

## STATUS OF WOMEN IN PAKISTAN

### The Ideology-

*“No nation can rise to the height of glory unless their women are side by side with them...It is crime against humanity that our women are shut up with in the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live.”...*

Muhammad Ali Jinnah, Father of the Nation

### The Reality-

*“Pakistan was made only for the powerful and for the men. It was not made for weak and poor women like me. What are we worth and what is our status here? Nothing at all ...”*

Basheeran Bibi, one of the numerous female victims of violence in Pakistan

The society of Pakistan is no different from any other parochial and male obsessed country, where the dominant patriarchal set-up seldom gives a chance to the other half of human population to flourish and stand up for its own cause. Such trend therefore, leads to a society that accord derogatory position to women in practice, Pakistan being the classical example.

The country has given International Politics –Benazir Bhutto the first Executive head of an Islamic country, and also others like: Sherry Rehman, Fehmida Mirza, Hina Rabbani Khar. On the other hand, there are instances of Mukhtaran Bibi<sup>2</sup>, Tehmina Durrani<sup>3</sup> and Malala Yusafzai<sup>4</sup>. These women are not confined to any particular socio-economic segment or any rural-urban divide. They have suffered in the hands of violent perpetrators mainly due to social and political reasons. According to the World Economic Forum's Global Gender Gap

Report 2012, Pakistan ranked 134th out of 135 countries<sup>5</sup> (World Economic Forum, 2012: 9), among the worst places for women in the world. The recent report of United Nations Development Program (UNDP), ranked Pakistan at 123 out of 148 countries in the 2012 Gender Inequality Index (GII) (UNDP, 2013). In addition, low female literacy rate is one of the main causes of women's all round deprivation and violence as experienced by them. It also cause low participation in the political, economic and social activities. They cannot achieve their rights and compete for available opportunities in the job market. This situation has led to the social and economic dependence of women which in turn ensures male domination in society (Kazmi, 2005: 94). The availability of educational facilities as well as their standard is far away from perfection. On one hand, the educational infrastructure is unsatisfactory; while on the other hand, the social conduct and perceptions are not always in favour of female education. Poverty makes another reason for low enrolment and high dropout rate, especially among female students (Sheikh, 2009).

The paper dealing with Status of Women in Pakistan thus tries to explore various layers of state and society, their functioning and interplay. The analysis begins with the status of woman as enshrined in Islam and how in course of time deviation and deterioration occurred. The study also focuses on legal, social and political aspects and terrorism affecting women in the country.

### **Status of Women as enshrined in Islam**

If we compare the pre-Islamic and post Islamic socio-cultural and political status of women, a gradual increase in their position is well noticeable. Islam as a religion has provided ample status and opportunities to women for establishing themselves as an important part of the society.

Women in Arabia in time of ignorance, before Islam (*Jahiliyyah*)<sup>6</sup> were in subjugation either to their kinsmen or their husbands. Since war was continual during that time, women were frequently taken as captives. They were usually treated by

the enemy as bondmaids and were held in contempt. While even if kindly treated by their captors, they were still humiliated, deprived of their own people and homeland (Sulaimani, 1986: 11). Women had no independence or power over issues relating to their well-being and they were excluded from any active role in the social and political affairs of their respective society. One of the social reasons for such an attitude was that, in pre-Islamic times, there were often inter-tribal blood feuds, which demanded male members to defend their tribes. Hence men were in much greater demand than women (Jawad, 1998: 1-2). In such anarchical times, Islam on principle brought the idea of equal status and respect for women in the barren desert of Arabia.

In one stroke Islam has banished the stigma from woman that she is man's eternal seducer and tempter and that but for her man would be pure and sinless (Soorma, 1929: 37). Islam provides equal status to women and she has an independent personality, which cannot be subjugated. The Holy *Qura'an* has disclosed the origin of humankind and has addressed men and women as complementary components of a specie who together are capable of maintaining the survival of human race. The book addresses both men and women in same manner i.e. *An nas, Al Insan, Al Bashar and Al momin* (Khan, 2004:1). The status or position provided by Islam to women thus include public<sup>7</sup>, financial<sup>8</sup>, political rights<sup>9</sup> etc (Bukhari, 2012: 12-14). One of these exceptions however, is the *Qiwwama*<sup>10</sup> of husbands over their wives. A husband is *Qawwam*, i.e. he protects the interests and looks after the affairs of his wife. The *Qura'an* mentions that the idea behind giving the right of *Qiwwama* to the husbands over their wives is because it is the duty of the man to provide for his wife, and his family (Sulaimani 1986: 66).

Most importantly, Islam not only gives basic equality to woman, but also equal Legal Rights. She may buy, sell, earn a living and manage her own money and property. In Islam the woman has a legally independent personality and her obligations are independent from her father, husband or brother (Adeel 2010: 106). In addition, Islam gave inheritance right to women from movable as well as immovable property (Omar, 2011). She

also has share of property after death of male relatives (father, husband and brother). Women get maintenance for child bearing also living with husband even in case of divorce (Bukhari and Ramzan 2013: 91).

Unfortunately, over a period of time, this aspect of equality has been replaced with gender discrimination and inequality, even degrading to severe form of violence, which is rampant in Pakistan. The prevalence of customary laws became more visible as Islam travelled far and wide. Therefore, the true essence of the religion has been compromised, as is evident in Pakistan. And in the place of equality for women, violence became the 'rule of the land'.

