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Women's Rights in Pakistan: The Zina Ordinance & the Need for Reform

Minah Ali Rathore

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Women’s Rights in Pakistan: The Zina Ordinance & the Need for Reform

Name: Minah Ali Rathore
Date: April 27th, 2015
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CPPA Center for Public Policy and Administration
Abstract

This paper will begin with a historical analysis of Pakistan with a particular focus on the pro-equality vision that Pakistan’s founder, Muhammad Ali Jinnah had. The paper then moves on to Zia-ul-Haq’s regime and the rise of Islamization under his military dictatorship. The prerequisites that allowed for Islamization to take place are also highlighted. Zia’s dictatorship utilized Islam and Sharia law as a tool to introduce gender-discriminatory laws into the nation. Particular focus is paid to the Zina Ordinance and the loopholes within the ordinance that have been devastating to women’s rights in the country. The paper then transcends to the legal ratification that occurred after Zia’s regime where several bills including CEDAW and the Women’s Protection Bill of 2006 are analyzed. Violence Against Women (VAW) statistics are then assessed to gauge whether the bills have truly been successful. The paper presents recommendations, ‘the Four Es’, that stakeholders can invest upon to enhance the rights of women in Pakistan.
ACKNOWLEDGEMENTS

I would like to take this opportunity to thank everyone who has been on this academic journey with me. I would first like to express my deep gratitude to Professor Steve Boucher, my capstone advisor, for his guidance, encouragement, and useful critiques of this project. Thank you for always steering my research to the right direction. I would also like to extend my gratitude to Dr. Sylvia Brandt for answering all the questions and queries that I had regarding the capstone process.

Professor Joya Misra, my academic advisor, deserves to be acknowledged here, for her course on Welfare States that allowed me to realize need to expose the injustices that surround us. Joya, your class was perhaps one of the greatest classes that I have taken in my graduate school career and I am so incredibly thankful to you for providing me with a foundation of brilliant literature that allowed me to delve into researching this prominent issue in Pakistan. I hope you continue to inspire students as you have inspired me.

To my CPPA family and to my friends around the world, thank you for listening and supporting me through this entire process. To my inner circle: Élisa Shields, thank you for being my person. Malika Jatiani, your humorous stories were truly appreciated during those all-nighters. Abesh Aziz, our conversations have truly changed me as a person and for that I will be eternally grateful to you.

A special thanks to my wonderful family. To my father, thank you for allowing me to be me, and for letting me question the way the world operates. Thank you for being a feminist father and for being the prime example of how a true man ought to be. To my mother, Uzma Shujjat, I thank you for being the strongest, kindest, most hardworking woman I have ever known. Thank you for allowing Yumna and I to speak our minds and for supporting and for defending us our entire lives. Everything I am today is because of you.

Last but certainly not the least, to my sister, Yumna Rathore. Yumna, you are the most inspiring human being in my life. Thank you for not just being a sister, but for being my best friend, my confidant, and my guide. Thank you for understanding me when words failed to communicate effectively. I love you. Together, you and I will change Pakistan.
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Introduction

There are over 95.42 million women in Pakistan today.¹ They make up almost half of the population. Yet, they are deemed to be worth half of a man. Their only crime being that they were born female. This capstone investigates the devastating effects that Zia-ul-Haq's Islamization scheme – particularly the Zina ordinance – had on women's rights in Pakistan. It analyzes the prerequisites that allowed for Islamization to take place. It also looks at a number of bills and conventions that were signed to rectify the violation on women's rights by the Zina Ordinance and the Law of Evidence, which consisted of numerous loopholes. Statistics regarding violence against women are then used to assess the success of the aforementioned bills.

The investigative methods used in this capstone include qualitative secondary data such as: legislature passed by the Pakistani government, reports published by advocacy NGOs, UN publications, newspaper articles, academic publications, and scholarly articles. The quantitative data used in this capstone includes statistics from the Pakistan Bureau of Statistics and the CIA Factbook, the Aurat foundation, UN factsheets, and the Inter Parliamentary Union.

Violence Against Women (VAW) statistics have established that over the last year the number of VAW cases reported have escalated. Hence, this capstone identifies that the bills signed by the Pakistani government to reduce discrimination against women are not enough. The capstone provides four recommendations that can be utilized by both public and private entities to improve women's rights in Pakistan. These recommendations are 'the Four Es' – 1) Engage in Political Activism, 2) Empower and Support Local Nonprofits, 3) Encourage an Active Civil Society, and 4) Educate Women.

