

ARE WOMEN MAKING A DIFFERENCE? LOOKING BEYOND THE  
STATE IN ADDRESSING VIOLENCE AGAINST WOMEN IN  
INDIA AND PAKISTAN

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INTRODUCTION

Women have been subjected to various forms of violence and discrimination throughout history and in contemporary times. South Asia is a region where violence and discrimination against women have taken many forms and continue to present formidable challenges to women's health and welfare. Scholars and practitioners interested in assessing how public policy affects women's status have seen some hopeful trends in contemporary times with women taking leadership roles in addressing economic and political equality. Pervasive and deep seated discrimination against women often take shape in various acts of physical and emotional violence against women (VAW). In recent decades, international organizations, national leaders, individuals, and non-governmental organizations have been persuading governments to address issues of violence and discrimination against women. Focusing on India and Pakistan, this paper examines the extent of VAW, the role of the governments, international agencies and laws as well as NGOs in addressing such issues. It examines if women themselves are taking a leadership role and making a difference by bringing pressure on the government as well as influencing changes at the local, state, national, and supra-national levels which are affecting their lives positively. The paper concludes that changes in laws alone will not prove adequate safeguard against VAW. Abuses against women can only be eradicated when men and women empower themselves by acting in local communities in conjunction with governments and international organizations, but there has to be a cultural change, a perception that women are not objects of desire, abuse, and control.

ILLS OF DISCRIMINATION

*“Inequality and discrimination, whether based on race, colour, culture, language, religion or sex, often takes similar forms in practice. However, there are specific characteristics of discrimination against women which do not occur elsewhere. Sex attitudes, beliefs, prejudices and myths are much more deeply rooted in basic structures of cultures and human behaviour than many other customs, norms and traditions.”<sup>1</sup>*

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This statement captures much of the difficulty of addressing the ills that emanate from gender discrimination. On the one hand, there is a need for the realization that discrimination and violence against women constitute and have universal validity. On the other, some forms of gender violence are so rooted in deep seated cultural and customary practices which often disguise as religious practices that they provide challenges in terms of universal justice and rights for women.

Given this dichotomy, even though a universal phenomenon, violence against women (VAW) was not a subject that was addressed at the governmental and intergovernmental levels for a long time. In 1985, the forward looking strategies of the Nairobi conference of the United Nations first acknowledged the connection between VAW and violence among states. “Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and other objectives of the (United Nations) Decade (for Women).” This connection between VAW and violence among states was necessary so that VAW could be considered at the highest levels of policy making at national and international venues. It paved the way for VAW to be considered at high levels of policy making both at national and international levels. It laid the groundwork for the introduction of subsequent legislation that would more specifically address the issue. Breaking the centuries’ old silence about the numerous ways in which women have been subjected to diverse forms of discrimination and torture based on the notion that women were the ‘weaker sex,’ and other beliefs that ‘justified’ VAW, the 1990’s witnessed a major change. Seeking to redress these forms of discrimination, in 1991, more than one thousand groups sponsored and gathered about a half a million signatures from 124 countries seeking to establish that “women’s rights are human rights.” According to this petition, “The Universal Declaration of Human Rights protects everyone without “without distinction of any kind such as race, colour, sex, language...or other status”(Art.2). Furthermore, “everyone has the rights to life, liberty, and security of person (Art.3) and “no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment” (Art.5). Therefore, we, the undersigned, call upon the 1993 United Nations World Conference on Human Rights to comprehensively address women’s human rights at every level of its proceedings. We demand that gender violence, a universal phenomenon which takes many forms across culture, race and class, be recognized as a violation of human rights requiring immediate action.”<sup>2</sup>

Despite these and similar declarations, however, women’s plight continue to be deplorable. Women in India have been subjected to many forms of discrimination from time immemorial. Many of these practices are rooted into the cultural morass of the Indian psyche. With new endeavors and awareness, are women able to address these forms of violation, and to what extent? As indicated before, for several decades now, there has been concerted global movement seeking

to establish that women's rights are indeed human rights. Negation women's rights then would constitute violation of human rights.

