

W O M  
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**WOMANSPLAINING**

NAVIGATING ACTIVISM, POLITICS AND MODERNITY IN PAKISTAN

I N  
I N G

**SHERRY REHMAN**

EDITOR

As we enter a new century, with its promise of change, women in Pakistan often emerge as its best face forward. At the same time, a persistent and growing trendline of disadvantage and discrimination throws up a harsh counterfactual to the motivating success stories. Knitting these skeins together is the complex, long, often untold tale of women who think, speak, act and give up a part of their comfort zone to push the rights agenda, to take on the architecture of patriarchy and extremism or to call out resurgent misogynies. This is a book about these women, by these women, for the women who struggle to find a voice.

This anthology of essays attempts to do three things. It seeks first to provide testament and context to women's activism through the lived experience and voices of pioneers who not just headlined the rights struggle in Pakistan, but also gave it intellectual meaning and moral quest. In this endeavour, this book looks to capture a repository of important voices in order to create a slice of memory. The second idea motivating this collection is to probe the connection between the fairly coherent movement of the 1980s to the post-millennial activism that is challenging norms and pushing the boundaries of patriarchy today. Without forcing a grand narrative on the essays, a selection of younger writers uses this space to grapple with persistent barriers reified by the state, while speaking to new problems that tag on to new opportunities. These young women seek to add their voices to the changing face of women's activism in contemporary Pakistan, while building a new vocabulary to address emerging challenges. The third thing this volume attempts is to spur thought, analysis and action on structural and social changes women face in Pakistan.

SHERRY REHMAN

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# Womansplaining

“This book does the important work of bringing together the discourse on Pakistani women's experiences, struggles and activism, presented in bits and pieces in the past, documenting and describing the depth and breadth of the journey of Pakistani women towards recognition of gender identity, collective rights and access.”

**Justice Majida Razvi**

First Female High Court Judge in Pakistan

“In the 30 years I have known Sherry Rehman, she has always been a pioneer and a true sister in a land which has not always appreciated it—and one of my personal heroes. Here she brings together an astonishing collection of voices, both young and old, to tell the untold history of how Pakistan's women's movement has evolved—and the battles it still faces.”

**Christina Lamb**

Chief Foreign Correspondent, *Sunday Times*

“A timely and important book that unites intergenerational feminists in a call to action.”

**Tina Brown**

Editor, *The Daily Beast*

# **Womansplaining**

Navigating Activism, Politics and  
Modernity in Pakistan

Edited by

**SHERRY REHMAN**



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*This book is dedicated to  
Benazir Bhutto,  
who taught me the importance of women  
walking the halls of power.*



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The anxiety that from a position of relative power, both social and political, I have not been able to help those who need the ladder behind me has also driven some of the stamina needed to complete

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this work, because my day job as a mainstream politician has been demanding, to say the least. For this kind of life, the support of friends and family is critical, especially ones like the irreplaceable Zahra Arif, my best and most vigilant critic since age four, and in Islamabad, Aamir Mansoor, who kept me supplied with artisanal espressos and adrenaline needed to tackle multiple tasks at the same time. For always being an ally in whatever such project I undertake, I am grateful to Ali Dayan Hasan, Ahmed Abdul Bari and Amber Sami as well. I owe the ability to work on the few Sundays I got at home, and at odd times of the insomniac night, to the patience and support of my husband, Nadeem Hussain, and my daughter, Marvi Malik, who read and re-read many iterations with her critical editor's eye. If there is one person who motivated me to move beyond the walls of my consciousness and privilege to think about feminism as a way of life instead of an academic construct, it was my mother, Sabiha Hasan. Her extensive library full of books on philosophy, politics, art and global feminism, her professional path and her encouragement made me go further into making my personal journey into a series of small attempts at political action. She bought me my first copy of *Ms.* magazine, edited by Steinem, instead of a chatty fashionista rag, never changed her last name when she married, because she always craved an autonomous identity, and so neither did I. My father, Hassanally Rehman, whose feminism was ambiguous because of his life choices, was very clear when it came to privileging accomplishment and achievement for his daughters, and he still lurks behind many of my motivations to speak out, I suspect. Instead of encouraging a pretty lisp, he rewarded argument and contrarianism; and the first tongue-twister he taught me at age five was "constitutional law". The importance of choosing a career was always prioritised over marriage in my small family; so really, whatever I do, it still humbles me when I see women walk past and through gates of layered oppression and chronic abuse in Pakistan, and all of South Asia today.

Like this book, and many of our paths, life is about finding a beginning in an ending of sorts, in making hard choices through the tangled trellis of unfinished business that somehow always sits in the half-discernible patterns on a woman's plate. With all the demands on our time even as I chased the essays, I saw how some women constantly found the nerve to define what matters, while others used their skills to power through injustice, and yet others drew on anger to broaden the circle on entitlements for others.

## ACKNOWLEDGEMENTS

Because this is what women with a voice do. They make connections across boundaries, both internal and spatial, and in doing so, clear the path ahead for others. For all the sisters out there who made this possible, I appropriate and mash up a translated verse from Pakistan's principal feminist poet Kishwar Naheed: *No matter how long the night gives chase; Our eyes will not die, our dreams will not fade.*

In solidarity,  
Sherry Rehman  
October 2020



# INTRODUCTION

“Fear is just a line in your head, you can choose what side of that line you want to be on.”

*Sabeen Mahmud*

## **About Us, By Us, For More Than Us?**

‘Womansplaining’ is not a term many will take to. That’s alright. This book sets about defining a fraction of what women in Pakistan went through, a small part of what women in many parts of the world still go through, and will need to fight and speak out about. Unlike the term ‘mansplaining’ coined by Rebecca Solnit to describe how men often tend to explain things to women, in ways that are both condescending and overconfident, ‘womansplaining’ is not a signifier of either. It is a term that I appropriate for finding a voice, amplifying it and using it to level up priorities, tell stories, build bridges, fight misogyny, take down patriarchy, take flight and celebrate courage.

As we enter a new bend in the 21st century, with both promise and anxiety triggered by change and the tumult wrought by the resurgent politics of exclusion, many of us have broken past the doors that enclosed us in either physical spaces or the social, segregational equivalent of the ‘women’s quarters’. In doing so, we reject the protective restrictions and pedestals that inhibit mobility and growth. Modernity has left its mark on many, and the exercise of power can no longer be the preserve of men. Despite the weight of centuries of discrimination, today women in Pakistan often emerge as its best face forward. At the same time a persistent and worrying trendline of disadvantage throws up a harsh counterfactual to the motivating success stories. Knitting these skeins together is the complex, long, often untold tale of women who think, speak, act and step out of their comfort zone to push the rights agenda, to take on the architecture of patriarchy and extremism or to call out resurgent

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misogynies. ‘Womansplaining’ is a book about these women, by these women, for the women who struggle to find a voice.

This anthology of essays attempts to do three things. It seeks first to provide testament and context to women’s activism through the lived experience and voices of pioneers who not just headlined the rights struggle in Pakistan, but also gave it intellectual meaning and moral quest. In this endeavour, this book looks to capture a repository of important voices in order to move activism’s individual memories into collective history. The second idea motivating this collection is to probe the connection between the fairly coherent movement of the 1980s and the post-millennial activism that is challenging norms and pushing the boundaries of patriarchy today. Without forcing a grand unifying narrative on the essays, a selection of younger writers are also encouraged to use this space to grapple with persistent barriers reified by the state, while speaking to new problems that tag on to new opportunities. These young women seek to add their voices to the changing face of women’s activism in contemporary Pakistan, while building a new vocabulary to address emerging challenges. The third thing this volume attempts is to spur thought, analysis and action on structural and social changes women face in Pakistan.

Like women’s lives, this book is driven by more than one arc of beginnings and endings. It may not be as representative or intersectional as needed but it seeks, above all else, to connect the ribbons of our voices. It does not claim to build a shared purpose that powers a movement. The essays don’t seek to cover everything that has defined women’s lives in Pakistan, because women impact absolutely everything in the hidden and documented shares of the economy. (It is not money that makes the world go round, it is women.) These essays do, however, seek to build a shared understanding of the world we live in, with its entrenched orthodoxies against change, as well as new opportunities and obstacles to women exercising their choices and realising their potential.

But other than creating a bridge of understanding, this book hopes to spur questions that have been asked at many feminist convenings in Pakistan, both big and small. Questions about strategies, research, resources, legal help and the advancement of rights for those on the margins. Broader questions about failures too need to be asked, such as why we as legislators have been so caught up in dismantling laws that restricted women’s legal and political

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rights, while we pay less attention to labour unions, or why research is so thin on the work women do in fields, factories and the undocumented economy of care work.

This book, like everything else, was caught in the crosshairs of a global crisis and the lack of preparedness for meeting such a perfect storm of public emergencies. Gaps in both social action and state policy came to the fore in Pakistan's response to the global pandemic that redefined many development priorities but still failed to address the impact any crisis has on women. Not only did Covid-19 expose women to the frontlines of a global pandemic in a health system where social hierarchies still prioritise men as first recipients of nutrition or healthcare, but it also put women in the line of another growing fire. The 'other' silent global pandemic grew in both size and ferocity as it attacked women locked inside their homes, often trapped with their tormentors, in what was to become an explosion of domestic violence cases. With many countries reporting a pre-existing aggregate of one out of three women as victims of domestic violence, Pakistan fared much worse in both the number of cases and the response, as state structures collapsed and women's domestic abuse helplines fell silent, while police case evidence grew on the ground. In this case like many others, the women's movement was the first to respond, with the Women's Action Forum (WAF) and other groups sending out letters to government to spur sensitisation and action. The lack of data and the absence of institutional attention once again demonstrated the magnitude of state failure in responding to women's vulnerabilities, exposure to abuse and 'tokenisation' of corrective agency applied.

In 2018, Pakistan ranked sixth on the list of the most dangerous countries for women.<sup>1</sup> This past year also exposed the dirty underbelly of crimes against women in the most egregious way all over South Asia, with an obvious rise in reported rape cases in 2020. According to a recent UN report, 70–90 per cent of women in Pakistan have experienced some form of physical, emotional or psychological abuse from an intimate partner.<sup>2</sup> High-profile cases such as the motorway rape episode, where a woman was gangraped in front of her young children led to a high-voltage public campaign on social and mainstream media to find and punish the perpetrators. Despite public commitments to change from all the mainstream political parties, the delay in police response and the subsequent reaction of Lahore's Capital City Police Officer to indulge in victim-blaming is a perfect indicator of the state's slow

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and unwieldy response to crimes against women. This disappointing approach is further compounded by the general mindset within society—one that is often espoused by the rapists themselves—of not treating crimes against women with the same urgency. Disturbingly, the patriarchal predisposition of society on rape has often made it a question of misplaced communal ‘honour’ rather than one that violates a woman’s autonomy over her body, emotional well-being, personal space, dignity and consent. This must change, and while the road ahead is long and arduous, the good news is that the women of Pakistan are rising to the challenge.

Editing this volume has been a journey of sorts. My own experience with the women’s rights agenda, and limits on it in Pakistan, has prompted many of these questions. Engaging with women’s rights either as a journalist or a politician, for four decades, from student years to today, I see that women are responding to challenges quite differently than they did when military dictator Ziaul Haq’s institutionalised repressions from 1979 to 1988 ignited the women’s movement. It also gave pause for many political failures by women and men in positions of power, which of course includes different rankings of discontent at the pace and scale of parcelled, qualified change.

One of the core themes this book explores is whether there is a sustainable women’s movement in Pakistan today. There certainly is a robust renewed awakening and a critical amassing every year around International Women’s Day since 2018. With its open feminist challenge and broader agenda, the new wave of a women’s movement in Pakistan prompts many questions. Older women’s organisations such as WAF and the Sindhiani Tehreek have joined hands with more recent feminist collectives such as the Women Democratic Forum to connect with a surge of grassroots organisations, both in the urban and rural sectors, broadening the base of the gatherings to embrace many contemporary outpourings, with a diverse class base and themes. Key to this debate is what strategies this new rising adopts, and if indeed a sum of many parts constitutes a movement with coherent goals and roadmaps for achieving those goals. A few of the responses suggest that perhaps even the measurement of outcomes is not the test of a movement, today or in the past, and that an organic momentum can spur change, and equally importantly, hope. Others argue through the lens of their own experiences with activism that over time a chronology of achievable ambitions is necessary and that a review of

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where unity was broken, or opportunities lost, is useful. Comparisons are helpful, if only as pointers to building resilience and strength over time.

Different actors, many of whom are heroes, fought clear battles for change to constitute a strong, identifiable movement only a generation ago. Many lessons can be learnt from their path. Our progress, in legislation and civic action, has often been met with a wall of resistance from muscular political and social cohorts relying on tradition, culture, patriarchy or religion. Movement forward has only been incremental, with rollbacks of what we held on to as gains, part of an exhausting pattern. Khawar Mumtaz and Farida Shaheed's seminal book on the women's movement in Pakistan which grew in response to the long dictatorship years of stripping the republic of a democratic rights framework, *Women of Pakistan: Two Steps Forward, One Step Back?* summed up the exhausting history of the struggle. Yet even today, the constant dynamic of unfinished business defines almost all legislative gains, which include the law-making and search for legal safeguards that drove human rights defenders in the past.

Through the last two decades, the old guard of the women's movement—those courageous, iconic women who fought on the street for freedom, democracy and equality through the 1980s—have faced a daunting challenge, most recently on legacy and the path forward. Today, young women rally and mobilise thousands on Women's Day while other single-interest groups as well as initiatives claiming public spaces for girls animate their own communities and social media, but the political jugular of a broad rights-seeking movement with nodal connections is yet to cohere. Who will be the torchbearers for the millions of our marginalised sisters in the decades to come? At moments the answer has been troubling. Times have changed. The challenges for many urban and millennial women too have changed. While many of us continue to fight the old battles against gender-based violence, parochial restrictions, child marriage and sexual abuse, a younger millennial generation of women are facing new forms of patriarchy—at the workplace, at home and in society. Perhaps more self-aware and having benefited from the struggles of the past, these women are stepping up the ladder. They are demanding their right to choice, renegotiating their role at home and fighting for equal pay, equal opportunities and non-discrimination in the workplace.

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As many of us navigate this new activism of millennial women and engage with their ideas, it has thrown to the fore dichotomies that many of us continue to negotiate. While the pioneers of women's action in the 1980s, reminded every day by detractors of their urban privilege, struggled for the causes of women less fortunate than themselves across Pakistan, millennial women are charting new paths. They are self-aware of their gender and their feminism, fighting for themselves and their right to choose how to live their lives, thereby setting new examples for others. Where once women's activism pushed causes while engaging with the arguments of those who opposed them, millennial women have been less concerned with the arguments of their detractors, which, arguably, is not always a bad thing as far as movements go. Millennials have embraced new technologies to give voice to their aspirations and desire for a more equitable social structure. The internet and social media have shrunk the prohibitive costs of collective action, reaching out to millions and connecting with feminist ideas across the world. This is in sharp contrast to the activism of the older generation, where collective action required a rights-based mobilisation, years of painstaking work in villages and cities and often physical confrontation with a reactionary state. In the heady days of South Asian collaboration, the global feminist connect was hyphenated by a regional linkage with women leaders in Pakistan, India, Bangladesh and Nepal.

It is these very questions about the nature of the movement that have spurred the thinking behind this book. The idea has been to bring together leading voices from the original guard of the women's rights movement and the strong voices of powerful millennial women to create a discourse around the history and future of the women's struggle in Pakistan. The idea is also to build a storied link between women leaders, between the old guard and the new, on ideas and challenges that Pakistani women face.

Given the scale of the challenge women face, very few efforts have been made to curate and preserve the history of the women's movement in Pakistan, with the exception of Mumtaz and Shaheed's first work and a recent important contribution by Ayesha Khan. Much of this history remains in the lived experiences of those women leaders. Much of it remains undocumented. Who better than these women themselves to narrate their stories, I thought—the ideologies that motivated them, the injustices that birthed action and the trials and tribulations that have shaped their lives and their

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worldview. Equally, this book should serve as a window into the aspirations, views and needs of new heroes in the making. In a world where fake news and quick judgements often shape narratives, enduring spaces for an emerging thought leadership to articulate and amplify voices remain few and far between. This collection attempts to plug a small hole in that void.

### **Speaking Our Minds**

This book brings together essays from 22 Pakistani women with diverse backgrounds and professions. From human rights, women's activism, politics, law, development, labour, media and literature, we speak our minds. Setting the tone, with her frontline role in starting up Shirkat Gah, one of the earliest collectives to think and act for women in Pakistan, Farida Shaheed draws on her life-long experience of activism to reflect on the women's rights movement as it stands today, teasing out strands of the movement of the 1980s that still persist. In talking about the shift in women's activism from WAF in the 1980s to the post-democracy era, Shaheed telescopes a brief history, milestoning events and factors that contributed to the shift, while also appreciating the newer forms of feminist activism with its focus on the personal as well as small-scale interventions. In doing so she clearly positions the early women's movement in Pakistan as reactive, state-focused and adversarial.

Ayesha Khan deconstructs the evolution of the women's movement, probing key themes on whether there is a coherent movement today and how the demands of millennial women compare to those made in the 1980s. Her view is strong and clear: she argues that the movement that began with WAF continues, with the same leaders, who now hold important positions in the policy community, but she also makes a case for change as essential for movements to remain dynamic. Against the backdrop of a long struggle in which activists engaged with women parliamentarians to amend laws and build broader constituencies for reform, Khan critically engages with the priorities of young feminists today who have to contend with a deeply difficult environment of severely circumscribed personal freedoms which shaped their consciousness. The backlash that this new wave of feminism faces in its expression of resistance to the entrenched patriarchies confronting their lives, such as the Aurat March, Khan says, is reminiscent of the criticisms

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levelled at the movement of the 1980s, calling it elite, urban, irresponsible and unrepresentative. None of the critiques engage with the substance of the women's slogans or demands, deliberately ignoring the broad class and regional composition of contemporary rallies. Attempts by right-wing political parties, patriarchal platforms and anti-women media megaphones at delegitimising any surge in women's rights actors and trivialising their demands therefore tend to adopt the same strategies across the decades.

The role of civil society, and the subsequent battering activists took in the women's movement in literally shaping the alliances and institutions that drove the struggle for rights in a broader framework of the restoration of democracy, links the life and work of key women leaders. The indomitable Hina Jilani, who ranks as one of the pillars of the women's rights struggle in Pakistan, draws on her long experience as a human rights defender to argue that improving access to justice is crucial for women, who are not just marginalised in Pakistan at so many levels, but actually at risk. As someone in the trenches of women's experiences in the tangled justice system, Jilani is as emphatic, though, about the role of litigation as she is about its limits in accessing justice for the vulnerable. In her view, litigation is crucial for securing rights, as hundreds of women's-abuse cases continue to surface on a daily basis, but litigation is ultimately meaningless if stripped of the political process, where the groundwork for substantive and strategic reform is laid. Like Khawar Mumtaz and Zohra Yusuf, Jilani brings to the reader an inspirational personal account of the motivations and commitments which drive rights-based activism in the face of harsh dictatorship and patriarchal opposition.

In speaking about her lived experience as a seasoned activist and media professional, Zohra Yusuf suggests that the religious right is consistent in the level of power and force of public anger that it inevitably unleashes on any model of women's activism or protest in Pakistan by any generation. Irrespective of the demands made by any collective of women, the labels used to vilify and otherise women activists are the same across the decades, ranging from 'western' to 'shameless', in expedient leaps of public smearing. Making a critical link between different shades of collective activism or even incremental reformism in the absence of an identifiable movement, Yusuf reminds us that even in the 1960s, when members of the All Pakistan Women's Association (APWA), with their focus on welfare activities and unfiltered rootedness in privilege, sought

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reform in the Muslim Family Laws Ordinance, the backlash against them from the religious right was vitriolic. Unlike the millennial generation, or the WAF impetus, their approach was non-confrontational, yet became the object of sustained vilification. From her long view embedded in the social, political and strong institutional activism of the Human Rights Commission of Pakistan, which she chaired, Yusuf anchors her thinking on the contemporary women's movement in her signature positivism, encouraging the new generation of millennial women to forge on with their grit, determination and creativity in organising for the cause.

Like her frontline colleagues, Khawar Mumtaz's activism led in many instances towards a series of institutional negotiations with the state, in sharp contrast to the self-conscious distance the younger wave of feminists maintains from mainstream political parties. A pioneer of the women's movement, Mumtaz argues that participating in government was an inevitable and important next step in her activism. Having served two terms as the Chairperson of the National Commission on the Status of Women (NCSW), she introduces the role of the NCSW in her essay while sharing some of the history of progress made in securing rights. Mumtaz's exploration of the interaction of women with the state in her account of women's activism provides a window into the important possibilities that such engagement could bring, especially given the deficits in the gendering of Pakistan's institutional and governance frameworks.

Identifying scholarship and legislative gaps in the gendered impact of the political economy in Pakistan, Afiya Shehrbano Zia makes a compelling case for integrating class and structural issues in feminist discourse as they intersect with religiosity, to ensure that the women's rights movement does not limit itself to performative resistance. She provides a useful critique of the more recent strand of feminism, one that is less explored, while arguing that post-9/11 critiques of the 'rescue narrative' about oppressed Muslim women itself ignores much of the daily reality of Pakistani activists who do continue to engage in 'rescue' operations while facing questions about their own authenticity from a strand of the new scepticism against international human rights and the 'liberal-secular' agenda. Addressing the paucity of work done on women and the political economy, Zia raises important questions about the gaping holes left by both legislators and academia on women's labour laws and problems when she asks why there are no substantive studies on

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market activities, or even a mapping of women in the informal economy.

In my own essay I look at incremental gains that women in the political mainstream have been able to make in the context of social and cultural constraints. In what can be easily critiqued as a self-serving argument, I suggest that the imperfection of the political process has regularly diluted many parliamentary responses, but that since 2002, despite a post-9/11 surge in terrorism, the priorities for women politicians emerge consistently as broad, rights-based and engaged with civil society agendas. Human rights and women's rights are now a regular part of parliamentary discourse, and it is women parliamentarians and activists who have largely made this shift a parliamentary norm, to the extent that rights issues which were once ignored as either too soft or too controversial are now part of mainstream political conversations. While it is important to acknowledge key shortcomings in the range of parliamentary priorities, where a slew of working women's daily entitlements have been short-changed, I submit that these gaps are not the result of defined strategic preferences but more the fallout of capacity deficits that should reduce with time. In my view, the growing delegitimisation of mainstream parliamentary politics is a dangerous trend that has resurfaced in recent years to cut off the once crucial link between civil society activism and political parties, without which a robust goal-based women's agenda for change, both social and political, cannot make optimal impact.

Women's healthcare remains a site of contest, as the politics of decision-making and control over women's bodies, and their right to consent as adults to marriage and childbirth, continue to animate the highest political forums without providing women the social power needed to exercise agency or access health interventions. Despite global evidence pointing to women as central to the achievement of the Sustainable Development Goals (SDGs), Pakistan's recent governments have ignored gendered planning and development as a big-ticket agenda, leaving most of the public health discourse and lobbying to the denuded NGO sector. With her vantage on the creation and roll-out of Pakistan's primary healthcare initiative that centred on women as both actors and beneficiaries, the Lady Health Workers programme, Shahnaz Wazir Ali suggests that empowering women at the community level as agents in the public health sector can become a transformational intervention in rebooting the entire spectrum of primary health. She

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argues that despite the clear need for prioritising women's healthcare, instead of investing further in this programme that became known as the gold standard for primary and reproductive healthcare, Pakistan has ignored the value of women cohorts as core agents of potential reform in an area that has been serially ignored except in certain cases. Ali links women's subordinate status in society to government and social inaction, with a core argument for empowering women by giving them control over their bodies, health choices and the resources and knowledge to support such choices.

Encounters with the Covid-19 experience brought to the fore egregious gaps in Pakistan's public health machine, spewing up chilling stories of trauma for women trapped between poverty and patriarchy during the lockdown. Reviewing how Pakistan faced a global pandemic with almost no recourse for women suffering from domestic violence in a parallel pandemic of unrecorded abuse, journalist Rafia Zakaria recounts the lack of social and public-sector support for women in lockdown, exposed to a renewed seam of violence in their Covid-confinement. While noting that much lip service is paid to gender equality by governments making representations on the subject both at home and abroad, she argues that adopting a narrative of gendered political correctness is not enough and that a coordinated policy agenda must be implemented to realise a cascade of the promises serially made in public commitments. In an attempt to build a stronger constituency for reform, Zakaria points towards an actionable agenda for change by citing constructive steps that can be used to mobilise both governments and women's health activists seeking opportunity in crisis.

Counting the great gaping hole in the education of the girl child as a crucial factor holding women back from realising their potential or earning what is owed them in Pakistan, Ayesha Razzaque makes a compelling case not just for educating girls, but also maps the terrain of both structural and social challenges facing women's education in Pakistan. Aside from the argument that educating girls boosts economic prosperity, as that is probably the single best investment that can be made by developing nations, Razzaque points to the need for another inherently feminist argument that should drive women's education: What about education for the sake of a better quality of life, intellectual fulfilment and enlightened existence for a woman herself? For the majority in Pakistan, she says, educating a girl is seen not as a necessity but a luxury, a bias

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that is quite regularly and starkly split across the gender divide. With 12.5 million girls out of school, and only 48 per cent able of women to read, the gender gap serves to reify inequity as well as the patriarchal mindset among parents, who often bring up daughters without the capacity or drive to take their place at the decision-making table. To bring meaningful change, the women's movement will have to retool both strategy and focus in re-engaging communities on the necessity of empowering girls through a formal education. If women are to make autonomous decisions as full citizens and move past barriers, the first step is still a quality education.

As the acclaimed author of several works of fiction, Bina Shah explores the voices that created a corpus of feminist literature in Pakistan and their role in the broader women's rights movement in the country. Her essay tells the story not just of the poetry and prose about women, but equally of the strong feminists who shaped the imagination of many. Shah suggests that the ideas that animated these writers and poets built linkages that grew and took root over several generations, effectively engaging with related themes over many decades, but she also unbundles the universality of the early 20th century stigma attached to a woman with a pen because she was seen as dangerous. Putting words to paper, whether it was a story, or Malala Yousafzai's manifesto of one book, one pen, imbued with the power to change the world, was seen as inherently subversive. Even today, Shah notes, after much change, women with voices are still seen as dangerous, possessing ideas and agency that need to be contained.

The problematic terrain of cultural norm-setting through the media has been increasingly grappled with by a growing cohort of women writers who push the boundaries of 'digestible' roles assigned to women on television entertainment networks. Given the power of the electronic media in constructing stereotypes and role models, Fifi Haroon critically explores the medium of television soap operas and drama serials on women's identities in Pakistan as she exposes a deep vein of misogyny running through many popular Pakistani soaps and their role in indoctrinating audiences with patriarchal norms and moral policing. Her essay stands out for recognising and unbundling the changing portrayal of women in the media. As Haroon charts the multiple ways in which Pakistani media sets the parameters of acceptable womanhood, particularly disturbing in its mainstream endorsement of redemptive

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victimhood as virtuous, she asks a provocative question: why do female actors continue to play such retrogressive roles?

Mobilising action through advocacy-drama, theatre and storytelling is a tool women in the 1980s deployed effectively to evade censorship, creating an accessible base for political expression in the pervasive claustrophobia that arose from the media and cultural repressions of that era. Despite the state under Ziaul Haq proscribing several cultural platforms, street theatre became a popular vernacular used by women activists like Madiha Gauhar of Ajoka and Sheema Kirmani at Tehreek-i-Niswan in performative protest. In this book, Sharmeen Obaid, an Oscar winner who has made a brand for herself by documenting the trauma of victims of honour killing and acid crimes, draws on her strength as a consummate storyteller to narrate poignant, gritty accounts of girls and women battling the pervasive patriarchy in their everyday lives. Using the deeply personalised lens of someone with skin in the game, Obaid harnesses the power of life-stories to the project of channelling public opinion towards a demand for reform. Given the pull of her own celebrity status, her plea to “Let girls dream” rarely falls on deaf ears and bears testament to the effectiveness of new mediums to create space for debates that would once never have been aired, beaming their simultaneously subversive and redemptive messages directly into the living rooms of the powerful and the weak. While who inherits Pakistan’s earth will remain a bitter contest between asymmetries of social and economic power, Obaid’s methods that expose searing tales of normalised abuse against women and girls have caused widespread outrage against the carefully protected hegemonies of local patriarchies. Where entire families still collude to subordinate women’s lives in the service of false notions of collective ‘honour’, the reportage and courage to resist inspire real stories of both hope and failure, giving flesh and blood to the abstract yet important changing goals of a broader feminist wave.

With digital activism emerging as the 21st century’s global frontier for online action as well as abuse, Nighat Dad and Shmyla Khan cover important new ground on accountability and justice in the context of the #MeToo movement in Pakistan. Their discussion of digital activism tackles the criticism often levelled at it for its emphasis on individualised politics, as opposed to collective movement-building, and they make a strong case for online activism, showing how it has been able to mobilise a whole new

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generation of women sharing their experiences to build collective solidarities. Raising fresh hope about new pathways to amplify voices once excluded, especially in conversations around consent, assault and sexual harassment, Dad and Khan offer much to think about on difficult questions about the scope and impact of the movement, the role of new media in changing patterns of information consumption and collective action. Like other movements, they concede that gains may often be contested as intangible, especially for women excluded by class and digital literacy, but argue that the impact of #MeToo has been widespread as it embeds itself in a broader feminist movement.

How millennial women encounter discrimination within the formal justice system clearly resonates with the experiences of the original feminist lawyers in Pakistan, women like the iconic Asma Jahangir, Hina Jilani and Shehla Zia, who routinely engaged with the courts as legal activists on the behalf of vulnerable women. From her own experience of advocacy for women as a young lawyer, Sara Malkani talks about a fundamental contradiction at the heart of our justice system when it comes to women, whether they are activists, litigants or lawyers. The state offers a neutral space, she says, by offering protections built into the Constitution, while on the other hand, the courts remain infused with deeply embedded patriarchal prejudice. In charting women's journeys as they navigate the courts, Malkani sees women petition the courts for relief from abuse and exploitation, and in search of their entitlements, as there is no other forum for justice, but finds that such relief is still difficult to obtain given the continued strong bias against women stepping into such forums to seek redressal. Her experiences as a feminist lawyer are a grim reminder of the unchanging nature of the challenges women face in access to justice and, equally importantly, of the almost total lack of gender mainstreaming within a justice system that is inadequately positioned to address the specific legal problems faced by women.

The fact that the law can indeed be an instrument of real change in its impact on the everyday lives of women is a notion that Maliha Zia examines from a young lawyer's perspective, as she engages with legislation as an entry point into the potentially transformational effects of the law. In one key example of her approach, she delves into the Ziaul Haq era's discriminatory laws and the changes wrought on the Zina Ordinance in 2006 by women parliamentarians and WAF activists working together to change formal law, freeing

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women with little access to legal counsel from the shackles of jail and the burden of insurmountable malicious cases made out in cases of rape that conflated the crime as zina, which is a much broader definition of sexual relations, including adultery and acts based on consent. Her theory and approach remain grounded in the legacy of the early WAF pioneers, including her mother, Shehla Zia, while working with the state and the law to pursue broader collective reform for women facing distress at the caprice of deliberately exclusionary laws.

From her vantage point as a human rights lawyer involved with prisoner abuse, death row and criminal law penalties, Sarah Belal shines a light on the harrowing experience of women caught in the crosshairs of Pakistan's penal system. Belal draws on chilling accounts of custodial violence, police abuse, domestic violence, women not reporting abuse and patriarchal social norms to report that Pakistan still has no laws to deal with custodial violence, which prevents the courts from drawing on evidence especially in cases of gender-based abuse in police custody. Her lobbying for awareness and change have resulted in Pakistan's Senate having admitted a recent new bill (The Prevention of Torture Bill 2020, Senator Sherry Rehman) prohibiting and penalising all forms of custodial torture. As a clear testament to the fact that human rights laws take years to move forward, with roadblocks arising everywhere, this bill is yet to become law, but stands a chance if governments eschew the resort to torture and gender harassment to obtain confessions and making indigent victims settle outside courts after abusing them in the open.

Despite the high prevalence of women working in Pakistan's formal and informal economy, their rights have not been institutionalised or even recognised. For a vast swathe of the invisible labour force that powers the country's urban, agricultural, service and home-based sectors, Zeenia Shaukat reminds us, not only do laws not regulate pay or benefits at the workplace for women, but a structured marginalisation keeps women workers in factories and fields completely at the edges of formal protections available to men, especially in the collective bargaining system and the contract economy. In bringing to the fore huge disparities in remuneration and rights for women in Pakistan's labour force, Shaukat suggests that although the broader women's movement engaged with working women, their energies remained focused on a slew of political and legal reform moves that countered the Zia-era assault on women's rights, while legislators who focused on

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women's rights have by and large neither fought nor lobbied strongly enough for this cohort's work experiences to fundamentally shift. With women's labour force participation doubling over the last two decades, Shaukat is encouraged by the growth, but signals alarm at the erosion of barely prevalent rights with the spreading culture of privatisation, where workers are rendered without protections in arbitrary sweeps. Her engagement with labour rights in Pakistan prompts her to also explore the early role of women in Marxist-inspired peasant movements and the continued inability of trade unions to address the specific challenges of women workers, suggesting a long struggle ahead.

With a relatively high proportion of women working in the development sector, from the boardroom to the field, Ammara Durrani uses her insider experience to argue that Pakistan's small knowledge economy is one area where the influence of professional women on policy formation has resulted in significantly higher levels of advocacy for gender mainstreaming. Planning for the public, social and private sectors has sought to shift the balance of power in areas where opinions, decisions and dividends are controlled by men. The broad and significant social impact may not be quantifiable, but it has forced public policy to at least bend the conversation to seek enabling environments for women at work, particularly in goal-setting and key social interventions. Durrani sees the Lady Health Worker programme, the First Women Bank and the Benazir Income Support Programme, not just as piecemeal or trickle-down interventions, but, in the absence of structural change which is hard to execute through a creaky public sector, as useful pillars in the incremental approach adopted by the state in addressing social service delivery. At the same time, she still finds substantive gaps in how women at the bottom of the social pyramid experience change in their working lives, where they continue to face a number of policy, regulatory, procedural, structural and management bottlenecks in all sectors, including development. Change may be inevitable, but not always in the right direction, unless pointed towards a specific path of barrier-smashing and inclusion.

In her essay on how women navigate the trauma of climate change in Pakistan, Zofeen T. Ebrahim turns to notes from the field to delve into the experiences of women at the increasingly harsh intersect of climate stress and rural communities in different parts of the country. Given that Pakistan has now become the fifth most

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climate-vulnerable country in the world, it is a foregone conclusion that the issue in all its disastrous implications needs the urgent attention of policymakers as well as the state, yet Ebrahim finds that NGO-led micro-solutions at the community level are the only real evidence of responses currently working on creating resilience. Notwithstanding a few recent exceptions in Sindh, Ebrahim reconfirms the notion that any government initiative that prioritises women as the principal agents of change can turn small investments into a cascade of social benefits for women as well as their communities. This includes combating climate change, with its multidimensional impacts on a community's quality of life and well-being. With global climate rankings serving as the only real knowledge inputs on the subject, Ebrahim's account should serve as a cautionary tale to federal and local governments, including women leaders all over Pakistan.

If any one thing embodies the new wave of feminism in Pakistan, it is the new collective tidal wave of multi-class 'marchers' rising every year on Women's Day. The storm of simmering anger among young women in Pakistan, with its attendant trend of calling out the harasser or the discriminator, has found a megaphone in the Aurat March and its associated platforms, both in real-time street action and digital spaces. Rimmel Mohyidin's impassioned voice signals her engagement with this beating heart of protest against the multiple layers of discrimination women face at the structural, social, state and personal levels. There is a sense of urgency and hope in her voice, which compels our gaze to focus on a future where younger women explore the difficult questions of inequity and abuse through the prism of their own sexuality and choices, with less distance between the self and their feminism. A rising sense of confidence in collective and individual action suggests that this new generation of Pakistani women want to revisit every personal and social bargain imposed on them by fixed notions of identity premised on gender. Unlike many of their predecessors in the women's movement, these young women are impatient with theory if it slows down their march or constrains their personal lives, nor are many willing to wait until their bucket list of larger legal and political goals materialise in order to question everything that blocks the sun from their eyes. Mohyidin's feminist generation asks us to clench our fists at the small indignities of daily misogyny as they seek to rebel against the bony, encumbering carapace of patriarchy.

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**Conclusion**

It is clear that from the 1980s to today, the terrain defining many obstacles has changed, as has the nature of the responses from activists. Yet under the surface of the struggle, many challenges remain, stuck in the bedrock of political dogma, often putting religion and culture in the service of blocking debate, let alone change. Reform agendas and manifestos of rights carry the burden of old underlying perennial issues, while struggling with new threats to women's safety, rights and power. Pakistani women today carry many of the burdens of yesterday, while looking for a more personalised, and completely valid, search for meaning and liberty. The limits on our own voices are not just created by others. They are imposed by the internalisation of the advantages of privilege, the epistemologies of the very language we speak and the stories we tell. In this book, as in life, class and inequity keep out the voices of the majority. In Pakistan, 52 per cent of women cannot read. Even fewer have access to publications like this one. This makes it all the more important for those who can lead and fight for the rights of others to take stock. In a second edition of this book we will perhaps need to address the power of the digital economy as a tool for financial empowerment, which in turn leads to an enhanced influence over decisions at home, the first locus of power contests for women.

The idea is not to gatekeep feminism in Pakistan. Nor is it to provide a comprehensive political history, because many theoretical accounts do a better job of that. The impetus instead is to search for coherence across generations, allowing different meanings and definitions of activism to explore connections, as well as to amplify the political and non-linear context of women's struggle for rights within a strong scaffolding of systemic intolerance. This, as our essays confirm, is the architecture of a harsh patriarchy, coupled with daily diminutions of a woman's power, seeking year after year to limit the agency and strides of women negotiating their identities as legal citizens and as social, political and economic actors in Pakistan.

Notably, besides the obvious structural issues, what emerges as common across the two generations of women activists is the intensity of the backlash against all the women who speak out. Despite the diversity and class composition of the Aurat March, the critiques continue to describe the women's agendas as arising from foreign NGOs or other motives imbued with equal shades of alleged

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vice, attempting to strip Pakistani feminists of power, agency and legitimacy. In order to leverage the increment of gains made in the past, and to protect common goals, a case can certainly be made for recognition from the earlier generation of activists that the broad, albeit inevitable, focus on laws kept many activists from exploring the role of inhibited identities and personal liberties except in a structural, legal sense. If we broaden the critique, despite much blood, sweat and tears spent on speaking out and connecting consciously with our marginalised sisters, at least as legislators we need to do a lot more for daily wage-earners and their support systems. More thought needs to be directed at how to integrate gender equity goals in institutional state culture, along with pushing for women's health, literacy and income goals beyond the demands of a top-down, albeit crucial, SDG agenda. Unless it is creatively tacked on to organic momentum, little will be gained via unwieldy, poorly governed bureaucracies. On the other hand, spending most of one's political stamina on changing legal battles and fighting back daily encroachments on hard-won rights is not enough.

As a parliamentarian, I am both fascinated and drawn to learn from our younger sisters and agree that many of us need to do more to bridge the generational divide. As for the younger feminists, they need to channel their glittering, positive anger in more targeted ways. Movements require clarity and unity to affect change. Collective action in women's movements often arises from contestation and debate, as Farida Shaheed notes<sup>3</sup>, but the need to embed broader norms in culture is crucial, requiring connections with influencers and champions within the organs of state. Unlike their older sisters in arms, millennials often shy away from building formal links with political parties, where much of the reform agendas need to incubate as mainstream political democratic priorities. Today's political culture in Pakistan has far greater room for accommodating women's welfare agendas and feminist goals (because some still see a divide between the two) thanks to the political inclusion of the early women's movement. What our disparate streams need to do is build discourse and analysis, but also recreate spaces that allow multi-generational debate. Going beyond analysis is crucial, too, for the project of feminising both our lives and our politics once again. What the millennials and 'Generation Z' are doing in expressing strains of a rising feminist identity that pushes Pakistan to listen, take notice, and even react, is fantastic. The megaphones of structural patriarchy will need

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sustained solidarities to be drowned out by the sound of all our voices.

**Notes**

- <sup>1</sup> “The World’s Most Dangerous Countries for Women, 2018,” Thomson Reuters Foundation, accessed December 20, 2018, <https://poll2018.trust.org/>.
- <sup>2</sup> UNODC, *Gender and Pandemic—Urgent Call for Action*, Advocacy Brief 4, (Islamabad: UNODC Pakistan, 2020), 2.
- <sup>3</sup> Amrita Basu, ed., *Women’s Movements in the Global Era: The Power of Local Feminisms* (Routledge, 2010), 89-118.

# THE WOMEN'S MOVEMENT IN PAKISTAN: ANATOMY OF RESISTANCE

Farida Shaheed

Movements, meaning an organised group of people pursuing a shared agenda for change through collective action with some continuity over time,<sup>1</sup> arise at particular historical junctures. The specific circumstances and configurations of power confronted, particularly the character of the state but also market forces and the dynamics of national and international politics in which movements emerge and play out, are as important in shaping a movement as the ideals, volition, actions, identity and resources of its activists. The confluence of these factors determines the issues a movement takes up, its goals and modalities and the outcome.<sup>2</sup> To survive, movements must be sufficiently agile to respond and adjust to changing circumstances and opportunities, sometimes taking on new incarnations. The celebrated era of the Pakistani women's movement of the 1980s, therefore, can only be properly understood from the perspective of its context; the brutal and brutalising martial law and quasi-military rule of General Ziaul Haq from 1977 to 1988.

Many of the women who helped steer the activism of the 1980s and those who joined the movement in the 1990s are still actively struggling for gender equality today. But whether women's contemporary activism is a continuation of that movement is a moot question, given the emergence of new activists as well as new forms and priorities of activism. In many ways, it is also a less important question than whether a women's movement exists today and how vibrant the movement is.

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**Defying the Military to Safeguard Women's Rights**

The contemporary women's rights movement burst onto the scene in 1981, several years into the country's most oppressive military dictatorship. Political parties were banned; politicians, trade unions and anyone who dared to oppose the regime ferociously suppressed; fundamental rights suspended; public hangings and floggings commonplace. For women, the challenge was the military's "arrogat[ing] to itself the task of Islamising the country's institutions in their entirety."<sup>3</sup> As the least powerful group, women were easy targets and a way for the regime to demonstrate its 'Islamic' credentials. In a rigidly patriarchal society, there was no popular resistance to the almost casual rescinding of women's rights. Women themselves did not respond in an organised manner until September 1981. Igniting action was a small news item tucked away on an inside page, noticed by a Karachi-based women's collective, the Shirkat Gah-Women's Resource Centre. The news item reported that a woman (Fehmida) and a man (Allah Bux) had been sentenced respectively to 100 lashes and stoning to death under the soon to be infamous Hudood Ordinances.

The promulgation of these Ordinances in February 1979 had gone largely unnoticed during the trial of the ousted Prime Minister Zulfikar Ali Bhutto, who was hanged in April 1979.<sup>4</sup> Shocked and bewildered by how such sentences could be legal, the collective decided it was time to act. With only nine members, Shirkat Gah reached out to both women and men, urging collective action to prevent the sentences from being carried out. It was the diametrically opposed responses of women and men that galvanised the women's movement. Men were either dismissive, believing such punishments would never be carried out in Pakistan, or defeatist, saying that individual citizens were helpless under martial law. For women, these sentences represented the last straw. They were already angered by the regime's numerous initiatives to curtail women's rights, by the spiralling misogyny unleashed under the pretext of being more Islamic by people encouraged by state rhetoric, by the unprecedented harassment of women in public spaces, including women previously shielded by class privilege. Palpable anger and outrage at the meetings called by Shirkat Gah led to the formation of the Khawateen Mahaz-e-Amal, better known by its English name, the Women's Action Forum (WAF). WAF

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chapters opened in quick succession in Lahore, Islamabad and Peshawar, and for a short while in Abbottabad.

Led by WAF, the women's movement mounted the most vociferous opposition to Islamisation until Zia's death in 1988.<sup>5</sup> The relentless onslaught of legal and policy measures and proposals to curtail women's rights demanded ceaseless activism. These included written and unwritten directives imposing 'Islamic' dress codes for a widening circle of women, barring female athletes from competitions, preventing women in the foreign ministry from serving abroad, imposing a moratorium on the recruitment and promotion of women in banks, an 'anti-obscenity' campaign seeking to eliminate women's images from advertisements and in all media, and the Ansari Commission's recommendations to seriously curtail women's political participation.<sup>6</sup> Reducing the legal status of all women and non-Muslim men to half that of Muslim men started with the Hudood Ordinances, continued with the proposed law of evidence and culminated in the proposed *qisas* and *diyat* law stipulating this 'half human' status in black and white.<sup>7</sup>

In the 1980s, women's activism was reactive, state-focused and adversarial. The movement was led largely by middle- and upper-class working women who, having gained the most in their personal lives, stood to lose the most. But they were also better placed to face the risks of activism under martial law. Few of the new legal measures were likely to directly impact the personal lives of these activists. The fear was of a tsunami-like impact that the reducing of women's legal rights, their further marginalisation and their exclusion from all decision-making positions would bring. Numerous women's organisations were involved but WAF provided the underlying coordination and strategic direction, becoming the face of the movement, a role facilitated by its policy of not accepting any funding other than personal donations and its principle of collective leadership that refused to acknowledge individual leaders, especially in the press. As a platform for individual women and women's organisations, WAF initially adopted a minimal agenda for maximum buy-in, mobilising many women with no prior experience of, or inclination for, activism. Given the ban on politics, WAF deliberately called itself non-political. It reclassified itself as non-aligned and secular in 1991 and dropped the strategic use of Islam to counter laws proposed in the name of religion. A significant number of its activists were associated with progressive movements and participated in pro-democracy events, carefully explaining that this

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was in their individual capacity, not as WAF members—a distinction often lost on the press and on others.

With only a few hundred activists, the movement relied heavily on disrupting public spaces with street protests despite martial law prohibitions on public gatherings, to leverage attention, and on a supportive print media made more responsive given the ban on reporting political news, to amplify its message. Women's defiance under martial law ensured public attention and media appreciation and earned the respect of politicians and other politically engaged actors. Activists consciously engaged trade unions and political parties. Individual activists knew feminists and women's groups abroad, but these links were irrelevant during this period as the movement ignored international events and processes, including the 1985 UN World Conference on Women.

Given their limited numbers and the adverse circumstances, the single most remarkable achievement of this entirely indigenous and unfunded movement was that it placed women and their rights squarely and permanently on the national agenda so that, for example, all political parties, including the conservative politico-religious Jamaat-e-Islami, started addressing women in their agendas. Other achievements included several discriminatory proposals curtailing women's rights being abandoned, such as the Ansari Commission recommendations and a misogynist preacher's programme on state-controlled television being discontinued. The new discriminatory laws of evidence, and the *qisas* and *diyat* provisions in the law, could not be stopped but were delayed for years and enacted minus some of the most blatantly discriminatory aspects. Yet the Hudood Ordinances, having overturned the principle of presumed innocence, continued to fill the jails with women accused by former husbands, vindictive neighbours and random strangers until the Women's Protection Act of 2006; and the deep-seated changes wrought by Zia to the state and society continue to plague the country to this day.<sup>8</sup> The current status of women's activism has to be understood in the light of changes that occurred in the following two decades.

## The Transformative Decades

Zia's death and the return of democracy in 1988 brought a major shift in the context and content of activism. The sense of urgency

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dissipated, political differences submerged in the struggle against a military dictator surfaced and activists returned to careers put on hold for almost a decade, reducing the number of proactive women. Modalities changed: the skills of adversarial politics developed under martial law gave way to critically engaging authorities in less confrontational ways. Street protests became less frequent. New avenues for influencing were explored, facilitated by the links forged with politicians and the fact that a significant number of women activists joined mainstream politics.

Several notable developments impacted the movement. Freed from incessantly countering anti-women moves, activists started defining their own agenda, demanding more rights and improved policies across a broad range of issues in addition to the rescinding of the *zina* laws and other regressive measures introduced by Zia. The movement's identity became more diffused. WAF ceased to be the movement's singular face, although it still spearheaded some initiatives, for example, preventing the privatisation of the First Women Bank through a Writ Petition in court.<sup>9</sup> Movement-linked women's organisations took up issues for which they had no time under Zia, having understood how easily *de jure* rights can be overturned when so few women know about, much less enjoy, their rights.<sup>10</sup> Individual women's organisations led initiatives on diverse issues such as political rights, education, health, workers' rights, development policies and the need for a permanent commission on women to serve as a watchdog body.<sup>11</sup> Media visibility waned as politics reclaimed centre stage. The movement reached fewer people as coverage was consigned to city pages, if carried at all. During the unstable democracy of the 1990s, activists' relationship with the state "vacillated between co-operation and collaboration with Benazir Bhutto [1988–90, 1993–96], and confrontation and contestation during the time of Nawaz Sharif [1990–93, 1997–99]".<sup>12</sup> Threats to women's rights became embedded in wider governance issues, such as the proposed Shariat Bill. WAF mobilised a broader coalition with other human rights groups and religious minorities, subsequently formalised as the Joint Action Committee for People's Rights that started to articulate positions on many issues. An unintended consequence was the reduced visibility of women's distinct voices.

A decade of extensive networking both within and outside the country replaced the inward-looking isolation under Zia, spurred in particular by the United Nations conferences on human rights

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(1993), population and development (1994) and, especially, the 1995 Fourth World Conference on Women (FWCW). WAF engaged in the 1990s conferences,<sup>13</sup> preparing position papers that were circulated to and by organisations and individuals from Pakistan and elsewhere, although WAF's no-funding policy precluded its presence as WAF. The FWCW also marked a high point of cooperation with the government; many activists collaborated with the government to prepare the national report and half the official delegation comprised non-government women. Donor-supported events leading up to the FWCW facilitated unprecedented interactions among activists. But a surge in funding opportunities accompanying the conferences led to a mushrooming of civil society organisations (CSOs), including women's organisations, very few of which were movement-linked. Women's organisations ceased to be principally places of affiliation and identity; like other CSOs, they also became places of employment, if at far below market rates.<sup>14</sup>

The new millennium marks a new era. Even as self-proclaimed gender equality advocates multiplied, the women's rights movement was less visible *qua* movement. The malaise was not limited to Pakistan. It was highlighted as a "mobilisational lull" in the context of Latin America by Sonia Alvarez, who also coined the term "NGO-isation" as early as 1999.<sup>15</sup> While the institutional wherewithal of organisations enables them to carry out certain initiatives better than individual activists, such as running women's shelters, providing legal aid, systematic capacity building and rigorous research, worries that this NGO-isation was stultifying the movement started to be voiced.<sup>16</sup> Underlying the malaise and lull were factors both internal and external to the movement. Internally, following the considerable energies invested in shaping the Beijing Platform as a governmental blueprint, many organisation-based activists focused their energies on concretising the promises secured. Some substantial gains were achieved, but this engagement shifted the agenda from a political to a more technical one.<sup>17</sup> Because organisations concentrated on specific areas (for example, gender-based violence, education, political participation, workers' rights), struggles took place in silos, dissipating the more cohesive dynamics of a united movement.<sup>18</sup> Externally, the more technocratic Millennium Development Goals replaced the movement-informed Beijing Platform for Action. Funding opportunities dwindled and were increasingly tied to "accounts-ability"<sup>19</sup> and pre-set agendas, with donors pushing CSOs to adopt ever more corporate business

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models. Bridging the two, the drive to secure funding led to competitiveness and a tendency to project organisational names rather than a collective movement identity.

