

IN THE COURT OF WOMEN

The Lahore Tribunal on Violence Against Women 1993-94



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The Simorgh Women's Collective and the Asian Women's Human Rights Council



SIMORGH
WOMEN'S RESOURCE AND PUBLICATION CENTRE.

The Simorgh Women's Collective and the Asian Women's Human Rights Council

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SIMORGH

WOMEN'S RESOURCE AND PUBLICATION CENTRE.

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The Weaker Sex

Tahira Rasool

O my father,
The father of my nation!
Did you hear the screams
of your frail daughter
In that sepulchrous tomb of yours?

Why don't you rise –
just for a moment
to tell everyone –
It is no sin
to be your daughter.
It is no sin
to be born
in the Land of the Pure.
It is no sin
to be sinless.

O Hussain, my Imam!
O Leader of the Faithful!
Did you see?
The man who cut off
your sacred head
took away the face of your daughter!
Did you mark the crowd
that mocked her faceless visage?

Why don't you ask
all your followers
to beat their breasts?
Not only for you–
But for your daughter too.

free translation from Urdu, Zoko.

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In The Court of Women

Introduction

A Tribunal on Violence Against Women, entitled "In the Court of Women" was held in Lahore, Pakistan, from the 29th of December 1993 to the 7th of January 1994. It was the first of a series of tribunals planned by the Asian Women's Human Rights Council in a meeting on "Trafficking in Women" that took place in Seoul, Korea in 1990. The aim was to hold tribunals in different countries in the region dealing with issues concerning women and women's rights as human rights. This was part of the AWHRC agenda to (i) critique and redress imbalances in the parameters of existing human rights discourse where the issue of women's rights as human rights and specifically the rights and problems of third world women are elided and (ii) to create an awareness regarding the discrimination and injustices that women face at different levels of their lives, and by so doing create public opinion as a first step towards changing the condition and status of women in the region.

The Lahore Tribunal was organized by the Simorgh Women's Resource and Publication Centre. The decision to hold this particular tribunal in Pakistan was not made because violence against women is a problem specific to Pakistan alone, but because of the visible increase in crimes of violence against women since the imposition of religion-based sexist laws in the country since 1979. It was felt that the Pakistan case, where the normally hidden connections/collusion between culture, religion, the legal system and violence against women have gained visibility, would serve to highlight the violence inherent in the authoritarianism of all patriarchal cultures.

Apart from members of the Simorgh Collective, Ferida Sher, LalaRukh, Nasrene Shah and Neelam Hussain, who shared the overall responsibility for planning and organization, the bulk of the work for the tribunal was undertaken by Ms. Usha Barkat who joined Simorgh as Tribunal Coordinator from October 1993 to February 1994. She handled accounts and organized transport, accommodation

and other logistical details. In this she was helped by Anjana Raza, Sara Zubair, Marya Rashid and Mona Aziz. Our thanks are due to Kauser Sheikh, Anusheh Hussain, Hema Raza and Sitwat Aziz Khan who came in on a volunteer basis and helped out where needed during the tribunal proceedings. We would especially like to thank Shirin Pasha who lent us her camera, Begum Farrukh Nigar Aziz of the Family Planning Association of Pakistan who offered us the services of the FPAP team in filming one session of the tribunal proceedings, and Shahtaj Qizalbash of the AGHS Legal Aid Centre for facilitating the participation of witnesses from the 'Dastak' Women's Shelter.

Witnesses and other participants were drawn from the AWHRC and Simorgh networks. Our thanks are especially due to Yameema Mitha and Mike Semple of OXFAM, Islamabad, for identifying and facilitating the participation of the 'witness' from Afghanistan in the Tribunal. Given the very turbulent situation in Afghanistan, this would not have been possible without their help.

Financial aid for the tribunal was provided by CIDA, The Netherlands Embassy and by Inter Cooperation, Switzerland.

The proceedings of the Public Forum, which were spread over two days, began on the 30th. of December 1993. A major aim of the tribunal was to challenge and change the terms of the debate where, despite legalistic assurances that an individual 'is innocent until proved guilty', the spatial arrangements in a court room isolate both the victims and the alleged perpetrators of a crime by placing them in the 'dock' while both judge and jury sit in judgment .

Thus, apart from stating at the outset that it was society that was on trial in this forum and not the women who had come to testify against the violence perpetrated against them, the tribunal was structured in a way that represented a break with mainstream legal arrangements. Questions by the audience were disallowed to protect the witnesses and to prevent the public forum of the Tribunal from becoming yet another trial for the survivors of violence. This precluded the possibility of discussions at the end of each session but it was felt that this loss was outweighed by the need to protect the witnesses from a further violation of their rights.

The tribunal reversed the roles between 'society', which normatively 'judges' the victims of crime by stressing its 'responsibility' for the multiple levels of violence that are perpetrated against women, and the individuals who bore witness to the crimes committed against them. This was done by eliminating the distance between the members of the Jury, the witnesses and the audience. Members of the Jury were also, in many instances, the women who spoke as witnesses and many of the

participants volunteered to translate the testimonies from Urdu/Punjabi/Sindhi into English and vice versa.

Each session was introduced by a coordinator and the summing up of each session was made by one of the jury members. As this was a regional gathering, English was the main language of both the tribunal and the closed sessions. However, given the fact that many of the participants, both from across the region and from Pakistan itself spoke only their own language, simultaneous translation of the proceedings and testimonies was carried out, often in three languages. Lacking both the technology and professional translators, responsibility for this task was taken on by the participants, the members of the jury and in some cases by members of the audience who stepped in to help out where necessary. If this method slowed down proceedings, it had the advantage of demonstrating the participatory nature of the Tribunal and of creating a stronger identification among the audience with the experiences of the survivors.

The tribunal was opened by Ferida Sher of Simorgh who made the introductory statement. She was followed by Sunila Abeysekera from Sri Lanka whose paper on violence and patriarchy along with Ferida Sher's presentation provided the conceptual frame for the tribunal. It needs to be pointed out at this stage that although the sessions were chaired by different members of the jury, the connecting thread between different sessions and speakers was provided by Ferida Sher who also ended up doing much of the translation from Urdu to English and vice versa. Other friends who helped with the translation were Rubina Saigol, who also and at extremely short notice, translated the Simorgh Introductory Statement into Urdu, Tahira Abdullah, Rabia Khan and Anis Haroon who helped with some of the more difficult testimonies/presentations and Rukhsana Shah who undertook the Sindhi to English translation. Participants from outside Pakistan provided translation for their own groups where necessary.

The first among the series planned by the Asian Women's Human Rights Council, this was also the first time that a regional tribunal on violence against women was held in Pakistan. Consequently care had to be taken that in our concern with highlighting the issue of violence against women through personal testimonies we should not overlook the fact that, for the survivors of violence, this exercise would not be easy. Not only could it become yet another violation of their privacy, the very act of speaking in public could in itself be traumatic.

With this in mind, the decision to testify was left to the speakers who had the choice to back out till the last minute. A screen was also provided for those who did not wish to appear before the public. Similarly anonymity was maintained

where requested. Questions to the witnesses by the audience were disallowed for the same reason.

That we had some success in ensuring the dignity of the witnesses was borne out by the fact that the women themselves did not feel humiliated by the experience, as they told us later that it had been enabling to speak out their grief and anger with the assurance of a sympathetic hearing.

The range of topics covered by the tribunal, the enormity of the crimes, in conjunction with the fact that we were listening to first hand accounts of violence shook the audience and the participants. The testimonies made us aware of the uncomfortable truth that lies hidden at the core of womens' lives – a truth that women perhaps have always known though perhaps not always consciously acknowledged – that the violence to which we are subjected is not the work of social deviants, but is systemic and permeates all levels of our lives.

29th December 1993

The activities of the tribunal were divided into two main sections. These were the public testimonies and/or papers on the different forms of violence to which women are subjected and a three day 'closed' session given over to in-depth discussions on the many faces of violence leading up to strategies and action for change. Although the overall programme had been worked out before hand, in keeping with the participatory and non-hierarchical structure of the Tribunal, these decisions were finalized on the 29th of December by the participants and the organizers.

Apart from enabling us to work out the modalities of the public days, this session helped build confidence in the witnesses for the public hearing. As this was the first time most of them would be speaking publicly about what are socially regarded as personal and private matters, the session also provided an opportunity for them to decide finally whether or not they wished to testify in an open forum.

The two issues that came up for discussion were the role and constitution of the jury and the dynamics of 'speaking out' in a public forum. Participants felt strongly that the role and constitution of this jury should be distinguished from mainstream procedures as the purpose of this tribunal was not to judge the women who had come to testify on their own behalf, about the violence committed against them by society.

Mumtaz Begum, Naina Kapoor and Dr. Ambreen Ahmed were among those who voiced the fears of many of the jury members when they commented that the term 'jury' in itself distanced them from the rest of the participants. As victims of violence, they felt this distinction could create a division between the witnesses and

the jury and would militate against the main purpose of the tribunal, which was to empower and strengthen women through shared experiences.

These reservations were countered primarily by Nelia Sancho, who reminded us that most of the women taking part in the tribunal were not just victims but were also survivors of violence. As such they were bringing to their roles, as witnesses and jury members, their understanding of the phenomenon of violence in patriarchy and this, along with the fact that the roles of witnesses and jury members were interchangeable, would be effective in bridging the distance between the jury and the witnesses.

In so far as the politics of 'speaking out' were concerned, doubts about the entire exercise were raised mainly by Ismat Shahjehan who questioned the need for making women relive painful experiences. However, the majority of the participants felt that the opportunities where they could speak about their own experiences with the assurance of being heard were rare and that this was a right they were not willing to waive.

The constitution of the jury was also discussed and while it was stated that the jury members had been carefully chosen, the decision of the organizers was not final and participants could propose changes if they wished. As it turned out, no such changes were suggested and the meeting closed with a general consensus over the issues discussed.

In The Court of Women

30th December, 1993

Public Hearing : The First Day

Introduction and Conceptual Parameters of Violence Against Women

Ferida Sher

Simorgh Women's Collective, Pakistan.

On behalf of the Simorgh Women's Collective and the Asian Women's Human Rights Council, I would like to welcome you all to the Lahore Tribunal on Violence Against Women, In the Court of Women. This tribunal has been organized to draw public attention to the issue of violence against women; to the enormity of the crimes that are committed against them and to the behavioural norms and practices that systematically reinforce these acts of violence.

This tribunal is based on the premise that violence against women does not consist of sporadic acts committed by anti-social elements, but is, instead, systemic and as old as patriarchy itself. That it is, in fact, the corner-stone of all patriarchal social formations regardless of cultural and historical differences. That it is the means by which, historically, the social relations of patriarchy, in themselves based on male domination and female subordination, are secured. Not surprisingly therefore, there is a dissonance, not only in the ways in which women and men experience the world, but also in their perception of the violence to which women are subjected.

Traditionally, the different forms of violence against women such as rape, sexual harassment, coercion, trafficking, prostitution, murder – to name only a few – have been viewed as separate and unconnected occurrences which can be fitted into the straight jacket of discrete socio-legal categories. This, we believe, is a practice that distorts both the experience of the victim of violence and the public response to and responsibility for such acts, as it contains them within false and conveniently manageable compartments.

