

DAUGHTERS OF EVE:
Violence against Women in Pakistan

by

Muhammad Jehanzeb Noor

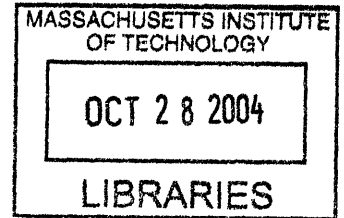
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To the memory of Zubaida Hanif

To Shenila

To Naila

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Abstract

The purpose of this study was to conduct extensive research on domestic violence against women in Pakistan and to present the results in a comprehensive document. Some of the issues investigated through fieldwork and covered here include the social and cultural reasons for violence against women, the ways in which the women are victimised, the extent of this violence and its implications for the victims and society at large. Emphasis was placed on the review of shortcoming of laws for protection of women. At the end, detailed recommendations were made for practical steps in which women can be given more legal protection, and society can be sensitised to the rights of women. It was found that some of the major reasons for violence against women include treatment of women as objects and property, legitimisation of cruel practices through tradition and misinterpretation of religion, and patriarchal nature of society that enables men to reinforce their social power through subjugation of women. While around 80% of Pakistani women are reported to face some form of domestic violence every year, horrific crimes such as honour killings, acid burnings and marital rape are also quite common. There are several absurd practices such as exchanging of women to settle tribal disputes and selling them to payoff debt, which depict the treatment of women as commodities. The violence against women goes unchecked because of an unjust legal system that leads to unfair settlements and custodial violence against women. The brutalisation and torture of women has several negative impacts that start with the continuous fear and feelings of worthlessness among the victims. Large-scale mistreatment of women forces economic backwardness on them and creates widespread gender-disparity in the country. There are several possible measures that should be taken to stop the self-perpetuating and vicious cycle of violence against women. These include gender-training programs for law-enforcement and judicial personnel, the addition of materials that teach the importance of equal rights of women in school and college curricula, and a large-scale collaboration between the government and the private sector to create support and shelter facilities for women in distress. Other steps such as constitutional amendments to abolish biased laws and to incorporate gender-neutrality in civil jurisdiction are very important as well. Though the overall picture is quite bleak for women in Pakistan, there are some rays of hope through isolated cases in which society has supported victimised women and the legal system has dispensed justice. Overall, this report is a manifesto for improving the plight of millions of battered women in Pakistan who deserve social justice

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I am also grateful for the courage, openness and trust of various victims of beatings, torture, acid burns and harassment that I was able to talk to. They touched my life and influenced my work in an inexplicable way. It was my interaction with them that pushed me to continue despite the difficulties of doing human rights research in Pakistan. My heart goes out to these women for their immense courage and patience.

At my own university, the *Massachusetts Institute of Technology*, I also found immense help. One of my teachers, Professor Andrea Walsh gave me quite useful advice on writing. Above all, I am most indebted to the one person without whom my endeavour would not have borne fruit in shape of this report: Professor Rebecca Faery, who is my advisor on this project, teacher for Essay Writing and a constant source of academic advice, intellectual guidance as well as personal inspiration.

Thank you
very much.

THE COLOUR IN THE UNIVERSE

The colour in the picture of the universe is from the existence of the female¹.

When I was in middle school I memorised that verse from the great South Asian philosopher and poet, Dr. Sir Iqbal. I did not know exactly what it meant. I only knew it was a good one to quote while writing essays about women in Urdu Pakistan's national language or when talking about women to gain a few extra points from my teachers and listeners. It always worked quite well. Everyone seemed to agree with me and often nodded in acknowledgement. Women were the colour in the universe, at least on paper.

I grew up in Pakistan till I was sixteen. Till middle school, I always wished I had a sister. That was the only missing part in my family and our house a sister as beautiful, hardworking, and compassionate as my mother. Yes, she would be a mirror image of Mama, whom I admire, cherish and respect so much. She would be a caring and lifelong friend for me. A best friend, I thought.

Over the years, the meaning of Iqbal's verse has become clearer, and it has grown on me. Women are important for the existence of this world in its natural order, and for the balance and continuation of the human race. As I have grown older and perhaps wiser, I have also come to realise the immense value and significance women have had in my own life. I would not be here if not for Mama. I would not be who I am if not for Ammi, my maternal grandmother. And I would not be as well-mannered and considerate as I think and hope I am if not for my female friends and teachers. There is so much

¹ Deewan-e-Iqbal, 1992, 75.

every man owes to numerous women in his life women whom, tragically, he often despises, hurts and humiliates. In fact most women are in a practical sense worse off than objects such as money and land. Men would always value these precious possessions, but not women. Why this attitude?

My first encounter with the real state of women was back in elementary school. An aunt of mine in Lahore came to our house once, sobbing and weeping. I was playing football with my brother in the backyard as she sat there and explained to my parents how her husband had beaten her and kicked her out of his home. She seemed to be in serious pain, yet she was not bleeding or anything. The source of her pain was heartache. She was sobbing, and I could not help but stop playing to watch her. She said the word talaq (divorce) time and again. Every time she said it, she cried louder. This idea of divorce must have been her tormentor. It appeared that she did not want to be divorced; whatever that meant was unclear to me at the time. Later on in the day, I asked my Mama what was wrong with auntie. Mama said I would not understand it. Eventually, my aunt went back to her husband s home to live there for good.

More than a decade down the line, I now understand things a little better. My aunt s husband had no excuse to treat her so badly. After all, he could just have ended the marriage if he did not want to be with my aunt anymore. But why did he kill her each passing moment, every day, with the same threat of divorce and physical torture? Because he knew that she would have no place in the society as a divorced woman that she would have no means of financial sustenance. My aunt s own family would despise her. Today, her husband has a second wife, a sokan for my aunt as it is called in Urdu. Her husband divides his time between the two wives. He treats the sokan better because

she is younger and more beautiful. His actions have no legal implications, only moral and ethical ones that do not bother him. My aunt has four children, and lives with her husband pretending that the other woman does not exist. This is an unfair compromise, but my aunt has no other choice if she wants to survive in the patriarchal society.

While there are obvious brutalities to victimise females such as the physical and psychological violence against my aunt, women are also suppressed at a social level. The lack of independence that women have in their personal choices and the absence of fair opportunities in life are nothing less than gross injustices. I had the privilege of going to the United World College of the American West, an international high school, as a student ambassador from Pakistan. Attending this high school was the most defining part of my life. Yes, the United World College was the place where I found myself, my niche in the world, and my passion for my dreams. Just a couple of years ago, a female cousin of mine also received a scholarship to represent Pakistan at the United World College. She wanted to go abroad to be part of this community of students from eighty different countries. But my cousin's father, my well-educated uncle, did not allow her to leave the country and attend the school.

When a relative asked him why, he said *in our family girls do not go abroad*. Just girls. Of course boys do. Both his sons did. Such is our family tradition? If my sister or daughter was offered admission to the United World College and she wanted to attend it, I would send her off with no second thought. If she received such a prestigious opportunity that is earned after considerable effort, she would deserve to build her own future. But perhaps my father would agree with his brother, my uncle, as well. And when

middle-class, well-educated men treat women as inanimate objects, imagine the plight of the women in the lower and more troubled classes of society.

I am not advocating an extra-special status for women; I just do not see why women should be treated differently than men. Women are as human as men. The point is not to glorify women to an idealistic status which would be difficult for them to live up to. While Iqbal's verse romanticises the existence of women, it is also an indication that women should not be held to unrealistic expectations of character and beauty. Women are fallible humans with shortcomings. For instance if men start picturing perfect women in the shape of wives who would always be pretty and amicable, they would only be frustrated and disappointed sooner or later. Dr. Iqbal is simply pointing out the fact that women contribute a tremendous amount to this world. Therefore, men ought to neither typecast their female relatives or life-partners as ideal human beings, nor ridicule them based on their gender. Women should be held to the same standards and treatment as men.

The mistreatment of women that I have observed is quite sombre, yet harmless as compared to the brutal violence that many other women experience in Pakistan. I still vividly remember reading about Aisha in a Pakistani newspaper last year. Aisha was a 22-year old woman who was educated in high school. She was known to be worldly and ever-smiling. Aisha was energetic, and she wanted to devote her life for the happiness and wellbeing of her future husband and children. In March 2003, Aisha was married to Zia, a labourer in his late thirties. Only a week after the wedding, Aisha died of burn injuries at the Mayo Hospital in Lahore. Her husband, Zia, allegedly poured kerosene and set her alight just a few days after her marriage, apparently after pressuring her to bring in

more money from her family as dowry. Police took no steps to arrest or even investigate about the accusation.

I would have liked to have a sister indeed. However, eventually I started feeling very lucky not to have a sister at all. How would I, a loving and caring brother, protect her from the evils that a young woman faces on a day-to-day basis: harassment at school and college from men ranging from public transporters to peers, the likely possibility of being married to some chauvinistic brute who would objectify her, and the ordeal of having to face possibly hostile in-laws? And who knows, despite what I think of my father, perhaps he would also place restrictions on my sisters that he would not place on me, because females embody the honour of their families somehow. Like most married women in Pakistan, my sister could be forced to stay at home to deal with domestic strife and abandon any career aspirations despite her education. There would be nothing I or my parents could do to change her fate. What does it imply for a society when educated and moderate families like mine stop wishing to have daughters and sisters because they would not be able to bear the pain and suffering of these women in the future?

Women. Females. Don't they too have self-worth, individuality, and feelings? Do women exist just to be owned by men? Are females just an extension of the male human being? Even those words, women and females seem to have been derived from men and males, the traditional owners of the world. Women face the same problems within their households in every country of the world, more frequently in some parts of the globe than others. A female reading this report would have probably experienced some form of serious discrimination as a woman, or would know someone else who has. A

male reading this report would have probably subjected a woman to some form of emotional or physical abuse, or know another man who has.

It is tough to be a woman in Pakistan. It is like being born with a permanent disadvantage that lasts till the woman dies. Society and culture work hand in hand against the common Pakistani woman. When husbands, fathers and relatives traumatise them, where could these women go and what could they do?

Can this state of affairs change? Can violence against women be considered a serious human rights violation at a global level? I want answers to these questions and more. Even better, I want solutions and remedies something that will open the eyes of men so they can see women as equal humans, not commodities to trade and misuse. I would like to see the status of women in my country to be elevated to that of human beings. Isn't it a self-evident truth, that all humans are created equal? Then let women be human beings too, who are equal to men in their rights and privileges in the household, the marketplace and the office nothing more, nothing less. Each of us can and must make a difference for the sake of our mothers, wives, daughters and sisters.

Owing to the responsibility I feel towards women and the need for change in the Pakistani society, I embarked upon a research project to study violence against women and present a clear picture of the related issues. Fortunately, I was able to carry out most of the research and fieldwork for this study in Pakistan herself, where the state of women in the household is worse than pathetic. My project will depict the lifelong crisis almost every Pakistani woman faces. The Human Rights Commission accepted me as an intern for January, 2003 to expedite my research, and also agreed to let me use its platform in my fieldwork. The Commission is an independent, non-partisan and non-profit

organisation that is committed to the defence and promotion of human rights in Pakistan.

I also received considerable help and guidance from my research advisor at MIT, Professor Rebecca Faery, another woman who has taught me a lot about writing, about morals, about life, and who has shaped my experience at MIT for the better. If we want to preserve the colour of our universe, then we must protect our women. I hope my effort will enlighten my readers on issues of violence against women.

WHY TORTURE WOMEN:

A Culture against Females in Pakistan

- In *August 2002*, Nasreen, a young woman who took refuge in the local Darul Aman (Female Shelter House) at Peshawar, in NWFP or the North West Frontier Province of Pakistan, narrated the circumstances of her life with her husband over the last 15 years. She said that her husband blamed her for the woes of the family that her arrival in the house had led to more problems and poverty. Nasreen did house chores all day, and also worked as a part-time maid to earn some money to buy food. Nevertheless, she told of being beaten, tortured by having coal pressed against her body and kicked in the stomach and head. Her mother-in-law and sisters-in-law administered frequent beatings after minor domestic issues. There was nothing Nasreen could do to change her household situation. Having no choice, she finally abandoned her husband's home and left behind her two young boys with her in-laws because she would not even be able to feed them on her own. Her life is ruined forever. Nasreen's parents will not accept her back; society has rejected her and she has no financial means. No action will be taken against her husband.
- In *November 2003*, Mansab Mai, 30, became yet another victim of acid burns when she died 13 days after being admitted to Nishtar Hospital in Multan, a traditionally patriarchal city in southern Pakistan. She alleged that her in-laws had poured acid over her following a dispute with her husband over attending a family function at her parents' house. She had no right to exercise her free will and attend the event. No charges were pressed against her killers/perpetrators of acid burnings are rarely punished.² The police did not even register a case, and Mansab's community blindly accepted the acts of domestic violence against her.

For centuries, many Pakistani women have been slaves to social and cultural restrictions that are reflective of gender-based injustices in the region. Whereas most of Asia has experienced considerable fertility decline in recent decades with increased female liberation, education and employment a handful of countries, including

² The names of victims discussed here have mostly been changed to protect their identities, unless otherwise stated. These two stories appeared in an article by Khan in *The News*, 2003, 16.

Pakistan, stand out for their lack of significant fertility change. Demographic facts about the Pakistani society such as the abysmally low female literacy rate suggest a culture against women in which women are conditioned to sacrificing their health, chances of survival and life options. At the same time, men are socialised to dominate and suppress women in the public and private spheres. What makes the problem so complex in Pakistan is that the maltreatment of women is prevalent among people of all religions and classes in this part of the world.

According to a report by the Commission of Inquiry for Women in August 1997, *Among the most lethal forces which impact women s dignity and security are customary practices which aim at preserving female subjugation. Often defended and sanctified as cultural traditions, they are usually fiercely defended by those who practice them, shrugged off by society and condoned by law-enforcing agencies and the courts* (13).

Pakistan belongs to a part of the world where women s status is disadvantaged by systematic brutalisation. Human development indicators such as the population s sex ratio (proportion of females to males), literacy levels, and labour force participation are abysmally low, while statistics for maternal mortality and morbidity, fertility and crimes against women are particularly high. As an example, according to the groundbreaking article *More than 100 Million Women are Missing* by Amartya Sen, the ratio of the number of women to the number of men in Pakistan is an appallingly low 9:10.³ In countries like the USA or Japan, the sex ratio is 1:1 or slightly higher. This balanced ratio is reflective of survival opportunities that are equal for both males and females. Moreover, a balanced gender ratio should also arise from biological phenomena such as greater survival of female infants as compared to male infants. Given that the number of

males in the population of any country should be equal to the number of females, the disparity in Pakistan is purely due to gender discrimination. There is no biological or demographic reason, and the skewed sex ratio can only be explained by the hostile attitude of society against women. For every 10 men in Pakistan, one woman is practically missing. This translates to millions of missing women for the whole country. The destinies of women are controlled by men in the society. It is a fair contention that the mistreatment in their households is the biggest detriment to the personal, social and economic development of the Pakistani women. The imposed backwardness among women that becomes a rationale for continued mistreatment is in turn a big impediment to the progress of the country.

In Pakistan, patriarchal control over women includes the institutionalisation of extremely restrictive codes of behaviour. There is a widespread practice of rigid gender segregation that excludes women from social and economic opportunities. Moreover, specific forms of family and kinship and a strong ideology linking family honour to female virtue allow men to control women. Men are entrusted with safeguarding the family honour through their control over female members, specifically controlling the female body, in terms of both its sexuality and its reproductive ability. Thus, when a woman's behaviour is seen to threaten the patriarchal order, it is her body that is punished with beatings, burnings, sexual abuse, and even murder in the name of honour.

A vast majority of Pakistani women in 2003 more than 80% report being kicked, slapped, beaten or sexually abused when their husbands, fathers or even brothers are dissatisfied with their cooking or cleaning, or when these women fail to bear a child,

³ Sen, 1990, 5.

or give birth to a female.⁴ The cases of Nasreen and Mansab Mai are just two examples among millions of innocent victims. Over the last few years, domestic violence in Pakistan has increased both in numbers and the extent to which it is reported in the media. I wonder how the inhabitants of a country founded on the ideology of justice and equality for everyone could tolerate the victimisation and subjugation of almost half its population. Did my nation's conscience gradually go into a slumber or did it never exist? Are we all blind to the women who cry as they are beaten and deaf to the women who scream as they are burned?

Although physical violence is the most brutal and most visible form of mistreatment that women face, the psychological and emotional abuses women encounter are major issues that also fall into the category of domestic violence. These crimes go unnoticed. To add to the misfortune of these women, not only have subsequent Pakistani governments, elected or dictatorial, failed to legislate to protect the rights and real honour of women, but instead they also have formulated several laws that protect perpetrators of violence against women. I fail to understand the indifference of the new female Members of Parliament (MPs) in Pakistan, who had presented an election manifesto of protecting the rights of women. Not only have these women MPs failed to raise the issues of discrimination against women and propose new legislation, but they have also often given in to the unfair attitudes of male MPs towards women's issues. The female MPs seem to have quietly accepted the control of their male colleagues in order to protect their seats in the future. After all, the women MPs can only win the next elections if their male colleagues who are in majority grant these women the party tickets to run for elections. In the current state of affairs, improvement in the plight of women of the sub-continent,

⁴ Hassan, 2000, 45-45.

particularly Pakistan, translates to a transformation of societal and governmental attitudes.

At a societal level, the causes of crimes such as domestic violence are generally considered to be male chauvinism and outdated customs. Other contributing factors such as the poor socioeconomic status of women make it difficult if not impossible for women to leave abusive spouses and fathers. However, I believe that a truer picture is attained only when the reasons for domestic violence are studied contextually, within specific cultures and societies. This preliminary study of the causes of domestic violence is focussed on the context of culture and tradition. This process reveals the plight of a typical Pakistani woman and the challenges she faces.

Social and Cultural Reasons for Domestic Violence in Pakistan

Several factors build upon each other to form the societal bias against women in Pakistan, leading to the collective denial of their rights:

1. **Social Conditions of Men:** The unemployment, poverty, and lack of education among Pakistani men are contributing factors to violence against women in the society. Common traits that encourage violence among the committers of domestic violence include intoxication, illegal arms possession, and psychological frustration. Perhaps the biggest driving force behind domestic violence is the traditional notion of women as weak subjects created to serve male needs and egos, and as objects that can be possessed, traded or gotten rid off. According to renowned psychologist Dr Bashir Ahmad, Men who are deprived of their rights in their childhood become violent against family

members including their sisters, mothers, and wives. ⁵So much so, that such men would subject their household women daughters, sisters, even mothers and mostly wives to physical and emotional torment to take out their frustrations stemming from personal problems such as unemployment, social failure or sterility.