In Pakistan, by this time, WAF was more of an organisation than a platform. Activists had become recognised names and the hidden hierarchies and power dynamics of decision-making had surfaced.<sup>20</sup> Older activists failed to mobilise younger women to resist the Zia-reminiscent misogynist machinations of the Muttahida Majlis-e-Amal (MMA), a coalition of politico-religious parties cobbled together by the new military ruler, General Pervez Musharraf (1999–2008).<sup>21</sup> The younger, urban, relatively well-off women they contacted favoured an all-embracing human rights and peace agenda over a separate women's rights movement. Class privilege probably played a role, as less privileged grassroots women engaged by women's organisations were eager to learn about and resist patriarchy, albeit within the more immediate circles of family and community, shying away from addressing the state. The net result, to use Amrita Basu's terms, was a shift away from an organised gender equality movement to a more dispersed 'feminism'. While both share similar goals and ideas, the distinction is that gender equality movements have specified entities enacting the ideas of equality using particular forms of engagement, whereas 'feminism' describes struggles for gender equality, connoting both ideas and their enactments, that are more dispersed.<sup>22</sup> This brings us to the contemporary period and the question of whether or not there is a movement today.

### Today's Activism: Movement or No Movement?

Since 2015, far more women than ever before self-identify as feminists and Pakistan has an articulate third generation of feminists. Some millennial activists have joined WAF, but although a new WAF chapter opened in Hyderabad in 2008, quickly becoming the most active, and a WAF chapter has recently been launched in Quetta as well, these are led by women from the 'in-between generation' and WAF no longer provides the cohesive identity of a national movement as it once did. Feeling marginalised in existing structures dominated by older women, young feminists have formed their own groups, often as collectives, including Girls at Dhabas, the Feminist Collective, Feminist Fridays, the Women's

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Collective and the Women's Democratic Front—some affiliated with left groups. The volition, modalities and priorities of young feminists differ significantly.<sup>23</sup>

The concepts and praxis of activism are dissimilar. Older feminists, including many from the 'in-between generation' tend to conceive of activism in classical political terms and therefore focus collective action on state laws and policies, leaving the reshaping of the daily praxis of gender relations to personal initiatives. In contrast, while some young feminists have engaged in important legislative processes,<sup>24</sup> the majority concentrate on bringing about societal changes with a focus on personal lives. Modalities differ. Aiming to change the contours and gender dynamics of the immediate communities they inhabit, younger feminists engage in the politics of presence,<sup>25</sup> occupying physical and online spaces to do so. Today social media, rather than mainstream news media, is the primary location of discursive battles in which younger women are more prominent. Young feminists enjoin a more forceful expressive dimension of the movement through social media initiatives and novel approaches, such as stand-up comedy,<sup>26</sup> an engagement that provides a crucial counterpoint to the aggressively waged discursive battle of far better resourced religious right forces. In the 1980s, activists did deploy humour but fell short of fully developing an expressive dimension of the movement. Finally, today's feminists prioritise sexuality, an issue that older activists always acknowledged but failed to address publicly.

The different priorities of the new generation are attributable, at least in part, to changed circumstances. The catalyst for activists of the 1980s movement, a state bent upon overturning women's rights, is absent. Instead, the new generation confronts policing and harassment by social actors on a daily basis. The immediacy of these encounters and the ensuing frustrations make such issues seem more relevant than distant laws, propelling a greater interest in reshaping gender dynamics and power relations in everyday practices than in struggling to ensure rights by engaging with the state. The failure of decades of activism to significantly change the daily reality of misogyny is likely to have prompted a loss of confidence in the state's ability to achieve the desired change, deepening the reluctance to engage with the state in terms of challenging laws and policies or proposing new ones.

One advantage of society-focused activism is that it lends itself more easily to spontaneous actions of individuals or small groups of

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women—the dispersed feminism Basu refers to. In comparison, far greater organisational management is required to deploy and sustain concerted collective action typical of movements, especially those aiming to influence state policies. Over time, this management tends to become centralised and thus more hierarchical. It also often requires greater resources to maintain. Engaging in society-oriented activism may be better placed to avoid binding structures and the need to secure finances. But transcending the confines of small actions entails its own dynamics and challenges, as evident when young feminists brought their politics, including of sexuality, onto the streets and into public view in 2018 and 2019.

On March 8, 2018, young feminists in Karachi organised the first Aurat March (Women's March) under a new banner, *Hum Aurtein* (We Women). They were assisted by some older feminists. Thousands participated from all generations and classes, along with trans and rainbow activists. A smaller march was held in Lahore as well. Unlike earlier demonstrations organised to protest against or demand something specific, Aurat March was an occasion for everyone to express themselves. The homemade placards were more imaginative and humorous than those seen at previous movement events. One stating 'Heat your own food' should have been unobjectionable but provoked a social media backlash.<sup>27</sup> The success of the Karachi march fired people's imaginations and rallies multiplied the following year. In several major cities across the country, the 2019 Aurat March attracted thousands of people. In more remote areas such as Bannu, women held smaller rallies.<sup>28</sup> A handful of placards ('Warm your own bed', 'Keep dick pics to yourself, an image of a woman sitting with her legs apart, stating 'Now I am seated appropriately') unleashed a furious misogynist reaction, including condemnation by lawmakers,<sup>29</sup> family backlash and at least one attempt to file a police case against the organisers in Lahore. These reactions conveniently ignored all the other posters demanding better working conditions, stronger laws, rights for workers and rural women and addressing many other 'serious' issues. They also ignored the presence of veiled women, including a burqa-clad woman whose placard read 'My dress, my decision'.

Surprisingly, while many older activists were delighted that these crucial issues had finally been catapulted into the public arena, some felt the posters were inappropriate and risked alienating women. Forgetting the crucial role that notions of respectability play in maintaining patriarchy, these activists contributed, perhaps

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inadvertently, to the politics of respectability. Other internal critics, who felt the posters detracted attention from the issues of rural and grassroots women, overlooked the fact that grassroots women themselves did not object.<sup>30</sup> A positive and encouraging development is that a number of women legislators joined the Aurat March and reactions were not unidirectional: politicians, journalists and people on social media extended support as well.

### **Towards the Future**

It is unclear whether this new activism will take the shape of an organised social movement or remain a period of more dispersed feminism. Generational differences among gender-equality activists are not unique to Pakistan.<sup>31</sup> Across the globe, younger women are prioritising the politics of sexuality, and in Latin America, for example, thousands of large rallies have been organised by women disenchanted with institutional activism, both with respect to more formal women's organisations and direct engagement with the state.

Change is essential for movement continuity. The focus on sexuality of Pakistan's younger generation fills an important gap in earlier activism, and their society-oriented activism complements the state-focused and policy-oriented struggle of older activists. However, state laws, policies and narratives always impact women's lives in multifarious ways and past experience makes it abundantly clear that the state can never be ignored. The experience of the 2019 Aurat March may propel younger feminists to greater engagement with the state. If not, this will leave a significant vacuum in the movement.

Keeping an eye on the state is all the more important as Pakistan pursues "the art of making dictatorship look like democracy."<sup>32</sup> New strategies are needed in the face of new challenges; the steady erosion of space for civil society, debate and dissent; increasing surveillance of CSOs and interference from intelligence agencies;<sup>33</sup> the use of terrorism threats to clamp down on human rights groups in Pakistan, as in other countries.<sup>34</sup> While women's organisations that remain true to the ideals of feminism and linked to the movement can advance the movement by engaging with state institutions and providing institutional support, this may become increasingly difficult. Less formalised structures to achieve societal

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change may offer important advantages—one reason WAF never registered was to avoid such controls.

Internally, activists must overcome generational mistrust and bridge the approaches of differently located activists. Older activists believe that younger women tend to ignore the broader political dynamics, are less interested in structural change than in changing personal lives, more interested in engaging with international movements than in building a national movement. The online activism of younger feminists is seen to exclude grassroots women, their actions are viewed as highly individualistic and some of their concerns are considered to be elitist. Younger feminists believe that older activists operate in exclusionary hierarchies of power, have a know-it-all attitude that devalues younger women's experience and perspective, and are resistant to listening to and learning from others.<sup>35</sup> Without dispelling this mistrust and building bridges, activists will find it difficult to create the interconnected support system and coalescing force that lends activism a more definite movement identity, such as WAF provided earlier. An important show of solidarity and strength, until very recently, the Aurat March was only an annual event and it is unclear whether *Hum Aurtein* is designed to operate as a movement in the future. Without interconnectedness and identity, the different strands of activism and organisational bases risk remaining disparate initiatives, leaving Pakistani women's rights activism in the 'feminism' state described by Basu, rather than as a recognisable movement.

Most recently, in September 2020, the immediate country-wide response to a gangrape of a woman on the Lahore-Islamabad motorway coupled with the outrageous misogynist statement of the Lahore Chief of Police (CCPO Umar Sheikh) on the incident, indicate that the women's movement is very much alive—and also has numerous male supporters. Several demonstrations were co-organised by Aurat March, WAF and numerous other organisations. With Aurat March stepping out of its role of being a once-a-year rallying point, it could become the leading face of the movement with others, including WAF, supporting it. This would certainly help to develop a more cohesive women's and gender-equality movement.

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## Notes

- <sup>1</sup> Srilatha Batliwala, "Linking Leadership Capacity Building with Movement Building—Some Inputs for the WELDD Roundtable," (presentation, Women's Empowerment and Leadership Development for Democratisation, Kandy, May 22, 2014).
- <sup>2</sup> Ayesha Khan, *The Women's Movement in Pakistan: Activism, Islam and Democracy* (London and New York: IB Tauris, 2018); and Elaine Salo, "A History of Feminist Movement: The South African Women's Movement, 1950–2014," in *Women's Movements in the Global Era: The Power of Local Feminisms*, Second Edition (Boulder, CO: Westview Press, 2017), 65–94.
- <sup>3</sup> Omar Asghar Khan, "Political and Economic Aspects of Islamisation," in *Islam, Politics, and the State: The Pakistan Experience*, ed. Mohammad Asghar Khan (London: Zed Books, 1985), 127–163.
- <sup>4</sup> The *zina* section of the ordinance dealt with all sexual offences, including consensual sex between unmarried persons, which it criminalised. Other sections deal with drunkenness, theft and bearing false witness.
- <sup>5</sup> Sadia Toor, "The State, Fundamentalism and Civil Society," in *Engendering the Nation-State*, ed. Neelam Hussain, Samlya Mumtaz and Rubina Saigol (Lahore: Simorgh Women's Resource and Publication Centre, 1997), 111–146.
- <sup>6</sup> Khawar Mumtaz and Farida Shaheed, *Women of Pakistan: Two Steps Forward, One Step Back?* (London: Zed Books, 1987).
- <sup>7</sup> The Zina Ordinance stipulated that maximum punishment could only be awarded if there was an eye-witness account from four Muslim men of good repute. A woman could be raped in a stadium full of women and non-Muslims and the rapist would be exempt from maximum punishment. The proposed law of evidence sought to extend this discriminatory evidentiary value to all matters. The proposal for *qisas* (retribution) and *diyat* (blood money) initially stipulated that the *diyat* for any bodily harm, including loss of life, of Muslim women and all non-Muslims would be half the amount fixed for Muslim men.
- <sup>8</sup> Farida Shaheed, "Gender, Religion and the Quest for Justice in Pakistan," in the report *Religion, Politics and Gender Equality* (Geneva: United Nations Research Institute for Social Development, 2009).
- <sup>9</sup> Women's Action Forum vs. The Government of Pakistan, Writ Petition No. 25069 (1997).
- <sup>10</sup> Shirkat Gah, for example, started a grassroots initiative to empower women with legal knowledge, including how laws are made and how they can be changed. Local groups were strengthened, paralegals trained and legal aid instituted to catalyse sustained community change, while seeking to influence policy. Shirkat Gah later provided

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legislators eager to amend the *zina* laws crucial support in terms of research, argumentation and language for the proposed legislation.

- 11 For example, Aurat Foundation took the lead on women's political education. Aurat Foundation and Shirkat Gah collaborated to propose various measures for enhancing women's political representation in the legislature, undertaking research, formulating possible measures and organising forums bringing together a diverse set of actors that included political party representatives, bureaucrats and civil society groups to build a consensus. The two organisations also collaborated on lobbying for a permanent commission on the status of women.
- 12 Rubina Saigol, *Feminism and the Women's Movement in Pakistan: Actors, Debates and Strategies* (Lahore: Friedrich Ebert Stiftung, 2016), 22.
- 13 The 1993 Conference on Human Rights and the 1994 International Conference on Population and Development were crucial.
- 14 WAF and member-organisations had a symbiotic relationship: some employees became WAF members and some activists joined organisations as employees.
- 15 Sonie E. Alvarez, "Advocating Feminism: The Latin American Feminist NGO 'Boom'", *International Feminist Journal of Politics* 1, no. 2 (December 1999): 181-209.
- 16 Islah Jad, "The NGO-isation of Arab Women's Movements," *Institute of Development Studies Bulletin* 35, no. 4 (February 2004): 34-42; Sohela Nazneen and Maheen Sultan, "Contemporary Feminist Politics in Bangladesh: Taking the Bull by the Horns," in *New South Asian Feminisms: Paradoxes and Possibilities*, ed. Srila Roy, (London: Zed Books, 2015), 87-107.
- 17 Maitrayee Mukhopadhyay, "Gender Justice, Citizenship and Development: An Introduction," in *Gender Justice, Citizenship and Development*, ed. Maitrayee Mukhopadhyay and Navsharan Singh (New Delhi: Zubaan, 2007; Ottawa: International Development Research Centre, 2007), 1-14.
- 18 Farida Shaheed, "Pakistan's Women's Movement: Protests, Programming and Revitalization," in *Women's Movements in the Global Era: The Power of Local Feminisms*, ed. Amrita Basu, (Boulder CO: Westview Press, 2017), 95-128.
- 19 Dhananjayan Sriskandarajah, "Five Reasons Donors Give for not Funding Local NGOs Directly," *The Guardian*, November 09, 2015.
- 20 Batliwala, "Linking Leadership Capacity Building."
- 21 Changed election rules enabled politico-religious parties to win an unprecedented number of seats in the 2001 elections and form government in Khyber-Pakhtunkhwa province (NWFP at the time).
- 22 Amrita Basu, "Introduction," in *Women's Movements in the Global Era: The Power of Local Feminisms*, ed. Amrita Basu, (Boulder, CO: Westview Press, 2017), 1-33.

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- 23 Girls at Dhabas looks to occupy public spaces, the Women's Democratic Front hosts study circles to advance feminist ideologies, while Aurat Haq has an online working group to which one must seek and qualify for membership.
- 24 The Women's Collective, for example, was pivotal in the passage of the Transgender Persons (Protection of Rights) Act of 2018, liaising with and supporting affected communities throughout and consciously avoiding public acknowledgement.
- 25 Homa Hoodfar, ed., *Women's Sport as Politics in Muslim Contexts* (London: WLUM, 2015).
- 26 The best-known group is Auratnaak (Nisma Chauhan, "Female Comedians Roast Taboos Associated in Stand-up Act Auratnaak", *The Express Tribune*, June 4, 2016.). Young girls in rural areas post songs and there is an anonymous rapper from a poor shanty town in Karachi.
- 27 For Aurat March 2018 posters, see "These Posters from the Aurat March Say Everything You Wish You Could," *Dawn Images*, March 9 2018.
- 28 Web Desk, "Aurat March 2019 Set to Take Place in Major Cities of Pakistan Today," *The Nation*, March 8, 2019, <https://nation.com.pk/08-Mar-2019/aurat-march-2019-to-be-held-in-pakistans-major-cities-today>.
- 29 Members of the National Assembly and two provincial assemblies called for a police case to be registered against Aurat March organisers in Sindh, referring to Article 295-A of the Constitution ('Deliberate and malicious acts intended to outrage religious feelings through insult of religion'). The Khyber Pakhtunkhwa Assembly passed a resolution condemning the march as 'shameful' (Arif Hayat and Ali Akbar, "KP Assembly Unanimously Passes Resolution Against Aurat March, Terming it 'Shameful'", *Dawn*, March 20 2019).
- 30 It is worth noting that the more than 400 women and students from local neighbourhoods, overseen by Shirkat Gah, found the march exhilarating and none reacted negatively to these posters (internal meeting, Shirkat Gah, Lahore).
- 31 "Towards a Feminist Change Agenda for a New South Asia" (paper presented at the Asia Pacific NGO Caucus on Beijing+25, Shirkat Gah, Lahore, 2019).
- 32 Tom Hussain, "The Art of Making Dictatorship Look Like Democracy," *South China Morning Post*, May 13 2018, <https://www.scmp.com/week-asia/politics/article/2145804/pakistan-and-art-making-dictatorship-look-democracy>.
- 33 Eighteen international NGOs were ordered to leave Pakistan in October 2018 and an additional 29 in December 2018. Pakistani NGOs started getting unannounced visits from intelligence agencies and were told that they had to register with the External Affairs Department and obtain a no-objection certificate to operate. Multiple news reports were

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published on these developments (Elaine Alam, "Squeezing Out the NGOs and INGOs from Pakistan," *GEO News*, October 12, 2018.)

34 United Nations, "Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism," UN General Assembly, A/70/371, September 18 2015.

35 A number of these misgivings were highlighted at the National Feminist Convening organised by Shirkat Gah in April 2019, where multiple generations of differently located women from diverse organisations discussed priority issues, including inter-generational misgivings, and identified positive and negative attributes of various generations of activists. The results, shared at the closing plenary, provided the first opportunity for discussing these openly (minutes of the sessions).



# THE POLITICS OF ACTIVISM: BRIDGING THE GENERATIONAL ARC

Ayesha Khan

The women's movement in Pakistan is a fiercely contested topic today, just as it was almost forty years ago when its modern iteration rose up in response to General Ziaul Haq's misguided and malevolent project of Islamisation. In the 1980s, naysayers lambasted the women activists who took to the streets to protest against the Hudood Ordinances, Law of Evidence and other retrogressive policies, calling the women Westernised, immoral and anti-state. Men loudly wondered why these activists dared speak at all if they didn't represent grassroots Pakistani women. In the 1990s, under Prime Minister Nawaz Sharif, women activists were accused of the same evils, of promoting 'Western culture' and so on, while his government tried to shut down their NGOs. Today, after the next generation of feminists held their annual Aurat March, seeing the backlash from television anchors, the chattering classes and even politicians who saw fit to condemn them through a resolution, one wonders what if anything has changed.

The vision and courage of the early activists in the 1950s who sought to shape a new Pakistan must be acknowledged. Their advocacy led to the 1961 Muslim Family Laws Ordinances, a quota for women's seats in the legislative assemblies and the country's first national family planning programme in 1965, among other contributions.<sup>1</sup> When what we refer to as the modern women's movement erupted with the emergence of the Women's Action Forum (WAF) in 1981, activists were forced to focus less on building upon the gains of their older sisters and more on pushing back against the excesses of Zia's regime to preserve these early gains, limited as they were.

Before turning to the question of whether a coherent women's movement exists today, we must first make it clear that one existed

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*before today.* The movement that began with WAF continues, with many of the same leaders, who today hold a variety of professional positions in NGOs, educational institutions, government, international agencies, media houses, entertainment, the creative arts and many other areas. I have documented in detail the gains of this movement elsewhere,<sup>2</sup> but it is worth noting their main successes here. Over the last forty years, activists have helped women parliamentarians pass progressive legislation by highlighting issues requiring legal reform, advocating with politicians for support, drafting laws and monitoring their implementation. There is no doubt that without the women's movement we would have no laws to protect women from rape, honour killings, acid crimes, domestic violence, sexual harassment and regressive customary laws, nor legislation to secure the rights of non-Muslims to marry and divorce, or to further restrict child marriage, not to mention the 2006 Protection of Women Act which curbs the excesses of the *zina* laws.

We owe the restoration of reserved seats for women in elected bodies, the creation of women's caucuses in all assemblies and the establishment of national and provincial commissions on the status of women to the vision and determination of activists and their partnership with dedicated politicians to make these changes in the policy landscape.

Lawyer activists, led by Asma Jahangir and Hina Jilani, have changed the mindset of the judiciary by pursuing cases in the courts, winning freedom for women accused of *zina*, establishing the right of adult women to marry of their own free choice and more, reminding us to have faith in the legal system and its ability to respond to authentic calls for justice despite the institution's corruption and politicisation—reminding us and demonstrating for generations to come that women's rights are human rights and that the courts can be exercised to recognise and enforce these rights.

Activists also established path-breaking organisations to deal with sexual violence and child abuse. They have led the research in Pakistan on gender, advocated for citizens' rights, including the rights of minority communities and disenfranchised groups, and established and run shelters for women. They have supported grassroots rural women's mobilisation, such as the Sindhiani Tehreek in the 1990s, a movement to protect the rights of women in interior Sindh; the ongoing Okara peasant movement for land rights in Punjab; and more recently, the rights-based Pashtun Tahafuz

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Movement (PTM) in the conflict-affected former tribal areas. Through their NGO work, vilified by the state rather than appreciated, they have nurtured what Farida Shaheed calls “grey areas of activism”, by building broad support on issues that contribute to “the growth and sustainability of the women’s rights movement.”<sup>3</sup> The full breadth and scope of this activism are not widely known or appreciated.

There are two main types of critique against the movement that persist in public discourse. These critics are led by representatives of the religious right who are threatened by women who resist the violation of women’s rights in the name of culture, religion or even national security. Critics are also to be found amongst entrenched patriarchal interests, such as state representatives, politicians from across the spectrum and self-professed liberal men. They are suspicious of what they believe to be the Western origins of feminism and argue that WAF-led activism is spearheaded by educated women who do not speak for the grassroots population, whose more pressing economic needs should be met first before addressing gender equality and rights. There are women too, amongst these critics, who disagree with the rights-based secular discourse and consider WAF to be too radical and not representative of Pakistani culture and society.

The second category of criticism comes from within the movement itself, leading to deep soul-searching and even temporary rifts amongst activists. One difficult issue that emerged early on was whether or not to use an Islamic framework to argue for women’s rights. Another was whether WAF should call itself political. The final declaration in 1991, that WAF stood for a rights-based secular state, more or less settled these questions internally.

Meanwhile, lingering concerns amongst activists themselves and relentless vilification from an increasingly retrogressive society have made some activists defensive about donor funding for their NGOs, their inability to engage with a broader base of women using a vernacular discourse and the lack of grassroots support for women’s rights. Rubina Saigol has challenged the movement to ask why there has not been an expansion of organisations in Pakistan that call themselves feminist and why the movement has not evolved beyond its demand for a fundamentally liberal framework (i.e., a rights-based democracy).<sup>4</sup> An ongoing and related internal discussion amongst this older generation of feminists is about the absence of a strong tier of second-generation WAF activism, suggesting the

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leaders of the movement have been unable or unwilling to mentor young women to follow in their footsteps.

Today, a new generation of millennial feminist activists has emerged and it is time to rethink all the criticisms. The alignment of feminist concerns needs reinforcement in the face of a state that remains hostile to women's rights and a society burdened by the obvious markers of Zia's legacy.

We are contending today with a deeply difficult context in which to advocate for women's rights and freedoms. Not only has religion now become central to all discourse about women, but gradually all moderate or progressive religious discourse has been sidelined. Thanks to the *qisas* and *diyat* laws, a culture of impunity for murder has arisen and honour killings continue. Vigilantism borne from the blasphemy laws has caused tragic loss of life, rendering even those who use the term 'secular' vulnerable to attack. The state has ensured that the rights discourse is marginalised in public discourse, declaring a civil rights movement from the former tribal areas to be 'anti-state'. Meanwhile, activists exhausted from decades of firefighting still fight to protect the Muslim Family Laws Ordinances and other freedoms reluctantly granted by the state from being chipped away in the name of national ideology.

It is in this complex and dangerous terrain that the new generation of feminists are raising their voice for gender rights, cognizant as well of the growing activism globally for the rights of LGBTQ individuals and understanding that the struggle must be won together. There are bound to be differences between the perspective of women who fought against Zia's laws and his usurpation of democracy and the ideas of those who today are fighting for sexual rights and have no faith in the state to deliver justice. The #MeToo movement, articulated largely in the powerful domain of social media, has captured the imagination of young feminists and spurred them to step outside their comfort zone in the same way that Zia's transgressions harnessed the previous generation's energies to resist.

It has been a challenge for some veteran activists to understand the position and agenda of the younger activists and their mobilisation strategies. For example, the group Girls at Dhabas made its mark just a few years ago by drawing attention to the gender apartheid that excludes women from public spaces. In an act of defiance, its members occupy public space and create pop-up cafes to make their presence known. They are not directly engaging

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the state and its laws through this activism, nor are they using the more common awareness-raising techniques employed by women's NGOs, yet their interventions have a power and logic of their own.

'The personal is political' is a feminist adage that has been used since the 1960s by activists around the world, yet it has not always meant the same thing to everyone. For women in WAF, for example, it was a call to link their personal experiences of discrimination and the impact of Zia's laws on women's lives with the broader patriarchal structures of the state. It made obvious sense to frame their demands politically, arguing that an inclusive democracy that respected the rights of men and women equally was the only viable nation-building option.

The consciousness of younger Pakistani feminists arose in the context of severely circumscribed personal freedoms, the repression of non-heteronormative gender identities, almost no public discourse around sexuality and deeply entrenched patriarchal norms. For them, 'the personal is political' has other implications. Hence the calls at the Aurat March for men to do their share of housework, the slogan 'Divorced and happy', the poster asking 'Why should I know where your sock is?' There may have been a women's movement before this, these young activists seem to be saying, but it certainly hasn't changed the way things work in our homes and in our lives.

Young women raised banners at the Aurat March calling for an end to honour killings, acid attacks, child marriage and violence against women, demonstrating the wide range of their concerns. They were joined in Karachi by Lady Health Workers, members of the Christian community, women of the Fisherfolk Forum and those displaced by the city's anti-encroachment drive. But the media largely ignored all this. It was the mock funeral of patriarchy, the poster demanding the freedom to sit with legs spread (or closed), the joyful poster about the man who had learned to heat his own food, that sparked outrage, perhaps because these messages struck close to home. Perhaps it was the posters that read '*Izzat nahin, aurat insaan hai*' (a woman is not 'honour', she is a human being) and 'The demand for dowry is dishonourable' that ruffled politicians' feathers, leading them to call for the arrest of protesters.

Whatever the slights, many of which were provoked by photoshopped images of fake posters maliciously spread on social media, the strong reaction evoked by the Aurat March was unseen perhaps since the early days of women's street activism in the 1980s.

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In the torrent of criticism against this new wave of feminism, the usual accusations were levelled—elitism, failure to represent the ‘real’ interests of Pakistani women, irresponsible sloganeering and much more—ignoring the cross-class composition of the marchers, the range and depth of issues raised and the enormous effort taken to bring women’s struggles together on a single platform that day.

There is much for activists across the generational divide to learn from one another. After this year’s Aurat March in cities and towns across Pakistan, it looked as if the differences might lead to disputes within the women’s movement, but that was underestimating the power of conviction shared by all activists that they are fundamentally on the same side. To underscore this shared conviction, Shirkat Gah organised a Feminist Convening in April 2019 in Lahore, followed by a WAF Convention. Older and younger activists from different geographies and backgrounds, rural and urban, gathered together for an intense dialogue and exchange of ideas. They discussed priorities, visions, strategies, grievances and flaws. The conversations led to greater recognition and appreciation of each other’s feminisms and a deeper understanding of where the common ground lies.

This does not mean that young women mobilised through the Aurat March or its new parent organisation, Aurat Haq, will synergise their efforts with those of WAF-generation activists, nor is it necessary to forge a unified movement. It may mean, though, that through this dialogue a new sense of history based on an understanding of women’s struggles over the last 40 years will lend a new gravity to the struggle of the younger generation, providing them sustenance as they craft their agenda and fend off the backlash to their mobilisation.

Finally, there is one dimension of these challenges and the tradition of women’s activism that merits continued and serious engagement: a democratic dispensation has always proven more conducive to the advancement of women’s rights. Authoritarian or military regimes have been quicker to compromise on progress in women’s rights in order to maintain a façade of legitimacy or attract the support of certain sections of society. All feminist activists must use this knowledge—and there is a valuable lesson to be learned here from the older generation—to focus on strengthening the country’s weak democratic institutions.

Key to an effective participatory democracy is the empowered voice of women. Today, women are present in all elected assemblies,

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thanks to a 17 per cent quota, and have performed admirably in what is undoubtedly a hostile environment. They need the support of activists to push for further changes to political party structures to include women in decision-making positions, craft a legislative agenda that reflects women's demands and resist pressure from the far right to roll back the gains achieved thus far.<sup>5</sup>

It is a tall order to choose to become an activist in Pakistan. The goals of our indefatigable feminists are still not within reach, although progress has been made. The obstacles in their path seem to have infinite iterations, with opponents constantly reinventing ways to roll back women's rights and constrain women's freedoms. There will always be detractors who use women's class and background as an excuse to undermine a cause and claim it represents only a vocal minority. Activists must consistently recognise and support mobilisation in favour of women's rights and gender justice across the country. We should accept our diversity and use it to strengthen our solidarity because that surely will be needed in the years ahead.

### Notes

- <sup>1</sup> Sarah Ansari, "Polygamy, Purdah and Political Representation: Engendering Citizenship in 1950s Pakistan," *Modern Asian Studies* 43, no.6 (2009), 1421–1461.
- <sup>2</sup> Ayesha Khan, *The Women's Movement in Pakistan: Activism, Islam and Democracy* (London and New York: IB Tauris, 2018), 75–115
- <sup>3</sup> Farida Shaheed, "The Women's Movement in Pakistan: Challenges and Achievements," in *Women's Movements in the Global Era: The Power of Local Feminisms*, (Boulder, CO: Westview Press, 2010), 89–118.
- <sup>4</sup> Rubina Saigol, *Feminism and the Women's Movement in Pakistan: Actors, Debates and Strategies* (Lahore: Friedrich Ebert Stiftung, 2016), 33–42.
- <sup>5</sup> Ayesha Khan and Sana Naqvi, "Women in Politics: Gaining Ground for Progressive Outcomes in Pakistan", IDS Working Paper 509 (Brighton: Institute for Development Studies, 2018), 18–26.



# THE FIGHT FOR HUMAN RIGHTS: A VIEW FROM THE TRENCHES

Hina Jilani

To promote human rights, a bottom-up approach driven by civil society should prevail. In the face of declining human rights protections around the world, it is useful and revealing to discuss the human rights situation in Pakistan through the continuing struggle of civil society movements.

It is important at the outset to underscore the role of civil society in strengthening democratic governance, which, despite its limitations, appears to be the best way to promote respect for human rights. This can be seen in the strategies used by civil society, notably litigation and street demonstrations, to fight against systemic and endemic violations of fundamental rights in Pakistan.

The measure of a society's level of democratic development is reflected in the vitality of its civil society. The institutionalisation of democratic norms and practices allows for the creation of effective mechanisms to facilitate interaction between the state and civil society. Under such conditions, the citizen not only has access to the state but is also equipped with the means to systematically monitor state policy decisions and their implementation. Another element indicating the level of democratisation is the power of the people to secure their rights and legitimate interests against the vested interests of powerful elites.

A necessary condition for a fully functioning democracy is respect for all human rights not only in terms of formal recognition and promotion by the state, but also with respect to the exercise of these rights by citizens, both individually and collectively. Citizenship does not abolish class conflict or diversity. But the vitality of civil society strengthens its ability to manage the tensions of pluralism. Nevertheless, some consensus is required on what constitutes the 'common good' and how to reconcile it with

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pluralism. Such reconciliation is only possible where there is agreement that 'public interest' does exist and that the parties have the right to participate in its elaboration and in the obligation of submission to society's laws. It is the responsibility of the state to cultivate the notion of citizenship and highlight its implications for citizen behaviour amongst the population.

Prospects for equal justice are largely determined by the social, economic and political environment in which institutions function. In most parts of the world, economic disparities, unequal social relationships and the political marginalisation of certain groups and communities persist to various degrees. The growth of inequality is proportional to the deficiency of democratic conduct in structures of governance. However, democracy as a political system, or the existence of democratic institutions alone, is no guarantee for the empowerment of all sections of society. In order to address the issue of equity, the system has to be sufficiently imbued with values of human rights, not only in the law but at all levels of social belief. In the absence of these values, democracy is merely procedural and fails to eliminate disparity and exploitation, or to create institutions that can dispense justice or satisfy the needs of the common citizen in the face of the vested interests and the power of the elite. Mobilisation for change or movements for change face even greater challenges when the political environment restricts freedom of movement, freedom of association and freedom of expression to such an extent that mobilisation becomes difficult. It is in these conditions that the use of litigation becomes a strategy to support the movement for change.

Such a strategy is not without its problems, especially when it is used in an environment where neither the law nor the institutions that administer the law have the sensitivity necessary not only to provide equal access to justice but also to dispense justice, keeping in mind the conditions of inequality in society. Use of the law becomes contentious and the promotion of or respect for the rule of law becomes extremely difficult in conditions where the law itself is an instrument of oppression. The concept of respect for the rule of law presumes the law to be just and equitable and requires that institutions for the administration of justice are fully sensitive to the inequality of conditions in which the law is being applied. When the word 'law' is taken to apply to any state command or mere whim exercised as an act of power, the rule of law becomes meaningless and 'law' moves away from 'justice'.

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Institutions that have become the victims of hampered political growth and are amenable to manipulation are incapable of enforcing justice or influencing social attitudes. More importantly, they retain no power to ensure that the conduct of the state complies with human rights standards.

It is in this context that I discuss my experience as a human rights lawyer and a member of women's rights organisations that have used litigation as a strategy for change. It has been a mixed experience and we have learned many lessons in the process of using the law and the courts to gain and improve access to justice for marginalised communities and vulnerable and disadvantaged sections of society. One of the major realities we have come to understand is that improving access to justice is ultimately a political process and no strategy will succeed if it ignores this fact. Litigation cannot be an alternative to the political process for change; it can only support it and build support for it. Nevertheless, litigation can play a role in social change, as illustrated by the experience of Pakistan.

Women in Pakistan are not only marginalised, they are a segment of the population that is actually at risk. The scope of violence that is perpetuated against women has to be understood in the context, again, of the law and the Constitution. This shows how even accepted norms of social justice and accepted standards of human rights, when applied to women, are conditioned by other considerations. The Constitution of Pakistan guarantees life, liberty and the security of the person. But when it comes to the plight of women, their rights to life and liberty are not guaranteed because those who adjudicate these rights have generally made women's entitlement to protection conditional on their conforming to certain social norms. We are speaking about practices such as honour killing, an extreme form of domestic violence that takes women's lives, as well as acid attacks, sexual violence and other forms of domestic violence. Women are still imprisoned in shelters in the name of protection. It was only through court action that these practices were shown by legal aid lawyers to contravene the Constitution and violate women's fundamental rights. It was an uphill task to sensitise institutions that were neither independent of the executive nor free from social pressures, institutions that had not played a role in changing social reality and had usually mirrored social biases and prejudices.

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For women's human rights, access to justice is rendered more complicated because the law, especially in many aspects of personal status, itself discriminates against women, promotes and reinforces attitudes that have led to increased violence against women and, in some ways, condones and justifies unequal treatment. It is troubling that certain institutions, including the judiciary, have promoted the very attitudes that make women more vulnerable to abuse and have justified discrimination against them in the name of religion, culture or tradition, not just in the past but also in certain contemporary contexts. In such a situation, it becomes difficult to use the law and expect that women would be empowered or that any significant change would take place with regard to their social, economic or political rights.

So how did human rights organisations use the courts to shine a spotlight on issues regarding women? As far as individual cases are concerned, most women who seek redressal from the courts do so with respect to laws related to domestic or personal issues. Where these laws are unequal, it becomes difficult for women to expect justice from the courts. It, therefore, becomes all the more important for legal aid lawyers to bring these cases to court, to draw attention to the inadequacy of the law and document the resulting inequities. We also found that in order to bring about a change with regard to women, to encourage them to use laws which could be beneficial and to encourage them to join our efforts to bring to light the inadequacies of the law, they needed a great deal of support.

These are some of the conditions in which movements for social change must operate. In isolation, a strictly legal strategy does not work. Human rights activists and lawyers are constantly required to make judgment calls on the choice of forum to project or resolve issues. In my experience, there have been some issues that were more successfully pursued in the courts and others that needed more public projection to dislodge deliberately created biases. For instance, we chose not to challenge the law of evidence that reduced the legal capacity of women to be witnesses in a court of law. Instead, we took the issue to the streets through public demonstrations and protests; and it is there that we were able to highlight not only the injustices of the law but also the weaknesses of institutions and their inability to dispense justice in the presence of biased and discriminatory laws. When groups and organisations join hands to bring about a change in the social and political lives of people, they become more and more conscious of what they need to

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change. It is not just for legal reform that social movements have to work; they have to work to reform the institutional culture which determines whether these institutions will condone, accept and justify discrimination and inequality or whether they will, despite inadequacies and deficiencies of the law, uphold the standards of justice and equality.

Many of the organisations that work for social change, whether through political movements or legal strategies, do not base their work on the availability of resources. We know that resources are always scarce. Human rights defenders and other civil society actors have spearheaded important initiatives to transform societies that perpetuate the biases that drive discrimination, hatred and violence. The only resource on which we depend is the resource of commitment—the commitment to change, the commitment to create an environment in which the scope of access to justice is wider. Towards this end, we concentrate on eliminating intolerance, discrimination and violence and upholding international standards of social justice and equality.

My engagement with human rights in Pakistan began in 1979 as a young lawyer struggling to uphold the rule of law and respect for fundamental freedoms in the face of repressive measures imposed by yet another martial law regime. The policy of so-called Islamisation of the state and the legal order that General Ziaul Haq's regime enforced as a measure to legitimise the unlawful derailment of the democratic order proved to be extremely harmful for women and non-Muslim citizens and their right to equality and non-discrimination. Special laws that reinforced social and cultural biases and imposed cruel, inhuman and degrading punishments were used as a tool to instil fear in the population and silence dissent.

The military regime solicited and gained the backing of religious groups and rewarded them with influence over state policy that was totally disproportionate to their support amongst the population. These groups were then used to inflict violence on anyone who did not comply with their notions of religion and morality. This was the beginning of state-sponsored extremism in Pakistan, with non-state elements used as instruments of terror.

It is in this environment that a few women and men launched a movement for human rights, challenging religious precepts, the legitimacy of the regime and its practices that negated democracy and violated human rights. At the same time, the public was

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educated about their rights and freedoms which the state has a fundamental duty to protect. It was for the first time in Pakistan that issues of women's rights became prominent as part of a movement for democracy, with women having sufficient support within that movement to be able to influence the goals of the movement. Women's rights became part of the political agenda of resistance to authoritarian forces.

As is typical of military regimes anywhere in the world, the military in Pakistan also reacted by using violence on peaceful demonstrators, arbitrary arrests, trials by military courts, imprisonment and vilification of human rights defenders. These retaliatory measures became unavoidable experiences of my life for several of the eleven years that the regime lasted. It was perhaps easier for me to endure the repeated arrests and detentions and accept the persistent targeting by the regime and its non-state agents, as an expected outcome of endeavours to protect human rights under the rule of martial law. I had, after all, grown up in a household where politics was as intrinsic to life as food.

I was no stranger to the consequences of dissent against regimes that destroyed democratic values, practised repression and had no respect for human rights and fundamental freedoms. I had learnt the lesson to protect justice and freedom at all costs from a father who had been sent to jail repeatedly for his opposition to military and civilian dictators. What was more remarkable for me was the courage and resilience with which many of the others participating in the struggle bore these tribulations, especially the women who had led lives relatively free of any direct encounters with repression.

Looking back over nearly four decades of work as a lawyer and human rights defender, I consider every action we took, whether in the courts or in the streets, and every difficulty we faced or overcame, to be worth the struggle. Today, Pakistan can be proud of its human rights community and vibrant civil society, inspired by a few activists and lawyers who led the way and laid the foundation. Human rights, particularly of women, are now an intrinsic part of the manifesto of all political parties. People's aspirations for justice are today articulated in terms of and measured by political, social and economic programmes that promote human rights. The induction of a significant number of women in Parliament and the provincial legislatures has increased the potential for gender-related legal reform. Many of these women have become important partners in civil society endeavours for legislative reform to improve the

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situation of women in the country. The importance of women in Parliament and their success can be measured by the legislation on women's protection that has been successfully tabled by women parliamentarians. But their impact goes beyond improving protections only for women. As the Human Rights Commission of Pakistan reports, the majority of laws related to human rights were tabled by women members of Parliament.

With periods of democratic government in Pakistan repeatedly interrupted by military rule and authoritarianism, members of civil society have learnt to adjust their strategies for change according to the political environment in which they wage their struggle. We have moved from resistance to persuasion and seeking partners in institutions as and when the exigencies of the situation demanded. However, the commitment to democracy has become stronger as the women's movement has understood that no agenda for women's rights can prosper without forging links with other movements, just as the Women's Action Forum, the leading spirit in the movement against Islamisation in the 1980s, realised the merits of furthering human rights for all through the collective action of social and political movements.

Rights NGOs are also becoming increasingly conscious that a project approach will not bring about the desired change. It is only when their work feeds social movements that their efforts to promote human rights will contribute to the cumulative impact of informed advocacy, and it is only then that they can claim a share in the successes that are won. The biggest challenge for the women's movement now is not only to deal with impediments to democracy, in collaboration with other movements, but also to make democracy gender-conscious. To meet this challenge effectively, it is necessary to analyse the system and its institutions and to assess the role of the women's movement in the elimination of oppression and reducing the status of disadvantage.

Despite improvements in some aspects, lingering problems from our past and the complexities of our present are a continuing challenge. Poverty, bad governance, religious intolerance, terrorism, counter-terrorism, increasing militarisation, weak institutions lacking independence and ineffective systems of justice undermine the gains made by civil society and limit their benefits. Be it the defence of civil and political rights or economic, social and cultural rights, human rights defenders are bound to make powerful enemies. Non-state entities, whether controlled by the state or

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adverse to it, find this an ideal environment in which to promote their agendas of hate, exploitation and violence. Those who advocate economic justice, tolerance, peace and an end to violence remain the primary targets of these entities.

Yet it is the positive developments that must continue to energise the struggle for rights. Improvements are visible with the reinstatement of a political process and increased access to information, with exposure to a variety of political views, which was not possible in the past. If these developments can be used to advance efforts for the promotion and protection of human rights, peace and security in the country, we may yet overcome the menace of terrorism and religious extremism that has become the major threat to economic stability and social development in Pakistan.

# IN HER OWN VOICE: A FEMINIST'S PERSONAL JOURNEY

Zohra Yusuf

What struck me about the Aurat March, apart from the messages on the placards, were the faces of the women holding those placards, the fact that they were mostly unfamiliar. We have grown accustomed to seeing the same handful of women, year after year, demanding their rights on International Women's Day with an earnestness of purpose, in sharp contrast to the festive atmosphere of the women's marches in 2018 and 2019, in which thousands participated all over the country. The diversity and inclusiveness of the recent protests uplifted the spirits. Above all, the claim to feminism is also new.

In the 1980s, when the Women's Action Forum (WAF) was formed, many members were vociferous in denying their feminist identity. They claimed to be campaigning for women's rights but shied away from the feminist label and from all political associations. In those days, feminism was as misunderstood and rejected as secularism. In fact, in the 1980s, Nighat Saeed Khan of the Applied Socio-Economic Research (ASR) Resource Centre conducted several workshops on women's feminist and political identities in an effort to address these contradictions.

Many of the women leading the movement in the 1980s came of age at a time when feminism in the West was breaking new ground. While they were clearly influenced by women's rights movements in western countries, there was an eagerness to disown the connection for fear of being dubbed 'westernised'. Nevertheless, this is a label that women in Pakistan have always had to contend with, whether it was the nascent women's movement of the first decade after Independence or the defiant Aurat March of 2019. The tag that inevitably accompanies 'westernised' is 'shameless'.

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When in the early 1960s members of the All Pakistan Women's Association (APWA), or 'begums' as they were usually called, launched a campaign for the amendment of the Family Laws Ordinance, religious parties responded with a viciousness that was unprecedented at the time. These women too, had fatwas issued against them—annulling their marriages, among other similar decrees. But comparing the backlash against that movement to the vitriol unleashed against the recent Aurat March, two differences stand out. First, the role of the media that greatly raised the ante when it came to disagreements, leading to online abuse and threats. Second, in the 1960s the government of the day, though led by a military dictator, stood with the women. No such categorical support was assured to the participants of the Aurat March. In fact, members of the Khyber Pakhtunkhwa provincial assembly condemned the march on the usual grounds of defying tradition, honour and so on.

There is, of course, also a generational difference between the two movements, if bookended. The women of APWA were mostly married, from well-to-do families, but with a deep commitment to better the lot of their less privileged sisters. The focus of their activities was primarily welfare work and they were certainly never on the wrong side of the rulers of the day. Many of the Aurat Marchers, meanwhile, are young, single (by choice) and do not all belong to privileged families. Nor do they share the inhibitions of the pioneers of the women's movement, the APWA begums. Yet, it is not clear to what extent they see their movement as political. Politics in Pakistan has been damned through such a long and well-planned scheme that many among the young, although aware of issues, prefer to take a non-political stance on matters that clearly have political roots and political repercussions.

Somewhere between these two generations, the APWA begums and the Aurat Marchers, are the women who founded WAF and continue to campaign from its platform. As one of its founders, many memories associated with its formation are etched in my mind. Looking back, I sometimes wonder about the young couple who propelled the movement. Where are they today? Still married? Living together? Parents or grandparents by now? I am, of course, referring to Fehmida and Allah Bux. It was on an afternoon in September 1981 that Aban Marker, founding member of Shirkat Gah, called and told me about a distressed call she had just received from Najma Sadeque, another Shirkat Gah founding member,

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regarding the case of Fehmida and Allah Bux. Pakistan's first sentences of public whipping and death by stoning had been handed down to the couple under the Zina Ordinance of 1979. We had all read about the sentence and felt deeply disturbed. After some discussion, we decided to call a meeting of all women's organisations at Aban's home. The rest, as they say, is history.

The women's movement was at an embryonic stage. Shirkat Gah itself had been set up in 1975, the year the United Nations dedicated the decade to the cause of women and the then government of Zulfikar Ali Bhutto made a commitment to uplift the status of Pakistani women. APWA, after successfully campaigning for the Family Laws Ordinance of 1962, had returned to charitable work. The Pakistan Women Lawyers' Association was also fairly new, as was Tehrik-e-Niswan. The only organisation with experience of political work was Pakistan Jamhooriyat-Pasand Khwateen (the Pakistan Women's Democratic Front).

I remember to this day the faces of the women around the table that evening when we met. Distressed, yet determined. Shirkat Gah, a research-based women's rights organisation, took the lead in conducting the meeting, spearheading the creation of a dynamic platform for Pakistani women to come together in solidarity to challenge the military regime's anti-women policies.

*The Star Weekend* newspaper, where I worked in the 1980s, became the voice of the women's movement. Indeed, I must confess that the birth of WAF was partly responsible for my decision to continue working at *The Star* which, until then, had been primarily an entertainment weekly. Soon I was accused of making *The Star* a feminist newspaper. Of course, many WAF members were regular contributors. Najma Sadeque had already been contributing, believe it or not, a weekly television review. She happily gave up the ordeal of watching Pakistan Television (PTV) to focus on women's rights. Kausar S.K. passionately wrote on the setback to women's sports as a result of retrogressive policies. Najma Babar frequently reported on women's political status and Hilda Saeed on violence against women.

The entry of WAF-ers in journalism coincided with the lifting of direct censorship in January 1982. While self-censorship remained in force, we were able to pull the wool over some eyes by writing between the lines, stepping back when absolutely necessary and returning for more effective assaults. Political journalism was also introduced in *The Star* at the same time. Several of the columnists

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who began to write for the newspaper were committed supporters of women's rights. Among them were Ahmed Bashir and Hussain Naqi. At *The Star* itself, we found a staunch supporter in the editor, the late G.N. Mansuri.

In the 1980s, WAF was struggling not only against the discriminatory policies of General Ziaul Haq's regime but also for understanding from society at large, including the media that was for the most part dismissive of the women's movement. Even *Dawn*, which today editorially supports women's causes, refused to publish reports on and statements by WAF, viewing the organisation as an insignificant entity. Often, WAF was also the butt of sexist jokes in the media, including on state-owned PTV. But it had staunch support from most journalists, lawyers and other members of civil society who did not hesitate to march with WAF when it took out protest demonstrations on some of the busiest streets of Karachi.

Apart from newspaper articles, the struggle of the 1980s spearheaded by WAF led to the first documented history of the women's movement. It inspired (I believe) Farida Shaheed and Khawar Mumtaz to write their seminal book, *Women of Pakistan: Two Steps Forward, One Step Back?*

It was WAF's decision to opt for street demonstrations that led to a parting of ways with APWA. I recall we were informed at a meeting held at the Young Men's Christian Association (YMCA) that 'Begum Sahiba' (Ra'ana Liaquat Ali Khan) did not approve of street protests and that APWA was compelled to disassociate itself from WAF. WAF also had to change its meeting venue from the YMCA to the Karachi Press Club as the former succumbed to pressure from the authorities.

WAF's strategy in the early years worked. If it did not lead to the outright repeal of the Hudood Ordinances, it at least succeeded in watering down the proposed Law of Evidence. This happened after women protesting in Lahore against the discriminatory laws of evidence were brutally beaten by the Punjab police; some were dragged off to prison. That day, February 12, is now observed in Pakistan (even officially) as Women's Day. At the same time, WAF was gaining world media attention. I remember how elated I felt when the BBC World Service Radio described WAF as the first challenge to the military regime—a highly exaggerated assessment, in retrospect. But WAF did succeed in putting the issue of the status of Pakistani women on the agenda of the global media. Scores of

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Western journalists sought out WAF members to get an insight into the discriminatory Hudood laws and women's responses.

An aspect of the women's movement in Pakistan that has by and large been brushed under the carpet has to do with the interlinking of feminism and politics. In its early years, WAF saw a split in the Punjab when one group of members maintained that the movement was apolitical while another, led by Asma Jahangir, debunked that notion, believing that no movement could be carried out effectively without a political dimension. As a result, WAF National and WAF Democratic were born. Later the two factions found common ground and came together once again. But the fact remains that the issue of feminist identity and its political dimensions has not been a matter of meaningful debate in Pakistan. Even women's rights activists have shied away from open discussion for fear of alienating other women. It was possibly only the Sindhiani Tehrik, founded by Rasool Bux Palijo, that looked at women's rights and status from a political perspective.

The struggle for women's emancipation that WAF embodied released a great deal of creative energy. Plays related to women's rights and other political issues were frequently staged. Leading artistes, including the late Zarina Baloch, showed their support by performing from WAF's platform. Poets such as Fehmida Riaz, Saeeda Gazdar, Zahida Hina and Attiya Dawood wrote and recited poetry on themes related to the status of women in Pakistan. Tehrik-e-Niswan, founded by Sheema Kermani, focused on feminist themes in its plays and dance performances, many of which were staged in support of WAF. Credit goes to Sheema's resilience and determination that Tehrik-e-Niswan has remained a cultural and political force to be reckoned with, even today, facing many challenges and responding courageously. Similarly, Ajoka in Lahore became a voice for women's rights, staging many plays that were originally written in the context of the challenges faced by women in Pakistan. A defiant form of creativity was also on display in the placards and posters carried by women in the Aurat March. In fact, the cultural and creative aspects of the women's movement are yet to be documented and certainly deserve a place in its history.

The weakening of the Zia regime brought Benazir Bhutto back from exile to a tumultuous welcome in April 1986. I remember standing for hours just for a glimpse, and in solidarity, as her procession moved at a snail's pace from the Karachi airport to the Quaid's Mazar, where she addressed a massive emotionally charged

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crowd. The euphoria I and thousands of other women felt has never again been reignited. However, her homecoming inadvertently slowed down the women's movement. Many women, including those in the forefront of the women's movement at the time, had unrealistic expectations from the young Pakistan People's Party (PPP) leader. They believed their street fighting days were finally over and that the incoming PPP government, with Benazir Bhutto as the Muslim world's first woman prime minister, would roll back all the discriminatory laws introduced by the Zia regime.