By bringing violence against women into the purview of crime in general, the misogynistic impulse which underlies such acts is necessarily camouflaged. Further, operating within the false dichotomy between the private and public spheres, socio-legal discourses collude with each other and with the media, on the one hand, to trivialize or ignore domestic violence by defining it as a private matter, and, on the other, place the blame for this violence on women who are its victims. This leads to the elision of the very questions that might draw attention to the

roots of violence which lie within the socio-economic structures of society and reinforce instead the conditions and the psyche which allow it to take place.

The purpose of this tribunal is not only to challenge mainstream definitions and solutions to the issue of violence against women but also to highlight the connections between its various articulations and the social relations of patriarchy. It is to establish that violence against women does not consist of sporadic anti-social acts but is part of a whole "continuum of sexual violence" within patriarchal social formations. To show that rape, sexual harassment, wife battering, the sexual abuse of women and children, whether at home or in the public arena of wars, communal and ethnic conflict, sex tourism etc. are all expressions of male/female power relations within patriarchy and not unrelated issues that can be redressed without wide ranging structural changes in society.

Not only do we hope to publicize the enormity of crimes committed against women across cultures and national boundaries by locating violence against women within this continuum, we also aim to show how the law, government policy, customary practices, cultural mores, economic and spatial arrangements and the media create and perpetuate the conditions that make this violence possible. For it is only after the problem has been identified from a feminist perspective can we begin to demolish the facade of paternalistic benignity which camouflages the edifice of patriarchal violence, and work out meaningful strategies to deal with it.

Therefore the primary aim of this tribunal is to identify the problem and to encourage women's quest for a social order based not only on the equality of women and men, but for one which rests on a humanity that allows the individuality of each one of us, female or male, to develop and find expression within community.

The feminist view of the issue of male domination and female subordination has led us to the recognition of the interconnections between other forms of subordination and oppression and exploitation that affect the condition of our lives. Therefore, while recognizing the different levels of discrimination in our own societies we also take into account the fact that the prosperity of the developed countries of the North is dependent on the continuing manipulation and impoverishment of the developing world, and that women, who represent the 'poorest among the poor' of the world's population, are among those most vulnerable to the violence of this relationship.

Finally, and this is of crucial importance to our position, we believe that discrimination against women and their subordinate position in society are the result of cultural conditioning; that violence and the oppression of women is

central to the maintenance of the balance of power that informs male and female relations in patriarchy and that this violence informs the social, political and economic structures of social formations. We believe, therefore, that change must take place both within the institutions of patriarchy and in the ways in which not only society as a whole but women themselves perceive women. Consequently, we feel that individuals and their everyday actions are crucial to social change as social life itself is created by the daily behaviour and actions of people.

As efforts to change the social order must be directed at more than one level, Simorgh believes that women must themselves play a major role in bringing about the changes that they seek. This can be done by actively challenging the external order and actively changing themselves. Nor do we claim that men are to be excluded from this process. The imbalances in the distribution of power, the division of labour into male and female categories, the stranglehold of sexist traditions militate heavily against the creation of harmonious relations between women and men and are, universally, an impediment not only to the fight against all forms of violence but also to progressive development.

At the more immediate level we hope that by drawing attention to the all pervasive nature of violence that informs women's lives, the tribunal will generate the kind of public pressure necessary for the repeal of sexist laws in Pakistan and initiate action and policies to counter the practices that endanger women's lives and safety either for commercial and/or political gain or in the name of cultural or religious practice.

On The Violence Of Patriarchy

Sunila Abeysekera

Women and Media Collective, Sri Lanka.

Campaigns against violence against women in every part of the world played a major role in the movement for the recognition of women's rights as human rights in the international arena. Focusing on the issue of violence against women has not only led the women's movement to reconceptualise the term violence, but has also made us redefine the parameters of our discussions on concepts such as patriarchy and democracy.

In the context of our present discussion on violence against women, it is important to emphasize the fact that violence is a social phenomenon that affects not only women but all society. Violence against women is not only rape and sexual harassment, wife beating and widow burning, prostitution and fertility control. We believe that civil war and internal strife create situations of extreme violence and danger for women. Women are among the groups most vulnerable to politically motivated violence. New economic policies – including structural adjustment

policies and development strategies – in their turn create situations of deprivation in which women are once again the most affected. Thus we would like to extend the parameters of our discussion on violence against women to include all the forms of violence in our societies which have a direct or indirect impact on women. Women as women, women as mothers, women as citizens, suffer gross and blatant violations of their rights because they live in violent societies and in violent communities.

This means that any campaign that addresses the issue of violence against women has to place itself within a broad framework which looks at the social, economic, political, cultural, and ideological structures that permit such violence to take place with impunity. This is where the discussion of patriarchy and the social relations of patriarchy become crucial to our deliberations. The two are deeply interconnected, both conceptually and in our everyday life.

Patriarchy is a much misunderstood term. By patriarchy we do not mean only the rule of the father, which is the meaning in its classical sense. When we speak of patriarchy, we are speaking of a system of control that is operative at every level in society. A system based on principles of male domination and female subordination that pervades every part of our lives. We are speaking of a system that is everywhere – in capitalism, in imperialism and in socialism and in the structures of class, caste, gender, ethnic difference and in every other form of division that exists in our societies.

Patriarchy adapts itself to different cultures and communities in different ways. This means that the way patriarchy manifests itself in one country or community may not be the way in which it manifests itself in another. Patriarchy also creates an artificial division between the public and the private, between 'world' and 'home'. This division is one which is particularly gendered, with the public world being male and the private world being female, and it is one which affects women most profoundly.

Every person alive is oppressed by patriarchy in some way – some more than others of course. At times we can see that the patriarchal system is dominated by men; but we should be very careful not to make the mistake of identifying the patriarchal system with men. If we do that, we ourselves fall into the trap of valorizing a social group because of their biology and nature – which is what patriarchy does to us.

Patriarchy tells us that as women we are not worth anything much in this world. Patriarchy pays us less for doing the same kind of work. It reduces us to our wombs and to our capacity to bring forth children and feed them. It forces us into marriage and motherhood and housework and tells us that we are made that way

when any one of us is driven to rebellion. Patriarchy tells us that girls are different from boys in every way – not only biologically but temperamentally and with regard to mental and emotional capacity as well. It tells us that we cry, that we are silly and emotional and irrational and incapable of ruling ourselves. Patriarchy also places a high value on our virginity and on our purity. It imposes chastity on us as the highest virtue. And yet it is patriarchy that tells men that they can beat and abuse and rape women. In fact patriarchy tells us that it is our fault if we are raped or beaten and abused.

Patriarchy has established a system of control over the world that places more men than women in positions of power and authority. Patriarchy is visible in the structures of the institutions that guide and govern our lives from the day that we are born – within the family, at school, in church, temple and mosque; in marriage and the work place, in the factories and in the fields, in the state and in the institutions of local government; in the armed forces and in the civilian defense squads; in the mass media, in the courts of law and in schools and universities.

Patriarchy socializes us so that we accept hierarchies and other structures of power and control without ever daring to question them. And patriarchy uses violence and the threat of violence in many overt and covert ways in order to maintain its hold on power.

When a state uses violence to control its citizens, when religions use violence to maintain power over their adherents, when parents use violence to subjugate their children, when teachers use violence to dominate their students, we are watching patriarchy in action.

Within the patriarchal system violence becomes an end in itself. It becomes a means of resolving conflicts – at home, at work and in society in general. This is what we are experiencing all over the world today and have done so since the time history began to be recorded. War has been the way of resolving conflicts between peoples and nations; beating and abusing women, children and other under-privileged sectors in society has become endemic to the life-style in many homes and in many communities.

Violence and the use of force thus also become a means of engineering consent in many societies. So called democratic regimes all over the world rely on violence to assert their control and to silence and neutralize the poor and the powerless. This is why when we speak of violence against women within the broad framework of the social relations of patriarchy, we draw issues of democracy and rights into the discussion. Challenging the structures of violence and patriarchy in society means that we are challenging existing norms of political and economic control; we are

demanding our right to self determination, to representation and to self rule at every level of our lives.

In this struggle we link with all other oppressed and under-privileged groups who are challenging existing norms in their own arenas. Raising the issue of violence in the broader context of patriarchy, authoritarianism and undemocratic practices, we are affirming our links with other groups that are raising a voice for democracy and freedom. In our work and in our lives most of us have found that if we are to analyze the root causes of our subordination and oppression, we need to form these linkages and alliances. We must confront and challenge all attempts to present us with simplistic and universalizing formulations of 'womanhood', 'third world women' and 'women's oppression'. We must learn to recognize, acknowledge and understand the differences between us as it is only through this recognition and understanding of difference that we can arrive at a much clearer perception of the common features of our oppression and subordination as women.

This will in turn assist us in our aim to build coalitions and alliances that can help strengthen us, enrich us and support us in our work and in our struggles. This Tribunal on Violence Against Women in the Asian context is going to be, I hope, one link in the process that will break the many forms of silence imposed on us by the patriarchal system; that will strengthen our solidarity as women; that will affirm our demand for the recognition of women as active agents rather than as passive victims or recipients and that will help all of us to see and understand the links between violence against women and violence in society.

Session 1

Violence Against Women in War Time and Situations of Armed Conflict

1. Introduction to the situation in Sri Lanka: violence against women during armed conflict. Dulin Nona DeSilva, Sri Lanka.
2. Personal testimony: Displacement and ethnic conflict. Yumuna Mohammad Ibrahim, Sri Lanka.
3. Personal testimony: Women and political violence. Anulawathie J. Mudiyansele, Sri Lanka.
4. Personal testimony: Women, violence and armed conflict in Afghanistan. S.K, Afghanistan. (Name withheld for security reasons).
5. Report on military sexual slavery. Lee Hyun Sook, South Korea.
6. Personal testimony: Experience of state violence against indigenous people. Bernice See, Philippines.

Testimonies and Statements

Sri Lanka : Displacement and Ethnic Conflict.

Dulin Nona D'Silva (Dulcy).

Yumuna Mohammad Ibrahim, Suriya Women's Development Centre, Colombo.
Anulawathie J. Mudiyanseelaga, Sri Lanka.

Dulcy

Background to the situation in Sri Lanka.

Violence against women is a universal feature of war. During war time or other conflict situations men disappear – we do not know if they have died. When they die we do not know how they have died – whether they were killed or were subjected to torture before being killed. Women are left as widows – sisters, mothers, daughters – whose families are destroyed when their men are killed.

The Sri Lankan government has given no help in such cases. These women were told that they had to seek their own security. They belong to the category of displaced persons. They have no where to go. They speak about the difficulties faced in trying to look after their families – in trying to provide for them. The responsibility for the provision of security and livelihood has come to lie solely with women who have lost their men during war and civil strife.

The situation becomes worse as traditionally widows have a low status in Sri Lankan society. They are regarded as 'ill-omened', 'inauspicious'. They are seen as 'low', 'bad women' by society. Also, women are viewed as 'objects'. So a woman cannot walk out alone at night. How then is a woman supposed to work and feel safe doing so?

Yumuna Mohammad Ibrahim

In Sri Lanka Muslim women belong to a minority group. In 1990 my family and I lived in the North, in Jafna. Then the Tamil Tigers forced us to leave Jafna. We left all our belongings there and came to Colombo. The family has been split up since then. I live in a hostel. My brother and sister live elsewhere.

I now work to help other displaced women in Sri Lanka. Displacement has become a fundamental issue in the women's movement. The Sinhalese are the majority group in the country. Then come the Muslims and Christians. The Tamil minority's demand for representation in the government first started the war in 1983. There have been sporadic occurrences of violence since then.