2. Expectation of a household income from women: Women are often seen by men as an investment opportunity or a lottery ticket. Contrary to social notions of the man being a protector and provider for the woman in the Pakistani society, some women are pressured to bring material gains to their husbands and in-laws. These expected sources of material gains vary from dowry that a newlywed wife is supposed to bring, to a newborn son who will grow up to be a bread-earner for the family. Therefore, on numerous accounts, likely to be more than half of all new marriages⁶, women face victimisation for bringing insufficient dowry or giving birth to a daughter instead of a son both of which a woman has little control over. The gender of a woman's baby is a natural phenomenon that no one can influence. Monetary greed is known to lead some husbands to even force their wives into prostitution for money in rural or poor families.

3. The custom of Dowry: Dowry usually consists of clothes, household appliances, money and property that is given to the bride by her parents so she can live comfortably in her new home. Ideally, the concept of dowry is not a lottery ticket for the groom, but financial assurance and comfort for the woman. Clearly, the amount of dowry a woman receives upon her marriage depends completely upon the monetary situation of her parents, usually quite constrained for most families. Typical Pakistani men blame their wives for any shortcoming in the form of insufficient dowry. Though dowry is not

⁵ Dawn Newspaper, 2003

⁶ State of Human Rights in Pakistan, 2002, 56

sanctified as a religious requirement in Islam, a lot of men claim that dowry is a religious tradition initiated by the founders of the religion. This provides men with another excuse to justify an unfair expectation of the women they marry. However, when Prophet Muhammad gave some dowry to his daughter Fatima as a sign of his love and good wishes, he was not setting an unjustifiable precedent for his followers.

On October 22, 2003 in Rawalpindi, a woman named Samina was murdered by her in-laws through acid poisoning after months of psychological abuse.⁷ The first crime that Samina had committed in the eyes of her in-laws, both male and female, was bringing insufficient dowry, although her husband was relatively well-off. Samina's in-laws verbally abused her on a continuous basis because she was not worthy enough to be a part of a rich family, given her financial background⁸. Yet this marriage was arranged by the parents. Second, Samina's first and only child was a girl. The baby was given away by the in-laws to someone else for adoption, and Samina labelled a curse by her in-laws, and she was eventually killed. While the above incident has no logical or moral explanation, it shows the societal circumstances under which most women in Pakistan are subjected to domestic violence. Dismally, in-laws are involved in most cases.

4. Responsibility to produce children: Women are commonly perceived as the reproductive machines of society. Moreover, it is deemed to be a woman's responsibility to be fertile so that her husband's family line can continue. An infertile woman can face brutal treatment as well; nor does she get any sympathy from her husband and in-laws. Such is the level of illiteracy and subjugation of women that even a sterile man would lay the blame on his wife one way or another. In known incidents, infertile women have been

⁷ The News Daily, 2003

⁸ The News Daily, 2003

expelled by their in-laws and then their husbands have harassed them further, such as filed complaints under the Hudood Ordinance. Under Hudood Ordinance, any person proven guilty of adultery or fornication is sentenced to death. This law is usually exploited to harass women or to protect criminals in cases of rape.

Much like Europe in the medieval ages, the Pakistani society still treats women as objects that should bring material returns if they are married, they should be rich; if they are fertile, they should produce boys; and if either is impossible then a fair chance of women's peaceful existence is highly doubtful.

5. The hold of tradition: Traditional subjugation of females is a major factor in some of the most gruesome crimes against women reported during recent years. In almost all such cases the main factors contributing to the violence were the traditional concepts of a woman as a family's honour or as a tradable commodity. Customary practices like giving women to settle disputes built around traditional concepts have an extremely adverse effect on women's lives. A vast majority of these events go unreported. So much so, that agreements reached by jirgas or tribal gatherings have resulted in women being subjected to violence, with no official action taken to prevent these extra-judicial tribunals. This system of jirgas for solving disputes at the village level spread across the country is mostly prevalent in feudal areas of Sindh, Balochistan and NWFP provinces.

Indeed, verdicts by jirgas seem to be on the increase — with even government officials defending such meetings as traditional practices within communities. In other cases, ancient customs are now justified with religion. For example Karo Kari a form of honour killing in which both the male and female are killed after being labelled black for having actual or perceived extra-marital conjugal relations is a pre-Islamic tribal

custom that is not sanctioned by Islam. Yet these murders are made possible by the underlying notions of women as emblems of family honour and inheritable property that are justified by the Islamic ideology of veiling. The reasoning in the leap from veiling to honour is an effort to give Islamic legitimacy to old traditions. I am fascinated by the strong hold of tradition that leads to parallel forms of justice with tribal councils and civil courts both of which violate the rights of women by working in synchrony to disseminate male bias in society.

6. Static social values: Every culture has its own value as a unifying set of traditions among a people. However, cultures are not static. They are continually evolving in response to interactions with other cultures, needs of society and demands of the modern age. While tradition may have emphasised certain norms in the past, this does not preclude tradition being shaped by new realities. My investigations for this project have revealed that even the traditions of honour in Pakistan, which are used to justify violence against women, have themselves undergone change: they have broadened in concept and been debased and distorted by more generalised corruption and violence in society. The honour system derives from tribal traditions in Pakistan that are often in conflict with other traditions in national life, such as Islam and liberal democracy. As a result, women find themselves caught between competing and conflicting traditions in Pakistan. Dual constructs of woman as property (that dehumanises a woman) and woman as honour (that sexualises a woman) set the stage for violence against women who defy either construct. The point is to change the culture to build a more just society: it is to abandon traditional practices that are in conflict with the rights of members of the society, and abrogate the outdated definitions of societal norms that changed over time.

7. Role of in-laws and family members: There are other factors in violence against women, such as the traditional rivalry between the mother-in-law or *saas* and the daughter-in-law or *bahu* that pervades the South Asian culture. It appears that a mother-in-law would torment her son's wife because the mother-in-law was herself oppressed by her in-laws. The *saas-bahu* relationship follows the effort justification theory in psychology, whereby if a *saas* does not mistreat her *bahu*, the *saas* would feel she was even more of a victim in her past.

Moreover, the parents of a female victim would encourage her stay at the husband's house, no matter how harsh the circumstances are. The control of the *saas* and the attitude of the parents of a married woman both add to the layers of secrecy about her mistreatment. The *saas* would always have the upper hand in the family and would cover up her brutal attitude, while the parents would always downplay the mistreatment their daughter faces as minor and routine skirmishes.

Religious Interpretations Leading to Victimisation of Females

Although Pakistan is a declared Islamic republic where women and men have equal rights, the dice are heavily loaded against women. Religion is a common and effective tool for Pakistani men to exploit their physical power over women. Unfortunately in Pakistan, numerous practices against women have been given a religious tinge that cannot be challenged without raising a hue and cry from religious elements of the society. Pakistani men often hide behind Islamic injunctions to justify their treatment of women in the household. For instance, the thirty-fourth verse of the fourth chapter in the Quran says, *As for women of whom you fear rebellion, admonish them, and remain*

apart from them in beds, and beat them. Then if they obey you, do not seek ways to harm them. The context of this Quranic chapter is infidelity of women. Of course, these men ignore the rights accorded to the women in Islam, while they exercise their own will to chastise and punish their female relatives. Whether Islam actually mandates what turns out to be a subordinate treatment of women is a hotly debated topic that is outside the scope of my work here.

Religion and politics go hand-in-hand in Pakistan to increase the problems of women in the country. The cultural notions and practices of the society are an intricate combination of religion, history, tradition and social constraints. This leads to the ideological confusion among masses that seek guidance from religious leaders. Religious parties in Pakistan have grown steadily in the numbers of supporters and followers. However, religious leaders have continued to mislead followers in the name of Islam to consolidate the traditional system that supports their power. Suppression of women is one outcome.

The hypocrisy in the use of religion against women can be seen in the approach of religion-based political parties that are currently part of the ruling coalition. In ordinary discussion and media interviews, I have heard the leaders of these religious parties claim that Islam guarantees unprecedented rights and civil liberties to women. Sadly, when it comes to the implementation of their religious agenda in Pakistan, these parties first target the rights of women. For instance, the religious parties that form a majority in the provincial government of the North West Frontier Province (NWFP) have prohibited the treatment of women by male doctors, citing reasons of chastity.⁹ However, there are no female doctors available in the whole province in numerous fields of medicine! Even the

basic procedure of an ultrasound check-up by males is forbidden, ignoring the nature of the medical profession.

In January 2004, I travelled through the town of Topi, NWFP in order to visit a few old friends at the Ghulam Ishaq Khan Institute of Technology. To my shock and dismay, I did not see a single woman out on the streets or in the market place, as I walked for a few miles in my eventually successful search for a taxi. It seemed that women had been confined within four walls of their houses like birds in cages. When I asked a local shopkeeper about the absence of women in day-to-day activities outside, he was offended and replied that *the place of Pashtun women is in the household, not in the marketplace for strangers like me to see them* (Pashtuns, whose ethnic language is Pashto, are the native inhabitants of the NWFP). I could hardly stop myself from asking the question whether the women were objects men were scared to lose or humans who had rights.

I noticed that almost all the Pashtun men say their prayers regularly. A lot of them have long beards to signify their strong affiliation with religion. But no religion justifies mistreatment of humans, including women. The voters in the NWFP elected the parties with the most religious manifestos to power. Now these parties are interpreting the rights accorded to women by religion according to their own will. Incorrect religious interpretations help perpetrators of human rights abuses in justifying their crimes.

The new provincial laws reflect the societal treatment of women as objects that fulfil male agendas, and not as humans. What options for medical treatment does this new law leave for victims of domestic violence? There is a history of such legislations that are based on religious interpretation the Hudood Ordinance being the most devastating one.

⁹ State of Rights, 2002, 32.

Despite their logical and legal inconsistencies in dispensing justice, these laws stand firm and their amendment is far from view.

Status of Women as Second Class Citizens

The socioeconomic status of women is a detriment to their domestic rights in Pakistan. A brief overview of the plight of Pakistani women reveals this state of affairs. According to the government only 38 percent of women in the country are literate, compared to 63 percent of men. Most women are financially dependent on the male members of society. This means that victimised women cannot leave their households for fear of unemployment, leading to starvation. The men in these households are aware of the situation and exploit it to the fullest by mistreating their wives, daughters or sisters. Independent observers believe the participation of women in the labour force to be only around 10 percent.¹⁰ Moreover, a typical Pakistani female has little awareness of her legal and civil rights, because she is illiterate. Enrolment of girls at schools in the country also remained lower for Pakistan than any of its neighbouring countries, suggesting that it will lag behind in the years ahead. According to the Human Rights Commission of Pakistan¹¹, women in the country remained among the least educated in the world, with only 0.3 percent of women literate in the tribal areas of the NWFP. Similarly, in Balochistan province, the literacy rate for women was estimated at just over three percent. The proportion of incidents of domestic violence is higher in these two provinces than in the rest of Pakistan. It is apparent that the lower the literacy among women, the

¹⁰ State of Human Rights in Pakistan, 2002

¹¹ Women in the Labour Force, 2003

higher the probability of their mistreatment due to their lack of awareness and independence both social and financial.

A number of restrictions have been imposed on women to reduce them to second class citizens. The parents of a girl often do not educate her because she is not required to seek employment. They also fear that education would make her independent, modern and liberal. If family income is low, the male children claim all the family's affection and resources. The girl on the other hand is condemned to perform domestic chores, including looking after younger siblings without any appreciation or compensation. Women have little choice but to accept these roles.

The concept of *chadder*, a large cloth usually draped over the head and upper body as a veil, arises from the vision of women as primarily and inherently sexual. Women are generally perceived to pose a risk to the honour of men in their families. The men believe that female relatives are embodiments of threats to their honour. Hence the symbolic or actual adherence to *chadder* is enforced by linking the woman's behaviour to the honour of the family. Given the socioeconomic conditions and familial requirements for a Pakistani woman, her status is not fully human.

I do not have to look beyond my own family to see the true status of a typical Pakistani woman. My own talented and hardworking cousin was barred from pursuing an education abroad despite receiving a prestigious scholarship. This was because somehow, sending her away even to a place where women have more legal rights would jeopardise the family's honour. Most women have to give up more than educational opportunities such as their rights to a consensual marriage or to the custody of children upon a divorce.

Role of Women in the Pakistani Households

In the Pakistani society, marriage is considered to be the ultimate goal of a woman's life. A young woman hardly ever influences the decision about her marriage and is forced to leave everything up to her parents. Paradoxically, the burden of making a marriage successful lies solely on the daughter, who is advised by her parents that the husband's house is the ultimate place for her until her death. This defines the role of women as mere servants in their homes. Studying the role of women at the domestic level, I can see how my aunt was left with no choice but to accept the treatment by her husband and return to his home despite having to share him with another woman. From the legal perspective, my aunt was not an infertile woman and did not permit her husband to marry again, both legal preconditions for having a second wife. Would a man ever allow his wife to be with another man as well? I think even the idea would create outrage.

In a similar way, familial and societal roles of young women can be predefined if they come from families where the mothers or other females are subjected to domestic violence. For girls, a violent father could lead to their accepting and even condoning violence in their future relationships, and these girls accept the role for boys defined by their capacity for violence. This supports the notion that violence creates more violence.

Society also assumes that women are incapable. This assumption is reflected by the political and economic powerlessness of women as a group, which reinforces the male right to control women. The role of women is generally confined to the household. Despite the proclaimed respect for women in Pakistani society, the harmony of family life (which is the sphere of the woman) depends on the leadership of the man who is

supposedly better equipped to take charge and make all crucial decisions. Thus, a concept of *chardewari* (the word literally translates to four walls) or relegating the woman to the domestic sphere becomes essential.

In addition, the limited awareness among women of their rights is evident from the fact that the majority continue to believe it is virtuous for women to forego their rights. It is drilled into Pakistani females that it is their duty to serve their families, regardless of any costs. *The spirit of sacrifice built so strongly in women within the family structure means that when giving up a right, there is a feeling of doing a good and having gained favour rather than one of deprivation.*¹² In other words, women lack awareness and do not help their own cause by accepting the status quo and ignoring any outside assistance. A typical woman would feel she is making a great sacrifice and contribution by quietly accepting domestic violence in order to keep her marriage intact and family happy. Nothing could be farther from the truth than this illusion of sacrifice.

Lapses in the Legal and Judicial Systems

During my recent trip to Pakistan, I decided to visit the Lahore High Court. As I walked through its front lawn, I enjoyed the beautiful, sunny day and the fresh air. I felt free and happy as I sat on a bench and observed the surroundings. Suddenly, my eyes fell on a woman who was sitting on the grass, weeping. She must have been my mother's age. I walked up to her and asked what was wrong. Her name, she said, was Basheeran Bibi, and she had just been denied the right to ask for a divorce by the Court. She had been constantly beaten by her husband for the past thirteen years and then forced to leave his house without her children. She could not file for a divorce because she has no legal

papers to prove her marriage. Fifteen years ago, she was sold by her father to an older man, whom she had lived with and had children with. He did not document their marriage. The above episode shows how vulnerable women are in the Pakistani legal system. Judges in courts would rarely sympathise with the tough situation the female victims are in. It appears that women are presumed guilty until proven innocent.

The ordeal of the Pakistani woman does not stop after her victimisation in the household. In fact it just begins there because then she faces a brutal police force, biased judicial system, discriminatory laws and a lack of safe shelters after she decides to leave her home or pursue her case in court. Her parents would typically not accept her back regardless of the circumstances because she has brought shame to them by abandoning her eternal abode the house of her husband.

Over the last decade, the incidences of custodial violence also appear to have increased substantially both in reporting and occurrence. Cases of rape by police have been reported, though most go unnoticed. The judicial balance is also tilted against women. The small elite holding political power has made no attempt to integrate the value system underlying state law with the traditional beliefs and practices of the majority of its citizens. They have remained parallel dissonant entities, encouraging and sustaining parallel legal systems of civil courts and independent tribal judicial councils. The verdicts of these councils for cases involving women and domestic disputes are always unjust and biased. As their lives are inevitably governed by the traditions of their community and tribe, women in Pakistan do not enjoy or benefit from the fundamental rights recognised in the constitution of Pakistan. The government has failed to end parallel systems affecting rights of women. Laws that discriminate against women and

¹² A Study of the Interplay of Violence and Status of Women, 2003, 15.

make full redress in the case of honour killings virtually impossible have systematically been added to the constitution.

It brought tears to my eyes when Basheeran Bibi said, *Pakistan was made only for the powerful and for the men. It was not made for weak and poor women like me. What are we worth and what is our status here? Nothing at all.*

While I recognise the contribution of tradition and culture to the domestic violence in Pakistan, I also realise the difficulty in changing religious interpretations, customs, and specific legal regimes such as tribal laws. All these factors combine to form layers of secrecy on crimes against women. However, Pakistan is also obliged by its ratification of international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), sponsored by the UN in 1996 to do more for the protection of women's rights. To the dismay of advocates like me for the respect and liberty of women and girls, the Human Rights Watch has found that the Pakistani government blocks justice for women through its police, medicolegal, prosecutorial and judicial systems.¹³ So, perpetrators of domestic violence are encouraged by both traditional norms and the lapses in law and justice.

Other factors contribute to the normalisation of domestic violence, for example the role of the media in either sensationalising episodes of such crimes or not highlighting the ramifications of this social issue enough. While I have covered most of the major causes of domestic violence, the explanation fails to justify the brutalisation of women. There are no possible means to validate or rationalize the heartless torture of Nasreen that led her to abandon her family life forever, or the unpunished murder of Mansab Mai by pouring acid on her to burn her body, or the tragic separation of

Samina from her child and her eventual death. The only flaw in these people seems to be their gender the wrong one in our Pakistani society. Having understood the causes of violence against women in the Pakistani household to some extent, and laying the groundwork to further explore the extent and implications of these crimes, my next step is to study the frequency and nature of such domestic crimes against women.