How and why did the status of women declined in the Islamic society? May be the answer lies in the medieval cultural practice. As most of the early jurists came from 7<sup>th</sup> century urban Arab society and culture. And accordingly, the Arab customary laws (*adaat*) became part of the *Sharia'h*. Unfortunately, because of a lack of proper knowledge and understanding, most Muslims think even *adaat* to be divine and binding and therefore, *Qura'anic* injunctions on gender justice were diluted (Engineer, 2011). And secondly, the fabrication of *ahadith* (plural of hadith) also caused discrimination. The *Qura'anic* injunctions in respect of women were not acceptable in a patriarchal culture, as it challenged the authority of men and made women equal (Engineer, 2011). Therefore, one can say that the problem is more cultural rather religious. But unfortunately religious zealots try to justify prevalent cultural and social misdeeds on the basis of Islam.

Regrettably, at the individual level, women themselves are also not aware of the rights enshrined to them in Islam. Islam considers both men and women equally human and grants them equal human rights. Both have similar duties to perform, for instance prayer, rituals, fasting etc. According to Islam, personal superiority is only based on piety (Adeel, 2010: 103 and 104) and not gender. There is no religious restriction on women attaining education or working outside their home (Hakim and

Aziz 1998: 732). But in reality, women are more conversant with the concocted version, as preached by religious leaders with a certain bent of mind. Severe case of ignorance or may be *lihaaz* (respect) that is engrained in their psyche by family and surroundings cause such passive identity. This docility is definitely visible in Pakistan, as female try to reconcile with violence and the sense of guilt is very strong within them.

### **Status in Pakistan**

A close examination into the practical aspects concerning the implementation of these rights in the present day Pakistani society suggests that the rights are grossly violated on many accounts. There are people who knowingly or unknowingly deviate in this regard from the commandments and guidance of Islam (Khan, 2004: 42).

Pakistan being an Islamic Republic; every rule and regulation in the country is based on Islamic law. But, at the same time, there are some customs and traditions against Islamic laws which are commonly practiced (UN, 2011: 20). Cultural patterns in Pakistan do not let women enjoy their legal and religious rights protected by the law and provided by Islam. Pakistan is an Islamic state but in women's rights, it derives its interpretation from customs and cultural norms (Ibrahim, 2005: 103). The existence of parallel justice system like *Jirga*<sup>11</sup> and *panchayat*<sup>12</sup> are generally apathetic to women and their grievances and therefore, the existence of both legal and religious safeguards and measures do not percolate into the social structure. The fear factor also prevents women from asserting their rights. These bodies unlawfully impose punishments on those who assert their individual rights against the prescribed norms of the tribe or the community (Bari and Khattak, 2001: 230). Thus, malevolence of parochial culture overshadows the Religion of peace and equality-Islam.

Such tribal judicial system are recognised by Constitutional Law in specific areas (including FATA and PATA<sup>13</sup>) but illegally it is found all over Pakistan. In such areas, formal judicial tribunals have no jurisdiction over a *Jirga*

decision and so there are cases where fundamental rights protected under the Constitutional law are infringed. These *Jirgas* work against the interest of women and their decisions are mostly based on stark bias and prejudice against women according to their cultural and religious stereotypes of women's status (Ibrahim, 2005: 4-5).

### **Legal Measures Taken in Pakistan**

It is very interesting to note that, since independence Pakistan has formulated Laws to protect women and to give them security. At time of foundation, there was little legal distinction between the rights that women and men enjoyed (Weiss 2012: 3). The Constitution of Pakistan thus says:

There shall be no discrimination on the basis of sex along,<sup>14</sup>

Steps shall be taken to ensure full participation of women in all spheres of national life;<sup>15</sup>

the state shall protect the marriage, the family, the mother and the child<sup>16</sup>.

At the provincial level also, the 18th amendment to the Constitution (2010) granted greater autonomy to the provinces in matters related to the advancement of women along with other issues (UN, 2013). But, like other social sectors of Pakistan, the perennial problem of policy implementation has also plagued this sector. At official level, the following Laws have been adopted in Pakistan to safeguard women:

- Muslim family Laws Ordinance (MFLO) of 1961.<sup>17</sup>
- The West Pakistan Family Courts Act of 1964.<sup>18</sup>
- Dowry and Bridal Gifts Restriction Act, 1976.
- Criminal Law (Amendment) Act, 2004.<sup>19</sup>
- Protection of Women Act (2006)<sup>20</sup>, revised the Hudood Ordinance.
- Criminal Law (Amendment) Act, 2010 (on sexual harassment).
- Protection against Harassment of Women at the Workplace, 2010.

- Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011.<sup>21</sup>
- Criminal Law Act (Second Amendment, 2011), referred as Acid Control and Acid Crime Prevention Act.
- Criminal Law Act (Third Amendment, 2011), referred to as Prevention of Anti-Women Practices.
- The Women in Distress and Detention Fund (Amendment) Act, 2011
- Domestic Violence (Prevention and Protection), Act 2012.
- National Commission on the Status of Women Act, 2012.
- Enforcement of Women Ownership Rights Act 2012.
- The Khyber Pakhtunkhwa Elimination of Custom of Ghag Act 2013.<sup>22</sup>

In addition, Pakistan has been party to various international and regional conventions for protecting women and giving them equal status. Pakistan is a signatory to the International Conference on Population and Development (ICPD), the Beijing Plan of Action and the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)<sup>23</sup>. Pakistan acceded to CEDAW in 1996, making a declaration on the Convention and entering a reservation on Article 29, Declaration:

“The accession by Government of the Islamic Republic of Pakistan to the (said Convention) is subject to the provisions of the Constitution of the Islamic Republic of Pakistan.”  
Reservation: “The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention.”

Pakistan has also committed itself to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. It is therefore obliged to remove “any distinction, exclusion or restriction made on the basis of sex

which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women... on the basis of equality between men and women, of human rights and fundamental freedoms” (UN, 2011: 19).