It is my hope that this capstone highlights the importance of fighting for women's rights in Pakistan. My personal interest in pursuing a career in the Pakistani government led me to research and identify the need for stronger provisions for equal rights. I hope this encourages women's rights activists to continue fighting for equal rights in a nation mired in patriarchal values.

Jinnah’s vision

“No nation can ever be worthy of its existence that cannot take its women along with the men. No struggle can ever succeed without women participating side by side with men.” - Muhammad Ali Jinnah

Pakistan gained its independence from British colonial rule on August 14th, 1947. Muhammad Ali Jinnah, the founder of Pakistan, envisioned a nation where men and women would possess equal rights. In 1947, along with Pakistan’s independence, women were granted suffrage. Jinnah’s own sister, Fatima Jinnah, served as his confidant and advisor in the years leading up to Pakistan’s independence.

The 1950s-1970s were progressive years for women’s rights in Pakistan. From 1956 onwards, women were allowed the right to vote in national elections and were allotted a number of seats in the Parliament. In 1961, General Ayub Khan introduced the Muslim Family Ordinance Laws (MFOL). The Ordinance introduced the institution of Arbitration Councils, composed of “the Chairman of the appropriate Union Council and a representative of each of the spouses.” The councils were charged with implementing new laws pertaining to registration of marriage, divorce, polygamy, and maintenance for wives. These councils protected women from men who had previously used Islamic text as a tool to engage in polygamy against the wishes of their wives.

Some specific provisions in MFOL include Article 8 which states, “the right to divorce has been duly delegated to the wife and she wishes to exercise that right” and Article 6 asking for “the consent of existing wife or wives” in case of polygamy. Also, Article 9 demands that “if any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife...may in addition to seeking any other legal remedy available...issue a certificate specifying the amount which shall be paid as maintenance by the husband.”

The trend to empower women continued under the democratically elected Prime Minister Zulfiqar Ali Bhutto (1970-1977) until his deposition by Zia-ul-Haq’s military coup. Under Bhutto’s regime, the 1973 constitution guaranteed gender equality. Although these provisions set a precedent for women’s rights in Pakistan, General Zia-ul-Haq’s regime introduced the concept of Islamization in the nation, which set forth discriminatory laws for women.

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3 Ibid.
6 Ibid.
7 Ibid.
Zia’s Islamization

While Pakistan was created with the intention of equal rights for all citizens, Zia-ul-Haq’s military-coup and subsequent presidency from 1977-1988 shifted the track by changing many of these laws. In line with his notorious Islamization process, Zia believed in his own version of ‘true Islam’ and there in implemented the Hudood Ordinance in 1979, enforcing Qur’anic punishments in their literal form.

A series of events acted as pivotal prerequisites for in order for Islamization to take place in Pakistan. Events that acted as prerequisites include, 1) the Cessation of East Pakistan, 2) the Execution of Zulfiqar Ali Bhutto, 3) the Iranian Revolution and the rise of Wahhabism, 4) the Soviet invasion of Afghanistan and 5) the introduction of the Hudood Ordinances.

The Cessation of East Pakistan

In 1972 after much turmoil and bloodshed, Bangladesh (formally known as East Pakistan) fought its war of liberation from Pakistan. Pakistan was now a 98% Muslim majority nation consisting of four provinces - Punjab, Sindh, the North Western Province (now known as Khyber Pakhtunkhwa), and Baluchistan. In his research, Martin Lau notes that East Pakistan retained a substantial Hindu minority after it’s partition from British-Raj Indian. In 1974, the number of non-Muslims amounted to 13.5% of the Bangladeshi population. The independence of Bangladesh meant that not only had Pakistan lost East Pakistan, but it had also lost religious diversity which allowed Islamization to come forward with little opposition in its way.8

The Execution of Zulfiqar Ali Bhutto

Zulfiqar Ali Bhutto was a democratically elected Prime Minister with socialist, secular political views. Under his seven-year regime, Pakistan adopted its third and current Constitution. Article 25 (2) of Pakistan’s constitution states, “there shall be no discrimination on the basis of sex.”9 Furthermore, Article 27 (1) states, “no citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.”10 The execution of Zulfiqar Ali Bhutto on April 4th 1979 silenced many leftist and liberal parties in Pakistan.