¹³ State of Human Rights in Pakistan, 2002, 16

HOW TO TORTURE WOMEN:

Modes of Domestic Violence in Pakistan

*The biggest crime in Pakistan is to be a woman and also poor.*¹⁴

The study of the status of women in Pakistan reveals a culture in which misogyny is deeply rooted. There is a lexicon of horrific practices that characterise the brutalisation and murder of girls and women by members of their own families. Women are often regarded as property to be raped, abused, sold, traded and destroyed by the male members of their families. Many of these practices are almost unimaginable, almost beyond language, to describe. Thus the story of how women are tortured in Pakistan is crucially important to tell, because the manifestations of the problem point the way to solutions.

While each case of violence differs in the details of the crime, there are some common ways in which Pakistani men victimize their female relatives. Extreme yet common examples of these include honour killings and acid burnings. In fact, most of these crimes are so common that news reporters do not even bother explaining the motives and details anymore; they just briefly mention the biographical and family information of the victims. Having analysed why Pakistani women are victimised, I think it is important to explore the question of how these women are brutalised and what are the means used to do so. When violence becomes a way of life for women, it is almost like a custom with rituals that have been carried out time and again over several years.

¹⁴ From an interview with a female victim at the *Legal Aid Cell*, January, 2004.

This is how I see domestic violence in Pakistan—a custom that is part of most Pakistani households because the men both learn and choose to implement a culture of violence against women.

Definition of Domestic Violence

It is not possible to exactly define domestic violence for a country like Pakistan because there would be several possible definitions. While domestic violence has been defined by various social scientists and human rights activists in many different ways, I find the following to be the most relevant and accurate definition for the scope of domestic violence that I am studying in my project.

According to the United Nations Declaration in 2002 on the Elimination of Violence against Women, “Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary depriving of liberty, whether occurring in public or private life is a crime.”¹⁵ When these crimes occur in the woman’s private life, within the family, it can be termed *domestic violence*. For example, domestic violence can mean the abuse of a wife by her husband, or a niece by her uncle, or a daughter-in-law by her mother-in-law.

Each abusive situation may involve a different combination of types of domestic violence. The form of violence a particular woman has to suffer from generally depends on her own class and age, and (if she is married) on the status of her brothers and parents, as well as on the husband’s class. Usually women of educated classes suffer more

¹⁵ Kamal, 2003, 47.

emotional and psychological abuse, while those from feudal, tribal and lower classes are subjected to greater physical abuse¹⁶. One informal study, conducted by the Women's Ministry, concluded that at a minimum 80% of all women in Pakistan are subjected to domestic violence.¹⁷

The Pakistani society that is bent upon suppressing the rights of a particular gender is clearly creative in inventing various forms of oppression. The most serious and most frequently occurring forms of domestic violence in Pakistan are quite horrific by nature.

Main Types of Domestic Violence

In February, 2004, I went to see *The Vagina Monologues*, a well-known play by Eve Ensler, performed at MIT. The show, a controversial sell-out around the world, explores female sexuality and strength through individual women telling their stories through monologues. The actors (all female) performed these monologues on various women's issues, which I expected to be relevant to the US only. To my surprise, one monologue was devoted to a victim of acid burning in Islamabad, Pakistan. The presenter discussed how much the female victim must have suffered, and the horrific life she will have in the future. So there I was, the son of Lahore, sitting in the world's premier university as part of an audience comprising three hundred students and professors, listening to details about the miserable plight of a woman in the capital of my country. One cannot hide the faults and shortcomings of one's country. One can also not choose

¹⁶ Kamal, 2003, 32

¹⁷ Commission on the Inquiry of Women, 1997

the country of one's birth. So I still felt like a proud Pakistani, but one who was reminded by the monologue of the things that needed to change back home.

On the contrary, I felt that the example presented at the monologue was fragile and insufficient, that it failed to depict fully the ordeal and torture of most Pakistani women. Watching *The Vagina Monologues* spurred me on to write this report and reveal what it truly means to be a Pakistani woman. I did blush, all red with anger, and felt like screaming at the top of my voice, "*But what about those women who are killed for honour or those burned at kerosene stoves or those traded like commodities. What about other modes of violence? You would not know how it is to be a Pakistani woman.*" I wanted to stand up and explain the whole story of domestic violence in Pakistan.

However, I stayed quiet then. But I can speak here to expose the way in which women are treated in the society. While both the western and Pakistani media project acid burnings and honour killings as the commonest and most brutal forms of violence, there are several others that are common and equally traumatising. These include the control, harassment and assault of women by the family they are married into, and the pre-selection of their life-partners because of the well-known practice of arranged marriages. In addition, horrific crimes such as sexual abuse occur and go unreported quite frequently.

Other Forms of Violence

As stated by War Against Rape (WAR)—an organisation that works on issues of violence against women—cases of such violence range from emotional and psychological manipulation to threats and verbal abuse, from physical battering to marital rape.

Most married women in Pakistan are in a 'joint family system' with their in-laws. Herein, they can face constant taunts and criticisms on their cooking, washing or cleaning, no matter how hard they work. While men are known to perpetrate the most brutal forms of violence, most mothers-in-law and sisters-in-law treat these women as slaves. Thus, Pakistani women are trapped in a vicious cycle of domestic violence.

While I have not mentioned these as separate categories above, kicking, slapping, and beating of women on a day-to-day basis is a widespread phenomenon in Pakistan that can hardly be quantified. In fact, it would be a true and accurate statement that at least four out of five women in Pakistan face such treatment in the households of their husbands.¹⁸ The incidence of domestic violence is greater in lower class families than upper class ones.

I could not find a single source to report the actual frequency of various crimes against women in the household. The biggest possible source for such information could theoretically be the police reports filed by female victims. However, in a country where the police literally turn a deaf ear to brutalised victims and where women report to police usually only as a last resort before death, official data are unavoidably incomplete and invalid. The only hope of finding the truth about any human rights issue in Pakistan lies with the few non governmental organizations or individual projects at various universities.

Official Figures

Even the Women's Ministry, a conservative government body in Pakistan, stated that approximately 80% of Pakistani women are victims of spousal and other domestic

¹⁸ Commission on the Inquiry of Women, 1997

violence. The federal advisor for Women's Development, Ms. Nilofar Bakhtiar, has been using the figure of 42% of women being victims of domestic violence. The ministry states that about 33% of victims retaliate by complaining to authorities or their own communities, 19% protest within their own communities against the violence, and only 4% bear it quietly. These figures, however, are so underestimated that they reflect nothing but wishful thinking. Media reports, observations in the society and figures reported by NGOs show a far bleaker picture.

Occurrence of Violence in Pakistan: How Many Women Can We Torture?

An empirical study of the frequency of domestic violence against women in Pakistan is virtually impossible. The police records present a rosy picture, because almost none of the crimes are registered. Moreover, there is no single body that systematically reports and tracks cases of violence against women. My research is based primarily on media reports. News reporters across the country are in the best position to witness or learn about cases of domestic violence and to relay the information to be published in newspapers. While all the data has not been compiled over the years, other sources of information are official reports by government committees, and independent research projects on the occurrence of domestic violence in Pakistan by individuals and organisations such as the Human Rights Commission of Pakistan.

I do recognise that men can become victims of honour killings and other forms of violence—but as this report indicates, women have a lesser chance to escape violence or redeem themselves by payment of compensation than men have. Significantly, the men

who are killed or harmed in the name of honour are targeted by the male relatives of the women whose alleged breach of the code of honour constitutes the rationale for such acts. The focus of the data I present, therefore, is the violence suffered by women and girls, while recognising that men are sometimes the targets as well.

In the next step of exploring the extent to which the crimes against women take place annually, I have used several independent sources that do not directly depend on police report or legal cases filed. Instead, I have relied more on data from NGOs, hospitals or shelters, and media reports and analyses on domestic violence.

Reports on crimes against women can be found in Pakistani newspapers on a daily basis. As an example, Madadgaar, a joint venture of Lawyers for Human Rights and the United Nations Children's Fund, recorded 4, 485 cases of violence against women reported in various newspapers in 2002 alone, including murder, rape, burning, sexual assaults and physical abuse.¹⁹The figures were compiled from media reports that experts believed to be only a fraction, perhaps as low as one-tenth, of the actual numbers. For instance, rape is considered a shame to the female's relatives in rural families, so the crime goes unreported in most cases. The family of a known rape victim will be looked down upon by the community and frequently harassed.

In October 2003, 13-year-old Baby Pathani, who had been sold into marriage to Mohammad Qasim for Rs.100, 000 (US\$1,700) by her paternal grandfather, was able to escape from captivity at the home of her 60-year-old 'husband', and return to the home of her parents. Her parents then arranged for the marriage to be nullified. They sent the child to the Dar-ul-Aman (house of shelter) in Rawalpindi to ensure her safety. Investigations showed the girl had been sold to Mohammad Qasim by her grandfather, to settle a debt

¹⁹ State of Human Rights, 2002, 19.

he had incurred during treatment in hospital. The girl was also severely mistreated at the home of Qasim.²⁰

According to Madadgaar, abuse of women assumed alarming proportions in Pakistan as it remained uncontrolled during the first half of 2003 despite an increase in public awareness. Just during the January—June 2003 period, there were 2,889 cases of violence. Out of this number there were 2,131 cases of physical abuse and 758 cases of sexual abuse that received press coverage. The print media has recorded 799 cases of women's murder, 701 cases of injury, 565 cases of rape, 199 cases of attempted rape, 289 cases of severe torture, and 105 cases of beating. Moreover, there were 42 reported cases of stripping women and forcing them to parade in the streets. Men seeking revenge for personal disputes with the families of the women kidnapped and humiliated these women in the midst of hundreds of onlookers, none of whom intervened. After all, a woman is sadly perceived to embody the honour of her family.

When women refuse to become victims, they are tormented with crimes such as acid burnings. In June 2003, a landlord in Sadiqabad, Mohammad Shafiq, allegedly threw acid on a female servant after she had refused to develop illicit relations with him. She sustained severe and permanent burn to her body. In another incident in October 2003 in Islamabad, the father of a 14-year-old girl accused his daughter's male schoolteacher, Mazhar, of throwing acid on her face after failing to rape her while she was coming back from school. The teacher supposedly abducted her and when she raised hue and cry, he threw acid on her as a punishment. A case was lodged with the assistance of local NGOs,

²⁰ State of Human Rights, 2003, 15.

but Mazhar successfully evaded arrest because he had connections with a Member of the National Assembly.²¹

Honour killings claimed the lives of 496 women, 163 men, five female children and four male children, and thus to remain a brutal form of violence against women. At least 183 women were recorded to have died of burn injuries—more than half of them in Sindh. These women were victims of another common and brutal crime—setting women on fire or pouring acid on them.

While it would not be possible for me to cover all the reasons and forms of domestic violence in Pakistan because of the widespread occurrence of this crime against women, I hope that the information presented in the next three chapters is sufficiently comprehensive in scope and relevance to be persuasive.

²¹ State of Human Rights, 2003, 23.

PSYCHOLOGICAL VIOLENCE:

The Mental Trauma faced by Pakistani Women

A vast majority of Pakistani men have become expert at subjecting household women to psychological trauma. The men have witnessed the treatments of their mother and sisters at the hand of their fathers and are thus trained to treat women as objects. The men are also aware of the social and economic constraints that women face, especially when it comes to accessing justice through the legal system. Hence, males subject the females to constant mental pressure in order to assert and maintain supremacy in up to 80% of the households in Pakistan. This statistic is based on the estimate of percentage of women subjected to domestic violence in Pakistan. The psychological pressures vary from constant criticism of the female's ability, to displeasure over household chores, to more serious problems such as interference in personal and life choices.

Apart from horrific and disfiguring attacks on their bodies, women also have little say in important life choices, especially the most important decision of all in the Pakistani society: marriage.

Marital Choices and Crimes against Women

When fathers see their daughters as saleable and controllable entities, their daughters are deemed to have no right in making important life choices such as pursuing education, choosing a career and most important of all, deciding about their own marriage. There are several ways in which the institution of marriage is used to enforce male designs to rule over women.

In a study by the Social Work Department of University of the Punjab that formally studied about 1500 women subjected to domestic violence, marriage-related customs proved the biggest psychological and emotional threats to Pakistani women. About half the 1500 respondents lived in joint families, and at least half had been married to cousins or distant relatives within their families—a practice that is allowed in the Islamic tradition. An overwhelming majority of 94% had marriages that were arranged by parents or family. Approximately 17% of the marriages had taken place under the custom of watta satta. My findings reflect the social and personal restrictions faced by most married women in Pakistan. Most married women are bound to have close interaction with the in-laws, and had little (if any) choice when they married. These interactions almost always included harassment from the in-laws.²²

Marriages with Quran

Some girls as young as infants are married off to the Quran for the rest of their lives. Marriage to the Quran is a ceremonial practice that forces the female involved to spend her life in celibacy, much like a Catholic nun, except that this female has no say in the marriage. This absurd practise, after which a female cannot marry man, is believed to be used by male relatives to keep their land and property intact. Hence, the victims of marriage with the Quran are likely to be those who would otherwise inherit property and pass it on to their husbands or children.

While the occurrence of such ‘marriages’ is known through sporadic media reports and individual interviews, it has been found impossible to assess the number of such marriages. The custom, due to its absurdity in the modern day, is strictly kept a

²² University of the Punjab, Department of Social Work, Thesis Archives, 15.

secret and quite successfully so. Moreover, there can be no basis of religious justification of such marriages because Islam does not approve of celibacy. Marriage is obligatory from an Islamic religious perspective. The inexplicable practice of marrying a woman to a holy book is simply another creation of patriarchal males.

Custody of Children

As in most parts of the world, custody of children is used as a blackmailing device for violent husbands facing an end to their marriage. Given the police and societal bias against females in this country, most victims of domestic violence have to face a serious threat of losing the custody of their children (illegally) if they file for a divorce or separation. Courts are known to issue biased and unjust verdicts against women in cases of custody. Frequent excuses used by judges and lawyers include doubtful characters of the mothers and inability to support their children financially. This issue of custody of children serves as an impediment for battered wives in seeking their lawful rights.

Watta Satta

This is the practice of marrying a brother and sister from one family to a sister and brother of another family. The weddings are usually arranged by parents. The custom of Watta Satta has many inherent problems. First, if one marriage goes wrong, it is bound to affect the other one. For instance in Watta Satta, a brother whose sister is facing a violent husband is likely to mete out the same treatment to his wife in order to seek revenge or cast a warning. Second, almost all watta satta marriages are forced because the women entering these marriages are aware of the potential complications. So the victimisation of

women usually starts from the stage of settling the wedding. According to Yasmeen Hassan in her book The Haven Becomes Hell: Domestic Violence in Pakistan (pp. 45 - 46), “Forced marriages (which also include child marriages, swara and watta satta) are forms of domestic violence that incorporate elements of physical, sexual, psychological and emotional abuse”. Almost all such marriages are troubled. For instance, in May, 2003, Shumaila was set alight by her in-laws in Rawalpindi, apparently as a result of a dispute between her brother, and her sister-in-law who had returned home.²³

Victimisation for Marrying against Family Consent

Getting married according to the parents’ choice is a very common expectation in the Pakistani society. In the ideal society of Pakistan, parents are supposed to choose the best possible life partners for their children and obtain the full consent of their children before the marriages. But in rural areas, it is common for fathers to arrange the daughters’ wedding for motives such as settlement of debts, getting money or solving disputes. Hence a successful suitor is unlikely to be a suitable husband because he is buying his woman in one way or the other. Moreover, daughters in particular have little if any say in the decision of whom they marry. Apart from some educated families that reside in urban areas and constitute a small percentage of the Pakistani population, arranged marriages are used as tools for controlling women and enforcing the male-dominated power structure of the families. Consequently, a woman defying the custom of arranged marriage is usually punished in a severe manner to serve as a warning for other females.

The lack of choice and freedom in arranged marriage can prompt young men and women to marry of their own choice or against family consent—both of which are seen

²³ Hassan, 2000, 7.

in the same negative light. However, on numerous occasions, the cultural norm of arranged marriages leads to the victimisation of couples that marry on their own. The filing of an adultery case, implementation of Hudood Ordinance, Karo Kari, and the occurrence of acid attacks, are possible outcomes of a marriage without the consent of parents—effectively the father. Police take advantage of the existing controversial laws against women to victimise these couples. Contrary to the right of marriage by choice and free will guaranteed in the constitution, state institutions like the police often act as deterrents to freedom and arrest such couples. Usually, police register the case under the Hudood Ordinance and pick up these married couples on charges of adultery. In the absence of any proper shelter for women, they are often kept at police stations for further victimisation.

Due to the objectification of women in the conservative society, breaking the so-called family values and traditions is a grave crime. In a lot of cases, the father and brothers of a woman who married on her own want to spill her blood and also that of the husband to salvage their pride. The woman is killed in the name of honour by men of her own family to punish her for the crime. In Sindh, once she is brought home, she is declared Kari and done away with. The man however may escape punishment and made to pay a certain amount in return for his life. The Waderas and Sardars (feudal landlords) endorse these practices because upholding old traditions validates their power and keeps the system of parallel justice alive. Moreover, if a man brings home a wife of his choice, his parents are very likely to mistreat, taunt and traumatise her with accusations of having a loose character that entrapped their son.

It is to be noted that a few months ago (in December, 2003), the Supreme Court of Pakistan ruled that an adult, sane Muslim girl could marry on her own and she did not need her guardian's consent for the validation of marriage. The reason for this verdict was controversial decisions from the country's high courts in cases of victimisation of women upon marrying on their own. Despite the Supreme Court judgement, a vast majority of women in Pakistan are still condemned and victimised if they marry on their own.

Use of Women as Collaterals and Commodities

As discussed earlier, women are typically seen as valuable commodities to be used by men. This leads to various forms of objectification of women.

Vani

Vani enables rural Pakistani men formally to put a commercial value on women. The practise of *Vani* entails offering and accepting women to settle a dispute. This is mostly practiced in the province of Punjab, where the provincial government is still working on proposing a seven-year rigorous imprisonment for committing *Vani*. How long does a legislative assembly need to approve such laws of basic human rights?