Unfortunately, the radicalization of the State has divested the country of an environment which is required for the actual implementation of these various legislations and, in turn, to protect the female population. Most of these laws remain on paper, as the country's enforcement apparatus remains, on the one hand, stretched to its limited dealing with a deluge of terrorism and enveloping crime, and, on the other, indifferent to the plight of women within a society that remains parochial and deeply committed to a religious and political ideology that denies equality to women and seeks to exclude them from the public sphere (Bhattacharya, 2013).

### **Social Status of Women in Pakistan**

It is well known fact that, Pakistan has its own share of disparity and heterogeneity in terms of social status, economic development, rural-urban divide, etc. Other factors for miserable plight of women are problem with legal system, religious extremism and abuse of religion.<sup>24</sup> In such backdrop, the female plight and predicament have different interpretations for women from different strata. However, they do suffer in different ways. Institutional and individual violence are not unknown phenomena for practically all Pakistani women (UN, 2011: 3).

As explained earlier, element of patriarchy has caused a total disregard for women in the Pakistani society. The trend of male dominance becomes a factor causing violence to the other gender. Women are viewed inferior to be "reined in" by men for the better or, in the majority of cases, for the worse. They cannot raise their voice against violence by men, i.e. fathers, brothers and, after marriage, husbands and their male relatives, who are in control of their physical being (Ibrahim, 2005: 2). Moreover, the skewed perception that a daughter has no role to play in the family (the basic unit of society) and she can neither be a 'provider' nor a 'protector' result in discrimination and violence.

Islam evidently on the other hand, states that family is the essential area for securing women's right. Marriage and parenthood are among the basic objectives of the Islamic legal system (*maqasid al-shari'a*). Jurists consider marriage and formation of a family closer to the essence of religion which is "worshipping God" (*Ibada*), than to a human worldly dealing (*muamala*) (Osman 1990: 4).

Apart from family, the feudal system in the society has also caused severe antipathy towards women. The famous proverb of such system "*Zan, Zar, Zameen*" (woman, money and land) as the source of all evil, does reflect utter disregard for women and also her commoditisation. Such terms are used as a tool to put blame on the women and not on men in case of any undesirable behaviour on the part of men (Ali and Gavino 2008: 202). Violence, or the threat of violence, at home, in the fields, or in the street, is a daily reality for the vast majority of Pakistani women (Ali, 2001: 8). A society obsessed with female 'honour' men are entrusted with safeguarding the family honour through their control over female members, specifically controlling the female body, in terms of both its sexuality and its reproductive ability. Thus, when a woman's behaviour is seen to threaten the patriarchal order, it is her body that is punished with beatings, burnings, sexual abuse, and even murder in the name of honour (Noor, 2004: 15).

Pakistani women do face seclusion and exclusion due to socio-cultural norms based on patriarchy which ultimately denies access to benefits of development. One of the main factors which curtail the empowerment and autonomy of women in Pakistan is the male perception of the role of women (Isran and Isran 2012: 835 and 848).

Women do experience dominant forms of social evils at times under the garb of religion and sometimes as part of custom. The phenomenon can also be identified in terms of gender violence meted out to women in form of honour killing, forced marriage, child marriage, bride burning, acid attacks, etc (Critelli, 2010: 140). The Annual Report of the National

Commission on the Status of Women, Amnesty International, 2012, provides a detailed profile of various indicators for the appalling situation of women in Pakistan. The Report states that the Aurat Foundation documented 8,539 cases of violence against women, including 1,575 murders, 827 rapes, 610 incidents of domestic violence, 705 honour killings and 44 acid attacks (Bhattacharya, 2013). These needs further elaboration:

**Ghag or Forced Marriage:** In a country where majority of the people are driven by dogmatic interpretation of local customs, marriage<sup>25</sup> by force is not uncommon. Surprisingly, there is no such scope of forced marriage in Islam. According to Islamic Law, women cannot be forced to marry anyone without consent (Badawi 1980). However, *ghag* is a heinous practice that undermines the basic tenets of Islam. *Hadith* also state that the woman's agreement is essential for the marriage and her parents or others cannot impose on her to marry anyone whom she does not like to marry (Osman 1990: 6). As mentioned earlier, the Khyber Pakhtunkhwa Elimination of Custom of Ghag Act 2013 has been constituted to defy the atrocious custom. It thus states, that; Ghag is sort of a custom, usage, tradition or practice whereby a person forcibly demands or claims the hand of a woman, without her own or her parents' consent, by making an open declaration either by words spoken or written or by visible representation... in such cases no other man is supposed to make a marriage proposal to her or marry her... (Ghag Act, 2013). Sadly, a society driven by brutal custom of justifying male violence and atrocities, ghag bestow derogatory level to women.

**Honour Killing<sup>26</sup>:** It has become an acceptable social evil by the community and the state's judicial system as a legitimate defence for murder. As many as 913 girls and women were killed in the name of honour in 2012 (HRCP, 2012: 7). Unfortunately, the figure has increased from previous years. According to HRCP, in the year 2011, about 675 women and girls were killed from January to September alone. The commission reported 791 honour killings in the year 2010 (SPDC, 2012: 21). The element of shame is so evidently attached with the existence of woman in this type of parochial society,

causing uncertainty in her behaviour to exert her own presence. Irony in a society which guards its 'honour' by prohibiting women in almost every aspect of life, but at the same time, shamelessly dishonours her by killing, raping, throwing acid, burning, abducting etc. The regional variations of honour killing are: *Karo-karo* in Sindh, *Siyahkari* in Balochistan, *kala-kali* in Punjab and *tor-tora* in the tribal areas of north west.