The Iranian Revolution and the Rise of Wahhabism

In 1973, the Arab Oil Embargo was imposed by the Arab members of OPEC (Organization of Petroleum Exporting Countries) on the U.S. and other nations

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10 Ibid.
supporting Israel in the 1973 Arab-Israeli War. The lift of the embargo resulted in the upward spiral of oil prices, which benefitted one nation in particular – Saudi Arabia. With an abundance of financial resources at its disposal, Saudi Arabia had the power to influence a majority of nations. When Saudi Arabia felt threatened following the Iranian Revolution, it began relying on Pakistan to support it against the possibility of Shia uprising across the Muslim world.

The Iranian Revolution took place from January 1978 till February 1979. With the disposal of Mohammad Reza Shah Pahlavi and succession of the Grand Ayatollah Ruhollah Khomeini, Iran became known as an Islamic Republic. The Sunni dominated nation was now controlled by Shia Muslims. Sectarian rife between the two spilled across borders and in 1980, a war between Sunni-majority Iraq and Iran transpired.

Both Iraq and Saudi Arabia viewed Iran’s Shia ideology as a political and military threat to the Muslim world. This contributed to the rise of Wahhabism or predominantly Sunni ideals in the country. Pakistan’s geographic location made it an important player in the Muslim world. Saudi Arabia and Iraq remained interested in creating a buffer “Sunni wall” around Iran so as to prevent the spread of Shia ideology. Their interest in secluding Iran transpired in both Iraq and Saudi Arabia supporting Zia-ul-Haq’s Islamization of Pakistan so long as the ideas promulgated were predominantly Sunni.

**The Soviet Invasion of Afghanistan**

On December 25th, 1979, the Soviet Union sent hundreds and thousand of soldier to Afghanistan. With the support of the U.S. and other Western nations, Pakistan backed Afghanistan in its resistance against the Soviet invasion. Furthermore, Saudi Arabia helped finance the resistance, ultimately fearing the Iranian Shia controlled government. The struggle of the Muslim majority Afghans against the ‘Godless Communist’ Soviets became a “jihad project” adding religious zeal to garner support from other Muslim nations such as Pakistan.

The Soviet Invasion of Afghanistan proved to work in Zia’s favor. Not only was he supported by a number of powerful Western and Muslim nations but the creation of

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13 Ibid 92.
14 Ibid 92.
the mujahidin also allowed him to utilize “Islam as a weapon in the struggle to gain legitimacy.”

The Hudood Ordinances

Zia’s final prerequisite to truly Islamize Pakistan was the incorporation of Hadd and Tazir offenses and the Islamic Shariah law into the nation. As Martin Lau notes in his article Twenty-Five Years of Hudood Ordinances – A Review, changing Pakistan into its current Islamized state took two measures. The first measure was introducing hadd into law. Hadd offences are offences that are given fixed punishments as specified by the Qur’an. The second measure was the introduction of Federal Shariat Court in 1983. The court has the jurisdiction to review laws and examine whether they are “in accordance with the injunctions of Islam.”

The Federal Shariat Court also handles cases involving the Hudood Ordinances.

On February 22nd 1979, the military government announced the first step towards incorporating Islamic law in Pakistan. The Hudood Ordinance of 1979 covers theft, drunkenness, adultery and rape (Qazf), and bearing false witness. Those who are proclaimed guilty of these offenses are subject to punishment under either Hadd or Tazir. Hadd offences are fixed punishments whereas Tazir can be used when there isn’t sufficient evidence for Hadd but the accused cannot be exonerated from the crime. The Hudood Ordinance makes Zina a crime against the state.

Introducing Hadd, Tazir, and Shariat Courts into the system reinforced patriarchy in Pakistan. Zia’s fundamentalist approach to religion was detrimental to women’s rights in nation created by Jinnah on the basis of equal rights for all its citizens. Women could now be flogged for adultery. Rapes were often misconstrued as adultery because women had to provide four witnesses to the rape, an impossible clause to satisfy. Zia also believed in the theory of ‘Chadar Aur Chaar Devari’ for women that is he promoted women as being ‘covered by a blanket or confinements of a room,’ and nothing else. The Law of Evidence was another bill that exposed the clear inequalities in law such as the testimony of two women equal to one man.

