

INTERROGATING THE NORMS
Women Challenging Violence
in an Adversarial State

by
Farida Shaheed
and
Neelam Hussain

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CONTENTS

Introduction	1
CHAPTER 1:	
Naming Violations and Putting Violence on the Agenda; Contextual Underpinnings of Women's Activism: Laws, Political Constraints and Religious Challenges	9
CHAPTER 2	
Breaking the Silence on Violence Against Women; Early Articulations, Strategic and Actions	45
CHAPTER 3	
The Widening Sphere	94

Introduction

Peoples' movements, their motivating ideas and the passions that inform them, are shaped by the contexts in which they occur. Their interpolation in given situations and discursive fields, is time-bound and beholden to the specificities of culture and historical circumstances and circumscribed by the contexts which they set out to challenge and change. So too the women's movement in Pakistan. The timing, the ways in which it addressed the issue of violence against women and the strategies it adopted in the pursuit of women's rights, distinguish it from the ways in which other regional movements perceived and dealt with the issue of violence against women, bear witness to this argument. What the Pakistan women's movement shares with similar movements in South Asia is the colonial experience and a legacy of personal laws regarding marriage, inheritance, adultery and rape imposed by the British, on customary patterns of kinship and practices rooted in patriarchal arrangements specific to South Asian cultures, which often cut across religious differences. What distinguishes it from other women's movements in post-colonial South Asia, are the years of military rule, that over time, criminalized dissent and by legitimising state authoritarianism, reinforced patriarchal hierarchies. Years that succeeded in undermining democratic institutions including the judiciary, militarised the psyche of the Pakistani people and paved the way for the rampant misogyny of the religious right, which emerged as a political force at the latter end of the nineteenth century.

The last, of course is not specific to Pakistan alone; neo-colonial imperatives combined with local and global power struggles, saw the rise of religious fundamentalisms across the world, around this time. In Pakistan, the significance of this discursive shift lies in the alliance between the military and the religious right, that resulted in state sponsored fundamentalism and its direct impact on the multiple levels of social and political life in the country. After less than seven years of troubled democracy, Pakistan had returned to martial law in 1977 with the

new military government under the then army Chief of Staff, General Zia-ul-Haq, in concert with an upwardly mobile religious group representing the ruling elite. Given the emotional attachment of the majority to religion and the failure of previous secular governments to address issues of poverty, unemployment and unequal distribution of resources, it is presumed that the General saw this alliance and the subsequent use of religion, as legitimising factors, geared to inspire a degree of confidence in and acceptability of the new government. While this ploy did not necessarily win the military government popular acceptance, it did usher in ten years of unprecedented repression.

One of the first things that General Zia did on taking over power, was to ban all political parties and stop political activity. Pakistan was no stranger to military rule and this elicited no surprise – only a sense of *déjà vu*. We had lived through ten years of General Ayub Khan's military rule and had known the heady excitement of the days that had led to his fall from power – Zia with his Terry Thomas looks and humble stance would surely be easier to deal with. But we had clearly under estimated the new dictator. It can be said that circumstances favoured Zia, but he was also a master strategist, who knew how to make full use of the times to consolidate his power as with four consecutive acts, he set the tone for the ensuing decade. He announced his intention to Islamise Pakistan with the view to strengthening the moral fibre of its people and as a necessary condition to the holding of general elections; he authorised the first public hanging in living memory. Widely publicised as an indicator of the state as purveyor of justice, this was a display of violence as spectacle with thousands thronging to witness the event that was staged at one of the main thoroughfares of Lahore. The crime had resulted in public outrage. There had been anger and demands of condign punishment for the criminals, yet the wider implications of this manifestation of state violence were not lost upon the people. Clearly the state meant business. A perception that was to be reaffirmed by the uncertainties of Bhutto's trial and subsequent death by hanging in 1979, and the imposition of the first of the so-called Islamic laws: the Hudood Ordinances.

Ostensibly aimed at facilitating the process of Islamisation, these laws included

- (i) the notorious Hudood Ordinances, which conflated rape with adultery and introduced anachronistic and brutal punishments such as death by stoning, flogging and the amputation of limbs for misdemeanours or crimes as varied as adultery, rape, consumption of alcohol and theft,
- (ii) the Law of Evidence which reduced a woman's legal status to half that of a man,
- (iii) the Law of Qisas and Diyat which privatised murder through the institution of compensation or 'blood money,' and
- (iv) the new Blasphemy Law that made insulting remarks about Prophet Mohammad and the defilement of the Quran punishable by death.

That these laws are barbaric and anachronistic is apparent; that they have little or nothing to do with Islam has been confirmed yet again in current debates on the Hudood Ordinances as they come up for review today. Clearly, they were part and parcel of the same strategy that led to the public hanging, viz. to instil fear and unquestioning obedience among the public under the pretence of meeting its demand for good governance. These laws are seemingly predicated on a religion based moral order being presented as an added bonus. This bid for hegemonic control over the discursive field did not stop with the appropriation of the legal field. An aggressive official policy made inroads into other socio-cultural domains as well, the most significant being that of education. Not only were school syllabii brought in line with the official version of Islam, Islamiyat or the study of Islam became a compulsory subject for both school and college students, regardless of religious affiliation and school texts were changed to fit in with this new agenda. At another level, the state tacitly – and often actively – backed the student wing of the Jamaat-i-Islami who took on the role of campus vigilantes to see that 'morality,' which often consisted in seeing that no untoward mixing of the sexes took place, was maintained.

Jaqui Alexander has argued that morality has become an important contemporary mechanism for disciplining and controlling the social domain.¹ Under Zia, the strategic use of a specifically religion based morality as a means to regulate society enabled the state to silence dissent. As Ziaist morality was predicated on women – their behaviour, dress codes, role in society – the stipulation of the ‘chadar and char divari’ for women and the gender based definition exclusivity of their role in society as mothers and wives had a cultural resonance that fitted in comfortably with traditional notions of femininity, as did the laws that essentially focussed on and criminalized female sexuality. Another factor, and perhaps one that was most crucial to the maintenance of the new repressive culture, was the political alliances among the ruling group. By the late 1970s a change had taken place in the class constitution of the army which now represented not the earlier Sandhurst trained men, but were drawn from the same consumer oriented but tradition based and upwardly mobile classes, from which fundamentalist lobby also drew its strength. This new class forged alliances with the established dominant class on the basis of shared economic interests, while rejecting what it read, as the westernised values and profligate lifestyles of its post colonial predecessors. In this, they were met more than half way by the ‘westernised’ elite, comprising rich industrialists, feudal landlords and bureaucrats who in the main, had benefited hugely during General Ayub’s stint in power but had been rendered insecure by Bhutto’s egalitarian slogans and autocratic methods of ruling. Zia’s Islamisation was less of a threat to their material comforts and peace of mind than the uncertainties of democracy, and in any case the laws that came within the ambit of the Hudood Ordinances were hardly likely to impinge on their lifestyles. A little public discretion was all that was needed, and the laws in any case targeted women, and those too because of their class base, from among the economically under privileged.

¹ M. Jaqui Alexander, “Redrafting Morality – the Post Colonial State and the Sexual Offences Bill of Trinidad and Tobago,” *Third World Women and the Politics of Feminism*, eds. Chandra Talpade Mohanty, Ann Russo, Lourdes Torres (Indiana University Press, 1992) p. 133.

Not surprisingly, the stress in this bid for the Islamisation of a predominantly Muslim society was on visible markers of morality as defined by the literalisms of Ziaist Islam. The spiritual or ethical dimension of religion was not the issue. The state’s concern was with things that could be seen, counted and monitored. Hence the emphasis was on sartorial signifiers such as the chadar for women, with its literal and metaphorical connections with female invisibility, and in stark contrast, ankle-high shalwars and a particular cut of the beard that linked masculinity with a visibly aggressive and self-righteous religious identity. Ritual observances associated with religion and shows of public piety were valorised. Religious gatherings and na’at² competitions became the norm; among the elite, milads replaced coffee parties and over time, there was a visible proliferation of beards and hijab clad women. There was a heavy stress on Friday prayers and television announcers and even characters in television plays were forbidden to appear on air with heads uncovered. While these had their own absurd outcome as there were scenes in plays showing women getting out of bed in the morning with dupattas draped piously on their heads; there was even one that showed the drowned body of a woman who was recovered from the river with the dupattas firmly in place, they also created a space for any man to accost any woman in a public space and tell her to cover her head or dress properly. In this way, policies and policy directives to government departments orchestrated the official version of Islam and morality through media channels, redrew the borders of the licit and the illicit and tacitly criminalized the presence of women in public spaces.

General Zia’s military government differed from that of General Ayub Khan in that the latter had restricted his control to the public areas of life. Communism was the enemy- and criticism of the state was equated with treason, hence the focus was on censorship and control of the print and electronic media, and of course on textbooks which carried official versions of history. However, other than being occasionally subjected to the precept

² Religious songs in praise of the Prophet Mohammad.

of 'simple living and high thinking,' women had not been the focus of state attention. Like Ayub Khan, Zia also made full use of the media to propagate his ideas, but the ambit of his control was geared to include both public and private domains of life. As stated earlier, the officially prescribed moral order was predicated on the woman's body and relied on an established hierarchy of stipulations, injunctions and punishments. On the one hand there was the realm of the licit and the permissible, on the other, there was that which came within the purview of all that was defined as the illicit. The focus of women as the measure for national morality brought the most private areas of life viz the conjugal bedroom and the home, under state scrutiny. The laws that Zia introduced, especially those defined under the Hudood Ordinances, were designed to facilitate state intervention at multiple levels and at the same time divert attention from more urgent political matters. Adultery, which under the earlier law had held the status of private lapse or act of betrayal was transformed into a crime against the state, punishable by death by stoning or flogging, depending on the marital status of the partners. Conversely, as the same evidential requirements applied to both adultery and rape, the latter, which was a crime against the state, became almost impossible to prove, with rape victims ending up as partners in adultery on the evidence of their own bodies.

While the political ambience of the Zia years impacted on the civil freedoms of citizens in general, it had a more direct impact on women and minorities and consequently on the working dynamics of the women's movement which set it apart from concurrent movements in South Asia. The chapters in this section have also been shaped by this context. For a reader unfamiliar with the repression of these years, it would be difficult to understand many of the public positions taken by the Women's Action Forum (WAF) such as its initial insistence on its 'non-political status' or why it took ten years for it to come out in the open and declare that it was a secular group. Or why on the one hand there was an unrelenting focus on law, and on the other, a concern with the issue of democracy and citizen's rights, especially those of minority communities, even as it jealously guarded its autonomous status as a women's group.

Keeping these factors in mind, Chapter One is based largely on a narrative account of the Zia government, the underlying politics of Islamisation, the factors that led to the formation of Women's Action Forum and the ways in which the overall political environment influenced its work. It also provides a fairly detailed analysis of the laws imposed by Zia and their implications for women and minorities, illustrated by a chronology of cases of violence against women and the interventions made by WAF in each case.

Chapter Two, which is more sharply focussed on the history of the women's movement is more analytical and deals with the centrality of violence against women to its work, even though the term itself is still not in use. The emphasis here is on the link between the so called Islamic laws and what was still referred to as 'crimes against women. It analyses the strategies adopted to challenge these laws, create public awareness on women's issues and the growing realisation for the need for alternative safe spaces for women, such as shelters. It also examines the reasons for the virtual absence of theoretical debate at this stage, as well as the somewhat insular thrust of the movement with regard to concurrent feminist debate and movements in other parts of the world, as well as the reluctance of the majority of WAF members to deal directly with the state as represented by its non-elected parliament of Majlis-i-Shoora as it was then called.

Chapter Three speaks about different women's organisations, which with the exception of ShirkatGah and AGHS Legal Aid Centre grew out of WAF in order to facilitate and deepen the work undertaken from the WAF platform, or like the Joint Action Committees for Citizen's Rights, bear witness to WAF's growing credibility among predominantly left or liberal groups. Also discussed in this chapter is WAF's growing engagement with international debate on violence against women, facilitated by the linkages made by women's organisations with feminist groups in the region and elsewhere as well as the UN Conferences on human rights that led up to Beijing in 1995.

October 2006 marks the beginning of WAF and the engagement of the women's movement with the issue of violence

against women. The past twenty-five years show a history of struggle against patriarchal precedents and unjust laws. Despite the fact that the Hudood Laws are still there, so is the Law of Qisas and Diyat and despite the government's promises to amend the Blasphemy Law, that too is there, the women's movement can take credit for having put women on the map. Twenty five years ago there was little or no recognition of women's rights; violence against women was not talked about – yes crimes against women did take place and if the case was heinous enough, it got talked about – but there was no concept of the systemic nature of violence to which women are routinely subjected. Now it is difficult to deny this fact whether in private discussions or in public debate. If the laws that discriminate against women are still there on the statute books, it is because the issue has been highly politicised and is used as a bargaining counter by the religious right as it negotiates its space with the government. Today, even as this introduction is being written, the Hudood Ordinances are up for review in the Senate. What the outcome of this debate will be, is to be seen, but what is clear in a world that has grown increasingly more violent, is that more and more women are speaking up for their rights and raising their voices against gender-based violence.

CHAPTER 1

Naming Violations and Putting Violence on the Agenda

If we had no calendars and no diaries, if the names of the months were unknown to us and we had no memory for dates and the days of the week, we could still measure time. Not through devising some other means of recording the passage of the years -not even through keeping note of the seasons as they come and go -but through the milestones of violence that we, as women, experience daily. We could remember the years, keep record of our histories by saying "that was the year when Zainab Noor's body was mutilated and destroyed by her Imam Masjid husband or that was the summer that a Member of Parliament forcibly shut down girl's schools in Kaghan valley.

We could say that was the month when women were stripped naked and made to walk through the streets of Nawabpur because of the men of their family had offended the men of another family. Or that was the month when my neighbour was killed because her husband or brother or father suspected her of being interested in another man or she was burnt to death because her husband wanted to marry again -"; we could remember each day, each hour, each minute, through the number of gang rapes, chulha [stove] deaths, deaths in the name of honour, battered faces, broken limbs -that take place in its duration or say" my mother was divorced on the day that I, her daughter, was born to her." For women, it would not be difficult to measure time in terms of

*loss -the lost opportunities of education and health;
the lost children, the lost dreams, the lost potential
and gifts with which nature endows each human
being, our lost lives*

Neelum Hussain 1995³

1981-1991

Breaking Silences, Breaking Rules: Women and the Adversarial State

Contextual Underpinnings of Women's Activism: Laws, Political Constraints and Religious Challenges

Women and the Religion-Toting Military

Pinpointing when the women's movement in Pakistan first started addressing violence against women in a concerted manner, and why, is not difficult. Historical specificities gave shape to both the movement and its responses, defining the issues and dictating the terms of activist engagement. Activism on violence against women was ignited by a specific legal case, but it was not the result of long years of litigation in courts and resultant frustration, nor in consequence of theoretical feminist analysis and debate. Indeed, the case was not even about interpersonal violence; it concerned new forms of legalised violence introduced by the state. The date

³ Neelum Hussain. 1995. "Violence Against Women" paper presented at the *Tribunal on Violence Against Women* organized by Simorgh Women's Resource and Publications Centre, Lahore. Page 1.

was September 1981: four years into the eleven-year stint of Pakistan's most brutal military rule under which women and minorities were particular targets for measures reducing their legal and social status. The case was that of a couple prosecuted under the hitherto unknown, but soon to be infamous, Hudood Ordinances. Accused of adultery, Fehmida was sentenced to be whipped 100 times and her husband, Allah Bux, to be stoned to death under the new laws. Outrage at the military regime's new policies sanctifying legalised state violence in the name of so-called 'Islamization' was what sparked activism. But, the Fehmida and Allah Bux case only provided combustion for a fuse that had been burning for a while.

On July 17th 1977, General Zia-ul-Haq staged a bloodless coup d'état, jailed the serving Prime Minister and promised to hold elections within 90 days. But, true dictator that he was, Zia was not to relinquish power so easily. Reneging on his promise, he sought to diffuse public demand for general elections and the restoration of democracy by announcing that a pre-condition for a return to democracy was the 'Islamization' of state and society – this in a country where more than 90% of the population is Muslim. The self-serving use of religion and religious slogans fed into, and gained legitimacy from the on-going US sponsored war rhetoric against the USSR that valorised the image of the primitively armed Afghan *mujahid* ('fighter for a just cause) fighting for the sanctity of the home, hearth and the religion of his fathers, pitted against the Godless might of the Soviet government.⁴ The use of religion as power strategy was not new to Pakistan – earlier governments had also trotted out the 'Islam is in danger' slogan to divert public attention from more pressing issues, relying for the appeal of this slogan-mongering on the 'originary myth' of the quest of the ideal Muslim homeland that had been born with the

⁴ It is useful to remember that Western media saw no contradiction or resemblance between this image and that of the 'barbaric' and 'blood thirsty' Palestinian 'terrorist' that was being projected simultaneously and with equal insistence through different international media channels during America's proxy war against the USSR in Afghanistan.

demand for Pakistan. What *was* new was the political alignments between the state, the military, and the parties of the religious right – alignments that produced a plethora of policies and directives imposed upon a hapless country all in the name of Islam. The combination of the military and religion was lethal for all citizens, but especially for women and minorities.

The Hudood Ordinances, the first of many ordinances imposed under the pretext of ‘Islamization’, were promulgated in February 1979. At the time, the nation – men and women alike – was engrossed following the staged trial of the deposed, elected and popular Prime Minister, Zulfikar Ali Bhutto. In 1981, the country was still reeling from the shock of Bhutto actually having been hanged by the military despite widespread emotional protests that included self-immolations. No one was paying too much attention to the sideshows of the military’s multiple directives and ordinances. So it was not until September 1981 that the chilling repercussions of the new laws came to light through a small newspaper item announcing the barbaric sentences awarded to Fehmida and Allah Bux under the new legal provisions.

By this time political parties and all forms of protest and dissent had been banned as the state aggressively set about constructing the parameters of a new ‘Islamic’ society, forcibly re-moulding its citizens to fit in. Women’s dress, role and activities emerged as prominent signifiers of this brave new world in which state measures and campaigns seemingly licensed all men to pass moral judgement on all women. In four years the social space distancing individuals in public spaces, especially along class lines, collapsed. Women experienced growing harassment in public spaces for actions that, until then, had been accepted without comment: they were accosted and verbally attacked for wearing sleeveless blouses in the cosmopolitan city of Karachi; a woman was physically abused in an up-market bakery of Pakistan’s second largest city, Lahore, by a stranger whose sense of ‘morality’ had been offended by her uncovered head. ‘Couples’ were regularly stopped by the police and asked to produce documentary proof of a ‘legitimate’ relationship – such ‘couples’ included a father and daughter in an up market neighbourhood questioned each time

they ventured out on their evening stroll for a week. Other ominous developments were visible.

In total disregard for popular sentiment, in 1978 the regime inducted conservative politico-religious parties – that had consistently lost in every election – as junior partners in government and promptly lifted several measures straight from their manifestos. That same year, the regime announced it was setting up a separate women’s university – a long championed project of the leading politico-religious party, the Jamaat-i-Islami.⁵ The following year, it instructed all women government employees, faculty and students to dress modestly, for which the *chadar* (an enveloping veil worn over regular clothes) became compulsory. Some then took this opportunity to elevate the even more cumbersome *burqa* to ‘sacred’ status.⁶ In 1980 it stopped women athletes from participating in spectator sports and circulated a questionnaire asking what women’s proper ‘Islamic’ role should be. Cultural events at schools and colleges no longer allowed girls and boys to perform together in school plays and other functions; rumours circulated that the minimal rights Muslim women had technically enjoyed for more than twenty years under the Muslim family laws were going to be rescinded. Previously unthinkable, women’s right to drive, was questioned in the Sindh provincial assembly, located in Pakistan’s largest metropolis with the largest number of women drivers.⁷ What had been perfectly acceptable norms for at least some women came under strident attack. Indeed, the very foundations of an ‘Islamic’ society as defined by the military-religious combine seemed to depend on controlling women: wrapping them in layers of cloth, restricting them to home and hearth, silencing them and usurping their voices.

⁵ The separate women’s university was one of the agenda items of the Jamaat-e-Islami 1970 election manifesto.

⁶ Between the autumn of 1980 and the spring of 1982 a number of directives were issued. Footnote 3, Khawar Mumtaz and Farida Shaheed *Women of Pakistan: Two Steps Forward One Step Back?* Zed Books; London: 1987. 97

⁷ Mumtaz & Shaheed; op.cit. pp.71-72

'Women' became a central symbolic ingredient in the 'Islamization' discourse promoted by the regime to justify its continued stay in power. Feeding upon and fuelling all the pre-existing prejudices of a rigidly patriarchal society and state, the regime's actions provided all those frustrated by women's ability to reshape societal norms - in however limited a fashion - a state-backed opportunity for going on the offensive.

It is against this background that Shirkat Gah, a small feminist collective in Karachi,⁸ read the news item about Fehmida and Allah Bux in September 1981.⁹ Not front-page headlines, the minor news item stunned them: was it really possible that a woman could be flogged legally, that a man could be stoned to death? What was this law, and, even more importantly, how did one prevent this sentence from being executed. At this historical juncture, the 'women's movement' was hardly visible. Older activists - focused on achieving developmental, social, or political rights - had fallen silent. The significant political engagement of women that grew out of the 1960s student movements had dissipated, and in any case, had emphasized the class struggle over the women's struggle. Few feminist groups existed; their membership was limited, their interconnections irregular. With less than a dozen women members and knowing that it was impossible to address the issue alone, the Collective concluded that it needed to reach out to and mobilize the broadest possible cross-section of people for collective action.

Trying at first to elicit support amongst both men and women, Collective members quickly discovered a differentiated reaction amongst men and women. Men's response was either: 'this is Pakistan and no such punishment will ever be carried out' or, alternatively, that a martial law regime was in place and there was nothing individual citizens could do about it. In contrast,

⁸ Shirkat Gah Women's Resource Centre, based at the time in Karachi, operating at the time on an entirely voluntary basis from the homes of the Collective members.

⁹ The difference in sentence was not due sex but to martial status. Both had been awarded maximum sentence possible under the new laws, but Fehmida was not previously married while Allah Bux was.

undoubtedly spurred by the growing harassment in the streets, the talk of rescinding rights until then taken for granted, and the increasing pressure mounted by the regime and politico-religious parties to confine women within the *chador and chardiwari* (the veil and the four walls of the home), the response of women was one of anger. This anger, palpable in the meetings called to discuss the Fehmida and Allah Bux case, led to the formation of the Women's Action Forum, a 'lobby-cum-pressure group' that served as a platform bringing together women's organisations and individuals around a minimum agenda for women's rights.¹⁰ Women's Action Forum revitalised the women's movement, signalled the start of the movement's agenda on violence against women, and, for the next decade, shaped the women's movement and resistance to the military's attack on women's rights. Established in Karachi, Women's Action Forum chapters quickly opened in Lahore and Islamabad and - for several years - in Peshawar.

The Chronology of Violence

Some fifteen years of intensive activism later, a WAF activist was to comment that "If [women] had no calendars and no diaries...no memory for dates and the days of the week, we could still measure time...through the milestones of violence that ...women experience."¹¹ WAF can certainly trace its history through these same milestones of violence. But, at least until 1991, it can also mark the passage of time by the state's actions: its legalised violence against women, its proposals to rescind women's rights, its projects that while not singling out women would inevitably impact their lives, further reducing their rights and spaces for self-assertion. A synchronized clock of violence and government measures marking WAF's history in this decade could read as follows:

¹⁰ Personal recollection Farida Shaheed.

¹¹ Neelum Hussain "Violence Against Women" paper presented at the *Tribunal on Violence Against Women* organized by Simorgh Women's Resource and Publications Centre, Lahore: 1995. p. 1

1981 was the year Fehmida, a young college student in Karachi and the man she married against her parents' wishes, were respectively sentenced to 100 lashes and stoning to death under the newly promulgated Hudood Ordinances; the year that the appalling implications of the Hudood laws started to surface; the year WAF came into existence.

1982 was the first time a woman was whipped, her bodily integrity legally violated under the Hudood laws; the year a preacher running a programme on state-owned television, announced that no man could be punished for raping or molesting a woman until the advent of "an Islamic society"; the year that, enforcing *chadors* as "Islamic" dress for women government servants and students, the state launched a campaign equating women's media visibility with 'obscenity'; the year the arch-conservative Council of Islamic Ideology proposed women's evidence was worth only half the evidence of a man except in 'feminine' matters; the regime suggested that the value of a Muslim man's life was 30.63 kilograms of silver, the lives of Muslim women and all non-Muslims only half that amount.

1983 was the year near-blind 16-year-old Safia Bibi, raped by her employers, traumatized by the resulting pregnancy and subsequent death of the infant, knocked at the doors of justice only to find herself converted into an accused and condemned to prison and whipping; the year Lal Mai was publicly whipped before 5000 spectators in south Punjab;¹² the year police brutalised women protesting the proposed law of evidence; the year women in the Foreign Office stopped being posted abroad in 1983 and those in national banks stopped being recruited and promoted.¹³ And the year that the Ansari Commission recommended women no longer be eligible for head of state, only those over fifty years be allowed to join politics provided they had their husband's written permission.

¹² Mumtaz & Shaheed op. cit. pp.105

¹³ Mumtaz & Shaheed op. cit. pp.95

1984 was the year the bodies of poor women from Nawabpur became the site of vengeance for upper class/caste men: stripped, beaten and paraded naked in the village to 'teach a lesson' to their male relative; the year copycat incidents popped up across the country as if men had eagerly been awaiting a novel way to torture and humiliate women; the year a hand-picked assembly rubber-stamped the law of evidence, paving the way for the more controversial laws that replaced concepts of justice with an eye-for-an-eye style vengeance (*qisas*) and blood-money (*diyat*) in instances of physical injury and death.

1985 was the year Ruqaiya Bibi, abducted from Sindh, was sold off to a landlord in a remote district of South Punjab, and kept there locked up, beaten and abused as a sexual slave. It was the year the Eighth Constitutional Amendment, a precondition for a return to 'civilian rule', indemnified all martial law actions and protected all ordinances from being challenged in court.

1986 was the first time a woman, Gul Nissa, was sentenced to be stoned to death under the Hudood laws;¹⁴ the year the blasphemy laws were drastically amended criminalizing the 'intent' to commit blasphemy and introducing a death sentence for this imputed 'crime'; the year the Ninth Constitutional Amendment and Shariat Bills— both essentially the same — were introduced on the floor to make *shariah* the basis of all laws.

1987 was the year that, amidst spiralling violence in Sindh, the Masoom sisters were kidnapped, tortured, raped and murdered as vengeance against their policeman father who was also murdered; the year WAF heard one hair-raising story after another of women hacked to death for *karo kari*, so-called 'honour' killings; the year Shahida Parveen and her husband, Muhammad Sarwar, convicted of committing rape on each other, were both sentenced to be stoned to death in an adultery case registered by Shahida's ex-husband claiming she was not divorced;¹⁵ the year that ignoring the doctor's advice, a woman suffering from high

¹⁴ By an Attock sessions court.

¹⁵ Asma Jahangir and Hina Jilani. *The Hudood Ordinances – A Divine Sanction?* Rhotas Books. Lahore: 1990. pp.58

blood pressure and gastric ulcers was whipped in Karachi Central Prison.

1988, exceptionally, was the year of a brief respite: the dictator, Zia-ul-Haq died, the Shariat Ordinance lapsed, general elections were held returning a woman, Benazir Bhutto, to office. Hope was short lived.

1989 was the year the two Civil Hospital nurses in Karachi were tricked into an empty hospital room and raped by male students in an act of wanton violence; the year a series of nurses and women doctors were raped and killed; the year the Afghan *mujahideen*'s sexual slave camps came to light; the year an alarming number of women were killed or horribly maimed in what came to be called "stove bursts" or "*chula* deaths", primarily victims of husbands and in-laws. It was the year the Supreme Court's Shariat Appellate Bench directed the government to institute the law of *qisas* and *diyat*.

1990 was the year Fauzia Bhutto, a young doctor, was raped and murdered in Karachi, a sitting member of the provincial assembly accused, and the incidence given an ethnic colour; the year the young student leader, Rahila Tiwana, was arrested by the Criminal Investigation Agency and tortured so badly, she spent over a year in intensive psychiatric care.¹⁶ It was the year that despite appeals by the elected government, the *qisas* and *diyat* laws came into existence, exempting men who kill female relatives from maximum punishment.