Women are displaced due to different reasons, such as when a region is attacked or groups clash. At such times houses are burnt down, leaving an entire

community or village homeless. Or people – especially young men – are taken away for interrogation – either by the government or by Tamil militants, or they are tortured by terrorists. This results in displacement of families. Others migrate from their towns or villages to avoid this kind of persecution.

Muslims living in the North of Jafna were forced to clear out of their homes within two hours by the LTTE¹. They were chased away from their homes and are now refugees in other parts of their own country. There are approximately nine million refugees living in camps in Sri Lanka. 60% of these are women. The living conditions in these camps are deplorable. Each family is given minimal space to live in. There are two three-metre taps and two bathrooms per 14, 000 refugees.

The men in these camps are unemployed and the money the government provides is insufficient for supporting a family. Women are forced to work and often end up as prostitutes. Small girls are sent to the houses of the rich where they work for a minimal wage. These women have no future – they cannot pursue an education. Families live hand to mouth where women don't go out to work. They fear being arrested. Where women work in factories, they face the danger of rape on their way to and from work. The men normally sleep with other women or with prostitutes. Others are drug or alcohol addicts. Women who have been separated from their husbands are at greatest risk. Abortion, suicide, fetal infanticide are high among this group. Young girls are also a high risk group.

Political Violence.

Anulawathie J. Mudiyanseelaga

I too am from Sri Lanka . I am a widow. I thank my sisters who gave me the support to come here. I am a village woman from central Sri Lanka. After my A level degree, I just sat at home. I had no job. Then I met my husband Jayatri Wera. He was a field officer in a tea estate, but then he lost his job. Both of us are from the same area.

Then the villages near by invited him to come and do social work among them and help the people there. I thought at that time, "he is such a good man, he will not face political discrimination." Later he was elected as Provincial Council Minister. It was a dangerous area in Sri Lanka then. Political leaders were being brutally beaten. On the 6th of January, 1989, my husband was killed brutally. – I am unable to tell you more – Dulcy will tell you what happened

¹ Liberation Tigers of Tamil Eelam.

Dulcy

Before the Oath Ceremony of the first child's second birthday, Anula went to her mother's house to receive her blessings. A group of people came in the dark. They covered her husband's eyes and shot him again and again. Then they severed his head from his body. A cousin went to the police but they refused to help, nor were they willing to save any one's life.

Anula

I lost my beloved husband. My daughter lost her father and the country lost an important leader. At that time, as a widow, I was helpless. As a tribute to my husband, the Party put me up before the electorate. I stood, I won and now I am the Provincial Council Leader.

But life is still not easy. It is difficult to walk alone and get work done. To look upon a widow's face on the way to work is considered inauspicious. Widows are considered as 'bad' women in Sri Lanka. As the only woman provincial council member I feel I can help women but even in this position I was vulnerable to male attitudes as the other members thought they could use me as a toy and abuse me.

Afghanistan : Displacement and War

S.K. Afghanistan

On behalf of my Afghani sisters I would like to talk about the situation of women in Afghanistan. It is a country with different nations, many languages and different life styles. 48% of the population are women. In our country there are great differences between men and women. Before I speak about the effect of war and the Islamic Revolution on women, I will outline some of the social customs which create such a difference between the status of women and men in my country.

When a woman is pregnant, every one in the family expects that the child must be a son. When this happens, everyone is happy and the whole family celebrates on the sixth night after the birth. When the child is a girl, this is not so and everybody, including the husband, is disappointed. Families respect their sons but not their daughters. Many female children are not allowed to go to school and those who are allowed to attend school often do so only from the age of four to a maximum of ten years. After that they stay at home or they must marry. In contrast male children may go everywhere and do what they like.

In Afghanistan it is an unspoken law that a daughter may not take part in the decision about her marriage. Her parents decide for her. It is their duty. If she decides for herself she may be killed or is punished. In Afghanistan it is common for boys and girls to get engaged when they are very young. Often this decision is

taken when they are around four years old. Some people buy their daughters-in-law like commodities. It is cultural law that after marriage the newly wed woman has to go to her husband's house where she often has to do all the house work in a servant-like situation.

A newly married woman cannot go anywhere without the permission of her husband. Not even to the house of her parents. Men are used to saying that women are inferior – like servants. Men can marry twice or more, but not women – not even after their husband's death can they remarry.

Women have serious health problems. In the twenty eight provinces of Afghanistan there are no hospitals for women. Consequently many women die in child-birth or related problems. In the villages there are no child care clinics or hospitals. Added to the medical problems is the fact that children do not have enough food to eat and most of them are malnourished.

Daily, crimes of violence are committed against women, and the most common forms of this violence take place within the family. If a woman fails to bear sons she is often beaten and her husband remarries; if she doesn't bleed on the wedding night her husband may repudiate her, and last but not least, rape in the family happens but remains unacknowledged.

On the current political situation –

When the Soviet army came to the provinces terrible stories of rape and kidnapping began to be heard. This was one of the main reasons why people began to leave their homes and become refugees. When they left Afghanistan they felt more comfortable. In Kabul too, women feared the Soviet army. However, with the coming of the Islamic Revolution their problems intensified and there was a lot of suffering.

There is war in Afghanistan and whole communities have been displaced. Rape has become widespread in the cities and in the provinces. Women have suffered tremendously during this war. Before the Islamic Revolution women had to face fewer problems than they do now. The Islamic Revolution has spread devastation in the country. Women did face problems before the Revolution, but not to this extent.

After the Islamic Revolution it became socially unacceptable for women to work outside the home. They can no longer work in the Ministries of Justice and Construction. They cannot work in television either. They were not allowed to work by the government.

Although, after a while women came back on TV and in other jobs, life in Kabul has become very difficult due to the bombing and shelling. My family and I have moved thrice because of the war. Many others have left Kabul for fear of looting and plunder. I used to live in northern Kabul, now I live in western Afghanistan. I gave birth to my child there without any medical assistance. My family and I returned to Kabul at one time, hoping for a cease-fire. But the violence was still widespread. When Absar² was attacked houses were looted. Women were still many times and then left to die in the basements of the buildings where these crimes took place.

My sister, who is a doctor, was forced into an engagement by my father. It was against her wishes, but my father feared for her safety. She has now moved to northern Afghanistan. There are 12, 000 displaced persons there. The situation is better there than in Kabul, but it is still volatile – bad. People – especially women – fear kidnapping. Men are heavily armed but work is impossible for women – who own guns are on the look out for people with money. Foreign agencies are considered powerful and wealthy – there is a black market in dollars – and it is thought that people working with them are rich! I live in constant fear that something might happen. A trader's daughter was kidnapped and the ransom demanded for her was five million Afghanis³. She was allowed to speak to her father on the phone. She begged him not to give the money as her life was already ruined. She had been raped and did not want to live any more.

Poor women are bought by men for marriage purposes. Armed men come and demand that local people should give them their daughters. In one incident in Kabul when armed men came to take a woman for marriage at gun point, the girl put a knife at her throat and begged her father to kill her. He did.

As a final comment, I would like to state that we women have not been able to organize effectively. This is due to the war and conflict situation in the country. Afghan women need the help of other women to help them overcome their plight.

South Korea : Military Sexual Slavery

Lee Hyunsook

The Women's House for Peace, Seoul.

I hope that the Korean women who were subjected to sexual slavery during the war will be helped by my testimony on their behalf. The Japanese were responsible for this crime. During their colonial rule between 1942 and 1945 Japan forcibly

² A place in Kabul.

³ Afghan currency.

drafted nearly 200,000 women from Korea, China, Indonesia, Malaysia, Thailand, Philippines and Taiwan and used them as military sexual slaves.

In the case of Korea, women were forced into sexual slavery to Japanese soldiers, under the threat of kidnapping and murder. They were shipped out to provinces in China and even further to other Asian countries.

Three Korean girls, aged eleven, sixteen and seventeen, were abused so badly that they became infertile. These crimes were euphemistically defined as deportation instead of sexual slavery. 'Comfort women' was the term used for these women. They were kept in small rooms and were raped by twenty to thirty men daily. When an army contingent was transferred, these women were moved with them. They were treated in a sub-human and barbaric manner.

When the cease-fire took place these women were deserted by the Japanese. Many committed suicide. The survivors found it difficult to return to Korea. They had become socially unacceptable. They were both physically and psychologically scarred.

The war took place in 1945, and these women are now old. Most of the women who survived the trauma of war took jobs in government projects, as day-labourers and as maids. Life is difficult for them. These 'Comfort Women' are called 'grandmas' now. Recently, one of them died of brain disease. Her family did not know that she had been abused during the war. She had said that she wanted to be cremated when she died. She wanted no trace of her to be left on earth.

It was after her death that the Korean Council, who had drafted these women during the war, took responsibility for its actions and acknowledged the sexual slavery that took place during the war.

Today, Korean women protest before the Japanese Embassy on every Wednesday and they will continue to do so until Japan acknowledges the crimes it committed against Korean women. One of the victims of wartime sexual slavery worked as a maid servant after the war. She also worked as a 'favour girl' and did menial work. She was fourteen years old when she was sent to Japan and has never recovered from the trauma of war.

The tragedy is that sexual slavery still exists. The use of sexual violence against women in Bosnia and Afghanistan shows us that during war and other conflict situations rape and other forms of sexual abuse continue to be used as weapons.

Philippines: Development and the Displacement of Ethnic Peoples

Bernice Aquino See, INNABUYOG (Gabriella-Corderilla)

I come here as an indigenous woman from the Kankanaey ethno-linguistic group in the Corderilla of the northern Philippines. The Corderilla is the ancestral home of a million indigenous people called Igorots. As 1993, the Year of the World's Indigenous Peoples comes to an end, this forum provides an appropriate venue to assess our condition.

The Philippine government is now embarking on a development strategy to transform our country into an NIC (Newly Industrializing Country) by the year 2000. The major significance of our region in the whole scheme is its wealth. It is the watershed cradle and ecological zone of Northern Luzon. Its nine river basins make it a source of water and energy. It contains natural wild life sanctuaries and is a supplier of vegetables and mineral based products. It contains major agro-industrial zones with medium and large scale industrial projects such as an ore refinery and other mineral product processing and other agro-processing activities. It is also a prime tourist destination and an educational centre north of the National Capital Region. One of the goals of the government plan for development is the socio-cultural integration of the various tribes in the Corderilla. Although this plan claims that its aim is to "incorporate and utilize indigenous structures and processes in resource utilization, resource allocation, justice, decision making etc.", it is in reality a continuation of previous government plans, since the start of the century, which see the Corderilla as a resource base where lumber, minerals, water and other resources are at the disposal of the government.

Through the years of Spanish colonization the Igorot life style was not disturbed in the main. Our people defied the Spanish colonizers and were called 'infidels', but we went on with our own sustainable agricultural practices, socio-cultural rites and governed ourselves through our indigenous socio-political institutions and systems. However, the main issue that arose from the colonization process was the concept of land use and ownership. The Spanish invaders claimed ownership of the lands they conquered in the name of the Spanish crown under the Regalian Doctrine. The Americans followed the same policy when they took over at the turn of the century and passed laws to ensure control over the region's natural resources. The very reason for the seizure of the Philippines by America was its search for a source of raw materials and a market for its excess products. The Corderilla was known as a mineral-rich region. It is not surprising that the first laws passed, viz. the Land Registration of 1902 and the Mining Act of 1905, were those, that by requiring registration and titling of all land to individuals or declaring public land open to purchase by Filipino or American citizens, led to the

disenfranchisement of the Igorots of their land and to the opening up of their territory to resource exploitation.