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20 Ibid 85.
21 Ibid 85.
The Zina Ordinance

The Offence of Zina (Enforcement Of Hudood) Ordinance of 1979 indicated, “A man and a woman are said to commit ‘Zina’ if they willfully have sexual intercourse without being married to each other.” The offense was punishable when liable to hadd with Muslims subject to “be stoned to death at a public place” and non-Muslims to be subject to one hundred whips at a public place. The Ordinance also criminalized Zina-bil-jabr, which is defined as rape outside a marriage. This was later amended by the Protection of Women (Criminal Laws Amendment) Act, 2006 (Act VI of 2006). When the offences of Zina and Zina-bil-jabr are liable to tazir they are subject to 30 whips with up to ten years of imprisonment and 30 whips with up to twenty-five years of imprisonment, respectively. The Protection of Women (Criminal Laws Amendment) Act, 2006 (Act VI of 2006) also omitted tazir from the ordinance.

The Zina Ordinance made rape, adultery, and even fornication a crime against the state, which was punishable by death. Although no woman has ever been stoned to death, the sanctions have allowed for the violation of women’s rights in the name of Islam. The ordinance has also left numerous loopholes that can be easily misinterpreted in favor of the party guilty of committing rape. According to Section 6 of the Zina Ordinance of 1979,

“A person is said to commit zina-bil-jabr if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married, in any of the following circumstances, namely:

a) Against the will of the victim;

b) Without the consent of the victim;

c) With the consent of the victim, when the consent has been obtained by putting the victim in fear of death or of hurt; or

d) With the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to who the victim is or believes herself or

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24 Ibid.


himself to be validly married.”\textsuperscript{28}

The Zina-bil-jabr provision combined with the Law of Evidence had the power to exonerate rapists. The Law of Evidence was passed in 1984 and states, “the testimony of two women is admissible only as one reliable source.”\textsuperscript{29} Furthermore, in order to verify a woman’s claim to rape, the law requires four Muslim men of good character to come forward as witnesses.\textsuperscript{30}

One of the most prominent cases in Pakistan’s history of the Zina Ordinance was the case of Safia Bibi. In 1982, the Los Angeles Times reported that Safia Bibi, a blind 19-year-old domestic servant, was raped by her employer and his son. Charges were filed against the two men but in a surprising turn of events, both men were acquitted yet Safia was sentenced to three years of imprisonment along with fifteen lashes for committing fornication. The judgment led to numerous protests and appeals for Safia’s freedom, which was finally granted after she served six months.\textsuperscript{31}

\begin{itemize}
\item \textsuperscript{30} Ibid, 88.
\end{itemize}
Legal Ratification after Zia

Zia’s Islamization of Pakistan had devastating consequences for the rights of women – it allowed for the escalation of violence against women. The Zina Ordinance had numerous loopholes that could be manipulated in favor of rapists, further victimizing rape victims. On the other hand, the Law of Evidence seriously questioned women as equal members of society. Under the law, a woman’s testimony to a crime amounted to half of a man’s. Violent crimes such as “honor” killings and acid attacks against women became inadmissible in courts without the presence of male witnesses under the Law of Evidence. Victims became the prosecuted. Zafar Imran Kalanauri reported that over 15,000 rape victims were put in jail under the Zina Ordinance and the Law of Evidence. The women were charged for fornication while their rapists were acquitted.32

Following Zia’s death on August 17th, 1988, there was little immediate progress rectifying the damage that Islamization had done to women’s rights. In 1988, Benazir Bhutto, the daughter of Zulfiqar Ali Bhutto became the first Female Prime Minister of Pakistan. She failed to uphold numerous promises that she made while running for office. This included the promise to repeal the Hudood Ordinance. In 1989, the Ministry of Women’s Development initiated to create Women’s Studies Centers across various universities in Pakistan. However, this initiative failed due to the lack funding by the government.33

Later, in 1996, the signing of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) by the Bhutto government seemed to indicate progress in favor of equality for Pakistani women. Unfortunately, the Convention merely acted as a measure to silence growing concerns in the international community against the violation of women’s rights in the nation. Similarly, the Women’s Protection Bill of 2006, which was passed under President Musharraf’s regime, did little to actually amend the Zina Ordinance and instead served as a tool to simmer down the rising protests against the Ordinance by female activists in the country.

Yet, in recent years, progressive bills have been passed and have been moderately successful in preventing discrimination and violence against women. These include ‘The Protection Against Harassment of Women at the Workplace Act 2010’, and ‘The Acid Control and Acid Crimes Prevention Bill of 2011’.