1991 was the year rape was used to intimidate men in political opposition, the year that from two ends of the social spectrum Khurshid Begum, a poor washerwoman, and Veena Hayat, the daughter of an extremely influential political family were both brutalised and raped. It was the year that the elected government of Nawaz Sharif completed Zia's agenda by passing, in unseemly haste, the Shariat Act of 1991, amending the

¹⁶ Shahla Haeri "*The Politics of Dishonor: Rape and Power in Pakistan*" pp. 161-174 in *Faith & Freedom – Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami. I.B. Tauris. London: 1995. Monthly news magazine, *Newsline* March 1991 pp. 43-44.

Constitution and subjecting the interpretation of law to people's personal interpretations of *shariah*.

Legal Challenges

It is difficult to understand the response of the women's movement (as epitomized by WAF) without understanding the laws proposed or promulgated, for they explain why the movement focused so much of its energies on an engagement with legal rights and the state and so little, in relative terms, on other strategies. Much of the violence experienced by women was either directly linked to, or in consequence of, these new laws. Profoundly flawed and inherently unjust, the 1979 Hudood Ordinances negate several fundamental principles of human rights starting with: bodily integrity by giving legal sanction to barbaric punishments; equality before the law by discriminating against women and non-Muslims in matters of evidence; overturning the principle of an accused being innocent until proved guilty. Presuming guilt and placing the burden of proof on the accused instead of the accuser (or state), the *hudood* laws quickly filled the jails with women for an astonishingly wide variety of reasons: women who had the temerity to remarry after being summarily discarded by their previous husbands through oral divorce (repudiation), women who simply married someone who failed to meet with parental approval, and women accused of some form of consensual sex outside marriage, not to mention women survivors of rape, abductions and kidnappings.

Promulgated by General Zia ul Haq on 22nd February 1979, the Hudood Ordinances consist of five separate sections that cover theft, consensual sex outside marriage (*zina*) and rape (*zina-bil-jabr*), *qafz* (bearing false witness), drinking, and the administration of whipping as punishment.¹⁷ 'Hudood' literally means 'the limits' and refers to the maximum punishment sanctioned by Islam. The

¹⁷ The Hudood Ordinances comprise the following: Offence Against Property (Enforcement of Hadd) Ordinance 1979; Offence of Zina (Enforcement of Hadd) Ordinance 1979; Offence of Qazf (Enforcement of Hadd) Ordinance 1979; Prohibition (Enforcement of Hadd) Ordinance 1979; Execution of Punishment of Whipping Ordinance 1979.

military promulgated the ordinances hastily, not bothering to elicit opinions of even mainstream scholars of Muslim jurisprudence.

For women, it is the Zina (Enforcement of Hadd) Ordinance 1979 that is the most pernicious. This section criminalises all consensual sex outside marriage and introduces as maximum punishment (*hadd*) stoning to death for married offenders and 100 lashes for unmarried ones.¹⁸ The section also covers a range of criminal acts against women: rape, kidnapping, “abducting or inducing a woman to illicit sex or compelling her to marriage against her will, enticement or detaining a woman with criminal intent, selling or buying a person for purposes of prostitution”.¹⁹ It took many years for the full ramifications of the Hudood Ordinances to come to light, but several problematic aspects emerged in the Fehmida and Allah Bux case, the most important being the ability of the police to convert a case of abduction into a case of *zina*.

From a lower middle class family, Fehmida had defied both parental control and class barriers to elope with the driver of her college bus, Allah Bux. Attempting to annul the marriage, her parents registered a case of abduction against Allah Bux. On discovering Fehmida happily living with Allah Bux and his first wife, the police ruled out abduction and proceeded to register a case of *zina*, without consulting her parents. Other cases brought to light other flaws.

The law treats rape and consensual sex as equal crimes, requiring the testimony of four adult Muslim male witnesses to award maximum sentence. In a complete travesty of justice, when the court fails to find sufficient evidence against those accused of rape, survivors can, have, and continue to be converted from complainants into the accused, the rape transformed into a case of consensual sex. Rape victims/survivors have been deemed to have ‘confessed’ to intercourse by their own testimony or on the evidence of their own bodies such as pregnancy. This WAF discovered in the first such 1983 case involving Safia Bibi. A

poor near-blind maid, Safia was 16 years old when she was raped first by her employer’s son then by the employer himself. Repeated rape led to pregnancy, but the child died soon after birth. Safia’s father filed a case of rape against both father and son but the court acquitted both for lack of evidence. Then, using pregnancy as proof of intercourse and the delay in filing a complaint to question the fact of rape, the judge concluded that Safia was guilty of *zina* (consensual sex) and sentenced her to be publicly whipped (15 lashes), three years imprisonment and a fine of Rs.1, 000 - a lenient sentence according to the judge, in view of her young age and near blind condition!

Effectively, the law has eliminated the concept of statutory rape. Criminal liability differs by gender: a boy is considered adult at 18 or on attaining puberty, a girl is considered adult at 16 years or on attaining puberty. For girls, puberty is even more problematic than the specified two years difference because a girl can start menstruating when she’s only nine years old. One example of the resulting travesty of justice is the 1986 case of a 13 year-old girl who registered a case of kidnapping and rape. Not finding sufficient evidence to convict the accused, the Federal Shariat Court held this minor child to be a willing party to intercourse (on the evidence of having been pregnant) and guilty of *zina*.²⁰ Where the law allows courts to transform victims into accused criminals, rapists - the real criminals - can never be awarded the maximum sentence which requires either a voluntary confession before a competent court, or the evidence of four adult male Muslim eye-witnesses ‘who are truthful persons and abstain from major sins’ to the act - begging the question of which type of ‘good men’ watch a rape take place instead of preventing its occurrence. Additionally, the evidentiary requirements for *hadd* punishment discriminate against both women and non-Muslims: non-Muslim males can only be witnesses when the accused is a non-Muslim, while maximum

¹⁸ This is why Fehmida was awarded 100 lashes of the whip while the already married Allah Bux was awarded stoning to death.

¹⁹ Offence of Zina (Hudood) Ordinance, 1979; Section 11.

²⁰ PLD, 1986 FSC 196. (cited in Naushin Ahmad ‘The Superior Judiciary: Implementation of Law and Impact on Women’ pp. 1-28 in *Shaping Women’s Lives*, pp 12 & 27)

punishment cannot be awarded on the sole testimony of women regardless of number and religion.

There are other legal problems. Women were (and continue to be) jailed due to discrepancies and contradictions between the Muslim family law provisions and those of the Hudood Ordinances. Technically, the Muslim Family Laws Ordinance (1961) requires both marriages and divorces to be registered. Failure to register a marriage does not render it invalid, however. Nor is there any penalty for failing to register. Consequently, although the law has existed for almost half a century, the vast majority of marriages, especially in rural areas and amongst the poor, remain undocumented. Few people realise that the law does not, in fact, uphold the right of a husband to divorce his wife through oral repudiation. Hence, in popular perception when a man orally says, "I divorce you," three times to his wife, a *talaq* has taken place, the spouses stand divorced and co-habitation is not permissible. This was not such a serious issue before the Hudood Ordinances enabled men who had orally (and socially) divorced their wives from registering cases against ex-wives who remarried, as illustrated in the 1987 Shahida Perveen case summarized in the chronology above.

The new law transformed adultery from a crime against an individual into a crime against the state. Under the previous law, inherited from the British colonizers, adultery was only prosecuted if the husband took cognisance of the crime and pressed charges; the actual offence was damage to 'his property' – the property in question being his wife. As 'property,' the wife was not liable to punishment, only the other man so that ironically enough, this patriarchal law protected the woman from prosecution and punishment alike. Under the new *zina* law, criminal liability for women is the same as for men, the law allows any third party to register a case against anyone, and presumes all accused to be guilty until proved innocent. As a result, the *zina* law is a vicious tool wielded by parents wanting to annul marriages contracted by their daughters without their consent, by relatives out to exclude women from their inheritance, by men desiring to punish an ex-wife. It even lends itself to 'getting even' with your neighbours.

Quite apart from the consequences for those found guilty under these laws, those subsequently exonerated of any crime by the courts (women and their husbands and/or other co-accused) have already suffered the consequences of being guilty: the abuse of imprisonment, sometimes for several years and their community's condemnation, obliging many to leave their neighbourhood, town, city or country. The fact that, according to the former Chief Justice of Pakistan, Justice Mohammad Afzal Zullah, 95% of all *zina* Hudood cases making it to the superior courts had been decided in favour of women attests to this malicious abuse.²¹ Of course, this statement came only after 15 years of criminal prosecution and women's suffering.

As early as December 1980, the ever-problematic Council of Islamic Ideology (CII) had proposed yet another criminal law discriminating against women and justifying further state violence in the name of Islam for the crimes of assault, bodily harm and murder.²² Recalling ancient tribal law of 'an eye for an eye' variety, the new law of *qisas* (retribution) and *diyat* (compensation) introduced the right of an injured person or the family of a person who had been killed to demand either retribution (in the form of a limb for a limb, a life for a life), or compensation through the payment of 'blood money'. In some ways, just as the Hudood Ordinances convert acts of consensual sex into crimes against the state, the *qisas* and *diyat* law converts crimes of bodily harm and murder from crimes against the state into crimes against the individual. Popularly known as the *qisas* and *diyat* laws the proposal would finally be formalised and imposed under Zia's ideological heir, Nawaz Sharif, under a democratically elected government on April 4th, 1997 as the Criminal Law Amendment Act.

²¹ *The Muslim*, Islamabad, March 9, 1993 *The Muslim*, Islamabad, March 9, 1993 quoted in *Why the Hudood Ordinances Need to be Repealed*; Shirkat Gah; Lahore: 2004

²² The Council of Islamic Ideology had existed for decades but had become inconsequential until it was revived by Zia and pressed into action of behalf of his military regime, and started churning out one suggestion after another in rapid succession.

The Act covers all offences against the body, including harm, hurt, manslaughter and murder, as well as abortion. An anachronistic law harking back to pre-Islamic tribal societies, its revival today is in itself an outrage. Not only is the idea of legally maiming people physically abhorrent, the law provides certain people, if not an actual licence, certainly a free hand to kill, maim etc. It takes little imagination to understand how the rich may use the cover of this law to buy themselves exemption from legal recourse by bribing poor victims and/or their family. Additionally, in cases of intra-family murders, the law exempts immediate family members, including grandfathers, from being awarded maximum sentence - as well as minors and the insane. In effect, this means whenever family men kill their womenfolk (most commonly wives and daughters, but also mothers and sisters), they do so knowing that they cannot be awarded the death sentence and are liable to lesser punishment than would apply were they to murder an unrelated person. Such crimes are often executed as family collusions and, knowing that minors are exempt from the death sentence, families have forwarded a minor son as the supposed culprit to benefit from the leniency the law provides for minors. Originally, the law blatantly stipulated in black and white, that the financial compensation to be paid for death or injury to a woman would be half that due for the death of, or similar injury incurred by, a man. Too blatantly discriminatory to pass muster, the text was later changed and this absurd financial equation deleted. Nevertheless, through complicated legal cross-referencing, the '*diyat*' (compensation) for a woman's life or injury still works out to half that due for a man. In contrast to the half status accorded women's lives and limbs, there is no reduced culpability for women. Women are liable to exactly the same punishments as men. The patent injustice in reducing women's rights and status on the one hand while maintaining the same level of culpability and punishments as for men on the other became a central feature of WAF oppositional campaigns that frequently used variations of "Equal in punishment but unequal in rights, what kind of/whose justice is this?"

The last change of law contested by women during this period was the replacement of the 1872 Evidence Act by the new *Qanun-e-Shahadat* (law of evidence), finally promulgated in 1984. It was first forwarded when the *qisas* and *diyat* proposals met with fierce opposition not only from women - who the government could ignore - but also from the substantial minority community of Shi'ite Muslims who staged massive protest demonstrations across the country. In its original form, it suggested that, henceforth, two women would be required to give evidence where one man's testimony sufficed. An exception was made for 'feminine' matters where women were presumed to have greater knowledge. Indeed, the suggestion was that this be the only area on which women's evidence should be sought; preferably they should be excluded from testifying on all other matters. As finally enacted after major revisions, this is the least problematic of the new laws. Ultimately, the only notable amendment to the previous provision is that, when reduced to writing, 'future financial matters' require the witness of at least one man (two men or one man and two women). There is no bar to a single woman entering into any agreement, the restriction relates to the witnesses attesting the agreement. So far the only practical implication is that women bankers and corporate lawyers hesitate to be sole witnesses on any financial agreement to avoid this being used as an excuse to challenge the validity of the deal subsequently. No case has come to light about the use of this provision. Its importance was in its having established, in principle, the equation of one man equals two women, an equation used in the far more problematic *qisas* and *diyat* laws discussed above.

There can be little doubt that the military regime's actions were intended to terrorize people and to brutalise sensibilities and not an attempt to seriously 'Islamize' existing laws. For example, having established the Federal Shariat Court (FSC) as the apex authoritative body on *shariah* matters, the military government refused to accept FSC decisions when these conflicted with its own position and purpose. One glaring example being the FSC's 1981 ruling that stoning to death (*rajm*) was un-Islamic and should therefore be struck off from the records. Instead of appealing to

the Supreme Court, the routine procedure, the regime returned the case to the FSC for 'reconsideration' - in the meantime changing the composition of the bench by adding five handpicked *ulema* (religious scholars) with the full status of judges and replacing several of the previous judges who had heard the case and had had the temerity to return an unfavourable decision.²³

Class backgrounds and Geographical Locations

Class background was an important determinant of WAF's activism. Activists did, in fact, come largely from the middle and upper-middle class and included some clearly upper class women. This had its advantages. Women were better positioned to take the risks implied in contravening martial law dictates and class background allowed WAF to defy bans on political activities, in ways that would not have been possible for women from other classes. As one working women from a lower-middle class family explained at a WAF meeting:

"we are with you, but we cannot publicly protest on the streets because if you are arrested, you will not be raped; we will; you will probably not lose your job like we will, and if you do, you can afford it to do so more than us; and finally, when you come home from the streets after a protest, you will be praised by your family, we will probably receive another beating from our relatives."²⁴

²³ The original judgement ruling that *raim* was unIslamic and to struck from the records is Hazoor Bakhsh vs. Federation of Pakistan; PLD 1981 FSC 145. The subsequent judgement overturning this ruling is Federation of Pakistan vs. Hazoor Bakhsh PLD 1983; FSC 255.

²⁴ Farida Shaheed. "The Other Side of The Discourse: Women's Experiences of Identity, Religion and Activism in Pakistan" pp. 143-166 in *Appropriating Gender – Women's Activism and Politicized Religion in South Asia*. Eds. Patricia Jeffery and Amrita Basu. Routledge. New York & London: 1998

Activists recognised the very real difference in risks. For example, in mobilising street demonstrations, scrupulous attention was paid to ensure that women intending to participate were not only conversant with the issue at hand, but aware of the potential risks. Unlike political parties, WAF eschewed the practice of bussing in women to bolster numbers at their demonstrations. Consequently, even though activists recognised the need to expand their base as a movement, mobilising large numbers never became a primary concern; only exceptionally did demonstrators exceed a few hundred, very often they were in the range of hundred or so. In fact, the number of those willing to publicly demonstrate following the 12th February demonstration and police action, initially dropped drastically. In response to the next call for a public protest, only 17 women appeared to picket the governor's house.

It is not coincidental that it was women from the middle and upper-middle class who came forward. Quite apart from being better positioned to take risks, activists were educated professionals for the most part, women who had gained the most from the increased space accumulated over the years. They were precisely those women who had the most to lose from the government's measures aimed at pushing women back into the confines of *chador* and *char-diwari*. Many of these women had expanded their personal spaces and life decisions far beyond the average Pakistani woman. For them, the onslaught of a discourse that demeaned women, questioned their position, and refused to acknowledge their humanity on equal grounds with men was a new experience. Until then, governments had either been supportive of women's inclusion in different spheres of life and of their rights or they had adopted a paternalistic attitude. This was the first time that those fighting for women's rights found themselves in direct and open conflict with the state confronting its full force.

At the same time, class background and connections allowed WAF to access spheres of influence that would not have been possible otherwise; gaining audiences with senior bureaucrats such as the Inspector General of Police, or meetings with the Sindh Governor (after the return of democracy), and in some cases,

even some military personnel (though mostly amongst retired officers). In all likelihood, class background contributed to better press coverage. It certainly facilitated access to police stations and jails visited by activists to meet women, starting with Fehmida in 1981. Finally, while WAF was criticised for this background, accused of self-interested activism, where the activism was certainly self-interested (for which WAF did not apologize) the largest proportion of the issues tackled by WAF publicly were not in fact issues that affected their lives personally. The Hudood Ordinances, law of evidence and Qisas and Diyat all affected the poor far more than they ever did those with greater resources to work around the law.

Finally, it has to be said that while WAF analysis was arrived at and decisions taken collectively, the strategies adopted and tactics used in the three cities were somewhat different. With its greater number of social scientists and researchers, WAF Lahore was most prone to undertake research and formulate "position papers." Street protests were characteristic of Lahore that consistently staged these at the Mall, the traditional venue for street protest. A main artery in downtown Lahore, the Mall (now renamed Quaid-e-Azam Street), connects the Governor's House at one end with the Secretariat at the other, and conveniently located en route are the Punjab Assembly and the Lahore High Court. It is also a main commercial centre. Its strategic location makes the Mall the preferred stage for political protest of all kinds. It was more difficult to organize demonstrations in the far larger and sprawling city of Karachi, where finding convenient places to collect, a venue that does not entirely dwarf the number of protestors, and co-ordination issues presented major challenges. There, better media contacts (several WAF members themselves being journalists) allowed a far more effective use of the print media. Karachi was also most inclined to reference human rights, the UN charter and democracy and, for example in condemning the police actions against the Lahore February 12th demonstration in 1983 it called for the establishment of fundamental human rights as "unequivocally enunciated in the U.N. Charter for Human

Rights to which Pakistan is a signatory."²⁵ It did little research on the Islamic basis of the proposals and laws and stopped referencing Islam sooner than the others. Where Karachi statements were often most radical, it was Lahore's actions that spoke loudest. In the capital city, Islamabad, the weighty presence of the bureaucracy influenced strategies. Demonstrations were infrequent leading to one newspaper article in 1986 announcing "Action at last" when Islamabad managed its first large demonstration.²⁶ Their location in the capital city enabled greater (and less confrontational) interaction with state officials and with the international development agencies, especially the UN bodies. WAF Islamabad was the first chapter, for instance, to engage with women handpicked by the regime to serve in the Parliament or *Majlis-e-Shoora* (on women's seats) in 1985. The event was not altogether successful, since several Members of Parliament "questioned WAF's struggle for women's rights...[opining] that only 'westernised' women were fighting for 'western style rights.'"²⁷ Other chapters desisted from such engagements.²⁸

Contextual Dilemmas

Activism never takes place in a vacuum. Prevailing circumstances inevitably shape the analyses and actions of any movement. This was particularly true of WAF in the 1980s when the conditions in Pakistan were notably not conducive to feminist interventions. The scope for self-determined proactive intervention, if it existed at all, was minimal. A military government was in power; women's rights were under attack; women's routine behaviour was being criticized as unacceptable and forwarded as clear evidence of

²⁵ Daily *Star* 15 February 1983.

²⁶ "Islamabad: WAF leads a 'united' demo"; *She*, October 1986

²⁷ WAF Islamabad had invited 11 members of parliament to a large gathering of women. "WAF and the MNAs" *She*, July 1985 p 20-21

²⁸ See also Khawar Mumtaz and Farida Shaheed, Chapter 8 "WAF: Its Growth and Impact" pp. 126 *Women of Pakistan: Two Steps forward One Step Back?*, Zed Books, London: 1987

the need to 'Islamize' society. These circumstances narrowed the options for engagement and threw up a number of challenges - some more problematic and contentious than others - for women's rights activists, including feminists. Most challenges stemmed from the context in which the movement had to operate: a military using Islam to justify inherently unjust laws and actions, while ruthlessly crushing opposition. As a result, women activists confronted a series of strategic and tactical challenges: how to mobilise support while not provoking a backlash against those it mobilised in action; which actors it should engage with and what the terms of such engagement should be; how best to formulate its position for maximum mobilisation of support and impact. The challenges were significant and, geared to the specific context the response was shaped by pragmatism, far more than theoretical analyses and debate.

In this first decade, the principal goal of the revived women's movement can be summarized as 'damage control': to prevent new proposals coming into effect, to amend these to eliminate - at least minimize - negative implications, to stop horrendous punishments from being executed, and to move towards amending or repealing the laws and policies already introduced. There was no time or energy left to press for positive amendments so that, for instance, the lacunae in the Muslim Family Laws Ordinance identified by activists as being problematic for women, were identified and discussed internally but such critique could not be acted upon while activists found themselves obliged to defend what small benefits the MFLO provisions did provide women.

Effectively challenging the adverse proposals made and actions taken by the military government, required the mobilisation of a maximum number of women (and other groups of citizens) to speak up on the issues, to find ways to encourage people to break their silences. To do this of course meant overcoming people's inherent fears of acting against the wishes of a military government. In the process, a basic challenge for the movement was how to mesh - or at least reconcile - feminist analysis with the imperatives and constraints of ground reality.

The movement led by Women's Action Forum (WAF) was not a feminist movement, even though its members and leadership included feminists. Recognizing that not all motivated women were affiliated with any organisation, WAF deliberately encouraged individuals as well as organisations to join it; recognising that not all organisations and individuals shared the same political outlook, WAF proposed that groups and individuals be able to associate or dissociate themselves from specific WAF actions and positions. The result was a very diverse set of activists, ranging from women traditionally involved in more social welfare work to those engaged in left political movements, from self-defined feminists to liberal elements aligned to more conservative political ideologies. Driven by the need to knit together maximum numbers on a minimum platform, WAF was, and defined itself as, a women's rights movement. Nevertheless, the more radical elements (i.e. the self-defined feminists and/or leftists) clearly influenced how issues were conceptualised; their own analyses informed by feminist debates and the bitter lessons of women's historical engagements in Pakistan and elsewhere.

Public statements did not faithfully project internal analyses. The difference between what would constitute a feminist agenda as opposed to a 'women's rights' agenda was debated fairly frequently. What was desirable, sometimes merely logical, from a feminist perspective was usually not considered feasible or advisable. Public positions, actions and priorities reflected WAF's broad non-feminist membership that, combined with the prevailing political environment, determined which issues WAF took up publicly and how these were addressed and articulated. It also determined which issues WAF shied away from publicly: either ignoring or addressing by non-public interventions. With activists frequently caught up in the dilemmas posed by the necessity of having to balance their theoretical understandings and personal beliefs with the dictates of their environment, the result was differing degrees of disconnections between analyses and action. Many of the positions adopted during this decade appear as compromises, and not only in retrospect. With a self-determined

feminist agenda inevitably taking a backseat to what was considered practical and necessary feminists, WAF increasingly expressed frustration at the constraints of the more limited women's rights agenda, albeit in private. Hence the first decade of public activism on violence against women in Pakistan has to be seen as the actions of an amorphous 'women's movement', much more than as a decade of feminist interventions.

Indeed, the terms 'feminist' and 'feminism' were avoided in favour of the less contentious and deliberately forwarded 'women's rights'. While feminists did occasionally try to find an equivalent Urdu term (unsuccessfully), it would be many years before activists decided to retrieve the English terminology. At the time, the perception that feminism was a western import was not limited to those seeking to denigrate activists and undermine their support. This, activists felt, was only to be expected and could therefore well be disregarded. Of greater concern was that 'feminism' was also viewed with trepidation by many women WAF was seeking – and managing – to mobilise in its struggle. The necessity of mobilising maximum numbers was also responsible for a number of tactical decisions taken by WAF regarding its public image.

Conscious of operating in a hostile environment, WAF made concerted efforts to project a public image that would avoid alienating potential recruits to its cause and public support. Especially in its earlier years, WAF was careful to project a more 'acceptable' image of itself, and by extension, its cause. For example, although many activists smoked, they imposed a ban on smoking in public. Public events spokespersons were selected from amongst activists who were articulate – or at least comfortable speaking – in Urdu; English – the lingua franca of the educated upper middle class of South Asia – was avoided. And, on more than one occasion, activists whose short hair could project a more radical appearance took a back seat to those with more traditional hairstyles. Such acts seem trivial now, but they were conscious decisions to counter a general perception. The extent to which these tactics succeeded is uncertain, since at least one observer commented that despite such efforts, "It's not what WAF is or does that counts, but rather what it appears to be and what non-

aligned observers suspect it might want to do. The equation with bra-burning feminism is the sum total of WAF's image for many, try though it may to negate the label."²⁹ There were limits to the concessions made, however. Activists categorically rejected suggestions made (not infrequently by male supporters) to wear the chador as a means of 'identifying with the masses.' This they felt was a trap Iranian women fell into during the revolution, later finding themselves permanently incarcerated by the black chador. It was not a risk WAF activists were willing to take.

Similarly, anxious to encourage the largest number of women to participate, WAF de-emphasized the political nature of women's rights, avoided public discussions of gender politics and categorically stated that it was a non-political group. This was not naivety on the part of WAF leadership, but pragmatism. Given that all political parties, trade unions and student unions had been banned, it seemed politic to present the platform as non-political and to avoid formal registration.³⁰ Conscious that women's rights were intrinsically political, activists nevertheless deliberately used the narrow difference in popular perception between 'women's rights issues' and 'political processes' as a wedge to expand and maximize their spaces for voicing dissent; a tactic that worked in the Pakistani context of the time. The regime itself made this difference as evident in the differentiated treatment meted out to women political workers and to the women's rights activists, especially after the historical 12th February, 1983 demonstration in Lahore called by women lawyers, to protest the proposal for a new discriminatory law of evidence. Section 144, banning the

²⁹ Amineh Azam Ali "Whither WAF?" pp. 187-189, *The Herald*, January 1985: 187

³⁰ The one time WAF tried to get registered, it was told that its aims and objectives were that of a political party and it should therefore register as a political party – something not possible given the ban. For a brief time (October 1983- April 1986) the WAF Lahore chapter split, and the splinter group calling itself WAF-Democratic, registered WAF as a social welfare organization. The mandate outlined however had little to do with WAF's own charter.

assembly of more than four persons in public spaces, was in place. The intention was for pairs of women, suitably distanced from each other to avoid the ban, to walk from the lawyers' chambers to the High Court premises, a furlong down the city's main street. The government overreacted. Policemen and the policewomen, probably outnumbering the 300 or so demonstrators, first blocked access to the main road. Then, when women protestors broke the cordon, entered the main street, and started running towards the High Court, the police responded with severe baton-charges and teargas, manhandled protestors and threw some twenty-thirty women into lock-up.³¹

The lock up lasted only a few hours. Unfortunately for the government, many of those it had picked up belonged to Lahore's well-heeled families, some were related to known political personalities, a few to senior bureaucrats. This fact was quickly conveyed to the authorities and later highlighted by the press (much to the annoyance of activists). The adverse national and international publicity seems to have led to instructions to avoid confrontation with women's rights activists for some years. However, when many of the same women joined a pro-democracy demonstration later on, they were jailed for over a week, regardless of class and family connections. The perceived differentiation between 'women's affairs' and 'politics' was one that WAF used to its advantage in promoting women's rights. But it also had some difficulties in getting its own membership to understand the political nature of women's rights and how this was intrinsically linked to the broader political arena.

Several other dilemmas related to politics: linkages with political actors, the search for allies and the need to balance individual engagements stemming from activists' personal political convictions with the need to maintain a strong independent voice

³¹ Personal memory places the figure closer to between a dozen to twenty women, but the police registered a case against 31 women in lock up is what was reported in the press. Sadiq Jafri, "Women to See IIC – Women Lawyers to Move Writ Petition in High Court", *The Star*, 15 February, 1983.

for women's rights as WAF. Familiar with feminist critiques of social and political movements that inevitably relegated the women's agenda to the never achieved 'later stage' and fearing absorption into other movements, WAF assiduously guarded its independence. Yet WAF activists were deeply conscious of the need to promote the broader struggle against military dictatorship, and many activists were keen to engage in this struggle themselves. The question was with whom should the women's movement ally itself and on what terms.