Although Benazir Bhutto's government, being in a weak coalition and constantly under scrutiny by the army and a domineering president, could do little to undo discriminatory laws, she did as much as she could to improve the status of women in Pakistan. The measures her government took were tangible. These included setting up the First Women Bank, opening women's police stations and appointing women to the superior judiciary for the first time in Pakistan's history. PTV began to broadcast powerful plays on the themes of women's rights and status. Above all, while the Zina laws remained in place the change in the political environment resulted in a sharp decline in the number of women being imprisoned under these laws. Bhutto's second stint as Prime Minister saw Pakistan finally ratifying the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) prior to the Beijing conference in 1996.

The history of the women's movement in Pakistan is not one of unbroken activism. The late 1980s and early 1990s saw the influx of international funding for projects related to women's rights and status. Many leaders of the women's movement began to set up NGOs to meet both the demands of donors and the needs of women in the communities they chose to work in. Some claim that this NGO-isation adversely affected the activism and responsiveness witnessed in the early years of the movement. But the wide-ranging efforts of NGOs did have a positive impact on women's lives, from health and education to political participation and labour rights. The Aurat Foundation, for example, has done meaningful work to bring women into the political mainstream while Shirkat Gah has facilitated thousands of women to register as voters. Other women's organisations are active in promoting the rights of women workers, including home-based and domestic workers, while some focus on women's health and reproductive rights.

## IN HER OWN VOICE

The women's struggle in Pakistan has brought about change though the process has been slow and the results on the ground sometimes hard to discern. The National Assembly that came into power following the 2008 elections enacted more pro-women legislation than any other in the country's history. Moved by the ruling PPP, the legislation enjoyed support from women legislators across all parties. The legislation covered harassment at the workplace, strengthened laws against acid attacks and outlawed customary practices detrimental to women's rights and status. Although enforcement has remained weak, the passage of these laws demonstrated the state's commitment to upholding the rights of women. At the same time, all provincial assemblies, with the exception of Khyber Pakhtunkhwa, passed laws against domestic violence.

These laws are the outcome of a long and sustained struggle, not the gift of any government. Throughout their struggle for rights, women have had to confront patriarchy even from the superior judiciary. An example is the 1996 case of Saima Waheed, a woman in Lahore who chose to marry of her own accord. Her case was handled by Asma Jahangir who had to go all the way to the Supreme Court to get justice for her client as the three-member bench of the Lahore High Court had, in a split decision, ruled that even an adult woman needed a guardian's permission to marry.

So do the women of today have a better deal? In a narrow, legal sense the answer is yes. And in the cities at least, there is a lot more confidence to be seen, whether it is through initiatives such as Girls at Dhabas or women on motorbikes. Even so, a lot still needs to be resolved. The movement needs grassroots outreach, though this seems unachievable in the near future, considering the status of women in rural communities. But as Bangladesh has demonstrated, there is no substitute for economic empowerment in raising the status of women.

Discussion and debate are needed between the older generation of activists and their younger sisters in the movement. The stumbling block of patriarchy needs to be addressed and the aversion to politics set aside. Pakistani women have come a long way, but they have a long, tortuous road ahead. More power to them!



# SKIN IN THE GAME: FROM ACTIVISM TO POLITICS

Khawar Mumtaz

Fairly early in life, girls become aware of their gender. The subtle and not-so-subtle restrictions, the discrimination and unequal status become clearer with time. Even in households where sons and daughters are treated equally, as girls grow older, they become aware of their vulnerability and of the deep-rooted biases against them. Their options are to conform, question or rebel. Most girls conform, some question, others rebel. I see myself as one who questioned norms and contested their inherent inequality. The greatest influence on me was my mother, who inculcated in me the importance of self-worth, courage and excellence. My mother was a rebel in spirit, brought up in a family of writers (Azim Beg Chughtai was her father, Ismat Chughtai her aunt) who were known for their norm-breaking ideas and actions. She was the buffer between me and my loving but conservative and protective father.

My journey of political awareness began with the movement opposing the military dictatorship of Ayub Khan and with the subsequent elections of 1970. In study circles organised by Begum Nasim Jehan, a Pakistan Peoples Party leader and activist, prior to the elections, the discussion revolved around women's right to vote and be engaged in the election process and the mobilisation of women voters. My perspective on gender issues deepened during the 1970s as I got the opportunity to engage with student politics, left groups, women from *katchi abadis* and progressive intellectuals. I became acutely aware of the dynamics of class, *biradari* and ethnicity in a country that had successfully overthrown an authoritarian regime and then experienced a tragic and bloody break-up. A vivid memory from that time, with a strong impact, is of the women's conference in Lahore in 1975, addressed by Begum Nusrat Bhutto, on the significance of International Women's Year.

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Historically, women in the subcontinent have raised their voice on many occasions. They have agitated for the right to education (the Mohammedan Educational Congress in Bombay in 1903), for inheritance, against polygamy and for equal franchise (1917). They have broken the norms of segregation (Bi Amma for the Khilafat Movement in 1917, Atiya Faizi at the silver jubilee of the Mohammedan Educational Conference in 1925). They have created organisations to promote the status of women (Anjuman-e-Khawateen-e-Islam as far back as 1908, the All Pakistan Women's Association in 1949, the United Front for Women's Rights in 1955). They have participated in public life (two women contested from the Muslim League platform in 1946) and in larger causes like the Pakistan movement itself. Zulfikar Ali Bhutto's era (1970–77) saw the further politicisation of women.

Women have also mobilised in the activist mode to achieve specific objectives, as they did in 1948 when thousands of women are reported to have marched, shouting slogans, to the Assembly to protest the dropping from the agenda of a report on the Shariat Bill that included women's right to inherit property. As a result of the protest, the report was put back on the agenda and the Muslim Personal Law of Shariat was passed, which included the right of women to inherit property. Another important milestone was the campaign against polygamy launched in 1955 by the United Front for Women's Rights, triggered by the second marriage of the then Prime Minister Mohammad Ali Bogra. It led to the formation of a Commission, chaired by Chief Justice Sir Mian Abdul Rashid, to examine personal laws and give recommendations. Justice Rashid's report laid the foundation for the comprehensive codification of personal laws in Pakistan in the form of the Muslim Family Laws Ordinance of 1961.

Thus, we see that activism by women for women's rights has been a continuous process, albeit with high and low points. Each wave of women's activism created more space and greater opportunities for women. There were always forces on the fringes that tried to restrict women's participation in public life, as with the pressure from religious political parties that led to the closing down of the Women's National Guard soon after Independence. Nevertheless, the trajectory of women's rights continued to progress until General Ziaul Haq's martial law, when the reversal started. But the wave of women's activism that came in the wake of Zia's military

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coup in 1977 was in many ways bigger than anything that had gone before.

General Zia overthrew the government of democratically elected Prime Minister Zulfikar Ali Bhutto, executed Bhutto, banned all political activity and set about Islamising the state. The first case under his Zina Ordinance was in 1981, when a couple was accused of adultery because their marriage was considered invalid under the new law. Fehmida was to be flogged in public while her husband Allah Bux was to be stoned to death. This triggered the formation of the Women's Action Forum (WAF), which became a platform for individual women and organisations working for women's rights. It was a galvanising moment for women who had felt the impact of Zia's rule, which emboldened self-righteous men to question women on their dress, behaviour and movement.

WAF instantly spread from Karachi to Lahore, Islamabad and Peshawar. Formed by urban professional women, WAF reacted to the government's every discriminatory move, challenging laws and policies, coming out on the streets in violation of restrictions on public assembly (Section 144), facing police brutality, challenging religious zealots and the so-called Islamisation, going to court and devising innovative strategies. In some ways, WAF filled the vacuum created by the ban on political parties. In the process, it established itself as an autonomous and independent women's forum. Committed to women's issues and the struggle for women's rights, it aligned itself with social movements, taking a position from women's perspectives on laws, policies and social issues. It became the face of resistance and was later to become the face of the contemporary women's movement—robust, vocal and speaking for women of different classes, religions, ethnicities and diversities.

For me, like many of my peers, WAF provided anchorage, space and direction. It has been a rich learning experience, involving reflection, building my sensitivities and providing insights.

### **Sustaining the Women's Movement**

As the face of an embryonic women's movement, WAF operated differently in its various city chapters but followed the same principles enshrined in its Charter: it was non-hierarchical, decision making was carried out by consensus, it did not accept donor funding and was not aligned to any political party or group. It

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strictly guarded its autonomy and did not register itself as an organisation; it remains unregistered to date. WAF was born as a reaction to the regressive legislation and policies of Zia's martial law regime and represented the rejection of restrictive and discriminatory government initiatives. In fact, the government's repressive actions during Zia's martial law fuelled the struggle for rights and democracy. It compelled activists to familiarise themselves with Pakistan's Constitution, legislative and decision-making processes and the contributions of women. Given that the majority of activists had no previous experience of protesting state actions, it was a learning experience in organising, devising strategies and pooling the different resources that members and organisations brought to the forum.

WAF faced resistance, and sometimes violence, from the police. On February 12, 1983, a march to deliver a petition to the Chief Justice of the Lahore High Court against the proposed law of evidence, which equated a woman's testimony to half that of a man's, was met with a *lathi* (baton) charge and tear gas. Many were injured and more than 30 women, including me and my 12-year-old daughter, were arrested and detained at a police station for several hours. Held at the height of a brutal martial law regime, the protest became an iconic moment. Nearly 30 years later, the date February 12 was officially declared National Women's Day by the government in 2010 and is celebrated each year as a symbol of the struggle for women's rights.

The 1990s may be seen as the next wave of women's activism in Pakistan, when it became clear that despite changes in the political climate the women's struggle had to continue, but perhaps with new strategies. The holding of elections and the advent of democracy brought political activities onto centre stage and saw an easing of blatant government measures to curtail women's rights. But media space for women's issues and the women's movement shrank, with mainstream politics attracting more attention. This period witnessed the formation of new women's rights organisations and groups and may be seen as the consolidation phase of the women's movement, with WAF serving as a point of reference for taking positions and articulating the demand for rights. In this phase, confrontation was combined with negotiations with the state. Greater focus was placed on addressing the sources of inequality and creating spaces for women. Thus, lobbying and advocacy was actively carried out on many issues, such as the reservation of seats

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for women in local government, the restoration of quotas for women in the national and provincial assemblies, labour rights and the rights of rural women. This was also the decade of participation in international processes, and connections with global and regional women's movements were formed. Both globally and in Pakistan, the United Nations Conference on Environment and Development (Rio, 1992), the International Conference on Population and Development (Cairo, 1994) and the Fourth World Conference on Women (Beijing, 1995) were catalysts for raising awareness of women's sexual and reproductive health and rights, the status of the girl child and of women with disabilities, as well as economic and environmental rights, poverty, sustainable development and institutional mechanisms. The Beijing Conference's commitments informed Pakistan's National Plan of Action, in the shaping of which a number of activists contributed as they had done in the writing of the national report for the Conference.

The activism that began in the 1980s had all the characteristics of a movement: a loosely structured collective of like-minded people with shared values and concerns, along with elements of spontaneity, and the commitment and dedication of people who believe they can bring about social change. In fact, it is this belief that has sustained the women's movement throughout Pakistan's beleaguered political history, moving from military rule to civilian democracy and hybrid combinations. In the early 1990s, through a process of reflection and debate, WAF declared itself to be a secular organisation. Subsequently, the women's movement also defined itself as feminist, proactively working for the equality and empowerment of women. Interestingly, a counter to the women's movement also emerged around this time. These were women from religious political parties who supported gender segregation norms, believed a woman's place was within the *chaar diwari* (the four walls of the home) and did not approve of women entering politics, but admitted that they learned tactics and modes of protest from WAF.

The repressive martial law regime and its anti-women actions pushed me into activism of a different kind than the groups I had earlier been a part of. It was a shift from the focus on class to challenging state misogyny. At the personal level, activism had repercussions—the loss of a university post, maligning newspaper columns, financial hardship—but that did not dampen the spirit.

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Pakistan's experience shows that the women's movement in this country has been propelled by the disregard for women's rights by repressive regimes and the pushback against such regressive moves by women themselves. The question of whether a women's movement can exist without democracy is academic at best—all the more reason for activism to continue regardless of the type of political dispensation. The goal is always equality, opportunity, justice and freedom from fear across gender, ethnicity, religion and class. However, what Pakistan's experience also demonstrates is that these objectives are more achievable under democracy.

### Women and Government

The new millennium marked the beginning of closer interaction of women with the state and greater involvement in the political process. Women gained 33 per cent of seats in all tiers of local government. Reserved seats for women in the assemblies were restored and the proportion increased to 18 per cent (not the 33 per cent they had demanded). A permanent women's commission was established and general elections were held in 2002. Progressive legislation was tabled. The Protection of Women (Criminal Laws Amendment) Act of 2006 defanged the dreaded Zina Ordinance by making a distinction between rape and adultery and placing rape under the Penal Code. Countless women were saved from imprisonment because of this Act. Honour killing was declared illegal under the Criminal Law (Amendment) Act of 2004 and these protections were strengthened by the Criminal Law (Amendment) (Offences in the name of pretext of Honour) Act of 2016. Consensus was developed among like-minded women belonging to different political parties and with activists. Women legislators had to fight hard for these laws.

The assemblies of 2008–13 and 2013–18 saw a number of progressive laws moved and steered by women legislators. These assemblies stand out for the greater participation of women in legislative business than their male counterparts. In 2008, the first woman speaker of the National Assembly was elected and a cross-party Women's Parliamentary Caucus was formed. Landmark legislation was passed during that 10-year period including the Protection against Harassment of Women at the Workplace Act of 2010, the Acid Control and Acid Crime Prevention Act of 2010 and

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the Prevention of Anti-Women Practices (Criminal Law Amendment) Act of 2011 (dealing with practices such as *swara*, *badl-e-sulah*, forced marriage and marriage to the Quran), as well as amendments in the Penal Code to bring these offences under criminal procedure. Also, during this time, the provincial assemblies enacted laws against domestic violence (Sindh in 2013, Balochistan in 2014 and Punjab in 2016), to prevent child marriage (Sindh raised the minimum age of marriage for girls to 18 years in 2013) and to ensure 33 per cent representation of women on public-sector boards (Punjab in 2014), among others.

Concerted lobbying by women inside and outside Parliament ensured that the new Elections Act of 2017 included significant provisions to increase the participation of women in the electoral process, both as voters and as candidates. The new law made it mandatory for political parties to award at least 5 per cent of tickets on general seats to women and required a minimum 10 per cent turnout of women voters in every constituency for polling in that constituency to be declared valid. The latter provision puts paid to the practice in some parts of the country of denying women the right to vote.

The passage of progressive legislation to protect women and secure their rights has not been easy, given the presence of strong detractors in the assemblies, the most vocal among them being the religious and conservative parties. The democratic process involves negotiation and compromise, which results in women's protection legislation falling short of the expectations of activists and women legislators alike. The honour killing law is handicapped by a clause allowing the offence to be compoundable; offences under the anti-women practices law are non-cognisable and Punjab's domestic violence law does not make domestic violence a criminal offence. Regardless of these shortcomings, the significance of this legislation cannot be overstated, as it signifies official acknowledgement of issues and crimes that until recently were either denied or justified as customary practice. In 1999, for example, a resolution in the Senate to condemn the killing of Samia Sarwar, the daughter of a Khyber Pakhtunkhwa businessman, who was shot in broad daylight in her lawyer Hina Jilani's office, was disallowed on the pretext of custom (*riwaq*). The point-blank shooting was facilitated by Samia's mother, herself a medical doctor, in the name of honour.

It is also important to keep in mind the fact that legislation does not immediately translate into action. Once a law is passed, rules

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have to be formulated, followed by institutions or mechanisms for implementation, and human and financial resources have to be made available. The process can take an inordinate amount of time to complete. The National Commission on the Status of Women (NCSW) is a case in point. The NCSW Act of 2012 provides for the establishment of a financially independent and autonomous institution, and its chairperson is the principal accounting officer with the status of a minister of state. For it to operate independently, the Commission needs rules of business, recruitment and financial management. It took five years to get the recruitment and service rules approved and a year for approval of the rules of business and the organogram with sanctioned staff strength, while financial rules are still under process at the time of writing. The same is true of progressive laws. The gap between legislation and implementation, and the quality of service and behaviour, especially of the police, is a serious issue hampering the application of laws. This is now a high priority for activists and the women's commissions.

### **The Role of Women's Commissions**

The establishment of a permanent commission for women was one of WAF's early demands. Pakistan has had a number of time-bound commissions on women's issues in the past: Justice Rashid's Commission (1955) which drafted the family laws, the Women's Rights Committee (1976) with Yahya Bakhtiar as its Chair, the National Commission on the Status of Women (1983) headed by Begum Zari Sarfraz and the Inquiry Commission (1987) to review laws from the gender perspective headed by Justice Nasir Aslam Zahid. All of these commissions had distinguished women as well as men as members. The 1983 and 1987 Commissions candidly documented women's deprivations, oppressive customs, women's educational, health and employment status and levels of political participation and decision making, and underscored the need for a permanent commission to redress generations of gender bias and inequity.

The NCSW of today was initially formed through an Ordinance promulgated in 2000, and its status and functions were redefined by the NCSW Act of 2012. Subsequently, Provincial Commissions on the Status of Women (PCSWs) were formed through provincial laws

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in Khyber Pakhtunkhwa (2011), Punjab (2014) and Sindh (2017). The law in Balochistan was enacted in 2018 but that commission has not yet been established. The NCSW is a financially independent administrative body for the whole of Pakistan, while the provincial commissions work within the confines of their provinces and are represented in the NCSW as members. This provides a coordination and communication mechanism between the federal and provincial units.

The administrative systems and procedures of the commissions vary but their objectives are the same—to promote social, economic, political and legal rights of women. Their functions are wide-ranging: (a) to provide advice and recommendations based on the review of laws and policies pertaining to women and affecting their status, and to assess the implementation of laws, policies and programmes; (b) advocacy and lobbying on the basis of research, complaints received and monitoring; and (c) responding to complaints and queries. The commissions engage with elected representatives (standing committees, caucus, individual members), government departments, civil society organisations, lawyers, academia, the media and donors. Each commission sets its own priorities and strategies. The performance of each commission is directly correlated to its human and financial resources and also depends on the facilitative role played by its administrative ministry (the Ministry of Human Rights in the case of the NCSW, and provincial women's development or social welfare departments in the case of the provincial commissions). Notwithstanding the fact that the NCSW and the provincial commissions are at different stages of development, each has contributed to the promotion of women's rights within the limits of their resources and capacities.

The focus of the NCSW has been on the economic empowerment of women, violence against women and voice (political participation, decision making). It gives the monitoring of laws and policies high priority. Towards that objective, it has undertaken a review of laws and policies to identify gaps and propose new laws and has undertaken research and established baselines for tracking progress (status reports on economic empowerment, rural women). The NCSW collaborates with civil society organisations to monitor and document incidents of violence, follows court cases, studies formal and informal justice systems and goes to court strategically as it did against *jirgas* and *panchayats* (tribal and village councils), taking the case to the Supreme Court and securing a landmark judgment

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banning such councils from issuing decisions that harm women. With reference to ensuring women's political participation, the NCSW was an observer in the 2013 and 2018 elections, in collaboration with the provincial commissions and civil society organisations, and produced a substantive report with recommendations for the Election Commission of Pakistan, the National Database and Registration Authority and political parties. An important institutional initiative of the NCSW has been the Inter-Provincial Women Ministers Group, which provides a platform for coordination, information sharing and solidarity across provinces through periodic and, until recently, regular meetings.

Despite the shortage of staff, the NCSW receives and handles numerous complaints each year. Among the laws it has initiated are the Hindu marriage law, amendments to the Christian marriage and divorce laws and the law against acid crimes. It also provided inputs for the 2016 laws governing rape and honour killing, the election law of 2017 and the alternate dispute resolution law of 2017. The NCSW's opinion has been sought by parliamentary committees as well as the Law and Justice Ministry, Trade and Commerce Ministry, Ministry of Foreign Affairs, Bureau of Statistics, Election Commission, Planning Commission, Higher Education Commission and the Law and Justice Commission (on whose request it produced a training module and manual for *nikah* registrars that the PCSW Punjab adapted for the province). An important source of strength has been the support of civil society organisations as key stakeholders with niche expertise.

The PCSW Punjab has focused on setting up systems, including a one-of-its-kind Gender Management Information System that produces annual gender parity reports and has carried out a survey on women's social and economic well-being to enable informed policy making. It has set up an information and referral helpline backed by lawyers and piloted a transition home for women, an incubation centre for enterprise development and a portal to link women with employment opportunities. It also conducts assessments of women's shelters, trains the police and *nikah* registrars, undertakes research and carries out awareness raising. The Sindh PCSW is in its establishment stage and already known for its prompt follow-up of violence against women cases. The Khyber Pakhtunkhwa PCSW has faced operational hurdles, is without a Chair at the time of writing and is not fully functional.

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The NCSW and provincial commissions can potentially play a greater role than they are currently able to. For this, better understanding and coordination between the commissions and their respective administrative ministries and departments is essential. The relationship at the moment ranges from indifference to hostility and independence in operational terms remains ambiguous. Overlapping activities and the desire to control are routinely manifested through bureaucratic procedures and delays that act as obstacles to smooth functioning. The monitoring role of the commissions is not received in a constructive spirit and is viewed as criticism damaging the image of the country. At the same time, expectations of the public and of elected representatives are high and unrealistic. The lean commissions with limited human and financial resources are expected to deal with far more complaints than they can realistically handle. What the commissions need is support for systemic response and strong referral systems backed by functioning services, to be able to deliver more towards ensuring women's security and well-being. Commissions need to be seen not as extensions of the government in power or as another civil society organisation, but as independent institutions committed to the improvement of women's status and ensuring their rights.

### Challenges

Women in Pakistan have mobilised to participate in political and social movements and have agitated for their rights from time to time. Since the 1980s, Pakistani women have built and sustained a feminist movement dedicated to the rights of all women, aligned with the struggle for democracy. They have fought for the elimination of inequality based on gender, religion, class, caste and ethnicity.

While social and political movements are essential for bringing issues to light, defining demands and mobilising support, actualisation of these demands comes with political power. History shows that links between women in Parliament and in government and activists working outside state institutions, have been critical for promoting the women's agenda from the time of the first legislature to the present day. Multiple government institutions have been established to serve and protect women (commissions, shelters, complaint centres, helplines) and allies, both male and

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female, within the government system have contributed to the cause of women's rights. Institutions set up by the government must be held accountable and demands made on them to fulfil their mandates and alliances maintained. It is equally essential for the government to shed its suspicion of activists and to reach out to activists and experts alike, to gain an understanding of issues and benefit from diverse experiences and perspectives.

Challenges to the movement must also be recognised. The strongest structural challenge is patriarchy, not only in this country but also manifested globally in the neoliberal economic system, of which Pakistan is a part, and which impacts women. While there is increased recognition of the right to education and jobs for girls and women, there is at the same time a denial of their right to choose—field of education, type of job, marriage partner, age of marriage, number of children and so on. More worrying, there also seems to be a surge in the incidence of violence against women and girls. This may be because there is greater awareness in society today and therefore greater reporting of such crimes. It is also possible that more women are asserting their rights and thus coming up against brutal patriarchal norms, with the result that more violence is in fact being perpetrated. Whatever the reasons, the mindset that condones violence against women needs to change but is continuously reinforced by narrow interpretations of religion. This is also the mindset that has no regard for the rights or beliefs of citizens belonging to other religions. Added to this is the militarisation of society, with the rampant use of weapons and death threats issued over minor issues. A looming existential threat is climate change, for which we are totally unprepared, especially its impact on the poor, including women. The challenge now is to leverage laws, policies and institutions to counter the patriarchal mindset that dominates public life as well as the private domain.

There are internal issues that the women's movement must also address. We must bring together the experience of the early activists of the 1980s and the energy of younger feminists to move forward in a dynamic way. We need to resolve the tensions between activists and non-governmental and civil society organisations, to achieve clarity about their respective roles and contributions towards strengthening the movement. Finally, it is essential to maximise the modes of advocacy and resistance. Social media (websites, Facebook, Twitter, blogs, vlogs, viral videos), art and drama are powerful tools for communication and mobilisation, which the

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younger generation of activists are adept at using, compared to veteran feminists and activists who employed other forms of protest and advocacy. A combination of tools, innovative strategies and imagination are required to achieve our goals. Learning from history, I can say with confidence that the feminist struggle will remain alive and kicking, to face new challenges and achieve new successes. We have come a long way and we have a long way to go.



# CONTESTING THE CLASS QUESTION: MOVING BEYOND PIETY AND PATRIARCHY

Afiya Shehribano Zia

Women's social and political movements in Pakistan have been shaped predominantly by their relationship with the state, military rule and Islam. Standpoints on class, patriarchy, ethnicity and sub-nationalism have resulted in various feminist strands of departure from the more liberal women's rights movements for equality. The feminists of the 1980s confronted and resisted a theocratic state and its patronage of religious politics. They went on to promote development-led women's empowerment through an NGO movement. This challenged the state but also looked to democratise it, feminise it and secularise it.

In the new millennium, a younger, more interconnected generation has risen with the wave of globalisation, transnational feminisms, various 'post-alities', social media and sexual politics against the looming backdrop of religious militancy and the 'war on terror'. But the class question continues to receive far less theoretical attention from both generations.

Unless the question of class and structural issues to do with the political economy are addressed head on, and religiosity clearly confronted as the vanguard of patriarchal politics, there is every danger that the women's movement in Pakistan may become limited to a form of resistance with symbolic or performative relevance only, rather than taking the lead in transformative structural change. The opportunity to make class the base on which the feminist movement pivots its politics will be lost in the virtual noise of social media, unless serious work is conducted on the political economy, gender and class resistance. The inability to do so could mean the potential loss of a new feminism that furthers the achievements of an earlier generation.

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**The Journey of Resistance**

Today, there is a clear generational split within Pakistan's women's movement. I refer to these as the 'founder' generation (founded, led or joined rights groups from the 1980s onwards) and the 'millennial' groups (active on gender-based rights after 2000). In their confrontational and radical struggle against the state, the founders laid a most significant feminist footprint across Pakistan. Unlike the pioneers of women's rights in the 1960s, who extracted benefits for women by negotiating with General Ayub Khan's regime, the feminists who fought against General Ziaul Haq's military rule challenged state powers and religious forces through acts of individual and collective courage and defiance. Theirs was also an intersectional and interdisciplinary movement, combining dissident poetry, literature and art, expanding and connecting the woman question with left, rural and community groups across the country and carving out a space for the representation of Pakistani women's issues in international forums.

Contrary to the hubris of those who point out the imagined follies of "the provenance of elite Pakistani women who saw empowerment as a cause suited for tea party chatter", there is no comparison to the contributions of this era.<sup>1</sup> It may or may not be a coincidence that Pakistani women's advancement and repaired relations with the state peaked in the decade of 1990–2000, when a global women's movement was at its strongest and at a time when Pakistan entered a troubled democratic interregnum during which the late Benazir Bhutto served as the prime minister and became the first woman leader in the Muslim world.

However, as I have argued elsewhere, the Pakistani women's movement has been more muted by democracy and motivated by dictatorship.<sup>2</sup> Democratic rule has been symbolically important for women's rights but few structural or institutional changes took place under civilian democracy, which failed to remove legal bias or the discriminatory thrust of religious laws and patriarchal policies that have kept Pakistan at the bottom of international indices on gender and human rights.

The single most important policy under yet another military dictatorship, this time with General Pervez Musharraf at the helm (1999–2008), was to reserve an unprecedented high number of seats in Parliament for women and to induct prominent women's rights activists into his cabinet and in key government posts.<sup>3</sup>

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Although such efforts were critiqued as fig-leaf measures to serve as a symbol of Musharraf's 'enlightened moderation', it is to the credit of these key women appointees that they used their position to enable several visible results and to make progress at the policy and implementation levels. While women Parliamentarians have been effective, vocal, committed and productive, and many pro-women laws and policies have been legislated, working class women's rights have not been a priority for these representatives.

### On the Question of Religion

The strategic approach of feminists of the Women's Action Forum during the 1990s was to frame their activism in secular terms and to speak for a pluralistic Pakistan. Some rights activists were convinced that reinterpretive efforts to sieve patriarchy out from a male-defined Islam could empower women but in effect such a process succeeded only in fuelling the rise of pietist women's movements in the form of Al Huda and Jamia Hafsa.<sup>4</sup> During the 'war on terror', the rise of the Tehreek-i-Taliban Pakistan (TTP) and other militant groups saw a systematic drive to remove any signs of womanhood from the public sphere, including prohibitions on education and voting. Conservative anti-women legislation and policies were promoted in Khyber Pakhtunkhwa under the rule of mainstream Islamists and women's pietist messages were spread through mosques and the media, resulting in a reversal of progress for women.

For the founder generation, this legacy of a theocratised state was to be expected. But a new generation of post-9/11 scholars have been less convinced by critiques of Islam as a weapon of patriarchy. They are highly critical of the rescue narrative for oppressed Muslim women, sceptical of international human rights and its 'liberal-secular' agenda, but tend not to unpack what this means for Pakistani activists who are engaged in 'rescue' operations on a daily basis. Much of this influence comes, ironically, from within western academia where the theoretical turn of 'post-ality' has permeated the social sciences and humanities (and especially feminist studies). The breakup of the Soviet Union and the dominance of postmodern theory resulted in a retreat from the structural analysis that is most often associated with Marxist analysis. The postmodern intellectual paradigm questions modernity and its apparatus of rationalism,

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universal truth and linear progress, as well as all meta-narratives and divisive binaries.<sup>5</sup> If unity and depth were the privileged tropes of the modern, then postmodernism favoured the ephemeral, fragmentary, performative and discursive. A considerable body of millennial scholarship privileges Foucauldian ‘agency’ rather than class as the analytical frame for discussing oppression. They are drawn to intersectionality, which claims a rupture from white/liberal feminism but then is prone to reify culture/religion and affect over class.

### Reassessing ‘NGO-isation’

In the 1990s, right wing forces railed against the emergence of donor-funded NGOs, claiming they were dominated by an upper- and middle-class elite of Western-educated, left-leaning women activists who were promoting ‘anti-family’, ‘anti-Islamic’ women’s rights. The decade of the ‘war on terror’ saw a millennial generation objecting to the ‘neoliberal NGO generation’ as sold-out Islamophobic feminists who did not understand the perils of western feminisms—even as many such critics were themselves located in the West as students or expats and some worked in the very NGO sector they were berating. However, nearly two decades into the new millennium, the non-governmental sector in Pakistan has not just mushroomed but its membership indicates a clear crack in the ‘class ceiling’. Indeed, a large number of men have also entered what used to be considered a ‘soft’ sector, and faith-based organisations and even Islamist jihadist outfits now operate under the NGO umbrella.

Women activists from various NGOs have successfully assisted in lobbying for and drafting a series of laws and policies to strengthen women’s rights, which were previously absent from the state discourse. Efficacy aside, the process of mobilising, articulating and lobbying with legislative assemblies is impressively led by women of the middle and lower-middle class, NGO workers and activists and even rural and tribal women. The seeds of these initiatives are linked in different ways to many of the founding members of the Women’s Action Forum, which has chapters in various cities that comprise original members as well as new entrants from a varied class background.

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The demands for women's rights emerging from the development sector have not been limited to influential women but have been sounded by working women's organisations across all provinces of the country. Some of these include the nationwide Lady Health Workers Programme and the Women Councillors Network; nurses' organisations across the country; spontaneous initiatives such as the Okara peasant women's movement in Punjab; the public tea-stall occupying Girls at Dhabas in Karachi; the literary women's circle Khana Badosh in Hyderabad, Sindh; the We the Humans legal aid group in Balochistan; Khwendo Kor in Khyber Pakhtunkhwa; and the Taqrha Qabaili Khwenday (Tribal Sisterhood Organisation) demanding the merger of the Federally Administered Tribal Areas with Khyber Pakhtunkhwa. A variety of feminist collectives, online chat groups and networks and university women's groups monitor sexist material and initiate legal challenges against harassment.

Women's resistance in the form of individual courage and informal collective action cuts across class. While the icon of human rights, Asma Jahangir, had a career of unstinting courage and persistence, women from the working classes, frustrated by injustice, challenge male privilege and patriarchy across Pakistan and have been engaged in resistance politics and practices. Hazara women, those from Sindh, Swat and Okara and women resisting male-dominated tribal justice regimes in Balochistan and Khyber Pakhtunkhwa are protesting for rights, justice, education, health and protection from violence, and against sectarianism, usurpation of resources and enforced disappearances. A whole range of unnamed women and girls defy community codes by going to school, joining NGOs, taking up jobs, challenging university authorities, resisting militants, voting, standing for elections and taking rapists and abusers to court. Malala Yousafzai didn't just survive an assassination attempt by the Taliban, but went on to become a global spokesperson for girls' education and won the Nobel Peace Prize; and throughout this time was subjected to suspicion and hate from the right wing, some of those who associate with the left and even many liberals in Pakistan.

Women who challenge patriarchal norms continue to pay for their transgression with their lives, as in the case of honour crime victim Fouzia Azeem (alias Qandeel Baloch). This social media celebrity was murdered by her brother, also under the pretext that she had compromised his honour. Qandeel Baloch represented a generational shift in the discourse around women's rights in

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Pakistan. She flaunted her sexuality with defiance and abandon, disrupting the implicit code in Muslim societies that defines women's sexuality as a permanent potential source of *fitna* (chaos through seduction or sexual subversion of the religious order) if not controlled by men. Supporting such acts of bravery are women artists and filmmakers such as Sharmeen Obaid, who won two Oscars for her documentaries on acid attack victims and honour killing.

Pakistani sportswomen Shazia and Sharmeen Khan advocated for a women's cricket team in 1996 but faced threats and legal challenges and were denied permission to play against India by the Nawaz Sharif government in 1997 under the pretext that women were forbidden from playing any sport in public. It was only in 2005 that the Pakistan Cricket Board formed a women's team which now plays competitively at the international level. This was the same year that lawyer and human rights champion Asma Jahangir defied conservative restrictions and a government ban to hold a mixed-gender marathon, despite a backlash from Islamists.

Many biases and social restrictions were eased due to years of lobbying by women's groups in the 1990s who fought to reclaim public spaces for women denied the right to participate in sporting and cultural events, nationally and internationally. Key in their struggle was the fact that their efforts were pitched at and against the state and religious majoritarianism.

## Working Class Women

The nationwide network of Lady Health Workers (LHWs) was established in 1994 to provide critical outreach and pre- and post-natal services to women. From 2006 onwards, LHWs were systematically assassinated by the Taliban. This pogrom was initiated by Taliban commander Fazlullah who accused LHWs of being condom-carrying prostitutes and also of administering polio vaccines considered to be an anti-Islam conspiracy to sterilise Muslims. The LHWs also faced the wrath of conservative Islamists who believe that women should not be involved in public services. Quite apart from their resistance to the Taliban in the northern areas of Pakistan, in other parts of the country these working-class women launched strikes demanding a minimum wage and regularisation of their contractual governmental work, and were

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successful, under the leadership of Bushra Arain and her colleagues across the country.

Similarly, the Okara peasant women's movement from 2002 has played an active role alongside male peasants who have been challenging the tenancy contract with the military administration of several farms in Punjab. These women activists are the wives, mothers and sisters of male activists and men who were arrested, or women with relatively greater mobility. As men were routinely picked up by the police, the women responded by arming themselves with *thapas* (thick sticks flattened at one end, used for washing clothes) and pots and pans, blocking police parties. They came to be known as the '*thapa* force'.

The increase in quotas and subsequent increase in the number of women councillors in local bodies since 2000 has changed the landscape of local government politics. Traditionally, local government has been resiliently male-dominated and women councillors initially faced stiff resistance in performing their functions effectively. The women councillors quickly realised that the way to counter public patriarchy was through collective voice and action. The left-leaning NGO, Pattan Development Organisation, managed by the leading feminist activist Farzana Bari, played a critical role in supporting women councillors in their idea to form a collective forum as an independent power base. Pattan helped the councillors to establish a cross-party women councillors network and supported them through capacity building to assume leadership roles.

Given the wide range of class politics within feminism in Pakistan, why is there such little work on the gendered impact of the political economy (beyond some donor reports on microcredit, the Benazir Income Support Programme and home-based workers)? Why is there no substantive academic thesis, study or organisation around women's market activities, labour laws, agricultural and domestic workers, or any mapping of women workers in the informal sector? Pakistani women's labour force participation is among the lowest in the world and the country's labour laws are weak and discriminatory. Very little legislative action has focused on these issues despite many pro-women laws passed over the past decade. There are few women economists serving in government or the bureaucracy and even within the private or NGO sectors, there are no collectives, experts or body of work on feminist economics that can be drawn upon as resources.

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**The State and Religion Conundrum in the New Millennium**

In the new millennium, the state has steadily retreated into social protection programmes for the poor and for women, rather than securing their economic rights. The private sector has lured NGOs into legitimising the corporate sector with the trend of funding festivals for social causes. There are also corporate attempts to merge feminism with globalisation, with events like the Women of the World Festival (WOW). These are sponsored in Pakistan by international development funds, corporate banks and multinational corporations that sell beauty products. The marriage of markets and social causes obscures gender and class inequalities and the inherent contradictions of consumer capitalism. The philosophy behind festivals like WOW is that social justice and capitalist enterprise can be hybridised. Zumba and kickboxing will make women feel empowered; and in between sessions on violence and factory work, they can look pretty too. This is social cosmetic surgery and such a poststructuralist approach deflects from the need to organise labour and challenge the neoliberalisation of every aspect of our work and activism. Too many feminists subscribe to this 'empowerment' thesis within the capitalist and religio-cultural framework rather than focusing on autonomy, which challenges the very base of their structures.

The second critical slippage in the new feminist wave in Pakistan is the reluctance to deal with the patriarchal consolidation of religious laws, faith-based politics, public piety and sharia-based economics, policies and development. These have all gained significant momentum at the societal level and penetrated across practically all institutions, reasoning and method.

An influential body of work on Muslim women has emerged in the post-9/11 period that falls within what Jürgen Habermas calls the post-secular.<sup>6</sup> The concept of Muslim women's "docile agency"<sup>7</sup> in this literature appeals to many who are defensive about Islamic rights as an alternative (non-liberal, non-secular) understanding of 'another way of living' and about Muslim women's negotiations and accommodations with sources of oppression. However, this body of work assumes that Muslim women's piety movements and impulses are always neutral. While such works ignore class differences, they maintain the presumption that Muslim women are predominantly 'about' their religious identities and insist that feminism should

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attempt to understand and accommodate their 'complex subjectivities' and 'docility'. Any corrective or critique of these post-secular arguments results in uncited and generalised accusations of Islamophobia and orientalism and a harangue for daring to challenge the 'giants' of post-secular scholarship based in western academia. The purpose of such attempts, as Bronwyn Winter reminds us, is to shut down any debate or melt obvious contradiction.<sup>8</sup>

The fact that similar arguments are also arising from millennial activists who tend to associate (at least on their social media profiles) with 'the left' in Pakistan, invites the very serious question of how they expect to deal with Muslim women's agency and to challenge discriminatory religious laws and policies, if not through non-theocratic reasoning and methods. If documenting secular resistance by working class movements is orientalist and Islamophobic, then how does the new left feminist aspiration in Pakistan plan to strategise to deal with religious politics and pietist leaders who threaten and persecute secular bloggers, artists, minorities, students, feminists and activists, and the state which is complicit? What does it mean when left parties claim secular and feminist identities in their manifestos? Would their opposition and critical work also qualify as Islamophobic? Where are the success stories of dealing with pietist and religious politics of this purported new left feminism?

The assumption that Muslim women are firmly and permanently locked inside the world of faith and cultural relationality, rather than their class identities or struggles, is a totally defeatist proposition. This post-structural framing continues to influence recent works which focus on piety rather than religious politics and argue for the compatibility of such practices with modernity and progress, as exemplified by 'religious consumption' rather than social or power relations.<sup>9</sup> Following Mahmood's voiding of piety from (emancipatory) politics,<sup>10</sup> these works end up hollowing piety of its religious drive altogether.<sup>11</sup>

Such works completely blindside the politics of piety as experienced in Pakistan, where the only radical movements by women in recent times have not come from any class, ethnic or feminist front but from the women of the Jamia Hafsa who can neither be dismissed as dupes of false consciousness nor thought of as docile agents. How will such challenges be dealt with by feminists who continue to prevaricate on the issue of women and religious

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identities but at the same time are impatient with an older generation for not pursuing the issue of sexual autonomy rigorously?

This affects the future of feminist class analysis too because if previous scholarship on working class women's movements is being challenged, and new work by those who consider themselves 'left' values the post-structural and is defensive about post-secular theories and scholarship, then it is highly unlikely that the political economy and material-based class concerns will be at the core of feminist futures.

The millennials have put considerable effort into calling out the power bases commanded by an older generation of feminists with access to the state and donors, and the advantage of being based in provincial urban centres, but do not consider their own equally privileged positions, embedded in the ivory towers of elite academic institutions, or their own advantageous social class. While feminist resistance can be found in every corner of Pakistan, the majority of those invested in and competing over feminist knowledge production are English speaking, belong to the upper-middle classes, and this is definitely not limited only to an older generation.

The Women's Action Forum chapter in Karachi took note of some of the generational splits emerging in the wake of a series of sexual harassment cases that have been outed on social media since 2017. In an effort to prevent misunderstanding and avert an emerging rift amongst feminists, a series of cross-organisational and inter-generational dialogues were held. These have been valuable in easing some of the mistrust and bridging the distance between feminists in Karachi and in belying the gossip and competitive cliques encouraged by some slighted feminists in their attempts at self-created relevance. Following on the heels of such a healing process, the second Aurat March held across Pakistan in 2019 swelled in solidarity across groups, generations and genders. But this event also highlighted core unresolved stances that continue to challenge the women's movement in Pakistan.

### **Feminist Futures**

Pakistani millennial activism reclaims emotions, injury, trauma, affect, loneliness, rage and queer politics more boldly than in previous generations. A bulk of millennial scholarship is defensive

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about Islam, Muslim subjectivities, hybridity, piety, agency and possibilities of legal and social rights within Islam. But for both groups, their daytime jobs involve interfacing with structures, laws, governance, marital and family laws, neoliberal academia, research and publishing. There is also the thorny matter of deciding the strategic path when faced with faith-based politics. Retreat into social media has tended to bracket the denial or evasion of the historic and contextual obstacles of religious nationalism and the patriarchal base of religious laws, edicts and social norms.

Analysing religious-secular relations is important for clarity in strategic thinking, for lobbying on laws and policies, for planning future activism and for building solidarity and networks for feminist progress, given the practical opposition we face. This raises the question of whether the responsibility of feminist scholarship and strategy is to prioritise the struggle for equal rights against hegemonic majoritarianism in Pakistan, or to willingly risk sanitising patriarchal manifestations in piety and religious politics that is the task of Islamic feminists?

The backlash to the Aurat March was severe and included women from Islamist organisations who vehemently protested the marchers' demands for sexual autonomy. This hostility presents a serious challenge to the young organisers and supporters of the march. Under the false objections of impropriety, the far more serious hostility to the Aurat March was because it placed sex and sexual rights on the public agenda. To secure these rights will involve uncomfortable confrontations over male sexual and class privilege across institutions; and the demands for sexual equality will require strategies that will fall outside the framework of 'Islamic rights'. Pietist and Islamist women are not likely to be allies in this struggle. How will the millennial feminists handle this challenge without a strategic agreement and without challenging the legal reasoning of Islamic laws and ethos?

Part of the problem of taxonomy is that too many Pakistani feminists in an already small pool have recently indulged in the use of weaponised labels like 'liberal feminism' in order to distance themselves from other feminists and create an identity politics that claims some radical uniqueness. Ironically, the conservative critics of the Aurat March used the same tactics to slur all feminists as 'liberal' and 'burger' feminists for focusing on sexuality and performativity rather than 'real' issues of poverty.

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This means that those who have lectured on the need to understand and engage with the supposedly benign politics of pietist and Islamist women must ensure that these groups are not offended or excluded. Otherwise, these feminists may invite criticism of doublespeak because they have accused secular feminists of being guilty of orientalism. Worse, they should be prepared to swim in the pool of accusations of Islamophobia to which they themselves have contributed.

It is time for Pakistani women's movements to draw up a feminist economic contract with a series of planned research and policy proposals for an entire range of women's economic rights and for organising around labour-related issues. Protective policies need to be replaced by proactive economic incentives and subsidised services for working women in the informal sector (transportation vouchers, daycare, skills improvement). The office of the ombudsman for sexual harassment at the workplace should be supported by additional mechanisms to deal with complaints from women who face gender-based discrimination in wages, promotions and gratuity in the formal sector. Women's movements should aim to revolutionise women's economic integration. We need to ensure a carefully gendered census. We need a plan that prioritises women agricultural workers, women in tribal areas, women in the informal sector, and which prevents the trafficking of women as commodities. Research and strategic thinking, radical policies and activism must break the mould of producing repeated studies on violence, *jirgas* and political participation. These are critically important issues but a more expansive agenda and advocacy efforts around the economic agenda and class inequalities are now urgently needed. It is time for the class question to serve as a central one in Pakistani feminist research, activism, theorising, legislation and politics.

## Notes

- <sup>1</sup> Rafia Zakaria, "My Feminist Friend," *The Believer*, 125, June 01, 2019.
- <sup>2</sup> Afiya Zia, "Motivated by Dictatorship, Muted by Democracy," in *Voicing Demands: Feminist Activism in Transitional Contexts*, ed. Sohela Nazneen and Maheen Sultan, (London: Zed Books, 2014), 152–186.

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- 3 For a list of these policies see Afiya Zia, "Defiance Not Subservience: New Directions in the Pakistani Women's Movement," in *Gender, Governance and Islam*, ed. Nadjie Sadig Al-Ali, Deniz Kandiyoti, Kathryn Spellman, (Edinburgh: Edinburgh University Press, 2019).
- 4 Afiya Zia, *Faith and Feminism in Pakistan: Religious Agency or Secular Autonomy* (Brighton: Sussex Academic Press, 2018; Lahore: Folio Books, 2019), 104–123.
- 5 For critiques of postmodernity, see David Harvey, *The Conditions of Postmodernity: An Enquiry into the Origins of Cultural Change* (Oxford: Blackwell, 1990); David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005); Jean-Francois Lyotard, *The Postmodern Condition: A Report on Knowledge* (Minneapolis: University of Minnesota Press, 1984).
- 6 Some highly misinformed commentators have wrongly attributed the 'post-secular' to be my theoretical invention; of course, this is Habermas' conceptual contribution; Jürgen Habermas, "Secularism's Crisis of Faith: Notes on Post-Secular Society," *New Perspectives Quarterly* 25, no. 4 (2008), 17–29.
- 7 Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005), 153–188.
- 8 Bronwyn Winter, "Secularism and Religious Freedom: Challenging the 'Postsecular'," in *Muslim Secular Democracy: Voices from Within*, ed. Lily Zubaidah Rahim, (New York: Palgrave Macmillan, 2013), 141–161.
- 9 Ammara Maqsood, *The New Pakistani Middle Class*, (Cambridge, MA: Harvard University Press, 2017), 117–147.
- 10 Mahmood, *Politics of Piety*, 153–188.
- 11 Humeira Iqtidar, *Secularizing Islamists? Jama'at-e-Islami and Jama'at-ud-Da'wa in Urban Pakistan* (Chicago and London: Chicago University Press, 2011), 98–156.



# THE PARLIAMENT PERCENTAGE: TOKEN OR SUBSTANCE?

Sherry Rehman

For women leaders the obstacles are greater, the demands are greater, the barriers are greater, the double standards are greater.

*Benazir Bhutto*

Women have always been a small percentage of public life in Pakistan, but despite the scale and nature of the barriers faced, have made an impact well beyond their numbers. Whether from resistance movements, civil society or even political dynasties, I argue that women in Pakistan have advanced political, social and human rights agendas often beyond their political strength, both in terms of numbers or unity. The limits to such agency have cross-cut political parties as well as structural boundaries, including the much-critiqued label of neoliberalism and technocracy, yet in many cases substantive representation has overtaken descriptive representation. In other words, without suggesting that women in parliament have been a proxy for a full-on feminist agenda, in Pakistan the politics of women's representation has never quite fit into a box of token or substance.

Despite differences in politics and ideology, the point I seek to make is that women in Pakistan have substantially advanced a rights agenda, despite onerous barriers in parliament, which included a surge in reactionary discourse after 9/11 where extremists found recourse to public space. Drawing on my own experience in both the National Assembly and the Senate of Pakistan from 2002 until today, this essay charts how women have used legislation and the contested politics of affirmative action to both disrupt and 'actionalise' social norms that define who uses power and for what ends.

In a related argument, I suggest that women in Pakistan have also used power accruing from birth, quotas or other advantages to

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push for change. Instead of playing out their assigned roles as token political symbols or descriptive representatives, a significant percentage have shed the passivity both expected and conferred by their patrons. As heirs to political dynasties or peasant leaders, or even in the class- or opportunity-differential in between, contra to leftist critiques of the neoliberal frame in which such political accommodations are made, women have exercised power far beyond the means afforded to them by merit or privilege. They have in several cases, most notably that of Benazir Bhutto, used courage, tenacity and grit to evolve powerful political identities of their own by leveraging every percentage of the space they could take.

I also make the case that despite the privileged position of many women nominated or elected to parliament, the legislative agenda of Pakistan's women parliamentarians has largely sought and addressed broad political and human-rights based change, not just audit of government policy. It has not been radical structural change, in the sense that reform sought has rarely if ever challenged the post-capitalist model of distributing resources and multiple hegemonies of the hidden care economy that neoliberalism imposes. One of the critiques levelled at women's priorities in parliament in fact hinges on its inability to address women's labour in its many manifest exploitations. This is not an invalid criticism. Neither substantive knowledge has been collected on women's work, nor focus mobilised on the enormity and scale of the daily discriminations they face on their labour. Here I try to explain why in Pakistan the focus on legal and political rights for disadvantaged women and vulnerable groups at the bottom of the economic pyramid has remained a priority, mainly as a result of historical legal encroachments on women's legal rights and public identities. I say this because class, and the limits it places on opportunity and choice, has been the subject of intense interrogation within women's activism, particularly in the national, urban-led discourse. The women's movement, as epitomised by the Women's Action Forum (WAF), and the politics of women parliamentarians on reserved and general seats have been subjected to sustained scrutiny and harsh critique. I make the inelegant and self-serving argument that most women parliamentarians and activists have fought battles that have in fact not been in the service of their own class interests. The full weight of the rule of law, with its constructed reality of elite hegemony, has always fallen most heavily on women and communities unprotected by political, social or economic

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entitlements. For women activists and parliamentarians focusing on rights, privilege has helped provide access to the knowledge and tools needed to combat the architecture of systemic, institutionalised injustice. Their constant delegitimisation by rightist critiques as instruments of an alleged foreign agenda has also been addressed elsewhere in great detail and in robust scholarship quite comprehensively by modern women academics like Afia Shehribano Zia, Ayesha Khan and Khawar Mumtaz; so while such active denigrations define much of the resistance women's agendas face in parliament and politics, I do not belabour that important intersect in my account.

The final point I make is that in the journey of women's rights in Pakistan, whether in parliament or in the streets, milestones are vulnerable to reversal, with hard-won political gains forever under threat of review by coalitions citing versions of religion, culture or tradition. When not mounted in the name of the above, opposition to change comes simply from deep-seated patriarchal norms that cut across class and social pyramids. The path to resisting this kind of entrenched, reinforced gender inequality and discrimination has always been long and circuitous.