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The Convention on the Elimination of all forms of Discrimination against Women (CEDAW)

CEDAW was adopted by the UN General Assembly in 1979. It consists of 30 articles in favor of ending discrimination against women. The Convention aims to address different aspects of public and political life including education, employment, and health. Every country that signs the Convention is legally bound to its provisions unless otherwise specified. National reports on measures that have been taken have to be submitted every 4 years.

CEDAW is an extremely progressive Convention and is even described as a sort of international bill of rights for women. Article 1 describes the terms “discrimination against women” which is “any distinction, exclusion or restriction made on the basis of sex”. Article 2 goes into more detail regarding responsibility that the State will have,

“States Parties 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 and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle.”

In 1996, Pakistan signed CEDAW. However, the provisions provided by the Convention were rendered entirely powerless due to one declaration made by Pakistan,


Since the Convention was subject to the provisions of the Constitution, it also became subject to Shariat Court, which was a provision of the Constitution. Hence, without the approval of the Shariat Court, the aforementioned declaration essentially made the signing of CEDAW a tool to silence domestic and international

35 Ibid.
37 Ibid.
criticism rather than a tool to seriously discard the Zina Ordinance from Pakistan’s Criminal law.

**Women’s Protection Bill of 2006**

In 2006, the National Assembly of Pakistan under President Musharraf’s regime passed The Protection of Women Act. The bill amended two of five Hudood Ordinances brought into the Criminal Laws legislature. The biggest amendment was made to the Zina Ordinance. The punishment for rape, also known as *zina-bil-jabr*, had been repealed under the Shariat Law and now came under the Pakistan Penal Code, which dealt civil law. The Pakistan Penal Code made rape punishable with 10 to 28 years of imprisonment, and, in cases of gang rape, life imprisonment.\(^{38}\) Four male pious Muslims were no longer needed as witnesses to prove a rape charge; instead, convictions would be made on the “basis of forensic and circumstantial evidence.”\(^{39}\) Marital rape, which was previously completely unacknowledged by the Zina Ordinance, now became an offense, among other charges.

Although the bill appears to be progressive, a report by the Human Rights Watch (HRW) stated that the bill still allows for discrimination against women. The reports continue to state that although reform of the Ordinances is a sign of progression, the Women’s Protection Bill did little to actually combat the ongoing discrimination. A complete repeal of the Ordinances is required as the Hudood Ordinances are inherently flawed and prone to discrimination.\(^{40}\) This includes the Zina Ordinance, which criminalizes adultery and fornication.

However, this is problematic for a nation mired in Islamic ideologies such as Pakistan, which has already seen opposition to the bill, by religious parties such as the Muttahida Majlis-i-Amal (MMA) who accused the government of secularizing Pakistan and therefore threatened to quit the National Assembly.\(^{41}\) Hence, completely repealing the Zina Ordinance may prove to be more difficult than possible.

**The Criminal Law Act on Sexual Harassment and Protection against Harassment of Women at Workplace Act**

The Criminal Law Act on Sexual Harassment and Protection against Harassment of Women at Workplace Act was passed on March 9\(^{th}\), 2010. The law faced opposition

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39 Ibid, 4.


from religious parties and conservative politicians who claimed that the law was ‘un-Islamic’\textsuperscript{42} These were groundbreaking in defining harassment specifically for women at work.

Section 509 defines that “insulting modesty or causing sexual harassment” entails conducting sexual advances, demanding sexual favors, uttering of words, gestures or objects intruding upon the privacy of women, and will in turn be punishable with imprisonment of three years with five hundred thousand rupees fine, or both\textsuperscript{43} Moreover, these laws were extended to public places, markets, public transport, streets, private gatherings, and most importantly buildings and factories at the workplace\textsuperscript{44}

Despite being passed in 2010, many women still fear coming forward as they are often further abused and harassed when reporting the crimes to the police\textsuperscript{45} However, in 2013, the expulsion of a Professor from Quaid-i-Azam University for sexually harassing his students shows that the law has the power to be successful in indicting the guilty\textsuperscript{46}

**Acid Control and Acid Crimes Prevention Bill of 2011**

The Acid Control and Acid Crimes Prevention Bill in 2011 was pushed forward by several lawmakers, women officials, and human right activists. As the throwing of acid on women became more common, harsher punishments were demanded against perpetrators of the violence\textsuperscript{47} The bill states and defines acid crime in section 336A as,

“Whosoever with intention or knowingly causes or attempts to cause hurt by means of a corrosive substance or any substance which is deleterious to human body when it is swallowed, inhaled, come in contact or received into human body or otherwise shall be said to cause hurt by corrosive substance.”\textsuperscript{48}

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\textsuperscript{44} Ibid, 2.


