

EVOLUTION OF WOMEN'S MOVEMENT IN PAKISTAN: PAST, PRESENT AND WAY FORWARD

**¹Dr. Abdul Qadir Mushtaq, ²Umer Yaqoob, ³Muhammad Usman Javaid*

Abstract

This paper analyzes the evolution of women's movement in Pakistan. For this purpose this paper has been divided into four parts. The first part deals with the first phase women's movement in Pakistan from 1947 to 1977. This period was significant regarding building a collective behavior about women's issues and problems among the masses and particularly amongst the women. The second part describes the second phase of women's movement which lasts from 1977 till 1988. The prime feature of this period was the transformation from the collective behavior to the collective action. During this time the woman activists started organizing themselves in an organizational manner against the authoritative regime of Zia-ul-Haq. Women also came on the streets against the discriminatory laws. The third part of this paper gives a detailed account of the present phase of the women's movement in Pakistan, which began after 1988. Since 1988, women movement became more advocacy and lobbying oriented. Moreover, becoming a party of different international instruments of human rights, government of Pakistan gave an opportunity to these women's rights groups to organize their advocacy campaigns for the implementation of these conventions. This phase shows a great achievement in the legal domain and many pro women laws were enacted by the parliament in the last few years. The fourth part as a way forward, elaborates the situation of those groups and communities which are highly stigmatized and marginalized and still out of the fold of the women's movement, namely women in prostitution and women with disabilities. This part also highlights how these groups are taken in the mainstream women's movement in order to make them an equal part of our society.

Key Words: Women's Movement, Islamization, Pakistan, Hudood Laws, prostitution, women with disabilities

Part I: First Phase, Women's Movement in Pakistan (1947-1977)

Emergence of Collective Behavior Regarding Women Issues

Right from the beginning of the twentieth century, movements for the women's rights started all over the world. Primarily these movements focused on women's participation in politics, social equality and economic wellbeing. Slowly and gradually these movements have been spreading their influence from the developed to the developing and under developed countries. With the emergence of "feminism" in the second half of the twentieth century women activists organized themselves into

**¹ Assistant Prof. Department of History & Pakistan Studies, GC University Faisalabad*

² Lecturer, Department of History & Pakistan Studies, GC University Faisalabad

³ Lecturer, Department of History & Pakistan Studies, GC University Faisalabad

different organizations and associations for the protection of the women's rights.

In August 1947, after division of the Subcontinent, Pakistan came into being as a separate independent state but it faced a bunch of crises in the initial years. On one hand, administrative issues made the day to day business of the state difficult and on the other, constitution making was the biggest task before the first constituent assembly. Moreover, bureaucratic military alliance with the help of the feudal political leadership emerged as new ruling political elites of Pakistan. Likewise, the right wing religious parties e.g. Majlis-e-Ahrar, Jamaat-e-Islami (JI) and Jamiat Ulema-e-Islam (JUI) exerted their pressure for the introduction of the Islamic system according to their own likings. In this scenario social problems of the masses and socio-economic issues of the deprived classes never came into light. In addition, women were very poorly represented in all power holding institutions like civil bureaucracy, military, political parties and parliament, for instance.

Before the creation of Pakistan women activism was not much visible in the subcontinent. While in the last phase of Pakistan movement from 1940 to 1947 some women's gatherings, protests and rallies were seen in the favor of the new state under the banner of the All India Muslim League (AIML). Particularly the movement against Khizar Hayat Ministry in Punjab showed a great number of activists in the streets. During these years some Muslim women leaders remained very active in the Muslim League politics. The most prominent of these women were Mohtarma Fatima Jinnah, Begum Rana Liaquat Ali Khan and Begum Tassaduq Hussain etc. However this activism was stopped with the creation of Pakistan and we could not see any substantial movement from women in the first decade of independence, except the establishment of All Pakistan Women Association (APWA) by Rana Liaquat Ali Khan in 1949. But this association mostly focused on the welfare activities e.g. establishment of women schools and colleges and vocational centers as well (Mumtaz & Shaheed, 1987).

