

The Process of Mobilization of Women in Pakistan: Legal and Social impediments

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ABSTRACT

The question of social mobilization in Pakistan is a serious one that merits further debate and research. Pakistan has ratified , the caucus on the exclusion of All Forms of Discrimination Against Women (CEDAW), adopted in 1979 by the UN Generation Assembly and International Covenant on Civil and Political Participation (ICCPR).

In term of rights, what the modern women had achieved by hectic struggle, Islam has bestowed on the women incalculable rights in almost every field of human life about 1500 years ago, by elevating the position of women from the level of mare cattle to the level human being.

Al-Qur'an the revealed book of Islam declares that men and women continue from the same stock, they are the members of same class, and they are born of the same parents. The Qur'an invariably calls men and women as spouses, companions and helpmates of each other. Islam has blessed women with innumerable right in almost every field of life.(Chaudhry, 1991: XII)

The 1973 Constitution of Pakistan, in its various articles: 25-26, has ensured all those rights which Islam and modern society had entrusted upon her, for the uplift of status of woman and ensuring those rights in the socio-economic and political life of the nation, (Nagi, 1973:25) are visible and one can feel that statutory laws of Pakistan do not as a rule, discriminate against woman.

The purpose of the article is to discuss those double standards which are impediments for effective woman social mobilization in the country.

Keywords: Mobilization, social, legal, woman, Pakistan, rights

INTRODUCTION

Pakistan is undergoing record social dilemmas and challenges, and the implication these have for women are reflective. At the same time when customary views regarding women's position in society are being championed in many domains, substantive changes are occurring throughout the country in social practices orientation. Contradictory descriptions regarding the position and powers of women are having extensive social, economic and political consequences.

Pakistan woman can play a crucial role in the social mobilization of the society amidst traditional patriarchal values and dogmas. Pakistan is a modern progressive Islamic society. The women under the law of the land and Islamic injunctions are fully allowed to participate in all sphere of life in presence of dichotomy between law and society and its double standards.

PAKISTANI SOCIETY

Rashida Patel writes, “The country has urban societies, rural communities and tribes. Tribal lords rule the tribal areas, often using ‘*jurgas*’, applying their own laws. Tribal feuds are problem ... crimes are high, law and order is poor . In this milieu, women are the poorest and oppressed, ... by contrast to bulk of poor , illiterate, dependent women, there are several women who are educated , independent, professional, holding important influential posts, supporting their families or themselves, some rich , some poor, some housewives, some working ... women have been elected councilors and members of parliament, with wide roles to play with limited resources and serious handicaps.(Patel, 2003:introduction).

Pakistani society relies on two basic perceptions about gender relations. First is that women are subordinate of men .Secondly women resides men’s honor in all practices of family. In accordance with other orthodox Muslim societies, women maintain family honor .In order to ensure this honor women became restrict on their behavior and activities.

A brief survey by Asian Development Bank (2000) affirmed that due to low position in social, economic and political fields, Women in Pakistan are captivated in a snare of dependence and subordination.still suffering because of domineering patriarchal configuration, unbending conventional norms and stifling socio-cultural traditions and ethnicity.” (Awan, 2012: 439-458).

Due to the patriarchal nature, and many other reasons of Pakistani society, both the urban and rural women had reduced the opportunities of her social mobility like, lack of social and economic opportunities, different norms of society, education, health, domestic violence, strict religious interpretation, incorporation of ineffective laws, and feudalism etc.

In a culture like Pakistan women cannot cut themselves off from values and customs. At the same time these standards and customs crucially help those who break norms through immoral acts such as “honor killing”. Even men cannot take alternative under the pressure of family and community.(Shirkat Gah,2012:22).

In view of Anita, Description of first three decades_1950- 1970 indicates that hardly any attention was paid to the effects of enlargement processes and projects on women’s position, roles, authority, or relations with men due to the advance policies and programs. Generally women were missing out of having input into progress training at local, national and international levels. Even mostly governments in Pakistan’s history have terribly ignored the overall. (Weiss, 2001).

CIVIL SOCIETY AND RULE

Pakistan’s civil society is mixture of multiple inheritances and values of both pre-capitalists and new modes of social life which lies between authoritarian legacies and democratic aspiration. While some social forms continue from previous phases of society including councils of elders, neighborhood relations and shrines, many new groups have created from side to side the development of capitalism. Such are the dynamics of an embryonic civil society wedged between the throes of a disappearing social order and the birth pangs of new one (Baig, 2001).

There is no communication between the large and politically powerful wing of civil society that draws its potency from modern development theories and the rights movements which could be redress by cultural revolution and social movements by bringing changes in cultural traits, effective roles of NGO’s, modern electronic and print media.