In general, the overall concern with human rights came in the context of the aftermath of the Second World War. Vowing that humanity never be subjected to unaccountable horrors of torture by fellow human beings in positions of power and otherwise, the international community aptly drafted the Universal Declaration of Human Rights as "a common standard of achievement for all peoples and all nations." Article 1 of the Charter states that one of the aims of the United Nations is to achieve international co-operation in 'promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.' Feminist scholars rightly point out the limited scope of this universalistic language. While it is apparent that the principle of non-discrimination implied by this notion is justified, there are some areas where women's experiences are not shared by men, and therefore the general notions of human rights do not include such areas as female infanticide, genital mutilation, etc.<sup>3</sup>

Even though violence against women (VAW) is present in most societies, it often goes unrecognized. It is hard to find systematic, scientific studies on this phenomenon. Much of the difficulty stems from the nature of the issue of VAW. Most of the acts occur in the privacy of individual homes, behind domestic walls, and the crimes are often committed by relatives and acquaintances of the victims. At the international level, it is only as a result of efforts by agencies such as the World Health Organization that there is some comparative aggregate statistics and documented evidence on VAW. "In different parts of the world, between 16% and 52% of women suffer physical violence from their male partners, and at least one in five women suffer rape or attempted rape in their lifetimes. It is also well-known that rape and sexual torture are systematically used as weapons of war. Violence negates women's autonomy and undermines their potential as individuals and members of society."<sup>4</sup>

Violence against women has finally been recognized as a violation of human rights. According to the same WHO Report, "violence against women and girls is a major health and human rights issue."<sup>5</sup> It affects women in serious ways including severe physical and emotional injuries, and often causes death.

The 1979 Convention on the Elimination of Discrimination Against Women (CEDAW) marks a landmark development in the recognition that the UN gave to women's rights. By 1997, 157 countries had ratified CEDAW. CEDAW "specifically obliges state parties to take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise."<sup>6</sup> Since 1979, violence against women, particularly rape as a weapon of war has been considered a crime, violating human rights.<sup>7</sup>

In essence, the global community began taking violence against women seriously. This was reinforced in 1993, when the UN General Assembly adopted

the Declaration of the Elimination of Violence. According to the Declaration, violence against women includes “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threat of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.” The Declaration goes on to include instances of violence that may be defined as domestic violence (spousal abuse, dowry related deaths, emotional torture, marital rape, female genital mutilation, and other traditional practices that are harmful to women) and other non-spousal abuse that women are subjected to, including trafficking in women, forced prostitution, state sponsored/perpetrated violence, etc.<sup>8</sup>

Other regional treaties such as the European Convention on Human Rights (1950), The American Convention of Human Rights (1969), and the African Charter on Human and People’s Rights (1981) assured rights to life, liberty, and security against torture for its citizens. Only the Inter-American Convention of the Prevention, Punishment, and Eradication of Violence (1994) directly directs itself toward eradicating VAW. It is a useful directive for states and also enlists appropriate punishment for VAW crimes.<sup>9</sup>

#### INDIA AND PAKISTAN: COMMON HERITAGE, FAULT-LINES OF HISTORY, CULTURE, TRADITIONS, RELIGION AND VAW

Born of a shared history and meshed cultural traditions, the cusp of transition from a colonial past to independent statehood veered India and Pakistan through somewhat different development routes. Since the origins of independent statehood from 1947, secular India has been predominantly a democratic society with a brief hiatus in the 1970’s with the declaration of Emergency and the suspension of individual liberties. Conversely, Islamic Pakistan has become accustomed to military rule for a major part of its history, interspersed with a brief period of attempted democracy in the 1970’s and in the 1990’s. Dispute over the panoramic state of Kashmir, hostilities over water and other resources, and common birth-pangs of insecurity have kept these two bordering states in the shadow of mutual suspicion, clamoring for world attention through alliances with the rival superpowers during the cold war and of the United States in the aftermath of the demise of the Soviet empire and the evolving reality of world and regional tensions of the late twentieth and early twenty-first centuries. Through it all, India and Pakistan both concentrated on strengthening their defense against each other and against other regional rivals.

