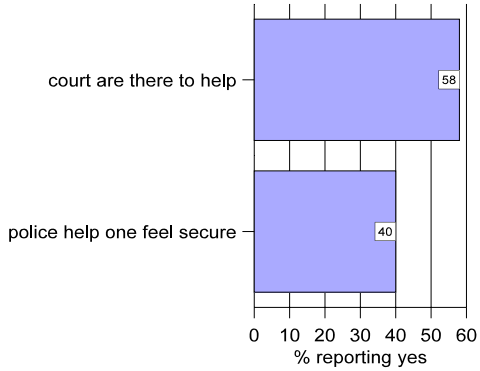
(76%, 1421/1857). Some 14% of women (264/1868) said that it was 'okay' for a husband to hit his wife.

On issues of divorce, 68% (1256/1857) of women said that it was 'okay' and 73% (1344/1839) said that it was 'okay' for women to ensure their right to delegate (*talaq-e-tawfeez*) divorce is granted at the time of the marriage registration (*nikahnama*)[19].

General view of the police and courts

Women were asked if the police help them feel secure and whether the courts were there to help. Figure 2 shows that women have more confidence with the courts than the police. A woman who said that the police helped her feel secure was six times more likely to also say that the courts were there to help[20].

Figure 2
Women's view of the courts (n=1684) and police (n=1718)



A woman who thought it was 'okay' to seek legal help for concerns about her property or for physical harm that may occur was more likely to feel the courts were there to help, compared with a woman who did not think it was 'okay' to seek legal help[21] [22]. A woman who thought it was 'okay' to report a case of violence/physical harm to the police was more likely to think that the courts were there to help[23] and more likely to also say the police helped her feel secure compared with a woman who did not think it was 'okay' to report violence to the

[19] In the *nikahnama* (marriage certificate) there is a clause (18) that provides an opportunity for the woman to have the same power of divorce as the husband without having to go to the court (*talaq*). This clause is not always accepted and can be struck from the contract.

[20] Odds ratio 5.88; 95% CI: 4.5-7.8; 83% (543/656) of women who said the police made them feel secure also thought the courts were there to help compared with 40% (379/943) who said the police did not make them feel secure.

[21] Odds ratio 1.60; 95% CI: 1.14-2.24; 60% (893/1488) of women who thought it okay to seek legal help for property concerns thought the courts were there to help compared with 40% (75/186) who did not think its okay to seek legal help.

[22] Odds ratio 1.32; 95% CI: 1.02-1.7; 61% (782/1273) of women who thought it okay to seek legal help for physical harm also thought that the courts are there to help compared with 45% (176/389) of women who think it is not okay to seek legal help.

[23] Odds ratio 1.36; 95% CI: 1.1-1.71; 62% (705/1129) of women who thought it okay to report to the police a case of violence/physical harm thought the courts were there to help compared with 48% (247/520) who did not think its okay to report to the police.

police[24].

To some extent these expressed opinions were reflected in behaviour. A woman who thought it was 'okay' for women to obtain divorce was three times more likely to have consulted a lawyer[25]. Similarly, for the use of the court system, a woman who thought it was 'okay' to delegate the right to divorce granted to them at the time of registration of marriage (*nikahnama*) was three times more likely to have used the court system[26].

The right to access justice

Almost all (97%, 1812/1859) women considered it their right to have access to justice. Taking this evidence back to both women and men in focus groups, participants were asked what women meant when they said they have this right?

More than one-half of the women's focus groups (14/20) said it meant these women had the education, money or family support to get access to go outside the house for services. Five of the twenty focus groups said that it was not the case and that it was the wishful thinking of women.

"What will you learn from our women? We deal with women's issues in the household, no where else."
Man in Karachi during fieldwork

When asked what rights these women had, almost all the women's focus groups said that women had the right to education, courts and the police – but realising their rights was only possible, they said, if there was support. Three focus groups concluded that the right was within the household and centred around serving their husbands.

In contrast, the men's focus groups explained women's

[24] Odds ratio 1.35; 95% CI: 1.1-1.7; 45% (517/1159) of women who thought it okay to report to the police a case of violence/physical harm also said the police made them feel secure, compared with 30% (156/528) who did not think it okay to report to the police.

[25] Odds ratio 3.33; 95% CI: 1.4-8.1; 5% (65/1250) of women who thought it okay to obtain a divorce consulted a lawyer compared with 1% (6/515) who did not it was okay to obtain a divorce.

[26] Odds ratio 3.17; 95% CI: 1.04-9.71; 4% (55/1337) of women who thought it okay for women to ensure their right to delegate divorce is granted to them used the court system compared with 0.9% (4/458) who did not think it okay to ensure this right.

response about rights as true only in the home or for those women in urban settings. More than one half of the male focus groups (12/20) said, quite simply, that women do not have such rights.

Some expressed concern that if men do not have the rights how could women expect to have rights? Others (4/20) concluded that women could have these rights but in reality it was not possible.

"In our locality, if a wife demands her right from her husband and her in-laws, she is burnt alive and no one asks who has done such a deed. This makes the other husbands bold and so they also become cruel to their wives. Three ladies were burnt down in six months. The life of a woman here is cheap, a man can finish a woman's life anytime he likes."
Participant of women's focus group

Explaining to women that they have rights

Women in focus groups were asked how they would explain to other women that they have a right to access justice.

A religious argument was given in one focus group:

> *"The Holy Book is the final authority. It is the complete code of life. In the preachings from the Holy Book the rights of women are mentioned in detail. When God gives rights to women then human beings cannot deny these rights. By providing examples from the Koran, women will understand about their rights."*

A more assertive suggestion in another focus group was:

> *"Women have equal rights as that of the other members of her family. She is made of the same flesh. To bear cruelty is not her fate. God has not given her life just to bear repression. It is her right that she should pass her life like the other members of her family.*"

Other suggestions were to get educated women and men in the community to help the less educated. At least in the confines of the focus group, women advocated for *"women to struggle for their rights"* and to be *"bold and courageous"*.

What does it mean when women say they have the right to access to justice?
"We do not know about justice. It is only something for our husbands."
Women's focus group

Not all male focus groups were convinced that women would understand that they had the right to access to justice. Some did suggest the use of media and one focus group suggested that it would be more effective to speak

to the husbands and fathers first to get them to understand about women's rights. They in turn will pass the message on to the women in their households.

The role of men was further elaborated when men were asked "what can fathers/husbands do to make sure women in their house have access to justice?" In addition to education of men they suggested that men can ensure that their women also get educated. One suggested using the notable ladies of the community:

> *"It should be the duty of the father and the husband, in the case where there are any problems with the women in their homes, to call the notable ladies of the locality. This will help to create awareness among women in a better way and also a solution can be sought without going outside."*

Community leaders were also considered a way to facilitate reconciliation for household conflict. Pesh Imams were mentioned by one-half of the focus groups. There was a mixed reaction to NGOs and several groups in favour of Government providing education for women.

Women's views on how justice is assured

To get some understanding of what *getting justice* meant for the women of Karachi a series of questions clarified their views of justice. Almost all women perceived equal opportunity to education (97%, 1797/1858), jobs (91%, 1682/1849) and access to medical care (96%, 1771/1851) as justice (Figure 3). This was consistent with what women's focus groups said about their definition of justice.

Justice was assured for 98% of the respondents (1809/1848) by having family elders agree on a reconciliation for them. Nine out of every ten (90%, 1638/1825) said justice was assured for them when the perpetrator was convicted. Financial compensation was viewed as justice by six out of every ten respondents (66%, 1198/1818).

Although many women in the household interview declined to directly answer the question, 55% (780/1416)[27] of those who did answer said that women of Karachi have sufficient access to justice[28].

