
The Many Faces of Rape

L'article porte sur le viol et la violence sexuelle au Pakistan. Il cite des exemples de diverses formes d'agressions sexuelles et parle de la réaction de autorités face à ce phénomène. La législation pakistanaise protège mal les femmes contre la violence sexuelle et elles risquent d'être punies en cas d'adultère, à moins de prouver qu'elles ont été victimes de violence.

By Asma Jahangir

From the barbaric cruelty of gang-rape or incest, to the forcible sexual intercourse that is common to many marriages, rape in Pakistan takes on many forms. Other more subtle variations of this crime are not even taken into consideration because of existing social mores. A woman forced into an unwanted marriage may live through repeated, life-long rape without ever recognizing it as such. Very often, society puts its disadvantaged members into a socio-economic position where they are forced to sell their own bodies, or the bodies of their loved ones, to unscrupulous individuals who exploit their wretchedness. Witness the child marriages of South Indian girls to Arab customers, or the large number of child brides given away to old men. This is, in fact, a form of legalized rape.

The motives for rape are as varied as its manifestations in society. Throughout history, victorious armies have imposed or subjected their vanquished to rape; defeated armies on the run have raped native women or spouses or relatives of their enemies out of desperation; as a form of vendetta, rape is often used in our part of the world to settle political scores. If an opponent is to be humiliated, his female relatives are raped. In victory, slave women have commonly been distributed to men as part of the celebrations.

A well-known phenomenon is feudal or tribal rivalry. The women relatives of warring tribes are sexually assaulted to humiliate the men of their *biradaris*. If and when a truce is arranged, among other

peace offerings is the exchange of women in marriage. These women are then expected to put aside life-long prejudices and go along with the decisions made by the men who rule their lives.

Despite the frequency with which the crime is committed, rape has never received the public attention it deserves. In fact, not only is rape a crime that is under-reported, it is probably one with the lowest rate of conviction. Legal decisions in rape trials follow no discernible pattern. While some judges convict the accused, even without a medical report to corroborate the victim's assertions, others consider it vital for prosecution. And defamatory remarks about the victim's character are common during rape trials. Rape is perhaps the only crime where the onus of proving her innocence is on the victim. The taboo that surrounds sexual crimes as well means that a woman is likely to incite the wrath of her family and community if she makes the crime publicly known in order to seek justice.

Incest

In 1985, an eight year-old girl, Anjum Noreen, was raped by her father. As the victim's mother was dead, she confided in her brother, who persuaded her to speak to an uncle. Anjum Noreen was bleeding. The medical report fully supported the child's allegation. The trial court convicted the father, but on appeal, the case was remanded for a new trial. Meanwhile, the victim and her brother were kept at the SOS Village, Lahore. Despite a great deal of pressure, the children testified against their father.

At the second trial, the father was convicted again. On appeal to the Federal

Shariat Court, however, the accused was acquitted. The court suggested that perhaps the mother's relatives had injured the child in order to obtain a positive medical report to support their allegations. It did not seem to occur to the court that if a child was deliberately hurt by someone, she would never testify on their behalf. The court also showed a great deal of hesitation in accepting that incest could take place in a society such as ours. Having acquitted the accused, the court put two minors at risk of being taken by their father and being taught the lesson of their lives.

Both Noreen and her brother continue to live at SOS Village, Lahore. They are terrified of one day being taken away by their father. Open-ended judgements like the one handed out in the Anjum Noreen case put the life of the victims in peril, instead of bringing the criminals to justice.

Rape in custody

Rape in police custody is a common occurrence in Pakistan. Ever since the Hudood Ordinances were enforced, making *zina* (adultery) a criminal offence, hundreds of women are taken daily into police custody. It is estimated that almost 80 per cent of these women are sexually assaulted while in custody. Research on women prisoners has revealed that most women do not admit to having been assaulted.

Mukhtar Bibi was taken into police custody on her stepmother's allegation that she had eloped with a cousin. She had, in fact, married her cousin a few days prior to her arrest, against the wishes of her stepmother.

Mukhtar was first pressured by the police to give a statement saying that he had been forced to sign a *nikahnama* by her husband and that he had abducted her. When she refused, a policeman sexually

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abused her. He warned her that if she did not tell his version of the story to the magistrate the next day, he would rape her.

The policeman sexually abused Mukhtar all that night. The next morning, Mukhtar was brought before a magistrate. At one point, while sitting in the court, the policeman grinned at her. Mukhtar recalls that she felt the impulse to grab the pistol in his belt and shoot him. She was afraid of doing so only because she had never used a pistol before and would likely miss her target. Wisely, Mukhtar pretended to have lost her mind when the magistrate called for her. She was ordered to be kept at Darul Aman, a women's shelter, in Lahore. What Mukhtar did not realize was that she would have to travel from Sheikhpura to Lahore in the company of the same policeman.

During the four-hour journey to Lahore, Mukhtar was raped in the police van. Mukhtar confided in her lawyers because she could not trust her relatives. She was afraid of being divorced and abandoned by her family. At the time of her next hearing, however, Mukhtar's escort was changed and she was accompanied on her journey to Sheikhpura by a policewoman, as well as a different male constable. Her lawyers drove behind the police van. The new male escort drew the shutters of the police van and put his hand inside Mukhtar's shirt, while the lawyers looked on helplessly.