While women status as an equal member of the society have been marginally acknowledged at some places,, yet, the significant gender disparity against women is still a leading factor in hampering women empowerment. In spite of having various legislative and executive measures for gender equality, Pakistani women are still discriminated in all kinds of social affairs. The main reason is that obsolete traditions and cultural norms continue to grasp their ground. Consequently women participation in social, economic and political spheres has been considerably shortened. (Awan, 2012: 439-440)

LEGAL SYSTEM

Legal system in Pakistan is vague because of its influential impact of other cultural and religious factors .In cases of ‘*izzat*’ (honor) and “*purdah*’ (veil/segregation), the codes of conduct are followed without question..If a woman is not accepting these ideas or values, loses her position in Pakistani society’ . (ShirkatGah, 2010, 22).

The legal system of Pakistan also perpetuates discrimination with by giving cultural and religious excuses which result lack of readiness from the state to apply the law pertaining social mobilization.

LEGAL STATUS

In a country like Pakistan where legal systems are parallel, some are valid to some areas and others are valid other part of the country. Pakistani constitution consists of three different legal systems along with the common Law.. Multiple amendments in the constitution has introduces different legal systems causing enormous confusions in the country.

Some articles of constitution of 1973 are contradictory with each other. According tone of the articles, constitution guarantees equality of rights to women. But at the same time in ‘Muslim Family Law’, women have unequal rights to inheritance, termination of marriage, minimum age of marriage, and natural guardianship of children, polygamy has not been banned or even sufficiently restricted by law, and there are grossly inadequate provisions for women’s financial security after termination of marriage. Under the law of citizenship descent is guaranteed only through a father, and which give the foreign wife of a Pakistani man the right to obtain citizenship, with no corresponding right for the foreign husband of a Pakistani woman. (Zia and Farzana Bari, 1999:23).

During the regime of Zia-ul-Haq many laws were introduced with the name of Islamization which through ‘ Hadood’ Ordinances which treated women unequally as citizen.”(ShirkatGah, 2010:9).

In Hudood Ordinances of 1979, the rape or adultery cases were not confirmed by women’s evidence rather by four Muslim males of good reputation. Even women could be punished for adultery if could not prove rape. Evidence law of 1984 valued the witness of two women equal to one man in financial transactions.

Rashida wrote that, “The rising misapprehension and misapplication of the perfect principles of Islam are taking a heavy charge on the lives of women. The so-called Islamization process during the Martial Law regime of President Zia-ul-Haq in the last seventies and early eighties brought in the ‘*Zina*’ (adultery), Ordinance’ in 1979 and the ‘*Qanoon-e-Shhdai*’ (Law of evidence) in 1984, which are detrimental and derogatory to women. Customs, traditions and laws are confining women to be subservient, meek, and suffering, Education training, health and family planning, facilities are lacking, rape, ‘*Karo Kari*’, and domestic violence have become frequent, and poverty is increasing.”(Patel, 2003, preface).

Above mentioned facts including other articles of 'Hudood Ordinance', provides significant evidence that misapplication of Islamic laws made the lives of women in Pakistan more defenseless to tremendous violence. The data composed for one year from one police station demonstrate that out of 113 cases registered, 94 were 'zina' (adultery), cases (report, 1997:665-666).

Another facts provided by survey of women shelter homes states that almost 21% women facing Hudood cases filed by their families in order to punish them for exercising their self-fortitude (Bari,1998:26). These facts show that all laws implemented are not safeguarding women's lives in Pakistan. The equality entitled by formal law is violated by the customary practices that allow male members treat them even inferior than an animal.

Women reliance in socioeconomic position has increased the petition number and even kept them financially deficient to meet the finances in entering in to legal procedures. In case a women is stable financially then complicated legal actions, compounded by gender biases of magistrates and law enforcing agencies delays the cases. In other words they compose it tremendously complicated for women to enter into proceedings to get justice for themselves.

The justice system in Pakistan is so biased and steeped in difficulties for women victims of crime, that they are afraid to approach the police and the courts. (Patel, 2003:135)

'The Muslim Family Laws Ordinance 1961', and 'The Family Law Courts Act 1964', since their inception were found to be ineffective, as some of the laws were found detrimental to woman, (Patel,2003: Preface), thus, in the year 2000-1, the Pakistan law Commission, recommended amendments to the Act,

No amendment having been made to the family laws, evidence Laws, inheritance Laws, or criminal laws, except for a small change in the 'Citizenship Act 1951'. No other laws have been amended by statute to bring the law in line with the convention. (Patel, 2003:142)

Provision of the constitutions are cited to show that at no stage should the rightful status of the women left out of the purview of constitution, which is also in it a derivative from the 'Qur'anic injunctions. Yet woman's situation vis-a-vis legislation has been an adverse one. The reason has been the prevalence of the same paradox in the field of legislation as is found in the socio-cultural environment. Women's inherent drawbacks also lie in the fact that they are mostly illiterate. There is also an absence of comprehensive data pertaining to women in the courts of law. However, there are directional trends to suggest that changes for the women's legislative and constitutional situation are underway, and would be beneficial ones.(Saeed,1990:3)