In 1956, Pakistan was able to draft its first constitution which was promulgated on 23rd of March 1956. This very first constitution of Pakistan carried the clause of separate quota for women in the parliament. It reserved ten seats for women out of the total of 310 seats, five each for East and West Pakistan. This number of reserved seats for

women was merely 3 percent, hence was not enough. No elections were held under this constitution and Pakistan experienced first martial law in August 1958. Chief of the army staff General Ayub Khan assumed power and abrogated the constitution of 1956. He also banned all political parties and activities and remained in power till 1969 (Maluka, 1995). This time was also sleeping period regarding women activism although there were many women activists and politicians who were concerned with the issues of the female population of Pakistan. But they were quite fragmented and were not organized in an organizational sense. But one very significant event took place in this era which directly benefitted the women of Pakistan through the promulgation of the Muslim Family Law Ordinance (MFLO) in 1961. This included the clauses about the registration of marriage, right of divorce for women and compulsory consent from the first wife for the second marriage (Weiss, 2012). This was the landmark event in the history of Pakistan regarding laws for women. Although, this ordinance was not the result of any big women's movement or protest still it was a morale booster for women activists for organizing themselves to get their share from the state.

From 1969 to 1977, Yahya Khan and Zulfikar Ali Bhutto remained in power respectively. These eras also did not bring any big change for women of Pakistan, except getting provision of some reserved seats for them in the parliament under the constitution of 1973. Moreover, under the article 25A of the constitution, notion of discrimination on the basis of sex was discouraged (www.na.gov.pk). In addition, in the last years of Z.A. Bhutto in 1975, a women organization was established in Lahore under the title of "Shirkat Gaa". Its prime objective was to work for women's rights, against the economic exploitation and gender violence. Later on this organization became the torch bearer of women's movement in Pakistan. Thus, in the first thirty years of Pakistan, women activism in the shape of collective action was not much visible. Rather as a collective behavior it existed in different segments of the society. On the contrary, the behavior of the state was also not very aggressive towards women and state did not try to influence, intervene or regulate the lives of its female population.

Part II: Second Phase (1977-1988)**Transformation of Collective Behavior into Collective Action**

Second phase of women activism in Pakistan started in 1977 which lasted till 1988. After the elections of 1977 Z.A. Bhutto and his party were alleged for rigging in the elections and all opposition parties forged alliance under the banner of Pakistan National Alliance (PNA) against Z.A Bhutto. They started protest on the massive scale against Z.A Bhutto's regime and raised the slogan of Nizam-e-Mustafa to legitimize and popularize their movement (Zining, 2004). On the other hand, Chief of the Army Staff, General Zia-ul-Haq availed the opportunity toppled down Bhutto's government and promulgated Martial law on 5th of July 1977. As a consequence, once again political parties and activities were banned. On the contrary, constitution was not abrogated; it was held in abeyance. In his very first address to the nation, Zia-ul-Haq promised to uphold elections in 90 days and to transfer power to the elected political leadership. But these 90 days lasted for more than eleven years till his death in August 1988 (Maluka, 1995).

Zia's eleven years of rule were the classic example of authoritarianism. State was very oppressive. Zia-ul-Haq took refuge under the umbrella of Islam in order to legitimize and prolong his unconstitutional rule. He claimed that Pakistan was gained in the name of Islam, so it is the prime need of the time to make Pakistan a true Muslim country. Therefore, in 1979 Zia-ul-Haq announced a series of Islamic reforms. The aim of these reforms was to ameliorate the economic, political and social system of Pakistan. Some of these reforms are as below:

1. Economic system was reformed with the establishment of Zakat and Ushar Fund and abolition of interest and interest free banking.
2. Judiciary was reformed through the introduction of Federal Shariat Court and Qazi courts on the lower level and establishment of the Federal Mohtasib (ombudsman) (Weiss, 1985).
3. Education system was reformed with the compulsory subjects of Islamic Studies and Pakistan Studies till graduation.

In addition, the most controversial Hudood laws were introduced in 1979, which encompassed Islamic punishment for adultery, fornication,

rape, gambling, theft and consumption of alcohol. For example, amputation of hand, public flogging and stoning till death. However, the Zina ordinance passed under the Hudood laws did not differentiate between adultery and rape. It required a woman to produce four adult Muslim male witnesses for proving that she had been raped. Failure to produce these witnesses would lead to her own conviction under the charges of adultery (Saigol, 2010).