The underlying disputes in which women are exchanged for settlements could be as minor as thefts or as serious as murders. Under *Vani*, the women from one family are given away to male members of their rival's family as 'compensation', underscoring the commodification of women. According to the Human Rights Commission of Pakistan, despite barring of such practices by courts and orders by the chief justice of Pakistan in

2002 to prevent Vani, numerous incidents still take place. For instance, in February 2003, a girl in the Mianwali area who was given in marriage as compensation to the victim's family for a murder committed about three years ago, was killed by her husband. He is still at large.²⁴ The practice of exchanging women as mentioned above might vary slightly depending on the region of the country; however, the men involved always have similar motives.

Swara

In this practice of the NWFP, girls and women are decreed by 'jirgas' (arbitration councils comprising of a clan's elders) to be given away in marriage in a bid to resolve disputes—mostly those involving murder or other serious crimes in which the clan's prestige is at stake. Thus, girls are given as 'swara' to the enemy's family for a crime committed by their fathers, brothers, or uncles. The innocent girls are made to suffer eternally in an environment of hostility. If a *swara* girl dies of disease before going to the aggrieved family, the dispute is considered settled. The parents of the girls often pray that their daughters should die of illness or disease before reaching maturity so the daughters do not have to be tormented. To achieve this end, parents of *swara* victims might even mistreat her. They have no place in either home. *Swara* girls are seen as the price of a crime and accordingly are treated by their new families without any kindness.

One girl who had been sacrificed at the altar of *Swara* told me, "I was eight years old when the decision to give me away as 'swara' for a murder committed by my father was taken, and 13 years old when I got married to a man in the enemy's family. He was old, and had children. When I protested, my mother said this was the only peaceful way

²⁴ Nawa-i-Waqt, 2003

to resolve the matter.” There are no religious grounds for such a practice. It is the treatment of women as property of men that leads to swara. And there are other customs to sell or trade women. Such crimes against women —camouflaged as customs—become even more horrific when women are sold for marriage, as if they are saleable items or valuable gifts.

There are other customs to hand women over for money to ensure that men do not run out ways and options to make money or gain power.

Walwar

In the tribal areas of Balochistan and the NWFP, girls are sold as ‘brides’ under the custom of *Walwar*. The custom of *Walwar*, which is an agreed-upon mode of marriage in some areas, materialises the treatment of women as commodities that have a price. The female victims are usually in their early teens; pretty girls who are sold for a price typically ranging between Rs.15,000 to Rs.25,000 (US\$ 260 — US\$430). Not only does this practice play havoc with the mind of the victim, but it can also result in diseases such as AIDS because of the nature of men who buy girls.

Those who favour *Walwar* say that the money taken from the groom’s family is reinvested in the dowry of the wife so that parents can marry off their daughters ‘honourably’ despite poor economic conditions. The girl is sold to the highest bidder regardless of his age or character, and the sale is legitimised under the pretext of a custom. Not only does *Walwar* violate the civil and religious right of a girl to marry with her own consent, but it also disables the girl from dissolving her marriage because she has been sold to a man to be treated as his property. Another illegal and detestable aspect

of the trade is that the girls are usually under 18 years of age and are therefore children. It has been reported in various credible newspapers such as Dawn and The News that the trade in girls has taken place in organised markets or bazaars in the past.

I have selected a couple of true stories at random to shed some light on the vicious custom of Walwar²⁵. In one case, a 68-year old 'groom,' Sajad-ul-Mulk, bought a 14-year old girl, Shazia, for Rs.20,000 (US\$ 345) from her needy father under the Walwar custom. Mulk died after 48 days of his venture, and 8 months later Shazia gave birth to twin female babies. Mulk's son deprived Shazia of all legal and monetary benefits. Now her life is a nightmare with her meagre resources and downtrodden two-room hut. Each night, Shazia's stomach rumbles with hunger, as she gives most of her meagre food supply to her children. At best, Shazia's daughters will have a future similar to her own. In another case, Khair-ul-Amin, famously known in his social circle as a pleasure-seeking man, bought the 16-year old Afsaroo for Rs.25,000. This episode resulted in the birth of a male baby infected with HIV. Afsaroo now suffers alone as well, and no one around her can speak her native language either. The tribal social milieu is full of such heart-wrenching tales.

In addition, women are also tormented when men seek revenge or settle personal vendettas. In 2003 alone, at least 40 cases of stripping of women in public were reported in the media.²⁶ While these incidents haunt the female victims for the rest of their lives, they somehow satisfy the male egos as well.

²⁵ Source of both stories: The News, June 3, 2003

²⁶ State of Human Rights, 2003, 21.

SEXUAL VIOLENCE AGAINST PAKISTANI WOMEN:

The Harassment and Abuse of the Helpless

In a report of The Daily Times on 21 January, 2004, according to police sources there were 3,867 cases of physical abuse and 1,351 cases of sexual abuse reported by women in Pakistan in 2003. Out of this total of 5,218 cases, there were 1,574 cases of murder, 979 of rape or gang rape, 1,143 of injury, 564 of severe torture, 201 of assault, 351 of attempted rape, 128 of harassment, 67 of forced stripping, 22 of acid throwing and 189 of other forms of domestic violence. Of all the provinces, the highest number of such cases reported was in Punjab (3,486), followed by Sindh (1,285), NWFP (395) and Balochistan (52). Of the major cities, the maximum number of cases in domestic violence against women was reported in Karachi (521), followed by Multan (266), Lahore (264), Vehari (209), Sargodha (138), Rawalpindi (132), Peshawar (74) and Quetta (37).

Sexual Violence against Women

As I have said, women in Pakistan are typically seen as sexual objects to be controlled by men according to their need or desire. This leads to various forms of sexual victimisation.

Sexual Abuse or Incest

This is defined as sexual relations (usually forced) between close relatives such as father and daughter, uncle and niece. Although it is a taboo subject, the occurrence of such sexual abuse is acknowledged in all classes of urban and rural areas, as found by the

NGO called WAR (War Against Rape). WAR also states that at least one out of ten women in Pakistan is a victim of domestic sexual abuse.²⁷ Families in all communities try to keep such abuse of female relatives a secret. Public acknowledgement leads to the social boycott of the family of the victim because the abused female undermines the family's honour though she did not choose to be abused. The female victim will never be married to a respectable man because the fact that she is no longer a virgin is common knowledge in her community.

The Pakistani courts, especially the ones following Shariat Law, are extremely biased against a guilty verdict against any fathers accused of incest with their daughters. This was proved in 2001 with the case of Noreen Anjum who was raped by her father and told her uncle and aunt, who filed a case. The trial judge sentenced the father to maximum punishment, but on appeal, the Federal Shariat (Islamic) Court reversed the decision and acquitted the father despite overwhelming evidence including medical proof against him.²⁸

Human Rights Watch, according to statistics it had compiled based on various studies in the country, estimated that in 2003, a woman was raped in Pakistan every two hours, while up to 90 percent of women suffered from some form of domestic violence. These figures indicated a worsening of the situation in 2002. In Karachi alone, 895 cases of serious abuse against women were reported during the first two months of 2003 alone. Of these cases, 124 women were gang-raped and 211 were raped.²⁹

Apart from the bias of men, Pakistan continues to sustain a parallel form of justice: while there are the civil courts officially set up by the government, the tribal

²⁷ WAR Publication, 2002

²⁸ WAR Publication, 2002

²⁹ State of Human Rights, 2003, 13, 20.

arbitration councils remain deeply rooted in rural areas that are the majority of Pakistan. Within the civil courts, there is an option of pursuing cases under constitutional law or the stricter Shariat law. Once again, men's hostile attitudes combined with the parallel forms of justice in the country ensured injustice for another female victim among thousands.

Marital Rape

Pakistani men seem to believe that it is a woman's duty to give her husband sexual satisfaction. Therefore, the term 'rape' would be thought to be impossible within a typical Pakistani marriage. For instance in Larkana, Sindh, a man who had killed his wife for refusing sex with him suffered no social condemnation for his action when the matter was brought before the *wadera* (local landlord).³⁰ Suits for restitution of marital rights (in which the court orders the partner to return to the matrimonial home and implies the continuation of sexual relations) can be filed. Husbands most commonly use such suits to harass wives when the couple is experiencing strained relations and is particularly used by husbands to counter a suit for maintenance money that a separated wife is seeking.

Several cases that came to light during this project indicated the impunity with which persons guilty of marital rape were repeatedly able to carry out the offence. This is mostly due to the police failure in tracking down and booking such criminals.

Use for Prostitution

The sexual abuse of women does not stop within their families. Husbands and family members often disgrace the bond of marriage by using women as tools to earn

³⁰ The News, 2003

money by selling their bodies. This is an ironic tragedy for Pakistani women, who are supposed to be the embodiments of their family honour. A news item on 18 May 2003 in Nawa-i-Waqt (an Urdu daily) states the case of Zareena, a mother of two, who eventually refused to sell her body despite having been violently forced to do so by her drug-addicted husband. She had become a prostitute for a year upon the insistence of her poverty-stricken in-laws, who blackmailed Zareena with the threats of rape allegations. Such an allegation would result in rejection of Zareena by all her relatives.

No longer willing to be used by other men, Zareena took shelter with her two children in her father's home. Once again, the *Panchayat* (arbitration council) intervened and Zareena returned to her husband after assurances that she would not be prostituted again. After the repetition of same ordeal, Zareena left her husband's house to live with her parents again, this time alone. She started working for minimal pay, but was kidnapped and severely beaten by her in-laws shortly thereafter. When Zareena and her parents decided to register a case, the local police refused and did not even acknowledge the torture marks on Zareena.³¹

Also according to a PhD study by Naima Hassan, at least 75% of the husbands believed that they had a right to physically or psychologically abuse wives. About 40% of the husbands complained about disharmony between the wives and the in-laws, and no less than 70% complained about the unwillingness of wives to have sex as causes of their anger and frustration. In addition, the inability of the wives to serve meals on time was also a major cause for domestic violence.

From the victims' side, 60% of the wives said their husbands suspected their characters, 25% of the husbands forced the wives into prostitution, and 40% said their

³¹ Nawa-i-Waqt, 2003

husbands had problems such as drug addiction. As a result of the violence, about 25% of the women had tried to commit suicide.

It is also not unheard of to sell daughters for money. During my visit to the female shelter in the Legal Aid Cell, I had the chance to interview Tahira, a 25-year-old woman. She was barely 12 years old when she was sold by her father for Rs 14,000 (US\$ 240) and married off to the buyer without any legal documentation of the wedding. Beaten up by her husband and molested by his friends and family, Tahira wanted to seek divorce in 2003 but could not produce the *nikah nama* (marriage contract) to the court because it never existed. On record, Tahira has spent 13 years of sin with a man. She could be an ideal victim of the accusation for adultery and be sentenced to death under the Hudood Ordinance. Tahira does not even realise this. She simply wants to be freed from her husband and somehow send her two children to school. Neither is likely to happen in her lifetime.

Tahira says, *Do you know what is the biggest crime in Pakistan? It is to be a woman and also poor.*

The status of women and track record of their rights proves Tahira's statement to be correct. It is the big crime to be a woman in Pakistan, even bigger to be a poor woman. My work for this project has only proven Tahira's statement to be the absolute truth.

A 2003 study by Dastak—a shelter home—confirms that abuse of sexual rights through domestic violence are the major factors that compel women to leave home. As many as 98% of the investigated women faced sexual or physical violence. These women then sought options such as shelter homes. But their inability to find help highlighted the utter lack of economic and legal protection for female victims. Of the 347 women that

stayed at Dastak during an 18-month period, most (83%) were married and majority (77%) belonged to rural areas of Pakistan.

Of all male relations, husbands formed the biggest group of perpetrators of domestic violence, followed by in-laws. The high proportion of women from rural areas also discussed the lack of shelters for victimised females in villages. Moreover, a high influx of rural women to the urban shelters demonstrated the higher occurrence of domestic violence in rural communities as compared to cities. Only 5% of these women had married by choice. An alarming 63% of the women were effectively illiterate. Therefore, we could hypothesise that higher education for women and more liberty in choice of marriage would lead to less domestic violence and a decreased likelihood that the women would end up in a shelter or need shelter but are unable to find it.

PHYSICAL VIOLENCE AGAINST PAKISTANI WOMEN:

The Torture and Destruction of the Female Body

Most Pakistani men, especially in the rural areas and lower economic classes that form more than two-thirds of the Pakistani society, resort to physical violence to punish their wives, daughters, sisters and in some cases even their mothers. When a woman is perceived or falsely accused of threatening the family honour that she embodies, defying the bondage that she suffers from, or standing up for the rights she deserves, she is beaten up and often crushed forever. The Pakistani woman is responsible for the reproduction in her family, all house chores, all the grievances and woes and somehow also responsible to safeguard the patriarchal nature of society. When she refuses to do so, she faces severe punishments—ranging from burnings to death.

According to Madadgaar, in 2002, of the 4, 485 known cases of domestic violence only 3, 296 were reported to police. Of these, as many as 1,345 women were murdered (honour killings, karo kari), 1,538 suffered serious injuries at the hands of relatives, 66 were stripped naked and paraded in village streets, 146 were harassed and teased, and 90 were burned alive. Of the total, 2,083 cases were reported in the Punjab, 952 in Sindh, 250 in the NWFP, and 61 cases in Balochistan.

Victimisation of Women in the Name of Honour

As discussed earlier, women are typically seen as the sole representatives of the values and honour of their families. Thus, defiant women—those who seem to make their own choices—face various forms of brutal murders. In an extensive study by the Social

Work Department of University of the Punjab of domestic violence, at least 1500 women from various socioeconomic backgrounds were surveyed. About 84% of the women frequently quarrelled with their husbands. Only 7 % of the husbands did not react negatively to these quarrels. 50% of the husbands used abusive and taunting language, 27% resorted to physical beating, and 16% threatened their wives with various physical punishments.

Honour Killings

Every year in Pakistan hundreds of women of all ages in all parts of the country are reported killed in the name of honour. However, most cases (probably thousands every year) go unreported; almost all go unpunished. Honour killings are often carried out by blood relations as punitive or remedial measures against female 'crimes' such as marrying a man of their own choice, seeking divorce, or even having been raped by another man. Moreover, a husband who wants to disclaim his children or get rid of his wife would accuse the wife of bearing a child out of wedlock. Hence, it is not difficult at all to justify honour killings in the Pakistani society one way or another.

In fact, men have a monopoly over the honour and the women of their families, who are seen as the embodiment of this honour. Therefore, society effectively entitles the man to do as he pleases with the lives of female relatives, without any real fear of accountability, because of the notion of women as dispensable commodities. In many cases, the murder of a woman is considered to be as insignificant as the death of a domesticated animal. A woman's life is done away with when she transgresses the parameters of morality, which are usually much more flexible for men who created that

paradigm in the first place. Thus, Pakistani males safeguard their so-called honour by supporting a double-standard of morals.

Much like the rest of the world, standards of honour and chastity are not applied equally to men and women in Pakistan, though the honour code in theory applies equally to both genders. In surveys conducted in the NWFP and in Balochistan, men and women stated that in their communities, men often go unpunished for illicit relationships, whereas women can be killed at the merest rumour of impropriety or of any form of sexual contact outside marriage. On the other hand, communities turn a blind eye to women who are forced to have illicit relationships with men who are rich or powerful. This, again, proves that the system is ready to legitimise all illegal actions that satisfy the desire of men, especially men who are rich and powerful.

According to statistics presented by the Human Rights Commission of Pakistan in its 2003 State of Human Rights, at least 172 cases of honour killings were reported in the Punjab. At least 398 people were killed in Sindh over the accusations of Karo Kari by the end of 2003.

Like many other progressive and caring Pakistanis, I do believe that the time has come to discard the honour tag from gender-related crimes and expose the real motives of these murders: seizure of property, grievances against the victim's family, and imagined infidelity of the married victim. The last two motives indicate the killer's state of mind—revenge and grudge. As I read more cases of honour killings, there is growing evidence—ranging from prior verbal testimonies of victims to factual flaws in the confessed killer's version of events—that familial honour is a disguised and concocted motive for most murders in Pakistan that are culturally-sanctioned. No attempt is made to disprove the

common plea of honour, which is written in stone. It appears these men are brainwashed to believe that women are objects that represent family honour and status. Most men—without any feeling of guilt or shame—believe that manipulating and exploiting women is their lawful right as males.

I investigated the availability of treatment and psychiatric help to those who kill women or attempt to do so in the name of honour. However, such is the lack of understanding about honour killings in Pakistan that not a single person accused of honour crime has been ever sent for psychiatric evaluation, according to Dr. S. Haroon Ahmad, former director of the Institute of Behavioural Sciences. Nevertheless, these murderers and committers of domestic violence need extensive counselling from multiple sources, but such men are never required to seek psychiatric help. Thus I feel the need for a social movement to explain to Pakistani men the disconnection of a person's honour from gender.

While it is easy to detest the men under discussion, I perceive their beliefs to be reflective of the society. The mental condition of these men is dictated by gender-based attitudes of society. Committers of honour killings are generally endowed with great power and prestige in the society that makes them arrogant and creates in them a warped sense of right and wrong. Males in tradition-bound societies like Pakistan's believe the '*izzat*' (honour) of their families dwells in women alone. The tag of honour creates a vicious circle of violence against women who are threatened and suffocated on a daily basis with neither any room for escape nor any chance for redemption. My case studies

reveal that individuals with humbler backgrounds as 'Haaris' (landless peasants), who do not have such delusions rarely commit in honour crimes.³²

I find it important to analyse further the societal treatment of crimes such as honour killings. Unlike their aggressive husbands or fathers, typical Pakistani women are docile and accept their fate through endurance and adaptation to mould themselves around the insatiable male egos. I have found that rights groups and NGOs (non-governmental organisations) exclude males from their gender sensitisation programmes, which is a costly omission. These programs include workshops, lectures and conferences in which most of the speakers and listeners are women. The question is, how can the status of women be improved unless men are included in all important decisions and programs to help women?

Male chauvinism has become intrinsic to the household and clan setup, particularly in rural Pakistan. Females are excluded from all decision-making, accorded lowest priority and coerced into making certain choices by family. Their income, voting choices, dowries, assets, and social interactions are completely controlled by males. These restrictions on women have changed them from human beings to material property owned by men in their families. Therefore, while greater female understanding of gender biases can help, it is the male who needs to change his chauvinistic attitude for society to change overall.