As this is the telling of a subjective tale of specific encounters between politics and women's rights well within structural constraints, the lived experience dominates the narrative. For me, and many of my generation, braver and more epistemically 'woke' than me, the construction of the activist self is linked to the trauma of political and legislative interventions used to launch an assault on women's rights. This clock of uncommon cruelties, which primarily targeted women's citizenship, religious minorities and a particular segment of the political opposition, began ticking with General Ziaul Haq's ascent to power in 1979, setting in motion a range of collective and individual political responses. In the context of institutionalised repression, these new laws, as well as their architect, were active oppressors, providing a point of convergence for the resistance that emerged over the years. Aiming to bring all walks of life into compliance with a particular interpretation of Islamic principles, these laws, for instance, permitted public whipping for certain offences and provided punishments for the 'crime' of *zina* which failed to distinguish between adultery and rape. These oppressive laws, including the notorious Hudood Ordinances, became the focus of urban women's activism, spearheaded by WAF.

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I believe it is important to link a percentage of women's activism to the politics of national parliaments and formal representation. The importance of formal politics in linkage to social activism and substantive, if incomplete, gender-equality agendas matters, whether these links are through the machinery of political parties or through coalitions of change involving civil society, fostering cross-pollination and learning.

Today's rights activists and women's groups tend to distance themselves from the partisan political mainstream, which is thought of as corrupted by compromise, and tainted by personal grievance or ambition, but this was not always the case. What connects the rights activism of Pakistani women across generations is one central idea: the personal is still very much the political, and it is best it stays that way.

### Women and Power

A criticism often levelled against women parliamentarians (and even the activists of WAF) is that they do not represent 'real' Pakistani women and have relied on traditional power structures and elite affiliations to rise to prominence. The former have based their power and agency on foundations of feudal privilege, the argument goes, while the latter have gained power and agency through urban elite privilege. This has led to linkages between women's direct labour and peasant representation being weak, especially in parliament, while laws that affect the notorious pay gap, women's unionisation, timings, transportation, banking identities and sanitary conditions have rarely been the focus of legislative attention. This argument is reductive and fails to account for the fact that, in a complex architecture of social stratification coupled with deeply institutionalised public misogyny, women's options in locating their paths to power and role-model status were severely constrained.

In Pakistan, class has been a major issue inhibiting or provoking action as well as defining limits on women's agency. Yet women did not advance class-based arguments consciously until the 1980s. Women who made entreaty to General Ayub Khan in the 1960s to wrest rights such as the Muslim Family Laws Ordinance were neither radical nor structuralist in their approach. This group of early women leaders included Shaista Ikramullah, Ra'ana Liaquat,

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Zari Sarfaraz and others. They set an important goal of discouraging polygamy, so that when General Ayub responded with the Muslim Family Laws Ordinance of 1961, they were hailed as reformers who to some extent had regulated arbitrary divorce.

At another level, Fatima Jinnah, who formed the post-Partition Women's Relief Committees, epitomised the earliest political leadership model of a woman rising from a family or kin base of political power to emerge as a political leader in her own right. When she took on General Ayub in 1965 for a presidential election, for instance, leading a combined opposition campaign of five political parties, her social-work model of public intervention went through a radical transformation. While she obviously drew strength and position from her iconic brother, Mohammad Ali Jinnah, and her opportunity was firmly class-based and dynastic, the agency she brought to it was her own. Her defeat was a result of an indirect electoral process, which many record as manipulated. The important point here is that her defeat was not the rejection of a woman leader by the Pakistani cohort that favoured democracy over dictatorship.

On a much more magnified scale, although she took her opportunity to another level, the same principle applied to Benazir Bhutto, whose election as the first Muslim woman Prime Minister was the result of a long, bruising struggle against dictatorship, in which she emerged as the young heir to an indubitably huge political dynasty but swept past her brothers and uncles in evolving a compelling public persona with an inclusionary political message. Her political model was disruptive of a far more repressive and tyrannical dictatorship than the one Fatima Jinnah had to challenge, and entailed a long set of onerous risks to both life and freedom. Her ability to withstand multiple incarcerations under the most severe conditions after the judicial execution of her charismatic father, Zulfikar Ali Bhutto, gave her both a cult following as well as the leadership of the combined opposition. At no level had her privilege prepared her for the life she led, and almost taking the baton from her courageous mother, Nusrat Bhutto, she took her political party from resistance to elections in a long career spanning loss and privation contrasted with the trappings of high public office and the power of great patronage. In a deeply conservative country, her rallies and politics electrified the street and punched a huge hole in the hierarchies of male political hegemony.

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Her death, too, symbolised an epic challenge to the exclusionary religious extremism that Bhutto had taken on while struggling to maintain a moderate inclusionary political persona. In a political landscape where women were the first targets of violent extremists, her open electoral challenge to the Tehreek-e-Taliban Pakistan (TTP) as they planted their flag in Swat was compelling for its sheer potency. This open but bell-weather challenge to the storm-troopers of terrorism cost Bhutto her life but it left behind a strong message of resistance to the threat of its time. Unlike many male politicians in the country, she had refused to surrender her power, both political and individual, to the marauding TTP. Today, this model of leadership that requires a combination of resilience and resistance may take root in a new generation of younger women who see Bhutto as the consummate Pakistani woman leader. New cohorts comprised of Malala Yousafzai and her unsung classmates, given the right opportunities, could yet grow into crafting political identities in the representational arena of electoral politics. Some of today's frontline Aurat March activists also may consider the value of joining the political mainstream in order to effect goals, especially when they witness unilateral support for their demands rising from pro-women parties in parliament.

### **Women Leaders, Their Performance and Change**

Endemic prejudice against women having access to power is a defining feature of the pervasive culture that women in parliament have to contend with. One of the stereotypes women in parliament have often faced is the tired cliché that women hold each other back. Despite the institutional factionalism seen in the Women's Caucus in parliament, in day-to-day fact, the norm has been quite the opposite. Women in parliament, both in Standing Committees and House plenaries, have not only joined forces across political divides to pass legislation that benefits women, they have done so against many odds and on matters not restricted to women's rights. What has of course separated them is the ideological and political line of the political parties they owe their positions to. Not unexpectedly, left of centre parties have gone further than others in moving the needle on women in decision-making positions, as opposed to token berths, while on the extreme right, religious parties have modelled a

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rights discourse that prioritised certain rights, but have red-lined or contained them squarely in confined identities of subordinate roles.<sup>1</sup>

In the barrage of criticism hurled at women in Pakistani politics, arguments against affirmative action and parliamentary quotas are amongst the loudest. Women in parliament, for instance, by and large have been pigeonholed as players who came to the political frontlines without fighting all the battles needed. This is not entirely true. They may not be fighting the same battles as men, or as women belonging to vulnerable communities, certainly, but they have fought a slew of different battles for those who are less empowered. This arduous task becomes further complicated with the absence of a large section of the female populace from the voter base, which is evidenced by the fact that men outnumber women in the voting registration lists by over 12 million<sup>2</sup>. The gap does not even account for the societal constraints and other hurdles in place for women to actually make it to the voting booth. While there is no denying the inherent privilege of women in parliament, based on the simple fact that they occupy these positions, the bias against their induction is completely unjustified given the quantum and quality of legislative reform they have championed.<sup>3</sup>

The debate about the merits of the 17 per cent quota system aside, which was introduced in 2002, having more women in parliament has undoubtedly altered the fabric of Pakistani law and government. Women went from making up a meagre 1.8 per cent of parliamentarians in 1995 to as much as 22.5 per cent in 2015. Where men previously dominated, women parliamentarians have brought a qualitative change in the nature of parliamentary business and discourse. As the Human Rights Commission found, apart from women's bills, a majority of the human rights legislation in Pakistan was moved by women, which in a cascade of political debates successfully changed the discourse, tone and, to some extent, the voting dynamics of parliament.

The nature of the discourse, which even today keeps slipping back to questioning women's identities, citizenship, testimony, rights and mobility, has, however, seen some level of change. In 1999, for instance, when a young woman, Saima Imran, was murdered in Asma Jahangir's chambers for marrying of her own choice, condemnation or calls for accountability were muzzled. When Senator Iqbal Haider objected, he was not supported by the government benches for pressing the then Chairman Senate to unblock a debate on the subject. Today, given the sustained impact

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of women's voices, such a move by any Chairman or Speaker of legislative chamber, for instance, would be considered morally reprehensible in the same Houses of parliament.

Yet despite the fact that the dial on women's rights discourse has shifted somewhat, from 2002 until today, parliament is still no place for women to expect votes to align in their favour. To be heard, as well as to build effective alliances in parliament, women have learnt faster than others to work collaboratively. The Women Empowerment Bill<sup>4</sup>, for instance, which was the first omnibus women's bill to be laid in parliament after a long time, never passed in the form it was tabled, aiming for repeal in order to reform some of General Zia's laws, one of which had transformed a rape victim's ordeal into an adulterer's punishment. But it did two important things. First, it reshaped the nature of the discourse in parliament, from the mundane, transactional and often purely political, to the policy and principle nature of the fundamental rights agenda. Second, its tabling provoked enough of an uproar in the policy and political community of the federation that by 2006 General Pervez Musharraf had to create a committee to parlay with the opposition's parliamentary parties to formulate a Women's Protection Bill that took the teeth out of the Zina Offences (Hudood Ordinances).

The 2006 bill that passed created its own set of limits on change, one of them being a fundamental difference in the naming of the bill. The name changed from 'Empowerment' to 'Protection', in a significant marker of the watering down of our ambition. This was a clear example of General Musharraf's "enlightened moderation" that cobbled together all religious parties to form his parliamentary opposition although other parties had more seats in parliament than the MMA.<sup>5</sup> The battlecry to navigate human rights bills always arose from there, to which Musharraf's party would then conveniently concede. Yet, while purists and academics raised their eyebrows at this strategic retreat, many sisters in the trenches of legal and rights activism were relieved. With good reason. Some of the amendments made in it are the reason no feminist in 2020 any longer has to make posters to repeal the Hudood Ordinances, or has to risk being part of baton-charged WAF rallies against such laws. Before this Bill was passed, large numbers of women were indefinitely languishing in Pakistan's lockups and jails for having reported rape which, since they reported rape, without four witnesses present, was treated as adultery.

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Reform was made possible because of pressure from women's groups outside parliament and the presence of new women members inside parliament who were determined to change the law. Alliances with WAF and other groups were so strong that key members of civil society would join us in the parliamentary galleries the days such bills were on the agenda. This gave parliamentarians a much-needed cohort of moral support. Another reason, less often acknowledged, is that the party which ultimately introduced the Hudood reform bill was led by a woman. Benazir Bhutto, despite being in exile, remained engaged with every line of the draft, and the PPP leadership was at the frontline in the parliamentary committee formed to amend the Hudood laws. Whenever the party's internal committee met to discuss modalities to move it forward, Bhutto would conference-call with all of us to retain policy discipline in case of dissent, which was often encouraged in party meetings.

### Elite Goals or First Priorities?

The goals that women in Pakistan's parliament decide to pursue are situated on a ladder of priorities derived from the past. While it is true that time and political will are still needed for many historical wrongs to be righted, many are being addressed, while long-standing and contemporary goals too are on the agenda. A toxic cloud of tradition, patriarchy and General Zia's shadow looms over the daily decisions that affect women's lives even today. Battles are still being fought over statutes that imperil women's lives and autonomy, subjecting them to the caprice of sessions courts or *jirgas* influenced by generations of misogynistic thinking. Some laws have taken 15 years to shepherd, consuming massive amounts of political capital and activist stamina along the way.

Over the years, while the broad goals have not changed, the tactics deployed and the nature of political interventions staged by women certainly have. The work of the APWA stalwarts had landmark value and their interventions were a critical first step on the journey. But their strategy and organisational model were not designed to resist the assault on women's freedoms that General Zia's martial law launched with terrifying zeal. That resistance would come from the rising women's movement, which ignited a spark as women of that generation clenched a collective fist and prepared themselves for a long battle.

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The most frequent critique of this 1980s movement was that it was urban and elite and, therefore, neither authentic to Pakistan in its allegiance nor representative of 'real' Pakistani women. There is, of course, a wide hole at the heart of this argument. The evolution of human rights and women's resistance politics based on modern discourse was entirely organic and the movement confronted state-driven instruments of coercion. The real victims of anti-women laws were almost always the poor and disadvantaged, not the middle-class women of WAF who went to jail for their activism or the parliamentarians who worked to repeal these laws. The laws that these allegedly 'elite' women opposed and wanted to roll back felt like an axe on communities made vulnerable by their lack of economic, social or political power. Educated and elite women were outside the strike radius of the very laws they struggled to repeal. Yet even when facing down the Pakistan's anti-women Taliban as they struck girls schools in KP in 2007, which meant courting the risk of death, the first big rally against terrorism in Karachi was organised by WAF, and bolstered by the PPP and MQM, including their parliamentarians.<sup>6</sup>

Moreover, these same elite women worked directly to assist those worst affected by the law. Even as Pakistan's other feminist heroes<sup>7</sup> took to the streets in protest and advanced the case for change, many also provided years of service in the field and in the courts to aid women who faced charges without counsel, often from their own families.<sup>8</sup> These very stalwarts leveraged their activism by forming women's rights organisations such as AGHS, Aurat Foundation, Shirkat Gah and ASR that worked among rural communities with a rights-based approach for women's empowerment. It was the unempowered women disadvantaged by patriarchal social constructs of tribal and feudal communities, poverty, and misogyny, and vulnerable non-Muslim Pakistanis who suffered the most. They mostly still do.

In the political arena especially, political linkages and access to defence and police systems protected many of us from the change these regressive laws wrought. The weight of the inequality and injustice built into the Hudood Ordinances fell by and large on women whose property had to be usurped via a Hudood case, or whose families traded them in marriage or offered them up in settlement for crimes committed by their male relatives. Some clauses provided legal cover to crimes of 'passion' and 'honour'. While we, as women parliamentarians, may have been saved from

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the full force of these regressive laws, most of our energies went into amending these provisions to the best of our political capacity.

The so-called ‘honour killings’ are a case in point. To this day, Pakistan records one of the highest numbers of honour crimes in the world. Women have been trying to change the laws that allow this for decades. The first challenge became the struggle to define an honour crime as murder under the law. The Anti-Honour Killings Bill introduced in 2004 was a collaboration between Aurat Foundation, Shehla Zia and parliamentarians. It essentially sought to remove the clauses of compoundability<sup>9</sup> throughout the criminal and penal codes in legislative interventions made by Ziaul Haq. While it was changed by the government, only to declare honour killings as murder, the crucial dilution of the bill left room for settlement of such a murder. The honour killing cases that are still being fought in sessions and district courts as a state right, as in the Qandeel Baloch case, are almost always fought against the option of the forgiveness clause. The blood money and forgiveness clauses allow justice to be privatised, providing impunity to murderers in exchange for compensation to victims and families, who are almost always poor or disadvantaged. Where the murder is committed in the name of ‘honour’, many such killings happen in broad daylight and are condoned by the families, with male kin taking the lead. The Qandeel case is particularly poignant. Had she not belonged to a poor family, disadvantaged by social inequity, her mobility and sexuality may never have resulted in her murder. At the same time, without the intense pressure of middle-class activism and parliamentary call-attentions<sup>10</sup> on honour crimes, it is unlikely that even her brother would have been convicted.

The same applies to acid crimes and stove burnings, where statistics show that education and higher economic status are inversely correlated with prevalence, much like crimes against women across the world, which increase with greater exposure to poverty, especially in rural areas. Similarly, while domestic violence is a global phenomenon, cutting a dark, bruising swathe across countries and classes, in Pakistan its prevalence is highest among closed communities and in rural, tribal, refugee and lower-income groups. The one certainty running across studies and groups is that violence against women is endemic and likely more widespread than what official data suggest, but nevertheless, like poverty, affects poor and disadvantaged women disproportionately. These are the issues that have been championed by ‘elite’ women activists and

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parliamentarians, as well as grassroots groups such as Sindhiani Tehreek, along with efforts to put an end to child marriage, acid crimes, domestic servitude, bonded labour, child abuse, forced conversions among religious minorities and cyber laws that privilege the accused.

### Insider Challenges

One of the problems women legislators face is that those who prioritise a rights agenda are taken less seriously by their male colleagues. Change has come about in the increment, with the PPP's Bilawal Bhutto Zardari and other pro-rights leaders heading the Human Rights Committees in both Houses of Parliament, but the woman Human Rights Minister, Shireen Mazari, for instance, is often unable to take her own support forward because she is hamstrung by her party's exigencies. It comes as no surprise that the religious parties are the first to resist when issues related to women are being tabled. Yet at the same time, many male stalwarts of centrist politics, with honourable exceptions, are often slow to respond to women's issues, dismissing them as 'politics-lite', despite the fact that legislators focusing on human rights take on great risks and face far greater threats than politicians who do not address rights issues. In return, they get to be called 'niche players' by right-wing and leftist colleagues alike, including women keen to prove their mainstream, gender-neutral credentials. A debate on gang-rape victim Mukhtar Mai, for instance, would not even reach the floor without certain women, and male political leaders like Aitzaz Ahsan and Riaz Peerzada, in key positions speaking out in the National Assembly. Again, the post 9/11 context for women in Pakistan proved to be a fraught time when the Pakistani state's advances against Tehreek-i-Taliban Pakistan (TTP) militants and other hardline terrorist groups placed many women, including those in the media, in the crosshairs of active danger. This included parliamentarians who spoke, especially in the frontline provinces, where attacks on girls' schools, polio vaccinators, health workers, teachers, politicians and artists became a disturbing norm for years on end. Despite the level of self-censorship this imposed on many public voices, key women continued to be in the frontline in legislatures to raise the call-attention notices on this.

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While recent changes in the public mood on hot-button issues such as child rights has swung some of the political momentum towards the rights corner, majorities in support remain precariously insecure in the face of religious parties which often parse all discussion on women and human rights as a greater protection, not a greater right-to-choose, issue. Advocacy from the right-wing hinges as always on pushing women into the domestic *char diwari*, instead of empowering through literacy, and legal obligation to be of adult age and exercise choice. While public pressure against heinous cases of abuse in the media continue to advance the child rights debate in contemporary Pakistan, key linkages to women's bodies, their right to marriage and childbirth remain subjects that animate great political and ideological controversy in parliament. Last year, for instance, when the Child Marriage Restraint Bill (2019)<sup>11</sup>, was introduced in the Senate of Pakistan, a sudden surge in the number of senators on the floor was noticed, clustered in groups that looked poised to oppose. Arguments to just introduce the bill and let it go to Standing Committee had to draw heavily on Islam, Mohammed Ali Jinnah's advocacy for it in 1929, the Constitution of Pakistan, our own manifestos (in this case the PPP) and the UN data that said, shockingly, how a woman dies in childbirth at the rate of every two hours in Pakistan.<sup>12</sup> At the time of publication, the bill still awaited passage in the National Assembly of Pakistan.

Having government backing or not, majority support is of course crucial to women and rights legislation, especially to prevent bills from being sent into supra-parliamentary bodies created especially as 'legislative graveyards'. These can be special committees created for the purpose, or other consultative institutions, which technically have no power to block legislation parliament passes, yet become instruments for cold-storage stalemate. The Council of Islamic Ideology, even when chaired by a progressive jurist, is often unable to send advice back to parliament because of pressure to dilute or block such bills. Yet even if it stays within parliamentary forums, the parliamentary floor on voting day is always unpredictable. For women's bills, opposition can come literally not just from the religious right, but even from the most unexpected 'black swan' quarters. The journey of the Sexual Harassment Bill from 2009-2010 is one of those cases in point. The biggest challenge to the bill in cabinet came from unexpected quarters, which was the federal secretary of the Women's Ministry, the division that was technically moving the bill. It only passed cabinet because key ministers were in

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the room, and were able to cite the party manifesto in support, which helped the PM build a case. The lesson learnt was that women's reform meets enemies in the unlikeliest places, even in the ministry that should be building momentum for it. Without significant accrued power, despite access to critical mass numbers, entrenched elites such as the bureaucracy would and could continue to use their power to obfuscate, delay and kill important reform bills.

Having said that, there have been other important gains made through parliament, which have directly impacted the lives and citizenship status of women at the bottom of the social pyramid through the introduction of Pakistan's first social safety programme, which provided income support to women householders in the vulnerable category. Despite opposition from entrenched hierarchies that argued for men as more able recipients of the Benazir Income Support Programme (BISP), the PPP federal government in 2008 stuck to its plan of enabling women through identity cards and income transfers, and almost as direct refutation of the nay-sayers who said women were neither mobile nor able, one of the first BISP supplements was claimed and encashed by a woman in the remote tribal areas. Cash transfers for women from lower-income groups directly led to increased decision-making abilities in the household, where a monthly injection of 6000 rupees continues to give female heads of poor households a crucial bridge to building capacity and capital for income-generation and human development. While BISP did not break an inter-generational poverty cycle, it remains Pakistan's most highly rated programme for poverty alleviation for the ultra-poor. BISP's universal cash transfer model was geared exclusively towards eligible women; by January 2019, BISP had disbursed 563.57 billion rupees to over 5.6 million beneficiary families (17 per cent of the population).<sup>13</sup>

Another such parliamentary intervention, by the PPP, so far not replicated in any other province, is the Sindh Home-Based Workers Act of 2018, which seeks to formalise the status of home-based workers, to offer greater social and legal protection, as they have consistently been victims of exploitation by employers and contractors. These women are now entitled to social, medical and maternity benefits, alongside guaranteed compensation and marriage and death grants. The most recent progressive step towards the protection of women at the workplace relates to the agricultural sector, which employs an estimated 67 per cent of the

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rural female population across the country<sup>14</sup>. The Sindh Women Agriculture Workers Act of 2019 has formalised the role of women in the field and lays the groundwork for equal pay, minimum wage and working hours and prevention from harassment and discrimination. While gaps in implementation are still visible, perhaps the most significant provision was granting the right to unionise, a significant step towards empowerment<sup>15</sup>.

### Faded at the Edges?

Despite all the work done, the noise made, the hopes raised, where is our rainbow today? A little faded.

In spite of the years spent trying to move the rock up every morning, a woman's search for 'moving the needle' in politics often feels like a Sisyphean quest, where the rock rolls back down almost every night. Many women face that rock every morning with their daily dose of tea and misogyny but their resilience, if rewarded, is experienced most often in small increments of change. The passing of the years has brought some progress, but it has also reversed gains in a decade that seems to be clamouring for change through the politics of a dangerous new ultra-nationalism. In this often fact-free, less tolerant world, universalism is not a colour that is accommodated in arguments for incremental reform, let alone structural and systemic change.

In this political culture, consumerist feminism is more the norm, where women are promoted as poster-tokens of feminist commitment, but still struggle to access decision-making positions that matter. While left-leaning political parties continue to press for more gender sensitivity in politics, the politics of modernity is often deliberately conflated with imperialist agendas. The slippage is obvious, even though it may be reversible. Even the old, descriptive, token 'empowerment via inclusion' model in cabinet or other leadership positions is now often made ineffective, as today status-quo coalitions are encouraged to pose barriers on making policy that would yield rights gains for women. With PPP, ANP and to some extent MQM, notable exceptions to this reversion-to-type among parliamentary parties, the political culture or new normal is now to pass over women in key positions. This means they won't easily again be Speaker of the National Assembly, Opposition Leader in the Senate or even Foreign Minister, unless left-leaning parties are

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in power. By sheer hard work, tenacity and ability, women will continue to speak out and exercise power, but the current rightist trend in politics favours no real trendlines for change. In worst case scenarios, women may be forced to go back to politics-lite portfolios or be tolerated in roles where the soft image of Pakistan is needed. *Jirgas* continue to proliferate, or co-opt women, while in the corporate and political world, ‘manels’ (panels dominated by men) are often normalised as acceptable.

Power at the top, especially in commercial and other elites, is easily transacted as lifestyle-liberalism or token feminism, where discussions on empowerment rage passionately cheek by jowl with silent accommodations on keeping women out of power networks and social congregations where mentoring takes root. In parliamentary meetings, women are either passed over for salutation, or even ignored as speakers, unless they persistently ask for their place at the table to be acknowledged. They are rarely called upon like the men, to share their views. For women in politics, unlike the men, the gravitas has to be earned daily.

Despite the quotas, which have brought an entire change of discourse to the political mainstream, women are not actively encouraged to build their own constituencies within their political parties. The development funds, for instance, that were provided for building their constituencies like men, have been taken back, without much of a whimper. Legislation favouring women, such as the 5 per cent seats being accorded to women in general elections, moved by Nafisa Shah, PPP, often only favour candidates who can win through their family connections, while the rest of the ‘slum seats’, where the parties know they have no voter base, are given to women to fulfil this quota. Interestingly, it has been repeatedly found that women parliamentarians still clock better attendance and make more of a relative impact than male parliamentarians, showing remarkable proactivity and initiative in less glamorous but indisputably important realms of governance that are routinely neglected.

In today’s political universe, other than the progressive parties, any insider will attest to the reality that the politics of exclusion and sexual innuendo are alive and thriving. Unlike men, women politicians are routinely judged and fetishised in media reports for what they wear, the colour of their nails and the length of their hair. Unless they develop formidable personas through years of experience, hard work and a constant fight to be heard, they either

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slip from the edge of the table or get consigned to the ‘woman’s place’ in politics. The woman’s place is to do the behind-the-scenes grunt work, or the chanting of slogans while the men stand back, using them as shock troops in parliament or the street. A younger generation continues to challenge male privilege in innovative ways, as they face criminal defamation now if accusations are made either offline or online. Interestingly, these issues too are brought to parliamentary attention by women’s groups and the progressive coalitions forged very tenuously.<sup>16</sup>

The bad news is that despite many progressive laws on the table, although their debate has had a transforming effect on majoritarian politics, at least until now, their implementation is weak, and often disappointing. The good news is that after the Eighteenth Amendment, most rights laws as well as the women’s development portfolio have devolved to the provinces, which are actually doing better than the centre at passing optimal laws. This has had an important cultural effect in deeply misogynistic parliaments, where women are still found in enclaves of separate seating, yet in a place now where discussion on rights and power is no longer taboo. The effect of such legislation is that as more such laws get tabled, the more women speak out, the more all rights discussions become politically normalised in assemblies that are largely hamstrung by the pervasive misogyny of large majorities. In provinces where the tribal or religious right holds sway in critical mass, or in local bodies assemblies, the journey is longer, harder and much in need of media spotlight, which can be pivotal when leveraged for social change campaigns.<sup>17</sup>

Politics in Pakistan remains a tradecraft where women’s rights are traded for bargains on seemingly unrelated concessions, and often necessitate the creation of an illusory win for the other side. Saving face for the men rooted in patriarchal privilege is not just a daily staple of diplomacy, but also in negotiations on women’s power in many pivotal discussions.

The way forward is a minefield, littered with hidden dangers and the imminent threat of sudden reversals, but the one force multiplier that can bring larger majorities to the table to work collectively for social and political change is the strengthening of linkages between younger feminists, older activist leaders and parliamentarians, to re-bond as allies in reform. Although this trend is slowly changing, the contemporary recoil from mainstream politics will not help millennial feminists as they navigate a slew of

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new challenges, while still fighting many of the old battles. Working in silos will only serve to depoliticise the women's movement at a time when political engagement is more critical than ever. For movements to sustainably anchor themselves in institutional outcomes, they need engagement with both political parties and the state.

## Notes

- 1 For a comprehensive critique of the tensions between faith and feminism in Pakistan, Afiya Shehrbano Zia, in this book, makes a strong argument for how liberal feminism in Pakistan has been falsely conflated with imperialism and its contemporary expressions.
- 2 Iftikhar A. Khan, "Nine districts account for over 3m voter gender gap", *Dawn*, October 23, 2020, <https://www.dawn.com/news/1586563>.
- 3 Even before 2002, when larger numbers came into parliament on reserved quotas, women "have taken up a broad spectrum of issues ranging from those of national security, economic parity, fundamental rights, functioning of political parties, the electoral system, environment, to specific concerns of women," Khawar Mumtaz, "Political Participation: Women in National Legislatures in Pakistan," in *Shaping Women's Lives, Laws, Practices, and Strategies in Pakistan*, ed. Farida Shaheed, Sohail Akbar Warraich, Cassandra Balchin, Aisha Gazdar (Lahore: Shirkat Gah, 1988), 319–370.
- 4 Sherry Rehman, "Women Empowerment Bill," National Assembly of Pakistan, 2002.
- 5 Musharraf supported the JUI (F) to lead the opposition in the National Assembly, even though PPP had 81 MNAs to JUI (F)'s 63.
- 6 Ayesha Khan brings to the fore all the risks women took in her seminal book; Ayesha Khan, *The Women's Movement in Pakistan: Activism, Islam and Democracy* (London, New York: I.B. Tauris, 2018), 182–188.
- 7 Asma Jehangir, Hina Jilani, Fareeda Shaheed, Anis Haroon, Khawar Mumtaz, Nighat Saeed Khan, Nigar Ahmed, Shehla Zia, Sheema Kirmani, Nasreen Azhar, Bushra Aitzaz, Nageen Hayat and many others braved regular arrest in all such forums.
- 8 The first autonomous women's shelter was formed by Hina Jilani in 1990.
- 9 Compoundable offences are those where the complainant enters into a compromise and agrees to have the charges dropped against the accused. This clause was notorious for enabling the privatisation of justice for women.
- 10 Sherry Rehman, "Honour Killings Bill," National Assembly of Pakistan, was reframed. It defined honour killings as murder, but was passed as a diluted Act reintroduced by the government.
- 11 Senator Sherry Rehman, Child Marriage Restraint Bill, 2019.

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- <sup>12</sup> Two former Chairmen of the Senate, Senators Reza Rabbani and Farouq Naek, had to speak out against sending the bill yet again to the CII, where a previous iteration of the bill as introduced by Senator Seher Kamran had been sent to the CII by previous Senate Chairman Reza Rabbani. The CII had never responded, which effectively let the bill lapse until a new Senate was elected and I introduced the new bill.
- <sup>13</sup> Asian Development Bank, *Detailed Sector Assessment: BISP and Pakistan's Social Protection Agenda*.
- <sup>14</sup> Muhammad Faisal Kaleem, "60% of women working in agriculture fields remain unpaid," *Daily Times*, July 20, 2018, <https://dailytimes.com.pk/270380/60-of-women-working-in-agriculture-fields-remain-unpaid/>.
- <sup>15</sup> Kate Ambler and Alan de Brauw, "The Impacts of Cash Transfers on Women Empowerment: Learning from Pakistan's BISP Report," World Bank Discussion Paper, 1702.
- <sup>16</sup> Civil society groups like Bolo Bhi are active in engaging with political parties in their vigilance over contested and flawed cyber laws, where women face a new barrage of online predations.
- <sup>17</sup> The 2013 elections restored local bodies, but elections were staggered across provinces and in all bodies. Wherever elected, women remain active as councillors.



# PUBLIC HEALTH AND WOMEN'S BODIES: AN UNFINISHED AGENDA

Shahnaz Wazir Ali

For the longest time, Pakistan's state and society have ignored its women's most fundamental rights, which has led to a crisis in public health. A woman's inability to access healthcare, and make health choices, lies at the heart of this crisis. Because of the critical gaps in accessing healthcare, the landscape of women's blighted lives, lost children and squandered opportunities is so littered with abuse, denialism and inaction at so many levels that assessing their scope becomes an indictment on successive governments and development actors. Yet in order to move forward, it is imperative to maintain a narrative of hope and resilience constructed around what can be done, what successes to scale up and what myths and biases to counter.

The neglect of women's healthcare in Pakistan is embedded in a broader challenge of social deficits and capacity constraints, but the cultural scaffolding on which women's needs are glossed over is reinforced by a deep social collusion about women's choices. When a woman asks for rights over her body, or the power to make key decisions over her health and her choices, there is no opprobrium attached to ignoring her, or worse, even vilifying her act of asking for that right as an existential challenge to the daily hegemonies of established patriarchy. Data supports this stark normalisation of oppression, which can be the only reason a staggering 48.1 per cent of women in Pakistan lack the option of making decisions about their bodies or their healthcare.<sup>1</sup>

This institutionalised indifference to servicing women's basic entitlements is reflected in the human costs that define the daily contingencies of women's health and survival. The toll on women's bodies manifests in multiple ways, including repeated and unwanted pregnancies, rooted mostly in the straitjacket of no options, or lack

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of knowledge about their rights. Their stories of stress, pain and morbidity find little place in the headlines of the rights-abuse news cycles, where rape or other forms of violence feature as stories, but health crises remain the silent trauma women endure without voices, or choices about their health and their bodies. For almost half of Pakistan's women, the risks of dying from pregnancy-related causes or debilitating morbidities such as vesico-vaginal fistulae are very high, for instance, but little noise is made, except in development circles and feminist convenings. Yet given the scale of the problem, just a cursory look at the numbers should shock the state out of its indifference: In 2018, for instance, every single day, on average, Pakistan saw nearly 830 mothers die in childbirth.<sup>2</sup> Every single day.

The question is not complicated, and neither is the answer. Why have women in Pakistan, by and large, not been able to make health choices or exercise control over their bodies? The social and cultural biases are staggering. But even on the supply side, which links to tools the state can control, women have not had consistent or equitable access to health services.

Among other things, activism and democracy, or the lack thereof, both play a part in this story. Because despite huge resource holes in the healthcare system, the role of women in Pakistan's development has often been glossed over, with weakened democratic traditions further confining women to the margins of social, economic and political development processes in the country. The pace may be slow, and if an argument even has to be made, it is a clear one. Women's literacy, knowledge inputs and social awareness improve the health of their households, while enhancing their ability to exercise choices. Women also invest their earnings in the education, nutrition and healthcare of their family, which ultimately leads to improved lives and stable societies, with a positive influence on public well-being. Despite limited progress on the general equity agenda in several developing countries, recent decades show irrefutable correlates with women's empowerment and strengthened democracy. The ability of countries to stay the path is a key determinant in moving from the low- to mid-income development spectrum.

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**The LHW Intervention**

Evidence suggests that periods of democracy in Pakistan have always defended women's rights and invested in building capacity, even if it is in the increment. In 1988, for instance, with the return of democracy to Pakistan after eleven years of a rights-trampling martial law, women's empowerment was actually put on the government's public agenda. Several discriminatory policies, regulations and orders were withdrawn and de-notified, to allow women to freely participate in the social, political and cultural life of the country.<sup>3</sup> Simultaneously, the women's rights movement also geared up to deepen the demand for political and social rights. Much was done, but much more also needed to be done.

In any chronology of change in Pakistan, the one disruption that rebooted the decay in Pakistan's healthcare system came from a woman Prime Minister, namely Benazir Bhutto. Given the magnitude of the healthcare crisis, Bhutto decided that a massive public intervention was in order. In 1994, in order to address the gaping deficits in the primary healthcare system, innovative solutions focusing on training human resource to enhance service delivery were identified as among her cabinet's first priorities. Investing in large-scale brick and mortar was not the first line of action, given the scale and nature of the problems women faced with actually accessing health advice. Instead, Benazir Bhutto's vision focused on bringing healthcare to the most vulnerable woman's doorstep, mobilised at the grassroots and especially targeted at serving the rural areas, where gender-based deprivations, deeply entrenched social exclusions and feminised poverty combined to place women at the lowest end of the burden-pyramid. To this end, the Lady Health Workers (LHW) Programme introduced in 1994, attempted to revolutionise healthcare delivery by inducting a cadre of 10,000 community-based LHWs to provide doorstep preventive and promotive health services, including family planning. Not only did this first wave of LHWs achieve significant improvements in health indicators, but the programme also helped overcome gender-related barriers that had hindered rural women's access to primary and reproductive health services. It literally changed the game for women by also providing young rural women a dignified livelihood, reduced inequities in healthcare provision, saved lives through early diagnoses and attention in cases of pregnancy and provided both voice and identity to rural women.

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Since the inception of Pakistan, static health facilities—such as the tehsil, district and tertiary hospitals and, from the 1970s, the Basic Health Units (BHUs) at the union council level—have been the main vehicles for the provision of healthcare in rural areas. This brick-and-mortar infrastructure focused largely on outpatient treatment, ignoring the critical role of promotive, preventive and primary health services. By directly accessing families in rural households, especially rural women and children, the doorstep-based LHW programme aimed to fill this huge gap in public healthcare services, becoming quite literally the pivotal intervention that provided both direct as well as referral services to families.

An illustration of the potential of the LHW intervention was the significant jump in the contraceptive prevalence rate (CPR) from 12 per cent in 1991 to 24 per cent in 1998. This surge in CPR rates remains unprecedented in Pakistan and is singularly attributed to the LHW programme. The vital relationship between healthy mothers, CPR, fertility rates and the health of babies and children is well understood by the public health community.

Though still confined to rural coverage, the LHW programme to this date, is considered the single largest national health initiative, with the potential to reverse the neglect of women's and children's health. However, fluctuating support for the LHW programme by different governments over 25 years has arrested its expansion and compromised its inherent potential as an effective vehicle for primary healthcare and family planning. Despite the fiscal, structural and implementation constraints, today the province of Sindh has taken the bold step of refocusing the LHW programme on family planning counselling, advocacy and service provision. Capitalising on LHWs' access to couples at the household level, the Sindh Department of Health and Population Welfare has trained them to provide modern contraceptive methods—such as injectables—in addition to the traditional methods, counselling on birth spacing, anti-natal and post-natal care and to promote breast-feeding.

The important thing to note is that the relevance and importance of a programme such as the LHW has not diminished over time. In fact, if anything, the direct access it provides to health for women, especially in Pakistan's rural areas, has taken on even more significance in recent times.

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**Women's Health in Pakistan—The Context**

Looking at the region is always helpful when contextualising historical and social constraints in setting goals and learning lessons. Iran and Bangladesh are the best examples in our region of countries that gave sustained support and high priority attention to counselling, information and accessible and safe family planning services through outreach programmes. From a fertility rate (FR) of more than 5 about 50 years ago, by 2019 these two countries have brought the FR down to 2.1 and 2.0 respectively.<sup>4</sup> Unfortunately, Pakistan's FR still stands at 3.6.<sup>5</sup> Across the board, women's health indicators in Pakistan remain much lower than countries similar to it.

Amongst the factors that have inhibited the achievement of better health outcomes in Pakistan, especially of women and children, are the abysmally and chronically low public sector allocations, system inefficiencies and the sporadic nature of public-private partnerships. Sindh is the exception—in the last three years, as it has shown political commitment, increased health and family planning allocations, focused on health systems' strengthening, monitoring and reporting and forged productive alliances with the private sector and international development partners.

Historically, low budgetary allocations have been considered the main reason for poor health and family planning outcomes. While cumulative health expenditures by the federal and provincial governments in FY2019 showed a marginal growth of 1.3 per cent, even with this increase, the financing of healthcare remains a pitiful 1.1 per cent of the country's GDP.<sup>6</sup>

The subordinated status of women is reflected particularly in Pakistan's abysmal reproductive health indicators, specifically in the maternal mortality ratio of 140 deaths/100,000 live births<sup>7</sup> (the third highest maternal death rate in the world) and in a contraceptive prevalence rate of only 34.2 per cent.<sup>8</sup> A disturbing statistic is the fertility rate, at 3.6 births per woman<sup>9</sup>, one of the highest in the region.

Unsurprisingly, women are less likely than men to have any type of health insurance in Pakistan (1 per cent versus 4 per cent, respectively), although women and men with higher education are more likely to have some type of health insurance as compared to the rest of the women and men (3 per cent and 10 per cent,

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respectively).<sup>10</sup> This gender imbalance in health indicators still remains off the table in much of the gender discussions in Pakistan.

Even when women's health is discussed, the focus remains on their reproductive capacity. However, today, the biggest killers of men and women are Non-Communicable Diseases (NCDs), such as cancer and diabetes, as well as lung and heart disease. Two-thirds of deaths among women are now caused by NCDs, violence and injuries. And yet the myth that these killer diseases mainly attack men persists, despite evidence that suggests otherwise.<sup>11</sup> Clearly, the absence of dedicated research-based advocacy around women's health remains a critical gap.

According to UN estimates, the Covid-19 crisis and associated lockdown situations may result in a 20 per cent decline in family planning service coverage and 200,000 additional births in Pakistan. Without access to health facilities, nearly 2,000 additional maternal deaths could take place and about 20 million additional women will have unmet needs for family planning.

Emergencies like the recent health crisis also expose women in Pakistan to increased risk of violence. During the recent Covid lockdown, there has been a reported rise in incidents of domestic violence against women and girls, along with increased anxiety and frustration. With their mobility restricted, even with the existing laws and political situation, women have very little power to exercise their rights and seek help against violence, which is a pressing issue that prevails in the form of emotional, physical and sexual abuse.<sup>12</sup> Appropriate interventions are limited and sporadic, women's protection laws are not widely disseminated and legal aid inaccessible for the majority of women. This a prima facie case of justice delayed and, undoubtedly, it translates into justice denied.

### Off-Target on Rights

The World Economic Forum Global Gender Gap Report 2020 lists Pakistan as the third worst country in global rankings for gender equality, at 151 out of 153 countries. Among the seven South Asian countries, Pakistan is placed at the bottom. Bangladesh ranks 50th, followed by Nepal (101st), Sri Lanka (102nd), India (112th), Maldives (123rd), Bhutan (131st) and Pakistan (151st).<sup>13</sup>

Ranking is based on four dimensions. Against these, Pakistan ranks 150th in economic participation and opportunity, 143rd in

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educational attainment, 149th in health and survival and 93rd in political empowerment. The report also notes that there has been major slippage in Pakistan's ranking in each one of these indicators from 2006 to 2020.<sup>14</sup>

The UNDP Human Development Report 2019 includes 13 women-specific empowerment indicators which compare Pakistan, Bangladesh and India across three dimensions—reproductive health and family planning, violence against girls and women and socio-economic empowerment. Pakistan's comparison with neighbouring countries has been consistently poor. On six indicators, Pakistan is placed in the bottom-third category; on four indicators, it is in the middle-third category. In all three dimensions, Bangladesh is in the top-third category and India is in the top-third category of socio-economic empowerment.<sup>15</sup>

The 2019 Human Development Index (HDI) report on Pakistan published by UNDP puts the country in the medium human development category—positioning it at 152 out of 189 countries and territories worldwide.<sup>16</sup> Several reports, national and international, contain damning evidence of neglect and dereliction of responsibility by the state and society of Pakistan in addressing the multiple indicators of the social, political and economic empowerment of women.

Reasons for this off-target status include the absence of the voice of women in key decision-making positions in government and in policy forums; competing calls on budgetary allocations; a focus on investment in hard infrastructure projects versus investment in human capital; the inability of the political leadership to wait for intergenerational results which come through long-term sustained investments in education and reproductive health; the tendency of a besieged state to appropriate funds heavily for security; and an impatient polity that fails to comprehend the importance of a consistent and non-partisan approach to equitable provision.

Civil society organisations (CSOs), women's rights activists, journalists committed to the cause of women along with a handful of women parliamentarians remain the consistent advocates for centring women's rights at the core of the human rights and development agenda. However, many CSOs/non-governmental organisations (NGOs) have also become increasingly dependent on donor funding, which burdens the discourse with its own agenda and which, invariably, compromises the core mission.

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While the women's rights movement continues to raise the flag on violations of legal rights, it has also expanded to include a second generation of leadership, which includes professionals, experts and researchers from the development world. This cadre of professional women has contributed to an informed discourse on the status of women, repeatedly articulating the broader framework, which includes protection against gender-based violence, access to financial resources and electoral and governance reforms aimed at increasing the participation of women. They call government and societal attention to multiple barriers that prohibit equal rights for women, a non-negotiable part of the women's empowerment agenda.

### Planning for Change

While a majority of countries have bridged the gender gap, Pakistan is mired at 136 out of 162 countries, as per the 2018 Gender Inequality Index.<sup>17</sup> Female labour force participation is viewed as an indicator of increased household income, the enhanced status of women—particularly in household decision-making—the education and health of children and career mobility. These positive influences will not materialise unless Pakistan makes a concerted effort to increase Pakistan's female workforce participation, which currently stands at a mere 22 per cent of the total labour force.<sup>18</sup> This is much lower than other Asian countries.

Evidence shows that investment in girls secondary education yields higher rates of social return, which is reflected in a delayed age of marriage, larger percentage of women entering the workforce, higher rates of adoption of family planning and a greater role in decisions on the education, nutrition and health of their children. One argument needs to be repeatedly made at all levels: Family planning enables healthy timing and spacing of pregnancies, avoids unintended pregnancies and plays a crucial role in reducing maternal and infant deaths. The government therefore needs to target improvements in women's agency in making household decisions, including family size, which can help reduce gender disparities.

In order to realise gains, the government must prioritise investment in public education, especially girls' secondary education, as it has long-term positive effects on economic

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development. The Asian Tiger countries have reaped socio-economic benefits accruing from such investments and entered the transformative phase decades ago. As it stands, Pakistan has a high unmet need for family planning; currently, 6 million married couples want to use contraception but are unable to do so. On the other hand, the Pakistan Demographic and Health Survey (PDHS) 2017-18 shows that the total demand for family planning among married women of reproductive age has decreased by 4 percentage points from 55.5 per cent in 2012-13 to 51.5 per cent in 2017-18. The main reasons presented for this decline are the limited provision of contraceptive services at public-sector health outlets, in addition to the lack of integrated planning and strategies between the health and population welfare departments—which often lead to contradictory family planning interventions—and limited access to modern contraceptive methods.

Clearly, there is a dire need for Pakistan to take appropriate and immediate steps to ensure universal access to family planning services for couples in the country. The government and its partners must step up efforts to ensure the availability, accessibility and affordability of healthcare facilities, trained providers and contraceptive methods, to ensure that women and men can access and use contraceptive methods of their choice. Pakistan has a high-density telecoverage—this provides the opportunity for advocacy and information to be conveyed to a large population at low cost.

A crucial link in the chain to provide better healthcare to women and to their families are the LHWs, who can act as a bridge between communities and the formal health system. There is a greater need today to recognise and motivate LHWs and to refocus their attention on providing family planning services. Again, it is only the province of Sindh that has taken active steps to restore the original mandate of the LHWs to family planning service provision. Across the country, the frequent diversion of the LHWs into other emergency programmes, such as polio, has reduced their efficiency, which needs to be addressed.

For social and economic gains for women, women's agency in household, personal and financial decision-making is needed. Access to health and reproductive health services is equally important as redressal of all forms of gender-based violence, sexual harassment and workplace discrimination. This confluence of articulated women's rights still has to find an articulate and forceful advocacy by women's rights organisations, in partnership with

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political parties, civil society, media and human rights organisations. All of this brings us back to the fundamental right of individuals to decide freely, and for themselves, whether, when and how many children to have. Not only is this central to the global health agenda but should form the core of Pakistan's forward planning on health and development.

### Employing a Gender Lens

In Pakistan, women still hold only five per cent of senior and leadership positions. The political gender gap has narrowed markedly over the past two years but, nonetheless, remains wide.<sup>19</sup> The inclusion of gender implications and perspectives in hardcore economic decisions has been seriously constrained by weak and intermittent advocacy by the custodians of 'the women's agenda'. Inadequate research and data—in particular on the relationship between the patriarchal system's hegemony on assets, capital and land and the micro and macro economy—has also played a part.

Despite its importance and a constant ask by women parliamentarians, disaggregated gender data across the economic and development spectrum remains excluded from national statistics. Most research undertaken by civil society or academia is at the micro and meso levels. What is needed is advocacy, with evidence, that increasing women's participation in all domains is critical for development and leads to an addition in the GDP. The proposition that empowering women contributes to socio-economic development, increases productivity and spurs growth—as evidenced in countries such as Bangladesh, Vietnam and Turkey—should have significance for political leaders, representatives, policymakers and national planning agencies. Unfortunately, they rarely employ a gender lens to the national or provincial political economy.

Development and rights-based national and international organisations, as well as multilateral and bilateral agencies, reflect an understanding of the link between gender and the macro economy. But while the World Bank and the Asian Development Bank have long advised inclusive development programmes, focusing on girls and women, these priorities are only marginally reflected in national budgets or in implementation arrangements. Women's rights organisations have long called for political parties to

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respond to these agendas, with only mixed success. A central dynamic of successful economies is their management of the productive and reproductive economy; their interdependence determines that social benefits accrue to the majority of the people. Sustainable development requires a political strategy that reduces inequalities and understands the economic costs of the marginalisation of and discrimination against women. Employing political will to challenge entrenched social paradigms and structural and systemic barriers is necessary.

The fabric of Pakistan's economy, society, polity and culture presents a formidable challenge in moving towards a productive and egalitarian society. In the face of multiple, deeply rooted challenges, the women's movement is confronted with the daunting task to remain a relevant influencer, strategic interventionist and strong advocate for mainstreaming the women's 'rights and development agenda' through cogent arguments. These arguments, increasingly, must be based on research and data, elaborating the accrual of social and economic benefits to the people because of investments in women's health, education and social well-being. Ultimately, it is the nationally representative progressive political parties that must listen to and include women's rights (health, reproductive health, education, employment, protection from violence and the effects of climate change) in their political commitments. While a few parties listen, reach out and do try to shift the needle on women's rights and needs, this remains an unfinished agenda.

## Notes

- <sup>1</sup> Pakistan Demographic and Health Survey, 2017–2018.
- <sup>2</sup> Sania Nishtar and Helen Clark, "The Fight for Women's Health," *The News*, March 08, 2018.
- <sup>3</sup> The PPP government's initiatives included bringing women in large numbers into public sector jobs in education, health and the police; giving them access to agriculture credit; and appointing women to high-level positions such as judges, ambassadors, cabinet ministers, senior civil service posts and even the deputy speaker of the parliament.
- <sup>4</sup> UN Population Division, *World Population Prospects*, 2019.
- <sup>5</sup> Pakistan Demographic and Health Survey, 2017–2018.
- <sup>6</sup> Pakistan Economic Survey, 2019–2020. Chapter 11, Health and Nutrition.
- <sup>7</sup> Ibid.

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- 8 Pakistan's Implementation of the 2030 Agenda for Sustainable Development. Voluntary National Review, 2019.
- 9 Pakistan Demographic and Health Survey, 2017-2018.
- 10 Amin Ahmed, "Pakistan ranked 153 out of 151 countries in Gender Report," *Dawn*, December 18, 2019.
- 11 Sania Nishtar and Helen Clark, "The Fight for Women's Health," *The News*, 2018.
- 12 Zeba Sathar, "Our Chance to Reset." *Dawn*, May 23, 2020.
- 13 Ahmed, "Pakistan ranked 153 out of 151 countries in Gender Report".
- 14 Ibid.
- 15 UNDP Human Development Report 2019. Inequalities in Human Development in the 21st Century. Briefing note for countries on the 2019 Human Development Report. Pakistan.
- 16 Ibid.
- 17 Ibid.
- 18 International Labour Organisation, ILOSTAT database. Data retrieved on March 1, 2020.
- 19 Ahmed, "Pakistan ranked 153 out of 151 countries in Gender Report".

# LOCKDOWN DIARIES: GETTING PAST THE PANDEMIC WITHIN

Rafia Zakaria

The tragedy is real, epic and unfolding before our eyes.  
*Arundhati Roy*

Sadaf Zahra was killed in her own home on June 25, 2020. The date was deep into the pandemic; into lockdowns, into surging cases. Like everyone else in Pakistan, Zahra was largely confined to her home. In January 2020, she had written a now famous Twitter thread about the hardships wrought on Pakistani women who choose to speak out about domestic violence. She lamented a society that interfered and intruded in women's lives all the time, telling them how to live and how to parent, what to wear and when to speak, but not what to do when women were abused.

Sadaf Zahra's words were brave and she was killed because of them. Her husband, a journalist named Salman Alvi—who like all abusers is not someone you would suspect of being abusive—has been indicted for her death. When Sadaf's sister came to the house after receiving a phone call from Alvi, she found all the doors inside the house closed. She found her sister hanging from the ceiling fan in the bedroom where Alvi said Zahra was. She had to beg Alvi to take her sister down<sup>1</sup>.

Alvi of course insisted that Sadaf Zahra committed suicide. That is the way of abusers; even in death it is always the victim that is to blame. The rapaciousness of male privilege in Pakistan is such that even a dead woman can get up, hang herself from a ceiling fan and die again. The post-mortem report of the incident declared that Sadaf Zahra's death was due to asphyxiation. For now, her assailant is in prison, but that is only for now<sup>2</sup>.

