

PRESS RELEASE

July 28, 2004

PCHR approaches Islamic Ideology Council (IIC) over Hudood Ordinance

Urges the Islamic Ideology Council (IIC) to hold broader consultations

ISLAMABAD: The Parliamentarians Commission for Human Rights (PCHR) has approached Islamic Ideology Council (IIC) on Wednesday urging it to hold broader consultations with religious scholars belonging to all groups of society before writing its recommendations in connection with amendments moved by the government to the Council.

The decision of contacting was taken in the Steering Committee meeting of PCHR where proposed amendments were reviewed and decided to open proposed amendments to public through national press before it could table it to National Assembly. The meeting was presided over by Secretary General PCHR Federal Minister for Northern Areas and Kashmir Affairs.

The Commission was of the view that existing Hudood Ordinance must be amended for providing justice to people and in addition to the procedural requirements there were also some sections in the Hudood Ordinance which required redrafting. Amendments were presented by MNA Kashmala Tariq to the Steering Committee including the followings:

Under the existing definition an "adult". 'means a person who has attained, being a male the age of 18 years, or, being a female, the age 16 years, or as attained puberty.' The age requirement for an "adult" should not be based on puberty nor is there any reason why a male should become an "adult" at 18 years and a female at 16 years. Accordingly the definition of the "adult" needs to be changed. It is suggested that an "adult" shall have the same definition as in the Majority Act and should read as follows:

" 'Adult' means male or female who has attained the age of eighteen years".

Accordingly a new clause should be added to the effect that the offence of Zina shall not be considered to have been committed if a marriage is void on account of a temporary prohibition and such prohibition is subsequently removed in accordance with law. A proviso should be added here as follows:

"Provided that if the marriage is not valid at the time that Zina is committed owing to temporary prohibition, and subsequently the prohibition is removed according to the personal law of either of the parties and the marriage is validated, then the offence of Zina would deem to have not been committed".

Section 4 defines "Zina" and states that a man and woman are said to commit Zina if they "willfully" have sexual intercourse without being validly married to each other.

The idea behind the offence of Zina is that it must be done with the free consent of both parties. In law an act may be done willfully but without a valid consent of a person. For example women in Pakistan are generally so dominated by the male gender that they may do something willfully and yet without due consent, under fear, 'coercion or misconception or threat etc.

It is therefore suggested that after the words "willfully" the words "and with free consent" be added. Commission also reviewed a number of different amendments and expressed its satisfaction over the draft amendments prepared by the members of the Commissions.

Commission also reviewed the status of bill regarding Honour Killing and stressed the government to pass the bill without further delay.

Parliamentarians including Kashmala Tariq, Khawaja Saad Rafique, Senator Naseer Mangal, Syed Javed Ali Shah, Ms. Rifat Javed, Senator Aneesa Zaib, Mian Mumtaz Mityana, Begum Mahnaz Rafi and Chief Coordinator of PCHR Shafique Chudhery attended the meeting.

PCHR Steering Committee approved amendments in Hudood Ordinance
Commission will make amendments public for comments before moving to National Assembly

ISLAMABAD: The Steering Committee of Parliamentarians Commission for Human Rights (PCHR) on Tuesday approved recommendations regarding procedural proposed amendments in Hudood Ordinance. It also decided that amendments would be published for comments before Commission move them to the National Assembly.

Steering Committee which was presided by Secretary General of Commission Federal Minister for Kashmir Affairs and Northern Areas Dr. G.G. Jamal reviewed amendments and decided to open proposed amendments in Hudood ordinance to public through national press for getting comments and response from different strata of society before the Commission could move it to National Assembly.

The Commission was of the view that existing Hudood Ordinance must be amended for providing justice to people and in addition to the procedural requirements there were also some sections in the Hudood Ordinance which required redrafting. These were highlighted and amendments were suggested in the meeting including following:

Under the existing definition an "adult". 'means a person who has attained, being a male the age of 18 years, or, being a female, the age 16 years, or as attained puberty.' The age requirement for an "adult" should not be based on puberty nor is there any reason why a male should become an "adult" at 18 years and a female at 16 years. Accordingly the definition of the "adult" needs to be changed. It is suggested that an "adult" shall have the same definition as in the Majority Act and should read as follows:

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Following numbers will be reachable round the clock for any information or help:

0300-8555570

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