Two years after the imposition of Hudood Law Ordinance, Fehmida and Allah Bux case became first of its kind in which a man was sentenced to stoning till death and a woman to one hundred lashes. Fehmida belonged to a lower middle class and fell into love with Allah Bux, who was a married bus driver from a lower social class. She eloped with him and both got married secretly. Fehmida's family filed a complaint of abduction against Allah Bux. When police recovered Fehmida from the house of Allah Bux, she was pregnant. Fehmida and Allah Bux claimed that they had got married but were not able to register it on time. Although they had witness of their marriage but the session judge sentenced both to Hadd punishments. One hundred lashes to Fehmida and stoning till death to Allah Bux. This case made huge outcry among the civil society and different women groups started organizing protest against this sentence (Mumtaz & Shaheed, 1987).

Another well known case of Safia Bibi, a young blind domestic servant repeatedly raped by father and the son, was unable to produce witnesses against them and both the men were acquitted. On the contrary Safia Bibi was charged under the acquisition of adultery and was sentenced to the punishment of fifteen lashes. Although Federal Shariat Court did reverse the ruling of the session judge later on, there were some other incidents in which women received lashes for adultery. A thirty five years old lady Lal Mai of Bahawalpur was publically whipped in the presence of 8000 people in 1983. Similarly another woman in Swat was also sentenced to receive eighty lashes. On the contrary men were acquitted in both these cases (Weiss, 1985). Such brutal acts of state violence against women led to different women activists and groups to form a joint alliance against these acts. Thus in 1981, different women organizations got united under the title of Women Action Forum (WAF) and started their movement against state led oppression against women. Likewise, another organization under the title of Aurat Foundation was

established in 1985 to protect the women of Pakistan from the state's authoritarianism. On the other hand, in 1984 Zia-ul-Haq enforced Qanoon-e-Shahadat, i.e. law of Evidence Act which altered the Evidence Act of 1872. The main feature of this Act was that it reduced female testimony to half of a male. Hence according to this Act testimony of two women was equal to one man which was, of course, highly discriminatory (Khan, 2001).

The story did not end here. Under the influence of Jamaat-i-Islami (JI), a right wing religious party, Zia's government, tried to regulate every sphere of the public and private lives of women of Pakistan and took highly discriminatory actions for this purpose. For instance, media censorship was introduced and no woman was allowed to appear on television without covering head with *dopatta*. Even they were shown in TV dramas as covering their heads with *dopattas* in the scenes of sleeping, which was so unnatural. Gender segregation was the central pillar of this regime. The government prohibited joint male-female gatherings in colleges and universities e.g. stage shows, concerts and other cultural activities. In addition, male doctors were prohibited from female autopsying, female cadavers. At the same time the female athletes were prohibited to perform in the presence of males. Also the women employment opportunities were narrowed down, as the women in the foreign office were no longer posted abroad. Recruitment of women in banking sector also declined (Shaheed, 2008). Due to all these oppressive measures by the government, women groups organized various protests, rallies and seminars against the imposition of the discriminatory laws. They also tried to include and attract more and more people for their movement against the state. At this very juncture of the history, women activists in Pakistan showed great street power and they were often observed rallying for their rights against the government.

Social movement is the process of transforming collective behavior into collective action. Hence, in the first phase of the women's movement in Pakistan (1947-1977) a collective behavior was developed amongst the female circle regarding their rights. But they lacked their organization in a true organizational manner in order to show their strength to the state and transform their collective behavior into a collective action. However, in the second phase i.e. (1977-1988) women's movement took one step forward against the state's oppression.

As different women groups and activists joined hands together to forge an alliance for collectively encountering the policies of the state. The second phase of women's movement in Pakistan transformed their collective behavior into a collective action for the protection of their rights.

Part III: Third Phase (1988 till Present)

Some Key Achievements through Advocacy and Lobbying

Present phase of the women's movement initiated with the death of Zia-ul-Haq in 1988. Political instability remained the prime feature of the first eleven years (1988-1999) of this phase. Benazir Bhutto and Nawaz Sharif were twice elected for the prime Ministership of Pakistan but neither of them was able to complete five years term of the office. Nawaz Sharif leaned towards the right wing religio-political parties and continued Zia-ul-Haq's legacy. Therefore, women groups and activists did not expect much from him. On the other hand, Benazir Bhutto was the first female Prime Minister of the country. Pakistani women had great expectations from her.

