

Women of Pakistan remain as part of the patriarchic society under discrimination and injustice

By Abdul Baseer Naweed, senior researcher, Asian Human Rights Commission, Hong Kong, at regional conference of Women Human Rights Defenders in Dhaka from 8-9 August 2009, by Odhikar.

There are 72 women in the current National Assembly and more prominent positions are being held now by women than ever before, including the Speaker of the National Assembly, the Federal Ministers and a number of deputy and provincial positions. None of these women wear hijab, suggesting progressiveness in the parties who have elected them.

Certain pro-women policies are also being implemented, for example, in the case of land distribution in the Lower Sindh, plots will be registered in the name of the woman in each family unit. The current government has spoken of creating more employment opportunities and of loan programs for women, but has not yet acted in this respect, and in terms of what still needs to be done the proposals are minor.

As a legacy of the last president, Pervez Musharraf, there is a 33% quota in all electorate forums for women at local body level, but too few are being permitted to fill this as a result of social pressure. The number stands at 17.5% in the National Assembly. However these women are not directly elected, they are merely placed into the positions by their party, which limits their value as political figures. Critics complain of nepotism.

Middle-class women generally have more social and economic freedom in Pakistan, but in rural and tribal areas an estimated 12.5 million women are still denied the right to vote. Many have little or no independence on any level. The advances at the top need to be taken into the villages and onto the street and practically enforced. Businesses and local authorities such as the police and judiciary remain profoundly male-oriented.

Incidences of violence against women remain very high, and not enough is done to discourage them. According to the one recent report of the Aurat Foundation, a local NGO, a total of 7733 cases of violence against women were reported in the print media all over Pakistan during the year 2008. Out of the total of 7733 cases of violence against women: 1762 cases of abduction: 1516 cases of murder: 844 cases of hurt and body injury: 579 cases of suicide: 472 cases of .honour. killings: 439 cases of rape: 307 cases of gang-rape: 320 cases of domestic violence: 300 cases of torture : 198 cases of attempted suicide: 187 cases of sexual assault : 123 cases of attempt to murder: 117 cases of custodial violence: 70 cases of threat to violence: 56 cases of burning: 25 case of Vanni/customary practices : 24 cases of acid throwing: 394 cases of violence were of miscellaneous nature in the four provinces and Islamabad.

An investigative report of the Human Rights Commission of Pakistan (HRCP) claims that one woman is raped every hour, while another is killed on the pretext of karokari. Pakistan's Additional Police Surgeon (APS) Dr Zulfiqar Siyal recently announced that on average 100 women are raped every 24 hours in Karachi city alone. Rape and sexual

harassment in police custody remains a big problem, and few cases result in prosecution.

In one case in April 2007 it was reported that female opposition council members of the Karachi city government were attacked and threatened with rape by council members of the Muttehdha Qoumi Movement (MQM), a member of the ruling alliance in General Musharraf's government and the ruling party of the City District Government Karachi (CDGK). Sindh police refused to register case against the ruling party council members and instead registered cases of hooliganism against the opposition members.

On March 14, 2008, a 17 year-old girl was abducted by police officials and kept for almost 16 days in private custody where she was raped and tortured to make her confess to involvement in the murder of her fiancée. Her elder sister was also brought in and held naked for three days to increase the pressure. The perpetrator was a Sub Inspector, who detained the girl outside of the police station until March 29 before she was produced before the first class magistrate for judicial remand. In January 2007 a 15-year-old girl, Ms. Asma Shah of Layyah, Punjab province, was gang-raped by more than a dozen attackers in Punjab province, yet after she filed a complaint, politicians and police continually coerced her to withdraw it.

Cases of domestic violence are so commonplace that most go unreported – there are still no laws to protect women from it. However in the last quarter of 2008 a domestic violence bill was given to legislators, in the expectation that it will be passed.

In August 2007 a pregnant woman was severely beaten by the police and later raped repeatedly in public by her cousin in Punjab province, Pakistan, for secretly marrying and living with a man other than the one her parents had chosen for her. The husband was charged with her abduction, and the woman was punished publicly by being raped by the man she had been instructed to marry.

In the workplace women must still contend with lower salaries, and sexual misconduct is common. They are generally not paid according to the law and receive few benefits. The majority are not officially registered so are vulnerable to occupational abuse. It is mostly women that work in government factories and other informal sectors (unregistered under government laws), and here they have no labour law benefits, such as medical allowances, pregnancy allowances, transport or childcare services from the factory management. Through a finance bill passed during the Musharraf government, most are now expected to work 12 hours rather than the original eight. In rural areas women are often required by employers or landlords to work all day alongside their husbands for little extra remuneration, often as bonded labour, to pay off loans.

