

THE PAKISTAN WOMEN'S ACTION FORUM: STRUGGLING AGAINST ISLAMIC FUNDAMENTALISM

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En 1977, le général Mohammed Zia ul-Haq dirigea un coup militaire au Pakistan; suite à la prise du pouvoir, la Constitution de 1973 fut retirée, les assemblées d'État furent dissoutes, les partis politiques interdits, et de nombreux droits humains retractés. Le général Zia, appuyé par des fondamentalistes islamiques, institua un programme d'"islamisation" des systèmes légaux et sociaux du pays. En 1979 le gouvernement déclara l'arrêt Hadood: le témoignage d'une femme ne serait pas admissible à l'égard des peines maximales pour des crimes tels le viol, le meurtre, l'adultère et le vol.

En réaction contre ces mesures discriminatoires et d'autres mesures imposées par les fondamentalistes, un puissant mouvement féministe fut créé au début des années 1980. Le Forum d'action des femmes (Women's Action Forum) eut ses débuts en 1981 en tant que coalition et groupe de pression, organisant la résistance aux lois répressives de l'État. Hina Jilani évalue leurs accomplissements.

The UN Decade for Women was enthusiastically greeted by Pakistan. A delegation from Pakistan attended the 1975 World Conference in Mexico, and was a signatory to the world Plan of Action; it was also a sponsor to the Convention on the Elimination of Discrimination against Women. This convention, however, was never ratified by Pakistan: a dramatic change in policy took place.

Pakistan came under Martial Law in July 1977 with the military take-over led by General Zia. Under regional and global influences, and as a bid to consolidate their own power, the new regime adopted a campaign of "Islamisation." In this process Muslim women of Pakistan became victims of their own religion. As the regime drew its support from the fundamentalist religious parties, the media was swamped by the fundamentalists who propagated Islam as a religion which did not enjoin equality of status for women. The Constitution stood suspended and with it all guarantees of equal status and non-discrimination on the basis of sex.

In 1979, a new legislation was introduced known as the Hadood Ordinance, which dealt with offences such as adultery, rape, murder, theft, and drinking of liquor. The most glaring injustice of this law was that no person could be awarded the maximum punishment for these offences unless they were proved by the testimony of four male adult Muslim witnesses in case of rape and adultery, and two male Muslims in other cases. Women were thereby declared incompetent and unreliable as witnesses – even when they themselves were the victims of the crime, as in the case of rape. Also, this law created a very dangerous situation for women. If a woman complained of rape, and the prosecution was unable to prove the offence against the accused man, the woman's complaint could be taken as a confession of 'Zina' – adultery or extra-marital sex) – the maximum punishment for which is stoning to death. Further, she could also become liable to punishment for the offence of 'Qazaf' – false accusation of rape or adultery against any person. The maximum punishment for this offence is flogging with eighty lashes. There are numerous instances in which women actually suffered the injustices of this law (one such instance was that of a blind girl, Safia Bibi, which received international publicity).

A Council of Islamic Ideology was constituted for the purpose of reviewing all existing laws to bring them into conformity with the injunctions of Islam as interpreted by this body of orthodox and fundamentalist 'Ulamas.' As a first step, they proposed the repeal of the Indian Evidence Act, and its substitution by a new Islamic Law of Evidence. The proposed draft of this law was highly discriminatory against women, as it ousted their testimony in all cases of Hadood and, in all civil matters, the evidence required would be that of two men or one man and two women.

Their next step was the proposal of a new law relating to offences against the human body, including murder. Here again a woman's testimony was not considered competent to prove 'Qatl-e-Amd' or