Debates abounded within WAF about the relationship it should have with other forces, especially those that could have been expected to constitute 'natural' allies: the more progressive political parties and trade unions for instance, or the press. For many years, the print media was one of the best allies. Newspapers had been dealt with viciously, their newsprint had been drastically cut, several dozen press persons had been imprisoned; press censorship was heavy. Partially, the banning of political parties and protests helped create some space for reporting on other activities. But by itself this does not explain the coverage, since the press continued to report on the activities of the 'defunct' or 'banned' x or y party and its representatives. WAF made deliberate if sporadic attempts to work with trade unions and had some success in convincing trade unions to address women's issues and to include female relatives of workers in their struggle. With respect to political parties, the attitude was always more ambivalent. Worried about the possibility of being co-opted and used to further agendas not centred on women's rights, WAF kept a distance while lobbying political parties to include women's rights issues in their manifestos and statements (again with some success). A related question was whether or not to include WAF – and on what terms – women members of political parties keen to support women's rights on the WAF platform. This was resolved by deciding that all party women could join, except party office-bearers whose involvement could erroneously suggest WAF was affiliated with a particular party.

Activists recognized the right of individual citizens to act independently and to engage in the political arena according to

their personal conscience. The dilemma was how WAF activists could/should engage in the general pro-democracy movement without compromising the independent stance of WAF and its stated “non-political” nature. The line drawn between politics and women’s rights was not always easy to maintain and quite frequently in danger of sliding. Women identified as WAF regularly took part in political demonstrations. A basic problem was that if activists understood themselves as having changed hats for their engagement in mainstream political activities, the distinction was meaningless to journalists or any other outsider. Consequently, the press often reported that WAF had participated in some demonstration or the other that ‘WAF’ as such had not decided to attend or, indeed, may have decided *not* to attend as WAF. It did not help that those attending were part of the WAF decision-making body, the Working Committees. This created tensions between activists wanting to distance themselves from any ‘political’ activity and those attending the rallies and demonstrations. Despite considerable soul-searching on how to reconcile the rights of individuals to act as their conscience dictated with the need to maintain WAF’s independence as well as its stance as a non-political platform for women’s rights, the issue was never fully resolved. For their part, politicians and their parties had displayed little concern for women and their rights until the 12th February demonstration made front page news everywhere and gave women activists an international profile. After the demonstration, politicians and male allies praised women activists for their courage and activism, but told women they were mobilizing for the wrong cause: they should be demonstrating for democracy, not women’s rights. Later on, attempting to benefit from the state’s less violent reaction to women demonstrating on women’s rights, political parties called a demonstration, inviting WAF to join. When WAF activists arrived at the designated spot, they found no women politicians and the demonstration never happened. The incident further discouraged women activists from forging closer links with political actors.

Activists also disagreed about whether or not to lobby with women and the more progressive men in the military’s handpicked and largely rubber-stamping *majlis-e-shura* (or parliament). The

disagreement emerged in the context of the impending revision of the law of evidence that proposed restricting women evidence to ‘feminine’ matters and requiring two women for every male witness, (discussed above) and after several actions taken by WAF and other women’s groups to stop its enactment (including the 12th February Lahore demonstration). The question was what other actions activists could take to prevent the passage of the law by the largely powerless *majlis-e-shura*. Some activists argued that any engagement with state institutions, especially the *majlis*, ought to be avoided at all costs, since the fact of engagement lent credibility to the military regime and WAF should not be seen to be compromising on its opposition to the military’s set-up. The counter argument was that even though WAF did not accept the authority of the *majlis*, the reality was that once passed, there was little scope to change laws; it was imperative to prevent any further loss of legal rights; and that therefore, this was no time for theoretical posturing. WAF should accept existing realities and use any available avenue to promote women’s demands; since, technically, the *majlis-e-shura* was supposed to decide the issue, this provided some opportunity for intervention. They further argued that not all the handpicked women in the *majlis* were necessarily hostile to women’s rights, merely naïve and uninformed. Disagreements remained but the WAF position that members could associate or dissociate from specific actions allowed individual women to take the action they thought appropriate: some women did meet women in selected members of the *majlis*, others refused to participate.

The Islamic framework

Perhaps the most difficult challenge lay in deciding the parameters within which WAF should articulate its demands and positions. The 1980s saw an intense contestation over the definition of Pakistani womanhood. The regime’s so-called ‘Islamization’ process spotlighted women in a cyclical argument: women’s ‘unIslamic’ behaviour was used to justify the ‘Islamization’ process and ‘Islam’ was used to justify all state actions against women.

The regime aggressively promoted its self-serving version of Islam as the only authentic acceptable reference point for individual and collective identity, for state policies, and for public debate and discourse, whether political or social. Rights activists and politicians resisting this imposition viewed it as a convenient cover to straightjacket individual freedoms and curtail basic human rights. Nevertheless, few were prepared to openly reject the new discursive framework. It was not that people agreed with the regime's version of Islamic injunctions; there was great discrepancy between popular belief and the literalist legalistic and self-serving readings of the scriptures forwarded both by the state ideology and politico-religious parties. One indication of the divide being the consistently poor election results of all politico-religious parties. But the use of Islam did immobilize opposition to state measures proposed in the name of religion, most people hesitating to refute what was being presented as Islamic. Only one mainstream political party openly declared itself secular, all others avoided this label and were careful not appearing to be opposing Islam, or being labelled unpatriotic and against the 'ideology of Pakistan' - a phrase revived during this period and used to intimidate all political and social actors. To make matters worse, drastically amended blasphemy laws enabled anything to be construed as blasphemous by criminalising intent, for which the sentence was death.

For women's rights activists, the need to engage in this discursive battle and to produce a counter-discourse was clear. Less clear and hotly debated was how to do so effectively in an environment in which everyone was being exhorted to prove their 'Islamic' identity, new measures - proposed or promulgated - were being justified by reference to Islam, and where the space for a counter-discourse in secular terms was rapidly disappearing. The question WAF asked itself was not so much whether the law or proposal was in keeping with Islam or not, but how best to counter any given proposal and how best to present their case for women's rights. The consensus was that in the prevailing circumstances, trying to counter the steady and disastrous erosion of women's rights in the name of religion i.e. Islam, from outside this framework

would be ineffective. While desirable, such an alternative discourse had little or no scope for influencing policies and policy-makers. There was also agreement that once a law or policy was passed in the name of religion, it became very difficult to reverse. The example before the activists was in fact one that favoured women's rights: the unsuccessful attempts of conservative religious lobbyists to overturn the Muslim Family Laws Ordinance since its promulgation in 1961 by a previous dictator, Ayub Khan. The validity of this assessment has borne out by history: 25 years after its promulgation, it has not been possible to repeal the Hudood Ordinances despite calls from diverse actors that now include the Secretary of the Pakistan Law and Justice Commission, the 1997 report of the Commission of Inquiry on Women that was led by a serving judge of the Supreme Court of Pakistan, and the subsequently established permanent National Commission on the Status of Women.

In light of the perceived 'rules of the game', activists took the strategic decision to oppose laws, directives and proposals justified by reference to Islam with counter-arguments from within the broadest framework of Islam, regardless of their personal beliefs. At the same time, if the state did not reference Islam, neither would WAF. The need to counter 'Islamic' proposals from within the framework of Islam was shared by non-Muslim activists who occasionally voiced this view even more strongly than those from Muslim backgrounds. On developmental issues and on topics such as health, labour and the rights of women workers etc., WAF consistently articulated its position and demands in straightforward secular terms. (Complications arising from this decision are discussed in Chapter Two.) It was not until Zia's death in late 1988, and the return of democracy later that year, that WAF reviewed and revised its self-defined role.³² With the external constraints lifted, in its tenth National Convention in 1991, WAF formally declared itself a secular platform and replaced its earlier nomenclature of being 'non-political' with the more accurate 'non-

³² Non-party controlled elections held in 1985 only gave a civilian façade to the military regime.

partisan'. WAF had already moved in that direction in the beginning of 1991 when a joint resolution of all chapters announced that "While WAF respects religion as a matter of personal belief and practice, we are opposed to any form of legislation in the name of religion, with particular reference to the proposed Shariat Bill, the Qisas and Diyat Ordinance, the Hudood Ordinances, the Law of Evidence etc."³³

In the meantime, activists actively searched for other sources of legitimacy for their stands that would appeal to the public and that could counter the right-wing discourse. An important source was history and Mohammad Ali Jinnah, the founder of Pakistan. If pointing out that Maulana Maududi, the founder and chief ideologue of the Jamaat-i-Islami, had in fact opposed the creation of Pakistan did not have too much impact, opponents of WAF's position found it difficult to categorically reject what Jinnah had said. Activists therefore researched the archives looking for appropriate statements to bolster their position. They found one particular statement that was to be used constantly in which Jinnah stated:

"I want to impress upon you that no nation can rise to the height of glory unless your women are side by side with you, we are victims of evil customs. It is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live. You should take your women along with you as comrades in every aspect of life".

This statement was made into a poster that sported a large picture of Jinnah and his sister Fatima Jinnah.

During this intensive period of struggle focused entirely on Pakistan-based issues and developments, the UN and international human rights were not used to legitimise WAF stands. WAF did

³³ *Resolution WAF Lahore, Karachi & Islamabad*, 16 January 1991.

not engage in the UN processes until 1993 and rarely made reference to the UN charter and instruments. The one exception was repeated calls for Pakistan to ratify CEDAW, starting with a March 8th resolution in 1983 that referred to both the UN and to the constitution:

The United Nations Commission on the Status of Women...through its convention, recognises discrimination against women as violating the principles of equality of rights and respect for human dignity.... Pakistan is guilty of such discrimination against women. Under the garb of religion, unjust and inhuman laws are being proposed and promulgated ...[we] demand Pakistan sign the CEDAW and uphold women's status and rights as guaranteed by the 1973 Constitution.

In the 1980s, barring occasional referencing by WAF Karachi, the only other significant reference to the UN was in 1985 when, on the anniversary of February 12th, declared Pakistan Women's Day, WAF commented on the end of the UN Decade on Women stating that:

...when we add to this (anti-women laws and the curtailment of women's participation in various fields) the atmosphere of vilification against women: the increasing crimes against women and the encouragement of viewing women only as sexual objects, the last 7 ½ years of the Decade of Women are years for which the Pakistani nation must be ashamed. ³⁴

Conclusion

It is against this background of political adversary, constant new proposals to rescind women's rights and curtail their spaces accompanied by a conservative religious discourse and draconian dealing with the political opposition that allowed little dissent, that activists took up the issue of violence against women in Pakistan.

³⁴ *The Herald*; March 1985. p. 55

The circumstances-political circumstances obviously influenced how all issues, including the issue of violence, were perceived, conceptualized and responded to. Proactive interventions based on a previously thought out ideological position were rare: theorizing was a luxury carried out on the run and in the midst of a constant need to respond to a veritable barrage of damaging proposals and consequences of laws promulgated.

The dilemmas WAF confronted were summarized by a journalist sympathetic to the cause as:

Political or not? Publicly WAF says no but privately it's not really sure how to fight political acts with non-political weapons. Islamic or not? Since there's no room to be unIslamic, WAF has to fight on ground chosen by its opponents. The western model of feminism, or some indigenous adaptation? That hasn't been worked out either.³⁵

Amineh Azam Ali's criticism stemmed at least in part from great expectations. Stating that the WAF charter was too broad and offered "no guidelines as to how to achieve them," she wanted to see a "generalized feminist perspective" translated "into practical steps relevant to Pakistan's women." Despite saying that "the medium has too often been the message", she acknowledged that "one thing has become clear: women are on the agenda one way or the other and WAF is determined to keep it that way."

Ali also feared that just as "the Pakistani left collapsed under the deadweight of imported ideologies" so too would the women's movement "unless it works out an understanding of what Pakistani feminism needs to be."³⁶ There are two problems in the critique: the first is the author's misconception that WAF was a feminist organisation (this probably stemmed from speaking to a Shirkat

³⁵ Amineh Azam Ali "Whither WAF?" pp. 187-189, *The Herald*, January 1985: 188

³⁶ Amineh Azam Ali "Whither WAF?" pp. 187-189, *The Herald*, January 1985: 188

Gah feminist in WAF). As discussed in Chapter 2, WAF included feminists but was not itself a feminist platform. The second is the presumption that activists had any space in which to develop a theoretical elaboration of an indigenous feminism. Academe was under active attack, especially the Punjab University where dozens of professors were made redundant or obliged to leave. The spaces for discourse rapidly shut down, dissent itself was unacceptable. As the single most visible and audible spokesperson for women's rights, WAF was expected to do all things. But activists had to choose between fighting to retain rights in daily danger of being rescinded, or building a theoretical basis for this fight. There simply wasn't enough time for activists to undertake both together and WAF chose the former. There was also a misplaced expectation that WAF would remain the foremost activist group in Pakistan's impoverished civil society. In 1994 a male sympathizer would later ask "where have all the women gone?...what has happened to WAF...and other groups which in the 1980s struggle against dictatorship and were the great hope of male and female liberals alike." But the 1990s were a different era.

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CHAPTER 2

Breaking the Silence on Violence Against Women: Early Articulations, Strategies and Actions

Understanding Violence against Women: Situating and Articulating issues

WAF was not formed for the express purpose of addressing the area of violations now regrouped and articulated as 'violence against women.' When women took action on the Fehmida Allah Bux case in September 1981, they neither framed the case nor formulated their response in these terms. Only in retrospect is it clear that this case marks the start of women's activism on violence against women in Pakistan. At the time, had activists been asked what they were trying to do, they would probably have said they were acting to prevent an injustice from being done. Indeed, the self-defined feminists who called the initial meetings leading to the creation of WAF did not even set out to revitalise the women's movement. If preventing injustice in Fehmida's case was the immediate aim, the broader concern was to somehow catalyse and bring together all those people - men and women alike - who were as outraged by the unfolding events as they were: ordinary citizens outside the framework of political party engagement. They were seeking to galvanize a civil society movement at a time when the concept had not yet gained currency. In 1981, civil society institutions, such as existed (the press, trade unions and professional organisations) were themselves under attack by the state; human rights organisations, or those with a human rights approach were few and far between. It would take a decade of activism and the steady growth of human rights focused organisations before Lahore could catalyse a coalition of civil society groups to act in

concert under the Joint Action Committee for People's Rights, Lahore. Similarly named organisations, each with its own specific history, were also formed in Karachi and Islamabad around this time.

Once Women's Action Forum was formed, however, violence against women - especially but not only by the state and its officials - inexorably moved onto the centre stage of activism. This centrality emerged both in consequence of the sheer number of daily, often brutal, violations that came to light through newspaper coverage, and because of the direct and indirect violence caused by the military state's measures.

In 1981, 'violence against women' was not a term being used elsewhere either; analyses around this complex issue had yet to be articulated in any consolidated fashion; 'violence against women' was still a fact rather than a concept in international feminist discourse. Feminists used various terms, including 'violence against the female sex', 'acts of violations', and 'gender violence.' Even in 1991, Charlotte Bunch and Roxanna Carrillo's seminal publication *Gender Violence: A Development and Human Rights Issue*, uses the term 'gender violence' more frequently than 'violence against women.'³⁷

In Pakistan, earlier activism had focused on promoting women's political participation, on economic and class issues and on development. Experiences of violence were entombed in silence. Barring rare isolated recommendations for abortion to be made permissible in instances of rape, and sporadic studies on women's exploitation through prostitution, violence was not spoken of, let alone analysed and acted upon.³⁸ Consequently, WAF started taking up specific cases of violence in the absence of any

³⁷ Charlotte Bunch and Roxanna Carrillo *Gender Violence: A Development and Human Rights Issue* Centre for Women's Global Leadership. (1991), Third Printing: October 1996.

³⁸ See Farida Shaheed (editor) *The Women of Pakistan: A Selected Bibliography with Annotations* (Shirkat Gah; Lahore: 1992) that covers published and unpublished materials on women in Pakistan from 1947-1990.

theoretical discussions or debates on the issue and without the benefit of an existing feminist or women's rights movement to provide leadership. It was tackling a widening range of acts of violence against women that enabled activists to understand the interconnectivity of different forms and spheres of violence, producing a deeper more nuanced understanding. It took many years of engagement with the different facets of this phenomenon before activists started to use the term 'violence against women' adopted in international forums, especially those linked to the United Nations.

The term coined by WAF was 'crimes against women'. That acts of violence against women constituted violations of rights was not an issue. This was taken for granted. WAF's language aimed to signify that all violations of women's rights were criminal acts: they needed to be recognized and addressed as such and, importantly, made punishable as any other crime. 'Crimes against women' challenged social acquiescence to, and societal complicity in these acts that created impunity for perpetrators. In demanding that all such acts be recognized as crimes, WAF was also calling for state action and accountability. Only six years after WAF's formation, does the term 'violence against women' appear in any WAF literature, viz as the title of a 1987 Urdu language handout "*Khawateen ke Khilaf Tashadud*," literally, 'Violence Against Women.' Even then, while the handout opens with a statement that "violence against women has increased to such an extent as can be seen from daily reports in newspapers about horrific (*behanak*) crimes", the remainder of the article reverts to the generic term 'crimes against women'.³⁹

Underlining the social acceptability of violence against women, the taboo of speaking out, and the stigma attached to victims who seem to become accused, the WAF January 1983 Newsletter said:

³⁹ Karachi held one seminar titled 'Violence Against Women' in 1984, but WAF did not adopt the term until much later.

Reported incidents of violence and crimes against women are on the increase. However, these are merely the tip of the iceberg. They do not reflect the real extent of the problem since most cases are not reported because of a general reluctance to report crimes because of the concept of honour or 'izzat', and the resulting scandals that always implicate the women, no matter what the circumstances. This is true of all sections of society irrespective of class and ethnic group.⁴⁰

WAF thinking paralleled feminist analysis in other parts of the world. In 1986 Georgina Ashworth, for example, pointed out that "violence against the female sex...is tolerated publicly; indeed some acts of *violation are not crimes in law, others are legitimised in custom* or court opinion, and *most are blamed on the victims themselves*."⁴¹ (I have added the emphasis to indicate the convergence of thinking on such acts not being "crimes in law" and the prevalence of social sanction.) Seemingly therefore, women's experiences of violence started occupying activists in the 1980s in different locations with some convergence of views as apparently independent developments. It is illogical to suggest that there was no symbiosis of ideas across locations, but at least in the case of Pakistan, such connections were not conscious, institutional ones until the 1990s. Between 1981, when WAF was formed, and the end of the Zia years in 1988, Pakistani activists remained largely cut off from the international movement, the UN processes, and international debates. Nonetheless, if there was no direct interaction between WAF and international feminists, a

number of WAF activists did receive feminist newsletters from elsewhere, a few were abroad studying, others had recently returned after completing studies; connections that informed the understanding of WAF activists. But where the broad issues may have been the same, the immediate concerns differed. Activists in Pakistan and those in Europe and North America were equally concerned with rape but the intense court-focused debate and campaigns around the evidentiary requirements for proving rape so prominent in the North at the time, were altogether absent in Pakistan. There were other contextual differences.

Dissimilar to feminist experience elsewhere, Pakistani women's rights activists never had to convince 'human rights activists' of the need to include women's rights in the 'human rights' rubric. Under military rule, civil society activism in the early to mid-1980s was led by women. Consequently, when the Human Rights Commission of Pakistan was formed in 1986 as an independent civil society organisation, several of its top leaders were women. the sheer visibility of WAF ensured the inclusion of women's concerns in the agenda of all human rights oriented organisations emerging at the time.

Secondly, Ashworth, Bunch and Carrillo were all engaged in a discourse to broaden the existing concepts of human rights to encompass women's rights, Pakistani activists were not. Underlying the slogan "Women's Rights are Human Rights" coined by the Centre for Women's Global Leadership and adopted in the lead up to the United Nations 1993 Conference on Human Rights in Vienna, is a clear demand for the recognition of women's full humanity. Barely conversant with the discourse, women's humanity and full status as citizens was nevertheless a central WAF theme from the start. Statements regularly condemned the 'dehumanising' of women in state laws and policies as well as societal attitudes, the 'reduction of women to half the status of a man' and the treatment of women as second-class citizens, such as "We...refuse to accept secondary citizenship and will not be reduced to half a person".⁴²

⁴⁰ *Newsletter – Special Issue. Women's Action Forum* January 1983, Lahore

⁴¹ Georgina Ashworth "Of Violence and Violation: Women and Human Rights" quoted in Charlotte Bunch p.7 "Women's Rights as Human Rights: Toward a Re-vision of Human Rights" pp. 3-16 in *Gender Violence – A Development and Human Rights Issue*. Centre for Women's Global Leadership. (1991), Third Printing: October 1996.

⁴² Daily *Star* 6 March 1983 and various WAF statements and press releases.

Challenging the “narrow definition of human rights, recognized by many in the west as solely a matter of state violation of civil and political liberties,” Bunch insisted “The human rights community must move beyond its male defined norms to respond to the brutal and systematic violation of women globally. This...[requires] examining patriarchal biases and acknowledging the rights of women as human rights.”⁴³

At this juncture, the Pakistani women’s movement was less concerned about constructing critiques of patriarchy, than with critiquing state actions – as laws or other measures. The state’s violent suppression of any and all dissenting voices was critiqued as a contributory factor in promoting violence; the state-citizen relationship was accorded primacy over the deeper-seated patriarchal system. Situating women’s rights squarely within the context of citizens’ rights as a whole under military rule, WAF believed it essential to illuminate how legal and policy discrimination against specific categories of people (e.g. women and non-Muslims) ricocheted into sanction for acts of violence against people treated by the state as somehow ‘less than human’ and therefore deserving of less than human treatment. Activism concentrated on making visible the injustice, inhumanity, and therefore unacceptability, of state actions on women particularly, but also on others. Far less time was devoted to developing coherent discourses and analytical understanding; this is implicit in the statements and actions of the 1980s rather located in any written analyses found in documents WAF produced in later years.⁴⁴

⁴³ Charlotte Bunch. “Women’s Rights as Human Rights: Toward a Revision of Human Rights” pp. 3-16 in *Gender Violence – A Development and Human Rights Issue*. Centre for Women’s Global Leadership. (1991), Third Printing: October 1996. 5-8

⁴⁴ WAF positions and/or in the lead up to general elections *Women and Politics: Put Women’s Rights on the National Agenda Now!*, review of the Universal Declaration of Human Rights preceding the 1993 UN Human Rights Conference in Vienna (*Women’s Rights As Human Rights – Women’s Action Forum Pakistan Position on the Universal Declaration of Human Rights for The World Human Rights Conference, Vienna June 1993*) ; or *Struggle for Women’s Rights in Pakistan prepared for the Fourth World Conference on Women, Beijing August-September 1995*.

Given disparate ground realities and concerns, the similarity of concerns and convergence of views between WAF and the international speakers cited above is all the more remarkable. Although the editorial in the WAF Newsletter of June 1987 was titled “Violation of fundamental human rights of women in the past decades,” activists in Pakistan only started to engage in the international discourse of ‘human rights’ in the lead-up to the 1993 United Nations Human Rights Conference in Vienna.⁴⁵ Not involved with the United Nations system in any way, WAF stayed away from the Nairobi World Conference on Women in 1985 (a couple of WAF-associated organisations did attend as well as many individuals). This was partly because WAF did not accept funds from any institution and had no funds of its own to support member’s participation. Partly it stemmed from a conviction that the urgency of issues within Pakistan demanded precedence and that solutions were unlikely to be found in international arenas. In all events, the UN was not a significant reference point for women’s rights in Pakistan in this decade.

The women’s struggle in Pakistan had greater regional links, however, and South Asian activism had more direct impact. Hence, Indian activists taking up the issue of ‘dowry deaths’ encouraged Pakistani activists to further investigate stove bursts at home. The terminology may have differed, but the problem was identical: married women being burnt to death by husbands or in-laws. WAF pressed for a full-scale investigation on the issue of stove bursts, including technical reviews to see whether in fact there were any manufacturing faults blamed by family members for stoves bursting and ‘accidentally’ killing women in the kitchen. It called upon manufacturers to assist the investigation, but equally demanded that family members be held responsible for such deaths/injuries and be prosecuted in much the same manner as Indian activists had suggested across the border. Similarly the media watch

⁴⁵ Women’s Action Forum, *Women’s Rights As Human Rights – Women’s Action Forum Pakistan Position on the Universal Declaration of Human Rights for The World Human Rights Conference, Vienna June 1993*.

campaign in Sri Lanka in this period inspired activists in Pakistan to pick up the issue of media representation of women. Of course both issues had local catalysts: the media coverage of 'stove burst' accidents, and the government's campaign to equate women's media coverage with obscenity. Still, Indian activism helped focus Pakistani activists' attention on this particular form of violence against women and Sri Lankan activists gave Pakistani counterparts a concrete method of addressing the wider issue of media reporting. One outcome was a media watch study in 1985-86 carried out by a WAF member organization, Simorgh.

Until the return of democracy towards the end of 1988, although activists located their struggle within domestic borders and the constraints of a military regime, the ideas and language of the Nairobi World Conference on Women eventually percolated into the local discourse. One indication is the more frequent use of the term 'violence against women' as of 1989, with the title of a WAF Islamabad seminar that elaborated a list of recommendations intended for implementation by the Women's Division (the national machinery for women), international development agencies and NGOs.⁴⁶ Even then 'violence against women' was used as a statement of fact rather than as a normative term denoting a collective area of violations. On the other hand, the term 'crimes against women' coined by WAF was used in much the same way that the term 'violence against women' would later be used to encompass both individual acts of physical and psychological violence as well as systemic and structural violence.

Having defined itself as a "lobby-cum-pressure" group, WAF functioned more as a pressure group than as a lobby during the military and quasi-military set up (1977-1988), with the express intention of exerting pressure on the state through public campaigns. The content and articulation of issues in state-oriented public campaigns differed significantly from those adopted in internal debates, discourse and other non-state oriented activities.

⁴⁶ The first seminar titled "Violence Against Women" was organised by Karachi WAF in 1984 following the Nawabpur case, but the term was till not being used by WAF. (*She* May 1984, p.7)

Public protest campaigns accorded primacy to physical violence, often hinged on specific individual cases. Emotional violence, for instance, never became a campaign issue. With the notable exception of the legal and penal system and related provisions (discussed below), public protest campaigns in this decade were, on the whole, not directed towards structural and systemic violence. Moreover, for many years, activists resisted the new terminology of 'structural violence' as it related to socio-economic factors because its use seemed to trivialise the horrific nature of physical violence women were being subjected to. While eschewing the term 'structural violence', WAF nevertheless understood acts of violence against women as symptomatic of deep-seated attitudinal and structural inequities. WAF articulated this structural, systemic underlay of violence from the beginning, in Newsletters, seminars and internal discussions.

Indicating how quickly violence against women became a priority concern, WAF held its first seminars on 'Crimes Against Women' in Karachi and Lahore in 1982.⁴⁷ Seminar contents reflect Carrillo's contention that the "socially constructed dependency of women is key to understanding women's vulnerability to violence."⁴⁸ The Lahore seminar connected violence against women with the social economic root causes: an oppressive social system that devalues women and treats them as second class citizens, the social and economic foundations of the legal system and women's lack of access to what legal rights do exist. (The Karachi seminar specifically addressed rape, abductions and new proposed *Qisas* and *Diyat* Law, and women prisoners.)

⁴⁷ November 22nd 1981 in Karachi and December 9th, 1981 in Lahore.

⁴⁸ Roxanna Carrillo. "Violence Against Women: An Obstacle to Development" pp. 17-37 in Charlotte Bunch and Roxanna Carrillo. *Gender Violence: A Development and Human Rights Issue* Centre for Women's Global Leadership. (1991), Third Printing: October 1996.