Even where women have reported rape in police custody, the result has only added to their frustration. Ahmedi Begum, who is over 60 years of age, and two other women were picked up by the police of Nawan Kot, Lahore. The two younger women were gang-raped, while objects were inserted into Ahmedi's body. Ahmedi tried to cover her eyes, but she was forced to watch her companions be-

ing raped by a number of policemen.

The next morning, the police filed a case of *zina* against all three women, alleging that they were running a brothel. The women were then sent to Kot Lakhpat Jail, Lahore. They were bleeding, unable to walk, and had several indications of injuries on their bodies. An official visitor to the jail noticed the agony of the women and was told of their nightmare. A report was made to the authorities by the jail superintendent and an inquiry was held by the Assistant Commissioner, Lahore. As Kot Lakhpat Jail has no female doctor on the premises, the women could not be medically examined at the time. However, the female superintendent of the jail testified that the women were bleeding and had bruises on their thighs, buttocks, and backs. Even ten days after the incident when they were finally given a medical examination, their injuries had not healed.

After a thorough inquiry into the incident, the Assistant Commissioner reported that the women had been gang-raped in the most brutal manner. The policemen were transferred and subsequently acquitted.

Ahmedi and her companions, meanwhile, spent three years defending themselves against charges of *zina*. The state, which was prosecuting the policemen, did not hear the victims' testimony at the trial. The three women were unwilling to file private complaints, as they were regularly threatened by the police and told to close the matter. Eventually, the victims were grateful to have escaped punishment for *zina*, and they lost all hope of receiving justice.

Marital rape

Raping one's own wife is not considered a crime in Pakistan. After the Of-

fence of Zina (Enforcement of Hudood) Ordinance, 1979 came into effect, the laws on rape changed in Pakistan, repealing punishment for the rape of a wife.

It is common in our country to perform the *nikah* (marriage ceremony) and arrange the *rukhsati* (giving away) of the bride at a later stage. Bina, aged thirteen, was married to Muhammad Jabbar. Following the marriage, however, the two families quarrelled. Bina's parents refused to give away the bride and filed for a dissolution of the marriage at Kasur. Meanwhile, Muhammad Jabbar, with his male relatives, abducted Bina. She was locked in a room and raped repeatedly by her husband. In the morning, Bina was returned to her parents. Muhammad Jabbar could not be punished under the law because he was married to the victim.

Rape as revenge

Pre-meditated rapes are also frequent in rural areas, where rival groups assault the female relatives of their opponents in order to humiliate them. In Jalalpur Piranwala, near Multan, a pregnant woman was gang-raped. The alleged rapists bore no enmity towards the woman. Their grudge was with the brother-in-law of the victim. Parading the victims of Nawabpur naked in the streets is another inhuman way of taking revenge. In Macharanwali, a girl was gang-raped for refusing to marry her suitor.

Political rape

Local rivalries have gradually extended to include the political victimization of women. Khurshid Begum and Veena Hayat have both alleged that they were raped because of their political affiliations. The judicial system has so far proved ineffectual in providing justice to the vic-

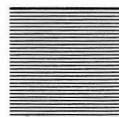
tims. The reaction of the administration has been callous.

The first reaction of the accused to the charges of Ms Hayat was to attack her character. A tribunal was set up to look into the incident. The tribunal noted contradictions in the investigation and the hesitation of the police to disclose all the facts. And since the victim had not been brought before the tribunal, no definite conclusions were drawn—except to exonerate the accused. It appears, then, that the tribunal was set up for this very purpose.

Women's groups have predicted, time and time again, that instances of rape are bound to increase in Pakistan. In this country, the law is heavily biased in favour of the accused. Moreover, the legal definition of rape does not take into account its various forms and categories. A victim of rape is caught in a dilemma: if she complains of rape, she has to have a water-tight case, or she in turn can be accused of *zina*. *Zina* includes all forms of extramarital sex which, after the promulgation of the Offence of Zina (Enforcement of Hudood) Ordinances, 1979, is punishable by imprisonment and whipping. If a woman who has been raped fails to report the crime she may be arrested for *zina* in any case, if the crime is discovered. There have been several cases where a victim has remained silent until she discovers that she is pregnant. Her silence has then been construed as consent, and she has been arrested on charges of *zina*. Two such cases are those of Safia Bibi, a blind girl, and a thirteen year-old child, Jehan Mina. Safia Bibi was fortunate enough to be acquitted by the appellate court. But Jehan Mina had to suffer imprisonment and received lashes.

The weakness of the law, the corruption of the investigating agencies, the callousness of the government, the social stigma attached to rape, and the under-privileged status of women in Pakistan are bound to lead to increasing level violence against them. And following the Veena Hayat incident, the government has lost face and can no longer, with any authority, deal with officials who rape women in their custody.

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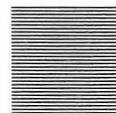
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