Karo Kari

The inhabitants of Sindh, and unfortunately along with them the law enforcement agencies, see *Karo Kari* as an extension of honour killings, although the sequence of

³² The Review, Dawn, 2003

events for the two types of murders are different. As I have learned gradually, these differences are subtle and often confusing. *Karo Kari* means a 'blackened male' in Sindhi, implying immorality, while *Kari* is the same adjective for a female. These words are used to label people who have (allegedly) committed adultery.

In rural areas, marriages that are not arranged are usually assumed to have involved pre-marital sexual relationships. *Karo Kari*, the practice of killing men and more often women on the pretext of honour, is prevalent in the feudal-ridden areas of Sindh, predominantly in Jacobabad, Sukkur, Shikarpur, Ghotki, Larkana, Dadu districts, and some adjacent parts of the Punjab. It is often sanctioned by the Sindhi *Waderas* (feudal lords). The feudal landlords in Sindh are the supposed custodians of the legal, spiritual and physical needs of the people. Their power self-manifests and grows with their unjust exploitation and unfair decisions in disputes among their subjects—the landless *haris* (peasants). The sense of honour and morality of the poverty-stricken *haris* is controlled by their rulers. Given the social interaction between males and females as part and parcel of the Sindhi culture and daily life, *Karo Kari* is an institutionalised practise used for the protection of land, property and criminals and has no relation to the Sindhi code of honour.

Many incidents support this analysis. I came across one such incident while reading a report at the Human Rights Commission of Pakistan. In 2003 a man accused his only brother and previous wife to be *Karo Kari* and the two were killed. The man's actual motive was full claim to the family's ancestral property and desire for a new wife.³³ Similarly, in Balochistan province women are also slaughtered in the name of honour. However, because of different ethnic languages, the term *Siahkari* is used in Balochistan

³³ Shah, 2003, 23.

for women murdered under the custom, instead of the term *Kari* used in Sindh to signify an adulterous woman, who has been labelled 'black' for an alleged sexual offence.

Even if one accepts the flawed regulations on honour killings in Pakistan, the practice of *Karo Kari* cannot be labelled as a form of honour killing. A 'legitimate' honour killing is defined in the Pakistani law as an impulsive act of rage upon the shock of witnessing a female relative in the act of adultery. However, the *Karo Kari* verdicts are issued by Jirgas that pre-plan these well-calculated murders. Thus, *Karo Kari* is not an honour killing even from the biased definitions laid down in the statutes. Therefore, while it might be difficult to dismantle the local Jirgas in a short period of time, it would be beneficial to run educational campaigns in rural communities about the invalidity and viciousness of the *Karo Kari* custom.

Use of Physical Cruelty against Women

The State of Human Rights report for 2003 by the Human Rights Commission states that no wife-beater had been punished in Lahore for over a year. It also states that while 315 women complained about being assaulted by their husbands in several women's police centres in the city between January and August, only two cases had been registered and only one reached the court.

In the Pakistani society, a young and beautiful woman is worth more than an older and unattractive one. Physical beauty is the single most important determinant of the value of a woman. After all, if you went to a cattle market to buy an animal, you would go by the appearance of the stock, not the personality or upbringing. Such is the common status of women—objects whose value depends on their appearance. Usually, education

and personality of a woman is not a factor in any case, because most women have no fair opportunity to develop such personal qualities. Therefore, when archetypal Pakistani men seek to punish females, their focus is the mutilation of the women's bodies in the most brutal way that is physically possible. Such punishments best fulfil the objectives of the male perpetrators, because the female victims are rejected as useless by the patriarchal society. There is no chance for survival or sympathy for mutilated women.

Burning of Women

After reading a survey by Aurat Foundation of Lahore that attributed 50% of stove deaths to accidents and 50% to murder or suicide, I realised the extent of crime involved in such burnings. A police officer, Farkhanda Iqbal, reported that each day two or three married women are burnt alive by their husbands or in-laws. Out of 294 cases of burning of women, 217 resulted in fatalities in the year 2002, according to data collected from just five hospitals of the twin cities of Rawalpindi and Islamabad. These 294 cases concerned wives, daughters and sisters left at the mercy of flames or gases. FIRs (police reports) for only 4% of cases were registered, while the rest ended in compromises through bribery or arm-twisting due to which police did not register the crimes. Approximately 53% of the victims were below the age of 20 years.

In very few cases, the transgressing men may have a valid plea such as the unfaithfulness of wives. Taking their cue from the frequent burning of women, these enraged men punish their unfaithful wives by setting them on fire. Similarly, fathers and brothers often feel entitled to chastise their adult female relatives. From a very humanitarian perspective, these women should have the right to make their own

decisions. Most of the victimised women are burned for protesting against domestic violence, or to be gotten rid of for no reason. For example, on 14 August 2003, ironically the Independence Day of Pakistan, a woman named Ishrat was burned to death by her husband and in-laws after finally refusing to be a prostitute as she had been for the past six years to fulfil the greed of her alcoholic husband. Ishrat was a mother of three girls. I wonder what will become of the girls. I find it horrifying to imagine they would be forced into prostitution by their heartless father or burned to death upon refusal to comply with his orders.

The Progressive Women's Association recommends that the state treat the burning of women as an offence against the state. This would enable law-enforcers to sentence criminals to severe punishments, which would serve as a deterrent to other men wanting to burn women. The Association also recommends at least 10- to 20-bed burn units for every one million population of the country as mandatory. Since burnings from stoves and kerosene oil is not a problem of the elite, there are no burn units in most hospitals.

Oil stoves are used all over the four provinces, yet stove bursting incidents are reported only from specific areas of the Punjab. There are also too many similarities in the history of victims to attribute all these deaths to accidents. They are generally young women, married within five years of the incident. Although these incidents occur in lower class families with joint family systems (with extended family living together), there is nobody around at the time of the incident and a woman's cries are heard only when she is nearly dead. Moreover, the police have apparently never managed to recover remnants of a burst stove which the woman's in-laws always claim to have cleared away.

Acid Throwing

Over the past ten years, cases of throwing corrosive acid on women have become quite common. Disgruntled men seek revenge or punishment of women by purchasing cheap sulphuric or nitric acid and surprising female targets with unexpected attacks. Such attacks leave the bodies of the sufferers severely desecrated. One small bottle of the acid is sufficient to ruin the life of a woman forever. Sulphuric and nitric acids used as cleaning agents are available at most departmental stores. These acids cause skin tissue to disintegrate, exposing the bones underneath, as in most cases of acid burn victims. I fail to understand why such items are allowed to be sold openly in the market, when their hideous use to burn women is known. This is tantamount to culpable indifference on the part of law-enforcing authorities.

The sale of all acids should be on permit only, especially in Southern Punjab cities of Multan and Bahawalpur, because during the last four months of 2002 alone, 55 cases of acid-throwing were recorded there. Besides Southern Punjab, acid throwing is also becoming more common in the twin cities of Rawalpindi and Islamabad. The Progressive Women Association alone has dealt with 1500 cases of acid-burn victims since 1994. It also stated that in the last five years, 5000 acid burning victims have been reported in a radius of just 200 miles around the twin cities of Rawalpindi and Islamabad.

Most of the survivors of acid attacks experience a sudden change in their lifestyle due to discontinuation of education or work during their lengthy recovery. The victims face social isolation due to physical disfigurement, damaging their self-esteem and economic position. Interviewing various families, I found out that only some relatives sympathise with burn victims, while most suggest a wrongdoing on part of the victims

that must have led to such a heinous act by the men involved. In other words, the crime is to be female.

AFTERMATHS OF VIOLENCE AGAINST WOMEN:

Difficulties in Changing the Socioeconomic Plight of Females in Pakistan

When nine-year-old Noreen Anjum was raped by her father, she told her maternal uncle and aunt who filed a case against the father. The trial judge sentenced the father to maximum punishment but on appeal, the Federal Shariat court reversed the decision and acquitted the father. Despite overwhelming evidence against the father including medical evidence and the consistent testimonies of Noreen and her brother, the court denied the fact that any father could abuse his own child in such a way and ruled that it was possible that the maternal relatives had deliberately injured the girl to take some sort of revenge on the father.³⁴ The girl was forced to live with her father after the episode. How could a young girl like Anjum be made to live in constant fear from a hostile father? In most other countries and most other legal systems, especially in the West, such a heinous crime would be punished to the maximum limits of the law, with rehabilitation services for the victimised girl. In Pakistan, there is no room for sympathy or justice for a girl like Anjum.

While the ways in which women are subjected to domestic violence are horrific, the actual and eternal ordeal of women begins after their mental, physical and sexual victimisation at the hands of relatives. In particular, women who seek to escape the vicious cycle of violence or seek help are often left stranded by society and law enforcers to suffer forever till these women die. In most cases, familial communities mock battered females, the parallel legal systems desecrates them, and society completely rejects them.

³⁴ Jahangir and Jilani, 2002

The aftermath for women of other serious crimes such as Karo Kari or honour killings is not too different either. The SHO (police officer) of Kashkore, Sindh says that “To commit a Karo Kari murder, you must have at least Rs.150,000 to Rs.200,000 at hand. After killing his wife and her alleged paramour, a man usually comes to the police station with his blood-stained hatchet or gun. We help him by distorting the statements on record because this is a question of *ghairat* (honour). And shares of the huge bribes from karo kari cases go to SP (Superintendent) and the DIG (Deputy Inspector General) on range.” There are hundreds of cases of Karo Kari either reported or publicised in the media. Almost all those who carry out the custom go unpunished.

Legal inconsistencies and injustices are just part of the aftermath for a victimised woman. In most cases, she has no access to lawyers, counselling, or sheltered housing. While most women who suffer do not dare knock at the doors of courts and police stations, the few that file cases embrace lifelong trauma. For these domestic violence victims who do seek justice—either themselves or through other family members—there is a surprise aftershock of trying to achieve justice through a biased legal system. Their efforts may result in custodial rape or re-victimisation, as in the horrific case of Noreen Anjum.

Protection of Victims

At best there is the family court system which, though limited in its ability, still has some power to protect women. There are many laws discriminatory to women rights and their status, for instance the Hudood Ordinance introduced by Pakistan’s former dictator General Zia-ul-Haq. Sadly for the women of this country, all the so-called

democratic governments that followed did not repeal any of these laws. There can be many reasons for such widespread violence against women, such as traditions, illiteracy and extreme poverty—but the absence of any proper arrangement for legal protection of the victims of violence is inexplicable. Abused females have no choice but to continue living with their tormenting relatives primarily because of the notorious police system, where even a man is afraid of approaching police.

Apart from discriminatory laws, the lack of shelter homes is also a major challenge that women subjected to domestic violence face. Since the economic sustenance of typical Pakistani women is tied so closely to the men's, it is not possible for female victims to live on their own after abandoning the houses of their husbands or fathers.

Except government-run Dar-ul-Amans (houses of safe shelter), where women are treated like prisoners, there are hardly any arrangements in the private sector for the needy women. The Dar-ul-Amans were set up to protect women suffering in their homes to due to abuse and beatings at the hands of their father, husbands or other relatives. The staffs who run the Dar-ul-Amans also perceive the shelter-seeking women as dysfunctional and troublemaking elements of society. Thus the distressed women are kept under strict supervision and are not allowed to leave on their will without a court order.

In fact, either due to the lack of female prisons or due to normal practice, most judges order the alleged female criminals to be kept in local Dar-ul-Amans. One ray of hope for female victims in Karachi is the Pannah (Shelter) set up in January 2002 with the help of several NGOs. Help such as legal aid, counselling, medical assistance and custodial protection is provided. The need and effectiveness of Pannah is shown by the

fact that victims from far-flung areas like Quetta seek refuge there. But Pannah has space for only 24 victims at a time. The shelter provides a model for state-run Dar-ul-Amans. There is an urgent need for more shelters like Pannah, either with governmental or NGOs' help.³⁵

Family courts were set up a few decades back in a bid to protect women, who in a conservative society have always been victims of violence. The performance of these courts has been dismal. But with some amendments to the family laws, the situation is likely to improve further.

The jurisdiction of the current family courts is limited and restricted. The courts cannot interfere or decide in cases of domestic violence, making it difficult to protect the rights of women in families. Need for further empowerment of family courts therefore arises. As an example of this need, PAWLA's legal aid service (an NGO) has faced an increase in the number of women seeking help by a factor of two every year starting in the mid-eighties. In 2002, at least 1000 women in distress approached PAWLA and nearly 70% of these women were victims of domestic violence.³⁶

The Family Law Courts Act 1964 gave limited powers to the courts. The courts now need more jurisdictions to deal with domestic violence at least to some extent. Mentally distressed women are more likely to approach family court than the indifferent and unresponsive police. In October 2002, an ordinance was passed to make amendments. By these recent amendments, family court judges have been given powers of the first-class magistrate to try and to punish offences between spouses. This could go a long way in providing relief to suffering wives. Formerly, the family courts had no such

³⁵ Profiles of Vulnerability, 1999, 27

³⁶ A Manual of Domestic Violence, 2000, 55.

powers of interim order and to grant injunctions in cases of maintenance of women and children, pending the proceedings. The current amendments have given the courts this power of ensuring the financial security of women and children during trials for domestic violence. The courts have decree over visitation and property rights and can also order the preservation of the husband's assets from sale to ensure the recovery of liabilities owed to women and children by men. Other provisions in the current amendments seek to facilitate *Khula* (woman seeking divorce) procedures and speedy trials. The family courts are also not too widespread and there need to be more branches in rural areas.

However, there is a glaring lack of awareness on part of women about legal rights and the existence of family courts. Furthermore, the amendments that were made in 2002 have not been sufficiently highlighted in public. Proper application of law in family courts will certainly make redress for the women a bit easier and could perhaps even deter the husbands from battering their wives.

Custody of Victims—Women Police and Crisis Centres

The reasons for not going to law enforcers in case of rape or other domestic violence also include further abuse at the hands of police during interrogation or custodial confinement, reprisal from the guilty men with help for the perpetrators from police, and lack of protection for victims. One news item from The News published in Lahore on January 04, 2003 reads, "ASI [police officer] rescues abducted girl from rapists, repeats ordeal in lockup." The further victimisation of rape victims at the hands of police has occurred in hundreds of cases. According to Madadgaar, of the 31 cases of rape reported in 2002, there were 21 cases of sexual abuse in custody (11 of which occurred in Sindh

alone). Nearly always, the police officers are only 'suspended' and a mere departmental inquiry is ordered meanwhile. When a case of rape is actually registered and police are also involved in abuse, the victim's family is often pressured and threatened to shift residence. In other instances, social harassment compels victims' families to change their residence. As a result, families stop legally pursuing the case and almost all the rapists are released on bail.

Given the history of treatment of rape victims in custody, it is simply wrong to keep a female in a male police station or precinct. At present there are only three crises centres and ten women police stations (run by female staff) in the country, mostly in urban centres. There was a proposal in 2003 to set up 40 more women police stations and seven crisis centres across the country. Such proposals are made frequently by the government but the claims of establishing and recruiting for women police stations are hollow. In the peculiar state of affairs, women police stations and cells that were established by the Bhutto government in the last decade are not being used to keep female detainees. The distressed women face constant threats from male relatives due to lack of protection after filing their cases. The lives of such women change forever because they will never be accepted back into their families or community.

Women that are constantly beaten, accused, abused and threatened become psychologically ill and unstable. These women cannot be a functional part of society.

Effects of Domestic Violence on the Victims

Violence is considered part of the natural order in Pakistan, and is a function of the belief that men are superior to women. So women can be treated as personal objects

or commodities. Even the female victims as shelter seekers more or less blamed their own inability to stand up to domestic pressure and their failure to fulfil the husbands' demand for their marital problems and undesirable circumstances as shelter seekers.³⁷

Repeated domestic violence crushes the self-esteem of these women, who see themselves as powerless and worthless.

Consequences for Children

A woman living at the feet of her husband finds it difficult to handle the stressful demands of a small baby. Her mechanisms to cope with issues such as postpartum depression are undermined by psychological trauma. In addition, the child of an abused mother becomes an unwitting victim. The destruction of family and lack of security makes these children turn into circumstantial victims or future perpetrators.

Domestic violence is not just a women's issue. It is also a children's, hence societal issue. Apart from the women suffering problems with self-esteem, their children face severe emotional and behavioural problems growing up with the traumatic sight of their fathers assaulting the mothers. The effect on children varies according to their age, gender and temperament. In general, the children feel isolated and insecure because of the family secret. The disruption of an infant's dependency and attachment to the mother manifests itself as sleeping and eating disorders, and poor health. Interviews with these children, ranging in age from 3 years to 15 years old reveal mixed reactions. Some become as violent and aggressive as their fathers while others become introverted and anxious—both abnormal behaviours. On the other hand, young girls who witness

³⁷ Khan, 2003, 17.

domestic violence in their households are more likely to become victims by readily accepting mistreatment at the hands of male relatives in the future.

Indeed, violence breeds violence. If children in their teens or younger witness domestic violence, they learn violence as an appropriate way to resolve conflict in human relationships. It is common to see such children rebel against adult authority and constantly fight with their peers. The whole plethora of difficulties for these children includes difficulties in adjusting at school, school phobia, poor academic performance, low concentration span, unwillingness to trust others, and hardship in social interaction. Many children live with fear and anxiety, waiting for the next violent incident. All self-conscious children (generally above the age of 5 years old) in households with domestic violence will have a feeling of self-blame from being unable to prevent the violence. They will also have split loyalties, not knowing which parent to support in domestic disputes. The family structure—father as head and dictator, mother as subordinate and subject, and children as the neglected and trivial factor in the equation—does not prepare these children for healthy future lives and relationships.

Psychological Issues of Self-image and Fear for Defiant Women

If women seek or obtain divorce, they are treated as a bad omen in many households. Talking to such women, one realises that a young divorcee in the Pakistani society endures character assassination in that the entire blame is placed on her, irrespective of her ex-husband's character and shortcomings that led to divorce. Women that go through crises in their marriages are made to feel worthless and unacceptable by society. Female divorcees are boycotted socially because it is thought that their

misfortunes will somehow rub off on others. So much so, people make remarrying of such women very difficult. So is a woman supposed to tolerate her husband even if he beats her almost to death because the loss of a husband means the loss of identity and respect?