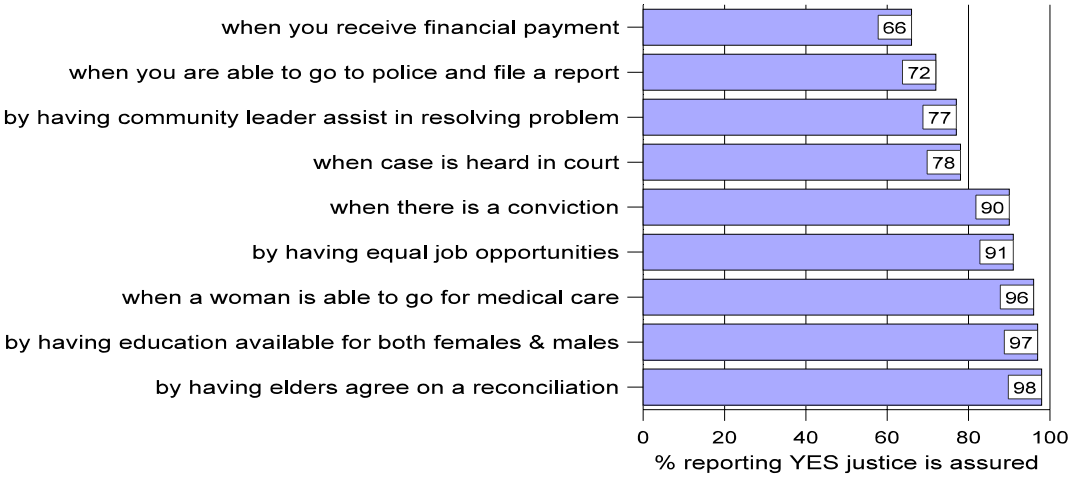
"When a woman is not permitted to go out of her house, how can she even think of reporting a problem?"
Participant of women's focus group

Given the lack of emphasis by women of accessing justice through institutions, women in focus groups were asked how they receive justice within the households, whether this was justice and what problems can be solved within the households.

Women see themselves as receiving justice in the household by performing their duties. As explained in one of the women's focus group, *"there are very few problems in our village with respect to women as we are trained to accept everything and to keep our family members happy."* Another participant of a focus group made it clear that, *"there is no alternative for a woman and she has no choice but to accept the solutions given to her for her problems."*

The women talked about how the family and elders facilitated the resolution of disputes: *"it is better to settle some disputes with the wisdom within our own family."* To deal with their problems, the women talked about

Figure 3
Women's views of when justice is assured: "Do you thought justice is assured for you..." (n=1858)



[27] Some 271 out of 1855 respondents said that it "depends", another 168 did not respond at all.

[28] A majority of the police officers (30/38) said that women in Karachi have sufficient access. Civil society organisations were less optimistic, all but one respondent from these did not think that women of Karachi had sufficient access to justice. There was some recognition that women of Karachi may be more better off than other parts of the country.

compromise, having patience and faith in their elders. There was a mixed reaction about whether resolving issues within the household was justice. Eight out of 20 focus groups said yes this was justice and another seven focus groups said no it was not justice. The remainder gave mixed responses.

Problems that require a justice system

According to women's focus groups, problems that can be resolved in the household included: disputes between husband and wife, disputes between sister and brother, disputes between neighbours and issues of children's education.

"No respected woman would knock on the door of the police or courts."
Participant of women's focus group

Many focus group participants talked about trying to solve problems through a male member of their household or the village head. They would only use the courts if there was no other solution.

The problems that cannot be solved within the household included property, murder, theft, divorce, dacoity and child custody. Some focus groups said cases of divorce and property could also be decided at home. One of the focus group participants stated that such at-home resolution would maintain *"the dignity and respect of the family and save unnecessary expenditures such as fees for lawyers.*"

There was reluctance to approach the police, lawyers or the courts to deal with these problems that cannot be solved with the household. Many talked about *"not having permission"*, *"bringing shame to the family"*, *"not taking family matters outside their homes"* and *"concern of losing their modesty"*. Practical issues were mentioned, such as having someone accompany a woman to the police station or courts, money required and the time which was difficult to spare.

Views of civil society on access to justice

Civil society organisations are key players in assuring access to justice for women providing a range of

services: legal aid, counselling, resources, advocacy, public education and direct assistance to women guiding them through the system. The problems identified by these organisations for women to access the justice system included social stigmas of reporting, lack of family support to use the system, women's lack of awareness about legal procedures and their rights and limited legal assistance for women to deal with the complicated justice process.

Suggestions to improve their own organisation to serve the women of Karachi more effectively included: increasing training opportunities for staff, improving use of the media to create awareness, addressing the issue of financial independence of women, increasing resources to bring on skilled staff and providing more services to the public.

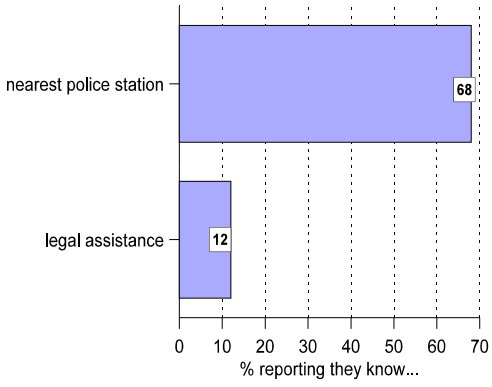
Areas of change for support/advocacy organisations to serve the women of Karachi more effectively included: improving coordination and information sharing among support/advocacy organisations, increasing accessibility to women in the communities and increasing pressure to change laws.

Knowledge of the justice system and its use

In order to access a service, potential users must know of its existence. Women were asked if they knew of any organisation that offers legal assistance and if they knew the locality of their nearest police station. Only one in ten women (216/1867) knew of an organisation that offers legal assistance (Figure 4). Of those who said yes, eight out of ten could give a name of an organisation. The most common name given by 41% (70/171) of respondents was Edhi Trust. Edhi Trust was well advertised and provides social assistance to women in need, but it does not provide any legal assistance. This was followed by:

- PAWLA (13%, 22/171)
- Ansar Burney Welfare Trust (11%, 18/171)
- All Pakistan Women's Association (APWA) (5%, 8/171)

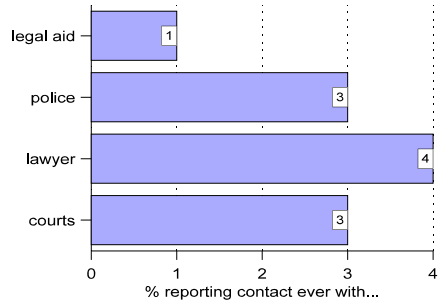
Figure 4
Women's knowledge of their nearest police station and organisations offering legal assistance (n=1865)



- Lawyers for Human Rights and Legal Assistance (4%, 7/171).

Women were more familiar with the police station (Figure 4): seven out of ten women (1270/1865) reported they knew where the nearest police station was. Asked to name the police station, one-half (51%, 956/1862) of the women said they did not know the name, and four out of ten (41%, 756/1862) reported the name correctly.

Figure 5
Percent of women reporting contact ever with legal assistance, police, lawyers and/or the courts (n=1863-1866)



Using the system

To document use of the justice system by the women of Karachi, respondents were asked whether they have *ever* used the legal, police and judiciary services. Figure 5 shows that use of services was not common - at the most one out of 25 (74/1866) women said they have used the services of a lawyer at some point in time.

Three percent of women (63/1866) have used the services of the police. One-third did not specify the time frame; another one-third said it was within the last two years from the time of the survey. Effort was made to look at the actual caseload from the individual police stations serving the communities surveyed. From the institutional review of the 18 police stations[29] during the month of August 2001, 972 complaints were made, 86 (9%) of these by women. This proportion was probably high because the number of complaints (denominator) was lower than the actual numbers: some stations only record complaints that can be registered as FIRs or considered a cognizable offence. One-third (365/972) of *all* complainants had their complaints registered as FIRs.