\textsuperscript{47} Ibid, 4.

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The new amendment to the bill, section 336B, increases the severity of the punishment for perpetrators,

“Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years and a minimum fine of Rs one million.”

A UN Women report reveals that the bill was extremely successful in reducing the number of acid related crimes. The report states that in the year 2006, 648 acid related crimes were reported. In 2011, after the bill was passed, the number of acid related crimes dropped down to 106 – an 83% decrease.

49 Ibid.
50 Ibid.
Violence Against Women Trends

The aforementioned convention and bills are initiatives on paper. Yet they have done little to combat the rising rates of Violence Against Women (VAW) in Pakistan. Zia’s Islamization has allowed for many men to perpetuate violence against women with the ability to acquit themselves from the consequences of those actions. VAW statistics prior to 2008 were rarely reported or recorded. Today, abuse against women continues to be accepted in within various misogynist, patriarchal societies in Pakistan. Abuse against women is considered societal taboo and a matter that ought to be resolved within the households themselves. Hence, many women fail to come forward under the fear of losing support from their families.

According to a 2013 report produced by the Aurat Foundation, in 2008 Violence Against Women (VAW) increased from 7,571 reported cases to 8,548 reported cases in the Year 2009 – a 12.9% increase. Although the total number of VAW cases decreased in the Year 2010 to 8,000, the numbers once again rose to 8,539 in Year 2011.

![Figure (1) - VAW trends reported in Pakistan](image)

In 2013, 7,652 cases of violence against women (VAW) were reported across Pakistan, as compared to 7,516 in 2012. Figure (2) shows how different cases of VAW fell under different categories of crime. On a positive note, acid related crimes and sexual assault have seen a decrease over the years. This may be attributed to the laws and bills against acid crime and sexual assault against women in the workplace.

When strictly comparing numbers from the Year 2012 to the Year 2013, the situation is quite different. There is a 4.47% total increase in the number of incidences reported. Rape/gang rape has continued to increase by 16.3% in 2013 from 2012 as has suicide, and abduction. Surprisingly, there has also been an increase in Karo Kari or “honor” killings despite the fact that a law passed in early 2004 listed it as an active murder. Such killings were punishable under the murder

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penal provisions.\textsuperscript{52} However, it seems as though they little to dissuade the crime as it saw a 12.73\% increase in the Year 2013.

<table>
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<th>Categories of Crime</th>
<th>Year 2008</th>
<th>Year 2009</th>
<th>Year 2010</th>
<th>Year 2011</th>
<th>Year 2012</th>
<th>Year 2013</th>
<th>Grand Total</th>
<th>Percentage increase/ decrease VAW cases between 2012 - 2013</th>
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<td>1,987</td>
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<td>1,607</td>
<td>2,026</td>
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<td>1,425</td>
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<td>1,669</td>
<td>10,122</td>
<td>47.18</td>
</tr>
<tr>
<td>Total</td>
<td>7,571</td>
<td>8,548</td>
<td>8,000</td>
<td>8,539</td>
<td>7,516</td>
<td>7,852</td>
<td>48,023</td>
<td>4.47</td>
</tr>
</tbody>
</table>

Figure (2) Number of Cases According to the Categories of Crime\textsuperscript{53}

Although there has been progress in decreasing certain types of violence against women, there has been an overall increase in the number of crimes reported. The existing policies are beneficial but are simply not doing enough to stop heinous acts of violence against women. There is a need for stronger policies to support women who are facing abuse as well as harsher punishment for the men who are committing these crimes. Doing so will lead to an ultimate reduction in the number of cases reported.


Women’s Rights in Pakistan: The Zina Ordinance & the Need for Reform

Recommendations – The Four Es

Zia’s Islamization continues haunt and violate the rights of women in Pakistan. Women are treated as second-class citizens despite clauses in the constitution stating otherwise. There is a drastic need for change. This paper makes five recommendations that can be utilized by different stakeholders both large and small in size including intergovernmental organizations such as the UN, government departments, local and international nonprofit organizations, and human rights and women’s rights activists. The recommendations consist of ‘the Four Es’ – 1) Engage in Political Activism, 2) Empower and Support Local Nonprofits, 3) Encourage an Active Civil Society, and 4) Educate Women.