Over the decades, this preoccupation has rendered the subcontinent a nuclear nightmare, and associated defense buildup. Debate over whether the nuclear focus has diverted resources from economic development aside, the status of women in both countries over the past five decades has not improved. According to the Human Development Report of 2004, India ranks 127th and

Pakistan is 142nd out of 177 countries.<sup>10</sup> The Human Development Index is a composite score based on measures of life expectancy, school enrolment, literacy and income. These ranks are rather low, indicating that much improvement needs to be done in these areas. When we look at the Gender Development Index, which factors in inequalities between men and women, the ranks are comparable, with Pakistan suffering a slightly lower rank overall. India is ranked 103rd and Pakistan 120th among 144 countries. Pakistan is identified as the worst performer in South Asia in both HDI and GDI ranking.

A country's record in VAW is still not considered when assessing its national and international stature. In the era of globalization and the revolution of information technology, India is often commended as the next 'Big Thing' along with China in terms of economic miracle. Such calculations do not consider India's dismal record in the area of gender development and VAW. "From 1980 to 1990 crimes against women increased 74 percent with rape, molestation and torture by husbands and in-laws showing the highest rates of growth; crime statistics from 1998 report a 15.2 percent increase in gender-based violence over the previous year. There is still a lack of sufficient data, information and awareness on the different types of violence against and consequences for women. This, in combination with women's lack of awareness about their legal rights and law enforcement agencies' lack of knowledge about their responsibilities and obligations for protecting women's rights, acts as a major constraint to combating VAW."<sup>11</sup> Likewise, since September 11, Pakistan has been hailed as a frontline ally in the war on terror. While this is a crucial endeavor, every day countless women are being subjected to indiscriminate horror and violence, often implemented by men taking refuge under Islamic laws that protect them in such cases. Yet we do not hear any public outcry against such practices as honor killings, burning by acid throwing, gang rape, and other systematic abuses that women face. Governments need to become aware of the integral connection between a country's development to its overall status of its citizens, men and women.

An essential cornerstone of addressing challenges to human and gender development is how these societies look at the status of women and whether they consider women's rights as human rights. The logic is simple, if a society respects its women and their rights and dignity, it will fulfill its mission to educate them and consider them equal partners in the development process. Remotely disconnected as it may seem, confronting VAW becomes an essential stepping stone before any country can make progress in educating its their girls and empowering them to contribute equally to the country's progress and overall development. While there are numerous studies on gender and development, there are few that draw the connection between VAW and human development in a systematic way. This study hope to address that issue by arguing that if a country continues to ignore occurrences of VAW, its overall

gender and development efforts would be negatively affected. Furthermore, a concerted effort is needed at the international, governmental, and local levels to eradicate VAW which then paves the way for gender and human development.

#### FORMS OF VIOLENCE AGAINST WOMEN IN INDIA AND THE ROLE OF GOVERNMENT

Since the inception of its constitution, independent India has recognized the need to provide educational and other opportunities for women and children. Such provisions (e.g. Article 15[3]) called for a series of affirmative action policies and provisions. Between 1971 and 1992, various commissions and task forces looked at and evaluated the status of women in India and made recommendations for better education, work opportunities and health benefits. After decades of such efforts, a major problem was witnessed. The benefits of programs that were being put in place were not reaching all women, especially those that were poor. "...the government of India was willing to take the necessary policy initiatives in order to empower women. What it lacked at that point was the awareness that the roots of women's inequality were widespread and complex, permeating areas of work, cultural beliefs, education, health, and environment."<sup>12</sup>

There is indeed a great deal of anomaly in the status of women in India. It is often intertwined with socio-economic and political hierarchies: that is, women who are educated, and live in the urban areas, often enjoy a status that is much more liberal toward women than in the rural areas and in some religious and ethnic communities. Since the Vedic times, women have received different status depending on class and caste hierarchies. VAW is, however, not restricted to women in rural areas or among the more conservative religious and caste groups. Dowry deaths and other forms of VAW are common in urban areas and among educated sections of the population. From ancient times, women from higher classes often found that their husbands had several wives.<sup>13</sup> Hence, any generalization about the status of women will have to take the diversity and complexity of the situation with regard to women's rights and VAW in India. It is also this variety and complexity that makes the study of women's rights in India more intriguing.