**Selling of Bride:** In the tribal areas of Balochistan and Khyber Pakhtunkhwa (KP), girls are sold as 'brides' under the custom of *Walwar*<sup>27</sup>. The custom, which is an agreed-upon mode of marriage in some areas, materialises the treatment of women as commodities that have a price. The girl is sold to the highest bidder regardless of his age or character, and the sale is legitimised under the pretext of a custom (Noor, 2004: 48). The reality of woman as a piece of property, a commodity, is reflected in the ways in which society continues to dispose of her body. She can be offered as compensation for damage to life and property. Thus, she can be given as *khoon-baha* or blood money (called *swara* among the Pashtuns) to compensate for murder. The custom of *watta satta* is yet another marriage transaction in which a man can acquire a wife by offering a woman that belongs to him – a daughter or a sister – in exchange (Ali, 2001: 22).

**Dowry Death:** One of the most heinous customs prevalent in the three countries of Indian sub-continent, it is an act of discrimination against married girls, whose values are defined based on the prices of their respective dowries. When hassles for dowry are not congregated, the bride is subject to torment, and often even murdered (Gulzar et.al, 785). Like other social evils, the dangerous element attached to dowry is its legitimacy. Dowry and Bridal Gift Restriction Act 1976 extends to all the citizens of Pakistan. It states that the value of dowry should not exceed 5000 rupees. Dowry means any property given before, at the marriage or after the marriage, directly or indirectly to the bride. It doesn't include property given under the law of inheritance. Clause 7 of the Act states that the list of dowry items should be displayed and given to the marriage

registrar (Iftekhar 2014). Therefore, in a ‘female-unfriendly’ society, legal existences of such evils cause further belittling of female status.

Though dowry is not sanctified as a religious requirement in Islam, a lot of men claim that dowry is a religious tradition initiated by the founders of the religion. This provides men with another excuse to justify an unfair expectation of the women they marry (Noor 2004, 19). In Pakistan, in spite of very high frequency of domestic violence and frequent cases of stove deaths, dowry related violence is neither perceived nor recognized as an accepted form of violence nor documented in social science literature (UN, 2011: 14). The concept of dowry (*jahez*) does not exist in Islam. It is purely a cultural phenomenon that is considered un-Islamic. *Shariah* does not make any expense incumbent on the bride/bride’s parents. Even the marriage expenses, it is recommended, are to be borne by the bridegroom (UN, 2011: 22). Interestingly enough, just like any other social evil aimed against women, even in a married set-up the husband (as a male member of the family and not as a husband) is often seen to be one of the perpetrators of violence. The men, who take refuge in Islam to justify their hatred and atrocity towards women, strategically forget the beautiful concept companionship as envisaged in *Qura'an* between a Man and a Woman.<sup>28</sup>

**Haq Bakshish:** Marriage to *Qura'an* or *Haq Bakshish* literally meaning “renouncing the right to marry” is yet another un-Islamic practice mainly in vogue in Sindh and southern Punjab of Pakistan. Under Pakistani law this tradition is punishable by a seven-year prison sentence (Pianta 2013). The purpose behind this evil is not to give the share of property to female members of the family. Some girls as young as infants are married off to the *Qura'an* for the rest of their lives. Marriage to the *Qura'an* is a ceremonial practice that forces the female involved to spend her life in celibacy. Under this evil practice, a female cannot marry a man, is believed to be used by male relatives to keep their land and property intact. Hence, the victims of marriage with the *Qura'an* are likely to be those who

would otherwise inherit property and pass it on to their husbands or children (Noor, 2004: 42).

**Acid Attack:** The woman's face is usually targeted in these attacks because a woman's worth is linked to her appearance and, through it, to her marriage ability and social status (Zia, 2013: 17-18). A society that is obsessed with a 'certain kind of women' who has to be beautiful, these brutal attacks cause permanent damage to the psyche and confidence of women. Accordingly, their commoditisation becomes next to impossible and they are left as redundant elements of male dominant society. In most of the cases, the victims suffer from administrative and judicial avoidance. Other reasons for a lack of justice are rampant corruption, unprofessionalism, ignorance and lack of trainings and gender sensitivity (Zia, 2013: 21). A very interesting feature in Pakistan is the existence of multiple judicial systems (high courts, sharia courts and tribal courts) which further complicates the issue (Zia, 2013: 23). Acid violence is a form of gender-based violence prohibited by both international and local laws. Despite this, it has been continuing almost unabated because of deep-rooted patriarchal structures, a weak law and order situation and the cheap availability of acid in markets (Zia, 2013: 40).

Moreover, the laws that have been totally turned against women like *Qanoon-e-Shahadat* Order of 1984 (Law of Evidence)<sup>29</sup>, the Hudood Ordinances of 1979<sup>30</sup>, *Qisas* and *Diyat* Ordinances<sup>31</sup> are apathetic towards women and have become weapons for anti-social elements and criminals. The Shahadat Law, reduced the legal status of women. It barred them from giving evidence in case of rape, or any other harm. The infamous Zina Ordinance<sup>32</sup> resulted in a rape victim being jailed for zina unless proved by four male Muslim witnesses (Shami 2003: 145). The maximum (*hadd*) punishment for *zina* and *zina-bil-jabr* is, for a married person, stoning to death in public, and for an unmarried person, 100 lashes (Rosenbloom, 1995: 250). The Council of Islamic Ideology (CII), created by Constitution under Zia ul Haq has also been responsible for some of the most

retrogressive opinion regarding women's status (Naz, Ibrahim and Ahmad 2012: 164).