Engage in Political Activism and Judicial Reform

Representation in the Executive Branch
Pakistan is home to many leading, influential female politicians and activists. The first woman to hold the seat as the Prime Minister of a Muslim nation was Benazir Bhutto. Other women holding important government seats include Hina Rabani Khar – the former foreign minister of Pakistan, and Sherry Rehman – the former Pakistan Ambassador to the U.S. Yet, a common denominator that all the aforementioned women share is that they all come from prominent, wealthy, politically connected families. It is seldom that women without these connections assume such important positions in the government.

Representation in the Legislative Branch
The National Assembly currently has 60 reserved seats for women whereas the Senate has 13 reserved seats for women.\(^5^4\) Despite having a quota for the number of seats in the parliament, in 2013 and 2012, women made up for approximately 20% of all seats in the National Assembly and 16% of all seats in the Senate respectively.\(^5^5\) Furthermore even fewer women are contesting or winning unreserved seats. What’s problematic about this is that women make up for almost half of the population and hence the number of women holding seats in the parliament becomes unrepresentative.

Judicial Regulation
Numerous bills mentioned in this paper have been passed with the aim to support women’s rights in Pakistan and to end discrimination against them. However, the issue that Pakistan currently has is the lack of regulation on these bills. In patriarchal societies such as Pakistan, evidence tends to go in favor of the man. Laws must be regulated and punishments must be ensured.

\(^5^5\) “Women in National Parliaments,” Inter-Parliamentary Union, February 1\(^{st}\), 2015, http://www.ipu.org/wmn-e/classif.htm
The current level of representation of women in Pakistan’s political and legislative sphere is simply not enough. More women need to be empowered, trained, and encouraged to assume important positions and represent the views of women. The importance of engaging in public activism needs to be stressed upon. One such way is by incorporating leadership training programs specifically aimed at empowering women working in the public sector.

**Encourage an Active Civil Society**

An active civil society is imperative for change in existing discrimination against women to end. Previously, the One Million Signatures Campaign program that engaged Pakistani citizens to come together against violence against women. It was initiated in Pakistan under the Elimination of Violence against Women and Girls (EVAW/G) Alliance during the annual 16 Days of Activism against Gender Violence in 2011. The campaign was the first of this scale on this issue. It mobilized and engaged 4,500 community members and 1,500 Pakistani women leaders who collected more than 700,000 signatures in support of EVAWG goals. Moreover, 57 districts drew up Charters of Demand for change and presented them to parliamentarians. Such programs have become avenues to engaging the population in women empowerment-related work across the country. It encouraging leadership among marginalized women for more progress against gender-based violence.

The Pakistani population must lobby together to end the existence of discriminative laws such as the Žina Ordinance. This can only be done if the civil society comes together as one and pressures the government to do so. An active and educated civil society has the ability to bring about change. More programs such as the One Million Signatures Campaign need to be supported in order to see progress towards equal rights.

**Empower and Support Local Non Profits**

Many women’s rights groups have taken it upon themselves to initiate various stances in favor of empowering women in the country. One such group is Dastak, a non-profit organization, which has protected women who have been victims of violence. The benefits of empowering and supporting non-profits can trickle down and benefit a larger population. Non-profits also tend to be more efficient than larger government departments. Many non-profits may also be more knowledgeable about the issues that they represent than government agencies. Therefore, there is a

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57 Ibid

58 Ibid
need to increase the amount of support (both financial and non-financial) given to non-profits tackling different issues in Pakistan.

**Case Study: Lessons to learn from Dastak – A women’s shelter**

Dastak, a non-governmental organization (NGO), is a women’s shelter that offers protection to women who have been subjected to violence or threats of violence. It was established in 1990 by the AGHS Legal Group, a legal organization founded by four women in 1986. Dastak has expanded to provide crisis intervention, protection and a temporary residence/safe haven for women and their children, as well as education, legal aid, counseling and resettlement services. Originally, Dastak was created as a legal response to many Pakistani women who were seeking divorce, most commonly due to violence. These women were under great pressure and were constantly experiencing threats to their safety by their spouses and extended families. Although divorce was a declared right of women under Islam, it was difficult for women to obtain. Contrary to numerous NGOs within Pakistan, the founders of Dastak pragmatically adopted a rights-based approach rather than a strategy merged with religious ideology.