Discrimination is still strong in education. The majority of schools cater to either boys or girls, and in remote areas where several hundred schools were recently burned by tribalists to protest against the education of girls in the northern province, bordering Afghanistan, under the control of Taliban and militant Muslim organizations. In such areas girls are not allowed to pass above grade five (primary school level); grade ten is required for many jobs. The authorities mostly fail to intervene in these areas, where they are seen to pander to the more powerful of the religious fundamentalists.

Abductions remain common. There is a trend that involves abducting young Christian and Hindu girls and forcing them into marriage Courts often rule in favour of the abductors.

Women of Pakistan bear the brunt of increasing poverty:

The Women of Pakistan bear the brunt of increasing poverty, colossal human deprivation, poor governance; discrimination based on custom, tradition, and civil and military strife. Women comprise 49% of the population of Pakistan. This huge percentage is ignored or discriminated against by the political, social and economical structures of the country. The vast numbers of poor people in the region are starved of sustainable livelihoods and deprived of basic needs. While both sexes suffer from poverty, the women pay the price in a much more obvious way. Women comprise of 30% of the total labor force, but 65.7% of this female labour force is officially accounted for in the informal sector. For many informal sector workers, perhaps the majority, working conditions and terms of labour are exploitative, characterized by low wages and long working hours with no protective laws. The informal sector has grown 8 to 9 times since 1978-79. One example of this problem is that of the brick kiln workers in Pakistan. An estimated 100,000 women work in brick kilns, but they are not "officially" employed because whole families work in a form of bonded labour, in which only the male head of the family is registered.

Some 66.4% of the female labour force works for a living in the rural economy. The rural women are said to work between 12 to 16 hours a day. The female labour force has grown at an average annual rate of 16.7% over the last 15 years, although their position is becoming less secure day by day. On the other hand, women's participation in the formal industrial labour force is 34.3%, whether self-employed or contracted. The slavery of women is worse today than in any other time in history.

Every year some 500,000 women die from complications arising from pregnancy and perhaps a further 200,000 die from unprofessional and clandestine abortions.

Women are the main victims of the “war on terror”

According to the Human Rights Commission of Pakistan it is estimated that a woman is raped every two hours and a gang rape occurs every eight hours and about 1,000 women die annually in honor killings.

The Women Rights bill passed in Pakistan by the National Assembly in 2006, has not changed the state or conditions of the women in the country, particularly in the areas where the feudal and tribal systems are prevalent and even in Muslim fundamentalists dominated areas. Since the “war on terror” started at the end of 2001 discrimination and violence against women has increased. According to reports acts of violence against women in 2005 immediately following the war on terror increased 300 hundred times as

compared to previous years. The main victims of the “war on terror” are the women of Pakistan. According to the press reports and reports collected from different women’s organizations, since 9/11 and the war on terror 72,162 cases of violence against women were reported.

The newly made Women’s Protection Act has failed to deter acts of violence against women who continue to fall victim to honour killings. State violence also continued against women and at least 181 women were arrested under different minor allegations and 115 women were physically tortured by the police in the provinces. This clearly indicates that the mere making of laws does not make any difference relating to violations of human rights including domestic violence. The actual problem lies in the collapse of the law and the serious defects of the law enforcement system.

According to a report by Human Rights Watch, “more than 70 percent of women in police custody experience physical or sexual abuse at the hands of their jailers. Reported abuses include beating and slapping; suspension in mid-air by hands tied behind the victim’s back; the insertion of foreign objects, including police batons and chilli peppers, into the vagina and rectum; and gang rape. Yet despite these alarming reports not a single officer has suffered criminal penalties for such abuse, even in cases in which incontrovertible evidence of custodial rape exists” According to the same report, a senior police officer claimed that “in 95 percent of the cases the women themselves are at fault.”

Jirga System, a typical feudal judicial system: Several months ago eight women, three of them minors, were buried alive in Balochistan, reportedly by the same men. Those responsible were found to have close ties with the provincial government and to the police; and investigations into the case have gone through a Kafka array of delays and setbacks.

In March this year, a 17-year-old girl in Sindh province was pressurized by her uncle to convince her parents to hand over acres of farm land to him. When she refused, the uncle and his accomplices brought in her father and made him watch as his daughter was mauled by a pack of dogs and then shot to death. Two months later, a Jirga was arranged in which the dead girl was posthumously declared ‘Kari’ that is, involved in an illicit relationship. The murderers were vindicated and a local man was forced to confess to being the illicit lover of the girl, and to pay Rs 400,000 as compensation.