### **Political Situation**

The social condition of Pakistani women has an underpinning on the political aspect as well. The various social handicaps as discussed above also restrict women to participate in the political arena. Local customs based on social stigma like *Pakhtun* code of conduct (*Pakhtunwali*) and its components of *Tor* (stigma) and *Peghor* (satire), strongly discourage political empowerment of women (Naz, Ibrahim and Ahmad 2012: 167). This kind of restrictive mind-set is also against the very basic tenet of Islam. It has been noted that during Prophet Muhammad's leadership, allegiance and loyalty were given to him by both men and women without any difference in content or responsibility. For he took a pledge from women, as from men, to support the state. Moreover, women like Nusaiba bint Kab<sup>33</sup>, gave her word to participate in *Jihad* and indeed she did take part in many battles alongside men. Women also participated in *Shura* (mutual consultation) which is one of the foundations of the Islamic political system (Jawad 1998: 84).

The miserable societal norms result in a systematic exclusion of women from political participation and assertion of their respective political choices. It signifies that, a woman's place of honour is inside the four walls of home-*chardivari* and when she must go out, she has to be wrapped from head to foot in a sort of winding sheet-*chadar* (South Asian for Human Rights, 2009: 5). In this field also, restriction on women are not based on Islam, but pre-Islamic customs of the land.<sup>34</sup>

The machinations of religious zealots are a major hindrance to women's participation in Politics. When religious parties block legislation designed to protect women, the future of women's rights in Pakistan seems bleak. Religious leaders and parties have tremendous influence in Pakistan and countering them can be difficult as it can be perceived as an attack on Islam itself rather than against the misinterpretation and gross misuse of *Qura'anic* verses and *Hadith* (Zia, 2013: 11).

On papers, the Constitution of Pakistan places no restrictions on women's participation in politics; nevertheless their presence in the political parties as well as in the political structure at the local, provincial and national level remains insignificant due to cultural and structural barriers (Bano, 2009: 20). Though women received the right to vote and to stand for elections in 1935 in united India and continued in Pakistan's formation in 1947, the Assembly of 1970 will always be remembered for electing a woman, Begum Dr. Ashraf Abbasi as its Deputy Speaker for the first time in Pakistan's Parliamentary history (Women's Parliamentary History). The lack of adequate female representation in Pakistan's Parliament has been a perennial lacuna.<sup>35</sup> Although the participation is superior to that of other Muslim countries, but a lot is still desired. HRCP, 2012 suggests that women's representation remained minimal in the province of Balochistan in particular and completely absent in the FATA region. Therefore, few women have become parliamentarians by directly contesting elections. Currently, there are 60 seats reserved for women in the National Assembly, to which women are nominated on the basis of their party's electoral strength (HRCP, 2012: 165).

The current figure imply that, in the May 2013 election<sup>36</sup> women won only 76 out of 342 seats in the National Assembly (NA), including only 16 women elected on general seats; 22 just over 3 per cent of the total number of candidates contesting general seats in the Assembly (Oxfam, 2013: 12). The pre-election environment in Pakistan did not show great hope either. Across the country, women faced threats and violence in the exercise of their basic right of franchise. The estimated female population of the country is 93,986,578. Out of more than 86,189,802 registered voters in Pakistan, 37,597,415 are women, but only a tiny fraction among them is able to vote. On May 8, 2013, for instance, pamphlets were handed out in Miranshah in North Waziristan Agency of FATA, warning tribesmen not to let women vote in the General Election of May 11, 2013, and threatening punishment for those who did. "Take our words, this kind of disgraceful act will not be tolerated and anyone influencing women to cast a vote will be punished," the

pamphlet, signed by "Mujahedeen" and thrown from vehicles into shops, warned (Dawn, 2013).

Moreover, EU Election Observation Mission, Pakistan 2013 Final Report suggests that there continues to be a significant gender gap in the number of registered women voters, the final report had some 11 million fewer female than male voters, raising questions about the universality of the franchise. The difference is largest in FATA where women constitute 34 per cent of the total number of the voters; while in Islamabad female voters' share of total voters is 46 per cent. In Balochistan and in KP women form 42 per cent of the total voters, in Punjab 44 per cent and in Sindh 45 per cent (European Union, 2013: 44).

Further at regional level, reports indicated the Pakistan People's Party (PPP), Awami National Party (ANP) and Jamaat-e-Islami (JI) candidates had also reached an informal agreement to disallow women from voting in general elections for the Lower Dir Provincial Assembly (PA) seat. KP Information Minister Musarrat Qadeem stated, "Yes I can confirm this agreement has taken place in Lower Dir. I have reports of similar agreement from some other areas. But I am sure about Dir agreement and I had already communicated it to the Election Commission as well." (Sherazi, 2013).

However, showing a positive trend, the Gender Election Monitoring (GEM) mission, on May 13, 2013, issued its preliminary report on female electoral participation, observing that a large proportion of Pakistan's women did come out to vote on May 11, 2013. GEM Mission Head, Sabra Bano observed, "Despite pre-election threats and attacks, a large number of female voters from all age groups showed up enthusiastically to cast their votes" (Pakistan Today, 2013). No specific data on the proportion of female participation was, however, made available.

The last decade experienced some positive development in this regard. The 12<sup>th</sup> National Assembly (2002-2007) had the biggest ever proportion of women's representation in Pakistan's

legislative history, with 74 women (21.64%, 14 elected and 60 nominated) in the House of 342 members (Shaheen et.al, 2012: 40). Surprisingly, the number of successful women candidates on NA general seats dropped from 16 in 2008 to only 6 in 2013. These figures fall far short of the 30 per cent Beijing Declaration and Platform for Action target for women's participation in positions at decision-making level. Including the reserved seats, there are now 66 women representatives in the NA, 19.3% of the total assembly (European Union, 2013: 45).