I began with Sadaf Zahra's story because she suffered at home and was killed at home. Home, then, that place of refuge that was supposed to have been a place where she would be safe from the

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ravages of the pandemic, was the venue of the torture that she faced. Domestic violence, which is estimated to affect one out of every three Pakistani women, is a cancer that flourishes in confinement, in the privacy of closed doors and closely kept secrets. The onset of the Covid-19 pandemic exacerbated the usual conditions of confinement confronted by Pakistani women—in its grip and trying to escape the cruelties of the virus itself, they found they were more vulnerable than ever before.

### Abuse and Confinement

Around the world, sociologists and journalists have pointed out the special danger that Covid-19 wrought on the world's women. Many noted that lockdown orders posed a tremendous danger to women and children who could no longer leave when their abuser flew into a rage and began to harm them physically and emotionally. In the United States, which has the highest number of Covid-19 cases in the world, calls to domestic violence hotlines and 911 had spiked.<sup>3</sup> Those working at shelters in New York City reported a huge increase in the numbers of women and children needing help—who found themselves particularly without recourse. If a woman faced what Sadaf Zahra did, if she was able to leave before the pandemic's lockdowns, new restrictions could prevent her from reaching the homes of friends and relatives who provided her with emergency shelter in the past. This was the story of many women, without help or a lifeline to the outside world.

Next door in India, things were just as dire. According to Shalu Nigam, a researcher who was looking at India's response to domestic violence during Covid-19, the whole approach needed to be rethought<sup>4</sup>. India's National Commission of Women reported that they had witnessed a 94 per cent increase in cases of domestic violence during the lockdown. It was not only women at home that were suffering, but also migrant women—huge numbers had taken to walking hundreds of miles to try and get home after their jobs were no more. In their long journeys home, they were even more vulnerable to violence, as the numbers collected by the National Commission of Women indicate.

As Nigam points out in her paper, India (like Pakistan and everywhere else) faced two concurrent pandemics beyond Covid-19. Poverty and patriarchy coalesced with the dangers of the pandemic

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to give birth to a near untenable situation where women were desperate and solutions few. This of course was taking place under the ambit of legal and constitutional provisions that declare women to be equal citizens and make much of celebrating their achievements. Change was obviously a long way in coming, as in India, 42 per cent of people still do not consider domestic violence a serious crime and 52 per cent of women believe that it is the husband's right to beat his wife. This conviction, which exists in similarly high numbers in Pakistan, ensures, along with other social biases against women, that the balance of power in a home almost always favours the man. And power, as we all know, is at the heart of who gets abused and who abuses.

In Pakistan, Covid-19 wrought similar devastation. The further confinement of women at home left them utterly at the hands of men who were frustrated and angry, and often abusive. According to a report published in *Deutsche Welle*, the financial constraints placed on families during the pandemic directly contributed to the extent of violence faced by women. As in India, women working in the informal sector in Pakistan faced the brunt of the impact. With everyone mired in their own crises, when the screams of a woman being abused and tortured rang out over tightly-packed dwellings, no one had the capacity to intervene. In several cases, a woman's own loss of economic power disabled her further in a household where her peril grew due to cramped confinement in the warrens of merciless city slums.

According to media reports, over 50,000 cases of domestic violence were filed in Pakistan, just between 2011 and 2017<sup>5</sup>. However, this is clearly the tip of a little-mapped iceberg. While some cases may actually get to the registration stage, very few are actually prosecuted, let alone result in conviction. The reasons for this are the stuff of daily misogynies women endure when faced with the justice system in South Asian countries. Unless, activists get involved to pursue the case, most abusers are often released on bail and cases are dismissed for lack of 'evidence'. The conviction rate is in fact, only 2.5 per cent<sup>6</sup>. From what the data suggests, as well as the untold stories whispered in communities, most domestic abusers simply get away with their crimes without anyone batting an eyelid.

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**Access to Healthcare Services**

Women's rights activists in Pakistan have expressed concern about the impact of the Covid-19 pandemic and its effect on women's health. Even those women who may have had access to some rudimentary form of healthcare and prenatal and postnatal care would likely be denied access during a lockdown. Given the high rates of fertility in Pakistan, many pregnant women were not able to access any healthcare services. This means that even more women are suffering and dying of entirely treatable problems like fistulas and other post-partum complications.

Anecdotal evidence suggests that the lockdown also affected women's access to mutual aid networks with which they exchanged childcare and other chores with the neighbourhood or family women. The new mother or even the mother of several children, in the cases of Pakistan's poorest, faced a lonely and complicated birth and post-partum period in the lockdown when they tended to themselves, their older children and somehow also the new baby. If for some reason a baby born under these circumstances did not make it, the blame for that also fell squarely on the woman. Pakistan has one of the highest infant mortality rates in the world, where babies and mothers die all the time; issues with data gathering and reporting numbers implies that they are likely dying in far greater numbers than the figures suggest.

This is exactly what looked to have happened in May, when at the height of the pandemic the maternity ward at Lady Reading Hospital in Peshawar, Pakistan, was shut down<sup>7</sup>. The reason was simply that the high number of healthcare workers (29 at the time) who were infected with the virus presented a challenge to the hospital's ability to deliver maternity care to the patients. The closure of the maternity ward at one of the largest public hospitals in Peshawar naturally impacted thousands of women. Similar crises took place in other parts of the country where the sheer number of Covid-19 cases resulted in the shutdown of maternity wards or created a situation in which people were quite literally fighting for beds. The chances of a pregnant woman winning this kind of contest in the effort to find a safe and hygienic place to deliver her baby were very low.

According to a brief on women's health produced by Shirkat Gah,<sup>8</sup> the cumulative impact of the pandemic and the already dismal state of women's access to healthcare meant that the number of

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women giving birth at home skyrocketed in the province of Punjab and Khyber Pakhtunkhwa in particular. In rural communities where Lady Health Workers (LHWs) provided access to basic health services, people did not allow them into their homes for fear of contracting the virus. Because of this, the LHW programmes in many parts of Punjab and Khyber Pakhtunkhwa were suspended indefinitely.

Then there is the issue of contraceptives and women's access to them. Pakistan's high fertility rate means that women do not have access to contraceptive methods that suit them and their families. In the days before Covid-19, there was already a supply-chain disruption that had led to a shortage of contraceptives in public health centres. In Karachi, at the Shershah Rural Health Centre, contraceptives had not been stocked since January, a month before the lockdown. The Depo-Vera injection, available at many public health sites, could not be administered because it was unavailable. Some centres shifted to the use of a new injectable contraceptive (Sayana Press) but this too led to its own problems, because LHWs were not adequately trained in how to administer the injection. The disruption in contraceptive supply meant that the likelihood of unplanned pregnancies suddenly went up. This created a further chain of vulnerability for women, particularly informal workers, who found their situation made worse with the additional responsibility of another child in a moment of financial uncertainty.

Of course, women's healthcare needs are not simply related to maternity concerns. Around the world (including most of Pakistan) the Covid-19 pandemic resulted in all hospitals being converted to Covid-19 hospitals. This included, for instance, cancer hospitals which stopped doing crucial elective surgeries, such as mastectomies and other tumour excisions, and also halted chemotherapy treatments. Women died because of the stoppages, but the number of women killed in this way, like the number killed from direct domestic violence, was not and will not be counted in the total death toll of Covid-19 deaths in the country. Invisible in life, women are also relegated to the uncounted in death.

The women who contracted Covid-19 and needed medical care for this reason faced their own challenges. First, the general lack of awareness in society about the seriousness of the virus and the risk of contagion it involved meant that many had to continue with their household duties even if they were sick, leading inevitably to a greater ratio of disease spread than would have occurred if people

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were better educated. For those women who got seriously ill and required hospitalisation or professional care, the matter was complicated by the lack of separate wards for women. This problem also defined a woman's experience in quarantine facilities, which were supposed to provide a venue where women can be safe and separately isolated for the duration of their illness or risk period.

None of this was available at the infamous border quarantine facility in Taftan, where in the initial days of the pandemic in Pakistan nearly 5000 people were housed or passed through. One woman interviewed at the camp described the situation by saying, "Nothing is hygienic, none of the food is hygienic. And they have such dirty toilets...they are incredibly filthy" Another said, "There is no place to shower, we have no blankets," as she appealed to the government to let them leave as soon as possible.<sup>9</sup>

### The Road Ahead

It is perhaps not surprising that in the wake of the continuing Covid-19 pandemic, women's needs and in particular the accommodation they need were largely ignored. At the same time, recognising the problems that women faced, both from increased rates of domestic violence, lack of access to healthcare facilities and quarantine should provide both better knowledge and opportunities to improve conditions while identifying what has worked. Much lip service is paid to gender equality in the abstract, but it is high time that these promises are actually realised to save Pakistani women from a pandemic that has affected Pakistani women both disproportionately and acutely.

Based on field reports from Shirkat Gah as well as recommendations from international institutions, a number of reform measures can and should be prioritised for urgent policy execution. To start with, a coherent state narrative needs to be constructed for dissemination in local and regional languages so that there is no room for confusion about the dangers posed by health risks from pandemics such as Covid-19. This narrative must make special and specific mention of the high rates of anxiety and domestic violence that occurred during lockdowns, along with an unequivocal condemnation of all forms of violence including domestic violence.

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Public announcements should include some instruction in de-escalating conflict as well as introducing stress reduction methods. This is crucial because it recognises that such suffering is prevalent in big numbers and that the rate of conflict in enclosed spaces is high for women as the least empowered members of society.

On another level, LHWs must be provided with proper Personal Protective Equipment (PPE), while the public must be educated to provide access for these workers to women and children in the household so that they can continue to provide adequate health checks and dispense contraceptives. This interaction can also serve as a screening for domestic violence in the household. The state must also look to provide additional shelter homes. No amount of Domestic Violence (DV) hotlines or screenings can be successful if there is no place for abused women and their children to go to. Shelter homes need to be provided with additional resources so that they can isolate and quarantine women in case they carry the infection. The pandemic may have passed, but its recurrence, or other disease eruptions could be a test case for the attention Pakistan places on the lives and health of its women.

Authorities must also prioritise women's health at hospitals. This means creating and implementing comprehensive plans that create women-only spaces for isolation and treatment of female patients. It also means ensuring that maternity wards are not closed to make room for Covid-19 patients so that women requiring C-sections and other emergency procedures do not lose their lives from lack of care.

Ensuring the supply of contraceptives is another policy step that can be taken. One of the biggest problems reported by NGOs working on the ground is the lack of adequate contraception at public health centres, with LHWs, midwives and doctors. The disruption created by the lack of availability meant that more women (including those that have health impediments) would have pregnancies regardless of whether the family had planned to have more children or not. It also leaves women more vulnerable because they will have the additional charge of caring for another child.

There should be a cohesive effort to create a specific relief plan for women in the informal sector. The brunt of Covid-19 related financial difficulties have been faced by women in the informal sector, including those who run home businesses or work as domestic help. Since many of these women have seen orders for their products dwindle or their jobs disappear completely, a special relief fund needs to be created so that they are able to survive the

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duration of the pandemic. This relief would also decrease their vulnerability to domestic violence as they would not once again be dependent on male family members.

Finally, a fully-staffed women's health helpline needs to be created so that confined women, who are facing health issues from family violence to physiological issues such as Covid-19 onset symptoms, can have access to safe and certified healthcare advice.

In recent years, the proliferation of social media has once again made gender a hot-button issue in Pakistan. In this sense, the young feminists of today have the opportunity to use the transformative moment presented by the crisis to amplify their own commitment to vulnerable women across the country. Women stand to suffer the most from the Covid-19 pandemic; the need is urgent and the future is uncertain. Organisation and mobilisation around women's health are, without a doubt, the order of the day.

## Conclusion

The year 2020 has undoubtedly been one of the most trying times in recent history. Pakistan, long maligned as the world's most dangerous place for women, has the opportunity to turn this challenge into a historic moment of transformation. The first step could just be the acknowledgment of the fact that women are enduring a greater burden of this pandemic in multiple experiences as outlined above. The second step would be to implement the measures listed above with urgency and commitment. Pakistani women cannot live like the disowned children of their own country. This is why they are dying and suffering, at the hands of husbands without jobs who beat them because they can, at the hands of neglect where they have no access to adequate healthcare, and while giving birth to children in trauma at home because maternity wards have been closed.

This must change, as we can no longer just be impotent witnesses to a tragedy that is unfolding before our very eyes. Things cannot continue in the way they have always been, the deaths of women can no longer be ignored. Because in doing so, Pakistan is destroying its future before it even arrives.

## LOCKDOWN DIARIES

## Notes

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- 5 Marva Bari, "Pakistani women trapped between coronavirus and domestic violence," *DW*, July 09, 2020, <https://www.dw.com/en/pakistani-women-trapped-between-coronavirus-and-domestic-violence/a-54107216>.
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# EDUCATING OUR GIRLS: DECONSTRUCTING CLOSED DOORS, CLOSED MINDS

Ayesha Razzaque

Mary Wollstonecraft (1759–97)—an English writer and advocate for equality for women—argued that the only way of achieving a truly equal society is through an education that develops the ability to reason.<sup>1</sup> To her, education was not just a means for individual betterment or freedom from familial or societal responsibilities. Instead, to her, a meaningful education was one that nurtures “the common relationship that binds the whole family on Earth together,” which reflects that she understood in the 18th century what we call now the externality associated with education: that it is a basic service to raise the quality of life, but also a common good that affects the health of the entire society.

Many of Wollstonecraft’s ideas on the subject—such as the essential need for an education to foster critical thought and independence—are still too radical to accept for many even in the Pakistan of the 21st century. Even the recently developed Single National Curriculum due for rollout in March 2021, which its proponents claim will introduce critical thinking skills, falls short of its claimed objectives. What we call an education is actually merely schooling that teaches basic literacy and numeracy skills.

Very few institutions in Pakistan today impart an education, because basic schooling with a narrow focus on teaching skills to make a child employable is the only focus. Education as a path to allow members of society to reach their full human potential is still too abstract to grasp for many, although it is even more important for girls. Therefore, much of this essay grapples with how Pakistan has been schooling its girls, which is education in its narrowest sense.

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**Gender disparity in Schooling**

As far as schooling goes, Pakistan has made some progress over the last seven decades, but not nearly enough. Despite national and international commitments, philosophically we are not a country that seems convinced that equitable access to a good quality education is the right of every child. That is clear from the budget that we allocate to education. According to UNICEF, presently Pakistan's public expenditure on education as a percentage of GDP is hovering around 2.8 per cent, still far below the goal of 4 per cent.

Gender disparity (ratio) is defined as the ratio of female to male enrolment rates and serves as a common measure to compare the enrolment rates of one gender with the other. A gender disparity ratio of 1.0 is ideal and means that enrolment rates of boys and girls are equal, however high or low they may be.

By this benchmark, Pakistan remains one of the worst places in the world for girls of school-going age (especially poor, rural) because of the chronically low rate of participation of girls in formal schooling. In what should be graded as an ongoing national emergency, around 44 per cent of our 5-to-16-year-olds are out of school, and worse still, those in school do not learn very much.<sup>2</sup>

Socio-economic conditions, gender and geography play a crucial role in determining one's access to education. For example, according to UNICEF's Education For All Global Education Monitoring (GEM) Report (2012), in rural areas, 90 per cent of girls in the poorest quintile complete less than four years of education as opposed to 62 per cent of boys from the same background; for urban areas, 83 per cent of girls in the poorest quintile and 9 per cent of girls who may live in the same rural area but belong to the richest quintile. Poverty may be the decisive factor behind lack of access, but when combined with gender it exacerbates the problem much more.

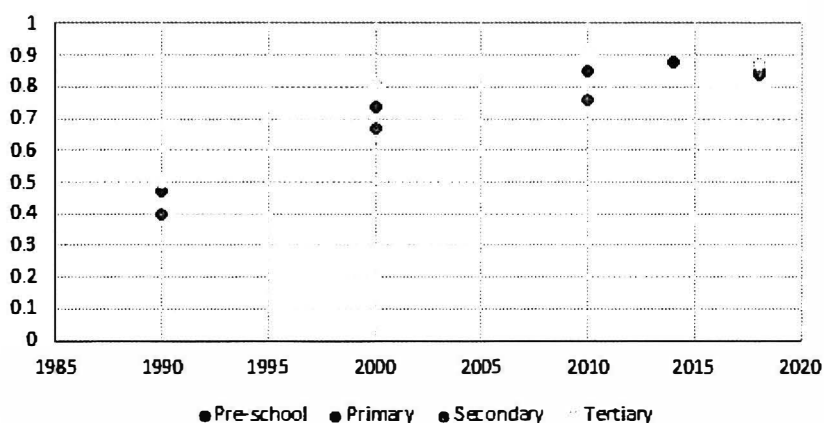
Statistics can be dangerous because they can be used to make any argument. However, together, Pakistan's gender-wise enrolment rates and gender disparity ratios at various grade levels over the last few decades tell some interesting stories. In absolute terms, while the number of enrolled students is steadily on the rise, those numbers alone cannot be on account of the high population growth rate. Alongside enrolment rates, a steady rise has been witnessed in the percentage of boys and girls of pre-school, primary, secondary and tertiary ages. At the same time, data is not easy to track for all

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years as pre-school enrolment rates for the 1990s and 2000s are hard to find because the government only first recognised the need for an early childhood education policy in the mid 2000s. Data from the UNESCO Institute for Statistics in 2014 and 2018, for instance, shows that national enrolment rates for girls went from 61.85 per cent to 70.84 per cent, a sizable increase.<sup>3</sup> However, over the same period, gender disparity went from 0.88 to 0.87, a slight decrease, but a decrease nevertheless.

At the primary school level, data is available for 1990, 2000, 2010 and 2018, at roughly 10-year intervals. Between 1990 and 2000, the gender disparity ratio at the primary level made an impressive jump from 0.47 to 0.74, an improvement of 57 per cent. The next decade saw another significant increase to 0.85. However by 2018, gender disparity had dipped (slightly) to 0.84.

Gender Disparity Ratios



The picture emerging from the pre-school and primary levels shows that over the last decade, the gender disparity ratio has hit an upper bound. Culture and religion were clearly both used to keep girls out of school. In 2007, in its most violent expression, after the siege of Lal Masjid in the heart of Islamabad, Pakistan's war on terror broke out of the tribal areas, where it had largely been confined to, and spilled its deadly payload all across the country. The state's ambivalent approach to countering the threat in the early years and the support some opposition political parties were lending

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to the Tehrik-e-Taliban Pakistan (TTP) at the time—including the leadership of the party presently in power, namely the Pakistan Tehrik-e-Insaf (PTI)—left governments unable to develop a clear public consensus against the threat.

The expansion of the TTP's influence into Swat and its de facto occupation until operation Rah-e-Rast in 2009 are reminders of the government's impotence and lack of will. While after the Marriott hotel bombing of 2008 in Islamabad government took on the terrorist threat, momentum was lost after 2013 once more; it took the attack on the Army Public School in Peshawar in 2014 for most of the country to converge on the same agenda. Meanwhile, schools, particularly girls' schools, in the erstwhile North-West Frontier Province (NWFP, now Khyber Pakhtunkhwa) and former Federally Administered Tribal Areas (FATA) were subjected to violence and bombings by the TTP and, later, occupation by the military during its operations in the area. Some of the increased divergence between enrolment rates between boys and girls can be attributed to the destruction or other dysfunction of hundreds of girls' schools during that period.

Another possible explanation is the drop in development funding owing to the recession in 2008. There is plausible concern that enrolment figures may see another veritable hit owing to the damaging effects of Covid-19 on the economy.

Across decades, the gender disparity ratio has always been highest at higher levels of schooling.<sup>4</sup> The increased gender disparity ratio we see at secondary and tertiary levels of schooling can be explained by more even levels of support for education for boys and girls by families with more educated parents who know the value of an education, and wealthier families that are not constrained by monetary considerations of the cost of educating girls. However, even between 2010 and 2018, while the gap between enrolment rates of genders narrowed over the long term, it seems to have stagnated in the 0.85–0.90 range. In 2010, 4.19 million girls remained out of school versus 3.35 million boys. Today, the same numbers stand at 3.6 million for girls and 2.3 million for boys. Participation at different school levels has seen a rise over time, but not enough to put a dent in what is one of the most egregious barriers to girls getting even the most basic education in Pakistan.

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### Reasons Why Girls Drop Out of School

After pre-school and primary levels, why so many girls drop out of school as we move up the education ladder can be chalked up to a number of reasons. The list of persisting challenges to girls and women's education is long, well known and sometimes embarrassingly simple to address. The biggest reason by far remains lack or difficulty of access. In other words, there are just not enough schools to go around. Looking at the numbers of schools available at different levels makes the picture quite clear. According to the Pakistan Education Statistics 2016–17, there are a total of 150,129 primary schools, 49,090 middle schools, 31,551 high schools and 5,130 higher secondary schools. The very narrow tip of this school pyramid makes the issue of transitioning to the next higher-level school quite apparent and quite clearly indicates a direct link to (among other things) lack of access to a school.

The scale of the challenge is acute. The number of existing schools cannot properly accommodate already enrolled children, while another 22.5 million still remain out of school. Currently, 5 million children of primary-school age are out of school. At the middle, high and higher secondary levels, the number of out-of-school children are 6.5 million, 5 million and 6.3 million, respectively. Moreover, there are fewer schools for girls which, to a large degree, explains their lower enrolment rates at all levels of schooling.

For many, the closest primary and middle schools are often simply not within reachable distance. Only a few schools provide transportation by bus, while private transportation services for schools can be expensive enough to put schooling out of economic reach. An experimental study done in Afghanistan found that the distance-elasticity of school attendance was quite large for both boys and girls but more so for girls—enrolment fell by 16 per cent and an additional 6 per cent for every mile for girls. Similarly, test scores also dropped 0.9 at a standard deviation per extra mile.<sup>5</sup>

In Pakistan, similar efforts have been made, mostly on a small scale through donor assistance. For example, recently an intervention introduced transportation solutions, as well as enhanced access through afternoon schools (for example, existing primary schools were converted to middle level in afternoon by hiring a contract teacher to bring in girls that would otherwise have dropped out after primary).

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While there is no experimental evidence to substantiate the effect, anecdotally many girls said that if it were not for the afternoon schools, they would have gotten married like other girls had been in the past because parents would rather marry their daughters off than have them sit 'idle' at home and be a financial and mental drain on families. In more conservative communities, where girls' access to schools is poorest, parents pull primary-school-aged girls out of co-ed primary for the most inconsequential reasons; for example, a head teacher I recently spoke with said that a grandfather pulled his granddaughter out of his co-ed primary school because she grew too tall for her age and that he was no longer comfortable sending her to a school with boys. The girl's future opportunities, capacity to compete and ability to make choices, which an education can spur if mobility is consistent, were limited by the simple fact of her height.

For others, the story of life deprivations through closing the doors to their schooling is often a lack of parental interest in schooling their girls because they fail to see the value of doing so, and would rather have the girl child be easy fodder for domestic chores. These social and cultural attitudes are embedded in years of patriarchal norms and difficult to shift over generations. However, other reasons for holding back girls from school can be addressed more easily. For example, there is still a large number of schools that lack simple infrastructure like bathrooms and access to running water, which is impossible to do without for girls' schools in particular. Boys may be able to relieve themselves without a bathroom, but that is obviously untenable and unacceptable for girls' schools. Without bathroom access children are forced to plan their bodily functions from 8am to 2pm every school day, which is an unreasonable expectation. In other rural settings, for instance, many schools don't have boundary walls, allowing passers-by to leer inside. With this lack of physical boundaries come harassment and safety issues, not just on the way between home and school, but also inside the school. Related to the issue of harassment is the shortage of women teachers for girls' schools which becomes an increasingly greater reason for parents to take their girls out of school at higher grade levels. Many of these challenges are more common in rural areas, which ends up defining a girl's experience of schooling as either non-existent or short.

These issues make a real make-or-break difference to girls' attendance and learning in contexts like Pakistan, with its social

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layers of apathy to change and different motivations to exclude girls. A community's commitment can change the game, such as in parts of rural Gilgit-Baltistan, where girls are actively encouraged to go to school. Other developing countries also show the way. An experimental study done in Burkina Faso, for example, shows that 'girl-friendly' schools—with basic facilities, teachers that put in greater effort and free lunches—improved enrolment by 20 per cent for all children and an additional 5 per cent for girls. It also resulted in a 2.2 standard deviation increase in learning outcomes.<sup>6</sup>

### **But What About Educating Girls?**

In the centuries since Wollstonecraft, motivations for sending girls to school and women to universities remain linked to others. There are a number of statistics that are commonly cited to convince sceptics of the benefits of education for women and girls. These include the following facts: that each year of schooling delays the age of childbearing by anywhere between six to ten months. Each year of schooling increases a woman's wages later in life by 10 to 20 per cent. It reduces death during childbirth by 2 per 1,000 women. Secondary schooling doubles the probability that a woman gives birth more safely in a health facility compared to women with no education.

Besides these individual benefits to women, there are a number of studies, and more recently a study done by the World Economic Forum, that show a correlation between sex equality (measured by economic participation, education, health and political empowerment) and per capita GDP. Today, development theory is based and sold to underdeveloped and more unequal nations on the premise that poor countries remain poor because of the chronic under-utilisation of half of their working age population, i.e., women. Gender inequality is detrimental to long-term economic growth, and of course, for years, development practitioners have made an argument for educating girls citing strong evidence that educating girls boosts economic prosperity. There is also no argument to be made against it, as educating girls is probably the single best investment that a developing country can make in its future. Not only are educated women more productive, but they raise healthier, better educated children. There is huge potential to raise per capita GDP in developing countries where fewer girls go to

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school than boys. More than two thirds of the world's illiterate adults are women.

While these arguments are usually made in countries where population growth exceeds economic growth, ironically more developed nations have found another argument against getting more women into paid jobs. That argument is made on the basis that as more women work outside the home, the fewer children they will opt to have, which will lower economic growth in the long run. Data suggests otherwise. For example, Sweden which has a higher rate of female labour force participation also has higher fertility rates than Germany, Italy and Japan, where fewer women work.<sup>7</sup> Those countries' lower fertility rates are explained by labour policies less supportive of working parents, women in particular. Japan's Womenomics policy sought to address this very problem—it introduced longer parental leaves and tweaked policies that made it easier for women to avail childcare facilities. Companies were also given targets to hire a certain number of women on their staff. Although women are still underrepresented in upper management positions, early successes of the policy (women participation in the labour force inched up from 73.6 per cent to 77.5 per cent since 2015) show that small fixes help. Women do not need to choose between having a family and work if adequately supported by governmental policies, their partners (who may assume more responsibility at home) and a more supportive society in general that does not label women bad wives and mothers if they choose to have a life and career of their own.

Nevertheless, most of these arguments for girls' education are couched in terms of benefits to others (children, family, society), not in terms of rights to equal opportunities for all. Even among educated segments, a socially acceptable argument given in favour of girls' education is that it will enable her to work and provide for herself and her family should her husband pass away or suddenly become unable to work. It does not make them any less true, but what about education for the sake of a better quality of life, intellectual fulfilment and enlightened existence for a woman herself? For the majority, such reasons still seem too much of a luxury when it comes to girls' education. This thinking is reflected in Pakistani advertising pitches for the many insurance and savings products on offer by financial institutions. Most often the reason shown to save up for a boy child is that it covers the cost of higher

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education, but for a girl child it is still seen as covering the cost of her wedding.

### **The Culture of Keeping Girls Ignorant**

Besides the barriers discussed earlier (which may apply in other contexts as well), there are certain entrenched cultural constraints specific to South Asian communities that affect the demand for girls' education, while also denying women the opportunities to negotiate their identities as full citizens.

For one, as soon as girls hit puberty, the *purdah* system demands a rigorous segregation of sexes and removal of women from public spaces, restricting them to the home. This means, if single sex schools for girls or female teachers are unavailable or schools are too far away, girls stop going to school (especially in rural and conservative settings). For example, in the case of many communities in ex-FATA, after primary school, girls stop walking to schools which means if the school is at a distance or the girls' families cannot afford transportation or cannot accompany the girls, they stop going to school.

More broadly, Pakistani society by and large frowns on the movement of unaccompanied females and deems it culturally undesirable and, at many levels, even dangerous. This is further exacerbated by fear of harassment, catcalling and unsolicited advances by males of the community for whom this is usually the only opportunity to try and talk to girls. These gender attitudes with their implicit and legal prioritisation of men's rights over women's have severe implications for girls and women. For example, turning down a proposal or solicitation by a male makes them more prone to other forms of violence, such as acid attacks or kidnapping when they step out of the house. The impunity for attacking girls and women that venture out of their homes if such predatory advances by men lie in their radius deters even many well-meaning parents, who would otherwise invest in the education of their girls, from sending their girls to schools.

Instead of teaching girls essential life skills to deal with such situations, families find it easier and more preferable to keep girls home to protect them. This fear of social humiliation, built on a scaffolding of false notions of 'honour' on part of the family, also translates often into early and forced marriages, or other forms of

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abuse such as honour killings, putting the cost and onus of both harassment and abuse back on the victim.

One manifestation of such entrenched social rules in the edifice of patriarchy, for example, was on display on September 19, 2019, when following a series of incidents of harassment of schoolgirls walking to school, the District Education Officer (DEO), Peshawar, issued a circular to heads of middle, high and higher secondary schools to “instruct students to use Gown/Abaya or Chadar to veil/conceal/cover up their sleeves.” Instead of fixing the cause of the problem, both families and the authorities preferred taking the easy way out by erasing the girls from public view.

Another powerful cultural bias common to South Asian communities is that girls are considered secondary to the male members in the household. While such relegations within society and families have multiple implications for closing the door on women’s opportunities and choices, they also mean that ‘good’ girls are expected to be obedient, first to their parents and brothers, and post-marriage to their husband and in-laws. Questioning, reasoning or speaking their minds is considered a sign of corrupted norms attributed to vulgar outside influences and access to digital platforms. An example of this attitude is the much-overused phrase heard in many Pakistani TV plays, *‘Issi hi liye kaha tha issay itna na parhao. Dekha hay iski zaban kaisay chal rahi hay?’* (‘That is why I said not to educate her too much. See how she is talking back now?’). Education is identified as the culprit if girls ‘talk back’ or simply express their like or dislike, particularly if they want to choose who they marry.

Denying girls education also makes it easier to control them. When they do not know any better, girls are more vulnerable to victimisation, as at the hands of family and/or in-laws, believing that everything is their fault. For example, a study conducted by Asghar et al. with temporarily displaced adolescent girls in KP showed that many participants described acts of violence against girls as commonplace and, even more disturbingly, quite acceptable.<sup>8</sup> As part of the study, girls were asked to respond to hypothetical cases of violence from known and unknown male perpetrators. A 13-year-old girl deemed it is acceptable for a husband to occasionally hit his wife in anger. She explained her thinking by, “Maybe she has insulted him and he got angry because of that. It is not possible that someone would hit her without any reason.” Another 16-year-old participant was quick to excuse a

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husband in the hypothetical scenario stating, “Maybe he did not understand the situation. It is okay if it is once in life.”

Educating girls will certainly, if not overnight, but incrementally change these attitudes. When girls learn that it is never acceptable for a man (or a woman) to hit them in any scenario, they will push back, which is a challenge that will not be acceptable to many families. This change in mindset requires not just the education of girls but also education of families and communities along with strict laws to protect girls.

### Recent Women’s Movements, Feminism and Education

That brings the argument of Mary Wollstonecraft back full circle to Pakistan’s indigenous women’s rights movements and activism of today. Among the strongest criticism of the 2019 Aurat March, was the misrepresentation of its vocal demand for freedom from sexual harassment and support from partners at home because it sidetracked from the ‘real agenda’, i.e., inequality in terms of access to employment, education, health, equal wages and a say in their own lives.

Slogans such as ‘*Apnay mozay khud dhoondo*’ (‘Look for your socks yourself’) and ‘*Apna khana khud garam karo*’ (‘Reheat your dinner yourself’) were held up by outraged opponents as an open revolt against the traditional norms of society. Milder critics argued that the demand that their partners will have to assume more responsibility at home for women to be able to participate in the economy could have been made in less controversial terms that make women’s empowerment seem less threatening to the traditional idea of family in society. Similarly, the slogan, ‘*Mera jism, meri marzi*’ (‘My body, my choice’) was directed at issues of harassment, rape and abuse targeting girls and women as they walk to or are in school, university or workplaces. This slogan in particular was twisted into a socially unpalatable demand for sexual liberation. As if to make the point, this year’s Aurat March was bracketed by extensive coverage of news of hidden cameras and blackmail of women at a university in Balochistan before the march, and shortly followed by the news of sexual harassment of girls at the hands of staff at an elite private school in Lahore.

The more radical segment of the march has been accused of elitism for allegedly focusing on causes of little relevance to most

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Pakistani women. Those that could not relate, albeit solely due to semantic differences, sought to hold ‘mini-marches’ of their own, contesting that their protests focused on more basic needs and more worthy causes such as education and a decent minimum wage for all women.

Whatever the contestation between the different groups, at the core of all issues that the Aurat March raises is the education, not just schooling, of both girls/women and boys/men. This is why, the slogan, ‘Education for all’, especially for girls and women, should be at the core of the agenda of any feminist movement if real change is desired—education that instils reasoning in pursuit of a just society.

In conclusion, I would like to close the same way I opened, with a quote from the writings of Wollstonecraft: “It is time to effect a revolution in female manners, time to restore to them their lost dignity, and make them, as a part of the human species, labour by reforming themselves to reform the world.”<sup>9</sup>

## Notes

- <sup>1</sup> Mary Wollstonecraft, *A Vindication of the Rights of Woman with Strictures on Political and Moral Subjects* (London: J. Johnson, 1792), 361–413.
- <sup>2</sup> The National Achievement Test (NAT) conducted by NEAS in 2016 assesses learning achievement for Math among a sample of students enrolled in Grade-4 and Science among a sample of students enrolled in Grade-8 before their annual examination. Out of all four provinces and four regions, only Punjab and Sindh Grade-4 students have scaled average scores above 500 in all subjects. The overall national average is below the scaled mean score of 500.
- <sup>3</sup> UNESCO, *Country Report: “Sustainable Development Goals”—Pakistan*, accessed on September 13, 2020, <http://uis.unesco.org/en/country/pk>.
- <sup>4</sup> By the time children reach the secondary school level, (UIS, 2014–18) enrolment rates for both boys (40.37 per cent) and girls (34.18 per cent) drop significantly. While these rates are significantly lower compared to the primary level, gender disparity actually saw a significant improvement. From 1990 to 2000 gender disparity rose from 0.40 to 0.67, a 67 per cent improvement. It improved further to 0.76 in the following decade and by 2018, it stood at an all-time high of 0.85. Similarly, at the tertiary level, during the 1990 to 2000 period, the gender disparity ratio increased from 0.50 to 0.81, improving 64 per cent, and jumped to 0.92 in 2011. However, while enrolment rates kept rising further for both boys (9.55 per cent) and girls (8.32 per cent), by 2018 gender disparity at the tertiary level had dipped to 0.87.

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# THE LITERARY FEMINISTS: WRITING AS RESISTANCE

Bina Shah

*Dedicated to the memory of Fahmida Riaz*

One of my favourite quotes about women writers comes from the young Mexican writer Joseph Kapone: “A woman who reads is dangerous, but a woman who writes is an atomic bomb.” Kapone may not have been thinking about Pakistan but I love the idea that our country, powered as much by ancient machismo as new Chinese-built nuclear power plants and propped up militarily by our possession of nuclear weapons, is one in which the most dangerous power is the one wielded by a woman with a pen, writing the truth.

I am reminded of Malala Yousafzai’s manifesto that one child, one teacher, one book and one pen can change the world. Pakistan’s women writers write about the world around them and how they occupy it. In doing so, they change the world for the better by making their perspectives known and their voices heard.

The visual for this is almost too delicious to contemplate: a woman, armed not with ICBMs or nuclear-tipped missiles but with a pen, a laptop, who holds within her enough power to melt a thousand suns. Her act of putting pen to paper or fingers to keyboard to write about women’s lives, placing them at the centre of the story, focusing on what concerns women, what affects them, what moves them and what still holds them back, is a feminist act that refuses to relegate women to mere accessories or plot devices.

Not long ago, women did not sign their own names to their work, choosing to publish under pen names or male names to escape societal censure. Not long ago, women who wrote in the Subcontinent were identified as *tawaif* (courtesans) because they were the only women schooled in the arts of literature bold enough to voice their thoughts and ideas in public. The renowned Egyptian feminist Huda Sharawi stepped off a train in Cairo in 1923 and

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unveiled her face, changing Egyptian women's lives forever. Pakistan's women writers too have rejected invisibility and chosen to show their faces in an act of intellectual unveiling, of cerebral nakedness. This act mirrors but also challenges the vulnerability that South Asian women have always known.

Tracing the development of women's writing in Pakistan is much like teasing out a family tree. Rather than being related by blood, the women who influenced the literature of a nation were linked by ideas and themes that grew and took root over the decades and across generations. This is a legacy stronger than blood, shaping those who are linked to their progenitors not by way of lineage but by affinity of intellect, emotion and spirit.

Pakistani women's literature had its early 20th century forerunners who inspired and produced the giants of women's literature of the mid-20th century. This family tree then branches out into divisions and subdivisions of language and of contemporary and modernist literary movements running to the late 20th century and beyond.

A good place to start identifying the origins of Pakistani women's writing is the travel writing of Indian Muslim women. These highly educated women from families of the Indian Muslim aristocracy wrote Urdu travel accounts in the early 20th century, recounting their travels as far as Turkey, Syria, Arabia and Europe. They did so while observing the rules of *purdah* that kept the Subcontinent's Muslim women in a state of seclusion from men not belonging to their families. These women's writing appeared in diaries, women's magazines and newspapers, book-length travelogues, compendiums, speeches and collections of poetry. It is a whole body of literature that dazzles with its depth and breadth, and with the authors' intellectual curiosity and energy.

The most influential of these writers was the last Begum of Bhopal, Nawab Sultan Jahan Begum, who travelled to the Middle East, the Hejaz, Europe and Britain. Her explorations of the wider world increased her knowledge and brought progress to women at home. Through her travel and writing she developed a reformist frame of mind and encouraged change in the areas of women's education, marriage and motherhood, influencing women's political rights in her state, which hugely improved the status of Indian Muslim women. These writers accepted the religious and culturally mandated position of Muslim women in India, but they advocated the need for women to have a greater role in public life. The wave of

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progress sweeping 20th century India would include Muslim women, they believed, but at a slower pace than the men.

The women writers who emerged from the upheaval of Partition rejected the gentility of the previous generation in favour of harsher, more urgent stories. The violent cleaving of the Subcontinent drove them to portray the difficult reality of women's lives, more explicit and honest than anything Indian women had ever written before.

One of the writers of such powerful honesty was Qurratulain Hyder. Novels, short stories and journalism make up the body of her work, centring women's lives in Urdu modernist and post-modernist literature. Her use of stream of consciousness, a revolutionary modernist technique, in masterpieces like *Aag Ka Dariya* (River of Fire) and *Pathjar Ki Awaz* (The Voice of Autumn) laid bare the innermost thoughts of her female characters, depicting women not as idealised creatures perched on a pedestal, but as real people with strengths and weaknesses, enduring emotional and physical struggles and tests of morality, just like men.

Hyder herself lived an unorthodox existence, never marrying. Instead, she devoted herself to a literary life, an unusual choice in a conservative society with strict gender roles for men and women. The lack of contradiction between Hyder's work and her life positioned her as an inspiring figure, a woman who exercised her freedom of choice to not marry or bear children. Her writing reflected her awareness of this privilege, even as she portrayed women to be as capable as men but held back by a lack of opportunities and imprisoned by societal conventions and expectations.

Hyder's contemporary, Ismat Chughtai, had a similar impact on feminist literature in Pakistan, although she espoused the feminist and class struggle more openly than Hyder. Chughtai took potshots at Hyder's upper-class proclivities, most notably in the short story "Pom Pom Darling", rather than supporting Hyder just because of their shared gender. Much of Chughtai's writing concerns itself with class divides: the short story "*Lihaaf*" (The Quilt) caused a sensation for its portrayal of a same-sex relationship between a landlord's wife and her maidservant. "*Gainda*" (The Buffalo) and "Vocation" similarly describe the wide gulfs in gender and social class and their protagonists' attempts to bridge them through love and friendship.

Highly educated and independent in thought and action, Chughtai's political and feminist stance was strongly influenced by the Progressive Writers Association active in 1930s India. Her close

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friendship with the Urdu writer Sadaat Hasan Manto, reminiscent of the friendship between the American writers Truman Capote and Harper Lee, played a vital role in her creativity and morale.

It was morale she strongly needed when she was taken to court on obscenity charges in Lahore for writing "*Lihaaq*", the first known writing about female same-sex relationships in Urdu literature, along with Manto for his short story "*Bu*". Chughtai refused to apologise and the case was eventually thrown out. Her courage in front of the judge and her critics remains one of the most compelling examples of espousing and defending freedom of expression in South Asia. In doing so, she exposed the double standards for female and male writers, as most men writing explicit literature did not face the wrath of the courts. Because she wrote with honesty and lived a life consistent with her feminist principles, she remains an inspirational figure for today's contemporary women writers and feminists.

Both Hyder and Chughtai straddled the time period pre- and post-Partition; the Urdu language was their bridge between the two nations. In their writing, they drew on their experiences of India and Pakistan to produce literary works of gravity, complexity and nuance. They sketched a sophisticated literary metaphor between the pain and trauma of Partition and the pain and trauma enacted upon women's bodies by sex, childbirth, menstruation and sexual assault. Much of South Asian feminist thought maps the attack of the patriarchy on women's bodies and marks the military histrionics of India and Pakistan's rivalry as wreaking devastation on women's lives. This would not have been possible without Hyder's and Chughtai's contributions to Indo-Pakistani literature.

While Hyder and Chughtai ascended to their places as the grand dames of Urdu literature, a new cohort of Pakistani women writers and feminists were coming of age in the 1960s and 1970s. Fahmida Riaz, whose first collection of poetry was published in 1967, combined her writing career with activism, joining a students' movement to protest the ban on student unions imposed by the military dictator Ayub Khan. Her poetry was a vehicle for her growing feminist consciousness and announced her arrival as a voice of feminist resistance against the establishment.

When Riaz published her second collection of poetry *Badan Dareeda* (Wounded Bodies) in 1973, Pakistan was in the throes of political turmoil, after the massive body blow of the 1971 war and the division of East Pakistan from West Pakistan. Riaz used the

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metaphor of the wounded body to describe the injustices of patriarchy and the horrors of misogyny visited upon female flesh. She held up female desire and sexuality, motherhood and marriage as powerful weapons against the onslaught of male violence, reservoirs of strength and courage against patriarchy and dictatorship, serving to further develop the themes in Qurratulain Hyder's and Ismat Chughtai's earlier works.

Like Chughtai, Riaz's writing was met with accusations of vulgarity, although she never faced a court case for *Badan Dareeda*. That would come later when, during the 1970s and 1980s, she was hailed as a major voice of resistance against another military dictator, General Ziaul Haq, his hanging of Zulfikar Ali Bhutto and his imposition of the Hudood Ordinances. For these writings she faced political and physical intimidation, the threat of imprisonment and the death penalty for sedition, and temporary exile in India.

Pakistani feminists and writers stand on each other's shoulders so that each might see higher than the one who went before. Such was the case with Riaz, who inspired more female poets and writers to speak out and to articulate the thoughts that women rarely voice out loud, as the playwright Noorul Huda Shah has said. At the same time, Urdu feminist literature in the later part of the 20th century was engaging with the work of Virginia Woolf, Simone de Beauvoir and other women who examined the position of women in the period between the suffragette movement and the second-wave feminist movement of the 20th century.

Parveen Shakir, who wrote Urdu poetry while working as a civil servant in the 1980s and 1990s, used the *ghazal*, the Arab classical poem which expresses love, longing and pain in a highly stylised format, to portray the world through the hearts, eyes and mind of women. By insisting on the use of '*mein*' (me), the Urdu first-person pronoun rarely used by women writers, and the word *larki* (girl), she asserted the right of girls and women to exist in poetry not as foils or objects but as narrators and protagonists.

Shakir was even more daring in her free verse, mixing Urdu and English, pop culture and high culture, which earned scorn from her mostly male critics. According to them, Revlon, Elizabeth Arden, Tulip had no place in poetry, but such playfulness on Shakir's part inserted a heady contemporary femininity into Urdu poetry. This too was a subversive act played out in art and literature, centring the perspective of the feminine in a male-dominated art form. Who knows where Shakir would have taken the form next?

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Unfortunately, she died young, at the age of 42, in a car accident on her way to work.

Like Fahmida Riaz, Kishwar Naheed settled in Pakistan as a young child soon after Partition, but unlike Riaz she was not allowed a formal education. Witnessing the violence enacted on Muslim girls during Partition and missing out on school because of her Muslim identity were equally traumatic experiences for Naheed. Forced to wear a *burqa* at the age of seven, the many indignities visited on her because of her gender sparked a powerful, vocal feminism that emerged over a 30-year career, expressing itself through the *ghazal*, the rhymed verse poem (*nazm*) and experimental free verse, as well as in her lengthy career as a journalist and activist.

Naheed, like Riaz, faced the agony of political pressure during the Zia years, when she championed the rights of the politically oppressed and economically dispossessed, despite her privileged position as a government servant. Her brave anti-establishment stance earned her a place in the pantheon of feminist resistance figures in Pakistan. Her revolutionary poem "*Hum Gunahgar Aurtein*" (We Sinful Women) has become a feminist rallying cry ever since the Zia era, drawing attention to what she terms "the sordid reality of Pakistani society and the treatment meted out to the oppressed Pakistani woman."<sup>1</sup> As Noorul Huda Shah observed, the Zia era taught writers to take a stand for the truth and to not be afraid of condemnation and imprisonment. Women writers learned this lesson well, having received particularly vicious treatment from the regime for their opposition not just to military rule but also to Zia's misogynist project.

The Progressive Writers Movement was a major influence on Naheed's work; it inspired her writing on politics, socialism, the spirit of progressivism and free thinking. From her life and work emerged two major themes: the difficulty of being a woman writer and the hardship of being a woman or girl in a male-dominated society. Her writings are her innermost feelings about what is visited upon Pakistani women and girls, but she refused to accept a dividing line between personal life and politics, echoing that key tenet of feminism, 'the personal is political'.

Fahmida Riaz and Kishwar Naheed spoke out against war and religious extremism in Pakistan and India, against enforced disappearances and excesses committed by the military and in favour of nuclear disarmament and de-weaponisation. In their various peace efforts, expressed through art but also explicitly in

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essays and interviews in which they clarify their pro-peace stance, they have been joined by Urdu poet Zehra Nigah, Sindhi poets Attiya Dawood and Amar Sindhu and the playwright Noorul Huda Shah, among others. The women writers of Pakistan have become synonymous with resistance to the state's proclivities for authoritarianism and militarism; resistance has become an indivisible part of their identities as artists and feminists.

One of the most powerful steps towards feminism Pakistani women writers took was to become involved with the Women's Action Forum (WAF), the seminal women's rights group formed in 1981 to protest Zia's Hudood Ordinances. Although WAF did not adopt the discourse of feminism in its early days, WAF members like Fahmida Riaz and Kishwar Naheed were experimenting with feminist themes in their own language and work, which inevitably seeped into the conversation at WAF. Fahmida Riaz, Attiya Dawood, Saeeda Gazdar and Zahida Hina wrote and recited poetry regularly at WAF meetings and events. WAF staged plays about women's issues and formed feminist-artistic alliances with the theatre troupe Tehreek-e-Niswan, led by the dancer and activist Sheema Kirmani, and with the Shirkat Gah Women's Resource Centre and many other women's groups and organisations. This irrevocably linked the work of Pakistan's major women writers with the contemporary feminist movement.

In this way, WAF and women writers mutually influenced each other to develop a uniquely Pakistani feminist discourse infused with literature, poetry, dance and song. While many of Pakistan's feminists and feminist writers want to tear down the capitalist and patriarchal structures that have imprisoned women for decades, they also recognise that Pakistani women derive strength and comfort from motherhood, from marriage and companionship and from their identities as women with bodies as varied and beautiful as the landscape of this country. Pakistani women's writing, their fight for empowerment and emancipation, gives voice to the universal desire for a society that guarantees the personal and political rights of women, ensures their safety and security both at home and in the world, provides access to educational and career opportunities and allows autonomy over one's own life.

Today, young feminists are inspired anew by Kishwar Naheed's "*Hum Gunahgar Aurtein*" and Fahmida Riaz's *Badan Dareeda*. They write their own poetry and stories, calling out the culture of patriarchy and misogyny. In their acts of resistance, they are

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strengthened and cheered on by the feminist vanguard, many of whom are now in their sixties and seventies, who see themselves in these young women struggling against oppression. Young and old alike, Pakistani women find affirmation and affinity in Pakistani feminist literature, rooted in a practicality and an earthiness that links Pakistan's women to their rightful place in its land as partners and equals to its men.

Pakistan's feminist literature helps today's women imagine a destiny that validates and celebrates them physically, politically and personally. If the Pakistani woman with a pen is an atomic bomb, her radioactivity is embedding itself in a new generation of women waking up from the nightmare of patriarchy and loudly and joyously claiming their rights—to the astonishment and admiration of the world.

**Notes**

- <sup>1</sup> Harris Khalique, "An interview with feminist poet Kishwar Naheed," *The Herald*, March 08, 2017.

# HIGH DRAMA: RETROGRESSIVE FICTIONS AND PAKISTANI SOAPS

Fifi Haroon

In 2019, one of Pakistan's most popular entertainment channels, ARY Digital, started airing the drama serial *Cheekh*, starring the *Filmfare*-nominated Pakistani actor Saba Qamar. Qamar is a risk-taker with the star power to propel channels to approach controversial themes. The pre-launch hype for the serial had been deafening, with enthusiastic endorsements from prominent women such as filmmaker Sharmeen Obaid, encouraging women to speak up and not be silenced by patriarchy. The format of a thriller was also unusual. Qamar played Mannat Shayan, a woman who crusades against her powerful in-laws after her best friend is murdered by her brother-in-law, Wajih Taseer (played by Bilal Abbas). The industry—and the audience—waited with bated breath. Would *Cheekh* be a game-changer? Would it be a loud and explicit protest against the typical drama serials on Pakistani television that want to persuade women to be meek and obedient, to carry the burden of society's middle-class mores?

*Cheekh* was a drama serial of unequal halves. There were points to celebrate, such as the character of Mannat's husband, Shayan Taseer, played by Emaad Irfani, who the influential publication *Dawn Images* proclaimed to be “a new Pakistani ‘hero’: a husband who actually trusts his wife”, while asking, “How low are the standards for male characters for this to be considered an upgrade on the typical husband portrayed on Pakistani TV?”<sup>1</sup> The answer: pretty low. As actor and producer Atiqa Odho pointed out during my session on TV drama at the Lahore Literary Festival in February 2019, in the last decade male characters too have increasingly become one-dimensional in Pakistani dramas. Strident and lacking empathy, they uphold family expectations even when it pits them against their wives, so the Shayan character was surprising.

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But *Cheekh* changed course half-way through, raising melodrama to new heights and resulting in audience disbelief. While in earlier episodes Mannat was portrayed realistically, grappling with a conscience that refuses to succumb to the pressures of society or family, the story then moved into alarming, incredulous territory: she loses her unborn child, she is locked up in a mental asylum, her mother dies, her husband is murdered. And despite it all, she perseveres, stumbling heroically from tragedy to tragedy, rising like a phoenix from a massive pile of ashes. Ironically, her character is so unreal, so superhuman, that few women in the middle-class audience that watched enrapt and confused would be able to recognise themselves in her. Become a Mannat, *Cheekh* seemed to be saying, but get ready to lose all that you hold near and dear including (literally) your sanity. So *Cheekh* ended up discouraging rather than encouraging women to be brave or rebellious. The final message to unsuspecting audiences was as predictable as the moral of countless other drama serials.