However, ironically she was not able to fulfill their expectations because for both times her government was coalition government, not very stable. Moreover, she faced great pressure from the military establishment and decision making was not independent or free. Thus, instead of addressing the main demands of the women of Pakistan which was to repeal the Hudood laws in particular, she introduced some cosmetic measures: for example, establishment of the first women bank etc. Hence, the core issue remained unsolved. On the contrary, women's movement in Pakistan kept on maturing and gradually it became more advocacy and lobbying oriented instead of being anti-state. Likewise, in 1990s Pakistan became signatory of different international instruments regarding human rights. For instance, UN Convention on the Rights of the Child 1990, Vienna Declaration on Women Rights 1993, Beijing Platform for Action in Fourth World Conference on Women in Beijing 1995. Pakistan also ratified Convention on the Elimination on All Forms of Discrimination against Women (CEDAW) in 1996.

Moreover, for the implementation of these commitments Pakistan launched a National Plan for Action for Women in 1998 and National Policy for Women's Development and Empowerment in 2002. But very few steps were taken to practically enforce the spirit of these

conventions. However, these international commitments by Pakistan's state gave opportunity to women rights organizations and groups to organize them as a pressure group. Their goal was to force and pressurize the government in order to fulfill its promises regarding the international commitments.

On the other hand, an important event took place in October 1999 when chief of the army staff, General Pervez Musharraf overthrew the Sharif government in a military coup and became the Chief Executive of Pakistan. Once again martial law was imposed, constitution was held in abeyance and Provisional Constitutional Order (PCO) was promulgated. General Musharraf raised the slogan of "Enlightened Moderation" and equal opportunities for men and women. He also inducted some female members in his cabinet. After the referendum of 2002, he was elected as the President of Pakistan. He announced elections for National and Provincial assemblies which were held in 2002. However, before the elections Pervez Musharraf promised to increase women's participation in political structure at local, provincial and national level. On the occasion of World's Women Day, the President assured the increase of women quota in legislative bodies. In 2002 an unprecedented rise in the seats reserved for females occurred which went to seventeen percent at central and provincial while 33 % in local government (Bano, 2009).

Indeed, this was a very big achievement for women's rights organizations. Now they had significant number of female legislatures to raise their voice and promote their cause at both national and provincial level. Moreover, the last decade was instrumental in women's movement and its achievement because there were many pro-women laws passed and enforced by the government e.g. "honor killing law" 2004 for the protection of women against honor killing. Similarly, the Protection of Women Act 2006, which modified the Hudood laws of 1979 and placed the crimes of rape and adultery back into the Pakistan's penal code.

Now the act of being raped was no longer a crime in Pakistan (Weiss, 2010). Introduction of these laws was a great achievement of women activism and untiring and unflinching struggle of women activists for the last many years. After the elections of 2008, Pakistan People's Party (PPP) once again came into the power with new enthusiasm to eliminate gender discrimination and to protect women's

rights. Some laws were enacted by the PPP's government which was having great significance with respect to the protection of women's rights. These included Sexual Harassment of Women Act 2010 and The Protection against Harassment of Women at the Workplace Act 2010, which criminalized the offence of sexual harassment of women.

In addition, three other pro-women laws were enacted by the parliament: Prevention of Anti-Woman Practices (Criminal Law Amendment) Act 2011, The Acid Control and Acid Crime Prevention Act 2011 and The Women in Distress and Detention Fund (Amendment) Act 2011. Moreover, the elevation of the National Commission on the Status of Women (NCSW) in February 2012 has been granted greater administrative autonomy to review laws, recommendations and overall gain greater scope funding to redress violation of women's rights (Weiss, 2010). All these pro-women laws were the result of the immense struggle of women organizations and women activists.

Since the inception of Pakistan till now, women's movement went through different phases, started from the scratch and built a collective behavior regarding women's issues and problems. From the first to the second phase, women's movement transformed the collective behavior into a collective action. Having an organized pattern the women's movement encountered the state authoritarianism and anti-women policies and laws.