**Service Provision and Social Change**

Since its inception in 1990, Dastak has admitted over 5,025 women. The most frequent type of services provided was psychological counseling and legal aid. Training courses and awareness training was also given to the clients. 98% of all women had experienced physical violence and sexual abuse in the past, and 45 percent cited emotional abuse. Some women had been treated as property, resulting in an abuse of their rights such as forced marriages, forced prostitution, rapes, property/money disputes, selling of daughters, husbands’ extra marital affairs or second marriages, and threats on their lives due to marriage by choice.

**Organizational Challenges**

Dastak has faced plenty of obstacles as they seek to provide services and advocate for social change. Opposing forces have often tried to threaten, discredit and vilify them and to deter women from using their services. By using propaganda tactics, opposing forces has aimed to tarnish the reputation of not only Dastak, but also...
their clients as by labeling them as “loose women”. They have also been accused of running a brothel, of trafficking women and misleading them and encouraging rebellious behavior.

Achievements
In spite of many obstacles, the organization is able to claim a number of achievements. Although it is not possible to evaluate their overall impact on the prevalence of violence in the society, there has been an increase in reported gender violence. Many believe that more women are speaking out and thus it is a successful outcome of efforts made by Dastak to raise awareness among women. Dastak has also involved and encouraged other NGOs, provincial governments, and the federal government to analyze and reform policies in order to strengthen shelters. Dastak also lobbied to amend the Hudood Ordinances with the passage of the Women’s Protection Act in 2006 which ‘moves the crime of rape to the Pakistan Penal Code, distinguishes rape from sex outside of marriage and removes the required testimony of four witnesses’. In order to empower women with legal literacy, Dastak trains 60 women every year to go back and educate other women in their communities about women’s rights under Pakistani law.

Educate Women

Domestic violence against women is an extremely taboo topic in Pakistan. Women tend not to come forward fearing the repercussions that they may face. Repercussions of reporting domestic abuse include alienation from their communities including their families. A larger issue is that many women have nowhere to go once they’ve been shunned. Many women silently bear atrocities committed against them and never come forward to report abuse. Therefore, the larger goal is to get women to come forward and report the violence that they may be facing.

An analysis that I conducted last year explains how female literacy rate has a direct impact on whether women are reporting cases of violence against them. The analysis focused exclusively on the province of Punjab and the districts within it. Districts with higher literacy rates amongst women reported higher rates of violence against women (Figure 3) whereas districts with lower literacy rate reported lower cases of violence against women (Figure 4). This is extremely useful as a direct relationship can be established between the literacy rate and the number of women coming forward to report cases.

68 Ibid, 147.
69 Ibid, 150.
70 Ibid, 151.
71 Ibid, 151.
72 Ibid, 151.
Several steps can be taken to ensure the education of women in Pakistan. Firstly, an open space for dialogue and educational programs regarding the dangers and consequences of gender-based violence must be created. Similarly, multi-dimensional programs for women empowerment should be promoted. Programs should target the political empowerment of women, the economic empowerment of women and the human rights protection of women. Investing in a woman’s education today will allow them to be employed in the future. This will empower women, as they will not feel compelled to stay with abusive husbands due to their financial dependence.
Conclusion

This paper studies the effects that Islamization has had on women’s rights in Pakistan. The Zina Ordinance in particular consists of numerous and has allowed for many injustices against women to occur. Other legal ratifications that came about with the aim to rectify the violence that has perpetuated as a result of this Ordinance such as the Women’s Protection’s Bill of 2006 have failed to do so. As the analysis in the paper notes, the trends of Violence Against Women (VAW) continue to increase. There is the need for stronger policy revisions in the country that support the rights of women.

Four recommendations are provided in this paper that can be utilized by different stakeholders both large and small in size including intergovernmental organizations such as the UN, government departments, local and international nonprofit organizations, and human rights and women’s rights activists. The Four Es’ consist of 1) Engage in Political Activism, 2) Empower and Support Local Nonprofits, 3) Encourage an Active Civil Society, and 4) Educate Women. The largest limitations to the recommendations are the patriarchal mindsets of individuals residing in Pakistan.

Complete gender equality has a long way to go in Pakistan. However, by engaging, empowering, encouraging, and educating, Pakistan can take the first steps towards rectifying the devastating effects that Islamization has had on the nation.
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