The frequency and randomness of Karo Kari incidents contribute to an atmosphere of fear among young women of Pakistan. Human rights activists with Amnesty international told that women in Balochistan face the danger of being branded *siahkari* (black women) by the merest chance contact with a man not belonging to their families, and are driven into ever more profound seclusion.

A woman poet, Attiya Dawood, quoted a 14-year old girl in a small Sindhi village:

*What is there to my body? Is it studded with diamonds or pearls? My brother's eyes forever follow me. My father's gaze guards me all the time—stern and angry. Then why do they make me labour in the fields? Why don't they do all the work by themselves? We, the women, work in the fields all day long, bear the heat and the sun, sweat and toil. Yet we tremble all day long not knowing who may cast a look upon us. We stand condemned to be declared kari and murdered.*³⁸

Gender Disparity in South Asia

The psychological fears and social threats faced by Pakistani women hinder their progress far more than men of this developing country.

Ms. Naheed Hassan, a Counsellor at Dastak, says that a very low ratio of shelter-seeking women would ever return to their homes for a normal life in the future.

³⁸ Haven Becomes Hell: Domestic Violence in Pakistan, 2002, 52.

Therefore, once a woman takes proactive measures to protect her body and her rights, she is cast as a rebel who has no place in the traditional society. This only adds to the social, psychological and economic disparity between men and women.

The analysis in the *Human Development Report* marshalled statistical evidence and ascertained gender inequality through composite indices. First, the Human Development Index (HDI) measures the average achievement of a country in terms of the extent to which the people enjoy a long and healthy life, are educated and knowledgeable, and maintain a decent standard of living. Second, the Gender Development Index (GDI) brings the unequal achievement of women and men into the HDI. The greater the gender disparity in basic capabilities in a country, the lower a country's GDI as compared to its HDI. Third, Gender Empowerment Measure (GEM) is employed to measure opportunities available to women vis-à-vis men in participation in the economic and political life of a country. The results show the gender disparity in Pakistan as well as South Asia, which is a direct consequence of the status of women and related issues such as violence as I have defined it here:

South Asia's regional GDI was only 0.51, compared to the developing country average of 0.63 and the world average of 0.70. South Asia was the second lowest in the whole world. Within South Asia, Pakistan's GDI was lower than that of India. South Asia's GEM score at merely 0.24 was the world's lowest. Pakistan pulled down the South Asia average because at 0.176.³⁹

Economic Backwardness Imposed on Women

³⁹ Sen, 1990, 10.

For victims of domestic violence—whether they press charges or not—psychological trauma, illiteracy and economic dependency further limit their power. These battered women are imprisoned within a circle of violence. Another study—for a doctoral thesis project in 2002—drew upon a sample of 40 married females reveals the causes and effects of domestic violence. The study was conducted by a PhD student, Naima Hassan, of the Applied Psychology Department at the Punjab University. The 40 women—living in shelter homes—were between 13 and 44 and some were educated even up to a Masters degree. Interviews and case studies on the women and their husbands conclusively suggested that lack of psychological and emotional freedom from men, lack of education, and above all lack of financial resources to fulfil needs, led to the victimisation of women.

Besides, 60% of the women said their work efficiency had been affected and more than 90% faced mental issues such as lack of self-confidence and feelings of helplessness. The more educated interviewees explicitly stated that the situation of women in Pakistan is aggravated because family laws hardly provide any protection to victims of domestic abuses.

To further investigate these issues, a group of students from the Social Work Department of University of the Punjab formally studied domestic violence in 2002. Their findings were documented in a report titled “Domestic Violence against Married Women in Punjab”. The study examined the causes and perceptions of domestic violence, the demographic factors affecting such violence, and the attitude of women who were victimised. The survey population was comprised of 1500 respondents from various geographic, educational, economic and religious backgrounds. The sample chosen was

heterogeneous in terms of family structure (joint or independent), types of marriage (arranged or watta satta—a brother and sister marry another brother and sister—or by choice), and economic background. Some of the findings were quite shocking even for me, despite coming across brutal stories in my study of the subject.

The economic status of the women is reflected in the fact that three-quarters of the women were unemployed, hence financially constrained. All of these women cited domestic violence and restrictions imposed by husbands to be strong detriments to financial independence of the women. Among those who were employed, three-quarters were part-time workers.

Lower or lower-middle was the most represented class among the families, and labour was the most represented occupation among the husbands. 87% of the women surveyed were completely illiterate. Not only were the personal qualifications of the women a factor, but also the economic status of the families appeared to play a major role in the violence. The poorer the family, the more victimised the women in general. Hence female victims are trapped in a vicious cycle of domestic violence: their constrained economic backgrounds allow their men to abuse these women freely, and this abuse in turn further worsens their socioeconomic plight by snatching away from these women the right to life choices and survival options.

Therefore, it is clear that the effects and aftermaths of domestic violence against women in a patriarchal society like Pakistan's are devastating. The lack of protection and of legal, financial and psychological help renders millions of women to be dysfunctional parts of society. And if up to 80% of Pakistani women face violence in the household,

then the numbers are alarming and call for immediate remedies. Otherwise, Pakistan will never be able to achieve real socioeconomic development.

LEGAL ASPECTS IN CASES OF DOMESTIC VIOLENCE:

The Intrinsic Legitimation of Crimes against Females

The constitution and civil laws in any country ought to protect the life, peace of mind and property of all citizens regardless of their gender, background or religion. In Pakistan, minorities have always been disadvantaged. These minorities could be based on religion, or simply power—as are women and poverty-stricken citizens. When it comes to civic rights, women are by far the worse off because of the biased interpretation and implementation of the constitution and laws by the judges and the police. There is little or no sympathy or justice for women in distress, who are often seen by male-dominated legislatures and law enforcement agencies to be guilty without reason.

A brief overview and analysis of the constitution reveals that laws in Pakistan do little to protect the rights of women in an extremely patriarchal society.

Constitutional Considerations

Ideally, a country like Pakistan should have civic laws that reserve severe punishments for men that victimise women. Moreover, the police and judges should be reprimanded severely by the government and concerned ministries in case of violations. Khalid Nazir, in an article “Why an Increase in Crime against Women?” for the magazine Adhi Dunya, writes: “The existing law needs appropriate amendments so that violence and crimes against women can be eradicated. It is not uncommon for women in the household to be assaulted by close relatives. In recent times, marital and familial rape has increased at an extraordinary rate. The incidence of rape is often viewed by society and

lawmakers as adultery or fornication on the part of the women.” The relevant law on such cases, The Hudood Ordinance of 1979, makes no distinction between forced adultery and consensual adultery.

It is to be borne in mind that the punishment upon conviction of adultery is no less than death through stoning. To prove a case of mutually consensual adultery, the law in Pakistan requires four witnesses of the incident, who also have to officially accuse the defendants. If the accusers fail to prove their case, then they are banned from becoming witness to any legal case in the future. Islamic scholars claim that this careful scrutinising ensures the validity of all convictions of adultery. Moreover, members of the society are discouraged to make false accusations of adultery against their enemies. Another objective is social censure to discourage people from discussing cases of adultery which might instigate more people to become perpetrators of adultery. These details on statutes of consensual adultery, however, also apply directly on forced adultery, in other words rape!

From a theological perspective, the two forms of so-called adultery are clearly distinct. Adultery with consent of both parties is a violation of the injunctions of religion, whereas, adultery that is forced upon the female victim is a violation of the word of God and the rights of humanity. As is self-evident, mutually consensual adultery is the choice of both participants, while forced adultery is a blatant crime on a victim’s body, honour and sanctity. In legal terms, the two cases of forced and consensual adultery are completely different in letter and spirit. Therefore, it makes no sense to have the same investigative and remedial procedures for both forms of ‘adultery’.

Theoretically, it should be made easier for female victims of rape to prove their cases in comparison to cases of consensual adultery. In addition, rapists and criminals against women have been provided the illegitimate leeway to categorise their assaults as adultery as opposed to rape. The lumping together of voluntary adultery and forced adultery—effectively rape—through the implemented Hudood Ordinance of 1979 has actually increased domestic crimes against women, contrary to the claims that the Ordinance would protect rights of the female. To add to the tragedy of legal challenges faced by female victims, the law on adultery (and rape) in Pakistan has facilitated evil social practices such as *Karo Kari* or honour killings. The male family members that punish their female relatives for being raped or assaulted see no difference between forced and consensual adultery—just like the Pakistani law. At the most, if the raped female is not killed, her marriage is ended or she is never married off in the future.

No Concept of Marital Rape

The Dissolution of Marriage Act accepts domestic violence as grounds for granting woman a divorce, but there have not been any cases in court where a wife has specifically asked for the dissolution of her marriage on the grounds that her husband forced her to have sex against her will. Meanwhile, the Pakistan Penal Code section on rape exempts a man's sexual intercourse with his wife (provided she is over the age of 13) from the definition of rape, while the Zina Ordinance only covers rape outside marriage. Suits for restitution of conjugal rights can be formed by both men and women, though they are usually filed by men.

Hudood Ordinance

Under Pakistan's existing Hudood ordinance, a woman who has been raped and wants the state to prosecute her case must have four Muslim men testify that they witnessed the assault. In the absence of these male witnesses, the rape victim has no case. Equally alarming, if a woman cannot prove the rape allegation she runs a very high risk of being charged with fornication or adultery. The criminal penalty for these is either a long prison sentence including public whipping or death by stoning (which has actually never been carried out in Pakistan). The testimony of a woman carries half the weight of a man's testimony under this ordinance. Thus it is easy to prove adultery on part of a woman in the Pakistani legal system with a simple medical examination (that does not reveal circumstances of sexual intercourse), while it is impossible to prove rape because of the requirement for witnesses.

Dr. Farooq Khan, a religious scholar, stated in a seminar by UNICEF in December 2003 that the Quran sets the evidence of a woman equal to a man's witness on seven occasions. On the contrary, men's witness has been granted superiority over women's on one account. Therefore the concept that the woman should not be given the right of evidence in Hudood case is wrong, but is still part of our law that does not provide an equal right to men and women. The Quran does not allow any man to kill his wife even after finding her in an objectionable condition. In such situations, the Quran directs men to refer the case to courts.

Inaction on the Hudood Laws persists despite the government-run National Commission for Status of Women calling for repeal of the Hudood Ordinance on the grounds that it "makes a mockery of Islamic justice" and is "not based on Islamic

injunctions.” Despite the outcry in Pakistan and internationally, the tribal ‘jirga’ ordered gang-rape of Mukhtaran Bibi in Punjab to seek revenge from a family whose men had committed crimes against another family of the tribe. Moreover, the sentencing to death by stoning of Zafran Bibi on grounds of adultery was another outrageous verdict. While some action was taken against the tribal jirga that legitimised the gang-rape of Mukhtaran Bibi, and the sentence against Zafran Bibi was suspended, a system that tolerates such inhuman verdicts is an extremely unjust one. The Asia Division of Human Rights Watch has monitored cases under Hudood Ordinance. In a letter to the dictator of Pakistan, General Musharraf, the Executive Director Mr. Brad Adams stated over 210,000 cases under the Hudood laws are in process in Pakistan’s legal system.

Role of the Government of Pakistan

Subsequent Pakistani governments have failed to carry out their responsibilities to protect the rights of women. In the past, the state has committed to several international agreements to prevent violence against women. In 1996, Pakistan signed the Declaration of the United Nations Women Convention. Article 5, paragraph A states that members of the agreement are required to take steps that will eliminate gender-based superiority or inferiority. Moreover, all laws that can be considered insufficient or discriminatory towards women would be amended to conform to the United Nations Convention. Article 18 required member states to present a comprehensive report on constitutional amendments to discriminatory laws. It is no less than tragic that Pakistan has not made the amendments and also failed to submit any report of the form that would comply with article 18.

In 1997, an Amnesty International report on progress made by members of the UN Women Convention assessed the constitutional reforms for women's rights in Pakistan to be dismal. In 1998, the same report by AI stated that Pakistan had been unsuccessful in stemming violent crimes against women and amending its laws fairly, hence effectively breaching the agreement at the Women's Convention of 1996.

Performance of the Government of Pakistan

As stated time and again by various national and international observers, the performance of the Pakistani government has been no less than abysmal when it comes to protection of women. In an imitation of the theatrical performance put on by the rulers of Pakistan in their claims of protecting the rights of women, the dictator of Pakistan General Musharraf vowed his commitment to the abolition of crimes against women, particularly killings in the name of honour. But the vow remains unfulfilled even one year after the induction of the current parliament. There has been no parliamentary discussion of making honour killing a capital offence, let alone the much-discussed law of making honour killing an offence against the state.

Feryal Gauhar, a goodwill ambassador for the Population Fund of the UN, discusses the approach of the Pakistani Parliament in her article "There Is No Honour in Killing" that appeared in The News in late November, 2003. A Member of Parliament moved a resolution in the National Assembly against Karo-Kari on November 10, 2003. It was placed number 12 on the agenda of the day's business. Gauging the sensitivity of the issue the Member had personally ensured that his resolution was discussed before the house. On the given date, all items on the agenda were called, but the Speaker bypassed

item number 12 and took up some other notice instead. The Member reminded the Speaker of his motion on the agenda and protested unsuccessfully after the speaker ignored his reminders. After the session, the Member was called to the Speaker's chamber and found, to his surprise, several other Parliamentarians. They bluntly told him to withdraw the resolution permanently. They said they were Pathans (native of the NWFP), and would safeguard their centuries-old customs from anyone who sought a change. This is the state of governmental patriarchy in the so-called democracy.

Unlike the past, the present national and provincial assemblies include a significant number of women. Their presence on both the opposition and treasury benches should have initiated at least the passing of a resolution condemning the barbaric killing of women. The fact that most of these women politicians come from influential feudal families and are related to powerful male politicians cannot be ignored. Whatever the reason—personal disinterest in the plight of other women or pressure from their male relatives—these female members of assemblies have woefully ignored the cause of women. Consequently, women in power have betrayed the hopes of suffering millions and ignored their electoral promises of championing the rights of women as a political agenda.

While the current government has publicly warned against religious and social extremism, these warnings have failed to translate into concrete legal measures to protect the basic rights of women in conformity with humanitarian and international norms.⁴⁰

⁴⁰ "There is No Honour in Killing", 2002.

Political Groups

Women and Religious parties form important political groups in Pakistani National and Provincial Assemblies. These groups have affected the situation in the following ways.

Female Members of Parliament (MPs) have a significant role to play in the social progress and economic development of the millions of Pakistani women, currently in a deplorable state. The percentage of female MPs has been steadily growing over the years—without any use to change in the suffering of women.

In the recent elections, as many as 17%, 74 in total, of the elected members of parliament were women. Similarly, 33% of the women were brought to power in the local bodies' (municipal) elections. These women were elected on a platform of protecting the rights of women in the country. In particular, the election of 74 women in parliament, 17 in the senate and 139 in provincial assemblies, should be a harbinger of change that would redefine the relation between parliamentarians, national interests, and women issues. For instance the 23 female members of the NWFP provincial assembly could unite to form a platform to oppose the discriminatory laws in the conservative province. However the women parliamentarians have so far failed to deliver for the cause of battered females of the country.

It is only fair to acknowledge that these elected women do face constraints. First, their presence in the domain of law-making is a new experience for most of them. Not only does this translate to a personal lack of confidence and assertiveness in parliamentary sessions, but it is also reflective of the fact that the presence of women is a merely pretentious show of gender-based fairness. In some cases, the women were

elected from constituencies traditionally held by their male family members who could not contest the elections this time because of the more stringent qualification requirements imposed by the government. These women have not been left in any doubt that they are holding the seats for men in their families. As for those elected on reserved seats on party tickets, they would owe their loyalty first to the party that brought them to power and then to any other cause. Therefore, the presence of women in national and provincial assemblies is little more than a false reassurance that the interests of Pakistani women will be effectively represented and protected in state-level politics.

In a bold effort, however, Dr. Anjum Amjad, a female member of the Punjab provincial assembly, drafted and pushed for a bill that would lead to a curb in domestic violence of all kinds. For instance, the bill called for the drafting of Protection Officers in each district, who would investigate and help register cases of domestic violence only. The bill also proposed separate courts to hear cases of domestic violence, and the establishment of special cells that would protect women who showed the courage to file such cases. The bill was presented in the Punjab Assembly recently and was voted upon. It failed to pass. One has to ask: where are the committed politicians, in particular female ones? As Ishrat Ashraf, member of the national assembly said last year, “The representation of women in parliament is an exhibition. Their role is nothing more than clapping.”⁴¹

Due to the zeal and fervour of their followers, religious parties could ideally project the case of women, especially because any religion, including Islam, is supposed to be a

⁴¹ State of human Rights, 2003, 15.

protector of women in terms of its injunctions. The percentage and hence political role of religious parties has been increasing in Parliament too.

While religious parties claim to be implementers of Islamic laws, including the ones that champion the rights of women, the parties have utterly disappointed with their lack of support of, in fact stiff opposition to, any proposed bills that seek to protect women from victimisation or punish the perpetrators of domestic violence. In the NWFP, where religious parties head the provincial government, a ban on the coaching for female sportswomen by male instructors and a ban on the treatment of women by doctors who are men, has been placed in name of chastity. How can women athletes or female patients receive sufficient training or treatment when female coaches or doctors are virtually non-existent?

If female MPs and religious parties do not step up for the cause of women, the future for Pakistani females looks even bleaker than it is. Apart from constitutional considerations and political agendas, the criminal procedure itself is extremely biased against women, without any support from the law.

Criminal Procedure

In most cases of violence against women, the police explicitly refuse to investigate. There are thousands of reported cases that are reported every year but never investigated. Consider the case of Raheela: Three months after the murder of his daughter Raheela by her in-laws, Khalil Jan, a poor inhabitant of Rawalpindi, was still waiting for the post-mortem on his beloved daughter. Raheela's spontaneous murder was covered up as some illness. Owing to a new and lengthy process of having post-mortems for buried

ones, it can take months before the autopsy is ordered. The court first refers the case to the health ministry to form a board to carry out a post-mortem. The procedure is clearly a hurdle to quick justice for the poor masses.

The attitude of the judiciary is also biased against women. Although no formal study on judicial attitudes has been done in Pakistan, according to The News (on 13 May 2003), a survey conducted in which 109 judges were interviewed is quite revealing. The results indicate 74% of the judges felt that preservation of the family should be a primary concern for womenfolk, even if they face domestic violence in the family. 48% felt that there are certain occasions on which it is suitable for the husband to slap his wife.