Through the operation of laws made by the colonizers and couched in their terms and language, the Igorots became squatters in their own land. There were many struggles to protest land registration and titling, for how can you be made to own land which a family, a clan or tribe already owns and which has been passed on from generation to generation and made use of for sustenance? How can you be asked to pay tax when you are the owner? How can the State claim to own the land when the Igorots never saw its face nor did it come before them?

For the Igorots, land is for sustenance. You only take from it what you need to survive. For the land is a living thing and one must live in harmony with it. It was because of this concept of land-use that the Igorots allowed the American prospectors to partake of the fruit of the land. It was only later that they came to know that they did not own the land any more, that an animal called a 'corporation' had bought it from the Americans to whom the Igorots had extended their generosity.

The city where I am presently based is in the middle of the ancestral land issue. In its bid to become a Newly Industrialized Country (NIC) by the year 2000, the government wants to promote tourism as a dollar earner. Baguio city, a rest and recreation centre for the Americans until it was handed over to the government at the end of the bases agreement, is now being targeted by the government as a tourist attraction through the introduction of high technology entertainment.

Although we are protesting against this form of development and demanding the recognition of our rights to our ancestral land, we know that development aggression is always accompanied by a military component. When we protested the Chico Dam project in the mid 70s, the Marcos government poured in a lot of military in the region. We are experiencing the same pattern now. The only difference is that now the military comes earlier in order to preempt people's protest and thus facilitate the establishment of hydro dam projects, industrial zones etc.

The price that the Igorot women have had to pay in these cases cannot be expressed in monetary terms. The loss of their connectedness to the land of which they are the nurturers cannot be measured. In the mining areas, where their land has been deforested, tunneled under and rivers polluted and silted, water has disappeared. Now they have to wait in long lines up to the early hours of the morning just to fetch a pail of water. Because of the environmental degradation caused by massive logging, mining, cash crop production, monocrop production

and pesticide and chemical fertilizer use, many former subsistence farmers are now selling their labour because the land no longer yields enough.

Further, the failure of the development framework to recognize indigenous women's role in development efforts, is leading to a further marginalisation of women. The already poor social services in the Cordilleras have been aggravated by the increase in poverty and illness caused by miniaturization and environmental degradation. It is not easy for women to bring the sick, including themselves, to the health centres or to mother the elderly and the children in evacuation centres.

The loss of cultural values which provide some assistance to women is also alarming. For instance, among the Igorots wife battery is a crime that is dealt with in the indigenous socio-political structures like the *dap-ay*⁴ and the *bodong*⁵. According to these norms, wife battery merits banishment, divorce, the breaking of the peace pact, fines and an oath not to do it again on pain of banishment. That is why domestic violence was rare in our traditional societies.

Now, with the integration of villages into the market economy, Christianisation and the imposition of a legal system by the state, which does not recognize customary laws, these systems are slowly losing their usefulness. This erosion of support systems is making Igorot women more and more vulnerable to domestic violence which is on the increase. The incidence of domestic violence is especially high among younger couples and in cases where women are non-indigenous persons, like myself. In the latter case cultural differences play a major role in conflicts between partners.

This partner abuse has cost me a lot. Ten years ago, I left a promising teaching career in the university because I felt I could not be an effective teacher any more. Who would want to face a teacher sporting a black eye or one whose jaws have become the colour of egg plant due to battering? Who would want to employ some one who is absent when needed because she had to take time out to heal herself? How many opportunities have been passed up by us victims because physically, mentally, psychologically we cannot go to work. How much contribution has been lost because we had to take time out to heal ourselves? As feminist activists we must look into the socio-economic dimension of violence against women.

More than my own experience of personal violence, I would also like to share what is happening to my indigenous sisters at home in the Cordilleras in the whole of Philippines and even in Asia.

⁴ The Council of male elders.

⁵ Charter of Inter-Village Peace Pacts.

Like other indigenous women, Igorot women are the main food producers in our communities. This role revolves around our relationship with the land from which our cultures have evolved. Land is life to us. The women who nurture the land derive life from it. To remove us from our land is to kill us, to obliterate our identity as indigenous peoples.

And this is what is being done to us.

In our experience militarisation and development come together. Through the ages we have conserved our resources with environmentally sound resource management practices. It is because of the Igorots defense of their territory from Spanish exploitation that these resources are still intact. But now our territories and our resources are being tapped by the government and by big business. We are being asked to sacrifice our way of life, and the environmental integrity of our land and its resources in the name of 'development'. The 'development' of the so-called majority; the state; the transnationals and the international financing institutions. This is Development Aggression!

Because of militarisation we cannot perform the rituals of the many events in our life cycle which provide us with the confidence to meet the challenges of life. These include rites from birthing, illness, disturbances, community solidarity and many others. We cannot invoke our various deities for a good harvest that will see us through to the next harvest, because we have been removed from our places of worship and the land with which we identify our existence. Our jars have been stolen and the beads with which we thread our lives have been broken.

By implementing its Total War Policy in our ancestral territories the government is guilty of ethnocide. We are being bombed, strafed, killed and hamletted in places we cannot call home. We are forced to leave our homes, fields and places of worship. If we go there we risk getting killed, raped, molested or harassed. Curfew has been imposed on us. Our crops have been destroyed by bombs and bullets, and by helicopters that land on our fields.

When we go to get food outside our villages, we are subjected to food and medicine blockades. At checkpoints, military and para-military forces determine how much food is considered 'enough' for us to bring home. 'Extra' food and medicines are confiscated.

Women's organizations and Barrio health committees that are dominated by women have been dismantled by official decree. Many socio-economic projects like village cooperatives have had to suspend operations under threat of confiscation of goods. Training and education activities for women have had to be canceled. Further, with each change of command, women leaders are summoned

for military interrogation to explain their links with ngo's .They also receive home visits from the authorities for the same reason.

We also need to get safe conduct passes in order to visit villages in the interior. However, these do not ensure our safety. In one village we had to pay a 'courtesy call' on the military detachment instead of the civilian authorities. Another time we had to sign 'in' and 'out' of the village. Rules like these badly restrict our mobility.

Documentary evidence is available of instances of violence against women by military and paramilitary personnel, such as rape, gang rape, attempted rape, sexual molestation. Other forms of trauma undergone by women and children viz. premature delivery, bleeding, psychosis etc. have also been documented.

The government is selectively arming men and some women from our communities. As a result, there have been tragic tribal, community and family conflicts with the one who wields the gun prevailing over others. Take the case of Delia Mangay-ayam a twenty four year old teacher in a provincial centre. On the third of February 1991, four men entered her home and robbed her family. Delia was dragged out and serially raped.

She was able to identify one attacker and filed a case of robbery with multiple rape against him and one other man. But although both were arrested, the first suspect escaped from custody under suspicious circumstances. Four months later, on June 19th, a few days before the case came up for a court hearing on the 25th of June three men returned to Delia's home and got hold of her and her father. Delia was again subjected to serial rape and then both she and her father were killed. There were fifteen gunshot wounds on her body.

Although the escapee was rearrested as the prime suspect in the second attack, was able to escape from custody, once again under very suspicious circumstances. Until now he is still on the loose. The man is an alleged member of an indigenous paramilitary group which was initially sponsored by the Aquino government and now tolerated by the Ramos administration. Delia's is one of the rallying cases in the campaign to end violence against women and militarisation in the Cordillera.

Unfortunately this kind of violence is not limited to the Cordillera alone. Indigenous women from other parts of the Philippines have reported similar and worse acts. This form of violence and intimidation are also true of other Asian countries. In the First Asian Indigenous Women's Conference convened in Baguio, the Jummas, the East Timorese, the Nagas and the Karens all had terrible stories to tell.

So what are we Igorot women doing about our situation?

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So what are we Igorot women doing about our situation?

We are coping. Historically, we have been at the forefront of the struggle for the defense of our ancestral domain and in the '70s we were able to stop the construction of the IMF-World Bank Chico Dam. We are also organizing ourselves, even in the evacuation centres, and also studying and analyzing our situation to help us in our activism.

It is in recognition of the fact that there is oppression of women in indigenous societies that we have organized INNABUYOG which is a regional federation of women's organizations in the Cordillera. We recognize that our oppression is brought about by the interlocking factors of nationality, class, gender difference and the fact that we are indigenous.

The INNABUYOG has a programme of action that includes gender violence as one of the key issues that has to be addressed. This is a continuing campaign. An important component of our programme is education and training. It includes, among other things, consciousness raising and awareness of our rights as citizens, as women and as indigenous peoples. We are also trying to reach out to our Asian and Philippine indigenous sisters in order to develop a dynamic indigenous women's movement.

We support the Draft Declaration of Indigenous Peoples' Rights, especially our right to our ancestral land/territory and to self determination. We demand the codification of customary laws with the active participation of women, to include and develop women-friendly practices and to transform those that are oppressive to women.

In the end, we have to deal with the violations that are committed against our persons as individuals, as women and as peoples in the public and private arenas of life. It is only when we act at both levels that we can succeed.

1971 : Institutionalized Rape and the Bangladesh Liberation Struggle

At this juncture a question was raised from the floor regarding the silence on the war crimes committed by the Pakistan army in 1971 in what was then East Pakistan. As a result of this intervention, which received strong support from the audience and the participants, the reluctance of the Bangladeshi participants to embarrass their hosts was overcome and the issue of state violence and the rape of Bangladeshi women by the Pakistan army was discussed and subsequently, included in the Lahore Resolution and the Statement of Demands that was formulated by the participants.

Statement on Violence Against Women during War and Situations of Armed Conflict

Jury Member : Nelia Sancho, AWHRC, Philippines.

The women of Asia have begun to speak. We speak to transcend the personal; the personal that captures not only our pain. We speak to transform the political to echo our dreams. For far too long, as women we have lived with violence as part of our lives. The violation of women's fundamental human rights everywhere challenges us to rethink our understanding of violence and find new ways to address it.

The increasing militarization in our part of the world and the wars between nation states; the escalation in the level of violence in our societies in the name of ethnic and communal strife; violence in the name of maintaining existing development models imposed on us by those in the west; violence in the name of maintaining the privileges and power of the ruling elites in all our countries; accelerated intolerance in the name of communal, religious or racial identity – have all deepened women's vulnerability to victimization and attack.

Women are not only victims of military brutality. Rape is also a deliberate strategy of intimidation and the assertion of power in war and conflict situations. Further, displacement of peoples in such times has put on women the burden of maintaining family life and ensuring the survival of communities even as they become refugees in their own land or in the land of others.

Civil wars, which are an offshoot of poverty, of foreign and local elite domination and of state repression, have caused serious harm to women and children. Mass evacuations or displacement take place along with hamletting and persecution. There is documentary evidence to show that 85% of refugees in the world are women and children who have been uprooted from their means of survival to be placed in poorly provisioned and congested centres.

Many women refugees become victims of enforced prostitution. Some are raped by their military custodians. Others who are lucky enough to return to their homes and villages do so only to find their homes and fields ravaged and looted by government soldiers and vigilante groups.

The cost of government counter-insurgency wars is also enormous. A great part of the government budget goes to finance the military and its operations, including the cost of weapons, ammunition, transport vehicles etc. As a result the public purse is strained and funds that should have been appropriated for development or the social sector have to be diverted for war. For example, a V-150 armoured personal carrier (APC) alone costs \$ 60 million, a sum which is equivalent to that

needed for the education of 1113,703 women students. The price of one IF-SE fighter jet at \$100 million is equal to the cost of medication for 34, 000 women suffering from tuberculosis.