Based on analysis of police records, 3% (11/365) of women's complaints were registered as a FIR. Based on these records, a male complainant was four times more likely to have had his complaint registered as a FIR than was a female complainant[30].

"Women do not use the justice system, as they think they are not part of it and the justice system does not think or show them that they are part of it. So why would we use the so called justice system."
Female household respondent

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.

[29] The women's police station was also interviewed but in the analysis of case load this station was excluded as women were usually referred there rather than going there directly.

[30] Odds ratio (crude) 4.54; 95% CI: 2.30-9.17; 40% (354/886) of complaints by men were registered as FIRs compared with 12% (11/86) of complaints by women.

Once a FIR has been registered, the case needs to go under further investigation and a file gets opened. From the institutional review of police records, less than one-half of the complaints (167/365) registered as a FIR went on to be filed as cases. Of all cases filed, only two percent (3/167) were from women.

Table 1
Reasons given for use of the justice system

Service	Main reason for use	2nd most common reason for use
legal assistance	marital (divorce) (5/13)	physical assault (3/13)
police	robbery (16/60)	physical assault (10/60)
lawyer	marital (divorce) (32/74)	property dispute (20/74)

Table 1 shows the reasons given by women in the primary household survey for using the various services. Marital issues, property, physical assault and robbery were in the forefront. When asked specifically about whether they had ever reported domestic violence to the police, one percent (18/1866) said yes.

Of the two-thirds of cases (40/60) who indicated the time frame of the report, most (33/40) said it was within three years of the survey.

For those women who said they had contact with the system, a secondary questionnaire probed their experience with the system and provided insight on how to get the most accurate information. Of the 1881 women that were initially interviewed, four percent (81) completed a secondary interview to document their experience with the system.

One-third of the cases (26/80), discussed in the secondary questionnaire, were of marital (divorce) in nature, followed by cases of physical assault (17/80) and property rights (16/80). In cases of physical assault the perpetrator in eight out of ten cases (14/17) was the husband, in one out of ten cases (2/17) it was another family member (brother-in-law or other in-law). One respondent reported a burn case.

The cases occurred between one month and 10 years before the survey (February 2001). However, 57 of the 78 cases reported in the secondary questionnaire, occurred within one year of the survey. The cases more than one year previous to the survey, was mainly divorce (8/20) or property cases (4/20). All cases of physical assault took place within the last two years.

First contact

Women were asked whom they first talked to about the incident. The majority of women went to their family members first, primarily their parents (Figure 6). Neither the informal nor formal system was the first contact.

Medical assistance

Women were asked if they sought medical care. Table 2 shows that for cases such as assault and domestic abuse, women did seek medical care. For some cases of divorce women sought medical care. This indicates women might seek a way out of abusive relationships through divorce - perhaps more acceptable or effective than claiming abuse. In a larger study, exploration is needed on the issue of the provision of a medical report or letter. Less than one-half of the women seeking medical care for cases of physical assault and divorce was provided with a letter or medical report of the results (Table 2). A larger study could explore the issue of medical reports, and the role of the medical apparatus in access to justice.

Figure 6
Who women talked to first about their case (n=78)

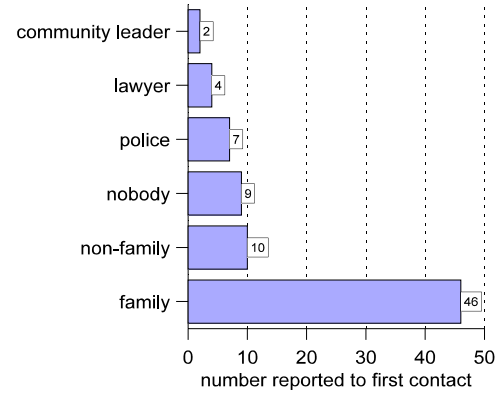


Table 2
Use of medical care for certain cases

Type of case	proportion who sought medical care	proportion who sought medical care and got a full examination	proportion who sought medical care and were provided with a medical report or letter of the results
physical assault	12/17	6/12	3/12
domestic dispute	2/5	1/2	2/2
divorce	5/26	3/5	2/5
robbery	1/6	1/1	0
property rights	1/16	1/1	0
burns by in-laws	1/1	1/1	1/1

Source: Secondary questionnaire

Assistance from other organisations

Women were asked if they contacted the following organisations:

- Citizens-police liaison committee (CPLC)
- Pakistan all women lawyers association (PAWLA)
- Lawyers for human rights and legal aid (LHRLA)
- Shirkat Gah
- War against rape (WAR).

These organisations provided legal assistance to women. Of 81 cases, only three said they had contacted PAWLA. All three were cases of divorce.

Women also reported using other organisations like the Edhi centre (n=2), the All Pakistan Women's Association (APWA) (n=1) and local political groups (n=2) for assistance.

Box 2
What part of the system do women use?

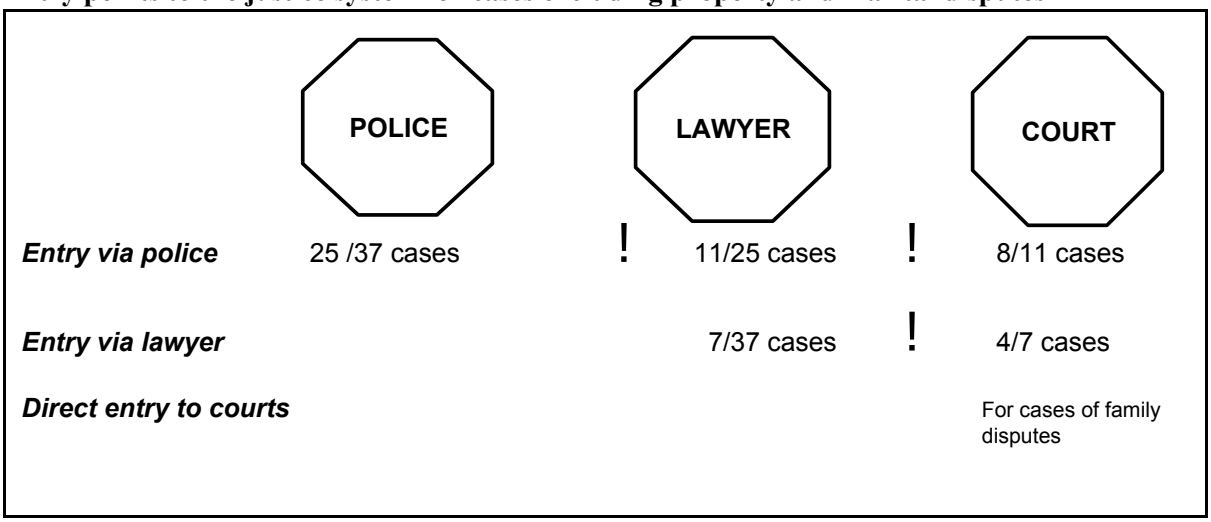
81 women reported an incident
for which they used the system
37 women contacted the police
56 women contacted a lawyer
41 of the cases were heard in court

Police, lawyer or/and the courts: the justice road map

From the secondary data the various entry points to the system were examined. Box 2 outlines the actual number of women using the services based on the secondary questionnaire. In a larger study, it would be useful to determine the pattern of use by case. The small number of cases presents difficulty for such an analysis but does point to some interesting patterns, such as the use of the police for cases of marital disputes and property rights.

There were different entry points to justice (Box 3); not all cases begin with the police. Marital and property disputes that would normally go straight to the lawyer first were excluded in the diagram. In fact two out of every 10 cases were taken to a lawyer and, for family disputes, some women seem to also access the courts directly.