Those who decide to support a woman's case by agreeing to appear as witnesses in court also face stiff opposition. In Pakistan, it is common knowledge that in the absence of any witness protection program, witnesses often change their statements or back out at the last moment because of issues like social and political disparity between the two parties in court, financial incentives, or pressure from threats. The only possible remedy for the problems with witnesses is recording the statements of the witnesses before a magistrate. Then, a procedure under section 164 of the CrPc (Criminal Procedure), they are guilty of perjury if they retract their statements. However, where the accused is very influential, not recording the witness in front of the magistrate is usually a deliberate omission, where police take investigation very lightly. It is very common for the perpetrators of violence against women to be affiliated with or supported by influential landlords or officials. In cases where the victim is under treatment, her testimony would thus not be available during the trial and it would be all the more imperative that her statement be recorded before a magistrate.

Settlements

The rare cases in which the criminal procedure and legal systems allows for settlements for women, these settlements are virtually useless for the victims. In fact, in most cases of settlements, the verdicts further alienate women plaintiffs from their families and isolate the plaintiffs from society. There are several aspects that negatively affect the fairness of settlements.

The first factor detrimental to the fairness of settlements is the judicial system itself. Numerous court verdicts and settlements have shown that the Pakistani judges perpetuate the male chauvinism of the society. This is worsened by the lack of female judges and policewomen. But to begin with, access to civil courts is still a luxury accessible and affordable only to a fortunate few. Typically in the low-income, clan-like population that forms majority of the society, if both sides agree, the *Panchayat* or *Jirga* or *Faislo* is used for settling almost all disputes (the words being from regional languages of Punjabi, Pashto and Sindhi). These three terms signify the same idea— all meaning agreement or meeting of a council of elderly men that are respected by the clan and are charged with the duty of arbitration, mediation and reconciliation in local disputes through implementation of tradition-based verdicts.

In case of domestic quarrels, the verdict is always biased against the female. The traditional justice dispensed by the *jirga* or *faislo* is always about restoration of the balance disturbed by a woman's alleged misdemeanour. It is not intended to elicit truth and punish the culprit. The balance is restored by negotiating compensation for damages

because women are treated as property. Compensation for defilement of honour is distributed in proportion to the perceived damage to this property.

For instance in 1996, there was a killing of 16-year old Shah Khatoon, married six months earlier to Rafiq, and 13-year old unmarried Amina, both of the Khaskheli tribe. The girls had run away with Zulfikar Chandio of the Chandio tribe. The girls were caught and a *faislo* decided to send them back to their families. On the night they returned, their male relatives (the Khaskheli brothers Rafiq and Amir) hacked them to death. Shortly afterwards, elders of the Khaskheli and Chandio tribes sat in a *jirga*. The aggrieved party, the Khaskhelis, demanded two women in compensation for their daughters but the Chandios refused and offered monetary compensation. The following compensation agreement totalling 600,000 Rupees, an enormous amount by rural standards, was made, to be paid within six weeks to these individuals:

- Mitho Khaskheli, elder of the tribe, probably because Shah Khatoon's father was dead: Rs. 150,000;
- The murderers Amir Khaskheli and Rafiq Khaskheli: Rs. 60,000 each;
- Amina's father for the loss of a daughter he could have married for a bride price: Rs. 150,000;
- The elder brother of the accused killers because he had sold his taxi to get his brothers released from police: Rs. 60,000;
- Murad Khaskheli, the father of the accused: Rs. 120,000;

As no family member had complained to the police, police had on their own initiative registered the complaint and arrested both murderers. In the faislo, a *razinama* (a legal document in which the complaint is withdrawn) was signed. Both murderers were released and participated in the celebration of the settlement. Zulfikar Chandio was told to move to another part of town. I present the above case to expose the total injustice of typical settlements in cases involving female victims.

In other cases, the *sardars* (tribal leaders) often consider the transfer of women to be a good mechanism to settle disputes. If it is felt that an injustice occurred or compensation was inadequate, honour or karo kari killings can lead to a series of further killings.

Diyat and Qisas

Diyat (compensation) is basically the option of paying blood money to the family of a female victim of crimes such as honour killing. Similarly, Qisas (retribution) Ordinance makes it possible for crimes of honour such as the killing of women to be pardoned by relatives of the victim.

These constitutional provisions further enable the law enforcers who make settlement verdicts to perpetuate the societal bias against women. The biggest legitimising factor—as is the case of numerous societal attitudes against women—in the case of Diyat and Qisas is their backing by religious tradition. This legal option of Diyat encourages incidents of domestic violence because it allows a compromise and means for men to escape punishment for their crimes against women. Given that perpetrators of

crimes such as murders are not punished through tough sentences in court, they are likely to repeat their crimes and encourage others to do so.

The existence of Diyat has led to several injustices against women. In one such case reported in July 2003, a High Court bench in Rawalpindi set free a man, Naeem, who was accused of setting his wife Saima on fire for bringing insufficient dowry. Saima died of the burns after suffering in hospital for several days. Naeem's lawyer presented the judge with the argument that for Naeem's 'alleged' crime, imprisonment was not provided as punishment and the only punishment provided was the payment of an amount of 'diyat' to the legal heirs of the deceased woman. Thus in a case which does not entail imprisonment even after conviction, an accused cannot be jailed under trial. The judge accepted the argument and ordered the release of the accused despite clear evidence of his crime. The Qisas law assesses the monetary compensation for female victims at half the rate of male victims. The Diyat and Qisas penal laws are just a part of a set of 'Islamic' penal laws introduced by the former military ruler, General Zia-ul-Haq in 1979.

Implementation of Laws

Several laws are implemented to serve the discriminatory designs of Pakistani men. For instance, in urban areas, the murder of wives, sisters, and other female relatives who have refused to accept the pre-eminence of their male relatives or who have made independent life choices is disguised as "murder upon provocation". The law on grave and sudden provocation has a number of clear-cut conditions which should prevent the acceptance by the judiciary of most honour killings. The penal code states that in order to invoke this exemption of provocation, the actions must be grave and sudden enough for

the accused to loose self-control. Moreover, the provocation should not be voluntary or sought for, and would not be received by any lawful act from another individual.

Furthermore, provocation by someone in the lawful exercise of right of private defence will also be no defence to the charge⁴².

Despite these provisions, most judges pass soft sentences against murderers of female relatives in cases where the provocation is definitely not sudden and the murder is premeditated. In addition, Pakistani courts tend to accept the 'right' of a wide circle of male relatives to feel provoked, and also accept a wide range of behaviour as 'provocation'. Almost all honour killings fall under this category. And almost all honour killings go unpunished even if they are brought to trial in a court of law.

This reflects the confusion of a society where the legal system is in conflict with social rules. The conflict manifests itself in the shape of unjust implementation of laws. A positive change in such a society can only be driven by legislative reforms that warrant realistic implementation of laws. The facts and analysis of the legal aspects in cases of domestic violence that I present simply show the bias and prejudice in a society against women. None of the unjust interpretations and implementations of law are ever reprimanded. There is a need for changing societal attitudes about women and provide women with more legal protection and a greater opportunity for rehabilitation. In my opinion, formed after an extensive study of domestic violence, the change must start at the governmental level. Moreover, the Government of Pakistan needs to make it clear that any law enforcers that are unjust to women will be severely punished. Having presented the reasons and effects of domestic violence, I am ready to suggest some recommendations with a look to the future.

⁴² Hassan, 2002.

THE BIGGER PICTURE—A LOOK TO THE FUTURE:

The Conclusions and Recommendations on Domestic Violence

The findings of my project have shown the severity of the problem of violence against women. The rate and extent to which women are victimised in the household is, quite simply, appalling. The pathetic state of affairs is difficult for any rational and just human being to comprehend.

Contextualising Domestic Violence in Pakistan

The lives of millions of women in Pakistan are circumscribed by traditions which enforce extreme seclusion and submission to men, many of whom imposed with violence their virtual control as proprietors over women. For the most part, women bear traditional male control over every aspect of their bodies, speech and behaviour with stoicism as part of their *qismat* (fate), but exposure to media, work of women's rights groups and independent efforts have heralded the beginnings of women's rights awareness seeping into the secluded world of women. However, if women begin to assert these rights, they often face more repression and punishment: the curve of honour killings has risen parallel to the rise in awareness of rights. State indifference, discriminatory laws and gender bias of much of the country's police force and judiciary have ensured virtual impunity for perpetrators of violence against women in Pakistan.

The case of Safia Bibi, a young blind girl from Sahiwal, epitomised the unjust legal system against the weak and the vulnerable. In 1999, the blind girl had been raped and became pregnant. When she sought help from the law, the irrefutable evidence of her

as a party to extramarital sex turned her complaint of rape into a forced confession of *Zina* (adultery) and the poor girl landed behind bars. The trial judge, guided of course by his infinite wisdom and unmistakeable sense of piety, did not pay any heed to her assertion that she had been raped. Of course, she could neither clearly identify her tormentor nor produce four adult Muslims of sound morals, a character as sound as would permit them the undoing of an innocent blind girl without taking any action except appearing as witnesses in a court. The law held its course, the victim was convicted and the tormentor remained at large. The appellate court later acquitted the girl but without exposing the juristic fiction of religious justice.⁴³

There is a dire need for change; otherwise the Pakistani society will push itself back to the dark ages of lawlessness and brutality that was known in the medieval era. Hand in hand with domestic efforts, the international community needs to step up its pressure and support for the betterment of the plight of Pakistani women. At the same time, a socio-political movement to protect women should not translate into a battle between the sexes. Men and women ought to be equal contributors to social change, and putting them at loggerheads would not serve the objective of attaining social justice in Pakistan.

Reaching a position to suggest possible means of ensuring women's rights is the fruit of my labour in research and writing for this project. **The recommendations I am making here can only be implemented if men contribute as much as women, women as much as men.**

⁴³ Profiles of Vulnerability, 1999.

Recommendations

The approach for rectifying the situation should include measures for more protection of victims, more social and economic opportunities for women in general, more media coverage of violations against women, more punishment and community-based condemnation of guilty men, and a greater pressure by the international community, including the EU and other governments, to protect the rights of women. The first step is to create an infrastructure necessary for the protection of harassed or victimised women. The next step is to pass laws that defend the suffering women, and to abolish the laws that leave room for unfair implementation.

Protection of Victims

Enacting legislation for the protection of women in the domestic sphere would have little effect because most women would have not file lawsuits against their abusers, given the options available to them upon leaving their homes. Before any progressive legislation can be successfully implemented, two other changes must be brought about. First, efforts must be made to reform existing institutions that discourage women from leaving abusive situations by facing more abuse at the next level. Second new agencies for protection of women must be created to fill the gap between the availability of such places and the demand for them. Shelters and support for women need to be an essential part of any program that addresses domestic violence in Pakistan.

Extensive improvements are needed in the current rehabilitation, protection and support facilities for battered women. Given the lack of resources for privately run shelters, both the government and philanthropic individuals must step up. The Pakistani

government spends most of its resources on developing and maintaining a military. It is past time for diverting some of these resources to socially productive causes such as justice for women. At the same time, more than 90% of private wealth in Pakistan is controlled by less than 2% of the population. This well-off elite must better realise its duty towards supporting social causes, especially serious ones such as the struggle against domestic violence. Otherwise there will be no wealth, because there will be no Pakistan. If the social issues in Pakistan are not resolved, there will simply be anarchy at every level possible.

Female shelters cannot be left to operate unsupervised either, and need to be monitored by government authorities. There have been controversies about the conditions under which women are kept in these shelters. For instance, visits by government officials to the Karachi *Dar-ul-Aman* (house of shelter) exposed forceful confinement and prostitution of women. In a society where corruption reigns and the oppressed continually suffer, there is a need to have multiple layers of scrutiny through checks and balances.

The sanctity and atmosphere of shelter homes is also compromised when courts of law order accused or detained women to reside in these shelters. Shelters have the legal rights to refuse to act as detention centres to confine women involved in legal cases. Both the shelters and civil courts should be made aware of this fact by the government's relevant ministries. These would include the Ministry of Women's Affairs and the Ministry of Interior.

There is also an utmost need to abolish the policy of not releasing women in shelters unless the source who admitted them consents. This is again an unjust and irrational provision, with the only possible exception of cases involving mentally unstable

women. Dastak, a shelter run by AGHS, is a good and functional counterexample to the perceived need of physically confining women. Shelters ought to facilitate the rehabilitation of brutalised women in society by helping these women find employment or professional training.

Prevention is commonly perceived to be better than cure. The government should help fund toll-free telephone hotlines for female victims of violence across the country. Such services should not be traceable through records that appear on common household telephone bills. These hotlines should be widely publicised and operated by trained staff who can offer basic counselling and referrals to women in distress in their homes.

More units to care for victims of burns must be established, at least in the government hospitals. This measure would help the estimated hundreds of thousands of women who suffer from burns, rarely accidental and mostly criminal. While expanding the capacity should be the long-term goal, the quality of existing services and state of present facilities should be improved.

To complement the social and economic support through shelters for women, more legal aid clinics should be set up in Pakistan to provide free legal assistance and advice to needy women. The legal system, especially in its currently biased state can be really intimidating for women, most of whom have never stepped out in the public sphere on their own. These efforts need to be matched by the Pakistani government in the shape of legislative reforms, education of women and efforts to sensitise the society, judiciary and lawyers for the cause of women.

Zina and Hudood Ordinance and Legislative Issues

According to the Report of the Commission of Inquiry for Women in 1997⁴⁴, there were only a handful of reported cases of adultery in the pre-*zina* Ordinance period before 1979. As soon as the law was changed by the Zia-ul-Haq regime to include women in the punishment, allegations of *zina* (adultery) started to run into thousands. As reviewed already, even though the law applied to a victimless crime and makes *zina* a cognizable offence, it contains no safeguards to ensure it will be fairly applied without misuse. The law has become a handy oppressive tool in the hands of men of patriarchal families. The law is irrational because the testimony of a woman is not accepted in the case of rape. Therefore, the *zina* laws under the Hudood Ordinance contribute towards the victimisation of women by accusing, imprisoning and exploiting them in police stations. Whatever the benefits of the law might be, they are too paltry to justify its existence and promulgation. In many cases, even parents accuse their daughters of *zina* just because the daughters married without the parents' consent. Husbands make allegations against wives only because some estrangement has occurred between them. Abundant data testify to these assertions.

The *zina* law, with the abuse produced in its implementation, fails to serve the cause of justice. For this reason alone, it ought to be done away with and replaced by a civil law against sexual abuse and harassment regardless of the genders involved. Religious injunctions could be used for promoting a spirit of ethical conduct rather than stretched into civil law. After all, Pakistan is an Islamic Republic when it comes to the constitution, and not an Islamic state. There is a need to enact laws that differentiate between rape and adultery, instead of laws that lump together all acts of extramarital sex.

⁴⁴ Commission on the Inquiry of Women, 1997

Only such a drastic change would stop the treatment of women as sexual and physical objects at social and legal levels.

For these reasons, it is highly recommended that the former provisions of the Penal Code on rape be re-enacted, with amendments to make marital rape a criminal offence, as well as any sexual act against the consent of the parties involved.

As an extension of these suggestions, the abolition of inhuman punishments in the Penal Code such as whipping and stoning to death for adultery, is very necessary as well. There several subtle provisions in the civil laws that enable the manipulation of the legal system against females. Other provisions are explicitly against women. Article 151 (4) of the *Qanun-e-Shahadat* (law of evidence) Order of 1984 allows for admission of evidence to show that the female complainant was of a generally immoral character. This blatantly unjust law should be repealed. The word of a sane, adult woman under oath should carry the same weight as the word of a sane, adult male under oath in a court of law. Pakistani women deserve better than pre-emptive strikes on their characters, especially when these women are victims of brutal crimes. The reputation of a victim has no bearing on whether she was raped or not.

Provisions in Pakistani laws for the trial of rape cases are not compatible with the legal practices in many other countries that have adopted more progressive 'rape shield' laws. For instance in Pakistan, article 17 of the same Order needs further amendment to ensure that the testimonies given by women carry the same weight as that of men in all cases. I remember my religious classes as a young student in middle school, when I first studied that the testimony of a female carries half the weight of the testimony of a male in many legal cases. The explanation given was that women are more likely to forget and

more likely to lie than men, because of their unreliable nature. I never understood or bought that argument. I still do not. There is no biological or genetic evidence to prove any shortcomings of the neurons in the brain of a female. This goes back to the recommendation of changing educational curricula at all levels to be fair towards both genders and free of the unjustifiably demeaned portrayal of women in Pakistan.

For a complete restoration of genderless justice, it is important to criminalise all forms of domestic violence against women, including physical, sexual and mental victimisation. Honour killings should be punished as intentional murders, instead of suddenly provoked acts. The laws should also abrogate the easing of sentences in the cases of honour killings.

Legislation should also provide clear guidelines for assessing and distributing *diyat* (monetary compensation) based on gender parity and equality. The amount of *diyat* or *qisas* should be the same for men or women. After all, women are not cheap commodities, neither cheaper than men are nor more expensive. Of course, courts should be given the leeway to allow larger monetary shares to minors or disabled parties that have been victimised in any way.

Courts should also be empowered to make decisions so as to protect the privacy and identities of female victims, particularly in the cases of rape or sexual violence. Due to the social stigma attached to sexual violations against women, *in camera* trials should be allowed upon requests of victims or voluntary discretion of courts. Similarly, courts should be able to withhold biographical or criminal information pertaining to victims.

Laws are made to protect and respect citizens, not harass and chastise them on matters that are solely based on personal decisions. In the end, the issue comes down to

whether the state can execute a role as a moral watchdog, or simply execute a role that ensures the peaceful and safe existence of its citizens and their property in a fair environment. The former role is impossible for any state to execute, while the latter is the only feasible and recommended one.

Neutrality of Law Enforcement

Not only is there a need for revision of the current laws to make them less susceptible to personal interpretations, but it is also necessary to devise a comprehensive strategy to ensure fair sentences against male offenders and unbiased settlements for female victims.