Today , a growing number of women in Asia and around the world have begun to break the silence that has traditionally surrounded the issue of violence against women. What began as the sharing of experiences in small groups has, over the years, spilled over into the public arena and the voices of women have grown louder, more articulate in the process. Having begun with the acknowledgment and articulation of a problem, we are now strategising to counter all forms of violence to which women and the powerless sections of society are subjected. We have gained strength through the alliances that have been built through this process and women are forcing the world to pay heed to the enormity of crimes that are committed against them every day and in all spheres of their lives. The Lahore Tribunal is one in a chain of activities that women have initiated to address themselves to the issue of women's subordination and oppression in patriarchy.

By extending our personal pain we seek to redefine and transform what is political.

For, as we have been victims, we are also the survivors of violence.

The women of today have begun to shift the parameters of knowledge, of politics, of power.

We have dared to name violence against women as a crime.

We have dared to call rape during conflict situations a war crime.

We have dared to call the beating, the battering and the burning of women as acts of female sexual slavery.

We know that poverty in Asia has a woman's face.

There is great violence and an overriding silence.

The women of Asia have begun to break this silence.

Session 11

Violence Against Women in Culture, Tradition, Law and the Media

- Personal testimony: Sexual harassment at the Pakistan High Commission in Bangkok.
Nit Kongkham, Thailand.
- 1. Religious fundamentalism and violence against women. Bela Nabi, Bangladesh.
- 2. Personal testimony: Discriminatory practices: The question of women's mobility and the right to choose. Shamim Abro, Sindh, Pakistan.
- 3. Pornography and violence against women. Indai Lourdes Sajor, Philippines.
- 4. Discriminatory laws. Hina Jilani, Lahore, Pakistan.

Nit Kongkham

I was harassed when I went to the Pakistan Embassy in Bangkok to get my visa to attend the Tribunal on "Violence Against Women" that was being held in Lahore. Even now I am afraid of the consequences of speaking about this incident in this Tribunal. I have been very confused regarding what happened to me, and it was only yesterday, that I took strength from the testimonies of other women here, and decided to speak out.

When I applied for the visa, I did not think I would have any problem in getting it and so went to the Embassy alone. I travel alone in Bangkok and outside the city and I'm often out alone at night and have never felt threatened before.

There was one man and one woman in the visa section of the Pakistan Embassy when I went there. The man asked me the purpose of my visit to Pakistan. I told him about this conference. He asked for more details about the conference and also asked me about my profession. I told him that I worked with an NGO and taught English to people who can't speak it. He then told me that if I agreed to have dinner with him, I would get the visa. He asked me to meet him for dinner that night at six o'clock. He then grabbed my hand and kissed me on the cheek.

I was confused and wondered if this was a Pakistani custom. I didn't want to offend him and thought if I take a friend with me for dinner – to be on the safe side – he will not be able to take this behaviour too far. But when I returned to my NGO, everyone told me not to have dinner with the Pakistani man. So I went back to the Embassy with my friend at six o'clock to decline this invitation. I also told him that I didn't need to be friends with him to get a visa, that I had been invited to this conference by a Pakistani NGO.

I went back to the Embassy the next day with my friend and got the visa forms. I didn't meet the man. There was only the Thai woman in the visa section and she said I would get my visa the next day. I was relieved at not having to meet the man again.

When I went to collect my passport on the third day, the Thai woman told me that the visa had not been granted as they needed more information from me. The same man was there that day and I grew suspicious of these delaying tactics. I asked why I couldn't get the visa. Then the Thai woman left the room and I was alone with that man. He asked me why I hadn't kept my dinner appointment. Was I afraid of going to bed with him? I was shocked and wondered what connection there was between passports and sex. In order to put him off, I hid that I was a lesbian. I said that is why I had brought my girl friend along with

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that evening. He replied that I should bring her along also and all three of us would have sex.

I left the room when he said this and went to the Thai woman and demanded an explanation for this man's behaviour. The Thai woman only said that my papers were incomplete. This was untrue as all my papers were in order. I then left the Embassy to get my plane ticket in order to present it as further evidence of my invitation to Pakistan.

I also decided that I would complain about this Pakistani clerk to the two men who registered complaints. I spoke to them but they didn't seem to understand me. Then the Thai woman translated my complaint to the two officers. The clerk was called into the room but he denied all my allegations in front of the other officers. He was angry and said he didn't want to have sex with me – did I consider myself so beautiful? – and in any case I was a lesbian.

I replied that I was not there to discuss my personal life at the Embassy. I only wanted to register a complaint. They then tried to pacify me by saying that I had misunderstood the clerk as my English was poor. I replied that I knew enough English to know what he wanted from me!

I then left the Complaint Section and went to collect my passport and visa. But the same clerk was there and he threatened to report me to the police for mischief-making. He also canceled the visa that had been granted me by the officers and said that I would get it only if I withdrew the complaint.

I took my passport and later went with a friend to re-apply for the visa. My friend was aggressive and threatened to release this incidence of sexual harassment to the press as the Embassy had granted her the visa for the same conference which they were refusing me. It was under pressure of this threat that I was given the visa. I hope to take the matter up with my government when I get back.

Violence in the Name of Culture and Religion

Bela Nabi, Bangladesh Mahila Parishad, Bangladesh.

I represent a women's organization called Bangladesh Mahila Parishad which has been working, since 1970, on issues related to the violation of women's rights. Ours is a grass roots organization with fifty district branches and an enrolled membership of 3,500 women. We began to provide legal aid to battered women in 1980 and in 1983 we set up a home for destitute and shelterless women.

Violence against women, in its different forms, is prevalent in Bangladesh in all strata of society and it is increasing day by day. The findings of academic research and our experience, over the last few decades, in dealing with the problems women

face, both support the view that the cause of violence against women lies in the age old attempt by men to establish and maintain dominance over women.

At the present moment the following burning issues are before us:

1. To stop violence against women caused by the village *Shalish*⁶ held by religious fanatics and fundamentalist gangs who hold positions of power.
2. To eliminate discrimination between women and men in matters pertaining to inheritance.
3. To remove obstacles, legal or otherwise, in the matter of guardianship of wards by mothers.
4. To stop rape and connected murders.
5. To stop violence in the domestic sphere such as physical abuse, murder, disfigurement by acid burn, arbitrary desertion and divorce for dowry.
6. Realization of the demand for a Uniform Family Code.

I have selected only four cases from countless others for presentation before this Tribunal. These should serve to highlight the nature of violence that religious and cultural norms are giving rise to in Bangladesh.

Nurjehan's Story

Nurjehan of Moulavi Bazaar, village Kamalganj, P.S Chatakchara, Sylhet, which is in the north eastern part of Bangladesh, the daughter of a poor man, was deserted by her husband. Subsequently, Moulana Mannan, the Imam of the local mosque wanted to marry her but Nurjehan refused him. She then received a proposal of marriage from one Mottaleb who then formally married her.

This enraged Haji Mannan who, out of revenge organized a shalish with the so called village chiefs and declared that the marriage, being improper and corrupt, was not acceptable. The shalish did not touch Mottaleb but passed a penal sentence on Nurjehan. They decreed that her husband and parents should dig the earth and bury Nurjehan, waist-deep, in it. Once this was done, she was to be pelted with stones flung by her husband and parents one hundred and one times. This sentence was executed in the presence of the villagers.

The humiliated and injured Nurjehan committed suicide by drinking pesticide on the 10th. of January, 1993.

⁶ Meetings or gatherings.

It should be noted that this act of violence did not create any stir either among the local people or in the country at large. Apart from women's organizations, no social organization came forward to question this act. The Bangladesh Mahila Parishad mobilized public opinion through a protest rally and protest statements in the daily press. The police were forced to file a criminal case and arrest the culprits. The hearing of the case is still in process and our organization is looking after it.

Feroza's Story

Feroza, who belonged to Satkhir, P.S. Kaliganj village in the southern part of Bangladesh, was working at the fish ponds of a fishery concern. There, she met and fell in love with a young non-Muslim. The village Imam and the so called village chiefs including the Chairman of the Union Council took Feroza to task for this emotional weakness for a non-Muslim. The shalish prescribed that she should be given a hundred strokes with a broom stick as punishment. This punishment was to be executed publicly.

Humiliated and physically injured Feroza committed suicide by drinking pesticide on the 5th of September, '93. My organization, along with other ngos took up Feroza's case and compelled the authorities to punish the culprits who had forced Feroza to take the same road as the one taken by the wretched Nurjehan. This incident also did not create any social commotion nor, apart from women's organizations, did any social organization come forward to question this act of violence.

Kadbanu's Story

Kadbanu of village Dewantully of District Rangpur in northern Bangladesh, was deserted by her husband while she was pregnant. In due time she gave birth to a daughter but her husband did not return. After nine years of being without a husband Kadbanu developed relations with a man called Mannan, who promised to marry her. She became pregnant with Mannan's child but he did not marry her. Instead, he organized a shalish against her.

The shalish decreed that Kadbanu and her mother dig a hole in their own compound and that Kadbanu should be buried in it, waist-deep, and suffer the scorching heat of the day for several hours. The sentence was executed on the 1st of September, '93. Subsequently, Kadbanu and her mother and child were driven out of the village.

The Bangladesh Mahila Parishad took up this case. Kadbanu was traced and kept in a safe shelter. She gave birth to still born twins in a hospital. The case, filed by

the police against the criminals at our insistence, is still going on. Kadbanu is now under threat of her life.

Nurjahan's Story

Nurjahan of Faridpur, P.S Madhukhali, village Sripur, was the mother of three children when her husband's younger brother, Farid Mandal, developed relations with her and they eloped. The family pursued them and they were caught and brought back home. Nurjahan's husband, Torab Ali Mandal, her father-in-law Jabbar Mandal, Torab Ali's uncle, Ali Akbar Mandal, held a shalish to deal with this matter.

Nurjahan was beaten mercilessly and kept in solitary confinement for a week. After that, at mid-night, she was tied to a pole, doused with kerosene oil and set on fire. She was burnt to death on 5th May, 1993. The police heard of this from the neighbours. The criminals were arrested and a case filed against them. It may be mentioned that Farid Mandal, the man who eloped with her, was not punished by the shalish at all.

As in earlier cases, this case also failed to create a social stir.

Countless cases of violence against women are occurring throughout the country. Many of them give rise to a brutality that surpasses medieval barbarism. Most of these cases of hair-raising violence are justified in the name of religion and are perpetrated by religious fanatics.

Religious fundamentalism, which is the main force behind such acts of violence, is raising its hydra-head in our country in connivance with the regimes that have come into power since 1975. The ban on all communal politics and activities enforced under the Bangladesh Constitution of 1972, has been lifted through various necessary amendments in the Constitution by the governments that have come to power since 1975. Political expediency has led to an alliance between the present government and the fundamentalists as the former needed their support to form the government.

Taking advantage of this, the fundamentalists are, both directly and indirectly, creating situations that encourage communal violence and acts of violence are being perpetrated against women and men without any hindrance. They have created a reign of terror in our educational institutions. They are killing their rivals by shooting, slaughtering and cutting the veins in the hands and legs of their victims. To ban communal political parties and to put an end to violence is the present popular demand in Bangladesh.

We, the women of Bangladesh, strongly demand a ban on violent punishments meted out to women by the village shalish and on fatwas by illiterate and ignorant religious fanatics.

We demand exemplary punishment for those who defy and violate this ban.