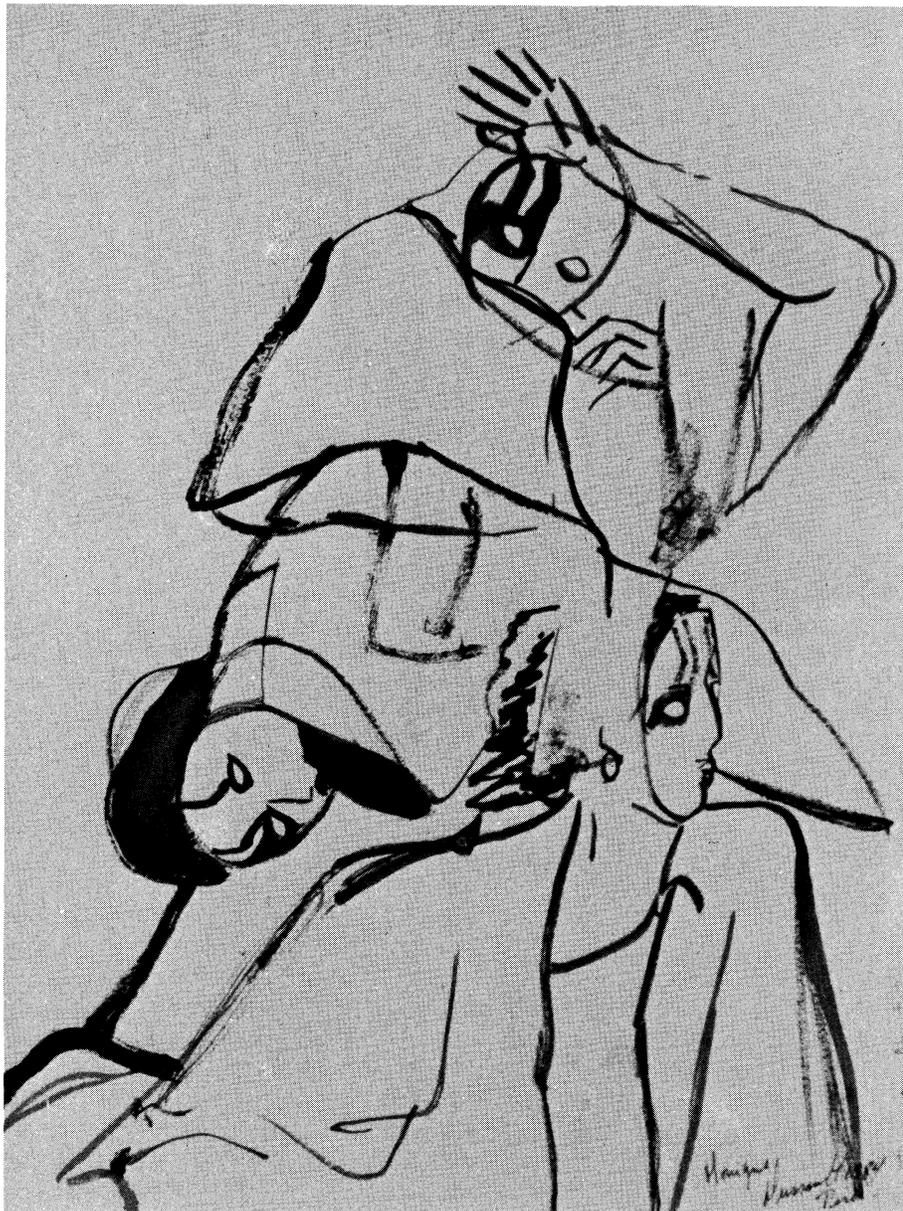
wilful murder. Further, compensation to the family of the victim of murder was fixed. In case of the victim being a woman, the compensation payable would be half that of the man. Thus in Pakistan the woman was reduced to the status of half a human being.

The Council had also something to say about the political rights of women. Their proposal to the military regime for the Islamic form of government included the recommendation that a woman should not be allowed to become the head of the state, that is, the President. Further, that she should not be qualified to contest elections to the National or Provincial Parliament until she attains the age of fifty, and that only with the permission of her husband, if she is married.

The government in the meanwhile was advocating the seclusion and segregation of women through the media, and was formulating policies which discouraged employment of women and their participation in national life. Restriction was placed upon women entering into certain departments of the civil service, such as administration. Foreign postings of all women in the Foreign Service were cancelled, and those posted abroad were recalled. Women were banned from participating in international sports events (the women's hockey team going to Delhi for the Asian Games in 1980 was deboarded from the plane as a last-minute decision). All women government servants were directed to cover themselves with the veil when on duty.

The government's policies encouraged the already prevalent social prejudices against women, with the result that with the additional loss of legal status, their social status suffered further deterioration. Crimes against women were on the increase. There were numerous incidents of women being slapped on the road by strange men for not having covered their head. There were horrifying incidents of women being paraded naked on the roads on account of enmity with their male relatives.