One appropriate measure would be to impart special training for judges, lawyers and magistrates, with emphasis on gender neutrality and sensitivity to the rights of women. Such materials could easily be included in the curriculum at law schools, which have to be approved by the centralised educational system in any case. With academic study of the importance of implementing laws without gender discrimination, judges and lawyers are more likely to confine themselves to administering justice without taking on the task of reinforcing traditional values. Reprimanding legal personnel, including magistrates and judges, who issue biased or unjust verdicts against women would also be helpful

As a second measure to sensitise the judiciary, special conferences and workshops to raise awareness on the causes and effects of violence against women in Pakistan could be conducted for judges and lawyers. Activist groups for women's rights are likely to be interested in organising such events, especially with the assistance of government

officials. While it is important for judges to be receptive to cultural norms, a sensitisation to the horrific plight of Pakistani women would enable the judges to find culturally appropriate methods to curb the violence. In addition, judges should be made aware of class issues that affect gender politics—whereby citizens belonging to the upper classes tend to have paternalistic attitudes towards lower class women. Effective administration of the law is possible in Pakistan only if the State requires its civil servants to be neutral, holds them liable for biased conduct, and trains them to be fair as part of their obligations.

As the cases of rape are on the increase in Pakistan, there is even a greater need to establish standardised and unbiased medicolegal practice. Women who have been raped or sexually assaulted should be given the option to be examined by specialised health practitioners. In rape cases, women should be able to approach medicolegal services for direct examinations without any required intervention by police authorities.

If it has the desire to sustain a fair system of justice for battered women, the government will support such medical services. The requirement of obtaining a magistrate's order for physical examinations of females who claim to have been raped should also be abolished. Furthermore, medical exams should be carried out under modern scientific methods. For instance, the check of virginity status to indicate recent sexual activity is medically groundless and scientifically flawed. Similarly, just basing the medical examinations of accused men on potency is not sufficient—these men ought to be examined for marks and signs of physical resistance by women they have victimised. Such updated medical procedures relating to legal cases can only be

implemented by training paralegal doctors and health services staff—a goal to be pursued by the Ministry of Health. Changes are possible as long as the government is willing.

Due to the unfairness of verdicts issued by tribal or rural arbitrations council, such settlements should also be declared unlawful by the Government of Pakistan. *Jirga*, *Faislo*, or *Panchayat* sentences in cases of honour killings, as well as Karo Kari, should be unacceptable. Any privately settled compensation for murder, such as money, land, livestock or women, should be declared against the law. Local tribal chiefs known as *Waderos*, and *Sardars* who head councils to settle honour killings, should be held responsible for complicity in murder.

The Role of Police

While changes to the approach of judges and amendments to the laws regarding women's rights ought to be made, there is also a need to redefine and reinvigorate the role of police in protecting the dignity, life and property of women.

Pakistan has a large police force, spread out across the major cities and rural areas of the country. There are both centralised and provincial police regiments. Given the large number of these protective forces, using the police to help women effectively in abusive situations would go a long way in combating domestic violence. Ridding the police of their unfair treatment of women in distress, and educating the police to rescue these women promptly, would require several steps.

There is a need to change the police attitudes that dehumanise women, equate them to inanimate possessions, and treat domestic violence as a petty issue. Moreover, the abuse of female complainants or prisoners at police stations ties in with the general

apathy and misconduct of the Pakistani police. As a first step, entry level training needs to contain gender issues training that should also be reinforced periodically. Raising police salaries to by an amount enough for ordinary citizens to sustain families is also likely to reduce monetary corruption that leads to the unjust conduct of a police force that can be bought by the rich or influential (mostly men in Pakistani society).

While persistent governmental efforts would curb the abuse of women at the hands of police, there are several small changes that would add up to help the cause of female victims immensely:

- Prosecute police officers who refuse to register FIRs (police reports) by female victims and fail to arrest the accused criminals.
- Establish an independent body to monitor the functioning of police and the legal system for cases of domestic violence.
- Separate the police and prosecutorial functions to enhance the transparency of legal procedures.
- Protect women detainees, who should be interrogated and guarded only by female personnel without exception, till police conduct improves.
- Set up an official body to monitor cases of violence against women pending in police stations and to administer the police records.

Women's police stations should also be given equivalent status to any other police station. A station run by female staff should be as functional as that run by male staff. More women's police stations could be established by simply having a quota for male and female entrants recruited in the police force every year. At the same time, police in general can only function properly if the societal attitudes towards women, the

perceptions of the legal systems and expectations of the performance of police improve drastically.

Societal Attitudes

Using the current educational system and reforming it to inform citizens about domestic violence and its solutions would go a long way in reforming societal attitudes towards women. Curriculum in schools ought to challenge and ultimately change the current views on women's position in the society and in the home. This effort can start at as early a stage as primary education. Not only should traditional, stereotypical images of women as property of men should be removed from textbooks, but students should be taught about the lives and careers of successful female professionals in Pakistan. The positive presentation of women would affirm their right to self-determination.

A review of the current standard textbooks reveals the lack of role models for young girls to look at their own potential. As a further step, there is also the need to give young boys a message to reinterpret their relations with female members of their families. While students are taught lessons of piety and chastity in classes on religion, they should also be familiarised with the equal rights of females as individual humans.

Since school syllabi are set by provincial governments, women's rights group can lobby for the cause with these authorities. The provincial and federal ministries of education can play a pivotal role in educating the young generation about human rights issues in general and the importance of a respectable status for women in particular. Turning a blind eye to the negative attitudes of society against women, which start among men at a young age, would only make it harder for the State to tackle violations of human

rights in subsequent years. On the other hand, a proactive approach would attack the problem at its roots.

In some cases, the Government of Pakistan has to take a strong and clear stand against mistreatment of women. In particular, social practices that turn women into objects should be annihilated forcefully if necessary. The use of women as compensation or payment of fines in transactions or legal settlements should be officially defined as trafficking in human flesh. Strict penalties can then be enacted against those violating this law.

The perception of prostitution—often forced by family members of women belonging to lower classes—is that of a crime committed by the female regardless of her circumstances and constraints. Consequently, the murder or abuse of a mistress does not fall under the definition of the grave and sudden provocation exemption. The practical implications involve further discrimination against these women who are suffering already. By definition, a mistress cannot provoke any man's honour by her infidelity in the same way that a wife can because the relationship with a mistress is not supposed to be one of honour.

The public should be educated to treat trafficked women and prostitutes as victims of a depraved society, not as criminals. Some of the victims have either been exposed to or are vulnerable to HIV and other diseases. Most of them have been sterilised even against their will. Serious efforts for their rehabilitation should be made, holding their male exploiters liable for all costs and damages incurred. Instead of accusing these women of adultery, authorities should treat them as witnesses who have full legal protection in cases against the male agents of trafficking and abuse.

Involuntary sterilisation of any female should be declared a serious crime against the State as well. The men involved should be barred from any future contact with the victims. Only such legal provisions would earn a bit of respect for these women who have been sold by family, trafficked by evil agents and forced into prostitution by cruel men.

There is also an urgent need to educate common people about the implications of horrible practices such as *Walwar*, *Swara* and *Vani*. In areas where the occurrence of these customs is frequent, such as the N. W.F.P., mass campaigns for social awareness ought to be launched, keeping in mind the religious and cultural background of these areas. Once these practices are declared as crimes, the masses can also be informed about the punishments for carrying out these practices of trading and destroying women to fulfil men's agendas.

Apart from countering deeply rooted social practices with a heavy hand, it is also important to re-educate teachers about their role in countering the stereotypes and modes of violence against women. Having teachers read materials like this report would be a reasonable course of action! Moreover, there are numerous teacher training workshops and institutions in Pakistan that could be used to serve the purpose as well. **However, the prospects of a change in societal attitudes about women using the educational system must not be overestimated because unfortunately, Pakistan has one of the lowest literacy rates in world.** It is still advisable to target the roughly 30% of the population that pursues education till at least middle school. In addition, it is necessary to focus on the education of females on a separate basis, especially because female literacy and awareness in Pakistan is far lower than that of male citizens

Education of Women

Permanent betterment for a suffering faction of society can take place only if it comes through internal mobilisation. In other words, Pakistani women cannot expect a sustainable improvement in their status in the country unless they fight for it themselves. Again, the government can help women stand up for their rights—by empowering them through education. Appropriate education at the school and college level would enable women to question their social subordination and resist male domination in a rational and systematic way.

At a village level, women could be helped in devising culturally appropriate and effective strategies to effect change. Getting rural women out of their relatively isolated positions and bringing them together to discuss their problems at local forums would entail an organised effort by district and municipal governments. **Of course, all such efforts for women are likely to fail miserably unless men in their families and feudal landlords are taken into confidence regarding the intentions behind the social and academic education of women. Most steps to change women's positions would come under attack from political and religious forces that usually attempt to nullify such a change.** However, local governments have the infrastructural resources and the social influence to initiate mass contact campaigns to familiarise local residents of the need to uplift the status of women.

Moreover, the central government has shown the willingness to use military supervision in countering religious and political factions with vested interest. Where there is a will, there is a way. No one should know this better or agree with this more than the current military regime of Pakistan under General Musharraf. The recent military

operations—good or bad, justified or unjustified—against tribesman near the Afghan border have shown the capability of the State to use force when necessary. Why not actually use such powers to defend social campaigns for women’s rights in the household and workspace?

The education of women will help not only in the protection of their rights, but also in their fruitful participation in the labour force and economic activity.

Projections through the Media and Other Forums

The coverage of domestic violence in the media has expanded over the last decade, especially after the end of the Zia-ul-Haq regime and its censoring policies. While the General Musharraf regime is not very tolerant of any criticism, it has generally not interfered with the coverage of women’s issues in the media. Newspapers and private television channels must continue to portray domestic violence in a meaningful way. Moreover, sensationalising of household crimes against women and casting doubt against the characters of helpless female victims ought to stop—particularly in Urdu newspapers.

Several local magazines have also started including articles, stories and analyses exposing the mistreatment of typical Pakistani women in the household. The number of female journalists and writers has increased as well. In fact, valuable information for my project was gathered from various materials compiled and written by female activists. Once again, those who are educated and able to project the plight of Pakistani women, especially the female authors in various forums, must carry the burden of obligation. Only they can increase the awareness for domestic violence through the print media. After all, the pen is mightier than the sword.

While these authors, newspapers and magazines have made some impact, they often reach only a restricted audience of middle- to upper- class, English-speaking citizens. Government officials are unlikely to read literature on issues faced by women. As someone who is just entering the field of human rights in Pakistan, it is my pledge to produce an Urdu translation of my work to reach a wider audience and reaffirm my pride in my national language. Moreover, I also intend to distribute this report to as many forums, ministries, and universities as I can reach in the next couple of years. As I said, change starts from within, and I want to improve my contribution to the cause of common Pakistani people, both men and women.

Aggressive advertisement and awareness campaigns through radio, television, newspapers and magazines can help defend the rights of women. Such campaigns need the support of domestic and foreign agencies alike. Moreover, the campaigns need to reach the widest possible audiences, using regional languages and cultural contexts.

The Government of Pakistan could also enhance the availability of statistics related to demographic facts on women and data about domestic violence in Pakistan. I found it virtually impossible to gather information from any sort of a unified source for this project. How can a country that is plagued by the victimisation and exploitation of more than half its women neglect the formal and neutral study of this subject? In addition, it is imperative that violent acts against women in the household be counted as separate crimes for which statistics should be compiled. Subsequently, these statistics and data should be disseminated.

The role of the government is not limited to the study of domestic violence—that is just the starting point. It is time for the Government of Pakistan to finally start

implementing the recommendations that have been made after extensive research and studies, in reports such as this and previous ones. For instance, I urge the government to adopt the remedies to violence against women suggested by the Commission of Inquiry for Women. The commission was set up through a senate resolution in September 1994 and presented its report to the Prime Minister on August 21, 1997—just a week after the Independence Day for the proud nation of Pakistan. As this report went to print, the government had not debated any of the Commission’s recommendations. The adoption of the suggested measures is far from sight. To my surprise, I found the observations and recommendations by the Commission to be quite neutral and practical as well.

International forums can also influence the Pakistani governments to adopt progressive resolutions and make necessary constitutional amendments to protect the rights of women in particular. Instead of imposing economic sanctions and political restrictions for human rights violations against Pakistan, foreign agencies such as the UN, the US and the EU would better serve the cause of international justice by providing due support, encouragement and criticism regarding social fairness in developing countries. The trade pact between the EU and Pakistan is a welcome step that has put more pressure on the government to maintain human rights standards in order to sustain such pacts.

Apart from this institutionalised global support, pressure from groups like Amnesty International and Human Rights Watch has often worked to resolve rights issues in many countries, starting from individual cases of injustice. I have often read coverage of Amnesty’s reports on the status of women or rights in Pakistan in local newspapers. Such international attention must continue to keep the patriarchal Pakistani society on its toes, under a strict watch.

The journey to the emancipation of women in the household and the workplace does not end with these recommendations. In fact, it only starts here. It is my hope that the status and lives of the daughters of Eve in Pakistan will change, and change soon.

The biggest hope for the protection of women's rights in Pakistan, or for that matter, any prospect of social fairness, lies in the reform and transparency of the judicial system. Only then will the people's attitudes evolve at an individual level for an overall improvement for women in society. A country like Pakistan, comprised of people from various ethnic, religious and socioeconomic backgrounds, can only be unified with a common sense of rights. Without the prevalence of rights, the country will render itself dysfunctional. Without the prevalence of justice, there will be no rights.

RAYS OF HOPE:

We Still Have a Conscience

A nation without a conscience has no future. Though Pakistan might be headed in that direction and reaching that doomed state soon unless the social downslide is halted, there are rays of hope disseminating from people and agencies that still care for the battered, the humiliated, the woeful—the women in typical Pakistani households. Sporadic incidents in which female victims have been rescued by responsible citizens or women in distress have been awarded favourable settlements in courts show that all is not lost for the cause of social justice for the female faction of Pakistani society.

In 2001, an acid thrower was sentenced to twenty-one years in prison when a college girl was targeted with an acid attack by a boy she had scolded for teasing girls. The violence was carried out in public in front of several witnesses to the crime. Usually, when the perpetrator and victim are married, courts avoid taking the woman's side. In this case, however, the speedy trials court sentenced the offender to twenty-one years of rigorous imprisonment and a fine for Rs. 170,000 (US\$ 2880), a third of which would be paid to the victim. This case is an example of how abused women can be helped and criminals can be punished as a lesson for society. There is a need to implement this kind of fair approach in all trials involving women who have suffered from physical attacks. As long as there is even one fair verdict in cases of female victims, there is hope that this fairness will spread to more cases, even those traditionally veiled under the four walls of the household or the presumed sanctity of marriage. Also, any Pakistani man who has

read about the above case would think twice before desecrating the body of another female with an acid attack.

In some cases, women have been able to make the best of the tough situations they have been put in or unfair decisions they have been handed by heartless men in their families. Recently, the story of Gul Begum came to light in the media. Gul Begum was given as *Swara* after a murder by the men from her tribe. She was married to a person in the family she was given and now has four sons and two daughters. She is very much respected in the family and also has a say in decision-making. When she came to this family, she was mistreated for many years, often isolated and mistrusted. But she struggled to achieve the status she has achieved now. Gul Begum says no woman would ever choose to be given to her enemies in *Swara*. In retrospect, she is contented with her sacrifice to help end bloodshed between the two tribes. This story is definitely not mentioned here to legitimise *Swara*, but to show that women who show a fighting spirit have the capacity to survive socially in adverse conditions. The improvement in the plight of women can come about only if they show courage and resilience in the face of gender-based hardships in this society.

Cases in which men are penalised for falsely accusing women of extramarital misdeeds also give way to hope for women who are abused psychologically. Husain Bibi, a fifty-year old woman from the Mandi Bahauddin area, was accused of abducting a married woman and forcing her to commit adultery with Husain Bibi's son. After a year-long trial, Husain Bibi was declared innocent. Frustrated at her social condemnation, Husain Bibi filed a suit for damages, asking her accuser to compensate her for damage to her personal reputation. After more than seven years, the Lahore High Court finally

ordered her accuser to pay Rs. 25,000 (US\$ 423) to Husain Bibi. Although the sum itself is a meagre amount, this was the first ever case of such a verdict against a false accuser. The judge was reported to have even quoted the Quran on its negative perceptions of false accusations against innocent human beings. I view this case as a precedent for other judges to follow and lawyers of female victims to quote when dealing with men who defame the character and dignity of women.

On occasion, judges also turn away from the unfair traditions of subjugating female victims of domestic violence. There have been cases in which courts of law have issued deservedly harsh sentences against the guilty men. In one such case in the NWFP, the court took a firm stand against domestic violence. Zainab's husband, Sharif, who was also her cousin and the Imam of the local mosque at a village in Kahuta, subjected Zainab to physical torture. The violence started shortly after their marriage because of an unfilled *watta satta* exchange between Sharif's sister and Zainab's brother.

When Zainab complained to some neighbours in the vicinity of her home, Sharif stepped up his brutalities. Sharif would tie Zainab down and subject her to partial electrocution for several minutes. The torture caused severe burns on Zainab's body. She was taken to local doctors, who were told that the burns were a result of an accident on a stove of coals. However, Zainab's organs had been perforated. She had sustained several internal injuries that indicated to the doctors the real situation. After several days, two nurses were able to bring out the true story from Zainab upon the doctors' directions. A case against Sharif was registered, who filed a defence under the provisions of sudden and grave provocation as a pretext to his violations.

Sharif's violent acts were clearly not based on a sudden spur-of-the-moment impulse. Instead they were premeditated and planned. He had obtained the equipment for torture and set it up beforehand. It was his clear intention to subject his wife to serious bodily harm that could have resulted in her death. Given these facts Sharif was eventually sentenced to thirty years of rigorous imprisonment. With the aid of a few generous individuals, Zainab was sent abroad for reconstructive surgery. However, she will never return to normal. The rare execution of justice would, though, comfort the victim to some extent and prevent the criminal from repeating his heinous acts against other innocent humans.

Although our society seems to have entered a dark tunnel of social injustice, economic disparity and material exploitation of women, there are rays of hope. There are still some people who care for the downtrodden. There are still some institutions that stand up for the truth. There are still some women ready to struggle for their rights. There are still some men who understand the importance of gender neutrality in social practices. There are still some rays of hope. We still have a conscience.

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