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Ideology, Conflict and Sexual Violence in Pakistan

CW: Sexual Violence

Introduction

On 9 September 2020, a woman was raped alongside a major highway near Lahore city of Pakistan. The woman was driving her personal car at the time of the incident when her car developed a fault at midnight.⁽¹⁾ This incident sparked a debate in the media over the causes of sexual violence and issues with the criminal justice system in Pakistan. The debate mainly developed between the proponents of feminism and radical Islamism. In this article, we explore the topic of sexual violence in Pakistan using an intersectional feminist framework – we unpack both Islamist and feminist discourses on the theme of sexual violence. This article explains how the ideology of the Islamists influences the state and its institutions to blame victims of sexual violence rather than looking to support victims and reform the criminal justice system in the country.

The context

Feminist literature on sexual violence demonstrates how rape, physical assault, sexual slavery, forced marriages, and restrictions on freedom of movement are means of suppressing the identity of women.⁽⁶⁾ The causes of sexual violence are complex and varied and we can often see it being used as a tool of civil war in active conflict areas. In Pakistan, sexual violence perpetrated against women includes battering, rape, acid throwing, kidnapping, and honour killings. One in every three women in Pakistan is reported to have faced sexual violence in their lifetime, and around 5000 women are killed every year in incidents of domestic violence, such as honour killings.⁽⁷⁾ As well as violence against women, in recent years the incidents of sexual violence against children, women of religious minorities, and transgender people are increasing at an alarming rate. The rising incidents of sexual violence in Pakistan need to be urgently addressed. Pakistani citizens, particularly women, are losing trust in the criminal justice system, the police, courts, and judges, as survivors of sexual violence are not receiving justice. This is leading to an increase in exclusion of already marginalised survivors of sexual violence who are struggling to seek justice, as only the more privileged and powerful are able to access the lawyers and courts to get their cases heard.

Since the formation of the modern state of Pakistan in 1947, Pakistan's promotion of Islamic nationalism has led to the exclusion of women of religious, sectarian, and ethnic minorities, from rights to equal citizenship and the privileges which come with that. This exclusion has created a political conflict between what is often defined as two factions: the feminists (left wing political parties, women rights groups) and



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levels of education, employment, free will marriages, and property inheritance for women while Islamists want the restriction of women from public space (politics, media, leadership), and women piety (veiling, obedient to men, child rearing) in Pakistan. (11) It must be acknowledged that in reality the conflict between ideologies in Pakistan is much more complex and nuanced, even as the feminist movement is becoming more visible in Pakistan, feminism is still expressed in different ways by different generations, and views on women's rights varies greatly in the country. Equally, in this piece we are discussing Islamists, who subscribe to a radical fundamentalist view of Islam, who are far removed from Muslim people, many of whom hold deeply feminist views.

Gender and intersectionality in Pakistan

While the incidents of sexual violence in Pakistan are common to all communities, the cases of sexual violence involving women from more privileged backgrounds get more coverage in media and they have easier access to the justice system. The example of the incident that happened by the motorway received extensive coverage in national and international media because the woman was from a more privileged and rich class.(12, 8) The media and criminal justice system in Pakistan are biased towards the less privileged and give less support to marginalised communities because of how they deem who is a worthy "victim" of sexual violence.

Young girls from religious minorities less privileged in Pakistan, such as Christians, Hindus, and Sikhs, are kidnapped, forcefully converted, and married by Muslim men but such cases of sexual violence rarely receive the same outcry in media and literature.(25) On 1 October 2020, a Pakistani Hindu girl who was a survivor of sexual violence, took her own life after not receiving justice from the court.(24) According to a recent study, over two dozen incidents of abductions and rape followed by forced conversion of young girls of religious minorities happen in Pakistan every month and mostly, in such incidents, law enforcement agencies and courts defend the Muslim perpetrators against religious minorities.(14, 15)

In addition, members of the transgender and transexual community are violently attacked and their attackers often enjoy impunity. They are systematically marginalized and discriminated against by their families, and relatives, and the system, as their identity is perceived inferior to cisgendered men and women.(17)

The discourse of feminists and Islamists on sexual violence in Pakistan

Pakistani feminists challenge the Islamist discourse over women's rights and empowerment through protests, sit-ins, speeches, and marches. They raise their voice by saying *mera jism meri marzi* ("my body my choice"), *haq-mehar* (dowry) is not a divorce compensation, "there is no honour in killing", *jahaiz khouri band karo* ("stop the custom dowry").(10) These slogans of the women rights activists aim to change the social mindset and how the justice system treats forced marriages, honour killings, equal property rights for women in the case of divorce, and the custom of dowry.