Various welfare associations like Shirkat Gah<sup>37</sup>, Aurat Foundation<sup>38</sup> (AF), Oxfam<sup>39</sup>, Action Aid<sup>40</sup> etc are working at the grass-root level to creating a scope for women's political empowerment. Across Pakistan, 1,500 women leaders, formed into 30 district-level 50 'Women Leader Groups' (WLGs), have used their voice, diplomacy and influence to speak out on behalf of women. The activism<sup>41</sup> and campaigning of the WLGs has resulted in tangible benefits for women and contributed to changing a culture that has often excluded women from decision making (Oxfam, 2013: 6).

### **Terror Factor**

A rising trend of Islamist extremism and fundamentalism, which underpins the terrorism in Pakistan, has added more to the current deluge of violence against women. A poll conducted by the Thomson Reuters Foundation in 2011 found that Pakistan is the third most dangerous country for women (The Nation, 2011).

The War on Terror forced the State of Pakistan to re-strategize its support of fundamentalist forces and posit 'Enlightened Moderation' and a 'soft' image that protects women's rights (SDPI, 2007-2008: 12). Recently, the Committee on the Elimination of Discrimination against Women has also showed its concern regarding escalation of violence by non-state actors and military operations in FATA, KP and Balochistan. As these attacks have a negative impact on the situation of women and girls, being the consistent prime targets (UN, 2013). Taking advantage of the already biased social set-up of Pakistan, the

militant groups are trying to launch a reign of terror against the female population of the country.

The main objective of the Islamist terrorists is to intimidate girls and women in order to exclude them from the public sphere and deny them the opportunities for education.<sup>42</sup> United Nations Educational, Scientific, and Cultural Organization (UNESCO's) tenth Education for All Global Monitoring Report (EFA GMR) thus observed that, while the school age population of Pakistan was 197.5 million, the net enrolment ratio in primary schools was 74 per cent, leaving 5.1 million children out of school (UNESCO, 2012: 77), 63 per cent of whom were girls. The Report also noted that there were 7.27 million adolescents not attending school, of which 3.8 million were female. However, Islam does not permit any discrimination between men and women, nor does it advocate a segregation between them as it may be widely understood because of cultural practices or views (Osman 1990: 21).

Education establishments for Girls are among the main targets of terror, primarily in the tribal areas.<sup>43</sup> According to the European Parliament Resolution on the Discrimination against Young Girls in Pakistan, in Particular the Case of Malala Yousafzai, dated October 23, 2012, "whereas, according to government figures in 2012, 246 schools (59 girls' schools, 187 boys' schools) were destroyed and 763 damaged (244 girls' schools, 519 boys' schools) in Khyber Pakhtunkhwa Province, depriving thousands of children of access to education," (European Parliament, 2012). The Resolution strongly urged the Government of Pakistan to "address the dangerous and growing trends of violence and discrimination against women and girls and calls on the Government of Pakistan to ensure that all perpetrators of violence against women and children are brought to justice."

In addition, on January 14, 2013, FATA's Assistant Education Officer, Mohammad Rehman stated, "Their Tehreek-e-Taliban Pakistan (TTP) campaign has left 12,000 children idle, including more than 3,800 girls" (Yusufzai 2013). The militants

in nexus with tribal elders and other prominent members of society are trying their level best to stop any kind of progressive mindset in favour of womens' rights and equality.

It is imperative for Islamabad to provide an environment of peace to secure its women population. Given the undercurrent of Islamist extremism that underpins the entire sphere of politics in Pakistan and Islamabad's track record of dealing with extremism; it remains highly unlikely that an environment that can ensure a greater measure of security for women will be established in the foreseeable future (Bhattacharya, 2013).

### **Conclusion**

A country that came into existence with the pre-text of Islam, it is very disheartening to see that religious and *Qura'anic* principles are frequently avoided and twisted, especially regarding status of women. Incidentally the social evils against which Prophet Muhammad fought for the entirety of his life, are deep-rooted in the Pakistani society. And the so-called guardians of the faith take them as customary to 'punish' women and ostracize them. The common practice of justifying violence and brutality in the name of Islam needs to be impeded.

Under such situation, frequent training and awareness programmes are needed to be arranged periodically to make women aware of their rights and equip them for exercising just demands. As has been suggested, various cottage industries by the public as well as private sectors should be established to provide job opportunities to rural women so that they can earn income and help their heads in household's expenses (Jalal-ul-Din and Khan 2008: 489). Moreover, according to HRCP Report, the needs of rural women were acknowledged as economic empowerment projects were introduced through both government and civil society groups. As part of attempts to improve the economic situation of women in the countryside, the Benazir Income Support Programme introduced a vocational skills development agenda in which each participant was to be given a USD 12 cash grant every month along with health insurance (HRCP, 2012: 163).

In addition, the existing laws need to be reviewed. More importantly, adequate implementation of laws are very crucial to provide safe and secure environment to women for prospering themselves, in a dogmatic society of Pakistan. And there is need to establish a legal assistance centre for female at National and district level (Jabeen and Jabeen 2013: 115).

In the context of Pakistan, the vital problem is Religion has not been able to abolish the centuries old un-Islamic and also inhuman social evils, practiced in the land. Therefore, tribal, clan, village symbolism has become more dominant and convenient than the faith of Islam. The ill-practices of *Jahiliyyah* are still continuing in Pakistan. Much worse, the religious clerics and preachers are sanctifying and propagating "customary laws", in the name of Islam. In addition, mass ignorance and the element of fear also cause brutality against women, as female are wrongly told from childhood to "not question the scriptures". They are conditioned to be ignorant not only about legal rights but, also about the "true tenets of Islam".