Articulating The Crime of Violence

Speakers were selected to present legal, social and psychological perspectives. Unlike many other women's initiatives that exclude men, even as it fiercely guarded its independence as an autonomous women's group, WAF consciously mobilised male supporters. The purpose was two-fold: (a) to emphasize that violence or crimes against women was a societal problem and not 'a woman's issue' and (b) including men was a subtle form of resistance to the government's segregation drive. Consequently, in Lahore three of the four speakers were women but a senior male lawyer was invited to give the keynote address and, when he could not attend, another male lawyer was asked to replace him. Shahid Rahman's paper - written as the keynote address and carried in the WAF Newsletter in full - opens with the question 'what is a crime?' and goes on to state:

When talking of crimes against women, does one limit oneself to physical crimes such as murder, rape assault, etc. or does one take crime in its wider sociological sense to include those actions which in themselves are the root cause of physical crime? In my opinion the worst crime is a particular mentality which, denying women their humanity, thinks of women as incompetent and contemptible objects or as personal property. And it is precisely this mentality that leads to discrimination. There is no moral, legal or religious sanction for such a mentality. Nothing sanctions that women are inferior.⁴⁹

The paper's list of 'crimes against women' starts with what in contemporary discourse is called 'structural violence': the denial of equal access to economic resources, inheritance and property, unequal rights in family law matters, and the gender-distorted outlook inherent in patriarchal mindsets. Apart from all manner of physical violence, the 'crimes' enumerated include confining women within veils and the home, psychological oppression and the new laws - both promulgated and proposed. The paper concludes by stating:

⁴⁹ *Newsletter 4 Special Issue, Women's Action Forum* Jan 1983, Lahore. p. 1-4

This ... is an incomplete list, since the list of crimes against women is an unending one. And, in my opinion, the root cause of these crimes is to be found in the narrow-minded bigoted mentality, which can only think of women as property and as objects of derision, and it is precisely this mentality, which we shall have to combat if we are to successfully put an end to all manner of crimes against women.⁵⁰

Replace 'crimes against women' with 'violence against women' and the text sounds quite familiar. Speaking on the occasion, Anwar Kamal, another male lawyer, underlined the male bias of the legal system and the need to reorient "the social economic foundations on which the legal system rests, to give greater justice and protection to a section of society that finds prevailing laws and the norms that these reflect, unacceptable." Picking up WAF's theme of the objectification or dehumanisation of women, the psychologist, Naushin Rahman, linked the popular idiomatic concept of "*zan, zar and zamin*" (women, gold and property) as things to be fought over with the "social consciousness reducing women to objects" and "things to be owned," that rendered women vulnerable to "criminal and violent acts." The doctor, Nishat Farooqi, connected violence with the "poverty, oppression and violence" experienced by the majority and called for abortion to be made legal, at the very least in cases of pregnancy resulting from rape. Blaming the oppressive social system for women's lack of access to existing rights, Hina Jilani, a WAF member and lawyer, emphasized how discriminatory laws (like the proposed one on evidence) "further reduce women's status and make them vulnerable to greater oppression and violence."

Notably missing in the 1982 seminar discourse is any mention of patriarchy. The absence of the term in this first public seminar has to be seen as a tactical decision rather than a lack of consciousness since problems emanating from patriarchy were clearly outlined. A later seminar on 'Crimes Against Women'

⁵⁰ Ibid.

(1987) stated the root causes of such 'crimes' as a patriarchal system and its attendant problems such as law enforcing agencies' negative attitudes, weaknesses in existing and proposed laws and the controlling mechanisms of *chadar* and *char diwari* (female seclusion and gender segregation).

Identifying and aligning themselves with others affected by state repression, WAF activists consistently supported minorities and other adversely affected groups, and it was WAF that brought together the Joint Action Committee for People's Rights on July 13th 1990, a civil society coalition that continues to be active.

WAF's holistic concern with citizens' rights is evident from its first year in existence in responses to incidents of violence that were not women-specific. Having called upon the state to protect the "interests of all citizens, women and men alike, for whom the safeguard of their human, civil and Islamic rights are imperative for their happiness, peace of mind and sanctity of life, limb and property,"⁵¹ in June 1982, WAF protested the sentence of hand-cutting awarded a man for petty theft under the Hudood Ordinances. Before issuing the statement, the Karachi Working Committee discussed whether or not to take up the issue. It concluded that WAF needed to speak out on issues other than women-specific ones because having "started with the *zina* issue and other inhuman punishments in general [WAF could not] now take exception to other humanish [sic] issues", and that the charter spoke of the rights of both sexes, "so we must speak [out] on other issues" not only on those that particularly affected women.⁵² The press release was soon followed by another, protesting police brutality against a peaceful demonstration supporting Palestinians. In October 1982, considering this to be "as, if not more, important than the Fehmida *zina* case," WAF took up the chilling news of an infant stoned to death, apparently at the instigation of a local *mullah* (preacher) inciting people to do away with this 'child of sin' condemning the barbaric act".⁵³ At this point, WAF was, if

not the single civil society group, then certainly one of the very few to publicly respond to this horrific news. And it was women journalists, members of WAF, who broke the news and carried out investigative reporting in the face of tremendous opposition and considerable personal risk.⁵⁴ WAF understood the interconnectedness of violence in society; of how violence against one category of persons for whatever reason served as an excuse for violence against other persons under other pretexts. It is curious, therefore, that it took WAF much longer to articulate the interconnectivity of different forms of violence that women experience. The intense state focus of activism may partly explain this early blind spot.

WAF did not view the militarised state as the root-cause cause of violence against women, which it attributed to patriarchal structures and a generally oppressive and violent society. But, the military state *was* perceived – and named – as a key perpetrator of both legal and illegal violence. What activists found profoundly shocking in the 1981 Fehmida and Allah Bux case, beyond the aberration of anyone being stoned to death, or even whipped, was that these could be government-sanctioned, legalised actions. The state was deemed equally guilty of legitimising and promoting violence by non-state actors through its own acts of violence that exacerbated existing patriarchal and class oppression. Intent on terrorizing the population into submission and silence, the regime undoubtedly – and continuously – raised the threshold of an already excessively high tolerance for both interpersonal and systemic violence. Public hangings and floggings reminiscent of the gladiator spectator sports of ancient Rome became for a while almost daily occurrences, brutalising senses and sensibilities alike. (Zia's government was the first to keep women political workers in

⁵¹ (Karachi Press release) – FS: date)

⁵² Minutes of the Karachi WAF Working Committee 18th October 1982

⁵³ October 10, 1982 English daily, *The Star*

⁵⁴ Exceptionally, the philanthropist, Bilquis Edhi, publicly announced that she (and her better known husband, Sattar Edhi, were going to place cribs outside their shelters for any unwanted children. Hundreds of infants were placed in these cribs across the country. The cribs continue today and the Edhis continue to receive many unwanted children.

isolation and have them tortured.) A refrain articulated by activists was how new forms of legalized state violence as punishment, legitimised acts of violence by non-state actors; a second refrain was how the rescinding or reduction of women's rights through any discriminatory law inevitably promotes violence against women.

WAF prioritised legality and democracy. "Women's Rights and Democracy" was the title of the WAF October 12th 1983 seminar in Karachi, that took up the proposal to limit women's political participation as well as the Hudood laws and the proposed law of evidence. WAF posited democracy and democratic spaces as prerequisites for reducing violence, both general violence and that targeting women specifically. Part of the democracy discourse consisted of condemning the 'unwarranted force' used by the state in dealing with expressions of dissent that, for their part, were frequently described as 'peaceful' and/or 'legal.' The emphasis on legality tacitly protested the existence of an 'illegal' military regime. Moreover, other than supporting dissent as a legitimate democratic right, the formulation suggested the flip side of the 'illegal' criminal actions implied in the term 'crimes against women.' For example, the WAF statement issued from police lock up on February 12th 1983 stated:

...women representatives tried to convince the police officials so that the matter could be dealt with in a peaceful and lawful way. When all persuasion failed, the women decided to break the cordon. All the women participants were violently attacked... We as citizens of Pakistan condemn strongly the use of such unwarranted force on women who were only seeking legal recourse to safeguard their rights.⁵⁵

WAF used the same terms to describe and condemn police actions regardless of whether the violence was directly against women

⁵⁵ WAF statement from the Civil Lines Police Station; February 12th 1983

activists, against other women, or against the public in general - such as those protesting the bulldozing of their squatter settlements.

Starting with the Fehmida Allah Bux case in 1981, WAF activists tackled a widening range of issues on violence against women. Growing experience deepened understanding of the complexity of the issues involved. The 1987 'Crimes Against Women' seminar specifically connected 'crimes against women' with the state's linkage of Islam with restrictive laws and regulations regarding women. It also marked a new phase of understanding. Though activists did not yet have the language of what today is termed 'inter-sectionality,' they had started articulating how being differently located in societal terms impacted women differently, especially in relation to violence. The additional vulnerability of women from religious minorities resulting from the discriminatory provisions of the Hudood laws was highlighted by a speaker from a minority community, the harassment faced by women workers shared by a woman trade union leader.

The blatant discrimination of the new so-called "Islamic" laws against minority women and men ensured that WAF spoke out on their rights from the start. The issue of violence as it related to women workers was new. Despite WAF statements and Newsletters positing violence against women as an issue that cut across class and region, WAF initially debated whether it should distinguish between the violence women experienced specifically as a result of their identity as women, such as domestic violence for instance, and the violence meted out to women primarily in consequence of some other identity, such as class or political affiliation. This was not merely a theoretical question: hundreds of women were brutalised by state agents during the 1983 Movement for the Restoration of Democracy, especially in Sindh, and state violence was a clear self-determined priority focus. Internal debate was first catalysed in 1984 when women workers of a pharmaceutical company were harassed in a management bid to intimidate women union members, leading a trade union leader to approach a WAF member for support. WAF extended solidarity and support, but not before several intensive discussions.

That the matter was debated at all, reflects a narrow – albeit growing – understanding about what constituted gendered violence. Reluctance to tackle state violence against political actors may partly have stemmed from activists' ever-present wariness of being used by political actors to further their own agendas. Initial hesitation is also attributable to a particular class background that cushioned activists from the harassment and violence experienced by the working classes. However, class did not always protect political activists, as seen in the rape and torture of Veena Hayat and Rahila Tiwana in 1991,⁵⁶ but the risk of violence is always exponentially greater for the poor. In all events, recognition of the differentiated impact of gender and gendered violence on differently located women was home grown, with no influence from feminists outside Pakistan.

The Battle for Legal Rights: Issues, Strategies and Dilemmas

Responding to a ceaseless barrage of government initiatives to rescind, curtail, or in some fashion undermine the rights and/or spaces available to women, WAF consciously prioritised an engagement with the state over other interventions, especially in the arena of legal rights. The strong focus on laws and legal rights was neither in the hope of finding justice in courts, nor due to a legalistic understanding of rights. Quite simply, much of the regime's attack on women's rights was mounted in legal terms, albeit disguised as "Islamization", compelling a law-focused response from women. This was especially true in the area of violence against women. The laws of Hudood, *Qisas* and *Diyat* brought almost all aspects of physical violence against women – from sexual violence to murder and assault – under new, flawed and discriminatory legal provisions. The consequences of the Hudood laws alone would have made legal rights activism inevitable. This said, much of the battle for legal rights actually took place outside courtrooms and in opposition to existing or proposed legal amendments, and the punishments these introduced:

⁵⁶ See the chronology Chapter 1.

usually on the streets, in the newspapers, in public events and occasionally in meetings with officials. Court-based activism was to come later but was notably not a feature of this period of activism.

One basic reason for the lack of court-based activism was the paucity of legal expertise. None of the women who started WAF were lawyers (a number of lawyers joined WAF subsequently) and self-defined feminist lawyers were almost non-existent.⁵⁷ There was also little tradition of lawyers promoting women's legal rights. Insofar as legal rights had been addressed at all earlier, it was largely in the context of family law and occasionally in terms of constitutional provisions. Activists who took up Fehmida's case thus had to first educate themselves by studying the law. And, while they sought help from lawyers, in 1981 no lawyers had any experience of the new laws either.

It took many years for legal court-based activism to develop. The sporadic attempts of lawyers to approach the judiciary in this period were largely ineffectual.⁵⁸ Yet, the contestation over women's rights became so defined in terms of legal measures, that the government's response to nation-wide outcries led by WAF around the 1984 Nawabpur case was in the shape of a legal measure. The incident was brought to the notice of activists by a journalist appalled that poor lower caste women had been beaten, stripped and paraded naked by upper caste/class men in their village. Atrocities against the women belonged to the second stage of the more powerful men's revenge against the women's male relatives. The first stage consisted of beating the man to death. The dead man's offence was having dared to have a relationship

⁵⁷ At the time only one WAF member organisation had a feminist lawyer.

⁵⁸ In 1983 for instance after the February 12th demonstration, Hina Jilani and Asma Jahangir tried to submit a petition asking for a new inquiry and to dismiss the charges lodged by the police against the 31 women it picked up during the demonstration for 'beating up and injuring police.' They also demanded that a case be registered against the police under the "Islamic Hudood Ordinances" for "forcibly abducting 31 women." None of this had any impact. Daily *Star*, 15 February 1983

with an upper caste/class woman; the women's was being born into the wrong gender as well as the wrong class and caste.⁵⁹ Overnight, Nawabpur became a household name. The regime's remedy was an instantaneous new ordinance that, purporting to 'protect' women, introduced death or life imprisonment for "assaulting or using criminal force against a woman to strip her naked and in that condition expose her to public." WAF immediately condemned the ordinance "as a hasty response of government to nation-wide agitation caused by the Nawabpur and similar cases...aimed primarily at pacifying women and women's organisations with what appears to be a strong measure." Enumerating the various problems and the general issues of crimes against women, WAF went on to say:

... While the Ordinance takes cognisance of one specific crime, the government does not touch upon the basic problems. The Ordinance even if it is implemented properly, which is uncertain...does not apply to the vast majority of crimes which take place within the '*chadar and char diwari*'...the multitude of crimes perpetrated against women such as rape, murder, and assault are manifestations of the moral bankruptcy of society and not the root cause of it. Crimes against women are intrinsically linked with their low status in society.

..if the government is really concerned about crimes against women, it should try to eliminate the countless loopholes which exist in the Hudood Ordinances on rape, ...it should stop proposing laws (such as the law of evidence and law of Qisas and Diyat) which legally reduce women to half human beings, and it should look for concrete measures whereby the status and condition of women can be alleviated.

⁵⁹ Although caste is meaningless, indeed goes counter to all the teachings of Islam, caste identification, inherited from Hinduism, is still strong in Punjab.

WAF believes that capital punishment and other violent forms of punishment are not a deterrent to crime and only succeed in brutalizing society. Any laws and ordinances formulated must aim at changes in our social structure and how society regards all its members. Crimes against women will continue so long as women are treated as man's property and [as] worth half a man's life... We further question the basis on which the state has decided to confiscate for itself the property of the criminals and 75% of the fines imposed. Surely the victim is not the State but the women for whom no amount of material compensation is sufficient ...⁶⁰

Additionally, aware of the public sympathy aroused by this 'cause célèbre', WAF used the occasion to draw attention to the serious injustice likely to result from making the *qisas* and *diyat* proposals under discussion law. It said:

...the Nawabpur incident highlights the absurdity of the laws of Qisas and Diyat proposed by the Council of Islamic Ideology. It will be remembered that in this incident a man was brutally beaten to death in the presence of his women folk ... Had the CII's proposed laws of Qisas and Diyat been in force, these women would not have been eligible to testify just because they are women. We hope this incident makes the Government and the Majlis-e-Shoora [parliament] realise the injustices contained in the CII's proposed law.⁶¹

It would take years and the filling up of jails with women accused under various sections of the Hudood Ordinances, for the full pernicious and insidious ramifications to come to light. As a fuller

⁶⁰ WAF Press Release; June 5th 1984

⁶¹ WAF Press Release on Nawabpur; April 9th 1984

picture of the injustices emerged, calls “to eliminate the countless loopholes” were replaced by demands for repealing the laws altogether. WAF would also later demand that the Council of Islamic Ideology, responsible for proposing so many of the new discrimination, be disbanded.

In the battle for legal rights, legal language was uncommon. For instance, WAF never stated that the law reduced women to ‘legal minors,’ consistently using the more evocative terms of ‘half human’ ‘dehumanised’ ‘half a man’ etc. Using this broader non-legal terminology to critique social norms as well as the laws (both criminal and non-criminal) enabled WAF to link social and legal issues. The same language was used to oppose the proposed reforms in the law of evidence that, in its original form summarized the battle for women’s rights: women were inferior and valued at half a man’s value.

Confronting ‘Islamic’ Laws

Law-focused activism had a twofold agenda: to put pressure on the government to modify its proposals and to mobilise public opinion and activism in opposition to such proposals. Under a military regime that had appropriated to itself the role of Islam’s standard bearer while dealing brutally with any political opposition, the challenge was to ensure that the activist counter dialogue was heard and its messages owned by as wide as possible an audience. To achieve this, WAF decided to counter proposals forwarded by the state as ‘Islamic’ from within a broad Islamic framework, while at the same time counter-balancing this with secular arguments on all issues – whether laws, policies or directives – not proposed by the state as ‘Islamic’. The latter, mostly unrelated to the issue of violence against women, are therefore not discussed here. But the WAF statement on Nawabpur quoted above is one pertinent example where, because the Ordinance made no allusions to ‘Islam’ in anyway, the WAF response was articulated in straightforward secular terms. Examples of other initiatives outside the ‘violence against women’ rubric include a ‘shadow working group’ on the new five-year development plan under

preparation during this period, WAF engagements with trade unions, supporting young women protesting gender discrimination in admission rules for medical colleges, and the unpublicised support extended to women in government employment.⁶² In none of these interventions and statements did WAF refer to Islam in any way.

That working within an Islamic framework was a strategic decision activists felt compelled to make under the prevailing conditions is evident from the fact that statements referencing Islam largely ceased to be issued when the military era ended in 1988. Even during the Zia period, the references to Islam in statements and public events were generalized. Far more pronounced in the first few years, these became muted over the years. Many early statements alluded to the ‘justice of Islam’ and contrasted this with the injustice being meted out by the state. For example, on November 26th 1982, hearing that a woman, Gul Nissa, had been flogged, WAF protested through a press release that:

The prophet of Islam tempered justice with mercy by invariably giving the least severe punishment. In Pakistan the opposite seems to be true...particularly so in the case of women who are often given severe punishments even in cases where the required level of proof has not been established. WAF strongly feels that in a country like Pakistan where women have as yet to get the equality prescribed in Islam, women cannot be given such inhuman punishments. This is the first time in the history of Pakistan that such a punishment has been carried out on a woman. WAF condemns this punishment and insists that under no circumstances must this become the precedent for similar cases in the future.⁶³ Statements were intended to convince the public that the government’s proposals and actions were not only unjust but also not reflective of Islam. So in August 1984, for example, appalled at the state’s proposed introduction of an ‘eye for an eye’ type vengeance-like actions and blood-money to deal with murder and bodily harm, and rejecting the suggestion that the evidence of

⁶² See Khawar Mumtaz & Farida Shaheed *Women of Pakistan: Two Steps Forward One Step Back?* Zed Books: London: 1987

⁶³ *WAF Press Release, 26th November 1983* Lahore.

women and non-Muslims was less reliable than that of Muslim men, WAF declared that there is:

...no justification anywhere in Islam for discriminating against either women or minorities in matters of *diyat*, *qisas* or evidence, as stated by the FSC [Federal Shariat Court] in its judgement on Qazis [judges]. WAF demands that sections 10 and 5 of the draft be brought into conformity with the injunctions of Islam.⁶⁴

Yet, without referencing Islam, the statement went on to demand, "that the provisions of Sections 101-103" relating to abortion "be amended so as to exclude women [from being punished] who conceive as a result of rape from the scope of these sections."⁶⁵

This was typical. WAF statements rarely, if ever, alluded to Islam alone. WAF statements simultaneously argued from other perspectives. WAF consistently pointed out the lack of logic in the proposals and the absurdity of the proposals. Hence, questioning the Islamic credentials of the amended law of evidence, in October 1984 WAF highlighted the absurdity of these provisions and cited technical flaws. Arguing that:

...the only new part which presumably qualifies it to become "Islamic" is Section 17 dealing with women's evidence and competence of witnesses. ...Why anyone would need to be reminded in the case of a written statement is quite unclear if not absurd. The law damages the position of women by rendering them [sic] legally permanently inferior and by crystallizing the formula of one man equals two women... it leaves the door open for male culprits to commit murder and

⁶⁴ Explain women as Qazis issue

⁶⁵ The proposal was for women undergoing abortion to be punished as well as those who carried out the abortions. Protests led to this being changed.

escape punishment where women or religious minorities are the only witnesses.

Then, moving into technicalities, the statement pointed out that women and minority members had walked out and that the draft was passed without quorum with only 40 members of the house present.

Articulating positions in keeping with WAF's general perspective and viewpoint all while attempting to elicit general public support for its position and enough pressure to make the government amend proposals, was a constant and major challenge. Difficult circumstances led to peculiar articulations in public positions as evident in a 1982 statement on women prisoners and the conditions in jail. Trying to both elicit leniency for women sentenced for criminalized sex and get the state to improve jail conditions, in June 1982 WAF commented in a press statement:

The circumstances which force the women to commit crimes must not be ignored, particularly when women are being punished for moral lapses as well as having adulterous relations or pre-marital sex. Care must be taken to ensure that women who commit 'crimes' unwittingly or under compulsion of circumstances do not become habitual offenders through the process of being hardened in jails.

Treatment of women in jails and conditions there for women prisoners need careful study and rapid improvement. We do not create an Islamic society by only punishing all those who offend moral codes. It calls for far more positive steps based on justice, humanity and a sense of charity.⁶⁶

Feeling unable to categorically state in public that the laws criminalizing consensual sex outside marriage was wrong, and wanting to avoid the perception that it was condoning consensual sex, WAF spoke around the issue instead of confronting it head-

⁶⁶ Daily *Leader* June 16, 1982

on; calling for a “sense of charity” and arguing for leniency to avoid women becoming ‘habitual offenders.’

Markedly different language and arguments were used in internal debates and discourse. Meant for circulation to members, the straightforward feminist language and articulation of issues in WAF Newsletters contrast sharply with its public statements. One Newsletter, for instance, comments that all the proposed laws “very blatantly discriminate against women,” that the provisions of the MFLO (Muslim Family Laws Ordinance) are constantly under threat of repeal and that the recommendation of the Council of Islamic Ideology to repeal the minimum age of marriage for girls and Dowry Restraint Act “both have sinister implications for women.” The Newsletter further points out that the questionnaire circulated by the CII on women’s role in ‘society and religion’ has “a discriminatory, prejudicial and sexist bias, beginning with an assumption that women are inferior beings, that they do not share responsibilities with men and that they can only be viewed as sexual objects”. Another Newsletter informed members that in the past seven years WAF has “fought against discriminatory laws and policies and has desperately attempted to save the legal and social status of women in Pakistan. We have seen how rights have been eroded by legislations such as the Hudood Ordinances and Law of Evidence. Even more unfortunate is that these reprehensible laws of the martial law era have received validation through the 8th Amendment in the Constitution. They are also indemnified against challenge in a court of law.”⁶⁷

In tackling legal rights, activists vigilantly watched legal developments, especially proposals: tracking suggestions, analysing contents and implications. They then explored how best to challenge the contents of the proposals effectively, whether it was through analysis or theatrical ridicule, through street demonstrations, or press statements.

On all the laws purporting to be “Islamic” WAF did its own research but sought to strengthen its stance by mobilising progressive Islamic scholars. On one occasion, WAF gave its

platform to a feminist theologian who, whilst not directly addressing the issues of the laws proposed or passed, challenged the standard male interpretation of Islamic injunctions. In its campaign opposing the law of evidence, WAF invited two religious scholars to speak: one from the Sunni majority sect, the other from the Shi’ite minority sect. Both scholars refuted the government’s claim that the proposed law was in keeping with the injunctions of Islam. Nevertheless, a number of activists questioned this strategy, arguing that while it was all right for WAF to do research and refer to Islam itself, short-term expediency was an insufficient justification for lending its platform to religious personae. The opposing view was that WAF had no *locus standi* in religious matters and therefore its statements, regardless of their accuracy, carried less weight with the public than those of acknowledged religious leaders. In fact some activists working with grassroots women in a professional capacity, circulated the recordings of the scholars’ presentation to their communities with great success. While internal debates were stormy, tensions within the group were rarely expressed in public.

WAF combined a variety of tactics to prevent proposals from becoming law. Apart from public protests in the shape of demonstrations and picket lines, seminars drew in subject specialists and sometimes invited government representatives as respondents. Activists participated in media debates organized by the press (usually opposing women from the politico-religious parties or those with equivalent views), held its own press conferences and issued press releases. Activists wrote newspaper articles, especially in the English press, to raise awareness and, hopefully, support. Demonstrations expressing public protest were both a way of pressuring the government and a way of informing the public about the issue and eliciting support. The night before a decisive cabinet meeting on the proposed law of evidence, women activists and male supporters plastered the town of Lahore with posters stating “one woman; one testimony.” Some public positions were intended to underline the absurdity of the law.

The use of humour to ridicule proposed legal changes (by taking the suggestions to their absurd logical conclusions) was

⁶⁷ Women’s Action Forum- Newsletter No. 6, p. 8

perhaps WAF's most unusual and distinctive strategy. WAF developed a *jalsa* style in which skits and songs interspersed short speeches with the programme ending with a resolution of demands. Underpinning the *jalsa* format was a theoretical understanding that women (and others) who suffer oppression do not need to be told that they are oppressed; support should be extended (and mobilized) without patronizing those affected; as women, activists should find ways of expressing solidarity and empathy with other women. Skits played up the "halved status" theme. One of the most popular skits depicted two policewomen joking about the implications of a halved status on their lives: henceforth the three months maternity leave would forcibly be shared between two women, regardless of who was pregnant and who not and, whenever a policewoman was killed in an encounter the case would be registered as one of suicide; what else since, being only entitled to half what a policeman was entitled to, one policewoman would be issued the gun the other the bullets. The first such *jalsa* in 1982 had women in tears – of laughter and empathy.

Theatre became an integral part of WAF activities, many events featuring a skit or play. In Karachi in 1984 WAF organized an adaptation of a one-woman Dario Fo play performed under the title "Aik Aurat Jagti Hai" (A woman awakens) to rapturous applause.⁶⁸ Alternative theatre groups were formed by women activists and others (Ajoka Players, Lok Rehas etc.). In the constrained environment, these became important vehicles for communicating ideas to different audiences, including through street theatre with some, but certainly not, all using humour. These groups then developed different styles of activism.

State and non-State Oriented Activism

This decade's campaigns focused on state abuse, the repercussions of the *Qisas* and *Diyat* Law and the many ramifications of the Hudood Ordinances, in terms of rape and also other aspects. One

⁶⁸ Amineh Azam Ali "Whither WAF?" pp. 187-189, *The Herald*, January 1985: 187

aspect of the Fehmida case that later became a leitmotif in women's activism was the structural violence inherent in denying adult women (and men) the right to marry whomsoever they please - 'choice marriages' as they came to be known. Since the days of the British Raj and regardless of religious affiliation, parents desiring to annul marriages contracted by their daughters on their own volition (often against the parents' wishes), repeatedly registered cases of abduction against the undesired husbands, only to find their own daughters implicated under the *zina* laws. Of course some parents, adamant about maintaining absolute control over their daughters at any cost, went ahead with legal cases despite knowing the implications of the law. Legal cases questioning the validity of marriages proliferated despite Muslim Family Laws upholding the right of a woman aged 16 years and above to enter into marriage of her own volition, but new constitutional amendments enabled judges to interpret the law according to their personally held views of *shariah*. Many of the more contentious cases occurred in the 1990s, however. In the 1980s WAF did not articulate this as constituting violence against women; the issue was taken up simply as a women's rights issue.

Repeatedly stressing that, "Growing barbaric crimes against women reflect the impact of attempts to institutionalise the reduced status of women," WAF public campaigns around the issue of violence remained centred on physical acts, but there were silences even in this category. Some issues were only named in this period without being accompanied by public campaigns; others became subjects of prominent campaigns. This did not necessarily mean that WAF was not taking action; only that the actions were not publicized. Some issues later emerged in the next decade as campaigns, some never did. For example, domestic violence and so-called 'honour crimes' became the focus of major interventions in the 1990s; sexual harassment didn't. The lack of a campaign on sexual harassment is curious, since harassment of women in public spaces increased considerably in this period. One possible reason is the intense state-focus of activism at the time.