During the British rule, even though the government was not keen in creating an infrastructure for development per se, it contributed to several social legislations that positively affected the status of women. Prior to the nineteenth century, Hindu widows were not permitted to remarry. Moreover, in many communities, young widows were forced to self-immolate in the funeral pyre of their deceased spouses. This practice, called *Sati*, was cruel and inhuman, and violated every principle of human rights. Yet, it remained unchallenged until the middle of the 19<sup>th</sup> century. Widow remarriage was permitted by law in 1854 and

*Sati* was banned in 1859. Indian leaders, inspired by Vidyasagar and Raja Ram Mohun Roy, spearheaded the reforms, and the British government responded with legislation to redress these customs. As late as in 1987, however, *Sati* was performed in northern India as a reminder to all Hindu women about the virtue of 'dying' with their husbands. This case, however isolated, is poignant because it is a reminder that in the name of reactionary, religious revival women were being subjected to a cruel practice.

Even though practices such as *Sati* are banned and there is constitutional guarantee of gender equality, violence against women continues in various forms. Consider the following sentiments:

"He started enjoying drinking and would come home drunk and start beating me. Now I am married for 15 or 16 years and have two boys of school going age. And I get beaten up."

"If the food is not according to his taste, ... he loses his temper. If he thinks that I have not kept the house tidy, he loses his temper..."

"Besides using abusive language, my husband hits me with whatever he can lay his hands on ... hitting me in the back or slapping is what he does most of the times..."<sup>14</sup>

These are some of the respondents who expressed their plight for a study conducted by the Gujarat Institute of Development Studies in 1996-97. This study provided valuable insights into the different forms that violence against women take in everyday settings. They often go on for ever, and women in these situations do not even know that there are any forms of recourse.

To be sure, women's lives in India as elsewhere are entangled in the nuances of culture and survival. In a country where poverty is rampant, on a daily basis women, along with men, struggle for survival on a daily basis. Yet, traditional beliefs and customs often stand in the way of offering women access to the basic economic needs. Even though the caste system is legally not valid in India, it is deeply entrenched in the cultural morass. Caste-based ideas such as preventing women and widows from working out of the house remain strong, even in situations where survival is the issue. Consider for example, the case of Metha Bai, 28, and upper caste widow in a northern Indian village, with young children. Even though she has to provide for her children, she is prevented from seeking employment outside of the house. She comments, "I may die, but still I cannot go out. If there is something in the house we eat. Otherwise, we go to sleep."<sup>15</sup> Metha Bai represents the plight of millions of women in India, who have financial assets, but are deprived from fair use of the property of their husbands, are subjected to emotional and physical torture by their in-laws, and are forced to live in poverty.

As already stated, widow remarriage was approved by law passed by the British government in 1859. This was in response to an indigenous movement led by liberal intellectuals in Bengal. More than a hundred years later, even though legally permissible, widows in Bengal were not allowed to remarry or seek

widowed for three months. She had four young daughters, and no sons. Jean Dreze writes that even though Chobi Pradhan had some skills, caste elders would not allow her to seek gainful employment outside the house.<sup>16</sup>

In 1975, also the International Women's Year, the government-appointed Status of Women Committee issued a report on the status of women in independent India. This report highlighted that even though in absolute numbers, there were more educated women in India than in the past; women were not adequately represented in the economic sector and in public life. Between 1911 and 1971, women's employment in the organized sector fell from 34.4 % to 17.3 %.<sup>17</sup> Subsequently, however, the government seems to have made successful efforts to employ more women in the public sector. According to the Employment Review of 1972-73, the growth rate in women employees was 9.5% as compared to 5.6% the previous year.<sup>18</sup> Neither of these assessments gives a true picture of the status of women. For instance, these accounts do not take into consideration the large numbers of women who are employed or marginally employed in the informal sector, household agriculture and cottage industry included.