In 1981 the growing sense of insecurity mobilised women into forming a joint



Masques (huile sur papier) de Monique Dussault

Credit: (Photo) Monique de Longeville

platform for many women's organisations called the Women's Action Forum. The initial strategy was to hold discussions and seminars on these issues in order to bring them into public view. They then started signature campaigns on petitions to be sent to the Islamic Ideology Council and to the Chief Martial Law Administrator, pleading for the withdrawal of all discriminatory laws already enforced, and assurances against the enforcement of the proposed laws.

They were, however, unsuccessful in getting any kind of response from the authorities and, seeing the failure of their initial strategy, women decided to take extreme action. Notwithstanding the oppressive restrictions of Martial Law,

women lawyers organised a protest march on the day (12 February 1983) that the proposed law of evidence was being presented to the Majlis-e-Shoora (the nominated advisory council working in place of the parliament) for debate and ratification. They had planned to march up to the provincial High Court and present the Chief Justice with a petition highlighting the injustices of the proposed law and calling for his interference in the matter. Women lawyers were joined by nearly three hundred women from all walks of life. Before women could start marching, the police tried to restrain them. Women who refused to disperse were brutally beaten up by the police, tear-gassed and taken to the police lock-

up. There was a strong public reaction against this police action. The authorities, in order to avoid further disturbances, released the women after a few hours of confinement. This was really the start of the women's movement in Pakistan.

Refusing to be intimidated, women continued to protest in the streets as well as through statements in the press, which had strongly supported the women's cause in spite of strict censorship. Women organised pickets and protest marches. The adverse publicity that the police action against women had received, nationally and internationally, was the main reason women were not assaulted during these protest activities. However, women who were more active in the movement were victimized in other ways. Disciplinary inquiries were instituted against those who were government servants; those who were not were blacklisted and could not get any government contracts.

The fundamentalists strongly attacked the women, who in turn questioned their monopoly over religion: and a polarisation of opinion took place. So far women had hesitated to take any steps which would escalate the situation, because religion is a sensitive issue in this region. Unfortunately, interpretation of religious law has always been the prerogative of the male, and women have never been thought to be capable enough to express any views on this subject. Women themselves lacked the confidence to oppose the established norms. In the past they had submitted to oppression because of the fear that their resistance would be regarded as disrespectful of religion. Now, however, women dug deep, carried out research and came up with interpretations of religious laws which are more to the advantage of women.

Pakistanis who were hitherto unaware of the issues addressed by these women were awakened, and the unquestioned authority of fundamentalists on religion became doubtful. Politicians, lawyers and journalists, who had in the past been hesitant to question the authenticity of the Islamisation process, braved themselves into a public debate on these laws. The majority of the intelligensia supported the views put forward by the women. Many others dubbed them as heretics who were opposed to Islam under the influence of Western ideas.

In spite of the fact that interpretations of Islamic injunctions given by women were

accepted by many, religious justification for their demands was not easy for women to sustain. Islam, as practiced in Pakistan, is already divided into numerous sects and sub-sects, springing out of different interpretations of the same sources, which range from the most liberal to the most rigid. Another interpretation would only add to the chaos and have the effect of increasing religious dissension. The school of thought which has the support of the government in power will always gain predominance in religious affairs. By relying on this strategy women would make their status dependent upon the religious views of the people in power. Thus any advantage they gained out of this movement would not be permanent.

Realising the vulnerability of their position, women leaders now laid more emphasis on demands for permanent Constitutional guarantees of equality and non-discrimination on the basis of sex. They sought rights in conformity with international charters and the UN Declaration of Human Rights. They advocated a separation of religious and secular law. They firmly believe that the issue of women's rights is not an isolated one, especially in a situation where human rights are being blatantly contravened in the name of religion. Further, they have come to realise that the major cause for the oppression of women is their exclusion from decision-making roles. It will be a long time before social barriers against women can be broken to the extent that they can contest elections and enter the legislative policy-making bodies in significant numbers. However, women (who constitute nearly 50% of the total population) believe that the use of franchise can be an effective weapon in their hands, whereby they can indirectly influence policy and legislation. They therefore strongly support the establishment of a truly democratic process. Among the women activists there are, however, still those who strongly feel that they can only justify their demands in the light of modern interpretations of religious laws. They do not yet feel strong enough to confront the authorities, the fundamentalists and the religious elements of society.