The general atmosphere catalysed by the 1980s discourse on state-owned electronic media and state-backed print media,

exhorting the public to adopt an 'Islamic way of life' as defined by conservative politico-religious elements, was insidiously damaging. One outcome was that the preferred - almost officially designated - yardstick for measuring the presence or absence of Islam in society became the behaviour and dress code of women, their role and function in society. With men encouraged to pass moral judgment on women's behaviour, sexual harassment intensified in the public domain. The problem was discussed in WAF meetings, including the initial ones that catalysed WAF; statements and newsletters spoke of sexual harassment; WAF took up specific sexual harassment cases in different government departments and in the medical profession. Yet sexual harassment was never the subject of a WAF campaign.

Sexual harassment was first catapulted into the public eye in March 1982 when, encouraged by the government's stand, a self-appointed guardian of morality started inciting people to acts of violence against women. Israr Ahmed, a conservative religious leader given his own programme on state owned and controlled television, opined in a newspaper interview that no one could be punished for assaulting or raping women until an Islamic society had been created. The argument is based on the stereotype of 'woman as temptress' and the universal patriarchal cliché 'that she must have asked for it.' It implies that only in a perfect (and therefore, by definition unattainable) 'Islamic' society where the women would be so 'pure' or so incarcerated, could rape be a unilateral act of unprovoked violence. Israr further recommended that young men armed with sticks form vigilante street patrols to ensure women were properly attired in 'Islamic' dress, in the manner of the moral police operative in Saudi Arabia at the time. While this was not done – General Zia not being too keen to share power with ideological upstarts – the kind of rhetoric indulged in by religious ideologues of this vintage did much to vitiate the environment for women and members of minority religions who were implicitly – and explicitly – marginalized and aligned with the 'ungodly'.

In response to Israr's inflammatory interview, it was not WAF but other women who arrived at the television station, staged

a short protest and handed out press statements condemning Israr's position. However infuriated WAF activists may have been at the incitement to violence, their response accorded greater primacy to the complicity of the state than to the issue of women's harassment in public. WAF demanded Israr be removed from television. There was no call for criminalising sexual harassment at this point; nor did WAF suggest any other measures to address sexual harassment. It was not until 1987 that WAF called for making sexual harassment a punishable offence. In 1982, despite the incitement to violence, WAF did not take up the incident as an instance of violence against women in the public sphere.

Directly relating to and articulated by activists as violence against women, were the new punishments: the whipping, stoning to death, and physical maiming of offenders (the cutting of hands and feet for theft) provided for by the Hudood Ordinances. Mercifully, no limb was ever cut. Apart from loud protests by many people, the Pakistan Medical Association categorically stated that it would revoke the license of any doctor or medical practitioner found to be implicated in any such punishment. Nor has anyone been stoned to death under the law. But whippings – that along with **Farida there was only one hanging as I recall. (Or am I mistaken)** Public hangings were a favourite undertaking of the military – did occur. WAF regularly denounced these new punishments as "inhuman", "brutal", and "barbaric" in its press releases. Islamabad WAF activists succeeded in creating enough public protest to stop the government carrying out its announced public whipping of a couple in the city, thereby ensuring that no woman was ever flogged in public after Lal Mai in 1983 (see chronology in Chapter 1). The new laws provided the same punishment for a woman as for a man in all sexual relationships criminalised under the law. WAF analysis carried in its Newsletter pointed out that new laws converted personal civil offences such as adultery and consensual sexual relationship (previously not an offence) into crimes against the state, while transforming crimes against the state (e.g. murder) into crimes against an individual; in all new laws women were accorded equal punishments but unequal rights. This led to the WAF slogan "equal punishments but unequal rights – what justice is this?"

The state-oriented focus of activism and the WAF position that the more violent a society is, the more violence women experience, led to a particular focus on the violation of women in state custody. "Why women felt unable to speak to the police" was one of the issues WAF hoped to examine in its 1982 'Crimes Against Women' seminars. At the Lahore event, activists directly asked a police officer, invited as a respondent,⁶⁹ to address charges of police brutality against women that discouraged women from seeking help from police. Organisers and the audience alike were outraged at his explanation that "while those guilty were punished...many women who claim to have been raped were actually consenting partners and the police had to make sure of the facts".⁷⁰

WAF took up numerous instances of women abused, tortured and/or raped by the custodians of the law, in supposed shelters, in jails and police lock-ups. Voicing concern at a series of Nawabpur copycat incidents in 1985, WAF "took exception to yet another inhuman incident of stripping women and forcing them to dance in public," and emphasized that:

The most heinous aspect of this ugly incident is that the offence was perpetrated by police officials... We urge the Government and judiciary to take immediate action so that similar incidents [do] not take place in future. WAF demands the Governor, Chief Minister and other senior officials to take serious note of incident.⁷¹

Urdu flyers distributed at different times repeatedly raised the question of the custodians of the law contravening the law and that too with impunity. Concerns led to a series of demands (WAF rarely used the word 'recommendations'.)

⁶⁹ SSP Khalid Farooq

⁷⁰ (WAF Newsletter).

⁷¹ WAF Press Statement; 21 September, 1985.

As a first measure to address the recurrent problem of women brutalised in police custody, in 1982 WAF demanded that that "investigation against a woman in a *thana* (police station) be carried out by police women. In case of unavailability of a policewoman, the presence of the lady councillor [elected local government representative] of the area should be made necessary. No woman should be called alone in a *thana* for investigation." Aware that the mere presence of women would not necessarily eliminate police violence, WAF nevertheless hoped that their presence would prevent the worst of police excesses. Five years later, the persistent maltreatment of women in police custody led Karachi WAF to demand that more women be recruited into the police force and, inspired by the Brazilian experience, the establishment of separate women's police stations. Starting in 1989, the restored democratic environment opened new avenues for interacting with the state and allowed new strategies to emerge. In 1989, Lahore endorsed the Karachi demands, but tired of the lack of action in specific cases of violence, WAF first picketed the office of the Inspector General of Police and later presented him with a list of 13 cases to follow up on. Further frustration caused by the state's lack of responsiveness led to the demand for a liaison mechanism directly linking activists with senior police officials, to ensure that appropriate actions were taken and followed up. This first proposal for a civil-society-state link up came after the return of democracy. Working in partnership with the military or quasi-military government would have been unthinkable, indicating the extent to which a specific context influences how activism operates.

Police impunity eluded activists (and still does) despite vociferous protests that included storming into the IG Police office, lobbying for changes in the regulations, and even the cooperation of more amenable senior police officials. One reason, though certainly not the only one, is that all complaints against the police are first dealt with through a departmental inquiry. Inquiries are frequently carried out in such a way that even when the department

takes action against its police officers, they are accorded relief by courts on appeal.

Women prisoners and jail conditions constituted another focus, especially in Karachi, where activists regularly visited jails to meet women prisoners.⁷² Findings informed WAF actions but were also written up as newspaper articles, with WAF encouraging regular journalists to do likewise. Visits identified issues needing to be addressed beyond the perennial problems of poor conditions and maltreatment. Early on, for instance, after a jail visit, WAF Karachi took up the issue of 'mail-brides,' that is women duped in scams purportedly arranging marriages for them, but in fact forcing them into prostitution, a criminal offence that landed many in jail.⁷³ Researching the trafficking of women, activists discovered that Pakistan was being used as a stopover for women, a large proportion from Bangladesh, trafficked to the Middle East emirates. Individual WAF activists took up the issue, holding seminars etc., but this was largely outside the framework of WAF. Trafficking never became a campaign issue for WAF.

Shelters for women were also first addressed by reference to the state. Shelters have existed in Pakistan since 1949 when the first Darul-Aman was opened in Lahore by a social welfare organisation to cater for "destitute and runaway women"; government shelters followed in the 1950s and 1960s. While the Lahore Darul-Aman was not state-run, it was financed by the state and close linked, especially with the police.⁷⁴

⁷² Najma Sadeque, a Shirkat Gah founder member and journalist, for instance, wrote articles about women in jail in September 1981, around the time WAF was being formed.

⁷³ For example Najma Sadeque "Marketing Female Flesh" pp 58-59 *The Herald*, September 1985.

⁷⁴ This is the Darul-Aman run by the Anjuman Himayat-e-Islam and not the government institution opened recently in Lahore by the same name since all government run shelters for women are all called Darul Amans.

The reported abuse of women in these shelters, with the connivance of the management was the issue taken up by WAF in 1987. It demanded an:

[i]nquiry should be conducted into the conditions prevailing in homes for destitute women. Safety for their life and dignity must be ensured. Women NGOs must be involved in their management. Finances must be allocated for more shelters. The law enforcing machinery must be made effective to combat the increase in incidents of sexual abuse and exploitation of women. Strict supervision of the higher authorities of the police is necessary for guarding against such abuse by police personnel.

The use of the official terminology 'destitute women' would be considered completely unacceptable now and feminists would use a more neutral construction such as 'women in need of shelter'. In the first several years, however, many formulations used by WAF in its public statements simply reiterated the language in common usage with little questioning of the implications, such as 'lady councillors' rather than women councillors, and 'eve-teasing' rather than sexual harassment. (The Newsletter quoted above, for instance only used the term 'sexual harassment'.)

Rape, first highlighted in the 1983 Safia Bibi case, became a central and growing concern. Over the years, activists addressed the multiple manifestations of rape: before murder, as wanton violence in armed robberies and hold-ups; the rape of the more vulnerable: minor girls, women from minority communities from poor families; as a political tool and as an instrument of oppression of the less powerful; as an act of vengeance by men against other men; in the shape of incest; rape by police; the rape of women enslaved in Afghan camps in the midst of armed conflict but also those raped in the households of local landlords, in what passes for 'normal circumstances'. With the exception of the Afghan *mujahadeen* sexual slave camps, one or more specific cases embodied each aspect.

Campaigns emphasized the impossibility of victims receiving justice because of the problematic legal provisions, the apparent rise of rape resulting from growing lawlessness and general violence, the growing atmosphere of fanaticism emanating from a distorted use of Islam, and the culpability of state representatives. Years later, summarizing its concerns, WAF said it was "horrified at the increasing rise of brutality in society of which women are particular victims," and expressed its concern that:

Women have always been raped but never as systematically as today. Whether the incident is one of robbery, assault, acts of revenge or oppression of a particular group of persons, the rape of women has become a standard component of all other criminal acts of violence. Incidents of gang rape no longer take place in back alleys and behind bushes, but in hospitals, mental institutions, the Darul Amans and police stations.⁷⁵

To address these issues, most of the demands proposed by WAF were state measures aimed at reducing impunity for such acts, eliminating legal discrimination, or providing relief and support to the victims. Consequently, even while theoretically opposing the state, activists looked to that same state for many of the remedies. Nevertheless, even though the democratic process was either non-existent or nominal until the end of 1988, WAF tried to promote the role of elected representatives such as they existed under the controlled 'democracy' starting in 1985, by proposing the active involvement of elected women representatives. It also looked to the judiciary as a possible countervailing force to the military's actions, mostly without success. As activists gained experience, their recommendations became more specific, measures for state accountability more precise. Amongst the measures demanded by WAF in 1987 were

- (1) holding the local administration accountable for crimes committed in their areas,
- (2) making police failure to register cases a punishable offence,
- (3) providing women protection in police stations and jails, to prevent incidents of rape, assault and other forms of torture.

They also demanded that abortion be legalized for all rape victims; the media be restrained from sensationalising the reporting of crimes against women and using photographs of women victims and to make 'eve-teasing' (the popular term for sexual harassment) a punishable offence.

As the intricacies of the web of violence started being realised, activists started looking at responses that went beyond legal rights and state responses.

Individual cases and non-public activism

Part of WAF activities was intervening in individual cases of violations. It did this in two separate ways: acting on information appearing in the press (closely monitored after the Fehmida case) and responding to appeals for help or support. Not all violations were addressed in like manner. There were those like the Fehmida and Safia cases, around which WAF carried out fact-finding, identified sources of support and helped the legal process while simultaneously launching public protest campaigns. In Fehmida's case for example, lacking the capacity for legal action, WAF first visited Fehmida in jail to ascertain the facts and studied the law. It then approached a well known lawyer to take on the case on a *pro bono* basis.⁷⁶ The intervention in the 1983 Safia Bibi case was similar. Stunned that a rape victim could be converted into an offender and punished under the Hudood Ordinances, WAF travelled to Sahiwal to procure the case files. Simultaneously, and in contrast to the Fehmida and Allah Bux case, WAF not only publicized the issue within Pakistan, but internationally. Helped

⁷⁶ The lawyer, Khalid Ishaque, managed to have the case sent back to the lower court for review where it was dismissed.

⁷⁵ WAF Lahore letter to its members; September 14th.

by Safia's young age and technical blindness, mobilisation was hugely successful. The protest was so loud, the outrage so widespread and the judge's conclusions so astonishing, that the Federal Shariat Court, taking *suo moto* notice of the case, overturned the lower court decision (forestalling the need for activists to take on the case). It was a landmark judgment since the court ruled that the mere fact of pregnancy could not be used as conclusive evidence of consensual intercourse.⁷⁷ The case also led to renewed demands that abortion be made legal at the very least, in cases of pregnancy resulting from rape.

In other cases, however, response was largely limited to public protest directed at the state machinery and decision-makers on the one hand and mobilising public support for women concerned on the other without, however, direct interactions with the women themselves or their representatives. A third category of response consisted of unpublicised efforts to support the women survivors in various ways. A determining factor of response was simply logistical: cases located in the cities where WAF operated were usually followed up. Where physical distance became an obstacle, the reported cases became a press campaign subject. Why some cases were made public and others kept confidential despite appearing in the press is less clear, especially since it is evident that public campaigns were critical in achieving results in specific cases. Partly this may have simply been a function of activists' availability in terms of time and energy.

Following up press reports to establish the facts was a basic first step, but of course, WAF was not able to take up all instances of violence against women appearing in the press. Nor did all the cases involve sexual violence, though the violence in many – if not most – was sexualised: young women burnt to death, especially but not only through supposed incendiary explosions of kerosene cooking stoves, women burnt through acid, women burnt by husbands, in-laws and rejected suitors. Women hacked to death or maimed in supposed incidents of 'honour' crimes, for alleged

adultery, for being in the wrong place at the wrong time, for no reason at all. The immediate concern was to have these crimes recognised as serious social problems, for, unlike rape that was acknowledged as a serious crime despite the silence and taboos, these other types of violence were not even acknowledged as problems that needed addressing. Some were dismissed as unfortunate accidents, others such as the so-called 'honour crimes' enjoyed such strong social sanction and carried such penalties as to ensure a literal and figurative silence of the grave. The horror of so-called 'honour crimes' first raised during this decade, gained momentum in the 1990s.

To show that such incidents were not random but constituted a pattern of crimes against women, WAF started collecting and collating information on incidents reported in the press. It would then read out the litany of crimes committed on women in its seminars and press conferences, a precursor of the subsequent longer-term monitoring initiatives that document abuses undertaken by human rights groups such as the HRC.

A significant - if largely undocumented - part of WAF activism was not state-oriented nor was it publicized. This was direct interventions in cases of violations, a large number identified through press monitoring and followed up: members would go to hospitals where women had been admitted, mutilated or burnt by relatives; they visited police stations to assist women victims/survivors and went to jails to investigate the problems facing women, many of whom were also implicated in legal cases. The main concern in these cases was to provide relief and or protection to the concerned women. As WAF became publicly known as a group fighting for and defending women's rights, women directly affected by violence in particular (or their relatives) started approaching activists directly. Neither the cases nor WAF interventions were ever made public. In response to domestic violence, WAF mostly used informal channels to address the problem taking great care to ensure confidentiality. The need for confidentiality applied equally to cases of sexual harassment brought to WAF by women employed in government departments: telephone operators, and women in the water and electricity

⁷⁷ See Mumtaz & Shaheed op. cit. for details of the cases and WAF responses.

departments in Lahore, as well as nurses and doctors, especially in Karachi. But the methods used to address these were not all informal; WAF formally wrote letters to senior bureaucrats responsible for departments where harassment was reported, in addition to negotiating on behalf of the women.

Success was uneven. In some cases, family pressure was too strong, and action impeded by lack of sufficient access; in others, the hold of tradition defied all attempts to support the woman. For example, in one case of incest, the minor girl was removed from prison by her family soon after WAF visited, impeding further intervention. In one rape case WAF had successfully mobilised the support of the Inspector General of Police, Punjab to pursue the case, only to be later informed that, despite clear medical evidence of rape, the woman's family had compromised with the culprit and his family and was no longer co-operating with the judicial authorities. The elders had decided that the unfortunate girl would be married off within her own *biradari* (clan or kinship structure) provoking WAF to state it is "grotesque that in our society, rape is used as a 'fitting punishment' to settle intra family disputes and that rape cases are hushed up when a settlement is reached." Such cases could neither be framed in legal rights terms nor blamed on police connivance, neglect or dismissal, and the cases multiplied over the years obliging activists to develop other responses to socially embedded attitudes, but much of these developments took place in the second decade and largely not as WAF.

Still, women approaching WAF Karachi did lead to an entire new strategy and activity. In 1987, a time in which general violence was spiralling out of control, armed robberies and hold-ups, and kidnappings a daily occurrence, WAF received an anonymous letter from a woman asking it whether it was aware of the widespread occurrences of rape and what it proposed to do about this. Instead of holding a press conference, issuing a press release, or organising a seminar, WAF devised a new strategy to break the silence, led by the specifically created subcommittee 'War Against Rape.' As part of the effort to gauge the problem, the subcommittee formulated a questionnaire and also printed and widely circulated

a poster appealing to women with the message "Break the Silence." On receiving completed questionnaires, WAR analysed these and suggested actions. WAF mobilised all its own media activists and others to support the effort. Sections of the press carried both the questionnaire and the interviews WAF carried out with women willing to speak out. With the support of some sections of the press, WAF gave out the address and telephone numbers of WAR Karachi and informed readers they could approach WAF in Lahore and Islamabad as well. Public sympathy brought in many new volunteers, many, if not most of whom, had not previously been engaged in the women's struggle, including many men. Indeed, so many men joined WAR, that it was quickly converted into an independent organisation. For one thing, WAF membership was restricted to women and women's organisations and activists were not prepared to open membership to men. For another, the nature of work undertaken by WAR precipitated the need to provide those seeking assistance with some immediate shelter. This required funds while WAF policy was not to accept funds from any institution. It was men joining WAR who first articulated the position that rape was not a women's issue but a societal one.

In the meantime in Karachi, WAR started directly handling rape cases and opened a small office that doubled as a temporary emergency shelter, marking the start of strategies that went beyond the state for solutions that activists would build upon in the next decade. WAR intervened in cases reported in the press, trying to register police cases, not always successfully. Whether activists succeeded in getting cases registered or not, they used a series of interventions: it met the concerned women and also lodged its protest publicly through demonstrations and press releases. In the nurses' rape case in Karachi of 1989, WAF tried to get the case registered, held public protests, but equally it appealed to a ruling party member of the provincial assembly and managed an audience with the Governor. When action failed WAF reverted to public protest outside the provincial assembly.⁷⁸

⁷⁸ Clippings from English dailies: *Dawn* and *The Muslim*; August-September 1989

Awareness-raising

The last part of WAF activities that were neither state-focused nor law-oriented, was raising awareness about issues, including though by no means exclusively, on the issue violence against women. Awareness was spread through large public events, such as the *jalsas* and seminars but equally through WAF Newsletters and letters to its members. At the same time, WAF initiated attempts aimed at better understanding people's thinking and what women's self-defined priority issues. A research committee in Lahore monitored the print media but also formulated and circulated questionnaires to elicit opinions. The Committee's responsibilities included organizing seminars, arranging for the speakers etc. In 1983, a WAF Newsletter urged women to understand why violence happened and to act against this, saying:

WAF appeals to all women to think seriously about their status and the prevailing conditions that encourage crimes against them and their sisters. It is only when women themselves understand why they are victims that they will begin to move towards changing conditions and laws that in fact assign them an inferior status.⁷⁹

In terms of awareness, the print media occupied a special place in this period of activism as a medium for communicating. This was before the information technology revolution introduced e-mail and websites, before the liberalisation policy produced a plethora of independent radio and television networks and introduced cable television in Pakistan. Without access to state controlled electronic media, the print media was the only vehicle available for communicating message to and raising awareness amongst the population at large. WAF Karachi in particular used newspapers to further WAF ideas, and managed to

⁷⁹ *Newsletter 4 Special Issue* Jan 1983, Lahore p. 1

mobilize many other professional press people to pick up the issue. WAF members, not themselves professional journalists, joined the rank of writers, sometimes reporting on activities but sometimes using a reported incident of violence against women to build personalized stories of the woman and her perceptions.⁸⁰ Occasionally WAF wrote letters to the editors. In Karachi, WAF media people used newspapers and news magazines to bring different aspects of violence against women to public notice and for example, domestic violence was named by WAF activists in the media via innumerable articles.⁸¹ Several WAF members who were not professional journalists joined the efforts to write articles describing incidents and/or presenting an analysis of issues. But awareness raising was not limited to the issue of violence; women journalists regularly used the media to inform women of their rights in other aspects of the law, such as family law and inheritance, and to question both the government's and society's restrictions and attitudes regarding women.⁸² A major vehicle for articles became *She*, a magazine appearing simultaneously in English and Urdu with an extremely supportive women activist editor.

But the media was an offender as well. A second equally important concern was to stop the sensationalised media coverage of women-related violence, an appeal WAF first made in its 1982 seminars and consistently repeated thereafter. So, while WAF

⁸⁰ This was a trademark of Kausar S. Khan, also a Shirkat Gah and WAF member.

⁸¹ Najma Babar, Najma Sadeque, Kausar S. Khan, Hilda Saeed etc.

⁸² A small sample of writings by Najma Sadeque in *She* for instance cover: Marriage (November 1983), inheritance (March 1984), "Zina Unjust Law" (April 1984) "Is falling in Love UnIslamic?" (June 1984) "Extra Marital Affairs" (October 1984) "Torture" (December 1984)

mobilised media persons to support its views, it repeatedly tried to sensitize the press on the damage done to women victims (the term survivors was still not being used) by their reporting. Appealing to the media as early as 1982 to desist from sensationalising the reporting of violence against women, to refrain from giving a woman's picture, name and address or details in a manner that would enable easy identification, WAF held various dialogues with newspaper personnel. On a number of occasions, WAF mobilised psychologists and psychiatrists to participate in these dialogues, so the media could hear expert opinion on the ill effects of their coverage. Roundtables were organized, editors were visited, informal interactions were held. There were clear differences between the different cities. With its significantly larger group of women journalists – both in and outside WAF – the relationship of Karachi activists with the press was an easier one. The situation was different in other cities where WAF did not include media people and, unable to count on any good will, had to negotiate its relationship with the press.

Putting the Crime of Violence Against Women on the Agendas

The biggest WAF achievement of this decade was the sheer fact of putting women on the national agenda. In terms of violence against women, it was breaking the silence on once and for all, and starting to connect the different strands and forms of violence women experience. WAF robust and vociferous public campaigns: statements, innumerable press events, seminars and even louder and more visible, demonstrations on crimes and violence against women, presented a vigorous, sometimes strident counter-point to the military regime's discourse of voluntary and enshrouding female silence, promoting this by equating 'good women' with secluded silenced women in *chadar* and *char diwari*, and *pardah*. In many ways, WAF activism embodied a deliberate 'in-your-face' insistence of not being silenced on violations of rights and status, of bringing violence out of the closet into the public eye as a matter for public discourse, concern and action; no longer

a private matter. The class background of the activists may have helped since their visibility allowed other women to break the silence in personal cases and on other issues.

The most visible indication that the women's movement led by WAF managed to name the crime of violation constituted by acts of violence against women on the national agenda, is how WAF issues were picked up by others. That there was no concept of 'violence against women' as an issue needing to be addressed by state and non-state actors alike before WAF and women's activism in the 1980s, is indicated by the difference in the 1976 Report of the Pakistan Women's Rights Committee and the subsequent 1985 Report of the Pakistan Commission on the Status of Women.

The establishment of the Women's Rights Committee can be credited to the United Nations International Year of the Woman, celebrated in style in Pakistan with official backing in 1975. (The Prime Minister's wife, Begum Nusrat Bhutto led the delegation to the UN Conference on Women in Mexico.) Although the majority was made up of independent members, the Committee which was headed by the serving Attorney General of Pakistan, included six government officials and worked under the aegis of the Ministry of Law and Parliamentary Affairs. A first interim report produced in July 1976 was circulated and amended before being submitted as a final report. Half the report is devoted to recommendations for legal amendments and half to social and economic issues. The central concern being to 'improve the status of women', the focus is on economic and social indicators: health, education, employment opportunities/economic rights. The only mention of violence is in connection with rape and abortion in the first legal section. The second socio-economic section only alludes to 'social customs and practices'. The Committee limited itself to recommendations on abortion – which it recommended be made legal – and 'outraging a woman's modesty' which it proposed, should become a criminal offence. Both recommendations provoked negative reactions. Consequently, the Committee dropped the idea of criminalising actions that 'outrage a woman's modesty' as too vague and open to abuse. It did however recommend broadening

the legal grounds for abortion to include “or preventing serious danger to her physical or mental health”.⁸³ This was the sum total of the references made to violence against women in the Committee’s report. Ten years later when the Pakistan Commission on the Status of Women submitted its report in 1985, activism had ensured that VAW was recognised as not only an important, but critical issue. In sharp contrast to the Committee’s 1976 Report, the 1985 Commission Report states in its introduction that:

...the actual status of women in Pakistan is today at the lowest ebb. Women in general are dehumanised and exercise little control over either themselves or on affairs affecting their well-being. They are treated as possessions rather than as self-reliant self-regulating humans. They are bought and sold, beaten and mutilated, even killed with impunity and social approval. They are dispossessed and disinherited in spite of legal safeguards. The vast majority are made to work for as long as sixteen to eighteen hours a day, without any payment,...⁸⁴

Impact was also visible on different social actors who were not, as such, WAF members though some were certainly part of the broader progressive movement. Actors included lawyers, journalists, alternative theatre groups and other human rights associations. Hence on 28th August 1989, taking a leaf straight from WAF, the HRCP Women’s Rights Committee hosted its own seminar on “Crimes Against Women,” inviting, as WAF had, lawyers and other activists. A prominent male lawyer, Abid Hassan Minto stated that, “the issue of violence against women could not be discussed in isolation” and that the “apathy of our society

⁸³ Paragraph 96, page 38; *Report of the Pakistan Women’s Rights Committee*; Ministry of Law and Parliamentary Affairs (Law Division), Government of Pakistan

⁸⁴ *Report of the Pakistan Commission on the Status of Women – 1985*, Pakistan Commission on the Status of Women pp. 2-3

towards victimisation of women is a sign of sickness.” It helped of course, that HRCP included WAF members. Hina Jilani, for instance deplored the fact that society had “become so brutalised that we take sexual violence against women as part of a routine... unless an issue is politicised, we do not consider it” and pointed out that physical violence by police against a man compelled the Chief Minister “to issue a statement while police violence against women was never given any importance.” Mehnaz Rafi, another WAF activist and politician, took umbrage at the lack of action on incidents of women killed in oil stove bursts that resulted in 211 married women being burnt to death in six months in Lahore alone. And, in the style of WAF, the event closed with Ajoka Players, an alternative theatre group staging a play on the stove deaths “Chula” (Stove).

The state-focused WAF campaigns had some success. WAF managed to push the government out of its normal complacency, forcing government officials to pay attention to specific issues. Though much of the government attention stayed at the level of lip service, several measures were adopted to improve the state’s response to cases of violence against women.

Women’s police stations were introduced in 1999; for a while a police-activists liaison committee became operative in Lahore; it became illegal to hold a woman in a police station or interrogate her without the presence of a woman or her immediate male relative. Success was uneven, however. The frequently repeated call for legalising abortion – at least for rape victims – consistently fell on deaf ears, and government-run shelters have proven resistant to years of activism calling for improved management policies. At the same time, the government acknowledged the need for additional shelters: studies were commissioned, various task forces/working groups established, and several (largely ineffective) crisis centres opened for women. The government even adopted the policy outlines devised by activists but, although the new policy guidelines were circulated to the shelters, they have been almost entirely ignored by those in charge.