Decades later, the government of India declared 2001 as the Year of Empowerment of Women. Yet, a recent report of Amnesty International finds that authorities are not only failing to prevent violence against women, but are also taking a part in it. Focusing on dalit (untouchable, or the lowest caste in the caste hierarchy) women, and adivasi (tribal) women, the Amnesty Report finds that these women often suffers beating, stripping, rape, and other forms of torture in states such as Rajasthan and Uttar Pradesh.<sup>19</sup> In these states, women who are poor and are generally from a lower caste, and are often subject to double discrimination, on the bases of caste and of gender. The Amnesty Report cites the case of Narbada, an 18 year old woman from Udaipur district in Rajasthan, who told Amnesty that she was raped and also prevented from going to the police because her attacker was from the upper caste. The police, and later the courts never cooperated with the victim, and Narbada's family continues to be harassed by the members of the upper caste Rajputs.<sup>20</sup> Cases like Narbada's are numerous and happening everyday in India. The government has not been able to reach the local and state levels to empower women to address these issues. Women's groups, NGOs and individual initiatives are the only routes that victims have in such cases.

On the more positive side, under the 1990 National Commission for Women Act, a statutory body of the National Commission for Women was set up. This body reviewed constitutional, legal and other provisions as well as challenges women face and made some recommendations. Apart from influencing legislation over the past two decades, more specifically, in 2002, the commission made several recommendations. Specifically they call for more governmental activism to prevent child marriage, violence against women, making law enforcement officials and agencies aware of and responsible for executing established legal and policy perspectives and principles in dealing

with cases of VAW. It also recognizes the work of NGOs and general benefits of raising awareness about the need to eradicate VAW.”<sup>21</sup>

This wide range of activities outlined above, by combining the work of various levels, governmental and nongovernmental, has hopes of capacity building as well as vigilance, assuring a high rate of success in combating VAW.

#### FORMS OF VAW IN PAKISTAN AND THE ROLE OF GOVERNMENT

Despite constitutional guarantees of gender equality, women in Pakistan remain extremely vulnerable to various forms of discrimination and torture. In the 1970's, as women's rights were being recognized as human rights at the international level, women in Pakistan encountered several forms of discriminatory legislation based on the Islamic view of the status of women. By 1977, "...Pakistan took a leap back in time under the military dictatorship of General Zia ul-Haq and his 'Islamisation' process. The period saw the introduction of highly discriminatory legislation, media onslaughts by state agencies to propagate the 'Islamic' vision of women's status, and several other measures which not only resulted in further derogation of women's rights, but also reinforced and strengthened biased attitudes regarding women's role in society." Thus constitutional guarantees paid only lip service to gender equality. In practice, the religious orthodox groups exerted tremendous influence on policy during this period and the effect of this continues.<sup>22</sup>

VAW in Pakistan has become ubiquitous. Such atrocities occur in various forms including murder (in the name of honor killing or resulting from domestic violence), rape and sexual violence, torture, forced marriage, etc. Originating from tribal customs, several forms of honor killings are prevalent practically throughout the country. Male relatives take upon themselves to be the protector of the family's honor and therefore are entitled to punish alleged acts of illicit relationship between a girl and a boy by taking their lives. Usually girls are the ones that are killed, but boys are too, on occasion. "Sometimes, even minor acts like leaving the house without permission or failing to serve a meal in time become reasons for male 'honour' to get offended. Occasionally, women have even been killed for acts over which they have no control, e.g. getting raped and defiling the honour of her male family members."<sup>23</sup>

Perpetrators often go unpunished or receive very light sentences for honor killings. Courts have displayed gender bias in interpreting such crimes and often side with those committing the murders on grounds that they acted to protect the family's honor, that they acted according to Islamic law and social norms. In the case of Abdul Majid vs. The State (Year not available), the accused heinously murdered his wife because she could not bear children and she was suspected of having an affair with another man. The court, even after acknowledging the nature of the murder of his wife by the accused, refrained

from giving him the death penalty citing the possibility that he may have been frustrated by this and the fact that his wife, who loved to dress in western clothes was leading a 'wayward' life.<sup>24</sup> The implication obviously is that the accused must have had grounds of 'grave and sudden provocation' and therefore the sentence had to be lessened.

Clearly, the Pakistani constitution guarantees human dignity and protection of life and liberty. (Articles 4 and 14 for example). But traditional beliefs and practices, along with media portrayals of women as objects of physical pleasure make it easier for men to engage in acts of VAW. The legal environment does not protect women adequately, and therefore, cases of VAW in the name of honor killings, burning, and rape are prevalent in Pakistan. Between 1970's and 1990's, there has also been a rise of burn victims, and 'stove deaths.' Most of the cases are not reported, and this occurs mostly with women who have recently been married. Sometimes women are burned by their husbands who set fire on their wives in a rage over minor arguments; other times they suspect them of having affairs and use such tactics to end their lives. The families threaten the wives not to report the case.

