

Violence against women in Pakistan

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Pakistan is a society burdened with the legacy of colonial rule, and presently dominated by the landed aristocracy, bureaucracy, a strong army with ruthless powers and eyes fixed on taking over the government, as well as the Muslim religious parties, who wish to dictate all matters of an individual's life. The various Muslim religious parties/groups have sharp differences among them—which are sometimes violently resolved by killing each other's members—but they are unanimous in considering women as the evil of all sins, that they are subordinate to males and do not have equal rights. A common and indoctrinated phrase says that “the home is the best place for women”. Muslim fundamentalist groups have the support and patronage of the powerful, which allows them to divide society on a sectarian basis and keep women, 49 percent of the country's population, in the dark ages.

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, Federal Ministers and a number of deputy and provincial positions. However, there is no visible change found in the general conditions of women at large, particularly in regard to their social and economic empowerment. Women in prominent political positions are unable to control crimes against women, which have unfortunately increased compared to previous years. Physical and sexual violence, honour killings and forced marriages make Pakistan one of the worst countries in terms of the gender gap according to the World Economic Forum's Global Gender Gap Report; it ranks 132 out of 134 countries, and is lowest among Asian countries. Private bills relating to women are pending in parliament since 2009, including bills on domestic violence and acid throwing, yet to be passed.

Pakistan's political parties and parliamentarians are largely made up of the landed aristocracy and retired army and civilian officers, who are adept at ‘fielding’ bills providing rights to women. For instance, the bill against domestic violence is pending in parliament since 2009; every time it is taken for discussion, it is referred to the parliamentary committee on objections from members. Similarly, a bill regarding acid violence—which would specifically target acid crimes with higher punishments and regulate the sale and purchase of acid—has been submitted to parliament on 26 January 2010, where it is still pending.

Existing laws addressing violence against women are either weak or inadequately implemented. For instance, while the Protection of Women Act, 2006 provides punishment for the offences of abduction and rape, it does not recognize marital rape and severely punishes non-marital sex. Domestic violence is so common in Pakistan that cases are usually not even reported.

In remote parts of the country, particularly in the north, there is great resistance to the education of girls. Several hundred schools were recently burned by tribals in the Northern Province, the Khyber Pakhtoon Kha (KP) bordering Afghanistan, under the control of Taliban and militant Muslim organizations to protest against girls' education. In such areas girls are not allowed to pass above grade five (primary school level), whereas the completion of grade ten is required for many jobs. Authorities largely fail to intervene in these areas, where they are seen to pander to the powerful religious fundamentalists.

Honour killings

Every year, hundreds of women of all ages, in all parts of the country, are reported killed in the name of honour. Many more cases go unreported, and almost all go unpunished. The lives of millions of Pakistani women are circumscribed by traditions, which enforce extreme seclusion and submission to men, many of whom impose their proprietorship over women with violence. For the most part, women bear this traditional male control over every aspect of their bodies, speech and behaviour with stoicism, as part of their fate. Exposure to media, the work of women's rights groups and the greater degree of mobility in recent times however, have seen the beginnings of women's rights awareness seep into their secluded world.

When they begin to exert these rights though, however tentatively, they often face more repression and punishment; the curve of honour killings has risen in parallel to rights awareness. Originally a Baluch and Pashtun tribal custom, 'honour killing' comes from the idea of killing for 'honour', usually that of the family. Women are seen as the repositories of such 'honour', as well as the possessions of men. When this honour is believed to be besmirched, and when possessions are thought to be 'tainted' (by a woman having a male friend, marrying a man of her choice or seeking divorce for instance), such killing is allowed as retribution and as a means to defend 'honour'. Inevitably, the undefined concept of 'honour' and of what undermines it leads to almost every act of female disobedience amounting to 'dishonouring' the family. In fact, it is merely the rumour of a woman's inappropriate behaviour that damages the 'honour' of her family and hence the truth of such an allegation does not need to be established. As noted by Neshay Najam in 'Honour Killings in Pakistan', it is paradoxical that women, who enjoy such a poor status in society and have little standing within the family, should become the focal point of a false and primitive concept of family honour, which they are expected to uphold at the expense of their preference in matters of marriage.

State indifference, discriminatory laws and the gender bias of much of the country's police force and judiciary have ensured virtual impunity for perpetrators of honour killings. An investigative report by the Human Rights Commission of Pakistan (HRCP) claims that one woman is raped every hour, while another is killed on the pretext of honour killing.

The jirga system

Jirga or tribal courts, not only legitimize honour killings, but encourage them. There are numerous cases where these jirgas are used to portray justifications for honour killings in incidents that are simple cases of greed and wrongdoing. To illustrate, a 17-year-old girl in Sindh province was pressurized by her uncle to persuade her parents to hand over acres of farm land to him. When she refused, the uncle and his accomplices forced her father to watch her being 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', a woman 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.