WAF had visible impact on the press, but impact was greater on the English press where activists could count on progressive

women and men. The vernacular press remained less receptive to women's rights issues in general and violence against women issues in particular. Impact was evident in independent journalists taking up WAF issues. For example, in January 1986 the news journal *The Herald* wrote about rape in jails. The writer, Rehana Hakim, took the government to task for disregarding even the complaints lodged by the United Nations regarding the abuse of foreign women in jail and its facetious response that "had been any such cases, the Prisoners' Aid Society would have kept [them] posted."⁸⁵ In 1987 an article "The Rapist Not the Raped" echoed WAF concern at the increasing incidents of rape, referenced the different cases taken up by women activists, and used the same terminology:

From Nawabpur to Karachi, from Mahmood Jo Goth to Sea View Apartments...an alarming increase in heinous crimes has resulted in rape, murder and kidnapping of women...If nothing is done at this juncture by the human rights organisations, political parties, social organisations, women's organisations, and by the general public, we might witness even more heinous excesses against women in the days to come.... we know of the indifference of the administration since the time of the Nawabpur incident and now specifically the Masoom sisters rape-cum-murder case of New Karachi."⁸⁶

WAF activism led to several editorials in the English dailies, for instance:

Last week the Women's Action Forum reacted strongly against the whipping inflicted on a woman in

⁸⁵ *The Herald* January 1987: 101

⁸⁶ Mazhar Abbas noted that 69 cases had been reported in 1983, 70 in 1984, 96 in 1985 and 93 in 1986 'The Rapist Not the Raped', *The Herald*, May 1987

Central Prison, Karachi, by a male guard against the advice of the jail doctor, as the convict was suffering from high blood pressure and gastric ulcers. The brutality with which prisoners are treated all over the country has become a by-word, though it seems to be ...The punishment inflicted on the unfortunate woman was a product of this mixture. Most of the jails do not have female wardens for women prisoners..."⁸⁷

Another editorial expressed concern that the two women victims of Nawabpur had still not received any compensation despite court orders, while the culprits, having served their minimum jail sentence, had been released. Referencing WAF's enumeration of various cases where justice remained to be done, including Safia Bibi, the editorial pointed out that

Stringent laws, the government should realise cannot be a cure, unless they go to the root of the problem i.e., the position which women have in fact, come to occupy in our society, as opposed to the status we in theory claim for them. As long as discrimination against women continues to enjoy official sanction and the law (particularly its implementation) is skewed against them, violation of their most basic rights will remain commonplace."⁸⁸

And, WAF had some success in changing reporting practices on incidents of violence against women in the English press.

Eventually, however, the very consistency with which WAF publicised rape and related issues of violence seemed to have culminated in press fatigue. Concerned that its statements were no longer being printed, WAF organised a press conference in May 1989, on Crimes Against Women, only to be informed that if they wanted press coverage, activists should stop repeating

⁸⁷ *The Muslim* editorial 30th July 1987

⁸⁸ *The Muslim*, editorial 27th November 1987

themselves and find new issues.⁸⁹ The return of democracy in December 1988 seemingly signalled a turning point. Even as electronic media became accessible for the first time, carrying television series on violence against women and addressing the issue in talk shows, the print media stopped being the strong ally it had been during the long dark years of Zia's military reign. The return of democracy also marked a shift in tactics amongst women activists.

Taking stock of 10 years of activism, WAF's 1991 Convention identified the need to widen the base of the movement. But while new strategies emerged, these were rarely initiated as WAF. After ten years and in the absence of any immediate state-threat to women's rights, many activists reduced their level of collective public engagement. The women's movement was revitalised in this decade, paradoxically enough, thanks to the military regime's continuous targeting of women that united diverse women from dissimilar political backgrounds in the face of a common threat and 'common enemy.' At the end of the Zia years, the political and analytical differences submerged in the face of a common enemy, resurfaced, creating fissures in thinking and in action. Ten intensive years had also worn out activists. But, ironically enough, the WAF years catalysed a number of new women's organisations, several with clear feminist agendas, a number formed by WAF activists. This did divert energies of women who had formally concentrated their activism within WAF, but equally, as women re-oriented their engagement to be based within their own organizations (in the case of pre-existing organisations reverted to the home institution), it opened up the scope for full-time, more institutionalised activism.

Building upon the lessons learnt in WAF, these organisations explored and formulated new strategies to promote women's rights and to address problems, including those relating to violence against women. Some drew upon the former experience of handling numerous individual cases of violence against women, in ways that did not prioritise state-oppositional tactics to formulate new

interventions. Others used the bitter lessons of a narrow base of support to build new strategies for reaching out to and enlisting the support of wider audiences and devising more sustainable transformational interventions. Some theatre groups also developed new forms and styles. Women's groups continued interacting with the state, indeed for some, this part of their work intensified, and for the first time, WAF activists started learning the art of lobbying to complement their art of exercising pressure. Court-based legal activism took root and several public interest litigation cases were undertaken. But the vehicle for policy-focused advocacy shifted from WAF to broader-based coalitions for justice and people's rights not exclusively focused on women, working together on the rights of all citizens. Engagements with the state became more specific, involving not only informal channel advocacy but also training, task forces and policy-formulation. Finally with far less energies needing to be devoted to maintaining existing rights threatened by state proposals, women (and other activists) were able to focus on and engage with international human rights discourses and the UN system as a whole, as discussed in the following chapter. But, it needs to be said that the expanded and novel forms of activism in the later years were only possible because of the decade of unrelenting activism led by WAF that catalysed thinking and action on violence against women.

⁸⁹ Ibid.

CHAPTER 3

The Widening Sphere

The Zia era left a greatly de-politicised and disheartened civil society, which the brief euphoria that accompanied the advent of democracy in 1988 did little to counter. With an elected government reluctant to take on the religious lobby and the ways in which a whole conglomerate of anachronistic laws had increasingly reinscribed themselves in non-judicial systems, the long-term effects of a criminal justice system based on perpetual reference to religion, culture and tradition could not be dealt with easily. Confronted with a situation where public debate on women's rights was predicated almost exclusively on the literalisms of Wahabi Islam⁹⁰, there was a felt need for information regarding the different debates within Islam as well as on the position and status of Muslim women historically, to counter not just the laws imposed in the name of Islam, but also to challenge formulations within the discursive field that were threatening women's rights to participate in their own lives. As argued in the earlier chapters, there was a growing realisation among feminists in WAF, that work needed to be done at more than one level – to combine activist protest with feminist debate; to undertake advocacy work and legal interventions; to reach out to communities of women and help them organise on their own behalf. Consequently, the late '70s and early '80s saw the emergence of women's organizations with direct links to the women's movement. Founding members of ASR (Applied Socio-Economic Research) 1983, Simorgh Women's Resource and Publication Centre 1985, Aurat Foundation 1986, were for the most part founding members or Working Committee members of Women's Action Forum. Not

⁹⁰ Abdul Wahab (1703-93) inspired by the ultra-orthodox eighth century interpretation of Muslim law, propagated a puritanical and punitive Islam.

surprisingly, the overall thrust of their work as well as the work of organizations pre-dating WAF, such as ShirkatGah, which had been formed in 1975, and AGHS Legal Aid Centre, 1980, drew its impetus from and was shaped by the issues that WAF was addressing almost on a daily basis.⁹¹ Faced with the coercive power of a military government, under which, along with women's rights, the civil rights of citizens were also under threat, the women's movement as well as women's organizations were compelled not only to adopt a more holistic approach to women's oppression but also to examine the interdependency between the different 'locales of power'⁹² ranging from the family to the community and the state. The situation was further complicated by the political and social implications of the Afghanistan war that was being fought on Pakistan's doorstep, with the connivance of the Pakistani state. Consequently, power politics, whether nationally or as part of the North-South dynamic were never far from discussions on women's rights and what traditionally have been seen as acts of violence against women.

Around this time a more focussed engagement with feminist debates, especially third world feminisms and interaction with regional and international women's movements among feminists in Pakistan, helped further politicise the movement and deepened its understanding of women's issues. This is evidenced in the strengthening of existing regional networks like Women Living Under Muslim Laws (WLUML), which set up its Lahore office in partnership with ShirkatGah in 1986 and the Asian Women's Human Rights Council which was formed in 1988, with the precise aim of examining the lacunae in the international human rights

⁹¹ This period also saw the rise of other women's NGOs, however, these have been selected for comment vis a vis the issue of violence against women as their work was based on a feminist view

⁹² This term is borrowed from Anthony Giddens, who uses it to refer to 'the settings of interaction, including the physical aspects of setting – their architecture – within which systemic aspects of interaction and social relations are concentrated.' Giddens, *The Nation-state and Violence*, 1985. Polity Press, 1992. pp. 12-13.

discourse, the factors instrumental in women's subordinate status in society as well as the ways in which they mediated their space in society. Many of the activities undertaken by women's organisations also bore witness to this discursive thrust; for example, in 1986 Simorgh organized an international 'Muslim Women's Workshop,'⁹³ with participants from the Middle East, the Maghreb, India, Bangladesh and the Philippines, to explore

- (i) the underlying similarities between patriarchal cultures and patterns of coercion and control, the rise of religious fundamentalisms, and issues of identity as they came into play in post colonial contexts and
- (ii) to highlight the diversity of the Muslim world and cultures in order to challenge and debunk the myth of a monolithic ahistorical Islam.

It has been argued that the advent of NGOs has been responsible for the erosion of women's activism; that many of the young women and men employed by NGOs lack the political and ideological commitment to the women's cause and this has weakened the women's movement by converting it into '9 to 5 activism.' While there is some truth in this criticism, it is necessary to remember that much of the work undertaken by women's NGOs was concurrent with activism and in fact to a large extent fed into it. They also provided the space and time for reflection as well as access to regional and international women's groups. Together, these factors opened up the Pakistani women's movement to regional and other third world women's and peoples' movements and enabled interaction and participation in third world feminist debates and the international women's movement. Further, the recognition of

⁹³ The title of this conference was shaped by the political temper of the day: it was felt that relevant authorities were less likely to object to a gathering of 'Muslim' women and a 'workshop' was less important than a 'conference' and therefore less likely to draw the attention of government authorities.

violence against women as a Rights issue by the UN and the activities leading up to the 1993 UN World Conference on Human Rights in Vienna and the 1995 World Conference on Women in Beijing, created numerous forums for dialogue and debate on women's issues in the context of global and regional politics. This interaction proved to be specially enabling as it created the opportunity for women from across the globe to share experiences, prioritise issues and device strategies particularly for dealing with the issue of gender based violence at multiple levels.

Regional Networks, Meetings and UN World Conferences

In December 1990, twenty five years after signing the UN Declaration on Human Rights, the UN General Assembly decided to hold a World Conference on Human Rights in Vienna in June 1993, with the aim of giving the international community an opportunity, to take stock of the international rights situation and to review these rights as defined in 1948, in the context of present day imperatives. Among the stated aims of the conference was to consider the relationship between development, democracy and human rights and to take into account the new problems and challenges posed by the full realisation of the rights of women and other vulnerable groups. As part of the activities leading to the conference, the UN Preparatory Committee had the mandate to make proposals for consideration at the conference and to hold meetings at national, international and regional levels. A number of women from Pakistan, including WAF members participated in the NGO Forum in Vienna and were active as members of the Women's Caucus, where violence against women in its different manifestations was a central issue.

In a position paper on the UDHR, WAF redefined and made interventions in its clauses. Other than changing the language of the UDHR in which male terms and pronouns subsume and erase the feminine, this paper granted a central position to violence against women and problematised issues directly or indirectly concerned with gender-based violence. The private/public

dichotomy implicit in the terms and language of the UDHR was challenged on the grounds, that by defining human rights within the 'narrow parameters of the state versus the civil and political liberties of the individual [it had] placed women's rights outside the arena of human rights,'⁹⁴ thereby giving tacit protection to all forms of domestic violence such as child abuse, incest, marital rape, wife battering etc. as well as the erasure of women's agency through the denial of their right to decision making in matters related to health, education, work and so on. Defining patriarchy as a form of slavery and trafficking as slave trade, the ambit of gender based violence was widened to include all forms of violence ranging from the domestic, to the public, institutional and global. In this, the combined impact of the New Economic Order and the use of religion as political strategy and the resultant 'civil strife, conflict situations, ... religious and sectarian divides...' was also highlighted as a factor that had "made the lives and well-being of women more precarious."⁹⁵ It was further stressed that all human rights documents, particularly the UDHR and the International Convention of Civil and Political Rights (ICCPR), should be reinterpreted in the light of CEDAW and that their language should reflect the realities of women and the violation of their rights. This document was presented at the Session on Women's Human Rights at the Asia-Pacific NGO Conference in Bangkok in March 1993. WAF's recommendations were endorsed in the plenary of the conference and in the NGO Bangkok Declaration, which was presented to the Asia-Pacific Inter-governmental Meeting on Human Rights also in Bangkok later in the month.

Other than problematising the norms of language-use in official and mainstream documents and speech and the private/public dichotomy, the paper identified areas of concern regarding questions of state sovereignty, good governance and democracy

to be explored further and worked out with other Asian women's organisations. More specifically, the questions raised were to do with the following:

- (i) The violation of women's human rights by or with the connivance of the state. Agreeing to the position that the right to life and safety precedes the right of the state to monopolise what is defined as 'legitimate violence,' the point at issue was, 'whether and under what circumstances would the authority or intervention of a supra-state entity be acceptable,' especially as women's rights violations take place across national borders.⁹⁶
- (ii) The need to expand the definition or concept of democracy was also discussed in terms of economic and social democracy entailing participation in decision making at the community, national and international levels. In this context the right of all women to participate at the level of basic social units and at the national level, along with their right to 'full and direct control over their reproductivity,'⁹⁷ was stressed.

It needs to be stated here, that even as Pakistani feminists engaged in human rights debates and supported the notion of human rights 'as a one of the few moral visions ascribed to internationally,'⁹⁸ and ascribed to the need of human rights laws and conventions that guaranteed the rights and freedoms of all peoples such as the UDHR, they were keenly aware of the fact that rights issues can also be made to serve global interests, and the UN adoption/appropriation of violence against women was neither as innocent nor as transparent as it was purported to be. For if, on the one hand, UN instruments such as the UDHR, CEDAW etc. could be

⁹⁴ Women's Action Forum Pakistan, position paper, "Struggle for Women's Rights in Pakistan," prepared for the Fourth World Conference on Women Beijing. (WAF Pakistan, 1993)

⁹⁵ Ibid

⁹⁶ WAF Position Paper

⁹⁷ WAF Position Paper

⁹⁸ Charlotte Bunch, cited in *Ours by Right. P.4*

a means to compel governments to take up rights issues they would, in the ordinary course of things, prefer to ignore, thus opening up spaces for debate and dialogue between the state and civil society, on the other, they can create numerous opportunities for superpower intervention in national politics. It was on the basis of this concern, that other than problematising the norms of language-use in official and mainstream documents and speech and the private/public dichotomy, the paper also identified areas of concern regarding questions of state sovereignty, good governance and democracy to be explored further and worked out with other Asian NGOs in the field. More specifically, the questions raised were to do with the following:

- (i) The violation of women's human rights by or with the connivance of the state. Agreeing on the position that the right to life and safety precedes the right of the state to monopolise what comes under the rubric of 'legitimised violence,' the point at issue was, 'whether and under what circumstances would the authority or intervention of a supra-state entity be acceptable,' especially as women's rights violations take place across national borders.⁹⁹ Subsequent events, viz. US military interventions in Afghanistan and Iraq ostensibly in the cause of women's rights and democracy respectively, have more than validated this anxiety.
- (ii) The need to expand the definition or concept of democracy was also discussed in terms of economic and social democracy, entailing participation in decision-making at the levels of the family, community and national and international levels. In this context, the right of all women to participate at the level of basic social units, and at the national level, along with their right to 'full and direct control over their reproductivity,'¹⁰⁰ was discussed. The emphasis here was not on decentralisation but on the extent of decision-making powers vested in the people.

⁹⁹ Position paper

¹⁰⁰ Ibid

Other than the fact that it provides insights into ongoing debates on the issue of violence against women, this document is useful as it affords a glimpse into the working processes of WAF both nationally and internationally. It illustrates the ways in which interaction between women's groups regionally and internationally helped clarify issues and gave depth to the ways in which issues of violence were perceived and addressed. International forums, whether those leading up to Vienna and Beijing, or those organised by women's organisation, were also important in that by bringing women from different parts of the world on the common platform of women's rights, they served to create a sense of solidarity among them and at the same time opened up spaces where problematic issues could be thrashed out. Among the many issues discussed was the Eurocentric bias in western feminisms to see third world women as inherently disadvantaged in terms of culture and context – an approach that was not too different from that of the European male mainstream especially with reference to women and violence. That this was not a 'new' issue for third world women, nor an untenable argument, is borne out by examples from the 'field.' In so far as the first is concerned, as early as 1986, the idea for an Asian Women's Commission on Human Rights was discussed in a regional consultation on Justice, Peace and the Integrity of Creation: The Effects of Militarisation on Women, that had been organised by the Sub-Unit of the World Council of Churches. A core group was mandated to follow up this recommendation. Simorgh was part of the meeting in Bangkok 1988, where, after much discussion, the Asian Women's Human Rights Council was formed with the stated aim of developing a 'new understanding of human rights,' instead of relying on existing frames.¹⁰¹

In so far as the doubts voiced by third world feminists regarding the Eurocentrism of mainstream human rights discourse are concerned, one example from the international conference in

¹⁰¹ Pamphlet: "Information on the Asian Women's Human Rights Council (AWHRC) Women and Human Rights Work and Plans for 1993-1995." Pp.1-3

the Hague, 'Calling for Change, International Strategies to End Violence Against Women,' held in tandem with the 1993 Vienna Conference should suffice to show that this perception was not unjustifiable. In a highly paternalistic and patronising inaugural address, a male minister of the Netherlands government smoothly placed Europe and the west outside the ambit of countries and cultures where violence against women occurs while locating it unambiguously in the third world. While the reaction of third world participants to the speech caused a degree of embarrassment among the organisers and feminists from the North, it was significant that while participants from Asia, Africa and Latin America had come with country reports detailing the incidence of violence in their countries, no such data was available on either Europe or the USA, thus exemplifying this as one of the many occasions when the underlying racism of the way in which the developed world, including feminists viewed the third world came up for criticism.

The violation of women's rights including gender-specific abuses were a central concern of the working group on women's rights at the NGO Forum in Vienna, which orchestrated the demand for the appointment of a Special Rapporteur on gender discrimination and violence against women. Women also demanded that women's subordination stemming from oppressive structures including those based on race, ethnicity, national origin, class, colonisation, age, sexual orientation, disability, culture, geography, immigration or refugee status and other considerations be recognised as a human rights violation. The working group also called upon abstaining nations, which included Pakistan, to ratify CEDAW, and to the UN to strengthen procedures under the Women's Convention and to recommend others to eliminate the various forms of violence against women that breach guarantees established in the UDHR, CEDAW and other human rights instruments. The working group further demanded the setting up of an international criminal court, with universal jurisdiction over war crimes as well as systemic crimes against women which were seen to be synonymous with crimes against humanity and called upon the 'World Conference (to) declare that women's access to

decision-making power in all fields is crucial to democracy and the enjoyment of human rights.' As WAF had participated actively in preparing the Position Paper for the UDHR and a number of WAF members participated in the Vienna conference, albeit as members of particular women's organisations, details of the World Conference filtered back to the movement at home and certainly helped to shape the discussions on issues of violence and democratic governance. These discussions also prepared the ground for the 1995 Pakistan National Report for Beijing, which was written by a group composed largely of WAF members from all three chapters as well as women and some men from human rights organisations.

Given the emphasis on the systemic nature of violence against women and the demand that such acts be recognised as crimes against humanity, discursively the 1995 UN Conference on Women, Beijing 1995 can be seen as a continuation of the Vienna Conference, and the two years that led up to Beijing as a time of active participation by women's organisations in the ensuing debates and meetings. It also led to the formation of a number of regional networks. Convened by UN ESCAP and NCRFW, the preparatory NGO Symposium in Manila in November 1993 further led to the formulation of issue-based Sub-Regional Plans of Action. This was followed by an over all plan of Action by senior officials and ministers at the Ministerial Meeting in Jakarta in 1994. The key areas of concern identified at the Manila Symposium were: agriculture, culture and education, economic empowerment, the family, health, indigenous women, labour rights, political empowerment, science and technology, violence against women and women's human rights. Other than the fact that violence against women was identified as a separate category, the issue was 'embedded' and in fact provided a common thread running through and connecting all key areas, whether it was land rights, customary practices, health, education, inequitable access to decision-making or issues of economic and political empowerment.

Other than the NGO input in both action plans, the importance of these and other meetings that took place at this time, lies in the opportunities provided for women from across the

region to meet and share experiences and identify the main areas of concern to bring about change in women's status and position in society, and at the same time to contest positions taken by states parties in this regard. This is exemplified by the response of the Asia Pacific Women's Network (APWAN) to the Jakarta Declaration for the Advancement of Women in Asia and the Pacific. Claiming that the 'UN ... belongs to the people and not governments,' APWAN criticised the Declaration for failing to recognise the role of women as decision makers, their contribution as workers and peasants to the growth of national economies and in overall development policies, their rights and the violation of their rights in all spheres of life, and demanded the inclusion of sexual discrimination in the areas of economic, social and cultural rights; it also asked that consideration be given to women who are imprisoned in their homes where they are often tortured and certainly denied freedom of movement, and that issue of their right to freedom of expression which is denied to women in gender specific ways through their exclusion from access to public forums or by government sanctioned religious punishments for certain opinions, modes of dress be addressed. Among other things APWAN opposed the discursive use of national sovereignty, Asian culture, values and traditions to continue to oppress, suppress and violate the rights of women specifically and the rights of peoples more generally, and asked for the ratification of CEDAW by all governments.

The text spells out the concerns of women across the region, what it perhaps fails to convey is the sense of camaraderie, the energy, the enthusiasm, the altercations and often very noisy debate that led to it and other similar documents and statements. What it also fails to convey is the fact that despite disagreements, how personal antagonisms and quarrels were subsumed in the overall commitment to a common cause. The mood, despite a degree of justifiable cynicism regarding official positions and agendas of different governments, was upbeat. What the text does convey is the fact that the ambit of what constitutes violence against women had expanded to include the entire key issues identified at the NGO Symposium, and it was in this mood and this commitment

that women returned to their several countries to prepare for Beijing.

It is necessary to point out at this stage – and this is also the reason for speaking about the Jakarta Declaration in so much detail – that while the debates and issues of these regional meetings were part of a regional exchange and not specific to the Pakistani women's movement, many of the key issues identified at Manila and endorsed in Jakarta were those that women had been dealing with since the formation of WAF in 1981. These included education – among other issues WAF had fought General Zia's plan to introduce

- (i) a 'home economic' type education for women,
- (ii) separate universities for women, and
- (iii) the exclusion of women from public sports. To see these issues endorsed at these meetings, even if it was after Zia's death, put new heart into the ongoing struggle at home.

A major point of departure for the women's movement from 1988 onwards was a willingness to work with the government on women's rights issues. Therefore the year leading up to Beijing saw a degree of collaboration between the members of WAF and other feminists and the Ministry for Women and Youth Affairs, in different programmes, including the writing of the National Report for the World Conference on Women. If this marked a change of policy for the women's movement, the Ministry's point of departure from earlier practice lay in its approach. Instead of asking bureaucrats or 'consultants' to produce this report, the newly appointed Secretary of the Women's Ministry, called for 'inputs from the women's movement,' in addition to 'scholars, intellectuals, media and cultural personalities, legislators, politicians, grass roots workers, disabled persons, technical experts and government functionaries from both federal and provincial governments.' Taking this as a 'window of opportunity' to propagate their cause, the women responded positively to this invitation albeit with a degree of scepticism inevitable in public dealings with the government. This mood was to change during the ensuing consultation process,

which proved to be remarkably free of bureaucratic interference, and those who eventually constituted the writing group, consisted mainly of women from the women's movement and related organisations, and to a large extent, the National Report reflected their views.

However, this state of affairs did not reflect any radical change in the government's approach either to women's issues or in bureaucratic work processes, but depended entirely on the personality and position of the Secretary Women's Ministry, and provides an interesting insight into Benazir Bhutto's feudal style politics. A hitherto unknown entity, she had been appointed to this position on the basis of her friendship with Benazir. This gave her the confidence to deal summarily with nit-picking bureaucratic interventions and the clout to push through the women's agenda. That she seemed genuinely concerned about women's rights and had the ambition to do her job competently was a matter of chance and good luck as far as the women's movement was concerned. But chance and luck are unreliable partners when reliant on the goodwill and whim of those in power, especially in contexts such as Pakistan, where years of military rule have eroded the institutions and habits of democracy. No sooner than the dismissal of Benazir's government in 1996, under the terms of the Eighth Amendment, that the Beijing Plan of Action fell prey to bureaucratic indifference, combined with the Muslim League government's right wing agenda and use of religion as political strategy.

However, to return to the National Report; consisting of twelve chapters, this text reviewed the position and status of women with reference to issues of poverty, education, health including reproductive health, violence against women, national and global armed conflict, economic and political participation and so on, with a separate chapter on the girl child. There was an expected degree of overlap in the chapters especially with regard to violence against women, which was defined as a mechanism of control, 'rooted in the social relations of patriarchy ... based on a system of male domination and female subordination ... by

which patriarchy establishes and maintains its authoritarian hierarchies.'¹⁰² Apart from providing a situation review, the chapter on violence dealt with issues that had been taken up consistently by the women's movement since 1981. The strategic objectives and action as delineated in this chapter emphasised the need to recognise the many faceted nature of violence before devising concrete steps to address the issue at the social and legal levels. It also stressed the need to examine and devise strategies for changing power structures within the family, which as a basic social unit is also a major site of violence. Among the concrete steps identified towards these objectives were:

- (i) the ensuring of equal status of women before the law through the repeal of discriminatory laws and bringing personal laws in line with universal human rights standards and working towards a uniformity of rights,
- (ii) amendments in the Penal Code to specifically include indecent exposure, obscene language, etc with the cognisable offence of "Insult to outraging the modesty of women,"
- (iii) eliminating the projecting of women as sex objects in the electronic and print media,
- (iv) using the print and electronic media to define sexual harassment and to educate the public about procedures for initiating action against the offender,
- (v) making it mandatory for employers to respond to and monitor incidents of harassment and violence in the workplace,
- (vi) issuing administrative directives to the law enforcement agencies to ensure cases of domestic violence are registered and treated as criminal offences,
- (vii) enacting legislation to ensure that doctors in hospitals immediately report female burn cases and alleged/suspected domestic violence cases to the police; and that hospitals, clinics and dispensaries establish special units for medico-legal support to victims of violence and

¹⁰² Pakistan National Report: Fourth World Conference on Women, Beijing September 1995 (Government of Pakistan Ministry of Women Development and Youth Affairs) p. 37.

(viii) establishing committees at the sub-divisional and district levels to ensure women's adequate representation etc.¹⁰³
The Report also demanded that the government sign, ratify and implement CEDAW without any reservations.

CEDAW was ratified by the Pakistan government, though with critical reservations, and on its return from Beijing, the Women's Ministry set plans afoot for the implementation of the Beijing Plan of Action. However, as mentioned earlier, chance and luck are unreliable allies – especially in societies where democratic institutions have been weakened by periodic army interventions – and with the change of government in 1997 the Beijing Plan of Action was placed on the back burner. This was evidenced in the review meeting for Beijing plus 5, which showed that apart from women's organisations, which were continuing their work on violence against women, little had been done as far as the government was concerned, including groups formed under its aegis for this purpose.

Alternative Strategies

Feminists learnt several lessons in their first decade of activism on violence against women – a key lesson being the speed with which rights (even those taken for granted) can be rescinded when few women know of their rights and fewer still exercise them. The need to broaden the base of the women's movement had been discussed multiple times between 1981 and 1991, but it was not until the 1990s that feminists had the space in which to develop new strategies. Confronting a legacy of horrific laws, legalized brutality as punishments, and a reduced legal status for women as well as minorities that reinforced existing negative customs, feminists developed both legal and non-legal strategies to change the situation.

The 1990s saw feminists expand their legal interventions in court, including public interest litigation cases. Court cases in

¹⁰³ Ibid. P.43

particular challenged systemic violence such as forcibly preventing women from marrying without parental consent, cases in which women were incarcerated in their homes, some beaten, others threatened by death; at least in one case, the husband fired upon in court leading to permanent injury. Some parallel non-legal initiatives, such as instituting independently run shelters for women, were developed to support women's access to legal rights but function to provide respite from violence. Other interventions were designed to institute changes outside the legal system, in customs and practices; a few, like women's tribunals on violence, sought to create new spaces and new ways for breaking silences and mobilizing public opinion. Some of these are described here.