Thus, while discussing the status of women, it becomes very obvious that Pakistan is juggling between repressive customs and borrowed modernisation. Because of lack of knowledge the religion has taken up the 'non-Islamic' traditions of the land and is justifying such continuance. On the other hand, one can say that like any other post-colonial society modernisation has been imposed on Pakistan, therefore the society has not fully changed from within. Therefore, the constant tussle between the two is taking its toll on the female population.

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- 2 Mukhtaran Bibi (Mai) is the author of the book *In the Name of Honor: A Memoir*. She is a 'honour revenge-rape' survivor and an ardent women's rights activist of Pakistan. Mukhtar Mai Women's Organisation (MMWO), established in the year 2003, is also lead by her. She has become a champion of women's cause and Pakistan's representative in international arena.
  3. Though born in an affluent family, Tahmina did experience marital trauma and violence while being married to Ghuman Mustafa Khar. She is the acclaimed author of three books, *My Feudal Lord*, *A Mirror to the Blind* and *Blasphemy*. Among other social causes she is involved with, from the year 2001 to 2012, till the suicide of Fakhra Yonus, an acid attack victim, Tahmina gave all-round support to her.
  - 4 The brave-heart of the Khyber Pakhtunkhwa (KP), who challenged the existing anti-women *tribal* dictum of Taliban and was brutally wounded by them. She has since become the face of 'Courage' not only in Pakistan but also at international level. The UN Secretary-General Ban Ki-moon has dubbed her 16th birthday (July 12, 2013) as 'Malala Day' in honour of her heroic stand to ensure education for all.
  - 5 The ranking has been on decline since the year 2006. It was 112 in 2006, 126 in 2007, 127 in 2008, 132 in both 2009 and 2010, 133 in 2011 and 134 in 2012 (World Economic Forum, 2012: 9).
  - 6 The term of *Jahiliyyah* is a purely Islamic coinage, a term implying 'Ignorance' - either of the true faith or of the way of civilization or of both combined. Society in pre-Islamic Arabia was not an organized one in many ways. (Sulaimani, 1986: 5-6).
  - 7 Including Right of Life, Right of Liberty, Right of Education and Right of Equality (Bukhari, 2012: 12).

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- 8 Most importantly: Guaranty to the right to work according to Islamic guideline; Economic eligibility; The right to alimony, dowry; The right to inheritance; Right to buy and sell; Right to dispose-of and Right to own property (Bukhari, 2012:14).
- 9 In summary: Right to advise the guardian; Right to advise the ruler; Right to denounce the unjust ruler Jihāt al-Islām; Right to shelter; Right to monitor current events; Right to claim her political rights and defend them; Judicial Rights; Right to pledge allegiance and Right to participate in Jihad (Bukhari, 2012: 13-14).
- 10 The concept of *Qiwama* is traditionally understood as a husband's financial mandate and guardianship over his wife... Men's privileges in marriage are manifested in laws through the provision of “house of obedience” (*Arabic bayt al-ta'a*). According to this provision, a husband is financially obligated to provide for his spouse whether in relation to the dowry (*Arabic mahr*) or maintenance (*Arabic nafaqa*) (Khan, 2011: 59).
- 11 *Jirga* is an assembly of rural set-up, in the Pashtun/Pakhtoon belt of Pakistan and Afghanistan. It is also important to note that there are three types or levels of jirgas: a *maraka* (local jirga), a *qawmi* (tribal jirga) and a *loya jirga* (national assembly) (Grant and McCallister, 2010:2).
- 12 *Panchayat* is an indigenous local-level governing body of the Indian sub-continent. In Pakistan, post 1947 it continued. A number of them are run by local elites, feudal lords and the powerful, often run the *Panchayats*. These bodies are not accountable to anyone and do enjoy unlimited power in the rural areas over under-privileged sections of society like women, low ranking clan members, landless tenets etc.
- 13 The Provincially Administered Tribal Areas (PATA) are Pakistani administrative subdivisions designated in the Article 246(b) of the Constitution of Pakistan. It include few specified districts in Balochistan and KP. The complexities of PATA's legal framework still make upholding the rule of law a daunting task (ICG Report: 2013).
- 14 Article 25 of the 1973 Constitution.
- 15 Article 34 of the 1973 Constitution.

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- 16 Article 35 of the 1973 Constitution.
- 17 This ensures compulsory marriage registration. Under this, polygamy was put under severe constraint and husband could not marry a second time without the prior permission of his current wife (Hakim and Aziz 1998: 733). Further, the right of khula (demand for divorce) for dissolution of marriage was given to woman (SPDC, 2012: 15).
- 18 The Preamble of the Act states “WHEREAS it is expedient to make provision for the establishment of Family Courts for the expeditious settlement and disposal of disputes relating to marriage and family affairs and for matters connected therewith..”
- 19 The Criminal Law (Amendment) Act 2004, referred to as the Honour Killings Law made a number of changes in the Pakistan Penal Code 1860 (PPC) and the Criminal Code of Procedure 1898 (CrPC), mainly making additions to existing provisions to include qatl-i-amd (intentional murder) under the pretext of *ehonouri* (Aurat Foundation, 2011: 31).
- 20 The Act moves the crime of rape to the Pakistan Penal Code, distinguishing rape from sex outside of marriage and removes the required testimony of four witnesses (Critelli, 2010: 153).
- 21 Dealing with customary practices recommends punishments for social practices like *wanni*, *swara* or *budla-isulh* wherein women are traded to settle personal, family or tribal disputes, forced marriage or marriage with the Holy Quran...(SPDC, 2012: 19)
- 22 The offence under this act will be cognizable, non-bailable and non-compoundable (Ashfaq, 2013).
- 23 Prohibits any discrimination on the basis of sex ... in the political, economic, social, cultural, civil or any other field.
- 24 The institutionalisation of violence in totality is what compounds the problem further. Whereas its prevalence against women has its own distinctive set of causes that contributes to its perpetuity. Noticeable among them are the existing socio-cultural norms that are heavily influenced by illiteracy, regression seen in education, urban and folk religion, feudal traditions, minimal institutionalisation of