I express my heartfelt thanks to you all for giving me a patient hearing.

Mental Torture and Traditional Practices

Shamim Abro, Women Worker's Association, Sindh.

I am a victim of psychological abuse and mental torture. I was born in Shahdadpur, which is a small village in Sindh. I am the only woman in my village who has got an education despite a lot of opposition from my family and the village. They call me a rebel for breaking this custom of women not being allowed to go to school. The community expressed its concern over my attending school and have branded me as 'independent' and 'out of control'! I want to prevent other women from being subjected to the kinds of pressure that were put on me.

I was helped by my brother in getting an education. He encouraged and supported me throughout. My father too is educated and he wanted me to go to school. The other educated people in my village are very traditional. They are not liberal in their views. They cannot accept the idea that I should have the same level of education as they have. I still wear the burqa⁷ in the village, but at this conference I can be myself and have thus shed the veil.

I do social work in the village. When I started to work I organized seminars in the village. These took place in 1986 and '87. It was the first time that women in my village were exposed to the issue of women's rights. They responded very positively to the information that we presented to them. Another organization – the Working Women's Organization was also formed. Now many women from my village are involved with it. Many women have also started getting an education. They have stepped out of the *chaardivari*⁸ in some ways and don't wear the burqa as much as they used to.

This organization has done work in eighty villages and is now active in thirty villages. It focuses on veterinary activity, family planning, health, education etc. I often wonder if the work we are doing is sufficient and if we are doing it the right way. I hope for sisterhood and solidarity among the women of Pakistan.

⁷ The traditional outer garment which completely hides the female form and provides a veil for the face. Worn when women step out of the home.

⁸ Literally, the four walls of the home. The domestic enclosure.

Pornography is Violence Against Women.

Indai Lourdes Sajor

AWHRC, Manila, Philippines.

I will begin by stating that there is a need for all women's groups to launch a campaign against pornography. The term pornography comes from the Greek word 'porne' meaning a 'brothel prostitute'. Historically, in the Greek context, a brothel prostitute was not paid for her services and was regarded as being socially inferior to the courtesan. She was like a slave and followed whatever order was given her. She had no rights and was the least protected member of society. The word 'porne' was simply used and thrown away. The word 'graphos', which is also Greek, means 'writings'. So pornography in English means "the graphic description of women as whores".

To this day, pornography is being used as a tool to degrade and dehumanize women. In Asia the proliferation of pornography has strong links with western media through which it has been popularized as part of the culture of patriarchy. As a result of colonization, the social, economic and cultural aspects of western culture have pervaded many Asian nations. Since pornography is a billion dollar industry in the west, its market has a world-wide outreach and it plays a significant role in the victimization of women.

Catherine Mackinnon defines pornography as the graphic, sexually explicit subordination of women through pictures and/or words that includes one or more of the following characteristics or messages:

- a) women are dehumanized and presented as sexual objects, 'things' or commodities.
- b) women are presented as sexual objects who enjoy pain and/or humiliation.
- c) women are presented as sexual objects who experience sexual pleasure on being raped.
- d) women are presented as sexual objects who have been bound, injured, mutilated, bruised or physically hurt.
- e) women are presented in postures of sexual submission, servility and/or display.
- f) women's body parts, including but not limited to the vagina, breasts and buttocks, are exhibited in such a way that women are reduced to those parts alone.
- g) women are presented as being whores by nature.

- h) women are presented as being penetrated by objects or animals.
- i) women are presented in scenarios of degradation, injury and/or torture. They are also shown as being filthy, inferior, hurt, bleeding, bruised etc. in contexts that makes this condition sexually exciting and/or provocative.

The concept and use of pornography both reinforce the violence and hatred against women that exists in our societies and further conditions and determines the way in which men actually perceive and treat women. As a result women are abused both in the public and private spheres of society. To get rid of pornography, therefore, is to get rid of part of the violence against women that permeates our societies.

There is documentary evidence to show that there is a clear relationship between pornography and violence against women.

a. The use of pornography as an instruction manual for abuse.

Stories by women have been documented where they speak of having been sodomised with sticks or broom handles and of being subjected to sex with a dog while the perpetrator uses pornographic material as an instruction book. By relating sex to violence and sado-masochistic acts, the sexual act itself is transformed into a form of self-mutilation for women. Further, as pornography is easily available both in printed form and in videos, not only does it legitimize sexual violence, especially in the eyes of young viewers, it also conditions them into thinking that violence is a normal part of male female relations.

I will substantiate my argument with direct reference to a victim's testimony:

"I was raped by my father for over a year from the age of six to seven years. I also witnessed the beatings my mother got through my entire childhood and through my teenage years. There used to be pornographic literature, paperback books in black and white, in my father's bedroom. I do not remember a time when these books were not there. Until I finally left home, I didn't know that sexual abuse and physical abuse were wrong. I only found out after I went to a crisis centre. The only thing I *did* know throughout the time that I lived at home was that whatever happened to me, it was *my* fault."

b. Pornography and battering.

Many of the battered women who come for assistance, support and shelter to women's crisis centres are victims of combined physical and sexual assault. Men use pornographic material for sexual stimulation and a lot of times, they act out what they see or read at home where they beat the woman and find it sexually arousing. There is a lot of sex and violence both in a battering situation and in pornography. If you look at pornographic material you will find that it focuses on women being tied up, beaten and humiliated..

Not only does pornography portray women in these painful and humiliating situations it also shows them as enjoying and deserving this violence. Men look at pornography and the message is clear – that women deserve and enjoy violence, that they are not humans but objects for sexual use. They accept this message and act it out.

This form of violence also results in a tremendous amount of emotional and mental abuse which traumatizes the victims and leads to loss of self-esteem and self-worth. Women who have been abused in this way begin to feel that they are only 'bodies' and they don't deserve any other treatment. They feel that they have no rights, that they deserve no respect – either from others or from themselves.

c. Pornography as an element of culture.

Pornography is a classical example of the cultural objectification of women. Evidence from recorded cases of sexual abuse shows that violence is mostly a question of power relations. As relations between men and women are power based, violence is the way in which men use and abuse power to their own advantage.

The women's movement should vigorously address the issue of pornography at levels. We should launch a campaign against pornographic films and magazi and demand legislation against this practice.

Discriminatory Laws

Hina Jilani

AGHS Legal Aid Centre, Lahore.

I have been asked to speak about certain retrogressive laws with regard to issue of violence against women. I feel that in this forum it will be appropriate talk about my experiences as lawyer and to share with you the effects of these la on women. The cases that I will tell you about will enable you to judge yourselves what protection these laws give to women and to understand how social practices and religion are used to discriminate against them and deny them justice.

However, before I say anything about the laws and their impact on women's li I would like to challenge the contention just made in this forum that wom organizations in Pakistan have done little for women's rights. It is a fact that in last martial law women's issues were so strongly taken up by women that it led to the realization that every issue is a womens' issue. If today, both the state political parties realize that they cannot ignore women and womens' issues,

too is a result of the pressure exerted on them by those who are part of the women's movement in Pakistan.

Returning to the issue of biased and retrogressive legislation in the name of Islam, the Zina Ordinance, which deals with adultery and fornication, was introduced in 1979 as part of the Islamisation process undertaken by Zia ul Haq's government. Under this law, any relationship outside marriage constitutes a crime and due to the way in which the law is formulated, rape becomes part of zina, i.e. even if one partner is unwilling, or is coerced into taking part in sexual intercourse, the act still constitutes adultery. Thus adultery which is an offense without a victim is put on the same level as rape which is an act of violence perpetrated against an individual. The problem with this law is that it allows the state to make inroads into the fundamental right of privacy of the individual and also discriminates against women, especially in the area of evidence as the testimony of four, adult, male, Muslim witnesses is required in cases of rape and other crimes requiring Hadd⁹ punishments.

Another area of discrimination against women is linked with the question the age of majority, which is seen to coincide with puberty. As girls reach puberty at an earlier age, they are considered to mature at younger age than men, and therefore receive harsher punishments for the same crime at the same age as men. For example, if a young boy is found to be guilty of rape, his punishment will be less than that of a girl of the same age who is accused of illicit sexual relations. Thus injustice towards women is built into the law itself. I will substantiate my argument with an example of the thirteen year old girl who was sentenced to seven years in prison plus flogging when a boy of the same age received a much more lenient punishment for the same act.

I will now cite the case of a fourteen year old girl, the daughter of poor parents who worked in a bhatta or a brick kiln to show how class, social attitudes and police corruption collude in instigating and perpetuating acts of violence against women. Due to the nature of their product the bhattas work only seasonally. When the bhatta closed down for the season, the owner offered the family shelter in his haveli¹⁰. According to the statement by the girl's mother, one morning, when the little girl was washing clothes at the tube-well, the owner along with three other men came on a tractor trolley, and forcibly abducted her. The girl's parents were not at home when this happened. Her sister was there and she made an outcry.

⁹ Hadd quite literally means the limits or boundaries of licit action. In the legal sense it refers to crimes carrying the maximum penalty.

¹⁰ House. Haveli which carries connotations of a feudal life style, hierarchies and status is built to accommodate the extended, paternalistic family along with the necessary complement of servants and other retainers and dependents .

People gathered around, but because the bhatta owner was an important man, nothing could be done by the community.

When the mother learnt what had happened, she went to police station, but for fifteen days the police refused to lodge a formal complaint against the bhatta owner. They insisted, instead that the girl had gone willingly and would return in her own time. They said there was no need to register a case. It was only after intervention by senior police officers that the case was finally registered. The investigation, however, was slow and the young girl was not recovered until two months later.

We learnt about this case during a routine visit when the AGHS¹¹ team found this girl in Kot Lakhpat jail and heard her story. According to the girl, she was abducted and taken first to small town outside Lahore and then to Multan. She was raped consistently by three men. After two months, when the abductees learnt that the police was after them, they came and took the girl to the police station where they made her sign papers with a thumb mark. She did not know what was written on those papers but the SHO had convinced her that unless she swore before the magistrate that she had gone willingly and had married one of the men, she would be treated as a criminal and her family would be severely dealt with. She had no choice after these threats and had put her thumb impression on the statement in front of magistrate.

She was fourteen years old at that time but nobody asked her her age or anything else. In the meantime the police advised the accused to apply for bail on behalf of this girl. They also advised him to make it into a zina case in which her collusion would be assumed. In order to do this, the criminals applied for bail before arrest for themselves and for the girl. When they went for bail she was not presented before judge but was kept in another room because they were afraid that she would contradict their statement. However, as no one was brought before the judge, both the accused and the girl were given a jail sentence.

She told us to contact her mother to apply for bail for her, but before we could do so, the accused applied for and got bail for the girl and came to prison to fetch her. Fortunately the mother also reached the prison on same day. So, when these men came to claim the girl, she refused to go with them and stated that she wanted to go with her mother instead. A zina case was registered against the man but he countered this by filing a case for the restitution of conjugal rights against her. In turn, the girl filed a case proving that she was not married and tried to change the charge of zina into one of rape. Unfortunately, the charge could not be changed

¹¹ A legal aid centre that was founded by a group of women lawyers, Asma Jehangir, GulRukh Rehman, Hina Jilani and Shehla Zia, during the Zia era.

and before the trial could end, the girl was abducted again by the same men. I, along with the AGHS staff also received threats and the girl's family was pressured to withdraw the case.