Reaching Out to Change Ground Realities

The Women Law and Status programme was established by ShirkatGah–Women's Resource Centre (SG) in 1994 to institute change at grassroots. By adding 'status' the programme title intends to convey that the Women Law and Status (WLS) deals with more than the formal law. WLS developed in consequence of the following understanding:

- (i) women's daily experiences are governed more by customs and community practices than by legal provisions of the state;
- (ii) women rarely know the contents of either statutory laws or religious tenets; therefore they do not question the community's local practices and also believe these have religious sanction;
- (iii) uninformed and isolated from support systems, women need significant support to act upon choices in defiance of cultural norms. To break the cycle of control and oppression requires 'legal consciousness' defined by ShirkatGah as:

"promoting social and legal activism by imparting legal literacy and a critical understanding of the structures and dynamics of power that underpin laws and customs governing women's lives...[enabling] people, especially women, to make informed

choices within the existing range of options (laws, customs and institutions), and to empower people to challenge and redefine these".¹⁰⁴

The programme was preceded and shaped by research: archival research, tracing 50 years of superior court case law in family law matters on the one hand and parliamentary debates around women's rights issues on the other; and field research documenting the varied customary practices across the country and gauging people's knowledge of the formal law and its influence in their lives.¹⁰⁵ 'Legal consciousness' does not replace but complements law-oriented interventions; WLS continues to advocate for policy and legal reform through campaigns initiated with WAF and coalitions such as the Joint Action Committees for People's Rights. However, an Outreach programme was added as a cornerstone of the WLS to catalyse change at the grassroots in women's daily lives through promoting legal consciousness. Seeing itself as a catalyst and facilitator, SG opted not to work directly in communities. Instead, it identifies local or community based organizations (CBOs) it can strengthen as actors best positioned to understand their community contexts and able to function as immediate and constant local resource and support groups for women. The strategy minimizes dependency on a distanced support source (i.e. SG) and WLS makes conscious efforts to establish independent linkages of these CBOs with other organizations and government institutions. This promotes long-term sustainability and a further cascading of legal consciousness in the catchments of the CBOs areas of operation.

SG adopted two cardinal rules for its Outreach. The first rule is to never condemn the existing customs of any community as wrong or bad – no matter how blatantly unjust they may be. Instead, WLS helps women understand their own situation by informing them of how other villages, provinces, and societies deal

with the same issue while emphasizing the legal statutory provisions of the state. The second rule is, never deciding for the group what their agenda should be. Hence, SG never questioned the early statements of local groups that while they wanted to learn about the laws on divorce or domestic violence, they would not speak of these issues in their communities. These rules were pivotal to overcoming the inevitable perception of external initiatives as the agendas of outsiders, presumed to have ulterior motives. The result was unexpected rapid ownership of the programme: within six months of starting work with WLS, groups were addressing not only the issue of divorce in their communities, but the more complicated and previously taboo subject of domestic violence. Understanding that women's personal decisions are based on complex ground realities rather than theoretical understanding of rights, the grassroots capacity-building Outreach emphasizes a participatory approach, flexibility and responsiveness to community needs, so that it is shaped as much by community representatives as by the experience and inputs of the SG team. Culturally specific contexts guide the programme and in each province, the strategy is slightly different: in some areas, working with men is a prerequisite; in others, groups want a greater focus on the rights and responsibilities governing citizen-state relations, in particular the police and civil administration. Some organizations are women-specific, others are general community groups that had, or developed, a focus on women; many started with a single development agenda, such as income generation or health, but have evolved into initiatives seeking to empower women and local communities.

The WLS intention is to build CBO capacity to devise and implement appropriate strategies to address issues locally and to join in larger human rights campaigns. No value is placed on whether a group is registered or not. Of importance is that the group enjoys community trust and shares ShirkatGah's perspective on women's rights. The WLS Outreach started in Sindh in 1994, expanded into Punjab in 1995 and the North West Frontier Province (NWFP) in 1996 and spread to Balochistan in 2002. Currently WLS builds the capacity of some 45-50 CBOs each year.

¹⁰⁴ Shirkat Gah. *SG's Legal Consciousness Initiative*. August 18th, 1997.

¹⁰⁵ WLS evolved from the Pakistan country project of the multi-nation action-research program: *Women and Law in the Muslim World* of the international solidarity network: Women Living Under Muslim Laws.

Legal consciousness work goes beyond informing people of the law, how to access legal redress and extending support to act on their choices - including through a small legal aid service. It demystifies the law: enabling people to distinguish between customs and the state's legal provisions; developing an understanding of how state laws are formulated, and who keeps customs in place. The emphasis is on developing an understanding of rights rather than legal rights and the relationship between law, human rights and the role of popular movements, especially the women's rights movement.

Helping women to analyse their own situation(s) and better understand the forces that control their life-choices, legal consciousness creates awareness about the structures and systems that keep women (and men) oppressed. As a feminist organization, creating awareness of patriarchal structures is integral to all SG activities. The eventual aim is for women to not only implement their choices within the existing framework, but to create new options for themselves and others by acting for changes in laws and customs that obstruct human rights in general and women's rights in particular.

As a result of legal consciousness work, groups have addressed both systemic and physical violence against women. With respect to systemic violence, a key area relates to forced marriages. This includes the lack of consent by the spouses, especially the woman, the custom of child betrothals that at times are undertaken even before the children are born; women given in to another family as appeasement for some wrong committed by their male relatives (in which they are not involved) called *vulvar* or *swaara*. On issues of systemic and structural violence, Outreach groups encourage changes in local practices through awareness programmes. They have also acted to ensure better rights within marriage by successfully using their knowledge of legal rights to enter 'special conditions' in the formal marriage contract ensuring thereby a woman's right to visit her natal family, to study, to compensation or divorce in case the husband decides to take another wife, the right not to be divorced unreasonably. Legal consciousness has also enabled groups to assist women

and men marry without the approval of their parents, assisting them to escape the wrath of one or both families – no mean feat since the penalty is often death. Although initially local organizations tend to articulate this as a violation of women's general rights, the more active ones soon make the connections and classify systemic and structural inequities as violence against women and, in their community discussions, highlight how one form of violence leads to other forms, including the transition from systemic to physical violence.

In instances of physical violence or its threat, groups have intervened directly. To help groups understand the different forms of violence and to help break the silence, in 1997 SG decided to dub a film on the Vienna Tribunal on Women's Human Rights (1993) held at the NGO Forum of the United Nations Second World Conference on Human Rights.¹⁰⁶ The tribunal bore testimony to the underlying causes and manifestations of physical violence: from sexual orientation to military conflict, passing through incest, acid burning and other forms of domestic, state and sexual violence. Initially concerned about how women would respond to the diverse forms of violence covered in the Tribunal, SG found that not only were the video sessions well received, viewing unlocked silences on previously-taboo subjects, such as incest. Testimonies from other contexts demonstrated to the audience that women suffer all manner of injustices, the problem is universal, and that solidarity and campaigns against gender-based violence exist across borders and identity. This encouraged women to speak out about family, state and non-state actors as perpetrators of

¹⁰⁶ In 1991, cognizant of the 1976 International Tribunal on Crimes against Women and the earlier Permanent Peoples' Tribunal initiative, the Centre for Women's Global Leadership working with a loose international coalition — the Global Campaign for Women's Human Rights — organized the Vienna Tribunal on Violations of Women's Human Rights. The Tribunal, sought explicit recognition of "women's rights as human rights" by the United Nations and the international human rights community, claiming the moral and legal authority of human rights standards in seeking justice for women.

violence, linking this to an analysis of the overall socio-economic structures and systems that oppress women. While the film helped, few groups waited to see the film to initiate actions in instances of physical violence. Members of Swaani Sanjh, a small rural organization in Punjab, who learnt to read and write through a health-focused adult literacy programme, could not see the film for years because of perennial electricity problems; but they acted nonetheless.

Formed in 1992, as part of a government fisheries income-generation project in the village of Maliwal (District Nankana, Punjab), Swaani Sanjh (SS) became a part of the WLS programme in 1995. One of their members, Rukhsana,¹⁰⁷ was a long-suffering survivor of spousal violence – her husband a police constable. Earlier interventions by members had not been successful and Rukhsana had resigned herself before becoming involved in the WLS programme, when she decided to raise the issue again. Joint meetings by SS and SG were also not entirely successful, providing only temporary relief (on more than one occasion, Rukhsana sought refuge in the homes of SG staff). Not ready to act on any of the legal options explained to her, Rukhsana eventually decided to accept a paid job in a different city, removing herself from the source of violence. Meanwhile, SS successfully intervened in several other cases of domestic violence. Amongst other tactics, they let the husbands and/or in-laws know that they were connected to ‘big lawyers’ in the ‘big city’, and would not hesitate to bring them in should the need arise. But sometimes the solution was local as for instance in one case, realizing that communal living in a joint family system was at the root of the problem, SS had a wall erected to allow separate living quarters for the nuclear family. Whenever SS intervened, members regularly followed up on the woman to monitor the situation.

Behbud-e-Niswan Network (women’s welfare network), based in the industrial city of Faisalabad, has an even greater focus on violence and regularly deals with individual cases. Started in 1995, with a focus on skill development and income generation

for women through a sewing centre and joining the WLS a year later, the Network tries to understand the root cause of the problem and to help address it locally. For example, it has assisted couples get better paid employment when the basic tension seemed to arise from financial constraints; in more than one case, BNN has urged concerned families to make arrangements for the couple to move into separate accommodation. To convert promises to desist from violence into commitments, BNN has used written agreements signed by the concerned people in front of witnesses. In all cases, like SS, BNN monitors women survivors of violence, visiting the women and making inquiries if a woman has not been seen for a while. It has to be said though, that BNN has sometimes decided that only direct action will prevent repeated violence and exceptionally they have had a violent husband strung upside down from a tree and physically punished (by the police). In response to serious concern expressed by SG about such actions as being anti-human rights, BNN has stated that when no other actions have effect, reciprocal physical violence is the only answer, pointing out that their action was effective since the woman has stopped being beaten.

After some ten years of work in the area of violence against women, inspired by reports of women’s courts in India, BNN launched a Panchayat-e-Niswan (women’s panchayat) in 2005, where they hope many more women will bring their problems, including issues of domestic violence. To ensure people abide by its ruling, the Network’s elected president presides over the Panchayat-e-Niswan and matters are heard and decided in conjunction with the head of local government (the Nazim) and two elected councillors as well as members of the community. Decisions are written down and witnessed by all those attending, to ensure these have official sanction and are morally binding. By and large, women belonging to the community feel that this is a just system conducive to resolving some family matters since (a) decisions are fast and (b) the clarity of language used and the informality of the atmosphere encourage ownership over the entire process. Increasingly men are also approaching this forum; recently, a married man approached the forum and requested that

¹⁰⁷ Not her real name.

his wife be asked to return home and reach a settlement with him.

In general, groups have used their knowledge of legal provisions outside the court system, successfully carrying out mediation. For women in these organizations, this is a new phenomenon indicating the community's acceptance of women in a role previously deemed to be an exclusive domain of powerful men. Concerned women also prefer this type of intervention as many do not want to approach the courts unless absolutely necessary because of both the long procedures and social stigma attached. In all provinces, groups have successfully mediated family cases and provided legal advice in numerous cases. A few groups have made some inroads in the *jirga*, the local non-formal system of dispute resolution in the conservative province of NWFP. Breaking with tradition, at least one village has inducted its first woman member and a women's committee to be consulted on women's cases. Importantly, these non-formal institutions have started taking decisions in accordance with the state laws. In one case, for instance, a woman's abusive husband had sent her back to her parents with a newly born daughter. The *jirga* first consulted WLS and settled the matter according to the wife's wishes: ordering the husband to agree to his wife's demand for divorce and to be paid her dower.¹⁰⁸ Further, again in a truly radical departure from accepted norms, the *jirga* ruled that the woman was free to re-marry whom she pleased.

Sindh Outreach groups decided to take up the complex issue of instances of violence that have enormous social sanction: the so-called 'honour' crimes where women (and men) accused of sex outside marriage are killed in a custom known as *karo-kari* in the province. The problem is less a legal matter than a social one: the legal leniency introduced by the British for cases of violence carried out under 'grave and sudden provocation' has

¹⁰⁸ The dower or *haq meher*, is an integral part of the marriage contract. However, commonly this is either a token amount or the transfer to the wife deferred at the time of signing the marriage contract. Under law, it is in any case due if the husband divorces his wife or upon his death.

been revoked as unIslamic. Despite this, the police and villagers are complicit in ensuring impunity in such cases: no witnesses are available; police First Information Where the practice exists,¹⁰⁹ reports (FIRs) of incidents follow a set format that combined with inadequate post-mortem reports make prosecution difficult, hampering better court decisions. In any case judges often share the general view of such murders being excusable and rulings often still refer to the non-existent 'grave and sudden provocation' provision. Concerned about the violence perpetrated in the name of culture, Sindh Outreach groups were equally concerned about the growing distortion of the practice that was leading to more instances of injustice. February, they said, was the killing season not, as may be supposed because it is springtime with hormones and the weather conspiring to produce uncontrolled love, but because it is harvest season when usually cash-strapped rural households have money in hand. Knowing this, accusations of adultery are made to extract compensation; ignoring the accusation only leads to death. *Karo-kari* (declaring someone 'blackened' by the sin) is also used to eliminate a female heir or to benefit from lenient treatment by the law when a man has murdered another man (in which case an innocent female family may literally be sacrificed to save the male from maximum punishment).

The first task identified by the groups was to research and document what was happening on the ground, with a view to identifying points at which intervention could prevent violence occurring. Expanding the research beyond Sindh, SG and Outreach groups discovered the same practice under different names in pockets of all provinces: *tor-torah*, *siyah kari*, *kala-kali*. In each language, the term refers to being declared 'black,' signalling a death warrant.¹¹⁰ Research tracked the underlying causes of violence in each specific case and found that most often these

¹⁰⁹ The practice is not common to all areas of Sindh (or any other province).

¹¹⁰ In a few communities the penalty may not be death but incarceration or exile, but this alternative is rare; usually the penalty is death, with bodies disposed of in rivers or a special unmarked graveyard where mourning is forbidden

have little to do with consensual sex outside marriage. In most cases 'adultery' was the excuse used to kill people when the issue at hand was either economic, or when a murderer wanted to benefit from the leniency shown for so-called crimes of 'honour.' On at least one occasion an accusation was made to silence activists trying to take up the issue.

In keeping with the SG principle of facilitating interaction between CBOs and policy-makers, research findings were presented at a national seminar that brought together the federal Minister for Women, representatives of the judiciary, senior lawyers, media personnel and CBOs and affected families. Cases were read out and a CBO-SG panel presented findings. The national workshop recommended that the findings needed to be presented in areas where this occurs. Consequently, this is what SG and the concerned groups have done: holding seminars and workshops in South Punjab, interior Sindh as well as in NWFP and Balochistan with local media, court and police representatives and decision-makers of non-formal dispute resolution forums who deal with these cases more often than the formal courts (so far with limited success). Not changing any law, the process has helped to focus attention on the issue in relevant areas; bringing about a change in attitudes with more people deciding to speak out against the practice, especially with respect to women and girls wrongfully killed, and to take up the matter in court. Moreover, on more than one occasion, Outreach groups have managed to prevent the death of couples (or sometimes a woman) accused of being a *karo* or *kari*, sometimes with SG help and sometimes independently. The group in South Punjab, Sangtani Women's Development Organisation, has in fact provided emergency shelter and awareness sessions, a paralegal training course and sharing information about existing laws, the UN system and human rights instruments especially the Universal Declaration of Human Rights, CEDAW and the 'Beijing' process. Training includes relocation in addition to assistance for women in danger of death.

Since 1994, the WLS Outreach has directly built legal consciousness amongst some 7,000 persons from 285 organizations

and 795 geographical areas using legal concepts of human rights, legal rights, and violence against women, gender awareness, and advocacy. Legal training focuses on family laws and specific criminal laws related to gender-based violence. In the past few years specific events around violence against women have involved some 4000 persons and 180 organizations and colleges. Groups are also taught to understand government policy documents and international commitments.

The net result for the feminist movement has been the steady growth of feminist-oriented local groups involved in national campaigns: against discriminatory laws, promoting women's political participation and representation, blocking discriminatory policies and in peace initiatives. Grassroots groups actively participated in the Beijing+5 and +10 review processes (facilitated by SG's WLS programme) joined national demonstrations protesting violence against women, and submitted their recommendations to policy review/formulation processes. Mobilization on women's rights has also led these groups to initiate their own events and campaigns, in particular during the 16 Days of Activism Against Gender Violence campaign (November 25-December 10th). Dozens of local groups educate their communities and others on these difficult issues through their own local events and for instance, Swaani Sanjh pasted the ShirkatGah "There is no honour in killing" poster on their bus stop and then engaged people on the issues of violence against women. In October 2004, 135 women from three groups crowded together on buses – some sitting on the floor – to join a national demonstration (of a couple of thousand people) in front of the National Parliament in Islamabad to protest the issue of so-called 'honour' killing and crimes, to condemn the weak and insufficient legislation proposed by the government, to demand better legislation and implementation and most of all to demand that leaders and government live up to their statements at home and abroad on women's rights. Many more women from groups wanting to join could not be accommodated in the available transport. This is a very different situation from ten years ago when the issue of violence was a taboo subject few

were willing to speak out on and there is no doubt that SG has managed to consolidate activists of the movement and to broaden its base into rural areas. The Outreach has managed to engender a feminist perspective on violence amongst many grassroots activists winning previously denied legitimacy for raising and addressing the issue of women's rights, including gendered violence amongst different communities. Parallel to this, the growth of grassroots groups addressing the issue and coming up with innovative ways of addressing violence will help sustain the women's movement beyond a few urban centres and middle class women. With voices now audible from rural NWFP, Balochistan, Punjab and Sindh, demands can no longer be dismissed so easily by the authorities, but equally, if not even more importantly, these groups are bringing about sustainable changes at the grassroots. This is critical for in the long term, it is the culture of violence that gives impunity for acts of violence against women, and culture can only be changed by people and their actions and not by the laws that address violations.

Local Arenas – Alternative Spaces

The work undertaken by ShirkatGah exemplifies that engagement at the international level did not stop action in local arenas, and there is a need to go back a few years to pick up the thread of other narratives. Over the years, WAF had won a degree of public credibility, partly on the basis of its work on women's and citizen's rights but more particularly because of the consistent and ongoing challenge to the military government regarding discriminatory laws, minority rights and issues related to democratic governance. As a result, the gap between mainstream organisations like trade unions and left oriented groups, that had earlier dismissed WAF's activities as divisive of the class struggle, had begun to close. This was evidenced in the emergence of the Joint Action Committees (JACs) and War Against Rape, with the Lahore JAC and WAR being the direct outcomes of WAF's call to action.

Joint Action Committees for Citizen's Rights

The Lahore JAC was formed in response to a call from WAF when forty organizations¹¹¹ came together to challenge the Shariat Bill that was passed by the Senate in 1990. The first meeting was held in the office of SAHE (Society for the Advancement of Higher Education), which though not a women's organization could claim three WAF members among its founders. Already in the summer of 1986, the Women's Joint Action Committee on the Shariat Ordinance, comprising WAF, the Democratic Women's Association, Punjab Women Lawyers, ShirkatGah, Simorgh, ASR, Aurat Foundation, and women's wings of the more secular political parties, had condemned General Zia's Ninth Amendment to the Constitution that would have imposed Shariat law in the country. The Committee claimed that the Amendment was 'unconstitutional' as well as an 'underhand way (of) using religion to perpetuate the authoritarian rule of those in power.'¹¹²

The Women's Joint Action Committee fizzled out with General Zia-ul-Haq's sudden death in August of the same year, but 1990s saw the birth of what came to be called Joint Action Committees for Citizen's rights in different cities, and since then, many issues pertaining to women's rights and violence against women have been protested from the JAC platform. The formation of JAC was an important development as it brought men within the ambit of those protesting crimes of violence against women. In Lahore, particularly, the centrality of women's rights including violence against women was automatically ensured by the WAF's status in JAC, for though all constituting organizations had equal status on this platform and the majority were run by men, the presence of WAF as founding 'mother,' precluded neglect of issues

¹¹¹ See Appendix 1: JAC papers: membership list. Unfortunately these JAC files have not been systematically maintained and most of the statements/documents are still scattered in the personal files of different members.

¹¹² Ibid. Resolution of the Women's Joint Action Committee on the Shariat Ordinance, 5.7.88.

related to women's rights and violence. Even if the male members of JAC did not always share the women's position on all issues or were particularly concerned about women's rights, it is to be hoped that in the process of joining women's voices in public forums and street protests, they will undergo some change.

Seen from a wider perspective, the JAC platform saw,

- (i) the foregrounding of issues related to violence against women and those pertaining to the rights of minorities, labour and other democratic rights, and
- (ii) emphasized the fundamental link between the personal and the political with that of democracy. It also involved men in the struggle for women's rights and issues related to violence such as forced marriages, rape and crimes in the name of honour including murder.

War Against Rape

At around the same time, War Against Rape (WAR) was formed in Karachi to offer help to rape survivors. This marked a point of departure from WAF's earlier work, which for the most part focussed on advocacy and not with the provision of services. Help was never withheld, but as WAR, counselling and other aid was provided. Starting initially as a WAF sub-committee, it later set itself up as an independent organisation for funding purposes. This was necessary, as it is against WAF's policy to take funds either from the government or from donor agencies. Taking its queue from Karachi, a similar group was formed in Lahore, but failed to match the efficiency and energy of the Karachi group.

Challenges and diversifications

For Pakistani women, despite the fact that the laws imposed by General Zia's government were still there, spaces seemed to open up in the years following Zia. After more than a decade of being at loggerheads with a particularly vicious state, these years spelt a moment of reprieve and resurgent hope. An elected government

was in power. It professed a liberal agenda and the Prime Minister was a woman. In 1989, during its first tenure in power which had lasted for approximately two years (1988-90) when the People's Party government was dismissed under the provisions of the Eighth Amendment (another gift from General Zia) granting the President unilateral power to do so, the Women's Division had been upgraded and granted the status of a full-fledged Ministry of Women (sic) Development and Youth Affairs; the 1985 Report of the Commission on the Status of Women that had been withheld by the Zia government was released and a reservation of a minimum of 5% jobs for women in state employment were made. This last was revived again in 1993 during Benazir's second term in office, during which her government presented a Bill in the National Assembly (1994) for the restoration of reserved seats for women in the National Assembly and to provide a similar reservation in the Senate. A reservation of 33% seats for women in local bodies was made through an ordinance in 1995, and a programme to set up women's police stations was launched as a first step towards providing protection against custodial rape and ensuring women a more sympathetic hearing. This last, which was to prove fairly ineffective due mainly to lack of facilities and the attitude of male police and officers, was the direct result of action by the Lahore chapter of WAF.

It is pertinent to point out here that the above developments were not unilaterally conceived at the party political level but were issues that had been raised by WAF during the past years at part of its campaign for women's rights. The following excerpt from a WAF letter to its General Body members bears witness to this statement and also gives an idea of the strategies employed by the women's movement to press for its demands. Referring to a spate of gang rapes in hospitals, police thanas etc.,

WAF called a picket on August 10th outside the Secretariat where the IG Police sits. The picket was to underscore protest at the refusal of the police to register FIRs (First Investigation Reports) in rape cases ... (and) also several cases where policemen were the rapists and none were arrested.

Despite the sweltering heat, approximately 100 women turned up including some courageous women from Dev Samaj Mohalla (a low income housing area near the Secretariat). Only after blocking traffic by holding hands for an hour did we get the IG's attention. Everyone who wanted/was able to, went to his office. Presenting a list of nine specific cases WAF demanded to know what was being done in each (case) ... The IG agreed to meet WAF on 31st August to inform us of the latest (sic) on each case ...

On the 31st of August, WAF met the IG, who gave the following undertaking:

- (i) In future no woman will be brought to the thana or be kept in lockup unless she is accompanied by a guardian. Generally women will not be kept in lockup overnight. A directive in this regard has already been issued by the IG Police on the direction of the High Court.
- (ii) The IG will be appointing a woman DSP liaison officer between the police and WAF and other human rights organisations.
- (iii) The IG is working towards establishing a woman's police station in Ichhra. This station will be staffed exclusively by women ...

Other than continuing with their demand for the repeal of discriminatory laws through street protest, signature campaigns and pickets against incidents of rape, 'honour' killing and the public humiliation of women, women's organisations stepped up awareness raising and advocacy initiatives through workshops, seminars, research based publications, newspaper articles, radio programmes and alternative theatre. Particularly effective in this regard was the immensely popular drama series, 'Neelay Haath' (Blue Hands) by the Ajoka Theatre Group. Aired for a change on Pakistan's state owned television network, PTV, these plays were based on real life stories on different forms of violence to which

women are subjected including 'Karo Kari.' The point to be noted here is that this series set the trend for other plays dealing with the issue of feudal and domestic violence, and though 'Neelay Haath,' had been produced by a woman who was also a WAF member,¹¹³ other plays like 'Amavas' ('The Night of No Moon') that dealt with the issue of choice in marriage in a feudal set up in Southern Punjab where murder and rape for revenge in the name of honour are routine matters, was written by a male playwright.¹¹⁴ This was not the first time a feudal set up had formed the subject of a television serial, the difference lay in approach and emphasis. Where earlier plays tended to implicitly romanticise the values such as loyalty to the feudal code of honour through the larger than life stature of the male protagonist, 'Amavas' focussed on the ubiquity of systemic violence, which sustains and is in turn sustained by feudal mores. The second point of interest was the class-based viewer response to 'Neelay Haath.' Upper class audiences, particularly women, tended to dismiss the series as 'over the top' and 'so much melodrama.' Middle and working class audiences, especially women, praised the series for being 'true to life,' and waited eagerly for each episode.

In the Court of Women – the Lahore Regional Tribunal on Violence Against Women

By the 1990s the issue of gender-based violence had entered mainstream discourse. Between the women's movement, the media – both print and electronic – the issue of violence against women was receiving a lot of coverage – so much so that it had become quite fashionable to talk about it in drawing rooms and coffee parties – or even quite seriously and with genuine concern in less exalted forums. But the terms of the debate had not changed. Acts of violence, whether rape, trafficking, sexual harassment or child abuse, to name only a few, were viewed as

¹¹³ Madiha Gauhar and the Ajoka Theatre Group. The series was written by Madiha's husband, Shahid Nadeem.

¹¹⁴ Asghar Nadeem Syed.

the discrete acts of the socially aberrant or criminally minded. 'Normal' people had nothing to do with such behaviour. And if such crimes were committed against women – why then, women were 'natural' victims, there was little you could do about it, except to be careful, or not upset your husband or in-laws too much. Best to keep them 'safe' at home, and warn them to dress appropriately, or get them married off early and escape disaster of another kind. True, there were bad laws, and it would be good to get rid of them – but after all, rape and trafficking or the 'exchange' of women and women as war booty had been there since times immemorial. Apart from wishing the police were more efficient, or the laws more stringent, in-laws kinder and daughters-in-law more compliant, what could one do?

Believing that such attitudes were responsible for containing acts of violence in conveniently manageable compartments and for distorting the experience of the victim; refusing also to allow the issue to be lost in a morass of non sequiturs that absolve the public from all responsibility, and contesting the approach that sees violence against women as a crime like any other and thereby masques its inherent misogyny as well as its systemic function as control mechanism, feminists felt that there was a need to shock the public into looking afresh at the problem. The regional tribunal on violence against women in Lahore in the last days of 1993 and the first week of 1994, was one such attempt. Its proceedings are given here in some detail as it exemplifies one particular thrust of the women's movement at this time.