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- human rights and an unfavourable social paradigm for women (SPDC, 2012: 21).
- 25 The consent of the two partners is essential to start a happy and stable family. Hence Islam is against the idea of forcing women to marry against their wishes. On the contrary, it encourages women to choose their spouses... indeed she has the right to revoke a marriage to which she did not agree in the first place (Jawad, 1998: 7-8).
- 26 Karo-kari is an ancient pre-Islamic tribal custom, which is not sanctified by Islam. Yet these murders are made possible by the underlying notions of women as emblems of family honour and inheritable property that are justified by the Islamic ideology of veiling (Noor, 2004: 21).
- 27 Originating from the tribal tradition of Afghanistan, specifically from a Pashtun perspective, *walwar* is the Pashto term for 'bride price'. It is the sum of money paid by the groom or his family to the head of the bride's household.
- 28 As has been well described by Mohamed Fathi Osman, "The Quran emphasizes the relationship between husband and wife as a source of happiness built upon mutual love, kindness and justice:  
 'And among His wonders is that He creates for you mates out of your own kind, so that you might incline toward them, and He engenders love and tenderness between you: in this, behold, there are messages for people who think.(30:21)'" (Osman 1990: 2).
- 29 It is yet another discriminatory law against women. In this law the evidence of two women equals that of one man in the case of Muslims. In the case of non-Muslim women, there is much confusion as to how many witnesses are required to testify (Jiven, 1999).
- 30 The Hudood laws, promulgated in 1979 and enforced in 1980, are a collection of five criminal laws, collectively known as the Hudood Ordinances. *The Offences Against Property Ordinance* deals with the crime of theft and armed robbery. *The Offence of Zina Ordinance* relates to the crime of rape, abduction, adultery and fornication.<sup>29</sup> The word Zina covers adultery as well as fornication. *The Offence of Qazf Ordinance*

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- relates to a false accusation of Zina. *The Prohibition Order* prohibits use of alcohol and narcotics. The last is the *Execution of Punishment of Whipping Ordinance*, which prescribes the mode of whipping for those convicted under the Hudood Ordinances (Imran, 2005: 85).
- 31 In 1990 the implementation of the laws of *Qisas* and *Diyat* further undermined women's right to safety and security by privatizing violent crimes of murder and bodily harm and eliminating the possibility of state prosecution (Critelli, 2010: 142).
- 32 The Zina Ordinance, the section relating to adultery and the fornication (*zina*) and rape (*zina-bil-jabr*), has been the most significant in terms of women's rights. It makes *zina* a crime against the state, and allows for the execution of the traditional punishments for such crimes... (Rosenbloom, 1995: 250).
- 33 Nusaiba participated in the Battle of Uhud (625 AD), and defended Prophet with fierce fighting.
- 34 Islam encourages women to be active politically and to be involved in decision-making. Aisha and Umm Salama (the wives of the prophet) are clear cases in point. Umm Salama was a shrewd political adviser to the Prophet and very often acted as imam for women. Aisha, on the other hand, played a dominant part in the political arena she lived in (Jawad, 1998: 10-11).
- 35 There are five women in the history of Pakistan, namely Fatima Jinnah (PML), Benazir Bhutto (PPP), Nusrat Bhutto (PPP), Ginwa Bhutto (Shaheed Bhutto Group) and Nasim Wali Khan (ANP), who have been the leaders of their respective political parties. However, all of them inherited their political careers from their brother, husband or father and subsequently emerged as politicians in their own right (Bano, 2009: 29).
- 36 This year, 108 women are contesting the 272 general National Assembly seats, up from 76 in the 2008 elections. But only 36 of these are party-ticket holders – a minimal increase from 34 in the 2008 elections – with the remainder standing as independents (NOREF, 2013: 2).

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- 37 Women Resource Centre- Shirkat Gah was formed in the year 1975. It has three documentation centres at Lahore, Karachi and Peshawar.
- 38 Aurat Foundation was established in the year 1986, with headquarter in Islamabad.
- 39 Oxfam started its work in Pakistan in the year 1973.
- 40 Action Aid is implementing development programmes in 22 districts in Four Provinces of Pakistan. Five districts of Sindh and KP each, four districts of Balochistan and eight districts of Punjab.
- 41 The aims include defending and promoting individual and collective women's rights; to raise women's voice at district and local levels etc. (Oxfam, 2013:8).
- 42 Among numerous threats, on April 15, 2013, the *Shura* or Council of a Taliban faction led by Hafiz Gul Bahadur, in a statement issued in Miranshah, the headquarters of the North Waziristan Agency in FATA, warned minor girls against attending schools: "The movement of young girls and women through streets is against the teachings of Islam and local traditions. Therefore the Shura and the tribal people cannot tolerate it".
- 43 These non-state elements completely ignore the historical role Women played in Islam. Osman mentions that the well-known scholar of Prophet's *hadith* and Muslim history Ibn 'Asakir had more than 80 women among his teachers.... Muslim women also made their contributions in various fields, such as: literature, arts and artistic crafts (e.g. fashion, decorated textiles and rugs, cuisine, perfumes, hair-dress, etc.), and sufism (e.g. famous poet Al-Khansa in early Islam, famous Sufi Rabi'a ).... The prominent commentator on *Quran*, historian and jurist: al-Tabari, as well as the outstanding jurist of al-Andalus Ibn-Hazm stated that a women can be a judge if she is qualified for the position, and the Muslim history witnessed many women who were influential and/or occupied leading positions (Osman 1990: 20).