In the third phase women's movement took one step forward by becoming advocacy and lobbying oriented and hence, abstained from becoming anti-state directly. In addition, the changing international scenario with more and more institutions and conventions for women's rights gave opportunity to women groups in Pakistan to seek external help for their cause. However, it was not an easy task for women organizations and activism to carry out their work. They always face some very important issues like fulfillment of donor driven agenda, interference from the state apparatus and attacks from regional and religious organizations, Baluchistan Liberation Army (BLA) and Tehreek-i-Taliban Pakistan (TTP). Despite all these odds and problems women's movement in Pakistan gained significant achievements, particularly in legislation about women rights. However, still there is a long way to go.

Part IV: Way Forward**Inclusion of Stigmatized and Marginalized Groups in the Mainstream**

The achievements of women's movements in Pakistan are very significant but still there are various groups and communities which are outside their fold. These are the people who are highly stigmatized and marginalized. To give a glimpse of these groups we will take only two groups here which are in search of help from these women organizations:

1. Women in prostitution
2. Women with disabilities

For understanding the concept of stigma we need to view the classic work of Erving Goffman "Stigma Notes on the Management of Spoiled Identity" (1963). Goffman presents the idea of stigma and also discusses the lives of stigmatized individuals. Three different types of stigma have been described by him. "First there are abominations of the body, the various physical deformities; next there are blemishes of individual character perceived as weak will, domineering or unnatural passions, treacherous and rigid beliefs, and dishonesty. These are inferred from a known record of, for example, mental disorder, imprisonment, addiction, alcoholism, homosexuality, unemployment, suicidal attempts and radical political behavior (Goffman, 1963). Finally there are the tribal stigmas of race, cast and religion, also transmitted through lineages to contaminate all members of a family" (Goffman, 1963).

He also stated that most of the time we take stigmatized people as others or abnormal because they are not according to our social norms and standards. That is why they are mostly excluded from the mainstream society. People develop different kinds of myths and stereotypes about stigmatized people which result into increased marginalization of such groups and they become discredited and discreditable individuals (Goffman, 1963). Prostitutes and disable women in Pakistan are facing same notion of stigma. Secondly, prostitution is illegal according to Pakistan's law and it is prohibited in Islam as well. It is always taken as the biggest evil or "Taboo" in our society. Therefore, it is very hard to launch any campaign on movement for the rights of the women in prostitution. For this reason mostly women's rights organizations and women activists keep silent about them.

However, this is only one side of the picture. Most of the women in prostitution are sold into this business or are forced by their husbands and other close relatives to get involved in prostitution. Similarly, many girls are trafficked from outside Pakistan as well as inside the country on the basis of false promises of jobs etc. Moreover, many girls are born in the prostituting families who are bound to accept this profession. Hence, these groups of women are innocent and need immediate help from women's rights organizations. Thus it is quite possible for women's rights organizations to build some collective movement for strict legislation against forced prostitution, women trafficking and selling of girls. In this way women can be saved from brutality and sufferings. It is not outside the fold of legal and social fabric of Pakistan.

Now another group of women which is highly marginalized are the women with disabilities who have remained most unseen, unheard and uncounted part of the population. Due to cultural and social barriers disabled women always face immense problems regarding accessibility specially access to health care, education, employment and recreational facilities. In addition, at personal level they face highly discouraged attitude regarding marriages which results into late marriage or no marriage. This causes a source of psychological issues for them. According to last census of 1998, persons with disabilities constitute 2.49% of the total population in Pakistan. On the contrary according to the World Health Organization (WHO) persons with disabilities are 10% of the total population of Pakistan. As a consequence, they are facing the issue of under representation as well (Ahmed, 2011).

However, there is no single organization in Pakistan which is solely working for the women with disabilities. In addition, the leading women's rights organizations lack the representation in their ranks from disabled communities. Mostly these women activists are not quite aware of the issues and problems of women with disabilities. This is the time to take these groups into the domain and fold of women's movement. As the women's rights organizations and women activists have got mature enough to become the mouthpiece of these stigmatized and marginalized groups. Hopefully, women's movement in Pakistan will soon observe the legislation for these groups.

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