Since 1991, the courts have taken some proactive steps to make sure that such cases of 'burn' victims be handled efficiently and have made it easier for women to come forward to report such crimes (by abolishing court fees and by allowing others to take statements from the victims etc.). In reality, though, the victims are reluctant to come forward as are the police unwilling to follow through with vigilance. "Police, if they register a complaint at all, often accept bribes, then manipulate evidence and use sections of the Penal Code carrying lower penalties. They usually accept husband's claims that the stove burst was accidental..."

It is estimated that every three hours a woman is raped in Pakistan. Between January and July 1997, 365 rape cases were reported. Most of the victims were poor, were gang raped, and many were minors. In 1979, the military regime introduced the Offence of Zina Ordinance (or Hoodooed Enforcement). *Zina* means consent based extra marital sex and *zina bil jabr* means rape. The punishments are often based on the Quran's definition of 'hadd' penalty and the severity ranging from stoning to death or imprisonment as determined by the court. Often the determination of a rape crime is based on eyewitness report of a specified number of male Muslim adults. In a society that already has gender bias, such an arrangement inevitably leads to a rape case to be converted to *zina* or adultery. If the women fear this consequence and do not report the rape but become pregnant, they may be accused under *zina* anyway! Under the zina ordinance, girls as young as 10 or 11 are also punished severely, often by physical and emotional torture.

So, it is evident that cultural beliefs, together with Hudood enforcement backed by Islamic law often stands in the way of full realization

of constitutional commitment to guarantee equality to women and men in society. The 1997 Report of the Commission of Inquiry for Women set up by a resolution of the Pakistani Senate sums it up comprehensively, “Among the most lethal forces which impact [on] women’s dignity and security are customary practices which aim at female subjugation. Often defended and sanctified as cultural traditions, they are usually fiercely defended by those who practice them, shrugged off by society and condoned by law-enforcing agencies and the courts. As a result, most of these inhuman practices continue unabated.”<sup>25</sup>

#### ROLE OF NGOS & INTERNATIONAL AGENCIES IN ADDRESSING VIOLATION OF WOMEN’S RIGHTS IN INDIA AND PAKISTAN

The role of international organizations has been discussed within the purview of global governance. Much progress has been made in the areas of determining and declaring that domestic violence and VAW constitute a violation of human rights. But one of the major problems that countries such as India face is that VAW crimes often go unreported. The first step in this direction is to raise awareness among both men and women, that these are crimes punishable by law. The role of NGOs in this area has been quite significant. I will discuss some of these organizations which have been working tirelessly to promote awareness, activism, and policy change in India.

The World Health Organization recognizes the public health impact of VAW. Women who are abused are more likely to be afraid, depressed, and vulnerable to a variety of diseases including HIV/AIDS. The overall cost of healthcare of a country goes up if VAW goes unrecognized. A 2000 report of the WHO summarized the importance of taking a public health approach to ending VAW: “Violence against women and girls is a major health and human rights concern. Women can experience physical or mental abuse throughout their lifecycle, in infancy, childhood and/or adolescence, or during adulthood or older age. While violence has severe health consequences for the affected, it is a social problem that warrants an immediate coordinated response from multiple sectors.”<sup>26</sup> Other examples of international agencies working with international, national and sub-national groups include Zonta International, which is based in Chicago and is created under the auspices of UNIFEM’s call for action to eradicate VAW. In 2000, this project identified several goals. These include awareness raising, building mechanisms through which women who are subjects of violence are able to report and get help, and capacity-building of NGOs who are aware of the networks and sources available for women who have been victims of abuse and violence. It becomes imperative to assess if any of these initiatives are having any effect at the grassroots level; are they having any impact on women who are seeking to combat VAW, against them and against other women?

In August, 2001 I visited the Joint Women's Program (JWP) in New Delhi. They are an organization that was started in 1979, and has branches in major cities in India including Kolkata, New Delhi, and Bangalore. JWP is active in addressing issues such as domestic violence, and sex trafficking in India. They are also actively spearheading a campaign to seek reservation of 30% of the seats in Parliament for women. Assuring more women in positions of leadership and public life will empower women to address issues of VAW more effectively, they argue.