Box 3
Entry points to the justice system for cases excluding property and marital disputes



Cases that do not use the justice system

Of the 37 cases that were not property or marital disputes, five of the cases did not use police or legal services. All were cases of physical assault:

- 4/5 sought medical attention, none received any medical letter or report
- in all cases the perpetrator was someone they knew: husbands (4/5) or an in-law (1/5)
- 2/5 sought the help of the Edhi Centre
- 2/5 cases said their husbands continued to beat them.

When asked why they did not report to the police the responses include:

- family did not allow (2/5)
- were afraid of their husband and feared that the problem would get worse (2/5)
- did not want to take a private matter into public (1/5).

"Society does not permit women to report."
Community leader

In this pilot exercise the number of cases was tiny, representing only those women who disclosed in the primary questionnaire that they had used the system and then agreed to be questioned further. The extent of the problem and the need for further exploration of how physical assault was dealt with by the system was

validated from the primary questionnaire where 12% (224/1862) women reported to have suffered some form of physical abuse one year prior to the survey.

Women's experience with police services

"One can contact the police, but justice cannot be received."
Household respondent

The second questionnaire also piloted what might be asked to document women's experience with the police. One-half (43/80) of the women did NOT contact the police. One-half of those that did not contact the police (23/43) said that they did not "need to". Most of these cases were property, marital or workers' compensation cases – those incidents that generally do not use police services.

Why do you think more women do not report to the police?
"It's a very disgraceful thing for the woman if she puts her husband behind bars. Naturally, the people would think that the woman is of bad character who has got her husband arrested."
Participant of women's focus group

The primary reasons given in the household survey for not using police services (10/20) referred to the family: not being allowed, not wanting to take private matters out of the house and being afraid of their husband. The next most common reason was fear of the police, unworthiness of the police and their request for money (5/20).

The FIR and medical-legal evidence

A first information report (FIR) was registered by the police for cognizable offences. With this document, investigation and legal procedures can begin. Some 31 of the 37 reports to the police said that a FIR was registered. Of those that were not registered, three out of six cases were marital disputes.

According to the police, after a complaint was made, the criterion for registering a FIR was based on whether the case was a cognizable or a non-cognizable offense. Some stations said that the decision to register an FIR was also based on the statement made by the complainant and some preliminary investigations. For cases of violence, the medical-legal report was necessary. Waiting for this report sometimes delayed the process.

Members of civil society organisations expressed concern about how the medical-legal form was

completed – incomplete and difficult to read the writing. Suggestions were made to have the form in Urdu, provide training to medical-legal officers on how to complete the form and make changes to the existing form such that it was more detailed and allows a more neutral assessment of the situation. Not all members of civil society were aware of the form that was used for medical-legal assessments (see annex II) and some said, when they saw the form, that they had seen others. Given the legal importance of this evidence, in a larger study it would be useful to identify all existing forms and seek for some consolidation and consistency.

The length of time it takes to register a FIR was another concern. Slightly more than one-half of the registered FIRs (17/30) were done within a day. The rest took between two days and one month to be processed. The explanations for the delay in registration given by the police include:

According to the Police Act, 1861, no preliminary inquiry is permissible before the registration of the FIR.

- waiting for the medical report from the doctors in cases of violence;
- preliminary investigation required to confirm narration of the complaint or when there was incomplete evidence for certain cases such as fraud, property cases, murder and violence;
- lack of resources required to complete FIR;
- a heavy workload of police officers;
- women will consult their families before signing the FIR;
- poor coordination between different departments; and
- the delay sometimes was deliberate, to give the two disputing parties time to resolve the matter.

Suggestions by police for speeding the FIR registration process included: providing basic logistic resources to police stations like paper, pencils and transportation to do the preliminary investigation, raising awareness among the public of the importance of timely reporting and the procedures involved, having more female officers or women's police stations to facilitate reporting.

Once a FIR was registered, the complainant should have received a copy of the FIR. Some respondents (6/29) said that they did NOT receive a copy. Police respondents in the institutional reviews said copies of the FIR were always given to the complainant, the investigating officer and the court. The original FIR was kept at the police station. Additional copies of the FIR were provided to higher officials (DSP, SP, SSP) if required.

Once the FIR is registered, this enables the investigation to begin and for the case to be submitted to the court. This submission needs to be done within 14 days after lodging the FIR.

From the small data set there was indication that investigation for four out of ten cases did not begin until one month later and one half were never sent to court (16/29). The two major types of cases that did *not* go to court were cases of robbery (9/16) and physical assault (5/16).

In 1998, the CPLC and the Government of Sindh collaborated to improve the FIR process . "Police complaint cells" were established at the police stations for each of the five districts in Karachi (before devolution). These cells were responsible for registering FIRs and entertaining complaints about non-registration of FIRs. The district offices were open six days a week from 9am to 9pm. The main office was open seven days a week, 24 hours a day. CPLC has also been involved in raising awareness about the FIR process to the public -- with posters right at the police stations. An example can be found in the annex III.

What might increase reporting?

"The police need to restore their confidence among the people, stop taking bribes, listen to the complaints of the public...improve their conduct and behaviour. If they do so, people themselves will take up their cases with them."
Participant of women's focus group

In focus group discussions, women said corruption and lack of trust in the police were reasons for not reporting to the police. Stories of the police get circulated and, as one focus group of women said: *"stories of the police's bad conduct have created a fear between women and kept them away from reporting."* Women also discussed how it was *"disgraceful to lodge a complaint against their husband"*, *"disrespectful to the family"* and not having permission to leave the home. There was also a fear about possible negative repercussions from the family and community that prevented them from

reporting to the police.

Support from a woman's family can facilitate women reporting to the police. Other suggestions to increase reports include:

- improve the atmosphere at the station
- police personnel should *"improve their character and conduct so that women do not feel any fear and shame"*
- increase awareness of emergency police station numbers
- know the location of the women's police station.

Women recognised the working conditions of the police and suggested increasing the salary of police officers and providing them with more education and training. This was consistent with the suggestions by the police.

Women in focus groups said it would be useful to receive support from NGOs but said that no NGOs had visited their community. NGOs could facilitate their interaction with the police and even work with the police to help them with their investigation. There was a mixed reaction to how community leaders could assist with many being uncertain that Pesh Imams could assist.

Male focus groups provided similar answers to the women's. However some men expressed concern about the women from their households going to the police station and wanted to know which women in their community were going to the police. The men confirmed the women's comments about the bribery, the fear of the police and the societal norms preventing women from reporting. Some were willing to go in place of women, as they felt it was not the role of women to go and report to the police. Others were clear that *"the woman should first go to the elder or head of the village and tell him about her problems and let him decide how to resolve the problem."*

Police stations from 13 of the 20 communities interviewed said they had adequate training to deal with complaints brought by women. At the same time, to

improve services to women 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.

In interviews with NGOs, one organisation said that they assisted women to report their case by advising where to report, what to say and the consequences of the process. Another NGO said that they called the police station on the behalf of women or would call the CPLC. The district level offices of the CPLC provide direct assistance to women to report cases to the police. From accompanying the women, to discussion with the police, to filing the FIR for the women if required. One of the major obstacles identified by one of the organisations was the lack of legal recognition that domestic violence was a cognizable offence.

Unofficial payments

Officially there is no charge to register a FIR.

No less than 18 out of 30 women said they had to pay to have their case registered. Payments to register the case ranged from Rs50 to Rs5000 (average Rs1895, SE: Rs526, n=10).

For those that did have to pay something (after the FIR) the costs to have their problem dealt with ranged dramatically from Rs500 to 80,000. The average payment was Rs14,890 (SE 8662, n=10).

To include their side of the story, police were also asked about the cost to the complainant to enter a complaint in the station diary, register a FIR, begin an investigation, make an arrest and refer a case to prosecution. Most police officers (23/37) said there was no charge for an entry in the station diary and to register a FIR. Those who did mention a charge, said that it was an overall cost for the whole case. Police said that their costs ranged from Rs400 to Rs5,000 per case -- but that they had to pay this out of their own pockets. There was no cost for arresting someone. To refer a case to prosecution, the cost was in the range of Rs200 to Rs300, one police

officer said the amount was in the range of Rs3,000 to Rs5,000. For certain cases like murder the cost was as high as Rs20,000.