The strength of either of the two strategies can be assessed by viewing the achievements of the movement. The Haddood Ordinance still remains in force in its original form. The new Law of Evidence came into force in October 1984,



Credit: Nikita A. Crook

after long debates. Although in essence the law is the same, the intent has been carefully couched in deceptive words. Women have been successful in stalling the enforcement of the law regarding Offences against the Human Body. As regards their political rights, women were allowed to vote and contest the elections on the basis of the same qualifications as men. This was done in spite of the recommendations of the Islamic Council – although at the time they were made they posed a real threat to these rights. However, only three women came through direct elections; twenty women entered the National Assembly on women's seats and were chosen by the elected members. A lot of women protested against this procedure as they felt that such women members were not representative of the popular views.

The real achievement of the movement has been that the government has had to reverse its policies of discrimination in fields other than the law: curbs on women's participation in sports inside the country and restrictions on foreign postings of women civil servants have been lifted. The government has been forced to recognize the potential strength of women. As a result, they have been obliged to admit the importance of women in national development. For this the UN Decade for Women is greatly responsible: it has provided incentives for the women's movement and the international activity in connection with the Decade has acted as a pressure on the Pakistan government.

Yet the women's movement in Pakistan lacks in numbers. The rate of literacy amongst women is very low, and results in an acute lack of awareness. A fear of the authorities – especially in view of the repressive punishments for dissent for which this Martial Law regime is famous – prevents mass participation in the movement. Most of the activists are professional women who, owing to their education or social position, have the confidence to attempt to influence public opinion. The middle-class housewives do support the movement; yet, owing to fear of the authorities and of their male relatives, lend only passive support and remain invisible.

Women's Action Forum which has been in the fore-front of the movement, is attempting to remedy this weakness. Membership campaigns are being conducted in the urban as well as the rural areas. Programmes for increasing awareness amongst women are being designed and carried out. International Women's Day is celebrated every year in order to motivate and mobilise more and more women. Nevertheless, although women's participation is increasing, it is a slow process.

A review of the situation reveals that women have not been wholly successful in outweighing the influence of the fundamentalists in this regime. Their aggressive resistance has gained whatever relative successes can be claimed. In a country like Pakistan, where political opponents are dealt with harshly and the concepts of liberty and rights are almost extinct,

women courageously confronted the authorities. In the course of their movement they have raised crucial issues of national importance which gained them the support of the intellectual circles and the international media. Owing to fear of gaining adverse publicity in the international media, the government could not deal harshly with these women. Yet the regime wanted to avoid disturbances for fear of larger issues being raised, which could destabilise the government. They have thus found it necessary to take

eyewash measures to deflate the intensity of the movement.

These concessions have not pacified the women activists. They are still fighting against the discriminatory laws. The Haddood Laws have been challenged in courts, though with little chance of success. However, wherever possible, women lawyers have taken it upon themselves to redress individual grievances through the courts. The blind girl, referred to earlier, who had been sentenced to lashes, was subsequently acquitted after

her case was contested by women lawyers and after many women's organisations had protested against the sentence awarded to her. This activity is continuing, and women are determined to struggle until they achieve their objective of full equality and withdrawal of discriminatory legislation.

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THE PRICE OF LOOKING BACK

It was early spring.
I was sleeping under a tree.
My dreams had moulded the form of a man
Who had the fragrance of spring
And a sense-raking freshness of breeze.
When I woke there was grass all over my clothes.
Sun rays filtering through the branches
Made dream images on my palm:
A lifeless fetus in a glass jar –
Incredible! a ship in a bottle,
Blossoming flowers in a glass paper weight.
The rays through the branches
Have knit a web around me.
Beneath thick piles of snow
The grass is fresh, blooming, full.
Even in the cocoon of light
I was making images in my dreams.
The Muezzins were calling from the mosques
And the faithful were returning from confession.
Bowls of desire were distributed to one and all.
My clothes were covered with broken blades of grass.
Thirsty, I drank from my hand
And even the line of water dripping to my elbow
Had a word with the filtering rays.
I wanted to tear the leaf of this dream
From the book of my life.
But life does not keep its records
In a solitary book.
From the dying creeper in front of me
I knew my bonds to be incomplete.
I gathered all books of my life,
All pathways,
All bonds,
All exchanges of words,
And all burning moments
Around the campfire of words.
Untangling the thicket of words
I forgot the pathways, the words,
And that man too.
But who is this soldier
Guarding the cross roads of my thoughts?

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