The fact is that women are depriving of their just legal rights in practice. They are discriminated on the basis of sex in matters of job, whereas men are given priority. There is also harassment on work place with regard to women, only few women get their due position in society. Tehseen portrait that: The perpetual harassment of women is festering and ignored issue in Pakistan's society ... a host of issues like misguided religious interpretation, social acceptance of women as inferior (a subcontinent phenomenon), an a dearth of concrete and workable system to deal with the problem effectively, mix together to feed the general apathy that exists towards harassment and violence against women. (Rafi, Dawn: 2003)

Women mobility is also restricted in the name of religion and traditions hence are afraid of getting their due rights in institution and organizations. Though there is proper legislation for the protection of women, but feudalism and capitalism overcomes on constitutional and Islamic norms. For example Islamic punishments are lacking in the country. Statutory provisions are not practically implemented, if a woman goes to court of law to get her due rights. She is discouraged by her family members and she is also disparaged by the society in

the sense that she has lower downed the honour of her family members. In this regard only NGO's are helping in getting their just rights, but most of these NGO's have their own political motives.

Due to structural customary and social pressures, women are unable to participate in sphere of national life. In the field of family life a substantial legal reform affected women's position. In Pakistan, 'Muslim Family Law Ordinance', reform was a great step toward a legislation in respect of women but in practice women remained deprive of her just right because she is not encouraged to go to court for her rights. She has always a fear of violence and harassment against her. Thus it created a big hindrance in process of her mobility.

IMPEDIMENTS

Following are some of the impediments

- a. Domestic and public divide.
- b. Access to information.
- c. Lack of Awareness.
- d. Health.

DOMESTIC AND PUBLIC DIVIDE

In spite of the ongoing penetration of omnipresent religious representation and approach in the social spheres of everyday life, Pakistan had managed to continue afloat as enthusiastically pluralistic society comprising various ethnicities, religious divisions (Nadeem, Dawn, 2012).

It is fact that woman constitute about half of national human resources. Moreover they are naturally endowed with potentials, ranging from the intellectual, the physical and the spiritual, which when properly developed and used make them a potent force of the productive manpower of any action. Under the constitution some laws with regard to women have been engaged specifically for the welfare of women, but in practice woman of Pakistan are facing many problems. For example, "The divide between the domestic and public spheres creates problems for women who take up jobs outside the home. These demand from them independence mobility, competitiveness and long hours of work. On the other hand the family demand the opposite subservience services, cooperation, Scores of working women have talked about these almost irreconcilable demands and the physical and emotional tensions and stress they lead to (Bhasir, 2000:47)

Access to Information

In 2012, the parliament passed the 18th constitutional amendment, giving public the right to access information but, Another major obstacle in women mobilization is information regarding health services and timely useful access to these services. Majority of women are illiterate with limited mobility which can negatively affect to learn from interacting with the outside world. (World Bank Report, 2005: 65).

Lack of Awareness

The basic problems with create hindrance in the way of mobilization is lack of awareness of women rights and its acceptance in an important issue for the urban and particularly for rural women. "The rural women have considerably high rate of participation in numerous activities relate to crop and livestock production, management processing and storage of produce. In

other words, it is the women who literally make the life go in rural areas with such a heavy list of responsibilities, one can easily say that rural women is directly involved in the degradation or protection of environment in the rural areas, (Naqvi,1994)

Education

The most important obstacle in the way of progress is education, “reasons identified for low female enrollment in schools include conservatives’ concepts of women role in the society, leading to a non-recognition of the need for female literacy, non-availability of family resources for female education, early involvement of girls in domestic chores, long walking distances to schools, the necessity for segregation of schools for boys and girls even at the primary level in some areas, non-availability of female teachers, while poor physical facilities, poor teaching in appropriate curricula and teacher absenteeism are factor shared commonly with the general child population. Education is therefore, the most crucial factor in improving the status of women.” (World Bank Report, 2005:12)

One of the reasons is that in some places in Pakistan, education of women is strictly prohibited on misinterpreted religious grounds. Poverty is another hurdle in women education, ‘According to UNICEF, 17.6 percent of children are supporting their families ... the overall literacy rate is 40 percent while only 26 percent are literate. (www.pakistanwomen.info)

Health

In the field of health existing surveys and clinic records indicate poverty, inadequate of improper food intake, lack of awareness of basic health principles, adverse living conditions, heavy workloads and early marriage, frequent pregnancy and lack of preventive / curative medical support services.