No insight could be gained into who initiated the payments or in whose pockets the payments finally landed. The working conclusion was that police pass on to their clients the costs that the justice system extracts from them.

"There are also unofficial deductions from our salary by the clerks and the administrative staff when we receive our salary. It would be good to have our salary through a bank."
Police respondent

Asked if women complainants were charged more, less or the same rate as men, most said there was no difference -- with the exception of rape cases or cases that required a medical-legal examination, which increased the costs.

As part of the interview, police were told that the women from the household survey said they paid for police services. Police were then asked whether a salary increase could stop the need for these extra payments. A majority (33/38) agreed, though some (5/38) said that was not the solution, it was more about one's *"mind set and attitude"*. One-half of the respondents who agreed with a salary increase said that Rs10,000 per month for a constable would be a sufficient increase.

For their part, the police said that if they could be provided with transportation, petrol, vehicle maintenance, stationery and have reduced duty hours then it would be possible to do their job without extra payments. They also suggested stronger supervision, better training of their staff and recruitment of police officers based on merit. Other changes included benefits like medical and education coverage for their children, accommodation and food rations.

Dealing with corruption

Since household interviews and both male and female focus groups referred repeatedly to corruption, this was raised in interviews with police officers. Some were hesitant to talk about it and said there was no opportunity for corruption. Others (29/37) were willing to discuss

corruption and how to prevent it.

The main opportunity for corruption in dealing with complaints occurred when the case was under trial, during investigation, at the time of arrest, when the *challan* (case) goes to prosecution and when the FIR is registered. During the interview with police, a distinction was made between corruption in dealing with complaints brought to the police by men versus women. However police respondents maintained there was no difference except to add that medical-legal examinations for women provided an opportunity for corruption.

In order to deal with unofficial payments, police said that it was important that the public refuse to pay to get their cases processed. Other suggestions by the police to prevent, what can be termed as 'system leakages' include:

- provide staff with resources and the infrastructure to conduct their work;
- strict monitoring of officers;
- have a board or at least two medical legal officers provide the medical-legal evidence rather than only one medical legal officer;
- increase scientific methods to investigate cases;
- raise public awareness of police and legal procedures;
- promote Islamic teachings for women; and
- improve salary and benefits for police.

Information management to assure justice at the police station: rules versus practice

Assuring justice also means having a system in place that will be able to capture the information and use it to facilitate justice. If women did go to the police to report, what would happen to their complaint? According to the Police Rules of 1934 all complaints coming to the police station should be registered in the station diary (*Roznamcha*)[31].

[31] Police Rules, 1934; Chapter XXIV, Rule 24.1.

All 19 police stations interviewed said they had a station diary, the first place where any complaint was registered. Serial numbers were present for all entries in the station diary. One-half of the police stations said that complaints of family disputes, divorce and domestic violence were exempt from documentation in the station diary. Their rationale was that since they were "non-cognizable"[30] offences there was no need to document.

According to section 154 and 165 of the Code of Criminal Procedure, "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." Magistrates in the district have the authority to inspect the diary.

Some stations kept what they termed an "unofficial" complaints registry -- which was much thicker than the station diary. The information that was diligently documented in this unoffical complaints registry remained on the shelves of police stations. Every entry had a serial number, although this was not linked to anything, the name of the complainant and defendant, the duty officer in charge, details of the complaint and how it was dealt with were documented.

For complaints registered in the station diary, a first information report (FIR) had to be registered for the case to proceed. Following reports from the police about *their* understanding of the rules, a FIR can only be registered for cognizable offences.

Cognizable comes from the Latin *cognoscere*, "to know". A cognizable offence is a recognizable offence based on what the police officer knows -- it is not whether something is a criminal or non-criminal offence.

Police Rule 24.1(2) allows discretion:

"in every case in which the officer in charge of a police station, from information or otherwise, has reason to suspect the commission of an offence, which he is empowered under section 156, Criminal Procedure Code, to investigate, he shall enter in full such information other intelligence as soon as practicable in the First Information Report Register..."

The decision to which category a complaint falls under -- cognizable or non-cognizable -- was partly left to the discretion of the police. The Police Rules, 1934, allows for this discretion[31].

According to the police stations, from the station diary, if a FIR was registered this gets documented in a FIR register. The serial number of the FIR was linked to the

[30] According to the LHRLA Procedure of Criminal Case trial: "Cognizable offences include murder, theft, dacoity, extortion, rape, abduction, riot and arson. Non-cognizable offences include cases such as simple hurts, of hurt by mistake, rash acts or negligence."

[31] Police Rules, 1934; Chapter XXIV, Rule 24.1 (2).

serial number in the station diary. The serial numbers were consecutive and all police stations said that it was not possible to delete the FIR serial number.

A non-cognizable offence, according to the Criminal Procedure Code, 1898, has to be registered in the station diary and then the complainant is to be referred to a magistrate (section 155). As noted earlier, some police officers reported that non-cognizable offences were exempt from documentation in the station diary. One-half of the stations (9/19), when asked what details were told to women for whom no FIR was registered, said they advised them to go to the courts. The remaining said they "guided accordingly" (4/19), tried for reconciliation (2/19), sent them for medical attention (2/19), referred them to the women's police station (1/19) or sent them to the *nazim* (1/19).

Cases at none of the 19 police stations were computerised. They were maintained in a crime register with the serial numbers matching the serial numbers of the FIRs, which was the same as the serial numbers of the original complaints. All police stations said that these case file numbers in the crime register cannot be removed from the record.

The Station House Officers (SHO), investigating officers and in some cases other police officers have access to the case files/crime register. The station diary, FIR register and the case files document the sex of the complainant by giving the name and a title -- no female or male was noted.

Police stations said that daily, weekly, fortnightly, monthly, quarterly, bi-annually and annual reports on the number of cases were provided by stations to the central offices. Remarks were provided to most stations immediately after submission; however, no comparative data of police stations was provided back. Two police stations did mention the circulation of a gazette (*Gazzet Inkshaf*) with case details of all police stations.

Women's experience with legal services

"For every hearing, Rs200-300 are paid to the clerical staff at the court. Only then can one get a hearing. This is often paid by the investigation officer or if the complainant can afford it, they pay it."
Police respondent

Most cases (56/80) used the services of a lawyer (Box 2). A private lawyer was used by more than one-half of these cases (30/55) with an average payment of Rs13,631 (se 3205, n=19). One-third (21/55) used the services of a government lawyer with an average payment of Rs6,714 (se 1898, n=7). The average payment overall was Rs10,717 (se 2271, n=29).The analysis failed to show any statistical difference in payments among the different types of cases or the different type of lawyers. However, with a larger sample this might not be the case and needs to be explored.

One-half of the cases (41/80) discussed by women in the secondary questionnaire were heard in court. Information was provided to the complainants of half of the cases that went to court (24/40), primarily in Urdu (24/26) and by the lawyer (12/24). In some cases (6/24) the information was provided by a family member – in many cases women used the system with the assistance of a family member. In almost all cases (25/26), respondents said that they understood the information that was given to them about their case.

One-half of the respondents using court services (20/41) made a monetary payment "to the courts" ranging from Rs500 to 50,000 to have their cases dealt with. The average payment was Rs11,833 (se: Rs5955, n=9).