Across the world, soaps tend to rely on the echo effect of familiar stereotypes. This is not a phenomenon unique to Pakistan. Indian soaps are wrapped in Kanjeevaram saris and family values, while Brazilian telenovelas feature women falling for richer men and dealing with the complications of 'marrying up'. Each culture reinforces its own values, which are often evolving paradigms that change with socio-political circumstances, advertiser expectations and media proliferation.

Pakistanis across all classes are fascinated with home-grown soaps. Although targeted primarily at middle-class women, these drama serials feature female stars who are mostly from upper-middle- and upper-class backgrounds and are glamour icons for diverse audiences. Pakistani soaps are watched at home and abroad with devout addiction. Channels like Hum TV, GEO and ARY are available on cable TV in the UK and elsewhere, and many popular shows can be accessed online. While the buzz around the revival of Pakistani cinema is deafening, it is the Pakistani drama serial that has experienced a true renaissance over the last decade, leading to the emergence of a stable of talent from actors to directors who have also transferred successfully to the big screen. The industry's resurgence from relative obscurity to a game-changer in South Asian media has been phenomenal. In 2014, the industry magazine *Aurora* estimated that entertainment channels, mostly offering a daily diet of soaps, were pulling in about half the total advertising

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spend on television. With drama continuing to be the most-watched format on television (ratings are high across channels), this share will undoubtedly have increased over the last six years.

This comeback is a positive development, providing locally created material for viewer consumption. What is worrying is how deeply misogynistic Pakistani soaps have become and how they attempt to indoctrinate viewers with the narrowest of middle-class morality. Scripts are now written almost exclusively by a handful of digest and novel writers, rapidly churning out popular stories. “They write what they know,” explains actor Hina Bayat, who has played umpteen mother roles in Pakistani serials.<sup>2</sup> “Most scriptwriters today are women who have never seen the inside of an office. In their real world working women don’t exist, so they don’t write them into their fictional worlds either, except perhaps as negative characters or mothers who neglect their children.”

Over the last decade, as its influence has widened, Pakistani television drama has increasingly developed tropes and advocated social norms that serve as a template for ‘correct’ female behaviour. While there may be some exceptions, positive behaviour for female characters generally involves submission to the greater good, silence rather than speaking out (except in sudden tirades) and a dogged focus on marital and family life that makes women’s career choices appear insignificant or non-existent. The entire world of Pakistani soaps is now inside the home, and female characters rarely step outside. Endless scenes are framed around kitchens and bedrooms. The men leave and return, but the women are mostly housebound. Women who do venture out and work—whether it is Sarah (Naveen Waqar) in Sarmad Khoosat’s ground-breaking *Humsafar* (2011) or the mentally disturbed Jeena (Aisha Khan) in *Mann Mayal* (2016)—are depicted as seductresses trying to dismantle the traditional family system. Meanwhile, simpering, dewy-faced characters like Khirad (Mahira Khan in *Humsafar*) suffer in obstinate silence or misguided stoicism like Kashaf (Sanam Saeed) in *Zindagi Gulzar Hai* (2012). Tears are plentiful. In fact, producers claim that if you don’t show women crying, the drama will not garner the desired ratings. Add a few pleading monologues on the prayer mat and you have the winning formula for a hit show.

The Pakistani media has set the parameters of acceptable womanhood, and they are stringent and disturbingly regressive. As actor Samiya Mumtaz says, “They get women who are known to be strong in real life to play these downcast, crying roles.”<sup>3</sup> It is as if

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these women are being tamed and chastised on TV to handicap the impact of their off-screen personae.

Most millennial Pakistanis grew up on a diet of Indian *saas-bahu* television serials rather than Pakistani dramas. The prolific rise of long-running Indian melodramas in the early 2000s was unaffected by political borders. Earlier generations had been far more focused on Pakistani television, with realist social dramas like *Khuda Ki Basti* (1969) dominating the television landscape and garnering faithful audiences. *Waris* (1980), a drama serial embedded in feudal conflict, was so popular that it crossed over to China. Alongside these issues-focused dramas were the great female-led love stories of the time, serials like *Shehzori* (early 1970s) and *Kiran Kahani* (1973), mostly penned by Haseena Moin and inevitably featuring heroines trying to find the ground beneath their feet—and love. Even as early as *Kiran Kahani*, Moin's slightly confused but persevering female lead (played memorably by Roohi Bano) was trying hard to be a working woman; the first episode opened with her in the throes of a job interview. Moin was a singular force in television drama, writing a multiplicity of hit serials that famously left the streets deserted when they were telecast. While romance remained the main theme, Moin's girls began to show grit, ambition and dedication to their careers. Zara (Shehnaz Sheikh) in *Tanhaiyan* (1985) or Dr Zoya (Marina Khan) in *Dhoop Kinarey* (1987) both learnt about responsibility as they learnt about love.

With the easy availability of Indian cable channels like Star Plus, Sony and later Colours, Pakistani dramas dwindled and lost prestige. This hurt the development of good screenwriters, though some like Noorul Huda Shah, known for choosing political themes, did shine through. It was during this time that Pakistani dramas lost much of their individuality, becoming bad low-budget copies of the Indian prototype. While individual directors like Mehreen Jabbar continued to produce serials or long plays with strong female leads in the early 2000s, it was perhaps Hum TV's *Humsafar* which catapulted the Pakistani drama back into the mainstream. With an attractive star pairing and a melodramatic premise, based on Farhat Ishtiaq's novel of the same name, the serial pulled audiences back to their TV sets in the way Haseena Moin serials of yore had done. But this time round the feminine ideal was long-suffering and immobile. Writing in *Dawn*, blogger Sabahat Zakariya described the change: "The sad irony is that Haseena's heroines challenged the status quo by being their bubbly, independent, if hopelessly romantic selves; in

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comparison, the Khirads and Sarahs of today are a firm step backward.... Today's specimens perpetually shuffle from one tear-jerker to another; their whole lives one long, painful dirge on the hazards of being a woman in a patriarchal world they have no interest in challenging or shaping."<sup>4</sup> If they do dare to challenge society, it is normally done in a way that is sullen and self-destructive (Mahira Khan as Saba in *Bin Roye*, 2016), uncaring and ungrateful (Maya Ali in *Dayaar-e-Dil*, 2015), or manipulative and insidious (Atiqa Odho as the scheming mother-in-law in *Humsafar*). And yes, they are invariably reprimanded, forced to apologise and made to look remarkably foolish in the end. Or they fall into deep depression and kill themselves (Sarah in *Humsafar*).

While these serials are ostensibly about women (male stars from Fahad Mustafa to Ahsan Khan have complained to me during interviews for BBC Urdu that Pakistani dramas are always female driven), they are better described as being about a certain kind of 'prescribed' woman, a manifesto writ large and beamed into people's homes. Television viewing is very different from other types of media consumption. In Pakistani homes, television is often watched together with the family or while doing housework. So, in a sense it insidiously creeps into the family, and you are almost lulled into believing that these characters could exist outside the television, that they could be real, could share a cup of tea with you. Behavioural messages in television dramas are designed for family viewing and the social norms written into the script are received as a group. These coded messages do affect people's belief systems and can yield social and political outcomes. Hum TV's Sultana Siddiqui, who directed *Zindagi Gulzar Hai*, a story about a couple from different socio-economic backgrounds, tells me, "Wherever I went during the serial's broadcast, women would approach me and tell me how much they loved the play, especially its lead female character. I want to bring my daughter up to be a Kashaf, too, they would tell me. *Mothers wanted their daughters to emulate the character*" (my emphasis).<sup>5</sup> Interestingly, while Kashaf impressed viewers with an outward confidence and the desire to educate herself, she is essentially a headstrong character who constantly makes moral judgements that later turn out to be erroneous. The serial concludes with Kashaf sheepishly returning to her husband to admit she misjudged him, falling back in line with being a good wife by bearing twins. If television dramas can play an aspirational part

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in influencing social norms, what kind of message are dramas like these sending out to young girls?

Despite the rise of social media in recent years, Pakistan's dominant media continues to be television. Most television networks have specialised genre channels, such as Geo Kahani and Hum Sitarey, reserved for drama serials. The field research I commissioned during my stint as BBC Media Action's Project Director for Pakistan (2012–2014) suggests that drama is the most popular genre among both men and women (though it is marginally more popular among women): 53 per cent of all respondents in a representative sample say it is the format they prefer to watch.<sup>6</sup> This means that it is not just women who are potentially absorbing social norms and behavioural recommendations from television drama serials, but men too are receiving messages about what it is to be a man in Pakistani society and what to expect from the women in their lives. So when a model (Saba Qamar) marries a politician (Zahid Ahmed) on the basis of a challenge thrown out on a TV talk show in *Besharam* (2016), it perpetuates the silliness of women in making life-changing decisions despite being independent-minded and financially self-sufficient.

There are two ways in which the media can affect beliefs, attitudes and behaviours in society. One is an individual or direct effect, where the media can introduce new norms or entrench existing notions as normative, known as the 'persuasive model'.<sup>7</sup> The other is when the media's method of delivery is a public one and helps people form an understanding of their shared beliefs.<sup>8</sup> The provision of public information in this way can enhance that norm, as it is perceived to be public knowledge. Attempts to change public behaviour by changing private attitudes are not effective unless an effort is made to bridge the boundary between the public and the private.<sup>9</sup> Thus, when families and neighbours view television dramas together, as is common in Pakistani homes, they may collectively absorb the moral tropes being depicted. This is why Pakistani drama serials can be dangerous, reinforcing regressive norms and stereotypes, or they can become a way to update norms and persuade viewers to change their beliefs.

Unfortunately, the drama serials of the last 10 years have mostly reinforced conservative notions of female morality and extolled suffering within the family context as virtuous. There have been notable exceptions like *Udaari* (2016), a serial that speaks about the need to respect artists and musicians in Pakistan and focuses on the

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story of a young girl who takes her molester to court. But by and large, conservative thinking remains entrenched across the networks. Dramas continue to promote retrogressive ideals, constantly reinforcing these stereotypes, which then become validated as norms. Pakistani dramas normalise women pitted against each other as mother-in-law battling daughter-in-law, as *nannd* scheming against *bhabhi*, as a colleague seducing a man away from his wife. Female support systems are written out of the script. A story in which women support women, like Mehreen Jabbar's play, *Spenta, Mary Aur Zubeida* (2000), where three older women live together and provide refuge to women escaping violent husbands, would almost certainly find no takers among channel drama heads today.

Writing in *The Hindu*, Yamuna Matheswaran talks about the 'glorification of misery' in Indian TV dramas: "The South Indian television serial, which showcases storylines predominated by domestic conflict resolution, sets up and perhaps perpetuates moral binaries in a world sorely in need of nuance."<sup>10</sup> Take out the 'perhaps' and this could be describing Pakistani drama serials. Our soap operas feature black-and-white depictions of social mores which reinforce existing biases. When these ideas appear repeatedly on the television screen, regardless of the channel you are watching, they are cemented into the social fabric. When you consistently show women suffering in episode after episode, with a brief rejuvenating finale, it is the crying woman rather than the triumphant one who holds your attention. Actor Aamina Sheikh bemoaned the character she played in the serial *Pakeezah* (2016): "The effect of the final episode is short-lived. What people remember is the crying woman, the aggrieved woman, the woman who is being negated for 39 episodes. That image has a lasting impact."<sup>11</sup>

I am not a conspiracy theorist but the question needs to be asked: why are our television channels doing this? Actor Zahid Khan argues that since serials are targeted towards middle-class housewives, they cater to the moral and value systems of that demographic. "Sponsors who fund these plays want the kind of material that will appeal to these women," he says.<sup>12</sup> But as Matheswaran crucially asks, "at what point does it stop being a case of art imitating life and become life imitating art?" I refuse to believe that the manufacturers of household products are specifically looking for conservative values in the dramas they sponsor. What

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they may be asking for is relatability—but how channel drama heads and scriptwriters interpret and navigate this requirement is key. Advertisers certainly shouldn't be asking for violence against women, for serial infidelity from men that women are forced to accept, or for women to have no ambitions or aspirations. In any case, should the makers of cooking oil and laundry detergent be allowed to determine our creative output and moral values?

Drama serials like *Udaari*, which was huge hit, and to a lesser degree *Khuda Mera Bhi Hai* (2017), which did moderately well, are proof that when Pakistani television dramas introduce fresh themes persuasively or try to suggest new norms of behaviour, audiences respond with empathy and their engagement may even result in changed behaviour or a shift in attitudes. On the other hand, *Sammi* (2017), which focused on *vani* (a custom where young girls are forcibly married to settle tribal disputes), did not have much of an impact, possibly because it was not as well made as *Udaari* nor as nuanced. And then there are well-meaning attempts like *Baaghi* (2017), based on the meteoric rise to fame of social media celebrity Qandeel Baloch and her subsequent murder, which is framed more as a cautionary tale for young women. Speaking to the *Express Tribune*, its writer Shazia Khan said, “It is about the men who slammed all doors of dignified living to her. Men, who forced her to exist on her charms alone. Men, who feverishly slammed her after having finished watching her latest video on Instagram.”<sup>13</sup> Baloch, perhaps the most fiercely unapologetic personality on social media in recent times, is reduced to a man-made creation and stripped of all agency. Khan explains, “As responsible citizens, we need to learn from her tale, accept her as a part of our fabric and not try to jostle her away from our collective conscience because who knows... Next time it could be someone closer to you, or you.” This kind of thinking sounds persuasive but is actually apologist, smug about taking on a controversial topic. A self-made maverick who ingeniously reinvented herself is defined in one-dimensional terms, a girl gone wrong, when there could have been a more nuanced focus on her strengths as well as the weaknesses. Well-meaning yes, but in the final analysis, watch out or your girls might be inspired.

Drama can contribute to social change, create awareness, encourage tolerance and open-mindedness. But when drama is used to restrict women's ambitions, to confine them to the home and hearth, when it consistently glorifies misery and martyrdom, and pitches women against one another rather than telling stories of

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female solidarity, it becomes a vehicle for retrogressive behaviour normalised for a mass audience—the media validating conservative belief systems, the echo chamber effect across channels cementing outdated stereotypes.

So why do female actors on television accept these roles? “When roles disagree with my own feminist principles, I turn them down,” says actor Samiya Mumtaz, “but not everyone can do that and we can’t afford to do it every time. Acting is a livelihood and these are the parts that are on offer.” Speaking at the Karachi Literature Festival, actor Hina Bayat asked a leading question of two media executives, Sultana Siddiqui of Hum TV and Seema Tahir of TV One, who were on the same panel: “When will Hina Bayat be asked to play a strong career woman like Sultana Siddiqui or Seema Tahir on TV?”

When, indeed.

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# LET GIRLS DREAM: STORIES FROM THE EDGE

Sharmeen Obaid

I grew up believing that women were inferior to men. What else could explain the look on the faces of extended family members each time my mother delivered one of her five daughters. My aunt, who had four sons, would proudly proclaim how lucky she was every opportunity she got.

If you live in Pakistan, I can see how easy it is to believe women are secondary citizens. In public, for example, if there is a long queue, men say 'Ladies first' and make way for women, or if there is a woman standing on the side of the road men will stop and change their tyre—we loudly proclaim that women are given special privileges in our society. In private, however, things are very different. In rural Pakistan, girls and women are often the last to eat at home, the best food being reserved for the men. In urban areas, when it comes to education and other family matters, women are always last on the list of priorities. Women are conditioned to believe that they deserve less than men, that all important matters in their lives will be decided by the men in their family: whether it be their education, marriage, or just how they live—and sometimes even how they die.

But women are fighting back. There is a quiet revolution taking place across the country, with more and more women standing up and demanding their rights. The internet and the smartphone have changed the way they see the world and their place in it. They want education, they want economic independence, they want a say in their life. And most importantly, they want to achieve their dreams.

When women in a deeply patriarchal society begin to voice such demands, there will always be blowback. And there is. Almost daily there are reports of women killed over petty disputes or in the name of honour. More domestic violence is being reported and more

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women are discussing their plight in online chat rooms. Things will always get worse before they get better, but what is encouraging is that out of this turmoil a new leadership of women is stepping forward to help other women, creating safe spaces for them, educating them and helping them believe in themselves. For now, their impact may be anecdotal in nature but I have no doubt it will create change.

In a small school near Mingora in Swat, Gul-e-Khandana is teaching young girls to think for themselves. Two hundred girls are taught the poetry of Iqbal and, amongst other things, about brave women who have stood up to tyranny. But most of all, they are allowed the freedom to dream.

Gul-e-Khandana knows the importance of dreams. She grew up being ridiculed by her family and neighbours because she wanted to become a teacher. They taunted her and told her she would never succeed. Then one day, after years of hard work, she became the headmistress of this school. Soon afterwards, the Taliban arrived and burnt down hundreds of schools in the region. Yet, despite threats from the Taliban, she refused to close her school, and when Taliban forces arrived at her gate she marched out and told them they would have to burn her down first if they wanted to get to her school. After a heated altercation, she managed to convince them to leave her school standing.

32 per cent of Pakistan's primary-school-age girls are out of school, compared to 21 per cent of boys. By grade 6, 59 per cent of girls are out of school, versus 49 per cent of boys. Only 13 per cent of girls are still in school in 9th grade. Both boys and girls are missing out on education in unacceptable numbers, but girls are the worst affected.

After school ends, some of the girls head to Gul-e-Khandana's workshop where she teaches them how to sew and create handicrafts, thus enabling them to earn a living. While they sew, they discuss their ideas, their dreams and their problems. It is a safe space for them to grow, and many have found economic independence and a way to contribute to their household income. This is why it is so important for girls to go to school, to be given a chance to dream.

My travels across the country have convinced me that it is women working at the grassroots level, far from the glare of headlines, who are defying statistics and changing the future for

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other women. Change will only come when women enable other women.

About an hour's drive from Gul-e-Khandana's school is the home of Tabassum Adnan, who was married at the age of 13. The marriage, which was marked by frequent domestic abuse, ended after 20 years when she gathered the courage to divorce her abusive husband. For years afterwards, Tabassum questioned the role of women and wondered how their voices could be amplified. She was troubled by the inequality in society and by the fact that men did not involve women in decision making even when the decisions were connected to women.

"A woman is born in her father's house and she dies in her husband's house. There is no third place for her," Tabassum tells me. And the statistics speak for themselves. In Pakistan, half of all women who have experienced violence never report it. Women who want to flee abuse have few places they can turn to. Provincial governments have the mandate to set up women's shelters but these are few and far between, and the services offered there are very basic. We are conditioned to keep the stories behind the statistics hidden within the four walls of our homes.

In 2013, Tabassum launched an organisation by the name of Khwendo Jirga (Sisters' Council), where women could meet weekly to discuss issues pertaining to their lives, such as domestic violence, inheritance, honour killing and child marriage. A *jirga* is an informal judicial council, traditionally dominated by men, that dispenses justice in most rural areas of Pakistan.

When she started the *jirga*, the men in her community ordered her to shut it down. She persisted. She began to receive death threats and was placed under 24-hour police protection.

But then something incredible happened. More and more women began to attend the weekly *jirga* sessions. A typical afternoon in her house often sees more than a dozen women lining up to discuss their issues. Tabassum and her colleagues sit in a circle, advising the women and often accompany them to their homes to discuss the issues with the men in the family.

A few years after she set up the *jirga*, the men in her community finally accepted her and now often count on her to help them make important decisions. Her *jirga* has saved the lives of young women who were victims of domestic violence, and because of her women know they have an ally with whom they can find refuge.

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But Tabassum's life is fraught with danger. One afternoon, while I visited, she showed me a package she had received. It contained bullets. Inside, a note warned that the bullets were meant for her and that she must end her activism. The patriarchal system is threatened by women who want to shake up the status quo. She had recently rescued a young woman who had been sexually and physically abused by her father-in-law. It was a litmus test for the *jirga*. When the young woman bravely gave testimony, which sent the father-in-law to jail, the other men in the village looked on in awe and in fear. This was a first for many of them. Women almost never sent the men in their family to jail. Tabassum and her *jirga* are changing that.

Miles away from Swat, southern Punjab is notorious for its treatment of women. It is here that the highest number of acid-related violent crimes are reported; and in every district, there are cases of sexual assault and honour killing. A cursory scan of any newspaper will tell you that *jirga* pronouncements against women are common here.

Against this backdrop is the village of Pipalwala. The residents of this village make ends meet by rearing cattle and growing vegetables and fruits. The literacy rate is low, girls are often married as young as 14 years and, until recently, domestic violence was rampant.

Some 30 per cent of married women in Pakistan report facing physical violence from their husbands, whilst informal estimates are much higher. Such violence is not only rampant, it is also normalised. Many women see nothing wrong with a husband beating his wife under certain circumstances.

Parveen, who grew up in Pipalwala and has four sons, was always on the receiving end of her husband's wrath. "He would find any excuse to beat me," she says. "I used to be very afraid. The moment I heard his footsteps my heart would start to race frantically. I would worry that he might come back and find an excuse to beat me."

Parveen's story resonates with almost every other woman in that village. Kaneez, another resident, was married at a young age and her husband would often beat her with an axe handle or a stick, causing serious injuries. "Once he hit me so hard that my nose almost broke and I was bleeding everywhere. He pulled my hair and my entire face was swollen," she says.

But the fate of Pipalwala and its women changed in 2008 when Shaista Bukhari visited the village.

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Shaista was born and raised in Multan. Her father died when she was young and her family encouraged her to marry a man who was 20 years her senior. Five months after she was married her husband died and her in-laws abandoned her, blaming her for his sudden death.

With no economic resources to fall back on, she struggled to find work to support herself. After months of searching she landed a contract at a local school canteen. It was at this time that Shaista realised the importance of economic independence and encouraged a group of women to take up embroidery to help them create a source of income.

For many years she helped women gain economic independence, to empower them and allow them to take control of their own lives. "If we are going to defeat domestic violence, women must be aware of their rights and must have some economic independence," she says.

She approached Parveen while working on a project in Pipalwala and encouraged her to discuss domestic violence with other women in her community. When they started working in the area, the very concept of domestic violence was alien to the women. Many would break down and start crying, telling Shaista about the trauma and abuse they had suffered and imploring her to help.

With Shaista's help, Parveen formed a group called Saheli (Friend), where she brought together the women in her neighbourhood to discuss ways to change the attitude of the men. The group used any occasion they could find to spread their message, targeting weddings and funerals. They would tell the women, "If you see violence speak up and say something. Treat your husband with love and respect and demand that he does the same."

After months of perseverance, Saheli saw results among the women. Shaista's team began speaking to the men in the village and that is when dramatic changes began to take place. Today, the village boasts a large sign at its entrance that states, 'This village is free of domestic violence.'

Shaista's footprint may be small but she has started a critical discussion, going from house to house, to change the way men treat women. Her model can easily be replicated across the country. Now, in Pipalwala her most vocal supporters are men.

What always strikes me about the women who are tackling patriarchy head on, often in difficult and dangerous situations, is their spirit. They are fighting a ceaseless battle, there is no end in

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sight, yet they wake up every morning and head out to work, determined to change a life.

This is the case in the brick kilns of Punjab where Syeda Fatima has been working since 1988 to free bonded labourers. Her organisation, the Bonded Labour Liberation Front Pakistan, has secured the release of more than 80,000 thousand men, women and children.

When Fatima was growing up, she would go to the brick kilns to teach reading and writing to the children who worked there. Unlike other girls, she wasn't interested in buying nice clothes. All she wanted was to spend as much time as possible with the kiln workers so that she could understand their problems.

Under the age-old system of bonded labour, entire families are held by kiln owners, who often make children as young as 4 years old work in the kilns. Since most brick kiln workers are illiterate, when they ask for medical or other loans, they are made to sign papers which state an amount far higher than the actual loan. The families are seldom able to pay back this amount and as interest accrues the labourers are trapped. They are often sold from one brick kiln owner to another without their knowledge or consent.

It is worse for women, who are sexually exploited in the brick kilns. They are raped and are afraid to report the crime. They are routinely asked for sexual favours and kiln owners will often force families to hand over their daughters to pay off loans.

Fatima is driven by anger at the fact that we are living in an age where people are still traded and held as slaves. She travels to remote areas to educate kiln workers about their rights, telling them that if they unite their voices will be stronger and kiln owners will be forced to listen.

Her work has brought her face to face with powerful brick kiln owners, and she has paid a heavy price for her activism.

Fatima and her brother Ayaz, who often accompanies her to the kilns, were attacked by four men who fired at them. Fatima escaped with minor injuries but Ayaz, who was shot at close range, has a permanently damaged kneecap and is unable to walk without support.

When they lay wounded on the ground, they promised themselves that their struggle would continue. When the brick kiln workers heard about the shooting, hundreds arrived at the hospital to pray for Fatima and Ayaz's recovery, giving them the courage and strength to go on.

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Fatima continues to take on brick kiln owners, often using the radio to reach workers, who listen while they work. She is also helping women working in the kilns to fight for their rights by educating them about laws, enabling them to speak for themselves. The importance of her work is not in the number of people she has reached or helped to free, but in the ideas she is seeding in their minds and in their communities.

Since 2017 a mobile cinema, which I have developed, has been screening films in remote towns and villages across the far corners of Pakistan. When the big screen comes on and the light shines on the faces of the smiling girls, their eyes transfixed by the magic of cinema, you can see them dreaming of possibilities.

The importance of sparking conversations and opening up minds has never been more important. When these young girls watch films where girls are portrayed as heroes—girls just like them who have overcome adversity—they begin to believe that one day they too will be able to challenge the status quo.

Despite resistance from the state, from religious institutions, from the men in their communities, women like Gul-e-Khandana and Syeda Fatima are redefining the role of women in society. They are fearless champions, encouraging other women to become active in their own communities.

In the 2018 elections, almost 4 million newly registered women cast their votes. As more women join their ranks, their voices will matter. The dreams these fearless champions are encouraging will eventually lead to more women leading from the front.



# #METOO: WOMEN'S RIGHTS AND THE TRIALS OF THE DIGITAL WORLD

Nighat Dad and Shmyla Khan

The #MeToo movement, which began in the United States more than a decade ago, has evolved into a global movement that engages with issues of sexual assault, harassment and consent. The movement gained its international character in October 2017 after high-profile allegations emerged against Hollywood director Harvey Weinstein for sexual assault and misconduct from several women in the industry.

The #MeToo movement is often seen as an extension of fourth-wave feminism, with its reliance on the internet and emphasis on body politics as the centre of feminist demands. The use of digital platforms to engage in feminist organising and conversations has also been termed 'cyberfeminism' or 'hashtag feminism'. This positioning makes the #MeToo movement particularly interesting in Pakistan, where discussions around sexuality and body politics are largely absent from the mainstream discourse. The movement is not without its critics, including feminists from earlier generations.<sup>1</sup> Charges of superficiality and mimicking the 'West', today levelled at the #MeToo movement, are not new to the feminist movement in Pakistan. Nevertheless, a class critique is particularly relevant to the #MeToo movement, given its almost exclusive presence on the internet.

## Origins of the Movement

The phrase 'Me Too' predates its current use as a hashtag and shorthand for the mainstream conversations that started in late 2017. The mainstream manifestation of the movement obscures its intersectional history.

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The Me Too Movement™ founded by Black feminist activist Tarana Burke originated in 2006, focusing on young women who suffer sexual abuse, assault or exploitation, to recognise that the effects of harassment and other forms of exploitation “can be just as damaging as being raped or otherwise sexually assaulted.”<sup>2</sup> The movement centred on young women of colour belonging to low-wealth communities and sought to achieve its aim by “empowerment through empathy”.

The movement exploded onto the mainstream when actress Alyssa Milano tweeted using the hashtag #MeToo on October 16, 2017, inviting victims and survivors of sexual harassment and assault to tell their stories: “If you’ve been sexually harassed or assaulted write ‘me too’ as a reply to this tweet.” Some nine months later, the tweet had garnered more than 20,000 retweets and 50,000 likes, inspiring women around the world to share their experiences of assault and harassment. Social media was flooded with the ‘Me Too’ hashtag immediately after Milano’s original tweet.

Today, the movement has grown beyond the purpose that either Burke or Milano envisioned, becoming an amorphous battleground for contemporary conversations around gender. Since its mainstreaming, the purpose and nature of the movement have changed. Criticism of ‘whitewashing’ are not unfounded but its international and intersectional appeal complicates this criticism to some extent.

### **The Politics of #MeToo**

The original movement and the current hashtag both seek to highlight the prevalence and commonplace nature of harassment and assault, and to build solidarity through the knowledge that survivors are not alone. On the one hand, the aim of the movement is outward, to speak to patriarchal structures and society in general; and on the other, it is to build mechanisms of support through sharing experiences.

In October 2017, as the hashtag flooded social media timelines across the world, the sheer scale and systemic nature of harassment and sexual assault were laid bare. Some named their perpetrators; others simply shared the hashtag without adding any details. The outpouring of stories was seen as an act of defiance, breaking the silence around sexual harassment—a culture of silence perpetuated

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by power structures permeating all tiers of society, from the street to the workplace to the family. To those who had not thought about the issue as a systemic problem, it became clear that sexual violence is both an epidemic and endemic to patriarchal societies, that these experiences are not exceptional or isolated incidents but woven into the everyday experience of women all over the world.

Even in discussions regarding sexual harassment and assault, where the majority of victims are women, and in subsequent institutional responses, women's voices and experiences are often marginalised. The #MeToo movement takes women's lived experience as its starting point.

Accounts using the hashtag are often confessional in nature, embodying the feminist mantra 'the personal is political'. As women start to discuss the private in public forums such as social media, the distinction between the public and the private is broken down. The confessional method brings the experience of victims and survivors into the open, forcing the audience to grapple with the messiness of women's lives and the pervasiveness of their encounters with violence. The confessions can be cathartic for those relating their experience, despite the trauma that comes with talking about the violation of bodily integrity. Sharing experiences on social media makes women feel heard, and many begin to identify as feminists only after coming out with their stories, which allows them to situate their "own history of sexual violence as part of a broader structural social problem, rather than an individual experience that arose from encounters with 'bad men'."<sup>3</sup>

The confessional method also places with women themselves the power to define what constitutes a violation. When a woman locates an action within the ambit of #MeToo, she is the one labelling it instead of relying on institutional framing or societal validation. This method is highly effective in calling out behaviour that is often normalised: groping, staring, lewd or suggestive comments, causal touch without consent.

#MeToo has allowed for the collapsing of distinctions between different forms of violence and led to an understanding that all forms of violence are part of the same spectrum of oppression. The hashtag has been used to share a range of experiences—rape as well as workplace harassment, and everything in between. Critics have called for distinctions to be made, separating supposedly more 'serious' forms of violence, usually characterised as legally recognised forms of physical violence, from apparently less severe

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transgressions, which are perceived as less severe because they are so deeply normalised within patriarchal structures. There have been warnings that the nebulous and wide definition of sexual violence holds the danger of diluting the seriousness of the movement, but the movement has largely resisted the urge to draw neat distinctions, forcing complicated conversations around consent.

While consensus exists in mainstream society regarding the most violent transgressions of consent, a win for the #MeToo movement has been its ability to shed light on cases that involve more normalised, less violent violations of consent. Feminists too have been forced to confront difficult questions regarding consent: for instance, can consent obtained through deception be thought of as truly free consent? The simplistic 'yes means yes, no means no' conceptualisation of consent has also been problematised, pointing out that under conditions of patriarchy a yes can contain shades of non-consent.

The movement seeks to implicate the broader culture of violence against women and normalised transgressive behaviours, not just individual actions. No matter how small the transgression, it is part of a larger rape culture and is thus worthy of condemnation. The urge to limit the scope of the movement can be seen in the transformation of the term into an adjective—many cases have raised the question, 'Can this be described as #MeToo?' Time and time again, the movement has fought back and asserted its inclusiveness, refusing to create a hierarchy of experiences or to gatekeep the definition of what constitutes a #MeToo experience. The movement is not a monolith, particularly given the fact that anyone with an internet connection can voice their opinion or use the hashtag. Its non-hierarchical nature has meant that there are a multitude of contestations within the movement.

The #MeToo movement marks a radical shift in attitudes towards institutions such as the law. Previous generations of feminists have grounded their struggle in the legal recognition of rights, legislative reform and engagement with the state. On the surface #MeToo appears to discard the law and state institutions, with women taking matters into their own hands to seek accountability for sexual harassment and violence. In doing so, the movement offers a powerful critique of the legal system, exposing the inadequacy of the courts and their inability to provide justice to victims of sexual violence and harassment. By refusing to create a hierarchy of experiences, #MeToo also reveals the inability of the

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law to account for the full spectrum of women's experiences. The movement seeks accountability across the board, both for behaviour that has been legislated against as well as behaviour and attitudes that perhaps lie outside the purview of the law.

A central tenet of #MeToo has been accountability for men in positions of power, men whose social capital and clout allow them to evade the consequences of their actions. #MeToo seeks accountability through tactics such as naming and shaming, which has the effect of reversing the power dynamics that once placed the burden of shame and guilt on the victims rather than the perpetrators. It is through the movement that informal 'whisper networks' have been brought into the public domain using social media. While these tactics have been criticised in some circles as reckless, potentially opening the door for less credible allegations, the method has been particularly powerful in cases where women fear they will not be believed by traditional institutions of accountability. It has also meant that an allegation by one woman against a powerful man opens the floodgates for other women to come forward. The legal system has often been complicit in placing gag orders on women, preventing them from sharing their experiences or reaching out to other victims, but the internet breaks through these traditional barriers.

The nature of the #MeToo movement and its strategies are intimately tied to digital spaces, and online platforms have been instrumental in amplifying the voices of women. Digital mediums provide a degree of anonymity, as well as distance from structures of control such as the family, allowing women to share experiences they would otherwise be hesitant to discuss. At the same time, the public nature of the medium allows women to reach a larger audience and to identify and connect with allies. Women have also carved out safe spaces in closed online groups to discuss experiences and build bonds.

Despite the pervasiveness of harassment and sexual violence, there is significant silence on these issues, especially in societies like Pakistan. Hashtags and online spaces provide women with a platform. Owing to the networked nature of these spaces, the #MeToo movement has allowed women to build solidarity and develop a collective feminist consciousness. Many young women in Pakistan are becoming feminists online through access to resources and women-oriented online communities. The role of online spaces and digital tools in developing feminist consciousness and

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organising can be seen in the blossoming of feminist collectives and groups such as Girls at Dhabas.<sup>4</sup>

Social media has amplified women's voices, sidestepping the gatekeepers of traditional media and content regulation. Digital spaces allow women to connect with one another, to build networks of solidarity and support. Digital activism is often criticised for its emphasis on individualised politics as opposed to collective movement building.<sup>5</sup> But in the case of movements such as #MeToo, that narrative is significantly complicated with women using their particular experiences to build collective solidarities.

### **#MeToo in Pakistan**

The #MeToo movement in Pakistan has been a story of starts and stops. When the hashtag took off in October 2017, it trended on Twitter in Pakistan.<sup>6</sup> Social media, often acting as a disruptive force in politics, emerged as the site of contestation on issues of gender.

The most high-profile #MeToo cases in Pakistan have come from the entertainment industry, starting with accusations of harassment against Khalid Bajwa, the former CEO of the music streaming application Patari, and singer Meesha Shafi accusing fellow singer Ali Zafar of workplace harassment. In Pakistan, this reckoning did not happen immediately after the hashtag became viral worldwide, but began months later, in April 2018. In both cases the accusations were corroborated by multiple women who came out with their own accounts.

Since then, digital spaces have become a powerful tool for women to speak out about their experiences and, in some instances, to name and shame those who have wronged them. This movement has been diverse and varied, encompassing students naming their teachers and school staff, multiple women accusing a famous YouTuber, Ukhano, of unsolicited messages and sexual misconduct,<sup>7</sup> and accusations regarding model Kami Sid for allegedly raping a minor transgender girl.<sup>8</sup>

In the aftermath of these initial cases, a despondency has set in because the men who were called out faced no consequences. The naming and shaming tactic in Ali Zafar's case did not significantly impact his career or result in legal repercussions for him. In fact, in time-honoured fashion, it is the accusers who are being taken to task. Meesha Shafi has been embroiled in a defamation case against

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her,<sup>9</sup> and multiple people have received notices from the Federal Investigation Agency, including other women who supported Shafi's claims or accused Ali Zafar. Meanwhile, the YouTuber, Ukhano, gained followers after allegations against him emerged.<sup>10</sup>

Gauging the success of the movement depends on the metrics we use. Traditionally, it has been important for feminists to push for state-based interventions in the form of legislative and policy reform. However, the new generation of feminist activists are suspicious of traditional forms of authority and often implicate the state and its legal system as part of the patriarchal power structure.

In the West, one of the criticisms of the movement has been that it has benefited privileged white women and largely ignored those on the margins. In Pakistan, even in the case of privileged upper-class women, success has been limited, as some would argue, because powerful men have not faced accountability despite public accusations. Others have argued that the politics of #MeToo ignores structures of class and privilege, precluding intersectional politics. For instance, when a viral video appeared on social media in January 2019, accusing security personnel of harassing women in Khaisore, North Waziristan, there was little noise from urban feminists.<sup>11</sup> In fact, these allegations were not even labelled as #MeToo.

The politics of what is labelled #MeToo is often a deeply contentious topic, even within the movement. Who gets to use the label is dependent on privileges such as access to technology and to the language of #MeToo as well as mainstream acceptability and visibility.

Internet connectivity in Pakistan is limited. Despite its exponential growth since the advent of 3/4G mobile internet, penetration stands at around 22 per cent.<sup>12</sup> In June 2019, the Pakistan Telecommunication Authority (PTA) stated that mobile and fixed broadband connectivity was 65.13 million with penetration of 31.19 per cent<sup>13</sup>. Access to the internet is determined by class, gender, education, location and ability. The class-based critique of the movement stems partly from its digital nature: if a bulk of the conversation is taking place online, women who do not have access to online spaces are excluded from the conversation. These limitations of the medium feed into the larger exclusions of the movement. Mobile internet access has been suspended in parts of Balochistan and the districts formerly comprising the tribal areas on the grounds of security, rendering women from these areas

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outside the #MeToo discourse.<sup>14</sup> However, as pointed out earlier, the internet has also allowed women to come together in virtual spaces, most of whom did not have the time, ability or freedom of mobility to participate in earlier movements.

The fact that the movement has been limited to a few industries has constrained its effectiveness. There have been a string of cases relating to the media industry but the question of whether this has trickled down to other fields remains to be explored. Workplace harassment is endemic and more acute in the informal sector. Domestic workers and subcontracted labourers in the textile industry, for example, cannot rely on class privilege to pursue cases. These women are not seen as beneficiaries of #MeToo because they lack access to the internet and do not have the vocabulary to be part of the #MeToo conversation.

The role of institutions within the movement remains unclear. #MeToo is at best ambivalent towards institutions such as the courts. The extent to which state institutions can or should play a role in defining and providing legitimacy to women's experiences has been left undecided. The turn towards social media for validation and accountability can be read as a rejection of traditional institutions, a wrestling of power from institutions grounded in patriarchal systems. The instinct to turn to social media often comes from a belief that traditional legal structures will not be able to provide justice.

While social media has been the vehicle for the movement, it also hosts anti-feminist and misogynistic content. With the popularisation of feminism and its heightened visibility, there has been a parallel rise of anti-feminism.<sup>15</sup> Women who have come out with stories of harassment and violence have benefited from solidarity networks online but have also experienced targeted and gendered harassment intended to ridicule, threaten and silence them. In Pakistan, the prevalence of online harassment directed towards women has, for some, made it too hostile a place to share experiences and stories. The backlash against the movement in Pakistan, however, should come as no surprise considering that misogyny has been a feature of the internet since its early days. Digital spaces may serve as a safe haven for many, but social media and digital tools do not operate separate from or independent of patriarchal social structures. The abuse and harassment women face online is intimately tied to offline structures. The form it takes in

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digital spaces might be different but conventional feminist analysis remains relevant to the experiences of women in online spaces.

### Restorative Justice

The #MeToo movement in Pakistan has been criticised for its inability to formulate coherent politics, its reluctance to engage with institutions and the lack of offline activism. For the movement, the reluctance to engage with state institutions is itself a political statement. It also reflects the depoliticisation of feminist politics in Pakistan, a trend which precedes the #MeToo movement. Nevertheless, in order to move beyond individual cases of violence and harassment to structural and systemic change, the movement will have to decide its terms of engagement with power structures.

Analysing the #MeToo movement through the lens of traditional movements can be misleading. While most movements are not monolithic, #MeToo in Pakistan particularly defies structure or organisation. Similarly, it is difficult to pinpoint leaders; women whose cases have been visible within the movement and those who have a following online are often looked to as authority figures but there is hardly any consensus on the scope and ambit of #MeToo.

Some cases from the #MeToo movement in Pakistan have been taken to the courts. Meesha Shafi's case is instructive for a number of reasons: it highlights the inadequacies of the current sexual harassment law, the inability of the law to account for the full range of women's experiences and the way in which the law can be weaponised to silence women. Meesha Shafi filed a case against actor and singer Ali Zafar with the Punjab Federal Ombudsperson under the Protection Against Harassment of Women at the Workplace Act of 2010. Simultaneously, Zafar initiated defamation proceedings against Shafi for posting about her experience on social media. Shafi's sexual harassment case was dismissed by the Ombudsperson on the grounds that it had no locus standi under the 2010 Act, for lack of an employee-employer relationship between her and Zafar. The case was dismissed before arguments over facts could be made. The order by the Ombudsperson effectively excludes creative artists from the ambit of the law, along with countless others who do not have formal employee-employer relationships. It also raises questions about what constitutes an employee-employer

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relationship under the Act, especially with reference to the women employed in informal industries or as subcontracted workers.

Shafi's legal team has filed an appeal in the Supreme Court of Pakistan, after the Lahore High Court upheld the decision by the Ombudsperson's office<sup>16</sup>. In the meantime, there is a real fear that a narrow reading of the Act could set a bad precedent under the law, as well as being viewed as a symbolic defeat for the most visible case emanating from the #MeToo movement in Pakistan. It remains to be seen whether the movement coalesces to build pressure for an amendment to the law.

Over the past year, an uneasiness has built up regarding the legal repercussions of speaking out online. Several women who spoke out against singers, CEOs and social media influencers have received defamation notices either under the Defamation Ordinance of 2002 or under criminal law (the Pakistan Penal Code and the Prevention of Electronic Crimes Act of 2016).

Despite these setbacks, the impact of #MeToo has been widespread even if its gains have been intangible. It runs concurrent with other developments and conversations regarding gender and feminism. For example, the Aurat March held in cities and towns across Pakistan since 2018 is part of the wider conversation around issues of gender and promises a new wave of mobilisation, focusing on many of the same issues that #MeToo has brought to the fore. The #MeToo movement is just one component of a larger feminist movement that is using both the internet and offline spaces as strategic tools to highlight issues of sexuality, bodily autonomy and unpaid labour that were considered taboo until a few years ago.

The #MeToo movement has also played a part in normalising conversations about consent, harassment and sexual assault. While there is no consensus around these issues, it is a testament to #MeToo that, in a society where conversations around sex are taboo, such debates are taking place. The terrain of popular feminism, despite all the space given to neo-liberalism and individualised politics, is uneven in that it contains points of resistance and contestation that can be used to challenge larger patriarchal structures.<sup>17</sup> The #MeToo movement is far from perfect but it has the potential to bring about sweeping and far-reaching change to dismantle structures of gendered oppression.

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## Notes

- <sup>1</sup> Bureau Report, "ANP Seeks Probe into Harassment of Family in Mirali," *Dawn*, January 23, 2019.
- <sup>2</sup> Just Be Inc. "The Movement" (N.D.), <https://justbeinc.wixsite.com/justbeinc/the-me-too-movement-c7cf>.
- <sup>3</sup> Kaitlynn Mendes, Jessica Ringrose, Jessalynn Keller, "MeToo and the Promise and Pitfalls of Challenging Rape Culture through Digital Feminist Activism," *European Journal of Women's Studies* 25, no. 2 (2018): 236–246.
- <sup>4</sup> Zoya Rehman, "Online Feminist Resistance in Pakistan.," *Sur: International Journal on Human Rights* 26, no. 14 (2017): 151–159.
- <sup>5</sup> W. Lance Bennett, "The Personalization of Politics: Political Identity, Social Media, and Changing Patterns of Participation," *The Annals of the American Academy of Political and Social Science* 644, (2012): 20–39.
- <sup>6</sup> Rozina Sini, "How 'MeToo' is exposing the scale of sexual abuse." *BBC News*, October 16, 2017, [bbc.com/news/blogs-trending-41633857](https://www.bbc.com/news/blogs-trending-41633857).
- <sup>7</sup> Entertainment Desk, "Vlogger Ukhano Accused of Sexual Harassment, Releases Public Statement in Response," *The Express Tribune*, July 18, 2019, <https://tribune.com.pk/story/2016103/4-vlogger-ukano-responses-sexual-harassment-allegations>.
- <sup>8</sup> Images Staff, "Trans Activist Kami Sid is Being Accused of Rape and Intimidation," *Dawn Images*, May 24, 2019.
- <sup>9</sup> Rana Bilal, "Ali Zafar Sends Rs100 Crore Legal Notice to Meesha Shafi, Meesha Responds," *Dawn Images*, April 25, 2018.
- <sup>10</sup> Maha Ali, "Famous Men Whose Careers Have not Been Impacted by Sexual Harassment Allegations." *Cutacut*, August 01, 2019, <https://cutacut.com/2019/08/01/pakistani-men-whose-careers-have-not-been-impacted-by-sexual-harassment-allegations>.
- <sup>11</sup> Bureau Report, "ANP Seeks Probe".
- <sup>12</sup> Some 200 million Pakistanis (approximately 89 per cent of the population) cannot afford the internet (International Monetary Fund, *Fiscal Monitor: Capitalizing on Good Times*, April 2018). Pakistani women are 43 per cent less likely to use the internet than men (Jamal Shahid, "Most Pakistanis do not Know What the Internet is: Report," *Dawn*, November 12, 2018).
- <sup>13</sup> Pakistan Telecommunication Authority, "PTA's Response to Hootsuite's Digital 2019 (Pakistan) Report," June 20, 2019, <https://www.pta.gov.pk/en/media-center/single-media/ptas-response-to-hootsuites-digital-2019-pakistan-report-210619>.
- <sup>14</sup> Mobile internet had been suspended in the former tribal areas for more than 2 years and was only recently restored in Bajaur (Staff Correspondent, "Internet Service Restored in Bajaur", *Dawn*, March 19, 2019).

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- <sup>15</sup> Sarah Banet-Weiser, Rosalind Gill and Catherine Rottenberg, "Postfeminism, Popular Feminism and Neoliberal Feminism? Sarah Banet-Weiser, Rosalind Gill and Catherine Rottenberg in Conversation," *Feminist Theory*, (April 2019), 3–24.
- <sup>16</sup> Nasir Iqbal, "Meesha files appeal with SC against ombudsperson's decision," *Dawn*, December 12, 2019.
- <sup>17</sup> Banet-Weiser et al., 3–24.

# FROM THE CORE OF THE PARADOX: REIMAGINING THE COURTS AS GENDERED SPACES

Sara Malkani

The relationship between women and the Pakistani state is complex. On the one hand, the state offers itself as a neutral political space governed by a Constitution that explicitly recognises the right of women to be free from discrimination on the basis of sex. On the other hand, the state promotes patriarchal norms through unjust laws and discriminatory enforcement. Courts are where we see this tension played out most starkly. Women have approached the courts with some success to enforce their rights in marriage, gain protection from gender-based violence and to challenge unjust laws, even as courts have played their part in upholding patriarchy through the enforcement of discriminatory laws and reinforcement of gender stereotypes.

Women's experience of the judicial system, whether as lawyers, litigants or activists, is underpinned by this fundamental contradiction. Despite the fact that the courts are often hostile to women, they continue to provide a forum where the aspirations of women for equality and fundamental rights are expressed and sometimes, albeit rarely, successfully realised.

## **Women as Lawyers and Judges**

Judges bring their patriarchal values to their judgments and their treatment of litigants. Appointing more women as judges could help mitigate patriarchal attitudes within the judiciary. However, in the ranks of the superior judiciary, women judges are few and far between. Currently, only six women judges sit in the High Courts of

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Pakistan as compared to over 100 male High Court judges. The Supreme Court has never seen a woman judge.

The underrepresentation of women in the higher judiciary is lamentable and reflects the small proportion of women lawyers who rise in the profession. It is also a reflection of the selection process for judges which is based largely on recommendations from other judges and senior lawyers, most of whom are male.

The pool from which to choose women judges is also smaller, since far fewer women become litigators, in large part because of the harassment and discrimination women face in the profession. In 2018, the Karachi-based Women Lawyers' Association collected testimonies from a number of practising women lawyers regarding their experience in court. Their testimonies reveal harrowing accounts of harassment and demeaning behaviour by male colleagues. Women lawyers face rampant sexism in their workplaces and in the courts. At job interviews, many are asked if they are married or if they plan to have children. They are repeatedly reminded by male colleagues that litigation is 'not a profession for women'. In courtrooms, many recount harassment ranging from incessant staring to catcalling.

Women are excluded from the boys' club, entry to which is a pathway for success in the legal profession. The professional advancement of young litigators depends to a great extent on guidance and mentorship from senior lawyers, the overwhelming majority of whom are men and hold typical misogynistic views about women. As a result, younger women lawyers are less likely to benefit from the mentorship that would allow them to advance in their careers and gain an independent standing in the profession. Male clients tend to share similar stereotypical views about women and so are more likely to approach male lawyers.

In the highly gendered landscape of the legal profession, striking exceptions have emerged. Some of the most well-respected lawyers in the country have been women and they have used the courts to demand gender equality. Asma Jahangir and Hina Jilani rose to prominence when they represented dozens of women who were arrested under the Hudood and Zina Ordinances imposed by General Ziaul Haq. They highlighted the discriminatory impact of the legislation and the manner in which it violated the rights of women to due process. Their defence of a woman's right to marry of her free will and their advocacy on behalf of women fleeing the threat of honour killing brought these serious issues to the attention

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of the entire nation. Asma Jahangir went on to become an influential member of the legal community, emerging as a leader in the lawyers' movement of 2006–08, and was subsequently elected President of the Supreme Court Bar Association. Hina Jilani is a global thought leader on the protection and promotion of human rights.

Shehla Zia, another leader of the women's movement, was also a lawyer and her legal work had far-reaching influence. She was a petitioner in one of the country's most important human rights cases, *Shehla Zia v. WAPDA*,<sup>1</sup> which led to bold jurisprudence on the fundamental right to life, guaranteed in the Constitution (Article 9). In its judgment, the Supreme Court interpreted the right to life to mean "all such amenities which a person living in a free country is entitled to enjoy."

Although the courts have been a hostile place for women, it is women lawyers who have spearheaded the fight for Constitutional rights. In doing so, they have shaped the role of the courts as the protector of fundamental rights. Ironically, they were galvanised to take on this struggle largely through the women's movement that rose up in response to General Zia's Islamisation policies.

### **The Integral Role of the Courts in Women's Rights Activism**

The discriminatory laws introduced during the Zia regime targeted women and aimed to enforce patriarchal codes. With the promulgation of the Hudood and Zina Ordinances in 1979 all sex outside marriage was criminalised, carrying a maximum punishment of death. These laws also made the crime of rape punishable by death but, as applied by the police and the lower courts, a woman making an allegation of rape opened herself up to the charge of *zina* (adultery or fornication) if she could not prove that the sex was non-consensual. The laws of evidence introduced under this legislation required a woman to provide four adult Muslim male witnesses to the crime. The impact of the law was that many women, including those who had been raped, were imprisoned under charges of *zina*. In a society where the 'honour' of a woman and her entire family is linked to her sexuality, the Zina Ordinance became a tool to police women and a defence used by men against allegations of rape.