In so far as the law is concerned it is necessary to remind ourselves that neither the law nor the state is ever neutral. Both reflect the interests of those in power. This statement can be backed by the fact that since the promulgation of the Haddood Ordinances in 1979 the numbers of women in jails have increased phenomenally. There are now a hundred women in jail as opposed to the earlier ten. Further, the fact that so far there have been no convictions in cases of custodial violence is reflective of the bias of the state as no adequate law exists for dealing with custodial violence. It also reflects the fact that the state has abdicated its responsibility in this regard. Given the position and responsibility of the police towards citizens, there should be severe penalties and punishment for the perpetrators of custodial violence. As things stand, by its indifference, the state is encouraging the very thing that it should prevent.

Statement by the Jury on Violence in of Culture, Religion, Law and the Media Comment by Jury Member, Dr. Ambreen Ahmed, Bedari, Islamabad.

I have experienced feelings of helplessness and despair while listening to these testimonies and yet, at the same time am rejuvenated and filled with hope because women are fighting against oppression and because of the connectedness that I feel with other women. I would like to pay tribute here to the women whose lives continue to inspire us with hope and courage.

It is clear that the sort of work we have set out to do is extremely difficult, draining and, at times, overwhelming. But it is meetings like this that make it worthwhile.

I feel overwhelmed by the testimonies against violence and it is difficult to draw together the threads of all that we have heard today, but it is worthwhile as it enables us to examine important issues.

It is a fact that culture, tradition and religion are an integral part of the identity of a people. We pass on the values of our particular culture to coming generations, with the hope that they will cherish these values because cultural practice and beliefs are crucially important in the formation of character. Yet, as we have seen today – and it happens all over the world – it is in the name of culture, tradition and religion that the oppression and suppression of women takes place.

The question then arises, are all cultures, all religions inherently anti-women? Were they always so? Has there been no culture, no religion so far where women and men are equally recognized and valued?

Or is it possible that culture, like history and religion has always been manipulated and systematically used as a means of exploitation and abuse by those in power against those who are powerless and vulnerable?

We need to examine the factors which have led to the distortions in history and religious practice which allow them to be used against the weak and the powerless. We need to ask, what is it that enables men to dictate to women in ways that disadvantages the latter. And we also need to examine the ways in which these practices influence women's lives.

Men dictate to women where they can go or not go, whom they can marry, what work they can do, how they are to behave. In all cases, behind all these commands lies the will to dominate and control them. In order to live up to cultural and traditional expectations, a woman is told she must be submissive, gentle, compliant. She must be patient and forgiving. She must put up with the whims and fancies of those around her. She must be nurturing and selfless and always – always – put the needs of others before her own needs. In doing all this she lives up to the role of the 'traditional' eastern woman.

Thus we perpetuate a culture which claims to give great protection and respect to women, but in reality gives them few rights but many responsibilities. A culture that denies them legal and social rights and gives them almost no recognition at the individual and human level. And because culture is such an integral part of our lives, women, by and large, internalize these values. They buy the myth of their own inferiority and accept as their lot in life their status as less than human.

But then, there are also the women who respond differently to these cultural claims, and the courageous testimonies of women in this forum have shown us that we can and must challenge any worldview that denies or ignores the needs and wants of the people. We must reject those aspects of our cultural and religious traditions that deny us our human rights and prevent us from achieving our human potential.

Today, through the pain and tears of the women who have spoken out their grief and suffering, we have been shown that we can and must retrace and reclaim for ourselves those aspects of our cultural and religious beliefs that teach us to respect ourselves. To stand for principles, to take risks and to have the inner strength and conviction to know that if we want, we can change our world and our destinies.

Today, in this court of women, we condemn those aspects our cultural and religious traditions that violate the rights of women and declare them guilty of crimes against women. It is now up to us, as members of this society, to decide whether we will remain silent on these issues, and by our silence condone these crimes, or raise our collective voice against them and against those practices and beliefs which make these crimes possible.

The Second Day

31st December, 1993, Session 111.

Violence Against Women in the Workplace

1. Personal Testimony and Statement: Women in Factories and Working Women's Trade Unions. Rubina Jamil, Working Women's Organization, Lahore, Pakistan.
2. Personal Testimony: Female Bonded Labour Among Brick Kiln Workers. Hanifa Bibi and Seema, Punjab, Pakistan.
3. Personal Testimonies: Sexual Harassment and the Nursing Profession (Names withheld on request). Quetta, Pakistan.
4. Violence and Migrant Female Labour. Somkid Mahissaya, Hong Kong.
5. Personal Testimony: Violence and Landless Peasants. Farzana, Punjab, Pakistan.
6. Personal Testimony: Harassment in the Workplace. Nit Ko, Thailand.
7. Sexual Harassment in the Workplace. Ita F. Nadia, Jakarta, Indonesia.

Violence in the Workplace : Factory Workers and Trade Unions.

Rubina Jamil – Working Women's Organization, Lahore.

I started as a temporary worker in the Wyeth pharmaceutical factory where the majority of the workers were women. The presence of a workers' union made the working conditions tolerable. Temporary workers are not given leave or holidays, and no transport facilities are provided. I worked for six months as a temporary worker, then became permanent and joined the union. It was a progressive organization.

In 1977, the management charge sheeted nine women and three men and they lost their jobs because they were active members of the union. I was one of them. The union had protested against the production of harmful medicines. The Management especially targeted the women members of the union.

This union was affiliated with the All Pakistan Trade Union Federation and was not restricted to women and the wives of factory workers only. I faced a lot of opposition from the factory owners for being active in the union. In 1978, I was elected vice president of this Women's Union despite opposition from the entire industrial management. The extended family – especially on the maternal side – also gave me a hard time for taking part in union politics. They asked me to choose between the union and the family! I decided to stick to the union because I felt that I could help a lot of women there.

During Zia ul Haq's martial law regime the US took an active interest in Pakistan's economy and politics and wanted union activities curbed. The factory hired professional hoodlums and as a result women received warning letters that told them to stick to factory work and leave politics alone. A tremendous amount of pressure was put on us nine women and three men and we eventually lost our jobs when our charge sheets were published in the papers. Obscene allegations were also made against us.

The struggle for democracy was very important and along with fighting for women's rights, women participated actively in it during these years. From 1982 onwards there has been an affiliation between WAF (Women's Action Forum) and the Wyeth Women's Union. We discovered at this time that the liberal, progressive parties were not interested in women's rights. They were divided in their opinion and couldn't decide how many people to bring to our demonstrations.

By 1985 the Jamaat-i-Islami was involved in breaking up union activities. As the management couldn't deal with union activities, the head office of the multi-national in the US ordered a change of management. An ISI¹² officer was made the

¹² Interstate Services Intelligence.

new manager. Liaqat Baloch of the Jammāt-i-Islami was also a part of the management. An illegal lock-up took place where many women were charge-sheeted and suspended (45 women out of 150 workers). These workers took a stay order from the NIRC before this illegal suspension took place. The management did not obey this order.

During 1985 these women would go daily and sit outside the factory gates for a period of 2-3 months. They were fired at, pelted with stones and harassed and threatened by hired hoods. During the same time a demonstration of the Eagle Cycle Group was fired upon along with women who were sitting outside the gates.

Till now, that is from '85 - '93, the cases of these women are still pending in various courts - from labour courts to the high court and supreme court. Some workers were ordered to be reinstated by the court but the factory refused to let them work. They are paid but do not work in the factory.

The cases of five women, including myself, have been scrapped and have restarted because we have crossed a certain time-bar. I have been to all my hearings and they've all been adjourned in order to prolong the duration of these cases. I refuse to give up on my case and am now an active public speaker. I participate in all Labour Day demonstrations. In '86 I became a founding member of the Working Women's Organization in order to fight for basic human and labour rights for working women in factories and brick kilns. I want women to know that trade unions are not only for the benefit of men, but that they provide a space and opportunity for women to bring about change regarding laws concerning their rights.

The management hires lawyers who use socialist slogans but exploit labour. When I first began to speak in public, I found that men trivialized whatever we had to say, but as time passed I realized that we are doing much work. We also got a lot of encouragement from other women's organizations and now I speak in my own language because I know that those who are listening to me are not more intelligent or better informed. There are large numbers of women who work in factories and in the brick kiln industry. My message to you today is that we are with you and will support you. We must conscientise women to enter unions, the struggle is ours, it is not only for men and our awareness and contribution is ours and not only men's.

Brick Kiln Women Workers in the Punjab, Pakistan.

Hanifa Bibi and Seema

We have been working at a kiln for ten years. Women are sexually and verbally harassed by the owners of brick kilns. We have no allowances for health, transport

or a housing fund. We are not allowed any holidays; we have to lie to take a day off work. We are forced to have sexual relationships with the overseers, and if we refuse, we are likely to be abused. No dignity is given to us. I would like to leave this job but have no other option as we are poor people and need to earn the money. We have been helped by labour unions - the union leaders are the only ones who listen to us. No one else (government or society) is interested.

Violence in Hospitals : Pakistan.

Names withheld for safety reasons

Nursing is a common profession in Pakistan though it is not socially acceptable. Because of an unstated caste system, Christian women, who are at the lowest rung of the ladder, usually enter this profession. Therefore in most cases it is us Christian nurses who are sexually harassed. We are also not provided any protection, security or facilities. We are overworked and are poorly paid.

When sixteen and seventeen year old girls enter nursing school they're mistreated by doctors and medical students. Recently a girl was both verbally and physically abused by three medical students while she was duty. Later when she went to lodge a complaint with the matron, both she and the matron were abused and threatened by the three students. This nurse then filed a police report against the men but her case is still pending and no action has been taken.

In another case, a doctor asked a nurse to massage his head. When she refused, he abused her physically. The hospital administration, and political people who support these abusers and rapists go scot-free. I ask society and other women to help us nurses against the harassment we face.

Violence Against Migrant Women: On Foreign Domestic Helpers in Hong Kong.

Somkid Mahasiya, Asian Migrant Worker's Centre, Hongkong.

"My grievance is against God who did not get me justice - even after I had suffered so much. I will remember this in all my future lives that I did not get justice. Physically I may have healed, but in my heart, the wounds are still fresh....."

These are the words of Mumtaz, an Indian domestic helper in Hong Kong. Mumtaz came to the Asian Migrant Worker's Centre for assistance and this is her story.

"My name is Mumtaz and I am forty two years old. I have a twenty five year old son and I am separated from my husband. My husband used to work in the police force till he gave up that job and got a job in an office. He was an abusive man. He

drank and would harass me. I had no house of my own and had to depend on my mother-in-law and my brothers-in-law for my subsistence.

I come from Poona in India. I used to work there as a domestic help. My employer's daughter, who lived in Hong Kong, needed a domestic helper urgently and my employer asked me to go to Hong Kong and work with her. I needed the money and agreed to do so. I never imagined that my life in Hong Kong would turn out the way it did.

When I started work in Hong Kong things were all right for the first month or so. But then the beatings started. My employer's wife would find fault with me for the smallest thing and beat me severely. Nor was I paid properly. Though the contract specified that I must be paid a minimum of HK\$ 3200 a month, my employers, who were very rich people, paid me only a quarter of that amount. They also threatened me and made me sign receipts for \$3200 every month.

I did not care very much about being underpaid – the money I got was more than I would have received in India anyway. But the beatings were really terrible. I would break out in a cold sweat every time my employer began to get angry. I knew the beatings would start any moment. Often during these assaults she would tear my clothes, exposing me right down to my brassiere. She would rain blows on my stomach and chest. She would also kick me badly, especially on my private parts. I never dared to retaliate.