A woman told her story:
My father had five shops. He was so loving to me. After his death my brother and mother changed their behaviour towards me. They refused when I asked for my share of my father's property. My brother told a lie that the shops were not owned by my father but the entire commercial property was rented. I first tried to resolve the issue by discussing it with my family members. But my brother did not want to compromise. So I filed a case with a lawyer. I had almost won the case in court. But then my brother bribed the lawyer. Now the lawyer is just giving lame excuses and not showing any interest in my case. I cannot continue because the cost has gone beyond what I can afford. I am afraid that I might lose my case as my brother is playing his tactics.
Field worker

The complainants can be at risk, so the issue of protection was explored. Four out of the ten cases (17/41) said that there was no need to have protection during their court case. Half of the remaining respondents (11/24) who used court services had some form of protection from government or someone they knew.

Suggestions from civil society for the legal system to serve the women of Karachi more effectively include:

- introduce special courts to deal with violence cases and other women's issues;
- recognise domestic violence as a cognizable

offence;
- repeal of the Zina ordinance;
- law reform for family laws;
- speed up the timing of the decision making process of the courts;
- use of independent magistrates to handle women's cases efficiently; and
- increase public awareness about legal procedures.

"If there is any dispute, family members solve such problems themselves without asking help from the police or lawyers. We really do not know much about lawyers. We have only seen them in television dramas."
Participant of women's focus group

Satisfaction with the services

Figure 7 shows the number of respondents dissatisfied with the treatment they received from the police, lawyers and court services. There was a statistical difference in the dissatisfaction between police services and the courts[32], and legal and court services[33].

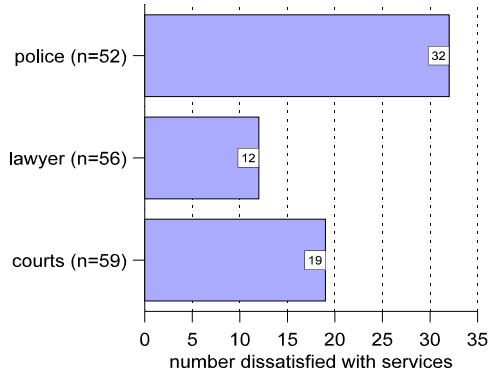
Police services

Less than one half of the respondents (20/52) said they were very satisfied or satisfied with their treatment by the police. The main reasons for satisfaction were the polite attitude of the police and cases being resolved. The main reasons given for dissatisfaction with the police were:

- police asked for too much money (12/30)
- they were unhelpful and were untrustworthy (5/30)
- they had a bad attitude (4/30)
- the problem was not solved (4/30).

"Money is what gives you protection, not the police, lawyers or courts."
Household respondent

Figure 7
Dissatisfaction with police, legal and court services



Bureaucratic and insensitive attitudes were the concerns expressed by some NGOs about police services for women. Some said that by building a relationship over time helped in coordinating their activities with the police. One organisation discussed the limited resources the police have to work with.

[32] Fischer's exact test, 2-tailed p-value=.05

[33] Fischer's exact test, 2-tailed p-value=0.006

Police were presented the evidence from the household interviews about the level of dissatisfaction and asked why they thought women said this. Some found it hard to comment as they said they had limited interaction with women. Others talked about a misunderstanding that women have about police's ability to deal with civil cases and when the police were not able to register a FIR the women feel mistreated.

Some also explained this dissatisfaction by women was a result of:

- lack of educated police officers
- women having difficulty talking to male police officers
- women not wanting to reconcile despite police efforts to arrange for reconciliation
- heavy case loads of police officers.

Suggestions made by police what they as an individual officer could personally do to improve services for women include:

- try and sympathise with women clients, pay attention and listen to their problems
- try and create a comfortable environment
- give them priority, respect and try and resolve their problem
- make sure a senior and experienced officer deals with women.

"By having the survey and then coming back to discuss gives us the results. We get an opportunity to talk about things that we do not necessarily talk about. It gives us the motivation to do something. It helps us realise that things are not so bad and gives us courage."

Participant of women's focus group

Community leaders, councillors and *nazims* (district mayors) were named in helping police to improve services for women. Other organisations police identified include: APWA, Ansar Burni, CPLC, Edhi Foundation, LHRLA and PAWLA. Community leaders suggested raising awareness of the public about police procedures and the law to improve services.

Suggestions by civil society organisations on the single biggest change needed for the police to serve the women of Karachi effectively included:

- develop a team of police officials who are sensitive to women's issues
- have more female police officers

- "curb" the corruption
- improve police attitude and increase awareness of the public of the situation and limitations of the police.

Legal services

Seven out of every ten users of legal services (51/70) said that the lawyer made them feel better. The main reason given by those who reported to feel worse or who said they were dissatisfied was because the case was not resolved. The cost (4/11) was the second reason given by those who said to be dissatisfied with the services of lawyers.

"Courts do not hear the women."
Household respondent

For court services, the main reason for dissatisfaction was that it took too long and their case was still unresolved.

In focus groups women were asked whether they thought women have a good understanding of the *court system*: three out of the twenty women's focus groups said yes they did. Only one out of twenty focus groups said they had a good understanding of the *legal system*. The others were clear that they had no understanding of the legal system, how could they when they were not able to leave their homes and they *"had no access"*.

Education of women and girls and uses of media (primarily drama) were the main suggestions by female focus groups when asked what would help women to understand the court and legal system. At the same time there were some cynicism and observations of their reality: *"What difference would it make if we did understand such things?"* and *"We don't have permission for this"*.

Only those women who had contact with the justice system said that they could answer the question on satisfaction, resulting in a small sub-sample. Attempts were made during the piloting to ask a general question of satisfaction with the services but many women would say that since they had no exposure how could they

comment? In the focus groups the issue of knowledge of the system was discussed. It was instructive in building suggestions on what can be done and at the same time got them to think about what *is* a legal and court system.

Safety and domestic violence

Theoretically, women can use the justice system for cases of domestic violence. The pilot study sought to identify what can and cannot be asked on these issues in a household survey. Although many of the interviews began with *"I have no permission to speak"* it was clear women do want to speak of these issues among themselves.

Most women (96%, 1764/1845) said they feel safe in their homes. Two out of ten women (22%, 391/1804) said that domestic violence was very common or common in their community. A woman who said she felt safe was twice as likely to report that domestic violence was NOT common in her community[34]. This could refer to particularly safe communities but, since it was reported in the same communities as other responses, it could also refer to denial.

A woman who said she felt unsafe in her home was:

- four times more likely to report having suffered restrictions as a form of punishment in the last year[35];
- three times more likely to report some form of sexual violence in the last year[36];
- three times more likely to report some form of emotional/verbal abuse in the last year[37];
- three times more likely to report having a serious

[34] Odds ratio 2.22; 95% CI: 1.39-3.57; 79% (135/1703) of women who reported to feel safe also reported that domestic violence was not common in their community compared with 57% (44/77) who reported to not feel safe.

[35] Odds ratio 3.62; 95% CI: 2.22-5.89; 41% (33/80) of women who reported to feel unsafe also reported suffering restrictions as a form of punishment compared with 13% (234/1764) who reported to feel safe.

[36] Odds ratio 3.17; 95% CI: 1.27-7.9; 9% (7/81) of women who reported to feel unsafe also reported suffering some form of sexual violence compared with 1% (19/1756) who reported to feel safe.

[37] Odds ratio 2.72; 95% CI: 1.47-5.05; 45% (36/80) of women who reported feel unsafe also reported suffering some of emotional/verbal abuse compared with 15% (259/1763) who reported to feel safe.

quarrel with a household member in the last year[38]; and
- two and a half times more likely to report some form of physical violence in the last year[39].

Low sensitivity of the questions on a serious quarrel (Se=36%), punishment (Se=41%), verbal abuse (Se=45%), physical abuse (Se=37%) and sexual abuse (Se=9%) indicates the safety question would be an unsatisfactory proxy to detect incidents of abuse.

The specificity rates were high[40]. If this finding was replicated in a larger study, the safety question might serve as a proxy to *exclude* those who are not being abused. However, it would be more important to have questions that detect true cases of abuse rather than to exclude them.

How common is domestic violence?