OTHER CAUSATIVE FACTORS

Mullah Power Factors

Many causative factors have also contributed to the frightening increase in the brutal acts against women in Pakistan. It is the dominant patriarchal value system that characterizes Pakistani traditionally woman have assume a domesticated identity focused on the home and family. This identity has been strengthened by strict religious interpretations that favour women’s segregation,” Diverse group of people who vigorously go up against women’s rights in order to uphold their own control surrounding substance, the enforcement of laws to guard woman is negligent and unproductive. Women undergo most because a majority of them do not have the resources to achieve financial and social self-determination and self-reliance.(UNICEF, 1998:74)

Over a period of time the political use of religion had become a major challenge to women’s participation not only in politics but in public arena too In Pakistan, the family, clan, tribe or baradari and local customs are the landmark instruments which are used to control women.” (ShirkatGah, 2010: 9)

Moreover, Amina stated that, “patriarchal interpretations of our social, cultural and religious context creates a sibling environment for the empowerment of a women as consequence of which many women choose not to challenge the status quo because of the cost associate with their actions.(ShirkatGah, 2010:10)

The rise of religious extremism in Pakistan has given space to preach their ‘particular version of Islam, pushed women to live in veil and four walls, which is against the spirit of Islam and negates the pluralist culture associated with the traditions of ‘Sufism’.

Feudalism

One of the most important control in mobilization is feudalism, has a social and cultural feature too. Social group, family, wing and superstitions are some important features of the feudal culture. This is actually discordant culture and thrives as the division of society by pitting one against the other. The reason for the continued existence of the feudal system is that the old economic support is still integral and automation and other changes in the agricultural sector have only strengthened the feudal lords. The big landlords have been able to keep fitst raight have power over the rural folk through legislation and most of them are against education, rule of law and economic growth. (Government of Pakistan.2006:3)

Social Taboos

There are two aspects of mobility, both the physical and the social taboos restrict the activities and movements of women to socially prescribed spheres. This is further compounded by the poor public transport system.

Women, who venture, are emotionally and physically harassed, moreover, “restricted social and physical mobility effectively blocks women’s excess to social and economic opportunities. In effect there is privatization of women’s work in the domestic sphere. The isolation that women experience when secluded within their own homes, both because of cultural norms and workloads, makes it difficult to organize or sustain organization. (Khalid, 2003: 253).

One of the social norms restricting women’s mobility is associated with ‘purdah’ (veil) and ‘izzat’ (honor).As reviewed in Mumtaz and Salway, “the supreme form of controlled mobility is isolation of women inside the household. Whereas this is a farthest practice, a more common type is requiring women to search for permission to leave the household and to be accompanied, preferably by a male household member, or at minimum a group of other women or children: (Zaid, 1996).

In our patriarchal society, religion had been hijacked by the culture, traditions and social norms, some taboo like, ‘love of women for someone’ has become forbidden and is knitted badly in their culture and literature like Baloch and Sindhi culture that has given rise to brutal customs of ‘Kao Kari’ and ‘TunBakshi’, in southern Punjab, has been taken for granted in their societies, With the liberalization of media during Mussharaf period, some social taboos are slowly breaking but according to Samina Ahmed, “This freedom is also creating tension between conservatives and liberal mindsets.”(//webcache.google...)

CONCLUSION

The enhanced visibility of women would have a positive effect on their mobility. Various community leaders also actively oppose women’s rights in order to maintain their own power matrix. Fact is that laws which discriminate against women remain on the books and are not actively enforced discrimination in access to government resources and service continues unchecked and discriminatory practices go on unpunished. in particular violence against women remains a serious and wide spread problem. It creates fear for women and is big hindrance in social and economic mobilization of women, “The most noticeable change seems to be in women’s expectations of other women. Women realize that they are now more capable to conduct necessary worldly activates (such as pay electric bill, take a child to a doctor, and get a prescription filled), They are raising their expectations of the arenas of life in which women can be active and responsible and of what they can achieve – especially

what their educated daughters might achieve and they are taken these expectations to unprecedented levels.”(Government of Pakistan, 2008: 148)

“Solution of the problem in our rural population is largely involved can be seen in the Cultural Revolution and social movements. The problem should be tackled in such a way that there is a change in cultural traits, patterns and configurations which hinder rational thinking is society. The existing cultural complexities and patterns must be studied on scientific lines with the help of experts in cultural anthropology, sociology, social work, psychology and social psychology where specific culture traits must be fixed which are responsive to changes in desired directions and may remove the general climate of laziness, depression and false contentment. New cultural traits or the revival of old unused cultural traits may be introduced in rural cultures through proper quarters aiming at bringing struggle, efforts confidence and idea of self-help.” (Abida, 2002:134). These ideas can also be helpful in the mobilization of women of Pakistan in urban area also. The policy of government in respect of women must be broad based. A large number of women must be taken into confidence and executing machinery must play effective role to reduce women problems.

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