In fact, the majority of the more barbaric human rights violations occurring in Pakistan can be traced to jirgas, which continue to exist despite being declared illegal by the country's superior courts, particularly in the feudal north. This is in fact an illustration of the government's ineptitude in combating two illegal practices, 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, two thirds of them women. Their deaths have often been caused under horrific 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 patriarchal north, women's lives are worth little 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 are to be punished with a life sentence according to the country's criminal law, but the true culprits are rarely punished. Instead, the practice of extrajudicial killing is increasing, supported by tribal chiefs and local police.

In June 2006 a five member bench of Supreme Court judges ordered police in Kashmore, Sindh province to arrest a PPP leader and national assembly member, Mir Hazar Khan Bijarani, for involvement in 'Sangchatti', the offering of young girls as blood money. He was accused, along with others, of offering five young girls as blood money in two separate cases. Police neglected to follow up on the order, and after keeping his head low for some time, Mir Hazar Khan Bijarani became the federal minister of education in 2008.

In August 2008, Balochistan Senator Sardar Isarullah Zehri, along with Senator Jan Mohammad Jamail—deputy chairman of the Senate—chose to defend jirga-ordered 'honour killings'—the burying of three teenage girls and two of their aunts alive—in his province as 'custom'. "This is our centuries old traditions and customs, and we will continue it," he said. Despite such a disavowal for rule of law, and despite the fact that the case was yet to be properly investigated, Mr. Zehri was also inducted as a minister of state.

Custodial rape and abuse

Pakistan's Additional Police Surgeon Dr Zulfiqar Siyal revealed 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. 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. Despite these alarming reports, not a single officer has suffered criminal penalties for such abuse, even in cases where 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".

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 before she was produced before the first class magistrate for judicial remand.

Women from religious minority groups

The situation faced by the Hindu and Christian groups in Pakistan is bad in general, but women from these communities are the worst victims of discriminatory attitudes of the authorities, political groups, religious parties, the feudal structure and the Muslim majority. The laws recently made about violence against women, domestic violence and sexual harassment at the workplace are laudable, but these have not changed the mindset of the Muslim society for the plight of minority groups. Although there is a two percent employment quota for religious minorities in government departments, hardly any women from these communities are employed in government services.

The majority of Hindu and Christian women in urban centers are employed as scavengers or sanitary workers and earn less than USD 12 per month. They are deprived of basic human rights and denied the protection of labour laws. In rural areas meanwhile, they have to live in shanty towns outside the Muslim dominated areas and are treated as the scheduled caste. Particularly in Sindh province, Hindu women are victims of the feudal society and work for very meager amounts. They remain in debt to loans provided by the land owners for their labour in the fields. Most of the bonded labour in Sindh is from the Hindu community, and has been for many centuries. In the districts of Badin, Mirpukhas, Sanghar, Umer Kot, Tharparker the Hindu women were enslaved because of religious hatred and debts claimed by their masters. They are subjected to abduction, rape, arbitrary arrest, torture, displacement and killings.

Working class women from minority groups are mostly employed in informal sectors and cannot even earn one US dollar a day. In the kilns, road construction, fields and domestic industries, women have no rights and are bonded. There is no question of labour law protection for these women, as they are taken for granted or treated as slaves.

Conclusion

The situation faced by Pakistan's women is dire, and the country's minimal laws protecting women offer protection only on paper. The Women Rights bill passed in 2006 has not changed the conditions of women, particularly in areas where the feudal and tribal systems are prevalent, or in Muslim fundamentalist dominated areas. Moreover, since the 'war on terror' started at the end of 2001, discrimination and violence against women has increased. According to press reports and reports collected from different women's organizations, since 9/11 and the war on terror 112,162 cases of violence against women were reported.

Similarly, the recent 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 300 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 lessen human rights violations. The actual problem lies in the collapse of the law and the serious defects of the law enforcement system.

The situation in Pakistan—where women are not considered as human beings in some regions, and where it can be dangerous being a woman—reveals that discrimination against women is not only a legal problem, but a societal problem, deeply entrenched in mindsets. Laws are not sufficient to protect women against centuries-old traditions. This can be changed only through an in-depth evolution that includes the disassembly of jirgas, the effective implementation of the rule of law in every region of the country and

the reform of the judiciary and the police to stop impunity and fairly condemn perpetrators, which requires strong political will. Structural changes also have to be made, such as a better representation of women in state and public offices. These are just some measures to deliver Pakistani women from old tribal traditions.

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