In the course of piloting the questions for the survey it was concluded that we could ask women about domestic violence directly, however, a lead up or an ice breaker was useful. So women were asked about a friend or someone they know. Three out of every ten women (30%; 562/1869) said they knew a woman who had suffered domestic violence in the last year. Asked further about this woman they knew:
- 98% (548/561) of the incidents happened in the home of family;
- 73% (407/562) of cases involved the husband;
- 30% (158/532) of the women sought medical attention;
- 12% (65/549) reported the last incident to the police;
- 12% (67/545) consulted a lawyer; and

[38] Odds ratio 2.74; 95% CI: 1.51-4.99; 36% (29/80) of women who reported feel unsafe also reported having a serious quarrel compared with 10% (175/1764) who reported to feel safe.

[39] Odds ratio 2.5; 95% CI: 1.28-4.82; 37% (30/81) of women who reported feel unsafe also reported suffering some of physical violence compared with 11% (190/1760) who reported to feel safe.

[40] Specificity for questions on: serious quarrel (Sp=90%), punishment (Sp=87%), verbal abuse (Sp=85%), physical abuse (Sp=89%) and sexual abuse (Sp=99%).

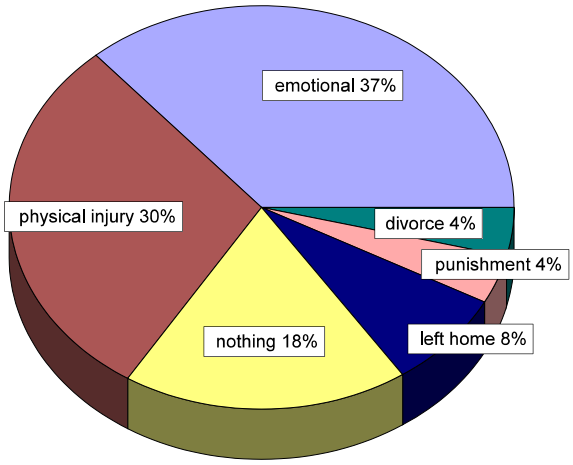
- 11% (58/539) said the woman's case was heard in court.

Asked if this woman they knew was still suffering domestic violence, almost one-half (46%, 248/544) said "yes it continues" and in one out of every ten cases the woman had died or had been burned (9%, 48/544).

This information on 'someone you know', can be used as a proxy for some aspects of the situation. It cannot, for example, on its own be used to estimate the frequency of domestic violence, since several women could know the same victim. Also this question proved to be difficult to answer for many women as they said that they did not know anyone because they did not leave their home. Thus, in this pilot study it served as an ice breaker, later to ask women about their own experiences.

Asked directly two percent (35/1865) of respondents said they had gone to seek medical attention for an incident of domestic violence; in eight out of ten (28/35) cases this occurred in the last 11 months from the time of the survey. After asking about someone they knew, women were asked about their own contact with different parts of the justice system. Then, the last two questions in the household survey asked directly about abuse. First women were asked if they had any serious quarrel with any member of the household in the last year? One out of every ten respondents (11%, 207/1865) said she had a serious quarrel in the last year. Of these women, 45% (93/198) said it was with their husband, one-half (53%, 103/195) of the quarrels involved physical abuse. Two-thirds of the women said that there was some emotional or physical consequence as a result of the quarrel (Figure 8). The consequences stated by women as a result of the serious quarrel

Figure 8
What happened to you as a result of this serious quarrel? (n=199)



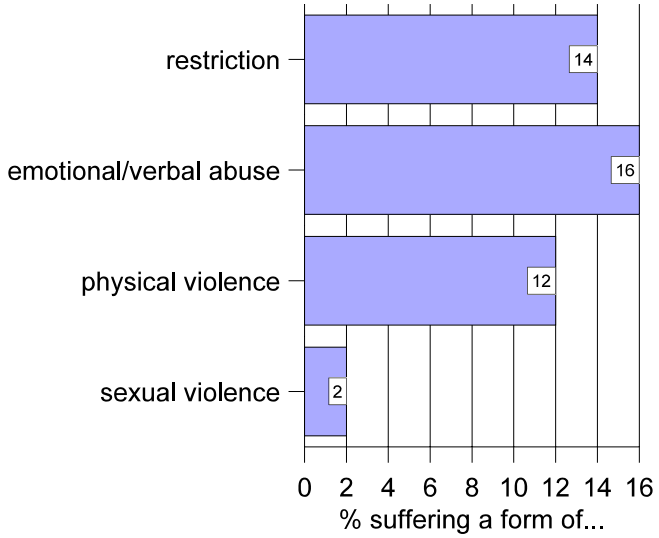
suggest that women were willing to discuss beyond the actual incident. The identification of emotional consequences suggests a need for counselling services.

For the last question women were directly asked about their incidence of the different types of abuse -- from punishment to sexual abuse. Pilot testing was done on the type of words to use and different ways to obtain a true response from women. The Urdu word for physical violence used was "*jissmaani tashadud*" and for sexual violence the word "*jinsi tashadud*".

The key chain was effective in helping women to respond without jeopardising their security. Figure 9 shows the results of the questions on abuse. Given the sensitivity of the questions these results represent a conservative estimate.

The presence of another individual during these questions appeared not to have a significant effect on the response. This could be due to the use of the key chain where the woman was not required to talk, just use the key chain to answer. Yet this was difficult to conclude because the last question was not asked without the key chain which would have enabled a comparison.

Figure 9
In the last year have you suffered any form of....
(n=1865)



LESSONS LEARNED

The objective of the pilot study was to establish a scientifically defensible baseline of the coverage, use, experience and perceptions of users, non-users and service workers related to access to justice for women of Karachi. Perhaps the greatest lesson to be drawn from it is it was possible to do an exercise of this nature, with the collaboration of all communities and the police.

In establishing the baseline, the initiative generated insight into how women conceptualise justice, and when and how justice can be assured for them. It also clarified how to ask questions on these issues.

The specific lessons learned include:

1. *What does justice mean to the women of Karachi? Do women of Karachi think they have the right to justice?*
Women's concepts of justice centre on social justice – access to education for their children, equal opportunity to education and employment and access to health. Concerning their own well-being, they raised the need to be heard, the need for protection from violence and, simply, the need to be treated well. The institutional justice system was part of their concept of justice, but it was not a priority and difficult to discuss, given the limited exposure they have had to the system and their limited mobility.

Importantly, 97% of women interviewed said they had the right to access to justice and, of the two-thirds who answered this question, 55% said that women of Karachi do have *sufficient* access to justice. Overall, this meant that somewhat less than one-half of respondents held this view. It appears that the women understand what is possible but this is tempered by their reality.

"Life is full of happiness and sorrow. Sometimes we get justice within our families. Sometimes not. This depends upon the luck of everyone."
Female focus group participant

2. *How can justice be assured for the women of Karachi?*
Again importantly, 98% of women interviewed said that justice was assured for them by having elders agree on a reconciliation. In focus group discussions about how

women receive justice in the households, participants said they had to compromise, and had to have patience and faith in their elders. For problems that could not be addressed in the household, there was a reluctance to use the justice system for fear of bringing shame to the family. In this context, assuring justice is a difficult proposition. Possibly one of the first things to be done is to assure justice for those who do access the system.

3. *How many women actually used the justice system?*
Very few have direct experience with the justice system. Only four percent of women have contacted a lawyer, three percent have contacted the police or the courts, and one percent have contacted legal aid at some time. Although this produced a sparse sub-sample, those who did use the system provided valuable insight on what works for them and what does not.

4. *What happens with the information at the police station when a woman reports a complaint?*
The information management varied from case to case. A woman can go to the police station to make a complaint, but her complaint is not necessarily entered into the police information system. There were also gaps between the law and the administration of police reporting procedures. Some police stations incorrectly believed that non-cognizable complaints did not have to be documented. At stations where complaints are documented, they are entered in an "unofficial complaints register" or, more appropriately, in the station diary. The action point here is to clarify for police that ALL complaints – cognizable and non-cognizable – must be registered.