Entitled 'In the Court of Women,' this tribunal was organised by the Simorgh Women's Resource and Publication Centre in partnership with the Asian Women's Human Rights Council. Planned at an AWHRC meeting in Korea, this was the first of a series to be held in different Asian countries. The stated aim of the tribunal was to:

... challenge mainstream definitions of violence and solutions to the issue of violence against women but also to highlight the connections between various articulations and the social relations of patriarchy. It

is to establish that violence against women does not consist of sporadic antisocial acts but is part of a whole 'continuum of sexual violence' within patriarchal social formations. To show that rape and sexual harassment, wife battering, the sexual abuse of women and children, whether at home or in the public arena of wars, communal and ethnic violence, sex tourism etc. are all expressions of male/female power relations within patriarchy and not unrelated issues that can be redressed without wide ranging structural changes in society.¹¹⁵

As the major aim of the tribunal was to question and change the terms of the debate, the spatial arrangements for the public session were markedly different from the normal 'court room' scene where both victims and the accused are placed in the dock while judge and jury sit in judgement. There were no judges and no accused and the panel of jurists were seated on the same level as the witnesses and the audience. Jury members were also, in many instances, the women who spoke as witnesses. Each session was introduced by the session co-ordinator and summed up by a jury member. Bearing in mind that for the survivors of violence who had agreed to make personal testimonies, this exercise would not be easy, and watchful of the fact that the tribunal should not itself become yet another form of exploitation of those who had already lived through extremely painful experiences, the decision to speak was left to the speakers who had the choice to withdraw till the last minute. A screen was provided for those who did not want to appear before the public and anonymity was maintained where requested. Questions to the witnesses were also disallowed for the same reason.

Tribunal proceedings were in English, but as many of the participants and witnesses, who came from Thailand, the Philippines, Korea and rural and working class Punjab and Sindh,

¹¹⁵ 'In the Court of Women,' Report on the Lahore Tribunal on Violence Against Women 1993-94. (Simorgh Publications, 1995) p. 12

did not speak English, it was not the only language to be heard at the tribunal; Tegano mingled with Seraiki, Urdu and Bengali. Lacking technology and professional translators necessary for simultaneous translation, the organisers went for the next best option, viz translation in tandem with testimonies and comments by the jury. Responsibility for this task was taken on by participants, members of the jury and in some cases, members of the audience. While this method slowed down proceedings considerably, it had the advantage of opening up the tribunal to the audience in an unprecedented way and created a strong sense of identification among the audience with the experiences of the survivors.

Proceedings were divided into five sessions, starting with violence against women during war and conflict situations and traversing the field of culture, tradition, law and the media, moved on to testimonies regarding violence in the workplace, the community and the family. Through the voices of women, speaking in different tongues of their experience of violence and deaths of friends and loved ones, a varicoloured weave of narratives drew attention to the systemic nature of gender-based violence. The immediacy of first person testimonies interspersed with third person narratives and analytical comments, revealed the dark side of patriarchal systems to show how the very sanctities on which notions of the traditional family and social institutions – the terms on which claims to the moral order are staked – are daily wrenched askew and turned around to make a mockery of the very relations they uphold. The Janus face of patriarchy was laid bare through the stories told by women showing how the paternalistic authority of a father or husband which goes hand in hand with the obedient compliance of a wife or daughter could be used to push her into prostitution; when man made wars for gain and territorial hegemony could transform a father's protective hand into that of a killer and a teacher could use his position to turn rapist. What we had believed 'in theory', the women who came to testify against violence had experienced in their blood. Women's voices testifying to forms of violence that are specific, only women arose in protest from different countries and different contexts, ranging from Sri Lanka ...

During wartime and ... conflict situations men disappear – we do not know if they have died. When they die we do not know how they have died ... Women are left as widows – sisters, mothers, daughters – whole families are destroyed. ... widows have a low status in Sri Lankan society. They are regarded as 'ill-omened,' 'inauspicious' ...¹¹⁶

to Indonesia ...

... twenty two year old Hannie Mokoginta (a student at the Institute Ilmu Politik, IISIP) in Jakarta ... was faced with financial difficulties and went to the IISIP Director, Haji AMH, ...for reduction in tuition fees. Haji AMH was helpful and gave her permission to ...pay her fees in instalments. He also got her a job in the Institute kitchen. Hannie Mokoginta was delighted. ...One morning (he) forced himself on her. Hannie tried ... to free herself but he was too strong ...¹¹⁷

to peasant women and housewives in Bangladesh ...

'Feroza ... fell in love with a young non-Muslim. The village Imam and ... the shalish prescribed that she should be given a hundred strokes with a broom stick ... humiliated and physically injured Feroza committed suicide by drinking pesticide...'

and Punjab,

...my in-laws agreed to a nominal dowry, but my husband raised a hue and cry ...he began to sell me to his relatives ... for sexual purposes ... my parents (were poor and) sent me back to my husband. He would beat me and humiliate me. ...I was willing to live in poverty but could not bear the

¹¹⁶ Testimony: Dulin Nona D'Silva (Dulcy). 'In the Court of Women'. P.18

¹¹⁷ Testimony: Ita F. Nadia on behalf of Hannie Mokoginta. Ibid. Pp 59-60

dishonour and violence of prostitution. ...I want a divorce ... I fear ... he will sell my daughters ... in the same way.¹¹⁸

... my husband threw acid on me ...he is a government lawyer and roams free today. ...I want justice...¹¹⁹

to migrant workers in Hong Kong ...

My grievance is against God who did not get me justice ... I will remember this in all my future lives ... my employer's wife would find fault ... beat me severely ... I would break out in a cold sweat ... I knew the beatings would start any moment ...¹²⁰

sex workers in Bangkok ...

I came to Bangkok for higher education ...but it was too expensive ...I did not want to be a burden on my brother so I got a job in a factory ...(to) save money and study ... but the pay was so low ... I couldn't make ends meet ...I started working as a bar tender ...but it turned out ... bars have rules ... we were required to 'go out' with customers and to give sexual services ... Although I followed all the rules ...they still managed to cut my salary every month. ...¹²¹

to those displaced by war and the violence of development in Afghanistan, Philippines and Sri Lanka ...

After the Islamic Revolution it became socially unacceptable for women to work outside the home. ... My family and I have moved thrice because of the war... My sister, who is a

¹¹⁸ Personal testimony. Name withheld on request. 'In the Court of Women.' Pp.72-73

¹¹⁹ Personal testimony, Shahjehan from Multan. Ibid. P.66

¹²⁰ Testimony. Somkid Mahasiya, Hongkong. Ibid. P.51

¹²¹ Personal Testimony. Nit Kongkham. Thailand. Ibid. P.57

doctor, was forced into an engagement against her wishes, but my father feared for her safety. ...women fear kidnapping ... poor women are bought by men for marriage purposes. ... in one incident in Kabul when armed men came to take a woman for marriage at gun point, the girl put a knife to her throat and begged her father to kill her. He did.¹²²

The loss of cultural values which provide some assistance to women is also alarming. ...among the Igorots wife battery is a crime that is dealt with in the indigenous socio-political structures ... Now, with the integration of villages into the market economy, Christianisation and the imposition of a legal system by the state, which does not recognise customary laws, these systems are losing their usefulness. This erosion of support systems is making Igorot women more and more vulnerable to domestic violence ... partner abuse has cost me a lot ... I left a promising teaching career ... who would want to face a teacher sporting a black eye...?¹²³

There are approximately nine million refugees living in camps in Sri Lanka. 60% of these are women ... women are forced to work and often end up as prostitutes. Families live hand to mouth where women don't go out to work... Women who have been separated from their husbands are at greatest risk. Abortion, suicide, foetal infanticide are high among this group.¹²⁴

Harassed, prostituted, exploited, persecuted and murdered in the name of religion, law culture and development, there were so many stories; each one unique in the specificity of its details, yet all of them ultimately the same within the broad parameters of patriarchal power hierarchies and socio-economic arrangements. The tribunal certainly achieved its aim in that it shocked the

¹²² Personal testimony. S.K. Afghanistan. Ibid. pp. 21-22

¹²³ Personal testimony. Bernice Aquino See. Philippines. Ibid. P.24

¹²⁴ Testimony. Yamuna Mohammad Ibrahim. Sri Lanka. Ibid. P.19

audience to look afresh at old and worn out grievances. It also led to The Lahore Declaration on Violence Against Women 1993-94, that condemned the rape, kidnapping and battering of Kashmiri, Afghan and Sri Lankan women in war and conflict situations, demanded an apology from the government of Pakistan for the rape of Bangladeshi women during the 1971 war, and compensation and apology from the government of Japan for the surviving Asian Comfort Women. It also upheld the rights of political prisoners and the right to freedom of expression, and demanded governments protect the rights of female migrant workers, and other than providing monetary compensation, pay for the treatment of acid and stove burn survivors. It demanded that laws like Emergencies, the Prevention of Terrorism and the National Security Act in Asian regions lifted and laws such as the Hudood Ordinances and the Blasphemy Law be repealed. Challenging patriarchal precedents, the participants drew up a plan of action for transforming discriminatory cultural practices etc. through awareness raising activities such as workshops, alternate theatre, inputs and interventions in media and school texts, research and publication initiatives to grant visibility to women's histories, as well as providing counselling services, crisis centres and shelters for survivors.

Since then many of the initiatives included in the plan of action have been undertaken, but it would be misleading to credit them entirely or even in part to the tribunal proceedings. These issues were already part of ongoing feminist debate, and the Dastak Women's Shelter, from where many of our witnesses came, had been functioning for quite some time. The expected achievement of the tribunal was that it drew public attention to the ubiquitous nature of patriarchal gender based violence. Its unexpected outcome – which brought with it a degree of sharp discomfort, was that it compelled those of us who saw ourselves as feminists to reappraise ourselves in the light of the tribunal proceedings. What the tribunal made manifest was that while we were deeply horrified by the tribunal findings and had shown a certain amount of sensitivity in our interaction with women who spoke about their personal experience of rape and coercion – all

personal testimonies from Pakistan came from among the working class and the 'poor.' 'Our' statements were in the third person, distanced by academic language and padded out by theory. Not one of us had the courage to speak on her own behalf in the public sessions. We maintained our privacy, and even as we wept with the women who spoke out their pain and humiliation, hid ourselves behind their stories. It is one thing to speak out about political violence and police brutality during public protest; quite another to speak about personal humiliation and the experience of domestic violence, marital rape and abuse at the hands of loved ones. That there were stories to tell became apparent in the closed post-tribunal working session, when sitting among friends we spoke out and affirmed that gender-based violence whether overt or covert is no respecter of class boundaries.

Critically acknowledging these limitations, Simorgh took the decision not to hold any more tribunals based on first person testimonies until and unless they represented all class groups. Further discussion on the impact of first person testimonies on the larger public and especially the press, also drew attention to the negative side of first person testimonies based on personal experiences of violence. Apart from the inherent dishonesty of expecting the less privileged to open up their lives to strangers, while refusing to do so ourselves, the implicit voyeurism of the exercise was seen as counterproductive. A position that was to be justified later when satellite television linked us to the rest of the world, on the basis of public response to American talk shows how the avid consumption of other's lives commercialises and debases private pain, while its transformation into entertainment serves to naturalise violence, especially within the domestic arena. So far this narrative has attempted to show how the women's movement has dealt with the issue of violence against women in Pakistan. In the process, it has touched upon the history of the Women's Action Forum, the emergence of women's organisations associated directly with WAF and the strategies employed by them at different stages of their history to combat gender based violence as well as addressing the issue of women's status through interventions in different fields such as education, participation in political processes and so on. Looking back in an attempt to assess

the impact of twenty five years of protest, direct interventions and various awareness raising strategies, it is safe to say that in so far as the recognition of gender based violence as a crime and a problem is concerned, the awareness level of the general public has been raised. To the extent that these years have also been a process of learning for those directly involved in this work, the work on 'awareness raising' that the women set out to do has been neither one sided nor linear, but even as we make this claim, the enormity of the work that lies ahead, the complexity of issues that form the terrain of gender based violence continues to pose a continuing challenge to the women's movement cannot be denied. If on the one hand there is a growing concern with the issue of violence that women are subjected to, on the other, the combined effects of globalisation, consumerism, modernity, religious fundamentalisms, and the pressures of unplanned and runaway urbanisation, on a society divided by class, caste, ethnicity that still thinks along traditional lines in terms of gender roles is lending greater intensity to gender based violence. The following case study based on the case of Saima Waheed who was taken to court by her father for daring to make a marriage of her own choice and thereby exercising a right granted her by both religion and the law of the land be used to illustrate this argument. As the point at issue is to do with women's agency and her objectification as property and patriarchal control over her reproductive and productive labour, this narrative will help delineate future possibilities and directions for the women's movement

*'The Saima Love Marriage Case'*¹²⁵

The late nineties were marked by cases of women who had exercised their right to choice to make what the press salaciously

¹²⁵ Hafiz Abdul Waheed v Asma Jehangir and another PLD 1997 Lahore 301.

The following analysis is based largely on a paper by Neelam Hussain, 'The Narrative Appropriation of Saima – Coercion and Consent in Muslim Pakistan,' *Engendering the Nation State*, (Simorgh Publications, Lahore, Pakistan, 1997)

refers to as 'runaway marriages.' In themselves there is nothing unusual about such marriages; in sex segregated societies where arranged marriages are the norm, such marriages are bound to happen. Nor is it unusual for families to attempt to annul such marriages and retrieve their daughters by filing cases of abduction with the police. It is a common practice whose beginnings, argues Uma Chakravarti, can be traced to Act III of the 1872 Bill¹²⁶, which introduced the civil marriage in colonial India and opened up the 'possibility of acting outside parental choice.' Under it, marriages of choice as opposed to those arranged by parents or family, were regarded as a legitimate union between two consenting adults without the 'need of the sanction of the families of the couple.'¹²⁷ Viewed by the different communities of India as an attempt to undermine indigenous family structures, the Bill met with strong resistance: 'parents would rather kill (their daughter) than allow her, when of age to disgrace her family,' wrote one Lachmi Narain, an honorary magistrate.¹²⁸

Chakravarti's discussion on the controversies of the 1880s and '90s generated by colonial interventions in the field of personal law and marriage, focuses on the reaction of upper caste Hindu society and makes no mention of the ways the other communities of India responded to these challenges and to these shifting authority thresholds. However, there is little reason to doubt that a Muslim father's response to the exercise of agency on part of his daughter, especially with regard to marriage would have been markedly different from that of Mr. Lachmi Narain. After all, 'woman's sexuality is a resource, a form of property, the honour of the men of the community is constructed as being contingent upon guarding this resource till it can be acceptably disposed,'¹²⁹ and her compliance is necessary to the maintenance of this arrangement. Not surprisingly, ways were found to circumvent

¹²⁶ British India: Section 7 of the Widows Remarriage Act, 1856

¹²⁷ Uma Chakravarti, 'Locating Consent', *Bayan – a socio-legal journal* vol iv September 2005(Simorgh Publications Pakistan) pp35-36

¹²⁸ Ibid

¹²⁹ Ibid p.34

this law and the most common among them was the custom of countering such acts with allegations of abduction and rape against the husband. This is precisely what happened in the case of Fehmida and her husband, Allah Bux, and this is what Abdul Waheed Ropri, Saima's father, tried to do, when he dragged her through the court on the charge that a marriage contracted without the consent of the wali or guardian had no legal or moral validity. Given that in theory at least, Pakistani Muslim women have both religious and legal sanction to contract marriage in their own behalf, and in principle caste considerations, which are still used to uphold non-consensual marriage among Hindu communities, do not hold, it becomes clear that the exercise of agency by a Muslim woman in matters pertaining to marriage have nothing to do with issues of religion and morality, and everything to do with the idea of woman as property and authority thresholds. Saima's case is interesting in that the legal debate it generated was not so much about the legality of Saima's marriage, but about whether any woman, regardless of age, situation and circumstance could exercise her right to decision making in this regard, or whether she was morally bound by the dictates of a male wali or guardian. Some facts about the case will help elucidate this argument. Saima Waheed was a graduate of Lahore College for Women, which is one of the oldest educational institutions for women in the Punjab. During her time at college she had been the college Head Girl and an active member of the debating society. Her industrialist father, Abdul Waheed Ropri represented the new moneyed elite that had risen to power under General Zia-ul-Haq in the late '70s. He and his elder brother were among the leading members of the highly conservative Ahle Hadees sect of Islam with direct links with Saudi Arabia. It was an influential family, 'with strong connections' in the "right" places – the administration, the judiciary, the army and the establishment.¹³⁰ As a daughter of a rich industrialist, Saima led a privileged life, with her own car, cell phone, and an ample salary as a director of her father's company. It is alleged

¹³⁰ Beena Sarwar, 'Women's Rights the Actual Story,' cited in Neelam Hussain, 'The Narrative Appropriation of Saima. P.216

that Abdul Waheed Ropri was proud of his daughter's achievements. On the other hand, Arshad was a lowly lecturer at the Pattoki Government College, and supplemented his income through private tuitions. Saima and Arshad had met at an intercollegiate debate. They had liked each other and Saima had informed her mother of her interest. Given the disparity in class and economic status, it was not surprising that Arshad's proposal had been turned down in favour of a 'more lucrative offer by a wealthy doctor.'¹³¹

Saima, however, was not willing to concede to the family's wishes. She arranged to meet Arshad at the office of a lawyer who was also a personal friend, and their nikah took place in the presence of an officiating maulvi and the mandatory four witnesses who signed the marriage contract. In accordance with the requirements of the Muslim Family Laws Ordinance of 1961, the nikah was registered at the Union Council Office. Mindful of possible allegations of adultery and illicit sex, Saima returned home immediately after the nikah. A few days later, she presented her parents with a fait accompli and asked them to accept her marriage and in keeping with the customary ritual of marriage, arrange for her rukhsati or formal departure to her husband's home. Her request was met with violence and starvation. According to Saima, she was drugged, and locked up in her room. There was also an attempt to force her into another marriage. Arshad's family too was roughed up and he was forced to tear up the nikahnama¹³² Somehow Saima managed to escape from her house and made her way to her lawyer who suggested that she contact Asma Jahangir, a WAF member and human rights lawyer, at the AGHS Legal Aid Centre. Subsequently she was granted refuge at the Dastak Women's Shelter, which is run by women activists and managed by AGHS. Her family did everything to get her back, including an attempt to abduct her from the premises of the AGHS office where a meeting had been arranged between Saima and her father. When this attempt failed, Abdul Waheed Ropri filed a

¹³¹ Ibid

¹³² Marriage certificate.

case against his daughter under the Zina Ordinance, claiming that in accordance with the Quran and the Hadith, her nikah was not valid because he had not given his consent as her Wali or guardian. Ropri's objections notwithstanding, the Saima case was straightforward enough and could have been decided on legal points alone, except that the case was not argued within the terms of the law but on the basis of the 'Great Universals' of 'Morality,' 'The Family' and 'Filial Obedience' as seen in the context of religious tradition and mainstream cultural identity. Played out on the East-West dyad, the case takes us straight to the conflicts and aspirations of a post colonial society caught in the oppositional pull of desired and publicly maintained self-image and the pressures and blandishments of modernity. As a result, 'the Saima Love Marriage Case' as it came to be called, was no longer confined to Saima, but became an issue concerning all women of different ages and their families. That matters of greater moment than one marriage were at stake is illustrated by the argument presented by Ropri's council regarding her refusal to return to her parent's home in conjunction with the response of the women's movement: According to the council:

If the only reason (Saima) did not want to go to her immediate family (is) that she (fears) violence from them, she should go and stay with anyone else in the family, like an aunt, uncle or grandparent. After all, *she cannot be left to roam the Mall at will* (my italics)¹³³

An argument which was countered by women's rights activists asking 'Why not?'¹³⁴

Clearly the point at issue was not just the legality or even the moral aspect of Saima's marriage but the control over women's sexuality within existing authority patterns. For reasons of space

it is not possible to examine this phenomenon as it came into play at multiple locations, however reference will be made briefly to three locations where the drama of Saima's case was enacted. These are Ropri household, which in any case lies at the heart of the debate, the media coverage of the case and the three court judgements, which with the exception of one dissenting voice upheld the validity of Saima's marriage.

Briefly stated, Ropri blamed the corrupting influence of western ideas and women like her lawyer, Asma Jehangir for his daughter's recalcitrant behaviour, yet as evidenced in the facts of Saima's life and the life style of the Ropri household as revealed during the course of the case, the credit for that goes to Ropri's class aspirations. His daughters had their own cars and cell phones – products of western technology and symbols of wealth and social status; they went swimming and riding – definitely activities that cannot be undertaken in hijab. Nor for that matter was it the agency of any 'westernised' woman that had breached the protective walls of his home. The credit for that goes to Ropri himself, who while desiring a traditionally passive and obedient daughter had given her a taste of the world that lay beyond his threshold. At Saima's own admission, she and her sisters wore jeans in the house and simply slipped on the hijab over them when going out. The problem arose when she challenged his authority with regard to her marriage. Nor had she and Arshad got to know each other in a clandestine manner. Saima was a debater and had met Arshad at an intercollegiate debate; that she participated in such functions was no secret from her family. The issue quite obviously was not of life style, mobility and 'western' influences – Saima as a marker of her father's worldly success was entirely acceptable. The problem lay in the difference of view; the angle of vision from which they saw life and the positions they occupied within the hierarchy of power. For Saima her marriage was a claim to agency, to her right to decision making:

I am not a goat or a sheep to be sold off to the highest bidder, ...I had decided to leave home long before I met Arshad, and just wanted to finish my education

¹³³ Op cit. Sarwar cited in Hussain, 'Narrative Appropriation of Saima.' 217-8

¹³⁴ Ibid.

so that I could (sic) be able to support myself. *I didn't like the way our women are treated and I didn't want to be like them.*¹³⁵ (my emphasis)

For Ropri, it was a challenge to his power – and act of betrayal that merited the harshest punishment. She was his daughter, to dispense with as he chose. The archetypal 'object of exchange' to be given in marriage to the 'highest bidder' as a means to enhancing his economic and political status. The cause of his anger was her disobedience, and her fall from favour owed itself to her rejection of his authority. For Saima to make a marriage of her choice and then to turn to Asma Jehangir, whose name is anathema to the fundamentalist lobby and be supported publicly by activists from the women's movement and human rights organisations, whose members were in daily attendance at the court hearings, was to add insult to injury. As stated earlier, the fears expressed by Ropri regarding a daughter's claim to agency, were not limited to the fundamentalist lobby.

Echoing Ropri's sense of betrayal, catching the resonance of his fear, the response of the general public too, liberal and conservative alike, was shot through with ambiguity and can be exemplified by the comment of a 'liberal' journalist when he voiced fears not dissimilar to those underlying Ropri's self-righteous anger: when he argued that young girls do not always know what is good for them, and needed the guidance and counsel of their parents. I love my daughter, he had said, and would not want her to suffer. Fine sounding words, but underlying them is also the fear of loss of authority. This unease was caught and echoed by the press, though in more sensational terms. 'Love Sick Saima' was a favourite epithet that linked love to sickness and disease and hinted also at unbridled female sexuality. Nor were these messages limited to Saima alone. The association of active female sexuality with the illicit were expressed in a news item regarding other marriages as well, indicating a breakdown of the moral order. Sensationalised to ensure sales, this news reportage echoed the

¹³⁵ Sarwar op cit. P. 221

fears of the reading public – what Ropri's daughter had done, anyone's daughter might do.

Similar fears were echoed in the courtroom where two judges in three-member bench, while conceding the legal validity of Saima's marriage, made it a point to highlight the reprehensibility of the way she had gone about it. 'In Islam, a Muslim girl can marry without the consent of her Wali,' stated Justice Qayyum in the briefest of the three judgements, '(but) run-away marriages are abhorrent and against the norms of our society and must therefore be deplored.'¹³⁶ Justice Ramday's position was similar but the terms of his judgement are marked by unease and ambiguity. Predicated on the binaries of the East-West, male-female world view, his judgement works its way through the entire gamut of female frailty, filial duty, western promiscuity, parental duty, the sanctity of the family and the superiority of Islamic culture to criminalize not just Saima but the entire female race, and aligns her marriage to the illicit even as it concedes its validity. The second judgement, by Justice Chaudhry, the dissenting judge, is marked by its lack of ambivalence if not by its logic. 'We are national Judges and as such custodian (sic) of the morals of the citizens,'¹³⁷ he claims before going on to construct a moral discourse based on

- (i) centrality of female segregation and the concept of family honour in Muslim society,
- (ii) the subservience of the daughter to the will of the father,
- (iii) the evil influence of alien, namely Western or non-Muslim societies and the disintegration of the moral order and
- (iv) the role of the family as the bastion of morality, to declare Saima's marriage invalid.

¹³⁶ Key Law Reports [K.L.R.]; Postal Redg. No.L-840.Vol.XVI. No.5. May 1997 and the Judgement Sheet in the High Court Lahore/Rawalpindi/Multan Bench Multan; Judicial Department. CrI. Misc. No.425/H of 1996. Cited in Neelam Hussain; Narrative Appropriation of Saima. Op cit. pp 229-230

¹³⁷ Key Law Reports [K.L.R.] Sh.C. 203 ibid.

The Saima case is particularly interesting when seen with reference to the issue of violence against women and the work that needs to be done in this area. Clearly it is not just a matter of replacing bad laws with those that are better, nor is it a simple matter of making the police more efficient or the judges more sympathetic to women. All this needs to be done, but alongside demands for the above, there is a need to change the attitudes of women and men towards women; to redefine the parameters of what constitutes the licit and illicit in society. To do this we need to address ourselves to the task of changing the parameters of the discursive field as well as addressing the systems and social arrangements that over the centuries have given birth to ways of seeing and experiencing the world from a patriarchal perspective. It is not something that will be achieved in a day or a week or even a hundred years. Under the combined pressures of globalisation, depleting resources and consumerism, violence in all forms but especially against women is on the increase. Our experiences of the past two or more decades have taught us important lessons. We need to build on what we have learnt to make the world safer for women and for other powerless groups.

Appendix 1

Joint Action Committee Against the Shariat Bill

1. AGHS Law Associates
Hina Jilani, Badrul Hasan
2. Ajoka Theatre
Sohail Warraich
3. All Pakistan Trade Union Federation
Gulzar Chaudhry
4. Applied Socio-Economic Research (ASR)
Saba Jamal, Jaweria Khalid, Nuzhat Amra
5. Bhatta Mazdoor Mahaz
Khalid Emanuel
6. Business and Professional Women's Club
Kishwar Naheed
7. Danyaal & Associates (Pvt) Ltd.
Raooof Hasan
8. Democratic Women's Association
Tasneem Minto, Naseem Shamim
9. Environmental Conservation Forum (ECF)
Shahid Hamid Khan
10. Hawwa Behbood-e-Khawateen Society
Nusrat Rasheed
11. Human Rights Commission of Pakistan
Asma Jahangir, Nadeem Fazil

12. Humanitarian Association of Pakistan
Mirza Izzat Baig
13. Jad-o-Jehad
Shahida Jabeen, Umar Hayat
14. Lahore Milk Plant Employees Union
M.Fazal Butt
15. National Commission for Christian Muslim Relations
Naeem Shakir
16. National Council of Churches in Pakistan
Yousaf Saroia
17. National Council of Civil Liberties
Zafar Malik
18. National Youth League
Sajjad Aslam
19. Pakistan Association of Christian Employees
Gulzar Wafa
20. Pakistan Christian National Party
Joseph Francis
21. Pakistan Democratic Association
Safdar Hasan Siddiqi
22. Pakistan Federal Union of Journalists
I.H. Rashed
23. Pakistan Socialist Party
Humanyun Khwaja, Iqbal Malik
24. Pakistan Worker's Party
Parvez Fateh
25. People's Cultural Wing
Murad Ali Khan
26. People's Lawyer's Forum
Badr-ul-Hassan
27. People's Progressive Forum
Hamid Mir
28. People's Traders Cell
Agha Amir Hussain
29. Punjab Lok Rehas
Huma Safdar, M. Waseem
30. Punjab Union of Journalists
Badr-ul-Islam
31. Punjab Women Lawyer's Association
Hifsa Aziz, Imrana Parveen
32. ShirkatGah
Khawar Mumtaz, Farida Shaheed, Amtul Naheed, Tanvir Jehan
33. Simorgh
LalaRukh, Neelam Hussain
34. South Asia Partnership (SAP)
Mohammad Tahseen
35. Tehreek-e-Haqooq-e-Nissa
Sanobar Qizalbas, Shahid Rizvi

36. United Workers Federation
Naseem Shamim
37. Waris Mir Foundation
Sohail Gowindi
38. Working Women's Organisation
Rubina Jamil
39. Women's Action Forum (WAF)
Fareeha Zafar, LalaRukh, Shahtaj Qizalbash
40. Young Women's Christian Association
Mohini Ghose

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