Other groups include *Maitree*, an umbrella organization based in West Bengal, India. *Maitree* is a network of women's organizations, NGOs, and individual women working together to promote women's rights. It was formed in 1996 to carry on the Platform for Action of the Beijing Conference in 1995. Members bear the expenses of the organization. Their work has involved intervention in areas of custodial rape, sexual harassment in the workplace, child abuse, protest against harmful injectable contraceptives, etc.<sup>27</sup> The organizational structure of *Maitree* is very interesting. They have no permanent positions. The members take turns to run the secretariat. Several groups work under this network. One such group is *Parichiti*, which is an active member. This group addresses several aspects of violence against women. They are involved in research, to explore the working conditions of domestic workers; organize gender sensitizing training and workshops for grassroots NGOs, funding agencies, and government organizations; and they are also involved in violence intervention. Since this is a relatively new organization, it is too early to evaluate its effectiveness.

In Pakistan, NGOs have been active collecting data on VAW and violation of rights of women. There is however, limited opportunity for them to channel their findings and impact on policy change. As already alluded to, the government has set up commissions to study discrimination against women. It has also set up 'safe places' for women to take refuge in if they have been subject to domestic violence and forced marriage etc. Such safe places or Dar-ul-Amans often act as agents of further emotional and physical repression for women. Corrupt officials have generated a system of abusing inmates and using their power to perpetuate such abuse.<sup>28</sup> Some progress has been noted through initiatives taken on by private agencies. One such project is the Burn Care Project by the Watan Welfare Society. Between 1994 and 1995, the Progressive Women's Association found that more than 3500 women who were subjected to burn injuries at home when family members attacked them with acid, gasoline, or fire faced numerous problems. The problems ranged from lack of access to adequate medical care (other than Army Burn Centre in Kharion, which charges very high fees to treat civilian burn cases), Pakistan had NO publicly funded burn centers or units in hospitals. Responding to this need, the Watan Welfare society started a Burn Care Project in 1999. This unit, run by specialist volunteers attends to burn victims, disseminates knowledge about how to treat such injuries and the legal and other avenues women have to pursue in terms of preventing and redressing such attacks in the future. The workshops,

training, and dissemination of information serve as stepping-stones in the empowerment process by raising awareness.<sup>29</sup>

#### CONCLUDING ASSESSMENT: THE LIMITS OF LEGISLATION AND THE NEED FOR AN INTEGRATED APPROACH.

Any assessment of the role of governance in addressing violence against women must take into consideration that the issue has permeated the culture for centuries. Therefore it will take much more than policy-making to make a difference in the lives of women. For example, in India, over the last decade, more than a million women have been elected to village councils. There are numerous laws preventing such practices as dowry and the killing of female fetuses. Yet, patriarchal family structure, in which girls are not considered valuable for parents after they are married off, and the sizable dowry that parents of girls have to provide at marriage contribute toward a bias against girls. Sex selective abortions have taken the place of female infanticide in India. The decline in the ratio of girls to boys is startling in India. Worldwide, there were 105 or 106 girls to 100 boys. In India, according to the latest census, in states such as Punjab, there were only 875 girls to every 1000 boys. Overall, there are 927 girls to 1000 boys in India.<sup>30</sup> This is a clear example of the limits of legislations. India has passed laws banning sex-selective abortions. But as women's groups and NGO's rightly point out, there needs to be widespread consciousness-raising efforts against such customs as dowry. This will lead to a belief that girls are not burdens, after all.

Studies demonstrate that the cultural baggage that women and men carry in India reinforce traditions of patriarchy and male power. Women are socialized into subordination and subjected to domestic violence.<sup>31</sup>

Alongside, compulsory education is a must if social change in India is expected. Studies have shown that where men are more educated, women's status rises. In the state of Kerala, the only state with a literacy rate of over 90%, women enjoy equal status with men.