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Courts played a dual role with respect to the enforcement of Zia's Islamisation laws. They enforced these laws on the one hand by trying and convicting women; on the other hand, they also provided a space where women activists and lawyers could challenge the unjust and discriminatory application of the laws, often successfully. During Zia's military dictatorship the parliamentary process was suspended, so challenging the law through elected representatives was not an option. The courts became the only recourse and women activists used litigation strategically in conjunction with public awareness and media campaigns.

During the 1980s, lawyers at AGHS, a law firm founded by women in Lahore, including Asma Jahangir, Hina Jilani and Shehla Zia, represented hundreds of women who were detained in prison under these laws. In the process, they raised awareness of the oppressive nature and discriminatory impact of the laws. In the famous case of Safia Bibi, the pregnancy of a blind girl was used as evidence to convict her of *zina*. Women's rights activists campaigned against her conviction and used the case to highlight the oppressiveness of Zia's laws. The conviction was overturned by the Federal Shariat Court in 1985 and the women's movement built public opposition to the Zina laws.<sup>2</sup> Their campaign also drew international attention to the impact of these laws, becoming an embarrassment for the government.

During the 1990s, women lawyers and activists continued to fight for fundamental rights in the courts. One of the famous cases during this time was the Saima Waheed case, which involved a woman's right to marry without the consent of a male guardian.<sup>3</sup> Saima Waheed was an educated woman who married against the wishes of her family. Her family tried to break up the marriage by denying its validity. She escaped to a women's shelter, Dastak, which had been set up by Asma Jahangir and Hina Jilani. Her father filed a habeas corpus petition in the Lahore High Court, claiming his daughter was being confined by Asma Jahangir. The case was eventually heard by a bench of three judges, which upheld Saima Waheed's right to marry of her own free will without the consent of her guardian. Even while acknowledging this right, however, the Lahore High Court made a number of observations about the detrimental effects of freedom for women in society and noted that women should respect traditional norms.

The Saima Waheed case raised the ire of the religious right, which vocally condemned her defiance of her family and threatened

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the lawyers acting on her behalf. The religious lobby asserted that Saima Waheed and her lawyers were acting against Islam. Against this background, the courts were a space where a woman's right to exercise choice in her marriage was affirmed and protected against threats from the family as well as the religious right, albeit reluctantly and with reservations.

Women lawyers and activists have used the courts to expand the jurisprudence on fundamental rights in the Constitution. They have been instrumental in the development of public interest litigation as a tool to protect and promote the rights of the marginalised and the downtrodden. Public interest litigation is filed under articles of the Constitution that allow the superior judiciary (the Supreme Court of Pakistan and the High Courts) to directly hear petitions involving the enforcement of fundamental rights. The case that laid the foundation for public interest litigation in Pakistan was filed by Benazir Bhutto in 1988. Challenging Zia's amendments to laws regulating political parties, Bhutto took the case directly to the Supreme Court, which allowed the petition, holding that Zia's laws violated the fundamental right to freedom of association guaranteed under the Constitution.<sup>4</sup> The Supreme Court also asserted the power of the Court to declare a law void if it violated the fundamental rights in the Constitution. This was the first case in which the Supreme Court explained the distinguishing feature of public interest litigation under the Constitution, widening the scope of persons who may approach the court for the enforcement of fundamental rights, including concerned citizens and civil society organisations.

Women activists took the lead in another ground-breaking case, challenging the inhumane practice of bonded labour. In the landmark Darshan Masih case, the Supreme Court sought the assistance of Asma Jahangir and the organisation she co-founded, the Human Rights Commission of Pakistan, to shed light on the prevalence of bonded labour in Pakistan. The judgment, building upon jurisprudence established in the Benazir Bhutto case on enforcement of fundamental rights, noted the need for legislation to address forced labour.<sup>5</sup> Another seminal public interest litigation case, as noted above, was spearheaded by the lawyer Shehla Zia and deepened the jurisprudence on fundamental rights. Her petition brought to the Supreme Court's attention the health hazards posed to residents of Islamabad by the installation of a high-voltage electricity grid station. The Supreme Court held that the dangers

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posed by the grid station constituted a violation of the right to life under the Constitution. The Supreme Court based its ruling on the precautionary principle, setting an important precedent for environmental protection.

These cases demonstrate that women lawyers, activists and politicians have used the courts not only for the protection of women's rights but also to strengthen the enforcement of human rights and Constitutional protections for all citizens.

### Justice for Women in the Courts

With respect to matters pertaining to marriage and divorce, courts have often endorsed the rights of women but this has not been consistent. Courts operate within a legal framework derived from religion-based personal laws that incorporate a number of discriminatory principles and are grounded in gender-based stereotypes that perceive men as the patriarchal heads of households. Within legal limitations, the judiciary has simplified procedural burdens for women seeking to dissolve their marriage and also consistently affirmed that in matters of custody the “welfare of the minor” is the most important consideration, as provided in the Guardian and Wards Act of 1890, rejecting the assumption that the father is entitled to custody of his children. At the same time, however, the courts have created confusion regarding the procedure for unilateral divorce (*talaq*). Under the Muslim Family Law Ordinance of 1961 (MFLO), “instant divorce” through the pronouncement of “triple *talaq*” was rendered ineffective and divorce was deemed to be final after a process lasting three months. This provision in the MFLO was strongly promoted at the time by women's rights groups to put an end to the practice of instant divorce through the pronouncement of ‘triple *talaq*’, which made women vulnerable to the arbitrariness of a man's unilateral power to terminate a marriage. Courts, however, have not interpreted this requirement uniformly and case law is inconsistent as to when ‘triple *talaq*’ can become effective.<sup>6</sup> Effectively, the courts have created ambiguity around the circumstances under which a husband and wife can legally be deemed to be divorced.

A number of laws addressing gender-based discrimination have been passed in the last decade. Implementation of these laws through the courts, however, has proven to be a challenge. The

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enactment of legislation prohibiting sexual harassment, domestic violence and acid attacks is an important step and carries a great deal of symbolic value, marking the fact that violence against women is recognised as a crime against the state. The difficulties in implementation stem in large part from weaknesses within the judicial system which make the pursuit of a trial extremely difficult. Law enforcement authorities facing systemic problems of corruption and mismanagement are neither willing nor capable of effectively monitoring and investigating gender-based crimes. Riddled with procedural delays, inefficiency and corruption, the legal system lacks the capacity to provide justice to women despite the passage of progressive laws.

For Pakistani women, access to justice is a difficult path with many obstacles. In this highly patriarchal society, women are prevented from going to the courts to seek justice. Even when they are able to go to court to demand enforcement of their rights, they are confronted with a broken system. Their ability to use the courts to access justice is essentially constrained by the fundamental weakness of the institution itself.

Nonetheless, women in Pakistan cannot afford to give up on the judiciary. Courts offer the hope of remedying the widespread discrimination and violence that women face, and the promise of protection from oppression by the family, the community and state actors. There is much more work to be done to improve the judicial system and this must be a priority for the women's movement in the years ahead.

## Notes

- <sup>1</sup> Shehla Zia v. WAPDA, PLD SC 693 (1994).
- <sup>2</sup> Safia Bibi v. The State, NLR SD 145 (1985).
- <sup>3</sup> Abdul Waheed v. Asma Jahangir, PLD Lahore 301 (1997).
- <sup>4</sup> Benazir Bhutto v. Federation of Pakistan, PLD SC 416 (1988).
- <sup>5</sup> Darshan Masih v. The State, PLD SC 513 (1990).
- <sup>6</sup> See, for example, Kaneez Fatima v. Wali Muhammad, PLD SC 901 (1993) (holding that a husband's failure to give notice of *talaq* to the Union Council as required by Section 7 of the Muslim Family Laws Ordinance does not revoke the divorce).



# ON THE LEGACY TRACK: USING THE LAW AS AN INSTRUMENT OF SOCIAL CHANGE

Maliha Zia

The lives of women in Pakistan were overturned with the passage of the Offence of Zina (Enforcement of Hudood) Ordinance of 1979. General Ziaul Haq, with his mission of 'Islamisation', made women his target and the law his weapon. The law was used to control and punish women for "symbolic and political effect".<sup>1</sup> Under the Zina Ordinance, arrests were easy and there was little scope for bail. A woman's complaint of rape, if she was unable to prove the charge, or a pregnancy outside marriage could be used as a confession of the punishable offence of *zina* (sex outside marriage).<sup>2</sup> The law could also be used to get rid of disobedient, inconvenient or otherwise unwanted female relatives: "An allegation of *zina*, however arbitrary and unfounded, would lead to a woman's instant arrest and incarceration, often for years, until she had the means to prove her innocence in court."<sup>3</sup> The Qanun-e-Shahadat Order of 1984 (Law of Evidence) further imperilled women, reducing the weight of a woman's testimony to half that of a man's and allowing a woman's past conduct to be used as evidence against her in a rape case.<sup>4</sup>

Over the next 30 years, thousands of women were persecuted, arrested and incarcerated. No longer could women rely on the law for protection. Instead, the law was regularly and effectively used by men to oppress women. Patriarchy was given a tool to silence, suppress and control women, their bodies, sexuality, choices and freedom, to create "docile daughters, mothers, and wives".<sup>5</sup> When the Zina Ordinance was finally amended through the Protection of Women (Criminal Law Amendment) Act of 2006, there was an instant impact on women. The number of women in prison dropped dramatically, and there was an almost immediate fall in the number

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of cases being brought against women and girls under the pretext of *zina*.<sup>6</sup>

Pakistan's experience with these laws shows the far-reaching effects that legislation can have on the lives of women and on the discourse surrounding women's rights. The social transformation brought about as a result of the Zina Ordinance, supported by a series of segregational policies, was extensive. It effectively rendered women invisible in public life, curtailing their freedoms through laws backed by social pressure. It served to perpetuate the male-constructed ideal of a chaste and modest woman and encouraged men to challenge women who defied this norm.<sup>7</sup> The effects of this can be felt even today. General Zia's legacy included "a changing society" that "visibly struggled with the issue of ownership of women's bodies and their culpability for sexual encounters, including rape."<sup>8</sup>

### **The Law and its Impact on Social Change**

Law's societal impact and interaction with women has been the topic of much discussion within feminist discourse. As Stoddard notes, the law is "not new, and never has been, simply a set of formal rules; it is also the most obvious expression of a society's values and concerns, and it can and ought to be used to improve values and concerns."<sup>9</sup> Thus, law is a core area for discussion within all social philosophies. Feminists have historically been critical of the development of law and jurisprudence as being male-oriented, because so much of the development and interpretation is done by men according to male standards.<sup>10</sup> As Baer puts it, legal doctrine "emerges from human experience. When women were excluded from the legal enterprise, man-made law was just that."<sup>11</sup> Others have noted that this is instilled with a fundamental male bias; it is 'gendered'.<sup>12</sup> This perspective emphasises the fact that "the same practices signify differently for men and women because they are read through different discourses."<sup>13</sup> The Zina Ordinance is an example of this. Ostensibly the law applied to both men and women, but the type of evidence used was woman-centric. A woman's pregnancy, whether as a result of consensual or non-consensual intercourse, was used as evidence of punishable sexual relations outside of marriage, a form of evidence that by its very nature could never be used against men. The exclusion of women's reality and

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experience—or rather, the use of the male understanding of women’s reality and experience—led to the enactment of a faulty law that was used against women.

There are differing opinions on the effectiveness of using law as a tool for social change. Rosen represents one perspective. Examining the role of legislation and the courts, he concludes that laws on their own do not effectively change social patterns.<sup>14</sup> He notes that while rules may be changed, they do not have much influence in changing social relations between individuals. Quoting Allott, he identifies such laws as “phantom legislation” and expressions of the “impotence of power”.<sup>15</sup>

With respect to activism, Fudge recognises that “the demand for formal legal equality itself may be an important progressive demand for feminists.”<sup>16</sup> She uses the example of legal amendments to abortion laws in Canada that resulted in greater reproductive freedom for women. She goes on to identify legal rights as “an important part of a progressive strategy for social transformation” which function as a catalyst for political action.<sup>17</sup>

Others point out that the way in which the impact of legal reform is measured must be diversified to properly capture the success of activism. Cummings sees the law as “both a tactic and a target of activism.”<sup>18</sup> He stresses that to assess the strategic use of the law as a form of activism, it is important to identify the goal for which the strategy was employed. For example, does the lawyer pursue litigation to receive a certain judgment or “because they thought that the case would support grassroots organising or other political action.”<sup>19</sup>

In a similar vein, Albiston and Leachman caution against restrictive definitions of law and social change, emphasising that the manner in which law is defined and social change is measured can have a significant impact on how the relationship between the two is seen.<sup>20</sup> Recognising that the impact of the law is mediated by the actors and institutions that enforce it, they note: “Very few laws are self-enforcing; law must be mobilised to be effective.”<sup>21</sup> There may be limitations that prevent people from bringing claims to court, such as time, money or inhibiting social norms. This restricts the ability of the courts to decide legal questions, as they can only decide matters that are brought before them. Definitional debates about the nature of the law provide the insight that “law can be found not only in the courts and legislature, but also in bureaucratic organisations like workplaces and schools, in prosecutorial and police

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discretionary decisions, and in law-like social customs and legal understandings that permeate everyday life.”<sup>22</sup> This widens the scope of the “methodologies and locations for studying law as an instrument of social change.”<sup>23</sup>

Albiston and Leachman go on to advocate for broader definitions of social change and endorse the use of different mechanisms, methods and locations for this purpose, including “quantitative measures of public opinion, changing material conditions, or organisation characteristics; qualitative study of changing social meanings and the processes through which legal changes affect social movements and relationships; and ethnographic studies of changing practices and social meanings in particular social settings. Triangulating these measures, and understanding when and why they differ from one another, defines the state of the field on this issue.”<sup>24</sup> Thus, in order to assess the impact of law on society, one must move beyond the legislature and courtroom to other locations to analyse what changes have been brought about as a result of the law.

### **Legal Activism and the Successes of the Women’s Movement**

The women’s movement in Pakistan, in the form that we recognise it today, identified law as its primary target largely by default. Women across Pakistan first rose up as a cohesive force in order to resist General Zia’s discriminatory laws and policies, particularly the Zina Ordinance.<sup>25</sup> Among the leaders of the movement were Asma Jehangir, Hina Jilani and Shehla Zia, pioneering women lawyers who were instrumental in developing the movement’s nuanced approach to legal activism and law reform.

Spearheaded by groups such as the Women’s Action Forum (WAF), the movement largely endorsed the feminist perspective on law, although not all members of the movement identified as feminists.<sup>26</sup> The movement challenged the discriminatory nature of the law, making that the starting point of the battle against patriarchy. Recognising its negative impacts, the movement sought to amend or reverse discriminatory laws to create positive and meaningful social change.

Stoddard identifies five general goals of law-making: (i) creating new rights and remedies for victims, (ii) altering the conduct of the

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government, (iii) altering the conduct of citizens and private entities, (iv) giving expression to a new moral ideal or standard, and (v) changing cultural attitudes.<sup>27</sup> These mirror the goals of the Pakistan women's movement and its engagement with the law. In line with Stoddard's analysis of civil rights activists in the United States, the first three goals relate to traditional, formal law- and rule-making. Similar to this, the intention of the women's movement and its engagement with formal law resulted in "making social change that transcends mere rule-making and seeks, above and beyond all the rules, to improve the society in fundamental, extra-legal ways ... to advance the rights and interests of people who have been badly treated by the law and by the culture either individually or collectively, and to promote values we think ought to be rights."<sup>28</sup> The fourth and fifth items on the list are "culture-shifting" tools, Stoddard notes, which also echoes true of the Pakistan women's movement, where engagement with the law "became, through the deliberate, indeed passionate, efforts of a new breed of lawyer-activists, a favoured engine of change."<sup>29</sup>

The Pakistan women's movement employed two strategies in its engagement with the law. First, it made strategic use of the courts as a tool for mobilisation. Legal activism and strategic litigation were used effectively for the protection and empowerment of women and other vulnerable groups. Khan, in her seminal work on the women's movement and its use of the courts, observes that this "strategy has led to increased empowerment of women in terms of public and judicial recognition of their rights, which activists further leveraged to advocate successfully for legislative reform at the federal and provincial levels."<sup>30</sup> She observes, quoting Hina Jilani: "Despite the politicisation of the higher judiciary and endemic corruption in the lower courts, activists have turned to them to enforce citizens' rights. Legal activism is taking relief for women despite the horrible framework."<sup>31</sup>

Second, it pushed the limits of the human rights framework for the repeal of discriminatory laws and the enactment of pro-women legislation. Supporting the focus on law reform, Jilani identifies both formal and informal law as being for the benefit of the powerful and, in a patriarchal society, serving as a way to control women. She notes, however, that "only formal laws were somewhat conducive to reform due to advocacy pressure from women."<sup>32</sup>

The women's movement first turned to the courts for the protection and exoneration of women accused under the Zina

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Ordinance. Providing legal support and legal aid to women, and in coordination with nationwide advocacy efforts, the women's movement worked persistently to highlight the legal discrimination against women. Constant challenges to the law were made in the courts, resulting in a large body of evidence being accumulated to demonstrate the prejudiced use of the law against women. These cases and their documentation and analysis contributed to the eventual repeal of the law, with the enactment of the Protection of Women (Criminal Laws Amendment) Act of 2006.

Other cases were used to advance the basic rights of women, including an adult woman's right to marry without the consent of her guardian. In the case of Humaira Butt, WAF chapters and NGOs from different cities were involved in rescuing, protecting and supporting her.<sup>33</sup> Ultimately she won the right to marry of her own free will, with Jilani as her counsel.<sup>34</sup> Another seminal case was that of Saima Waheed, which went through the Lahore High Court and Federal Shariat Court before finally being heard in the Supreme Court. WAF was heavily involved, with Jilani and Jehangir who argued the case "on behalf of all women whose cases were pending".<sup>35</sup> They won, with the Supreme Court upholding an adult woman's right to marry without the permission of their guardian.<sup>36</sup>

Cases have also played a key role in the passage of laws and amendments on other issues about which the women's movement had been lobbying for many years. The case of Salman Akram Raja and Tahira Abdullah in 2012, relating to ineffective rape trials, was a public interest litigation case which highlighted the shortcomings of existing rape laws, ineffective investigation and prosecution and the high rate of compromises being reached in settlement of cases, resulting in poor conviction rates.<sup>37</sup> The judgment gave "an authoritative statement on the direction in which law must evolve", leading to the passage of the Criminal Law (Amendment) (Offences Relating to Rape) Act of 2016.<sup>38</sup> Similarly, the 2009 judgment in the Naila Farhat case, concerning acid crime, resulted in the court ordering the government to bear the cost of her treatment. The case lent further support to the efforts of the Acid Survivors Foundation and civil society's push for a new law on acid crimes, and the Criminal Law (Second Amendment) Act of 2011 was passed which specifically recognised a new offence of hurt by corrosive substance (i.e., acid) and substances having a similar impact.

The engagement of the women's movement with the law started with the movement's very inception, as the movement itself

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emerged to challenge Zia-era discriminatory laws. After decades of lobbying, advocacy, evidence-based research and legal activism, the Zina Ordinance was finally amended in 2006, making it virtually toothless—a huge victory for the women’s movement. The Qanun-e-Shahadat was partially amended in 2016, with the removal of clauses allowing evidence of a woman’s past conduct to be used as a defence for a charge of rape.

While working to overturn discriminatory laws, the women’s movement also actively sought to introduce women’s voices into the legal framework through the enactment of women-specific legislation. The law in Pakistan is considered to be gender neutral but has often proved to be discriminatory in its application. For example, through successful use of provocation as a defence in the courts, so-called ‘honour killing’ came to be treated not as murder but as manslaughter, with a significantly reduced sentence.<sup>39</sup> Legal activists and lawyers associated with the women’s movement prepared draft laws concerning key legal issues related to women, which were shared with parliamentarians to take forward in the assemblies. The lack of legal recognition of honour killings, along with issues such as anti-women customary practices, acid crimes, domestic violence, sexual harassment, child marriage and family laws related to religious minorities, formed the priority legislative agenda of the women’s movement.

From 2000 onwards, there was a surge of pro-women legislation at the federal level, largely as a result of these efforts. From 2010 onwards, with the devolution of governance following the passage of the Constitution (Eighteenth Amendment) Act of 2010, many issues related to women became provincial subjects. Thereafter, the provinces began enacting their own legislation, but with different laws adopting different standards and some provinces failing entirely to enact the necessary laws. For example, laws against domestic violence were passed in Balochistan, Punjab and Sindh, but not in Khyber Pakhtunkhwa, with Sindh being the only province to include criminal remedies for the offence. Similarly, laws were enacted in Punjab and Sindh to prohibit child marriage, with the minimum age of marriage being 18 years in Sindh and 16 years in Punjab. Nevertheless, a number of laws were passed covering a range of important matters, including the elimination of the custom of *ghag* in Khyber Pakhtunkhwa,<sup>40</sup> marriage laws for religious minorities (Punjab and Sindh), the removal of difficulties in Muslim family law and inheritance law and a variety of civil and criminal

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amendments with the intent of supporting women's empowerment and protection.

It must be noted that this surge of pro-women legislation coincides with the rise in the number of women in the Senate and the National and Provincial Assemblies. This was the result of a 17 per cent quota for women, introduced through another legal amendment, this time in the Constitution, which had long been a key demand of the women's movement.<sup>41</sup> Demonstrating the importance of bringing women into decision-making positions so that women's voices can be heard, this is one of the greatest achievements of the women's movement.

### Shifting Mindsets and Influencing Public Discourse

Despite these successes, there remain many limitations of the law that must not be forgotten. The women's movement continues to struggle against prevailing patriarchal and increasingly right-wing perspectives within government administrative and justice institutions. This is largely due to the fact that while the legislative reform process may have resulted in many pro-women laws being passed, implementation remains weak and the conviction rate is low. As Fudge notes, while "particularised laws" are "important symbolic victories" for minority groups, they are a limited and therefore only a short-term defence against the retrenchment of rights.<sup>42</sup> Stoddard identifies four factors necessary for "culture shifting", as opposed to mere "rule-shifting": (i) a change that is very broad or profound, (ii) public awareness of that change, (iii) a general sense of the legitimacy or validity of the change, and (iv) overall continuous enforcement of the change.<sup>43</sup> He notes that "'culture-shifting' requires all four; anything less amounts to a form of 'rule-shifting'." <sup>44</sup> Unfortunately, in Pakistan, beyond the first factor, there is little focus placed on ensuring that the other three factors are addressed. This results in the law being ineffective when it comes to convictions and, in the case of some laws such as those concerning domestic violence, low reporting.

Nevertheless, assessing the impact of laws by focusing only on the reported number of cases or convictions is an inaccurate measure of change. The real impact of a law can be more properly gauged by looking at different sites and locations. For example, Stoddard's analysis of the impact of the Civil Rights Act of 1964 in

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the United States highlights the essential role of advocacy and lobbying and the importance of national debate on the subject prior to enactment of the law. He notes: "Through a continuing national conversation about race, ordinary citizens (especially white citizens) came to see the subject of race anew."<sup>45</sup> In Pakistan, too, increasing national discourse on judgments of the courts and law reform relating to women has gradually led to changing mindsets. My own experience working in Pakistan on violence against women shows that with the passage of laws, the conversation on various types of violence and crimes against women and girls, such as sexual harassment, domestic violence and child marriage, has become more informed and these issues are openly discussed, becoming part of the public discourse. The infamous case of the gang rape of Mukhtar Mai may also be noted here. The gang rape was not proved and only one person was sentenced to imprisonment for rape. Despite this disappointing outcome, the case resulted in nationwide discussion and debate, increasing awareness of the issue across the country.

**Challenges Ahead and New Forms of Engagement**

Strategic use of the law and courts by the women's movement has proven to be highly successful. The courts have delivered favourable judgments that admit women's narratives to create new legal jurisprudence and precedents. Law reform has led to the formal recognition of rights and protections and an expansion of the women's rights framework. This in turn has propelled issues of women's rights and protections onto the national stage, helping to shift mindsets and creating the conditions of possibility for social change.

The law continues to hold great importance for the women's movement today, including the younger generation of activists. The generations may not always agree with each other but their objectives are similar. For example, an important area of concern among younger activists today is the use of the defamation law to silence those who bring accusations of sexual harassment and seek justice through the #MeToo movement. The younger generation of activists are deeply engaged with this issue, pointing to the gaps in the Protection Against Harassment of Women at the Workplace Act of 2010 and highlighting the need for clear and effective laws.

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Another issue of concern, and one that did not arise until the advent of social media and widespread adoption of digital and surveillance technologies, is the question of women's privacy and protection from targeted harassment. Here too younger activists have been lobbying for greater awareness, better laws and stronger legal protections for women. As was the case with earlier generations, the women's movement continues to engage with the law, using real-life cases to highlight the shortcomings of the law and its impact on women, followed by focused legal activism.

With new emerging issues, particularly those in uncharted online territory, the engagement of the women's movement with the law remains essential. The women's movement has been at the forefront of analysis and critique on developing legal trends and threats, and it must continue to do so. Furthermore, the women's movement must not only continue drafting legislation and lobbying for the passage of laws, it should also push for more effective implementation of laws in a holistic and ethical manner with improved monitoring and greater accountability of government institutions. Through engagement with the courts, the women's movement must ensure that the voices, stories and perspectives of women are included in the practices and culture of the criminal justice system. Continued engagement is essential to push for more substantive and sustainable changes in the law and in society.

## Notes

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- <sup>3</sup> Khan, *The Women's Movement*, 63.
- <sup>4</sup> Weiss, "Women's Position in Pakistan", 871.
- <sup>5</sup> Shahnaz Khan, *Zina: Transnational Feminism and the Moral Regulation of Pakistani Women* (Vancouver and Toronto: UBC Press 2006), 96.
- <sup>6</sup> Farzana Bari, "Study to Assess Implementation Status of Women Protection Act 2006," (Islamabad: National Commission on the Status of Women 2000): 7.
- <sup>7</sup> Khan, *The Women's Movement*, 59.
- <sup>8</sup> Khan, *The Women's Movement*, 11.
- <sup>9</sup> Thomas B Stoddard, "Bleeding Heart: Reflections on Using the Law to Make Social Change," *New York University Law Review* 72, no. 5 (1997): 967–991.

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# CAUGHT IN THE CROSSHAIRS: THE CRIMINAL JUSTICE SYSTEM

Sarah Belal

Kanizan Bibi has spent nearly 30 years in prison, awaiting execution. Born to a poor farmer in the village of Kamaliya near Toba Tek Singh in Punjab, she lost her mother at a young age and started working as a housemaid for a rich landowning family. Still only a child herself, she quickly befriended the children she was taking care of, the offspring of one Muhammad Khan.

Tragedy struck Muhammad Khan's house sometime between the night of July 27 and the early hours of July 28, 1989. His pregnant wife and five children were brutally murdered inside their own home. Ten days later, on the evening of August 9, a village elder arrived at Kanizan's house and asked her father, Sher Muhammad, to let Kanizan accompany him to the police station. Young and naïve, Kanizan went along with the elder, assuming the police wanted to question her regarding the case. The village elder assured Sher Muhammad that Kanizan would be back home soon. On that evening, Sher Muhammad had no idea that his daughter, his only child, would never return.

Kanizan, according to her family, was a timid 16-year-old at the time of her arrest but the police recorded her age as 25. In custody, the police inflicted unimaginable horrors on the fragile girl for 11 gruelling days. They hung her from a ceiling fan with ropes. They beat her repeatedly. They let mice loose in her shalwar, which they tied at her ankles. They electrocuted her. Neighbours say they could hear screams coming from the police station at night. The torture was so severe that it left her hospitalised for several days. The police refused to let Sher Muhammad meet his daughter. He did not have any money to post her bail.

Eventually, Kanizan was forced to confess. The confession was recorded 11 days after she was taken into custody, in clear violation

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of the law, which requires the police to produce the accused before a magistrate within 24 hours of the arrest. The trial court nevertheless relied on the confession, extracted through torture, and sentenced Kanizan to death on January 7, 1991. Since then, all subsequent appeals, handled by state-appointed lawyers, have been denied. The President has also rejected her mercy petition.

As a result of the torture to which she was subjected, Kanizan's mental health started to deteriorate. Her condition worsened after she was sentenced to death and sent to prison. Later, she was transferred to the Punjab Institute of Mental Health (PIMH) where she was diagnosed with schizophrenia. Kanizan has lost touch with reality and is oblivious to her surroundings. There are days when she is unable to eat or dress herself. Sometimes she hits herself, or repeatedly slaps her head with her hands. She trembles, hears voices and is rarely able to recognise family members. She has not spoken a word in years. What she has endured, first in the police station and then in prison, has broken her. In April 2018, the Chief Justice of Pakistan took suo motu notice of her case and ordered the constitution of a fresh medical board. Her case was clubbed with those of two other mentally ill prisoners, Imdad Ali and Khizar Hayat.<sup>1</sup> She continues to suffer silently, awaiting execution.

Kanizan is one of more than 1,000 women languishing in Pakistani jails,<sup>2</sup> and one of 35 women currently on death row.<sup>3</sup> Punjab has the largest number of women on death row, at 29, followed by Sindh and Khyber Pakhtunkhwa with three each.

Globally, there are more than 700,000 women and girls in prison, about 5 per cent of the total prison population worldwide, with at least 500 facing capital punishment.<sup>4</sup> In Pakistan, women and girls make up about 1.8 per cent of the prison population.<sup>5</sup>

The number of female prisoners may be small compared to men but the issues they face in a system that does not take into account their needs are a cause for grave concern. Particularly disconcerting is the plight of women facing the harshest punishment, the death penalty.

Pakistan's criminal justice system is rife with corruption and beholden to power. It disproportionately targets the most disadvantaged members of society who are poor, lack education and have no access to powerful benefactors. It is often the poorest and most marginalised individuals who receive the harshest punishments, particularly the death penalty.<sup>6</sup> In navigating the criminal justice system, women go through a more traumatic and

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discriminatory experience compared to men, as women and girls are at increased risk of abuse—mental, physical and sexual—at various stages of detention, trial and sentencing.

### Detention

As seen in Kanizan's case, the Punjab police are notorious for keeping a suspect in illegal detention and using torture to extract a confession. A Justice Project Pakistan (JPP) report on police torture and abuse in just one city, Faisalabad, found 1,424 confirmed cases of torture between 2006 and 2012, with 134 of the victims being women.<sup>7</sup> A follow-up report found that the Faisalabad police were sexually abusing women: some were subjected to sexual assault, others were forced to remove their clothing or were molested.<sup>8</sup> In one confirmed case of rape, the victim was a young girl, just 12 years old. The report noted that women in prison experience gendered forms of violence and were more likely to be sexually assaulted, humiliated or forced to witness torture.

The stories of the victims of police abuse are horrific. Such excesses are committed not only within the confines of a police lockup, but in the homes of citizens and on the street in broad daylight.

Abeer, one of the victims interviewed by JPP, was pregnant when the police raided her home to arrest her husband. They kicked her, slapped her and pushed her down the stairs. Two days later she miscarried. Her injuries were so severe that it took four years for her to conceive again. Other victims whose stories were reported by the JPP include Zahira and her mother Zakia. The police would show up at Zahira's house and harass her every time her husband was away. When she, along with her mother and a few other women, protested against this harassment the police responded by severely beating the women and sexually humiliating them in the street. The women's clothes were torn off during the beating, leaving their chests exposed. Zakia was severely beaten with sugarcane sticks and rifle butts. Even after she fell to the ground, the police continued to beat her. "One policeman kicked me between my legs with his boot," she reported. "The nurse was shocked to see the condition of my body. There were bruises on my entire body, I was in severe pain, my arm was broken, it hurt between my legs."

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When those charged with enforcing the law are themselves responsible for such brutality, it becomes difficult for women to seek justice. In interviews with the JPP, many women who were victims of police abuse said they were reluctant to file a complaint because they feared retaliation from the police or believed that no action would be taken.

For a case of police abuse to be filed, torture must be confirmed through a medico-legal certificate. But often, once this is done, the police harass the victims and pressure them to reach a compromise by pardoning the police (under Pakistani law, the offence is compoundable). This is why there is an urgent need for a specific law that criminalises torture, which is also an international obligation under the United Nations Convention against Torture, to which Pakistan is a signatory.

Almost all the women interviewed by the JPP had compromised with the police rather than pursuing their cases, including by reaching out-of-court settlements. Some victims were threatened or intimidated in order to pressure them to not report abuse. In some cases, the police offered victims bribes to not press charges. The National Commission for Human Rights (NCHR) has received multiple complaints from victims of police abuse and many police officers have appeared before NCHR to record their statements, but no concrete steps have been taken.

## Trial

The Cornell Center on the Death Penalty Worldwide refers to female death row prisoners as “invisible subjects of gender discrimination”.<sup>9</sup> There is a surprising lack of information about female death row prisoners around the world, making it difficult to ascertain what types of crimes they are sentenced to death for, the circumstances that led to the crimes and the conditions of their detention. The report notes that most women are sentenced to death for murder, often of family members and in response to gender-based violence. The report found women sentenced to death for killing their abusers in several countries including China, Morocco, Nigeria and Taiwan. A multi-jurisdictional study by Penal Reform International reveals a similar pattern of gender-related abuse in the stories of women convicted of violent crimes.<sup>10</sup>

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It seems likely that many women have been driven by circumstances to resort to violence against their tormentors because the state failed to protect them. More worrying is the fact that several countries, including Pakistan, have no laws that allow the courts to consider evidence of gender-based violence, while in many jurisdictions marital rape and sexual abuse are not considered an offence. Even if that were not the case, presenting evidence of abuse is often impossible because many women have never reported the abuse or the police have refused to register a complaint.

Another factor skewing the trial process for women is the lack of access to competent lawyers. Many women are forced to rely on inefficient government-appointed lawyers because they cannot afford to hire competent legal counsel. In some cases, women are prohibited by their families from meeting male lawyers and finding a female lawyer, particularly in rural and semi-rural areas, can be extremely difficult. Men far outnumber women in the legal profession. In Punjab, for example, the total number of lawyers registered with the Punjab Bar Council in 2017 was 89,143, of which only 11 per cent were women.<sup>11</sup> Official figures from other provinces are not available but anecdotal evidence points at a similarly bleak picture.

### Sentence

Asma Nawab was arrested in December 1998 as a suspect in the murder of her parents and brother at their home in Karachi's Malir area.<sup>12</sup> She was sentenced to death along with two men, while one male accomplice received a 10-year sentence. She appealed the decision. It took nearly 20 years for Asma to be acquitted. In April 2018, the Supreme Court ruled that the "evidence put forward was not sufficient." By then, Asma had spent as many years inside prison as she had as a free woman.

She is by no means the only woman on death row to spend years behind bars before being released on grounds of insufficient evidence. Asia Bibi, a Christian woman accused of blasphemy in 2009, spent close to a decade in prison before her acquittal in the Supreme Court in October 2018.

Criminal justice processes, designed by and for men, are not only blind to the causes and consequences of gender-based violence but often actively reinforce gender-based discrimination. As the Cornell

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Center notes, “courts judge women not just for their alleged offenses, but also for what are perceived to be their moral failings as women: as ‘disloyal’ wives, ‘uncaring’ mothers, ‘ungrateful’ daughters. Nowhere are transgressions of the social norms of gender behaviour punished more severely than in a capital trial.”<sup>13</sup>

There is at the same time a curious trend that can be seen in the judgments handed down by lower courts and the appeals heard by the higher judiciary. It appears that the trial courts are quick to hand down the harshest punishments, while appellate courts often overturn the death penalty. This may explain why Kanizan is today the only woman in Pakistan whose death sentence has been confirmed by the Supreme Court. The appeals of all other women on death row are pending.

### Imprisonment

Conditions inside Pakistani prisons are abysmal to say the least. On the order of the Supreme Court, a committee was formed by the Federal Ombudsman which submitted a report describing prison conditions as “very miserable” and “pathetic”.<sup>14</sup> It noted that female prisoners face harassment, insanitary conditions and lack of proper healthcare, adding that “a majority of female prisoners experience sexual harassment and sexual violence at the hands of jail wardens.” Women’s prisons are overcrowded. In some prisons, as many as 60 women are forced to share a single bathroom and do not have access to clean drinking water. There are not enough beds and the women usually take turns to sleep.<sup>15</sup>

In many cases, the families of convicted women not only abandon them in prison but also leave their children with them. As a result, women’s prisons are full of young children, some of whom were even born in prison and have never known any other life. Although the law specifies that a child can only remain in prison with the mother until the age of 3 years,<sup>16</sup> there are children as old as 12 years living in prison with their mothers. These children have no healthcare or education.

Women prisons have also consistently failed to meet the needs of women in terms of healthcare, especially for those with reproductive health needs. There are not enough female medical officers.<sup>17</sup> Mental health issues are rarely addressed. The dismal conditions in prison, coupled with abuse and neglect, lead to high rates of depression,

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anxiety, sleep disorders and mental illness. A number of female prisoners develop severe mental illness in prison but remain undiagnosed for many years, as was the case with Kanizan. Her mental health started to deteriorate, soon after she was arrested and tortured, and worsened after she was sentenced to death, but she was transferred to a mental health facility only in 2006 after her condition became severe. During the course of her incarceration, she has twice been evaluated by medical boards who deemed her to be suffering from schizophrenia, yet she remains a prisoner on death row with little hope of reprieve.

### Justice

Pakistan's criminal justice system needs to recognise that women convicted and sentenced to death for killing close family members who perpetrated gender-based violence against them deserve to have their sentences commuted. These women's experiences of trauma and violence need to be taken into account at the time of conviction and sentencing.

The government also needs to comply with its commitments under international treaties and conventions to which it is a signatory. For example, the International Covenant on Civil and Political Rights states that the "sentence of death shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women." Kanizan Bibi, however, was sentenced to death despite reportedly being a juvenile at the time of the alleged offence.

Similarly, the Convention on the Elimination of Discrimination Against Women (CEDAW) urges state parties to condemn "discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women." CEDAW expressly states that "women prisoners shall not suffer discrimination and shall be protected from all forms of violence or exploitation."

In June 2019 the Chief Justice of the Supreme Court vowed to set up gender-based violence courts across the country and a few have already been made functional. These will contribute greatly towards addressing the pervasive violence committed by men against women. Until then, Pakistan's criminal justice system leaves a lot to be desired when it comes to protecting the weakest in society,

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especially women. If Kanizan Bibi could speak, she would perhaps testify how the system has failed her.

## Notes

- <sup>1</sup> Khizar Hayat, a mentally ill prisoner who spent the last 16 years of his life on death row, died in prison on the night of March 21, 2019.
- <sup>2</sup> Ministry of Human Rights, *Plight of Women in Pakistan's Prisons*.
- <sup>3</sup> Information is from Justice Project Pakistan sources and prison officials.
- <sup>4</sup> World Prison Brief, *World Female Imprisonment List* (World Prison Brief and Institute for Criminal Policy Research, 2017).
- <sup>5</sup> According to World Prison Brief data, the percentage of female prisoners in Pakistani jails in 2018 was 1.8 per cent (World Prison Brief, *Country Data: Pakistan*, 2018).
- <sup>6</sup> Justice Project Pakistan, *A 'Most Serious Crime': Pakistan's Unlawful Use of the Death Penalty*, (Justice Project Pakistan and Allard K. Lowenstein International Human Rights Clinic, Yale Law School, 2016).
- <sup>7</sup> Justice Project Pakistan, *Policing as Torture: A Report on Systemic Brutality and Torture by the Police in Faisalabad*, (Justice Project Pakistan and Allard K. Lowenstein International Human Rights Clinic, Yale Law School, 2014).
- <sup>8</sup> Justice Project Pakistan, *Abuse of Women by the Faisalabad Police*, (Justice Project Pakistan and Allard K. Lowenstein International Human Rights Clinic, Yale Law School, 2014).
- <sup>9</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (2018).
- <sup>10</sup> Penal Reform International and Linklaters LLP, *Women Who Kill in Response to Domestic Violence: How do Criminal Justice Systems Respond?* (2016).
- <sup>11</sup> Punjab Commission on the Status of Women, *Punjab Gender Parity Report 2018*, (2018).
- <sup>12</sup> Subuk Hasnain, "Life After Death", *The Herald*, October 10, 2018, <https://herald.dawn.com/news/1398573>.
- <sup>13</sup> Cornell, *Judged for More Than Her Crime*, 2018.
- <sup>14</sup> Federal Ombudsman of Pakistan, *Report of the National Committee on Prisons Constituted by the Federal Ombudsman of Pakistan in Pursuance of the Orders of the Honourable Supreme Court of Pakistan* (2015).
- <sup>15</sup> United Nations Office on Drugs and Crime, *Females Behind Bars: Situation and Needs Assessment in Female Prisons and Barracks* (2011).
- <sup>16</sup> Punjab and Sindh have amended this rule and increased the age to six years.
- <sup>17</sup> Punjab Commission on the Status of Women, *Women in Punjab Prisons: Desk Review* (2017).

# WOMEN WORKERS: BARGAINING BASIC RIGHTS FROM THE MARGINS

Zeenia Shaukat

Women activists in Pakistan, dating back to Pakistan's independence in 1947, have spearheaded the fight for a number of fundamental rights and protections, either while incurring considerable costs or as risk-free negotiations with power. Though the discourse and activism of women in Pakistan has tended to focus more on the struggle for political rights, there has been consistent advocacy to also enable an equal economic opportunities and rights agenda, through different iterations and intensity over the decades.

A brief historical overview suggests that women of this region were aware of the need to organise even before state-formation and Independence in 1947. The first formal programme for women's social, economic and cultural empowerment, in fact, was drafted soon after the women's chapter of the Pakistan Muslim League was formed in 1938. Among other important items, the women of the Muslim League Central Committee ensured that the issue of the right to inheritance for women was prioritised. While this may have been the first time women's entitlements were tabled in a formal sense, in one form or another within the institutional framework of the Pakistan movement, the broader push for women's economic rights picked up momentum as women's activism and organisational impetus gathered coherence after Independence in 1947. This need was articulated first through parliament, with Begum Shah Nawaz's bill for the Charter for Women's Rights, which was unanimously passed by the Constituent Assembly in 1954. The Equality of Status, Equality of Opportunity and Equal Pay for Equal Work bill, as it was called, should have formed the scaffolding for a consistent, coherent demand for equality at the workplace for women in Pakistan, but like many laws, it did what it could. It set the terms for a Charter, but was unable to take it forward as a

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gendered retooling of women's labour and entitlement frameworks in the country.

The welfare model of women's organisations was the first to make a name for women's institutional initiatives in Pakistan's formative years. One of the first important women's organisations, the All Pakistan Women's Association (APWA) set itself the task of promoting employment and entrepreneurial opportunities for women, specifically those at the bottom of the economic pyramid, by investing in 'industrial homes' and welfare activities in low-income areas to generate income-earning opportunities. Going a step further to respond to the need for a concerted focus on women's rights and entitlements at work, the founder of APWA, and the first woman Governor of a province, Ra'ana Liaquat Ali Khan, set up the Karachi Business and Professional Women's Club in 1954, which was later extended to other cities. The Club recognised the pivotal role that women could play as entrepreneurs and professionals and limited its aims to addressing the structural and systemic problems faced by women professionals, without obviously setting out to challenge Pakistan's edifice of entrenched power hegemonies. Simultaneously, yet at different class trajectories, a host of other organisations seeking grassroots mobilisation on women's economic agendas came into being, in response to the growing number of women working outside their homes. One such organisation was the Democratic Women's Association (DWA)<sup>1</sup>.

The DWA, formed in Lahore in 1948, was an important leftist movement focused on the rights of the working class. Espousing a Marxist ideological base, the DWA sought to work with working-class women, demanding equal pay for equal work, educational opportunities and workplace facilities. The DWA, notably, functioned under the umbrella of the Communist Party in Pakistan and pursued a broader agenda of women's emancipation which was embedded in the struggle for a socialist society. At the rural level, women activists also played a significant role in successive peasant struggles, starting with the Sindh Hari Committee that took up the cause of collective farming and land rights, giving way to leaders like Mai Bakhtawar, who is remembered as one of the frontline actors of the movement. Women's participation and economic rights were similarly encouraged in the 1980s by the Sindhiani Tehreek through which women led a political battle for land and rural workers' rights, including freedom from bonded labour. Many of these grassroots organisations still remain functional on the ground even though

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they have gone through changes over the years—like women workers' organisations in Multan and Punjab—and are often able to lead large collectives from their villages and towns to feed into the Aurat March on International Women's Day and other street mobilisations for articulating a broader rights message. New independent feminist organisations such as the Women's Democratic Front, formed in 2018 as self-consciously socialist in their manifesto, focus on mobilising the working class in response to a gap in the activism of the left, WDF's President, Ismat Shahjehan, from Khyber Pakhtunkhwa province, for instance, is a prominent member of the Awami Workers Party, which was launched in 2014 as an important collaboration of leftist forces that had lost salience and traction on the ground for multiple reasons including the collapse of the Soviet Union and the advance of the neoliberal agenda in global politics.

Before Ziaul Haq's rights-destroying martial law, at the political party level, the Pakistan Peoples Party (PPP) led the women's mainstreaming initiative through legislation and policy, while also expanding space for women in the politics of the left in the 1970s. The PPP actually grappled with the feminist agenda and prioritised rights goals in its manifesto, but also began appointing women in various high-level positions including governorship and the foreign and civil Services. A commission called the Women's Rights Committee made recommendations on improving the social and economic status of women. In later years, although many of the party's leftist workers continued to mobilise women in squatter settlements and informal factory clusters, the party's broader drift to the centrism of the 1980s evoked different responses.

For women's activism, a few commonalities emerge as consistent. The much-vilified women's leadership from the urban-based upper class continued their activism in difficult circumstances and made a conscious effort to connect with the working class. This trend became more pronounced during the height of General Ziaul Haq's oppressive regime, however, understandably the focus shifted, as noted earlier. Faced with a barrage of draconian laws that impacted women's social and political rights through changes in the law of evidence and the Zina and Hudood Ordinances, women's agency directed its energies toward fighting regressive laws and the redefined status of women as half citizens. This meant that the goals of economic empowerment and the empowerment of women workers remained a subset of the larger political struggle for rights.

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Apart from political movements, trade unions that largely focused on industrial workers had a robust presence until the 1970s, before being systematically crushed under General Zia's rule. While women's representation in trade unions is at its lowest ebb today, during the first four decades of Pakistan women actively engaged, led and participated in trade unions and made connections through progressive political activism. Women enrolled in the textile, pharmaceutical and electronic manufacturing sectors as industrialisation picked up pace in the newly independent country, where they organised and engaged with labour unions as members as well as office bearers. Using the industrial relations laws which were gender neutral and open to diversity in trade union composition and representation, women leaders such as Kaneez Fatima and Dr Shameem Zainuddin reached prominent leadership positions to amplify the workers' voices in collective bargaining forums and discussions. Karamat Ali of the Pakistan Institute of Labour Education and Research (PILER), in fact recalls that in these pre-Zia decades, while the trade unions did consider the politics of gender a divisive theme, women's participation and leadership was seldom contested.<sup>2</sup>

The economic liberalisation programme of the 1990s that followed the political dictatorship period also left its marks on the labour movement, which naturally impacted women workers, who were not just undocumented as sweatshop labour in the cities and port fisheries, but also as the mainstay of the agricultural economy in Pakistan. While the 11-year military dictatorship (1977–1988) sought to curb the rights, legal and political status of women, the IMF's structural adjustment programme signed by the 1988 interim government created harsh conditions for the systematic impoverishment and informality of labour. The subsequent erosion of basic entitlements promoted labour practices that were in violation of labour rights, particularly the hard-earned right to association, which is enshrined in Pakistan's Constitution. The combination of a regressive political environment and an emerging exploitative labour regime dovetailed to impact women with devastating effect in both the domestic and mainstream employment spheres.

On the domestic front, the squeezing of state funding for social services of education and healthcare—steered under the IMF programme—generated greater poverty, exacerbated by high indirect taxes on food commodities, severely denting women's

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access to fundamental services, which left them vulnerable to economic shocks. On the other hand, as the rigours of the new supply side market liberalisation forced more women into the workforce, they were pushed into a labour market defined by an exploitative contract system and a non-existent labour protection infrastructure.

In order to understand some of the context, architecture and agency for the protection of economic rights and labour security in the last three decades in Pakistan, a look at women's labour force participation would be useful, as it indicates the links between the poor bargaining position of workers—an outcome of informality—and the erosion of their capacity to engage substantively with the formal system for their rights. Despite the worsening working conditions, economic liberalisation towards the end of the 1990s still saw a gradual increase in women's labour force participation from 13 per cent to over 18 per cent by 2005<sup>3</sup>. However, even today, the female labour force participation in Pakistan—which has doubled over the last two decades at slightly more than 24 per cent—remains significantly lower than regional countries such as Bangladesh and Sri Lanka where women's labour force participation stands at 36 and 34 per cent respectively. Importantly, urban female labour force participation has not grown significantly during this period while women's participation in the rural workforce, particularly in the agriculture sector, has grown from 16 per cent to over 35 per cent<sup>4</sup>.

While reviewing women's numbers in the labour force, the quality of participation, which is a key determinant of human capital development, not to mention the lived experience, also needs to be considered. Nearly all of women's representation in Pakistan's labour force is linked with informal and low-paid work. So, while women make the wheels of Pakistan's informal and agricultural economy turn, they are neither protected nor represented in any meaningful sense in decision making at the professional or political levels. As it stands, approximately 72 per cent of Pakistan's non-agricultural employment is still in the informal sector. Women dominate this informal employment arrangement, both inside and outside the agriculture sector. The statistics are sobering and the level of discrimination faced when unable to make life choices, let alone claim their share of income or vestigial bargaining power associated with it is shocking. Women represent a staggering 77.7 per cent of the rural informal labour force, which is not covered by

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any labour law.<sup>5</sup> In this environment they are barely counted as labour, let alone given access to the income they help generate, because their contribution is counted as communal or ‘family work’ that naturally remains unpaid.

In Pakistan’s informal manufacturing sector, women carry the load as they account for 61.5 per cent as compared to 17.7 per cent of the men.<sup>6</sup> In the production sector, women also contribute in the capacity of home-based work that feeds into the textile, shoes and food processing sectors, among others. For all its perceived benefits of promotion of economic empowerment of women, home-based work in reality often pushes women into an acute state of unseen vulnerability. The more everyday reality of home-based workers is quite far from the glossy empowerment narrative, as they work in a cluster of severely challenging conditions, managing work as well as care roles, while contributing their own resources in terms of space, rent and electricity. On top of this, they enjoy no access to the right to unionisation or social security. Research also documents cases of women subjected to domestic violence due to the encroachment work can make in shared family spaces.<sup>7</sup>

In the formal category, women still struggle with onerous work conditions, rigid glass ceilings and limited advancement in white-collar jobs. Only 0.5 per cent of total females employed are managers, as compared to 2.8 per cent males.<sup>8</sup>

In Pakistan’s factories, where the contract system now dominates, women are often taken on board in low-paid, third-party contract arrangements that again throws them outside the ambit of any labour laws or entitlements. Again, even in skilled or professional jobs, the gender gap is glaring. Out of all women with access to professional employment, 92 per cent are teachers. Half of these are primary school teachers, followed by secondary school teachers. At 12,000 rupees (USD73) plus as average wage, primary school teachers earn a monthly wage that is less than the national or provincial minimum wage. In another field where women are in the frontlines of providing essential social services, they are equally low paid, as health workers, midwives and polio vaccinators who not just face harassment and violence, but soldier on with barely a minimum wage or the benefits of permanent employment.<sup>9</sup>

The fact that the majority of women remain employed in sectors barely governed by formal labour laws, and where their work either remains unpaid or marginal, is a small indicator of an average Pakistani woman’s encounter with work, which is an experience

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defined by vulnerability and insecurity, not choices or the power to make them through access to an income or recognition of her labour. According to the Labour Force Survey, women's wages are 20 to 50 per cent less than male workers in all major industry divisions.<sup>10</sup>

In a nutshell, workplace conditions for women in Pakistan are defined by four important factors: (i) low wages, (ii) minimal labour protection due to poor legislation for the urban economy, with no legislation in the agriculture sector, (iii) poor implementation of existing legislation that may have provided limited protections and (iv) limited access to remedial measures, including judicial recourse. In a survey on labour courts conducted in 2009, for instance, out of 1,352 cases in the entire country, only 28 pertained to injustices done to women. These were the cases that trade unions had taken up either for individual or collective dismissal.<sup>11</sup>

Despite constitutional provisions and the ratification by the state of related International Labour Organisation (ILO) conventions on non-discrimination, there is still no binding legislation guaranteeing equality of opportunity and equal wages or equal pay for women. The only two workplace laws exclusively covering women are the ones on maternity leave and sexual harassment at the workplace. Recently, the Sindh Women Agriculture Workers Act was also passed. Both the above-mentioned laws have only been effective in the documented formal sectors. There is limited evidence of application in the dominant informal sector.