These brutal cases and the bungled follow up is a good example of how murder cases are dealt with in Pakistan’s feudal north—especially those involving women. In fact, the majority of the more barbaric human rights violations making their way out of Pakistan can be traced to the Jirga, court-like gatherings of tribal men which have been declared illegal by the superior courts in Pakistan. This is in fact an illustration of the government’s ineptitude in combating two illegal practices, the Honour killings and Jirgas, the tribal courts that order them.

More than 4,000 people have died in Jirga sanctified murders over the last six years and two thirds of them have been women. Their deaths have often been caused under the

most barbaric of circumstances. Many are charged with having a relationship out of marriage, an often fabricated claim, while others are suspected of planning love marriages (in opposition to the marriages planned by their families).

In the feudal, fiercely patriarchal north, women's lives are worth little. It is a matter of prestige to have more than one wife, and young girls are often sold into marriage to settle disputes. In one case, under the orders of a Jirga and with the knowledge and apparent acquiescence of the police, three young girls aged 10, 12, 13, were handed over as compensation to a man who claimed that their father had slept with his wife. The complainant had openly killed the wife, as he had his previous wife.

Those that commit such 'honour crimes or karo-kiri are supposed to be punished with a life sentence, but the true culprits are rarely punished. Supported by tribal chiefs and traditional Jirga law, the practice is increasing. More people are being extrajudicially murdered than ever before.

In June 2006 a five member bench of Supreme Court judges ordered police in Kashmir, Sindh province to arrest a PPP leader and national assembly member, Mir Hazar Khan Bijarani, for involvement in "Sangchatti" offering young girls as blood money. He was accused, along with others, of offering a total of five young girls as blood money in two separate cases.

Most of the girls were under seven years old. Police neglected to follow up on the order and, after some time keeping his head low, Mir Hazar Khan Bijarani has become federal minister of Education.

This August, Balochistan Senator Sardar Isarullah Zehri, along with Senator Jan Mohammad Jamail—deputy chairman of the Senate—chose to defend as custom, Jirga-ordered 'honour killings' in his province; the burying of three teenage girls and two of their aunts alive. And despite the fact that the case is yet to be properly investigated, Mr. Zehri was inducted as a minister of state.

For the average Pakistani the message is clear: Power is impunity. For the world, it appears that the tribal and feudal hierarchy is seeping back into power once again.

The Jirga method

In a tribal court, witnesses and hearsay are the main forms of evidence and a verdict often rests on the reputation or power of a witness. Women are considered sexually corrupt, and their testimonies are never given any weight. In fact, in Jirga proceedings women are not allowed to participate.

During a session spectators tend to gather, pick a side and heckle, putting pressure on the decision makers. Some spectators head to Jirgas for entertainment and needless to say, the most popular verdict may not always be a just one; it is difficult to reconcile justice

with the will of an over-excited mob. In many instances, superstition also comes into play. In certain cases defendants have been told to walk on hot coals; if they feel and show no pain then they are deemed to be innocent.

The power of the Jirga has increased over the years due to the failings in Pakistan's existing legal system. Judgments can take years, even generations, and Pakistanis with small civil complaints often prefer to take the swifter route through local Jirgas because they have little faith in the system. It is from here that the Jirga's advent into life and death judgments has grown.

One of the main problems in combating Jirgas is its defence under the umbrella of custom. When the case of the eight women who were buried alive came to light, two Pakistani senators defended the act as an example of Baloch tradition. This word 'tradition conjures up wholesome, age-old, culturally rich practices that are under threat from secular or western values. One obvious question is whether the terms 'tradition or 'culture should apply to arbitrary, extrajudicial killings.

Another would be to note that upon Islam's birth in 7AD the faith was a force against the live burial of female babies—common at that time. The Quran does not support such murders. However, these murders are committed in its name. The justification of such murders in the name of the Quran needs to be questioned and exposed. Actual development of such practices of murder have more to do with property disputes and the very distortion of the tribal practices themselves in order to support injustices and discrimination against women.

What takes place as Jirgas today are mob trials, manipulated by the rich, powerful and male elements. At one time Jirgas may have had some very legitimate aspects of tribal dispute settlement. However, what is found today is an aberration of such systems to justify cruelties that would not have been acceptable to tribal people in the earlier stages of history.