5. *What are some of the procedural concerns for a woman's complaint to be investigated by the justice system?*
For an investigation to proceed, a first information report (FIR) must be registered. Only a small proportion of complaints went on to be registered as FIRs and women reported delay in this registration process. One reason given by police for this delay was that they needed to complete some preliminary investigations before

registering the FIR. However, according to the Police Act, 1861, no preliminary inquiry is permissible before the registration of the FIR. This shows another area to be clarified for police, because many officers misinterpret this particular law. The action point is simply to clarify that no "preliminary investigation" may be done before registering an FIR.

6. *Is the cognizable / non-cognizable issue a barrier to justice?*
The law supports areas of police discretion that, by accident or design, do not facilitate justice for women. The discretion of the police determine if the complaint is cognizable. There may have been a systematic over use of this discretion in the case of women, although this was not a specific line of inquiry in this pilot study. Socialisation of the police and the immediate social pressure they experience probably determine the discretion they apply to the law.

7. *Is the medical-legal form effective?*
A larger study should explore the content and completion of a medical-legal form. This is key evidence in a case. Non-governmental service providers suggested improving the consistency, clarity and comprehensiveness of the form. It would be useful to identify all existing forms and to identify specific changes in content and procedure. In this tiny sample, less than half the women seeking medical care for cases of physical assault and divorce were provided with a letter or medical report on the results.

8. *Are service workers willing to discuss issues of access to justice for women?*
Service workers from civil society organisations and the police were receptive to discussing what they do and how services can be improved to provide effective services for the women of Karachi. Many provided useful suggestions. Perhaps the most informative was to do with unofficial payments. It appears that these permeate the entire justice system, and are simply passed on to women as clients of the police. The sample size of this pilot study made it difficult to track the exact

amounts involved, or the margin added by the police for their services at the point of contact. One actionable finding here is that there is probably little good to be had only from pressuring police to stop unofficial payments. The entire system needs to be dealt with.

9. *How well did the survey instruments work?*
Each of the instruments was pre-tested several times and the analysis provided further testing grounds. In the main household/women's questionnaire, the anticipated challenge to capture quantitatively women's views of justice was as daunting as it had seemed. It took several tries because justice was not that 'common' of a concept. The questionnaire demonstrated it was possible to ask questions on the experience of women with police.

The secondary questionnaire provided useful insight into the experience of the few women who used the system. Although the small sub-sample made it difficult to draw definitive conclusions, it provided useful information on what questions can be asked and how to do so.

Evidence from the household questionnaire was returned for discussion with both men and women in gender stratified focus groups. Men and women were provided with the evidence, providing a forum for informed dialogue. As expressed by a participant of a focus group, *"by coming here you have encouraged us to talk and new avenues will be found."*

10. *What are the methodological gains from this pilot study?*
Many household interviews began with women saying that they had no permission to speak. They spoke nonetheless, some more than others. This was the outcome of refining several methods such as: training of the interviewers, wording of the questionnaire, order of the questionnaire, the delivery of the questions, and development of a mode of non-verbal response. Disclosures were made with the use of mirrored key chains, which allowed women to disclose the reality of their life, without speaking and jeopardising their security.

"The meaning of justice is that it should be for everyone."
Participant of women's focus group

The fact finding, household survey and focus groups were also, in some small way, much needed interventions -- providing space for women to speak.

ANNEX I

List of field workers

The project would not have been successfully completed without the hard work of the following individuals:

Ghulam Hussain Shaikh (Team Leader)
Amna Khan (Co-supervisor - technical)
Chandni Hassan
Zehra Khan
Iram Sultan
Asma Usman

Syed Waqar Bhukhari (Team Leader)
Amna Waheed (Co-supervisor - technical)
Asia Bano
Saira Mumtaz
Shakeela Rehmat Wali
Naheed

Qurban Hussain Kalwar (Team Leader)
Bilquis Jahan (Co-supervisor - technical)
Saima Anzar
Sumera Hafeez
Rubina Kausar
Sabeen

Abdul Khaliq Qureshi (Team Leader)
Rukshana Shaheen (Co-supervisor - technical)
Gulshan Ara
Rubina Saeed
Ghurnata Tabassum
Zujaja Tabassum

Afsar Ali Danwar (Team Leader)
Saima Siddiqui (Co-supervisor - technical)
Farhana Hakeem
Rahila Khan
Syeda Maryam
Shagufta Nasreen

ANNEX II

Example of a medical-legal form

OFFICE OF THE POLICE SURGION KARACHI

ML NO._____NAME_____D/O,W/O,_____ AGE _____

TIME OF ARRIVAL_____ADDRESS_____DATE IF EXAMINATION _____

POLICE STATION _____HISTORY OF RAPE/ABDUCTION _____:

BROUGHT BY _____DATE OF INCIDENT/KINDNAP_____DATE OF ARREST/RECOVERED_____

FIR._____ HEIGHT _____WEIGTHT _____ TEETH_____

BREAST _____ A/H _____P/H _____

MENARCHE _____MARKS OF VOILENCE._____

MARK OF IDENTIFICATION

L.M.P

1. _____
2._____

1. Vaginal Slide. **P/A**

2. Blood for Grouping, test.

3. Urine for pregnancy.

4. Stained Clothes.

5. Cut Pieces.

6.Ultra Sound Finding. OPINION _____

REPORT HANDEDOVER TO: KIND OF WEAPON _____

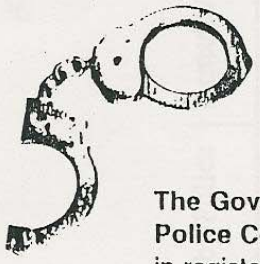
Consent of Examinee/parents. PROBABLE DURATION OF INJURY._____
Signature/thumbs Impression.

WOMEN MEDICOLEGAL OFFICER
POLICE SURGEON OFFICE
KARACHI

ANNEX III

Poster of a FIR registration by CPLC

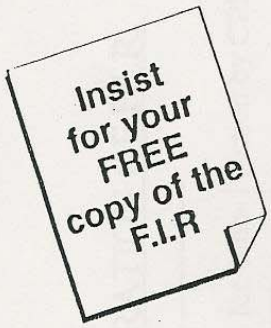
POLICE COMPLAINT CELL (P.C.C.)



It is your legal right to lodge a F.I.R of a cognizable offence. It is the duty of the police to record such F.I.R.s, and give you a copy.

The Government of Sindh under the supervision of CPLC has set up a **Police Complaint Cell (PCC)** on the request of the citizens to help them in registering F.I.R.s, as well as attend to any other complaint against the police.

In case you are a victim of crime and registeration of your F.I.R. is being delayed or refused by the concerned Police Station, report it to us for help in lodging of the F.I.R.



A Police Officer will be available at all CPLC -DRC's to lodge your F.I.R or process your complaint without any further delay.

The **PCC-CPLC,** will also attend to any other complaint you may have against the **POLICE or RANGERS.**

Just phone or walk into the concerned CPLC DISTRICT REPORTING CELLS. (DRC)

Lodging of false F.I.R is punishable under Section 181 CrPc

CPLC DISTRICT REPORTING CELLS (DRC)

District South	District East	District West	District Central	District Malir
5687333 5687444	4942222 4942223	2562333 2563333	6346161 6346262	5018888 5018889

REPORTING IS THE FIRST STEP IN COMBATING CRIMES

CITIZENS-POLICE LIAISON COMMITTEE

- citizens' effort for the city's peace

For assistance and information

Dial HELP LINE: 5682222

Central Reporting Cell, Sindh Governor's Secretariat, Karachi-75580

LET'S BEAT CRIME TOGETHER