On the other side, Islamists, mainly male and female students of madrassas hold *haya* ("morality") marches perceiving the above feminist actions as spreading immorality in a Muslim majority country.(11) The most common counter slogans of Islamists women are *main ba-parda hun* ("I am in veil"), *main ghar ki malka hun* ("I am queen of the home"), *behayai na manzoor* ("we reject the immorality").(11) Islamists believe co-education in Pakistan encourages gathering of young men and women who can develop sexual relations before marriage which is perceived as immoral and anti-Islam. Islamists think the mixing of sexes in public spaces (e.g., university, offices) is causing sexual violence in the country. The Islamists draw



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be implemented in Pakistan in all aspects of life. To achieve this political goal, Islamists create hate propaganda literature (online and offline) against feminists and divert attention of state institutions towards blaming victims of sexual violence. In some cases, Islamists have become violent towards feminist activists.(12)

The above ideology of Islamists in Pakistan penetrates the police, courts, media, politics, education, and academia through religious education and right-wing media. The prejudice towards women has become institutionalised. Although laws in Pakistan to deal with sexual violence are strict and suggest severe punishment, the police, laws, and legal courts represent sexual violence as an act of public disorder rather than a criminal act. For instance, the Women Protection Bill (2006), a controversial Bill strongly criticised by Islamists, was passed to protect the victims of sexual violence.(10, 20) However, there is still a long way to go to bring justice to women, as criminal justice officials tend to employ “victim-blaming” when it comes to sexual violence. That ask questions about why and how the victims encountered the perpetrator.(20) For example, in cases of forced conversions followed by forced marriages of girls of religious minorities, the perpetrators, courts, police and media have claimed that the victim converted to Islam according to her own will because she was in love with the perpetrator.(21) The perpetrators are enabled to find easy ways to evade the criminal law. The conviction rate in cases of sexual violence is 2.5%.(14) This weakness of the justice system and political discourse enables and justifies perpetrators to commit sexual violence against marginalized groups – especially children, women of religious minorities and low-income families, and transgender people – with impunity.

Suggestions

In view of the above discussion, the following improvements are suggested to help prevent the cases of sexual violence in Pakistan:

1. Pakistan has a federal constitution that provides a modern criminal justice and legal system to deal with crimes including sexual violence. However, equal and effective justice gives opportunity to the Islamists and their supporters to malign the modern justice system and the laws preventing sexual violence. The lawyers, police and judges should provide speedy and equal justice to victims of rapes, forced conversions, honour killings and sexual abuse. Their perception of “victims” of sexual violence needs to be changed through extensive training them in gender, power, and politics of the country.
2. The role of international media, civil society, and academia is important in working towards gender inclusive education policy, reporting, research, and advocacy for marginalized groups and victims of violence. Their role is important in deradicalisation of Islamists to change their attitude towards women and other marginalised groups, such as women of religious minorities and transgender people. The inclusive learning, such as exposure to knowledge about equal citizenship rights for marginalised groups and communities through education and media, especially online media, can give voice to the survivors by shifting the mindset from victim blaming in cases of sexual violence to justice and protection of survivors of sexual violence and the improvement of criminal justice system.

Like many countries, Pakistan still has a long way to go to overturn its patriarchal institutions and provide adequate support and protection for survivors of sexual violence. We have hope in seeing the feminist activists who are taking to the street and challenging the status quo and the institutions, rather than working with them.



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Qamar is a doctoral researcher in peacebuilding at Social and Global Studies Centre of RMIT University Melbourne Australia. Wafa is a Masters student, researching Sociology, and works at Regional Blood Center District Muzaffarabad, Azad Jammu and Kashmir, Pakistan.



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