In Pakistan, the Watan Welfare society works closely with corporations such as the ADB (Asian Development Bank) as it represents the ADB's commitment to Human and Gender Development on ADB's and thus works with public health loans. It also emphasizes on the introduction of legal reforms and the need to work with the Ministry of Women's Development and the National Commission on the Status of Women. Such overall capacity building projects also include addressing the overall development situation, thus it includes the conditions in which women live and work, the access they have to information and help when abused. All this together contribute to empowerment strategies that are based on the cultural and socio-economic milieu of the Pakistan women. Most importantly, it realizes that changing laws alone cannot solve the problems, albeit

legal and judicial reforms have to go hand in hand with overall commitment to end VAW in Pakistan.

This analysis has underscored the importance of a multi-pronged approach to ending VAW. Whereas women are taking leadership roles through various NGOs, it is absolutely critical to involve all levels of society to addressing the problem. Several recommendations have been introduced both in India and Pakistan. Among them the need for better opportunities for education for women, improved healthcare system, more effective law enforcement to protect women from violent family members and other men. Most importantly, there is need to introduce and effect a cultural change in the way men think about women.

A conference held in May of 2005 in Islamabad, Pakistan addressed whether the changes in laws, interventions by governments and international agencies, and awareness raising campaigns are having any positive impact in reducing VAW in South Asia<sup>32</sup>. But at the same time, reports suggest that cases of VAW in South Asia are rising. Delegates noted the positive role of the media in raising awareness. More cases of VAW are being reported and more women are having the courage to come forward. But there is still need for proper implementation of laws and assurances that men who commit such crimes are not given lighter sentences. Pakistani legislature is considering banning honor killings, but *zina* laws continue to put women in an unfair disadvantage and inferior position, often at the mercy of men to prove her innocence. According to Radhika Coomaraswamy, a former special rapporteur on VAW, “The biggest problem in South Asia we find is that people are using culture and religion to deny women’s right.” This was true about all the major religions in South Asia, according to her.<sup>33</sup>

In a world that is digitally becoming more connected everyday, international interaction has become easier and more frequent. This open communication can not only enable women to learn more from the outside world, they can also be empowered to reach out to groups, local and state authorities, and international agencies. Women are capable of this, as Mary Wollstoncraft would say, “... My own sex, I hope will excuse me, if I treat them like rational creatures...”<sup>34</sup> Women are not only rational; they are leaders in their families and communities. India and other countries will only be better served when they realize this potential in women. In essence, then VAW cannot remain shrouded as examples of personal tragedy and dismissed as anecdotal at best. National and international agencies, working in conjunction with NGOs who are the voice of millions of abused women, need to address these concerns as a unified fight in order to raise the human potential, not just that of women. That is a rational choice for humanity.

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<sup>21</sup> <http://www.indianngos.com/issue/women/govt/ncw.htm> accessed on 6/4/05.

Please see web site for a carefully researched and well thought out list of legal and policy changes that are needed and who best can implement such changes.

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<sup>24</sup> Gooneskere, op.cit., p. 159.

<sup>25</sup> Pakistan: Violence Against Women in the Name of Honour... <http://web.amnesty.org/index/ENGASA330171999> accessed on 6/1/05.

<sup>26</sup> <http://www.who.int/mediacentre/factsheets/fs239/en/index.html> accessed on 6/4/05.

<sup>27</sup> I came to learn of these issues through E-mail sent in July/August, 2001 by the director of *Maitree*, Saswati Ghosh. Some of these are atrocious acts of violence.

<sup>28</sup> Jilani & Ahmed, 2004, op.cit. pp. 197-99.

<sup>29</sup> <http://www.adb.org/gender/working/pak001.asp> accessed on 5/31/05.

<sup>30</sup> *New York Times*, Week in Review, May 6, 2001, p.4

<sup>31</sup> See for example, Barbara D. Miller, "Wife-Beating in India: variations of a theme," in D.A. Counts, J.K. Brown, and J.C. Campbell, *Sanctions and Sanctuary: Cultural Perspectives on the Beating of Wives* (Boulder, CO: Westview Press, 1992).

<sup>32</sup> *Dawn*, 5/5/2005. (Online Edition available at <http://www.dawn.com/2005/05/05> ).

<sup>33</sup> *Dawn*, op.cit. p.2.

<sup>34</sup> Wollstoncreaft, 1792, op.cit.