Among small businesses, Pakistan has one of the lowest rate of female entrepreneurship in the world, with one of the biggest barriers being access to credit, or even the ability to own a bank account.<sup>12</sup> With strong cultural barriers such as restrictions on mobility and public dealing, women who seek to set up small enterprises from home also find themselves under-served financially, or face social and structural obstacles in getting access to mentorship, information, markets and distribution services, often having to rely on the caprice of middlemen and other rent-seeking collaborators. It is for these reasons that the World Economic Forum's Gender Gap Report for 2015 ranks Pakistan at 144th place out of 145 countries.

Given this sobering reality, an important question for feminists would be to ask how the women's movement has been able to address issues that define inequities in the women's workplace, economic and labour agendas. If one traces the role of the powerful

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women's movement that fought against General Zia's dictatorship, it seems that in the post-martial law period, the focus and energies remained fixed on legislative changes to change new, outrageously regressive laws. After that, the terrain of protective legislation for women in the formal and informal economy has been patchy and inconsistent. While elected governments and legislators since the 1990s have attempted to address the gender gap in the workplace, they have done so in spurts and shifts, with little information or public discourse driving such change. However, it needs to be stressed that while women workers have received limited support from parliament, the recent successes in the form of the sexual harassment at workplace legislation as well as the home-based workers policy have come on the back of intensive engagement by civil society and the non-governmental sector.

At the same time, all responsibility for change cannot be shifted to parliament. This chapter cannot be closed without a look at Pakistan's trade unions' current inability to champion the cause of labour rights for women. It is difficult to find a clear answer given the complexities and trauma that have characterised the status of trade unions in Pakistan. Labour movements cannot survive without the right to organise, which is severely compromised in Pakistan. Over the years, a combination of dictator-driven regimes and an elite consensus on neoliberal economic policy have come together to successively dismantle the whole edifice of labour organisations by way of restrictive laws, policies and actions against workers' mobilisation.

If data could speak in starker numbers, it could not tell a more Dickensian story. For a population of over 61 million in the documented labour force, the unionised workforce comes down to only a meagre 2.3 per cent, with around 7,096 registered trade unions.<sup>13</sup> And since the industrial relations law—that regulates the right to unionisation—can only be applied to the formal sector in Pakistan, unions exist only in the formal sector, with the majority now struggling to survive in the public sector.

How women fare in a labour ecosystem where union density in the formal sector stands at 15.55 per cent is not really even the only question to ask, as trade unions in Pakistan are male-dominated.<sup>14</sup> An ILO survey on the representation of women in the existing trade unions reveals only 2 per cent of female members. This is also backed by official data from 2005.<sup>15</sup>

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In contemporary Pakistan, women's poor representation in unions could be attributed to a number of reasons. Firstly, trade unions predominate in industries where women are limited in numbers. Agriculture, elementary work and craft sectors, where women are able to compete with their skills still structurally fall into a labour hinterland of informal categories where the current law does not permit, let alone facilitate the right to organise.

A recent exception is the Sindh Industrial Relations Act of 2013, in the province of Sindh, that has established the right to organise for agricultural workers. More importantly, the province has also passed the Sindh Women Agriculture Workers Act 2019, which recognises the right of workers to have a written contract, minimum wage and maternity leave.

Unsurprisingly, there is also a social dimension to how women have had to navigate the culture of traditional trade unions, as experiences that have been both discouraging and demotivating. In interviews conducted with women members of trade unions, women complained of non-representation in office bearers appointments, decision making and a deeply patriarchal mindset that seeks compliance with hierarchy and suppresses expression and disagreement.<sup>16</sup> This is also supported by literature found on the subject.<sup>17</sup> While the power of collective bargaining may have diminished over time in Pakistan, the politics of male dominance and an exclusionary culture of marginalising the voices of women workers have also encouraged women to look at other options for organising.

Yet where the state has failed them, women have also organised informally in collectives with joint goals for change that have become movements and alliances, that have eventually led to formal organisation. In recent years, home-based workers and domestic workers, despite informality, have come together to form unions.<sup>18</sup> Due to enabling laws in the province of Sindh, unions of agricultural workers (with representation from women) have also been formed, while Lady Health Workers unions have only recently been registered. Moreover, movements such as the Anjuman-e-Muzareen in Punjab and the Fisherfolk Forum in Sindh have women actively leading in key positions. In recent years, female nurses and teachers have also come together to organise for their rights. These movements have played an important role in keeping the flag of women's economic participation and equal rights at work afloat.

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Clearly, given the scale of women workers' needs in Pakistan's formal urban, rural and informal economies, there is an urgent need for the women-and-work discourse to find space in the national public conversation. Right now, women's activism at the community and local convening level has yet to make broad landfall in political gains or street power, despite new activism from organisations such as WDF, beyond the International Women's Day march or a single-issue convening. For consistent gains, women's organisations need to lobby for better conditions, equal pay and benefits that provide safety and healthcare as institutional entitlements from employers, but the road to such a work culture has to be built not just from the bottom up. Obtaining institutionalised rights cannot obviously be the burden of the most vulnerable actor in the workplace, in conditions which can be contingent, contractually informal and often the site of arbitrary violence and other predations.

The state can prioritise much more than law making both from an income generating and fundamental rights perspective. It can do the most to invalidate patriarchal norms, not just by affirmative action policies, but by stringent codes of conduct compliances at the workplace and the re-introduction of legal protections to existing formal sectors, as well as by beginning the documentation of informal and rural unpaid work. Given that the private sector, as well as the domestic employment sector, have no incentive to move away from contractual or informal employment and itinerant labour practices, it will have to be the state that engages with this challenge by dismantling and delegitimising such exploitative employment norms.

The reinvention of political and workers organisations need not be viewed with suspicion, even at the state level (such as the robust unionisation at state-owned enterprises) if as policy these organisations are encouraged to both train and adapt to new technologies, but also to prioritise the interest of women workers. With the world of work increasingly going through fast-paced change, especially through modernisation and digitisation, the need for better and more inclusive capacity development of public policy and public service delivery institutions is very urgent, and often runs past standard labour and citizenship entitlements. How goal setting and gender mainstreaming can be done with more attention to implementable work values, and not just commitments made as development promises to international organisations, is also a key issue for women's activists to take up. Historically, at least in

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Pakistan, any unpacking of the story of wrestling rights for a fairer deal for citizenship will reveal that the struggle for such goals has often been led by women. It is the platform that must expand and adjust its tilt to the same level for women to both realise their rights at work and to lay claim to equal opportunities.

## Notes

- <sup>1</sup> Khawar Mumtaz and Farida Shaheed, *Women of Pakistan: Two Steps Forward, One Step Back?* (London: Zed Books, 1987), 50–76.
- <sup>2</sup> Karamat Ali, Interview by Author, October 2020.
- <sup>3</sup> The World Bank, *Labour Force Participation Rate, Female, Pakistan* (2020).
- <sup>4</sup> The World Bank, *Female Labour Force Participation in Pakistan: What do We Know?* (2018).
- <sup>5</sup> Pakistan Labour Force Survey (2017-18): Table 17, pg. 32.
- <sup>6</sup> Pakistan Labour Force Survey (2017-18): 32.
- <sup>7</sup> Findings of an unpublished Needs Assessment Research, “Increasing female voices in the RMG sector through Social Dialogue” for PILER, coordinated by author.
- <sup>8</sup> See Pakistan Labour Force Survey (2017-18): Table 14, pg. 28.
- <sup>9</sup> Y Zaidi, S Farooq et al, *Women’s Economic Participation and Empowerment in Pakistan - Status Report 2016* (Islamabad: UN Women Pakistan, 2016).
- <sup>10</sup> See Pakistan Labour Force Survey (2017-18): Table 31, pg. 41.
- <sup>11</sup> PILER, “Labour Courts in Pakistan”, a Situation Analysis (2009).
- <sup>12</sup> Imran Khan, “Pakistan’s Gender Gap in Financial Inclusion”, *CGAP*, September 13, 2016, <https://www.cgap.org/blog/pakistans-gender-gap-financial-inclusion>.
- <sup>13</sup> Zafrullah Khalil, *A Profile of Trade Unionism and Industrial Relations in Pakistan* (International Labour Organisation, 2018).
- <sup>14</sup> Ibid.
- <sup>15</sup> Government of Pakistan, *Pakistan Statistical Yearbook* (2008).
- <sup>16</sup> These interviews have been conducted for PILER and Shirkat Gah.
- <sup>17</sup> See Sabeen Jamil, “Pakistani Women Struggle for Equality at Work”, *Newsline*, May 2010.
- <sup>18</sup> International Labour Organisation, *First Domestic Workers’ Trade Union registered in Pakistan* (2015).



# NAVIGATING DEVELOPMENT: WINS, DETERRENTS AND NEW AMBITIONS

Ammara Durrani

Her quick step; her dry hand;  
All things well-spiced;  
Her open and closed relations  
With earth's work;  
And everything passed on  
Without a word.  
*Seamus Heaney, "Home Help"*

Since the 1980s when the Women's Action Forum (WAF) first brought the feminist agenda onto the national stage, Pakistan's development sector has emerged as a knowledge and education resource, a launching pad for activism and a source of employment, as well as a safe intellectual space and spiritual haven for professional women, especially those working on gender issues. The involvement of WAF leaders, activists and professionally qualified women in the development sector has enabled it to promote and advance the gender agenda.

The ability of women to occupy public space, using work to attain social, political and economic empowerment, is central to development for all, women included. In Pakistan, development is arguably one of the few sectors that can claim near gender parity in the workplace. Because of the relatively high proportion of women working in development, from the boardroom to the field, it is a sector that has enthusiastically advocated and promoted women's rights and practised gender mainstreaming.

With the active participation of women and international funding as its mainstay, the course of gendered development practice in Pakistan has taken three broad trajectories: non-governmental, community-based direct interventions; advocacy-based interventions targeting the policy and political communities;

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and structural and systemic interventions with the state as a partner. Social sector interventions related to women's health and livelihoods have tended to focus on working directly with women, while interventions in the areas of education, human rights, political participation and economic empowerment have included men as part of the conversation. The latter approach, aimed at creating an enabling environment for women, is important because it helps to shift the balance of power in areas where opinions, decisions and dividends are controlled by men.

Since the 1990s, a number of large-scale social sector and development interventions have been launched to improve the lives of women, such as the Lady Health Workers Programme, the First Women Bank and the Benazir Income Support Programme. Women's universities have been established in Balochistan, Khyber Pakhtunkhwa and Punjab. Smaller-scale interventions have also been implemented, such as the Punjab government's Women on Wheels Programme, the national Aik Hunar Aik Nagar enterprise targeting women in the creative industries and women-led entrepreneurship and small and medium enterprise (SME) lending initiatives (the Small and Medium Enterprises Development Authority, Kashf Foundation, Karandaaz Pakistan). These efforts have been supplemented by the establishment of working women's hostels, daycare centres, women's crisis centres and shelter homes, as well as initiatives to promote gender-responsive policing, rule of law, access to justice and pro-women budgeting.

Since the 2000s, an impressive array of pro-women laws has also been enacted, though these protectionist interventions have not been properly institutionalised. Bringing more women into the law enforcement and justice structures, and empowering them to create a gendered rule of law system, is still a vastly underserved area.

Nevertheless, overall development indicators for women in Pakistan, now ranked as a medium developed country, have shown improvement with increased life expectancy, better maternal health, declining maternal mortality and greater access to reproductive healthcare.<sup>1</sup> Women's education prospects have improved as well, with the enactment of the Eighteenth Amendment, which guarantees the right to education for all children between the ages of 5 and 16, leading to a greater focus on girls' enrolment and education.<sup>2</sup> The Eighteenth Amendment also devolves the subject of women's development from the centre to the provinces, leading to the replication of national legislative, policy and institutional

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initiatives at the provincial and district levels. Provincial women's development departments, commissions on the status of women, parliamentary caucuses and gendered local government laws are examples of this cascade effect. The Pakistan Peoples Party's Labour Policy and the Pakistan Muslim League-N's Vision 2025 policy document, made possible with support from the development sector, also pay lip service to gender mainstreaming.<sup>3</sup>

These measures, many of which were conceived, advocated and led by women development practitioners in partnership with men, are improving the lives of women. But while working women are development's agents for change, their growth is arrested because of cultural, socio-political, structural and institutional barriers that serve to maintain the patriarchal status quo. Working women continue to face a number of policy, regulatory, procedural, implementation, structural and management bottlenecks that need to be addressed in all sectors, development included.

### **Working Women's Dichotomous Development**

In the World Economic Forum's 2018 Gender Gap Index, Pakistan ranks 148 out of 149 countries.<sup>4</sup> The country's political participation ranking is higher (97), but economic participation and opportunity (146), educational attainment (139) and health and survival (145) rankings are poor.<sup>5</sup> Similarly, the UNDP's 2017 Gender Inequality Index ranks Pakistan at 150 out of 189 countries.<sup>6</sup>

Demographically speaking, men make up 51 per cent of the population, women 48.76 per cent and transgendered persons 0.24 per cent, with the total population currently more than 207 million.<sup>7</sup> The sex ratio stands at 105.07, which means that there are 105 men for 100 women, and the gap is increasing.<sup>8</sup> This also means that despite their almost even numbers, opportunities and resources available to men and women are far from evenly distributed. When measured against Pakistan's socio-cultural, political and economic realities, this widening gap becomes a deterrent for working women. Resultantly, of the total female population, only 22.4 per cent are employed.<sup>9</sup> Comparatively better off are other middle-income economies such as Indonesia (38.2 per cent) and Malaysia (38.1 per cent) vis-a-vis higher income countries such as the United States (45.8 per cent) and the United Kingdom (46.5 per cent). African

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countries including Nigeria (45.4 percent) and South Sudan (49.2) also fare much higher.<sup>10</sup>

Statistics on employment distribution in Pakistan show that employment opportunities for women are restricted (see Table below). Among urban women, the top five sectors of employment are manufacturing (32.74 per cent), education (24.18 per cent), household employment (13.07 per cent), agriculture, forestry and fisheries (11.87 per cent) and health and social work (6.47 per cent). The majority of rural women are employed in agriculture, forestry and fisheries (78.86 per cent), followed by manufacturing (12.14 per cent), with only a small percentage in education (3.26 per cent), household employment (1.41 per cent) and health and social work (1.16 per cent).

Government data does not specifically identify women working in law and public policy, or in the federal and provincial civil service, judiciary, private sector, business and SMEs. One could do some guesswork by looking at the tiny numbers for employment in the categories of information and communication, financial and insurance activities, administrative and support service activities, public administration and defence, compulsory social security, other services and activities of extraterritorial organisations and bodies. At best, however, it will remain guesswork.

**Percentage distribution of employed persons 10 years of age and over by major industry division occupation groups and sex (urban and rural) 2017–18**

Major occupational groups: managers, professionals, technicians and associated professionals, clerical support workers, service and sales workers, skilled agricultural and fisheries workers, craft and related trade workers, plant and machine operators/assemblers, elementary occupations.

| Major industries                          | Urban    |            | Rural    |            |
|-------------------------------------------|----------|------------|----------|------------|
|                                           | Male (%) | Female (%) | Male (%) | Female (%) |
| Agriculture, forestry, fishing            | 5.26     | 11.87      | 46.03    | 78.86      |
| Mining, quarrying                         | 0.09     | 0.00       | 0.42     | 0.01       |
| Manufacturing                             | 24.59    | 32.74      | 10.79    | 12.14      |
| Electricity, gas, air conditioning supply | 0.85     | 0.13       | 0.31     | 0.00       |
| Water supply, sewerage, waste management  | 0.57     | 0.08       | 0.29     | 0.01       |

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| Major industries                                   | Urban    |            | Rural    |            |
|----------------------------------------------------|----------|------------|----------|------------|
|                                                    | Male (%) | Female (%) | Male (%) | Female (%) |
| Construction                                       | 7.43     | 0.23       | 11.09    | 0.22       |
| Wholesale and retail trade, vehicle repair         | 28.37    | 3.51       | 2.70     | 1.03       |
| Transportation and storage                         | 8.31     | 0.10       | 6.59     | 0.07       |
| Accommodation and food services                    | 3.46     | 0.92       | 1.83     | 0.12       |
| Information and communication                      | 1.36     | 0.42       | 0.20     | 0.00       |
| Finance and insurance                              | 1.24     | 0.42       | 0.27     | 0.05       |
| Real estate                                        | 1.14     | 0.05       | 0.24     | 0.00       |
| Professional, scientific and technical             | 1.07     | 0.04       | 0.42     | 0.04       |
| Administrative and support services                | 1.11     | 0.16       | 0.41     | 0.01       |
| Public administration, defence, social security    | 4.82     | 1.28       | 2.04     | 0.10       |
| Education                                          | 3.85     | 24.18      | 2.75     | 3.26       |
| Human health, social work                          | 2.13     | 6.47       | 0.93     | 1.16       |
| Arts, entertainment, recreation                    | 0.32     | 0.16       | 0.16     | 0.01       |
| Other services                                     | 2.82     | 4.06       | 2.07     | 0.51       |
| Household employment, undifferentiated goods       | 1.14     | 13.07      | 0.44     | 1.41       |
| Extraterritorial organisations and bodies          | 0.07     | 0.11       | 0.01     | 0.00       |
| <i>Source: Pakistan Bureau of Statistics 2019.</i> |          |            |          |            |

Independent statistics on women's inclusion in government, law and business show that relatively few women are employed in these sectors. The proportion of women holding seats in parliament is 19.23 per cent.<sup>11</sup> Efforts have been made to increase the participation of women in government at various tiers, such as the Khyber Pakhtunkhwa Local Government Amendment Act of 2019,

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which sets aside a 33 per cent quota for women in village and neighbourhood councils, and the Punjab Fair Representation of Women Act of 2014, which mandates at least 33 per cent representation of women in the boards and committees of provincial statutory institutions and entities. In the judiciary, however, only seven of the total 131 judges in the federal and provincial high courts are women, and there are no women judges in the Supreme Court.<sup>12</sup>

In the business sector, the growth of social enterprises is being projected as a new space for working women and there seems to be some concerted effort to make social enterprise a launching pad for women as entrepreneurs and business leaders. Of the nearly 450,000 social enterprises in Pakistan, 20 per cent are led by women, while women lead only 5 per cent of mainstream businesses.<sup>13</sup> Social enterprises hire nearly four times as many women as mainstream SMEs, with roughly 30 per cent in full-time positions and 50 per cent doing part-time work. Education, health and social care are the most common sectors of operation for Pakistani social enterprises, and nearly half of all social enterprises report that promoting education and literacy is a key objective. Correlation of this finding with the government's female labour force data cited earlier reinforces the observation that women work primarily in development-related fields.

Calculating the percentage of women development practitioners located higher up in socio-economic and institutional hierarchies—those first- and second-generation women professionals working on the gender mainstreaming agenda through development—is a challenge. It is almost impossible to determine their numbers and roles because of the paucity of data and the lack of empirical research on working women's leadership across diverse sectors.

A quantitative fog strengthens the prevalent anecdotal assumption that the bulk of women's workforce participation in the development sector—or any industrial or organisational sector, for that matter—is far removed from the relatively empowered and agenda-setting roles of their counterparts working in the institutional and policy establishments mainly in the urban capitals. This dichotomy raises the frequently debated issue of the haves and the have-nots among women workers faced with limited dividends of a trickle-down development paradigm. This is a critically important dichotomy to consider within the larger question of working women's quantitative increase. Both groups face their own

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challenges and barriers that need to be overcome for their growth and empowerment.

### **Prioritise ‘Secondary’ Deterrents, Push the Critical Mass**

It goes without saying that the primary and most serious barriers women face are related to poverty, income inequality, gender-based violence and sexual harassment. While these issues have rightly received the most attention from the development and policy communities, I highlight here what some may see as secondary challenges. In my nearly two decades of working in Pakistan as a woman professional, I have observed and experienced certain consistent structural barriers that millions of working women face in their daily struggle to make a living and contribute to national development. The persistence of these barriers, especially for women workers from the middle and lower-income strata, and from peri-urban and rural backgrounds, arrests their prospects for professional advancement and allows the glass ceiling to remain in place.

For women at the middle and bottom rungs of the development pyramid, the first such barrier is the near universal absence of suitable transport that would allow them to travel without feeling psychologically stressed or being sexually harassed. Lack of mobility prevents women and girls from going to school or college and makes it difficult, if not impossible, to go to markets or places of work, to participate in leisure activities or sports, or even simply to socialise.

While the state of public transport in Pakistan is appalling, this barrier is beginning to break in major cities with the rise of affordable pick-and-drop and ride-hailing services. There have also been some efforts by local administrations, supported by development agencies, to introduce dedicated transport schemes for women. Not only are these new mobility ventures changing the commercial game with their targeted approach to women commuters, they are changing the gender game. I believe such efforts to broaden the scope of mobility for women will yield true development. They will give women and girls the independence and freedom of movement they need to acquire education and join the workforce in greater numbers. These initiatives need to be extended to peri-urban and rural areas, where markets and mass media have

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already penetrated, for the large-scale inclusion of women in socio-economic activities and development processes.

The second barrier is the scarcity of public toilets for women. Beyond the well-appointed offices of corporate and development-sector establishments lies the vast domain of government offices, small businesses, formal, informal and public spaces that have no toilet facilities for women. This prevents women, especially those from the lower- and middle-income brackets, from entering the workforce. It demonstrates the problem of men designing work and public spaces primarily for men, reinforcing a patriarchal ecosystem, and highlights the critical issue of the need to design inclusive and gendered work and public spaces. In the 21st century, the fact that women are held back from participation in the national workforce because of lack of basic amenities is a serious development shortfall for Pakistan.

Once they overcome the class-based barriers of mobility, low-income employment and lack of opportunity, women who rise to the higher rungs of the development pyramid face 'invisible' deterrents involving organisational politics, conflict or competition over equal pay, power and leadership and even intellectual hegemonies. These invisible deterrents have yet to be empirically measured for working women. And this is where the real cookie will crumble for development as a gender equaliser.

Inclusion and diversity are now hot corporate agendas in both the private and international development sectors. The result is a generic and casual drive to increase numbers, mostly with fresh female graduates and younger or less experienced women professionals. But a quantitative and qualitative push to put knowledgeable, experienced and accomplished women in positions of organisational, economic and intellectual game-changing power is still rare, whether in the private, development or public sectors.

Why is our accomplished critical mass still struggling to claim the centre stage of structural power?

Even international development organisations working in Pakistan display gender inequity and discriminatory bias. In addition to the barriers identified above, experienced women development practitioners have to contend with the added discrimination of being typecast as 'locals', managed by often male 'internationals' who are positioned advantageously because of their passports, nationalities and/or ethnic or racial origins. Even if international development experts deployed in Pakistan are women,

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there is no guarantee they are gender-sensitive or passionate about the gender agenda; conversely, they may exhibit a 'superiority complex' management style with respect to local professionals who may in fact be more knowledgeable and experienced development professionals. Thus, sadly, even the introduction in the 2000s of the South-South development cooperation model has not eradicated gender and racial discriminatory carry-overs from the North-South hegemonic model of the previous century.

Regardless of creed, caste, orientation, opinion or origin, competent gendered leadership should become a primary accountability metric for the political economy of development as a discipline and industry designed, funded and managed primarily by governments and knowledge institutions in the developed, mostly western countries.

### **Re-politicise Development for Equal Power**

The historical interplay between the trajectory of Pakistani politics and the women's movement impacted the development sector, and vice versa, in the formative years. WAF's resistance to the military dictatorship of General Ziaul Haq and his Hudood laws paved the way for the restoration of democracy and the expansion of gendered development through the 1980s and 1990s. As the personal became political, development reflected the intellectual clarity, leadership capacity and commitment of its practitioners, both women and men. The resulting pro-women development gains made through large-scale social sector interventions and legislation, and the increased participation of women in political, economic (both labour and business) and governance structures, are solid. But have they fundamentally changed the gender balance of power in Pakistan?

That remains a political question, manifest in the country's current political economy and its impact on the development sector. If there are more women in Parliament, why are they not in the Cabinet or chief executive chairs? When they are, how invested are they in the gender agenda? If there are more women in government, why are they unable or unwilling to push the women's agenda into everyday policymaking and implementation? Why are there so few women heads of public-sector companies and organisations? If there are more women-led businesses, why are they excluded from economic and financial decision-making structures? Why are

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women still paid less than men? In spite of more women victims of violence and more women lawyers and officers to protect them, why is there an increase in gender-based violence, and why must men hold ultimate power in the law enforcement and justice sectors? If there are more women students and faculty in religious educational institutions, why are women not religious authorities?

What are we doing to push this critical mass to perfect equilibrium?

The development sector has created agency in the socio-political and economic fields that are central to gendered development, but equalising and decisive power remains an elusive goal for working women. Development needs to go back to the drawing board and ask: why are we doing this, what is at stake, what needs to change and what are our new ambitions? There is a need to re-politicise development by taking it out of the (western) donorised mindset and by resetting our theoretical paradigms. There is a need to rewrite the narrative and set a new indigenous agenda that positions women at work as equalisers, game changers and worthy of trusted and decisive power.

## Notes

- <sup>1</sup> UNDP, *Human Development Data—1990–2017* (2018).
- <sup>2</sup> Article 25-A, Constitution (Eighteenth) Amendment Act 2010, Constitution of Pakistan.
- <sup>3</sup> Government of Pakistan, *Labour Policy 2010* (2014).
- <sup>4</sup> World Economic Forum, *Global Gender Gap Report* (2018).
- <sup>5</sup> Ibid.
- <sup>6</sup> UNDP, Gender Equality and Sustainable Development, *Development Advocate Pakistan* 4, no.4 (2017): 2–9.
- <sup>7</sup> Web Desk, “Population census 2017: Men outnumber women in Pakistan,” *Samaa TV*, August 25, 2017, <https://www.samaa.tv/news/2017/08/population-census-2017-men-outnumber-women-pakistan/>.
- <sup>8</sup> Ibid.
- <sup>9</sup> Hussam Razi, Annum Hussain, “The Karandaaz Women Entrepreneurship Challenge,” *Karandaz*, April 28, 2018, <https://kara-ndaaz.com.pk/blog/karandaaz-women-entrepreneurship-challenge>.
- <sup>10</sup> Ibid.
- <sup>11</sup> Inter-Parliamentary Union, *Percentage of Women in National Parliaments. New Parline: the IPU’s Open Data Platform* (2019).
- <sup>12</sup> UNDP 2017.
- <sup>13</sup> British Council, *The State of Social Enterprises in Bangladesh, Ghana, India and Pakistan* (2016).

# ON THE FRONTLINES OF DISASTER: ADAPTING TO CLIMATE CHANGE

Zofeen T. Ebrahim

While climate change affects everyone, its impacts on men and women are different and disproportionate. Karen Hardee, a senior fellow at the What Works Association, which aims to improve the lives of women and men through evidence-based policies that promote gender equality, has been studying climate change and gender for a decade. She says that, depending on the kind of climate disaster that unfolds, women may be more severely affected than men.<sup>1</sup> The reason is simple. Men have greater resources at their disposal and are likely to be more resilient in the face of climate change effects. Similarly, when men are forced to migrate as a result of climate change, it affects women who have to take on more responsibilities.

The effects of climate change are already being witnessed in Pakistan where, for example, during a drought, women have to walk greater distances to fetch water, enduring physical hardship and facing greater security risks. “Women endure a lot of stress to manage resources for the family, and this stress is only rising,” Dr Arjumand Nizami, Country Director Helvetas Swiss Intercooperation, points out. She notes that when additional responsibilities are placed on women, in the absence of men, the result is often a breakdown of systems. For example, channel cleaning in high-altitude areas is done by the men of the community but when they migrate in search of work, this responsibility falls on the women. In such situations, channels are often poorly managed, or just enough work is done to irrigate one’s own fields. Inadequate or intermittent water supply in turn makes for poorer harvests, with further negative effects on land productivity and household income.

In urban areas, meanwhile, studies have found climate-related violence against women. “Barely any attention is paid to urban

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women in Pakistan regarding climate issues and how this affects them,” says Amiera Sawas, a researcher and gender policy specialist who has co-authored a study on water and violence in urban areas. In many low-income settlements, where families have migrated from rural areas, the men are responsible for fetching water, a task traditionally performed by women. In increasingly difficult economic conditions, with patriarchal men forced to take on additional responsibilities, their frustrations can turn into domestic violence.

### Agents of Change

In pursuit of my work, I have come across many women adapting to climate change against the odds. Women play a critical role in managing natural resources including water, fuel and food. This is especially true at the family level in rural areas. For this reason, they are more keenly aware of environmental degradation and more affected by it. With increasingly long dry seasons, women have to work harder to keep their families fed. With more men migrating to the cities for work during the dry season, women shoulder the burden of farming and finding water and firewood.

But when adversity comes, more often than not it is turned into a lesson in sustainability. Take the case of the women in Tharparkar, a district in Sindh with the highest caloric deficit in the country. When some of the women here were offered a role in adaptation and mitigation efforts to fight climate change, the potential disaster of drought was turned into a win-win situation.

In 2013, the Society for Conservation and Protection of Environment, a non-governmental organisation (NGO), paid 2,000 women in villages across Tharparkar to grow and tend the mukul myrrh (known locally as *guggul*), a thorny resin-producing tree close to extinction, widely used for cosmetic and medicinal purposes. For every plant a woman tended she received 100 rupees, and most were able to grow 500 saplings in a one-acre area.

When women are economically empowered, they spend wisely and make life better for everyone. Many women growing *guggul* were happy they didn’t have to migrate in the leaner periods. Some used the extra money to grow kitchen gardens, feeding their children fresh vegetables without worrying about debt piling up at the grocery shop. Others used their income to send a child to school.

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At the same time, other changes in their communities were slowly taking place. With women becoming financially empowered, a shift in the balance of power was emerging at home, with a more equal relationship between husband and wife. Men were beginning to help not only in the nurseries but also with housework. As the power dynamics changed, it was also observed that women experienced less violence at home.

As gender policy specialist Sawas points out, “Women aren’t just victims, they are also agents of change.” There are many such examples of women uplifting themselves and their families from poverty in ways that are also ecologically sustainable. And yet these initiatives that build resilience continue to be neglected in policy circles.

The ‘South Asia Women’s Resilience Index’, a 2014 report by The Economist Intelligence Unit (EIU), states that countries in South Asia have largely failed to include the rights of women in their disaster risk reduction and resilience-building efforts. David Line, managing editor of the EIU, notes: “South Asian countries need to realise the tremendous capacity for leadership women have in planning for and responding to disasters. They are at the front line and have intimate knowledge of their communities.”<sup>2</sup> According to the report, Pakistan’s women are less resilient to climate change than their counterparts in the rest of the region because of serious challenges in access to credit, social and cultural norms that restrict mobility and access to sanitation and health.

### Capitalise on Women’s Knowledge

Hina Lotia, former Director Programmes at Leadership for Environment and Development (LEAD) Pakistan, has worked in the areas of environment and climate change for two decades. During her many years in the field, she has noticed that women speak simply and effectively about the issues that concern them. “They may not use technical terms and concepts,” she notes, “but they will tell you exactly how environmental changes are impacting them.”

Women in rural areas are more aware about the changes taking place because their livelihoods are directly affected. “Women in villages notice the shifting weather patterns and how this has affected household income and seasonal migratory patterns,” Sawas explains.

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In Pakistan's National Food Security policy, women's vulnerability to climate change has been recognised along with their contribution to value-added agriculture. "There is recognition of their family contribution, the need for women's empowerment among vulnerable groups in desert and mountain areas, and for harnessing the potential for self-employment," Dr Nizami points out. However, what remains missing is acknowledgement of the knowledge capital that women possess owing to their proximity to the environment and their first-hand experience of climate change. "We are not capitalising on women's knowledge while preparing strategies to combat the effects of climate change," she says.

The government's agriculture extension services are only available to 16 per cent of farmers. "It is an all-male staff and so even if the staff is increased, it will still never be able to reach out to women farmers," Nizami notes, adding that the time has come to rethink extension services. One way, she suggests, could be through the use of technology. "Technology can be used to reach out to women in the absence of female staff in the extension services."

### **When Women have Access to Technology, Magic Happens**

Persimmon trees abound all over the Swat valley. Nearly 100,000 kilogrammes of this reddish-orange fruit is produced every year, in commercial orchards as well as on trees growing in homes, mosques, community spaces and on the side of the road. Often the fruit ripens but is not picked because the work is labour-intensive and the fruit is highly perishable, with a shelf life of just two days, making it difficult and expensive to market.

But in 2015, the installation of a 12-kilowatt fruit drier, powered by a micro-hydro plant in Jhutkai, proved to be a game-changer for the people of Binkat, a village some 6 kilometres from Jukhtai. The Sarhad Rural Support Programme provided the community with the equipment and trained village residents in drying and marketing the fruit. The NGO helped local growers develop market linkages and provided technical support to improve the shelf life of the fruit. Although the project has ended, the community has continued with the business. What started with 500 villagers, 200 of whom were women, has today become a small industry employing 2,000 people, involving between 800 and 1,000 women.

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It is a woman-friendly business as it does not require women to travel out of the village and capitalises on skills they already possess. Women were traditionally engaged in processing and drying the fruit at home. Technology has helped them to scale up their work. In fact, earnings from this business have been steadily increasing, allowing the women to buy more trees, hire more workers and dry more fruit.

Financial empowerment has also meant that women have a greater say in the affairs of the village. “We have found our voice,” says Mairaj Bibi, one of the village women. They have formed an organisation called the Binkat Taraqiyati Tanzeem, which she heads. The first thing they did was to pressure the men to build a metalled road. “Earlier when we wanted to go to the hospital, the rented vehicle would cost 1,000 rupees,” says one of the village women. “Today it costs just 200 rupees and the vehicle can come right up to our doorstep.” Another woman recalls the time before the road was built, when a pregnant woman delivered on the side of the road because she could not make it to the hospital in time. It is now easier for the children to walk to school, especially after the rains. And taking fruit to the market is also easier.

### **Intersectionality and Multiple Identities**

While climate disaster will affect us all, the poor, and especially the rural poor, will be hardest hit. But even here, poor rural women will be more vulnerable to environmental stress than poor rural men because women do not have access to the same resources as men. In developing climate change mitigation strategies, it is therefore important to consider multiple factors such as socio-economic status, disability and religion, as well as gender. An intersectional approach is key to ensuring that climate change mitigation efforts are able to protect the most marginalised groups in society.

According to the United Nations, 80 per cent of people displaced by climate change are women. And because poor rural women in the Global South are responsible for collecting and managing food, water and fuel for their families, they face greater risks in performing these tasks in extreme weather events. With the unfolding disaster we are witnessing in the form of heat waves, droughts and floods, and the resulting food insecurity, unemployment and disease, there are harder times ahead.

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In times like these, we need to talk more about women like Almas Perween. A young farmer from a village in Vehari, near the city of Multan, her questions on gender roles may cause men to cringe. “Why is cotton-picking always a woman’s job?” she asks. She is not convinced by the responses she gets.

Tilling the land has traditionally been a man’s occupation, while the soft, fluffy cotton fibre that grows in a boll has always been picked by women, because they have smaller hands better suited to the delicate task—or so the traditional reasoning goes. But Perween, who does everything a man does on the farm, refuses to accept this reasoning. “This is just an excuse made by men not to work,” she says. This is not the only gender bias she is determined to fight. She believes in income equality and pays the men and women she employs equally. Perween is also a trailblazer in other respects. She does not employ children on her farm and campaigns for the elimination of child labour.

While many agricultural activities have traditionally been assigned to women, a 2018 United Nations report on the status of rural women in Pakistan notes that agricultural work in general has undergone feminisation. The agricultural sector employs nearly 7.2 million rural women, making it the largest employer of women in Pakistan. But the multiple jobs women do on family farms, as well as in the home, are not captured in such studies and their value is not calculated in monetary terms. Although farming is still thought of as a man’s job, much of the work is in fact done by women.

Latifa, a woman who works as a farmhand in Mirpurkhas, compares women’s work to bad television reception, where you cannot see the actual film and just hear a lot of crackling. She agrees that women’s work remains off the radar even though their contribution is critically important. Latifa also blames Pakistani movies, television and school books, which contain stereotypical depictions of rural life, showing male farmers driving tractors, hoeing and spraying pesticides and the women fetching water and bringing food to the man while he wipes the sweat off his brow.

According to the Food and Agriculture Organisation, Sindhi rural women in agriculture should be recognised as farmers not just as sharecroppers or farmhands.<sup>3</sup> Women in rural Sindh represent 48 per cent of the total labour input for winter crops and 49 per cent for summer crops, yet only 5 per cent own land.

Land ownership is considered the most important safeguard against poverty in rural Pakistan. Although women are legally

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entitled to own farmland, they are excluded from ownership because land allotment rules require that allottees be recognised as cultivators, which invariably means men.

But steps are being taken to change this situation. In 2008, under a project initiated by the Sindh government, 91,000 hectares of cultivable state land was set aside for distribution to 80,000 poor and landless peasants, of which many were women. In the second year of the project, 21,000 hectares of land was reserved for women. Through this scheme, thousands of the poorest women in Sindh became owners of farmland. To ensure that male family members do not usurp the land, it was made mandatory by the Sindh government that the land could not be sold for at least 15 years and the heirs could only be female next-of-kin.

### Missing Women

Our era, the anthropocene, is one where human activity has drastically altered the environment and is destroying the biosphere. Most intellectual deliberations around this issue are dominated by a singular voice, that of men. As with Amartya Sen's 'missing women', where are the women when conversations take place about the environment and climate change? They are not heard.

There remains a huge gap in government action on the environment and climate change and in engaging with women for their knowledge and expertise. Building resilience is the only defence against climate change, and women's vulnerability can be reduced by including them in planning and policies. The state needs to draw upon the expertise of women farmers and scientists, as well as ordinary women living and working in rural communities. Until women's voices are heard, they will continue to be more vulnerable than men to climate threats.

### Notes

- <sup>1</sup> All quotes in this essay are based on author interviews.
- <sup>2</sup> Economic Intelligence Unit, "South Asia Women's Resilience Index", *The Economist*, November 22, 2014.
- <sup>3</sup> Food and Agricultural Organization, *Partnering for Rural Women and Men in Pakistan* (2016).



# FIELD NOTES FROM THE AURAT MARCH: THE MILLENNIAL MEGAPHONE

Rimmel Mohyidin

I did not attend the Aurat March. My job keeps me away from my hometown, Lahore, but on that day, I would have traded my job, all my money and a kidney to be back home. As a woman, I should be used to impossible choices.

This was not the first time that Pakistani women had taken to the streets. But this was a different march, and these were different women. They were changing the rules.

We were going to walk the streets without fear, in huge numbers, united by a notion still considered too dangerous by some—that we deserve equality. We were going to find the women who needed this reminder, who embodied this reminder, who shunned this reminder, and bring them to the table. And we were going to listen just as much as we were going to raise our voices.

We were walking away from having our choices made for us. Everyone was invited into this new world, including men. We knew what it was like to be excluded because of our gender and we were going to lead by example. So, we held the door open.

Like the generation of women before us have done.

## **Death of a Titan**

The last time I participated in an event where women walked the streets without fear was Asma Jahangir's funeral. When she passed away suddenly in February 2018, the grief was clouded by anxiety. Who would take her place? She was always the one we looked to in moments of crisis, when the consequences of not acting quickly were dire.

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Perhaps it was the crippling doubt that silenced the thousands of mourners at her funeral prayers. I remember how the men tried to push us out of the way one more time. They crowded around the cot carrying her body. It may not have been their intention but in the moment, it felt like a taunt.

She wasn't going to stand up and tell them to make space for us and they assumed we wouldn't either.

Had all the progress Asma shepherded died with her, I wondered. But as I began to be pushed back, a woman next to me asked the women around her to make room for a line. She repeated her instructions a little louder. Soon she and the women around her were shouting over the men, demanding space.

People began to shuffle, stepping to their right, stepping to their left. Some moved forward, some stepped back. Slowly, rows began to form. We organised ourselves for a place to stand. And men and women prayed together.

Many women in the crowd sported bright yellow scarves with Urdu text printed on them. I asked the one closest to me what they meant.

She must have been in her early sixties. She smiled and said, "It's for the members of the Women's Action Forum. Have you heard of it?"

I blinked at her. I did not think there was a girl alive who did not know about WAF and what they had done for us. I wanted to be offended by her assumption of my ignorance. But then I realised that to live in a world where these hard-fought freedoms could be taken for granted was its own kind of privilege.

As the tributes to Asma poured in, a common theme was how she was the only woman lawyer girls knew about growing up. But at her funeral, swarms of women in black coats and *shalwar-kameez*, the court-mandated uniform for female lawyers, stood shoulder-to-shoulder with activists, journalists and writers. Each one of them able to choose their own path because women before them had paved the way. And taken the hits so we did not have to.

If we were worried that the silence at Asma's funeral was in mourning for the death of women's activism, then the noise at Aurat March should have reassured us that women will not be silenced.

## FIELD NOTES FROM THE AURAT MARCH

**Street Cred and Online Clout**

True power is thought to be in the streets. So, it makes sense that men have always tried to keep us off them. And so, like the women before us, we made the streets our battleground.

I am told it was a magical day. That the sun shone, the music played, that women felt like men must feel every day. The streets must have groaned with the extra weight as the other half of the population laid claim to them. I have heard that all sorts of women were there, that privilege was deployed to help those who have less. Mothers brought their young sons and daughters, to show them at an early age the strength of the collective, the importance of political participation, the need to push back against oppression.

In a world where hatred is rewarded with election wins, where bigotry dominates politics and the airwaves, the Aurat March offered a rare opportunity to be kind. It was okay to help others. It didn't matter if you deviated from what is considered acceptable. It mattered that you were human, that you cared about others.

Divisive rhetoric may have been winning everywhere else, but over here it found no audience.

I watched the Aurat March unfold online. I obsessively pored over the build-up, drinking in the message of hope, solidarity, self-assuredness. Empowerment can be intoxicating because the possibilities seem endless and all obstacles surmountable. I watched with glee as the retweets racked up, running into the thousands, and the support poured in. I saw women in power lend their influence to lift more women to power. I saw photos of women forcing their male chaperones to stop so they could look at Aurat March posters plastered across their cities. I must have scrolled a thousand miles with my thumb, refreshing news of this protest by hashtag.

This is what the organisers of the Aurat March knew how to do well. They knew how to create and curate the story online. They knew what messages needed to be disseminated to build the narrative. They were creeping into our homes through our phone screens, shrinking manifestos to 280 characters. And they knew how to deploy art to make their point.

Placards written at home, the Twitter-ready slogans, were made visible to millions by the eyes on the march. The omnipresent phone camera and live-streaming features that allow anyone to become a mobile broadcasting unit spread the message around the world. I sat in my office in Colombo and I can tell you what the activists I

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recognised were wearing. Friends from around the world shared their favourite placards in WhatsApp groups, where we voted on our favourites.

This, to me, was the union of the old with the new. And this is what makes the Aurat March a formidable institution. People power is difficult to collate but holding people's attention online is a different beast. Aurat March organisers recognised the power of both, and a historic moment was born, its emergence thoroughly documented.

The internet has changed the game for political activism. Campaigns can now be leaderless. A great democratisation has taken place and millennials know how to capitalise on this. There are many campaigns that have found a home online even when they are too dangerous to be taken into the streets. Justice too can be won through a series of tweets.

Women leading the charge against the death penalty at the Justice Project Pakistan have used the internet to mobilise support. And they have done so successfully, as in the case of Kanizan Bibi, a mentally ill death row prisoner who has been incarcerated for almost 30 years. When she was moved from the Punjab Institute of Mental Health to Kot Lakhpat jail, it was the internet that saved her and got her transferred back to a mental health facility.

Space for dissent is being ruthlessly eviscerated in Pakistan. It is common knowledge. The press is being scrutinised for every punctuation mark, and journalists and TV anchors are being muzzled. There are big pay-offs for those who peddle the 'official' narrative and the careers are destroyed of those who do not. With the stifling of the media, a vital tool for activism, the importance of the internet has increased exponentially, and no one knows this better than the millennial woman.

Women are used to improvising, working in confined spaces and with limited resources. Perhaps that is why one of Pakistan's most important human rights movements is led by women and combines street power with the power of the internet. Sasui and Sorath Lohar have been advocating tirelessly since April 2017 for the return of their father Hidayatullah Lohar. They found no space in the media, so they demonstrated when they could, but mostly their activism lived online. They have found ways to make the internet supplement their work.

In many ways, millennial feminist activism has evolved to accommodate the changes that have been brought about by the age

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of the internet. The advantage is that anyone can participate. The disadvantage is that anyone can participate. Nowhere was this better demonstrated than in the rise of and fallout from the Aurat March.

## Thin Skin and Outrage

First came the trolls. Then came the Lahore High Court petition. Rumours of a *mard* (man) march started circulating. The organisers received death threats. The male polity was triggered by requests to warm their own food, to look for their own socks and to, ahem, stop killing women. They were outraged by the possibility of losing their right to send unsolicited pictures of their genitals to women. They wanted medals for allowing the women in their families to walk in the march. They were offended when they were told that permission was not theirs to give.

As everyone else who followed the march on the internet, I saw the trickle of trolls turn into a tsunami. Some dangerous men decided to use their megaphones to slut shame the organisers, participants and supporters. Parliamentarian Aamir Liaquat Hussain took it upon himself to champion the cause of men. First, he beseeched the prime minister to set aside the business of governing the country to investigate the demonstration as a work of foreign agents. Because only women in the West want equality. Then he used photographs of Imaan Hazir, a young lawyer and activist, and made a video to spread falsehoods about her because she poked fun at his fragile masculinity on Twitter. Liaquat has successfully incited murder in the past. It would be foolish to not be terrified of his clout.

Orya Maqbool Jan, a journalist, shook his fists on TV, defending the inalienable right to harass women with unsolicited dick pics. In the past, Maqbool Jan has demanded that Pakistan resume public executions and advocated the lynching of Asia Bibi. No one is taking away the column inches he has in a newspaper. No one is taking him off the airwaves.

In an attempt to be glib, I tweeted questioning why he felt so wronged by a placard that said '*Dick pics apne pass rakho*' (Keep your dick pics to yourself). I got calls from well-wishers telling me to be careful. I bet no one ever tells him that.

The asymmetry becomes all the more pronounced because the space that activists are losing is being handed over to the likes of

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Aamir Liaquat Hussain and Orya Maqbool Jan. They have wasted no time in using their pulpits to further the interests of populism. Their influence can be quantified. Not long after they successfully drowned the Aurat March in a sea of misogyny (and worse), news emerged that someone had taken the organisers to court.

Someone took the time and made the effort to draft a petition. Took the necessary bureaucratic actions to have it filed. Navigated the halls of the Lahore High Court. And argued before judges. They said that the Aurat March had been the stage upon which immoral and unconstitutional acts had been carried out.

If the same time and effort had been deployed to petition the courts to, off the top of my head, undo a wrongful death sentence, secure justice for a woman burnt by acid, take action against the bulldozing of people's homes without warning, call for better facilities in prisons, ask for compensation for the families of workers roasted alive in the Baldia factory fire, make torture illegal... Maybe then Pakistan would not be a country with one of the worst human rights records in the world.

Then again, perhaps the fact that we made them angry is a sign that it's working.

## Anger Management

You see, Aurat March was born out of anger. Years and years of it. Entire lifetimes of it. Women have been consistently and systematically excluded from the processes that result in decisions that impact them directly. From the moment we are old enough to realise that the world will be different for us than it will be for men, we begin to adjust our expectations and behaviour. Unconsciously, we begin giving way. We lay down so that the men in our lives can walk on our backs. The bodies have piled up, and as men climb over them to get to the top, they pat themselves on the back for a job well done.

Some demonstrators brought a coffin to the march. Patriarchy's final resting place. Naturally, there would be outrage. The myth of the angry woman has long been used to discredit women's rational response to being repeatedly wronged. Now there was a horde of them at their doorstep.

These were the more overt attempts to slander the march. Then came the well-meaning criticism from allies. They questioned the

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impact. They asked about real results. They said, “Okay, it’s great that you had a nice day out. But what are you going to do next?” Development jargon began spilling into conversations. How specific, achievable and time-bound were the campaign objectives? How were we measuring impact? What indicators?

How does one quantify the temper tantrums of the male ego?

In some ways, these questions are fair. But in even more ways, these questions are a distraction. They obscure the more nuanced understanding of where power really resides.

## Dismantling the Patriarchy Begins at Home

The first power structure that women struggle against is the one they are born into: the heteronormative nuclear family. It is within our own *chaar diwari* that our first rebellion takes place. That is why the placards ‘*Khana khud garam karo*’ (Warm your own food) and ‘*Mujhe kya maaloom tumhara mozaa kahan hai?*’ (How should I know where your sock is?) were both deeply political and deeply personal. Power is dispersed through society and has found itself concentrated in fathers, brothers, boyfriends, husbands and sons, as much as it has in presidents, prime ministers, judges and senators. They know it and they wield it, whether to sign legislation protecting women or divorce papers.

When women marched against General Ziaul Haq in the 1980s, they had a clear enemy. Their campaign told a story that followed traditional plot structures. There were the heroes (the women of WAF), the complication (oppressive laws that degraded, excluded and suffocated women) and the villain (Zia with his devotion to the patriarchy). That is why the story of their resistance is so compelling, and why the oversimplified myth of blaming the state of women’s rights on Zia’s dictatorship is so widely accepted. Men will support that notion even more quickly than women. Why?

Because of the distance it creates. Ziaul Haq is an easy target. It is easier to see the deplorable state of women’s rights as the responsibility of one individual rather than the product of a system that has benefited men for centuries. It suits men to blame one man because then, it’s not their fault.

The Aurat March did not allow them to do that. It called out the patriarchy that lurks in their homes, made it clearly visible as the backlash began. The placards were a mirror that revealed the truth:

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you do not need to enact anti-women laws to benefit from the patriarchy. You do not need to be a military dictator to have power over women's lives. Nor do you need to be at the centre of the women's movement to help it succeed.

Unfortunately, when men realise that the power to challenge the patriarchy is in their hands, some close their fists even tighter.

The characterisation of the Aurat March as a flash in the pan does a disservice to the women's movement. In a country like Pakistan, small acts become big victories. A female lawyer walking into a courtroom teeming with men who write her off as soon as she walks in, and fighting her case, is impact. Standing up to your abuser and outing an influential figure is impact. Pushing back against a troll online is impact. Witnessing crimes against women and reporting them is impact. Finding our way into the corridors of power will follow, but the fact that the conversation is even taking place is impact. Evolution is slow, but it is unstoppable.

You can be attacked anywhere. You can be silenced anywhere. You can be hurt anywhere. You don't have to be outside your home to be in danger. Your attacker does not have to be a stranger.

But now he will have to go through us.

There will be a reckoning. The old world will collapse and received wisdoms will no longer find acceptance. Questions will be raised, as they always have. But this time the answers are in your phone. You can participate without being present. You are seen. You are heard. You can resist anywhere.

Even if that resistance begins by telling your husband, brother, father or son to warm their own food.

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