On many occasions she threatened me with a knife. Many of these beatings took place when her husband was out of Hong Kong. Sometimes after the assault she would give me a gold bangle and apologize profusely and ask me not to tell her husband. This happened on four occasions. On one such occasion she touched her head to my feet and apologized. But very soon afterwards there would be another beating. The Filipino maid who also worked in the same house told me to run away. But I knew no one and did not know where to go.

For six months I was almost kept in a state of house arrest. Then, after much begging and pleading, I was allowed to go to the masjid for namaz. Once there, I cried and cried. The other ladies told me to trust in God. They said He would listen and everything would be all right. I also spoke to the masjid authorities. They gave me the number of the Islami Union Office. But when I phoned them from the house, they asked me for the address where I lived and also for the telephone number of the house. But I knew neither. I only knew that the house where I lived was ten minutes distance from the masjid.

The Filipino maid kept telling me to run away. Once she even took a photograph of me after I had been badly assaulted and showed it to my employer when he was

in Hong Kong. He said he knew what was going on and that he would make arrangements for me to go back to India, but he did nothing and the beatings continued.

One day the lady employer asked me to pack my bags and said I should be ready to go back to India immediately. I asked her for the two month salary that I had not been paid. She told me that I should go back like a beggar and tried to grab my gold earrings and ring. I had brought these articles from India with me. At that moment I thought, "Why should I go back without even my personal property?" So I hid my shawl and my purse in the garbage bag and later when I went to throw out the garbage, I ran away.

Once outside, I did not know where to go. I asked many passersby for help but it was some time before another domestic helper took me to the Migrant Centre. At the Centre they helped me file a case against my employers, but I lost the case. The judge said that the receipts I had signed were evidence in my employer's favour. The fact that I had been beaten so many times did not count at all with the judge, nor did the fact that another person who had suffered the same kind of treatment from my employers came to testify in my favour. I went in to appeal and the entire case took a whole year but I did not get justice.

My grievance is against God who did not get me justice – even after I had suffered so much. I will remember in all my future lives that I did not get justice. Physically I have been healed, but in my heart the wounds are still fresh...".

Somkid

Globalisation of trade and the international accumulation of capital have led to the richer countries becoming richer and the poorer countries becoming poorer. Migration becomes an inevitable consequence of the unequal distribution of the world's wealth and resources.

With an increase in the numbers of women who are joining the migrant labour force in Asia it has been noted that they suffer a gross violation of their rights, mainly at the hands of their employers and the recruitment agencies. This phenomenon of women migrant labour is also seen to have led to an increase in the trafficking of women. Because of the restrictive immigration policies and laws in the major receiving countries, especially with regard to the unskilled and the uneducated, there is also a notable increase in clandestine or illegal migration.

Labour export, as experienced in the past and now also in the present, is a process of double victimization for migrant workers. In the case of women, it is a triple victimization.

Violence against women is gender based and occurs in all spheres of private and public life: in the family, the workplace, the community and in international and national conflict situations. Gender based violence hurts, humiliates and perpetuates fear in women. It may occur in the form of threats of violence or loss of work or it may be inflicted through actual physical acts of violence and of sexual and psychological abuse.

First of all, I would like to point out that the word violence is commonly understood to refer to acts of physical violence that do not necessarily take place all the time. The dictionary also defines violence as the "unlawful exercise of physical force."

'Cruelty', on the other hand, is explained as "physical or mental harm inflicted, whether intentional or not." I would prefer to use the word cruelty instead of violence when speaking about the condition of migrant women as it defines their suffering more accurately. I will explain this further. In our work with migrant workers, especially foreign domestic helpers in Hong Kong, we do see a lot of cruelty though it may not manifest itself as physical abuse.

The migrant woman worker in Hong Kong has very little control over her destiny. First, she is vulnerable to exploitation and cruelty as she comes in as a 'servant' who is under the control of a 'master'. Added to this is the vulnerability inherent in her position as a woman migrant. This double vulnerability is heightened by the fact that she has to subscribe to alien laws in an alien culture. These laws treat her as an alien who is not eligible for the same rights and protection as the local citizens.

Although in Hong Kong the laws for migrant workers may seem to be better than those in most other migrant receiving countries, they still continue to be biased in favour of the local population and are oppressive for outsiders. For instance, if the employment contract of the helper is terminated by the employer, the burden of proof to prove her/his case to stay on, rests with the migrant who must then leave the country if s/he cannot convince the authorities of the validity of her/his case.

Further, the laws only recognize clear physical scars as proof of violence. Everyday cruelty, like insulting language, mild physical abuse, extremely long working hours, inadequate living conditions etc. are all obviously things that the migrant worker must put up with. But all these factors can cause extreme harm to the psychological and emotional well-being of the migrant worker.

There are more than a 100, 000 migrant workers in Hong Kong. Most of them are female domestic workers. 90.2 % come from the Philippines followed by Thailand, Indonesia, India, Sri Lanka etc. About 67 % are young women between the ages

of sixteen and thirty-four and regardless of civil status, most of them (84 %) support dependents in their country of origin, including children. As a result, they have become the major source of economic sustenance for their families and without their contribution many of these families would fall below the poverty line.

Most of these women come from poor families and are in search of a better life. They need money for their capital expenses of production, their daily survival and for modern consumer goods. The easy way to make this dream come true is to go abroad to earn money.

The way to Hong Kong is not difficult – as long as you have cash to pay the recruitment agency! But money is the one commodity which is in short supply. So most migrants either take the risk of borrowing money or are allowed by the agency to 'pay later'. This payment is based on salary deduction plus interest. To pay the exorbitant fees charged by the agencies, migrants go into big debt or sell or mortgage land and other property.

The most serious problem which faces migrant workers is the risk of job termination before the completion of the two year contract period. According to the experience of the Thai workers these contracts are often terminated without any real cause just a few days before the end of the three months. Because of this there have been cases of attempted suicide among migrant workers while others have gone crazy because they do not know how to pay back their debts in the home country. This situation creates a lot of difficulties for the migrants who have been dismissed in this way especially as they can stay in Hong Kong for only fourteen days after their job has been terminated. This makes it very difficult for them to find new employers. The reasons for job termination are not taken into account by the authorities.

The situation of domestic helpers is worse than that of other migrant labour. The Government of Hong Kong seems to consider the domestic helper as more or less the property of the employer. The contract specifies that the domestic helper must stay in the house of the employer. This makes their position very vulnerable and they are more likely to suffer physical abuse than those employed elsewhere. There are no fixed work hours and the helper is expected to be at the beck and call of the employer literally twenty four hours of the day. The situation is made worse by the fact that the helper is a stranger in a strange country and the employer is all powerful. Within the family the domestic helper is no better than a slave. She has to deny her individuality and suppress her feelings because any assertion of rights is misconstrued as disobedience and can cost her her job.

Powerless as she is, the domestic helper is totally in the hands of her employer. Constant scolding, insults, underpayment, sexual harassment, assault, physical

court of law would, in one way or the other, morally condemn the woman if of woman seeks to seek judgment elsewhere - at the service of state or status judgment on the conspiracy of men, class, police officers, the advantage of woman's economic need, take bribes and create the demand for sexual services.

It is only when we are able to acknowledge our own propensities that we can begin the nation for redress

Section IV

Violence Against Women and the Community and in the Family

1. Social Movements: Activists, Parents and Figures, Ms. Fakhruzzaman Khokhar, Pakistan.
2. Women's Movements: Activist Movements in the Marketplaces, Ms. Fakhruzzaman Khokhar, Pakistan.
3. Personal Testimony: Activist Movements in the Home, Ms. Fakhruzzaman Khokhar, Pakistan.
4. Personal Testimony: A Father's Struggle, Ms. Khokhar, Ms. Fakhruzzaman Khokhar, Pakistan.
5. Testimonies of Community Workers, Anjali Chatterjee, Bangladesh.

Ms. Fakhruzzaman Khokhar, Pakistan's participation in the

abuse etc. are very much a part of the domestic helper's life. Caught in an unbalanced power relation, there is no way in which the foreign domestic helper can fight back.

This form of servitude and insecurity creates many problems and makes it difficult for the domestic worker to adjust herself in the new environment. For example, in Chinese households maids have to suppress their feelings when they feel lonely or face hardship. Tears are considered bad for business in Chinese culture and domestic help is forbidden to cry. We have also had cases of Muslim women being forced to eat pork because nothing else was cooked in the employer's house. These are just two examples of cultural violence in the host country. The indifference of employers to the emotional and cultural needs of migrant labour shows how they consider those who come from other contexts as pariahs and see their cultures as being 'sub standard' or inferior to those of the employer and of the host country.

Briefly, to be a woman migrant is to be either a domestic slave or a prostitute. In either case she is a person who has been deprived of the means to work and live in dignity in her own country. She goes into exile, is forced to leave her home and her country, because of poverty. Circumstances compel her to serve a foreign master, clean his house, cook food for his family, bathe his dogs, take care of his children – or worse. She is also placed in situations where she has to use her body to give pleasure to foreign men – to passively receive their aggression for a pittance.

The conditions under which domestic workers live and work should not be tolerated since they promote modern day slavery. The salaries which they receive cannot make up for the dehumanization which they suffer in return.

There can be no two opinions about the immorality and inhumanity of the kinds of services women are made to provide. Certain steps need to be taken if the working conditions of foreign domestic workers are to change for the better. Measures should be taken to legitimize the entry work permits of women who are already employed. This will make the monitoring of their work possible. Every hour that a woman migrant worker works illegally is an hour of grave danger to her physical and mental safety and well-being. Governments must therefore legitimize their existence.

Peasant Women Workers: Pakistan.

Farzana

Peasant women workers face a great deal of sexual abuse/ harassment in their work place. They work in very difficult conditions, and are underpaid or are not paid for a long time. They are also vulnerable to violence at the hands of the land owners and other powerful men. A young girl was raped and eventually died

because no medical help was provided to her. We are reluctant to go to the police as we are afraid to do so ... they side with the important people.

Sex Workers: Thailand.
Nit Kongkham, 'Empower.'

My name is Nit Kongkham. I am nineteen years old. I have attended three years of high school and am the youngest out of six children. My mother died when I was thirteen. My family are farmers in Udon Thani province, a poor, rural area in Thailand. My brother left home for Bangkok when he was still young because my father chased him out of the house. He didn't like my brother because he was the only one who stood up against him and also because my brother is gay.

When my mother died I had nearly finished the last year of primary school and was in the process of sitting for the high school entrance exam. But my father didn't want me to study. He said I was a woman and would soon get married and have children. After I had completed primary school he told me to quit studies and work in the fields but I decided to go on with my education. My brother supported me and I also got a scholarship. As the scholarship was not adequate I also had to do part-time work. My father was very angry with me for disobeying him and he disowned me. He did not speak to me for the three years that I was at high school. It was difficult to live at home and study under these conditions.

After completing my three years at high school I came to Bangkok for higher education, but I found that it was too expensive. I did not want to be a burden on my brother so I got a job in a factory. I thought I would save money and study later. But the pay was so low that I couldn't make ends meet. So I started working as a bar-tender in Patpong which is one of the sex tourist areas in Bangkok.

Then I decided to become a go-go dancer as the pay was much higher. I wanted only to dance for a salary, tips and commission from drinks. But it turned out that the bars have set rules for go-go dancers. We were required to 'go out' with customers and to give sexual services to clients in hotels or in their own homes at least ten times a month. I was pressured to agree to these rules as I was afraid the bar manager would cut my salary or fire me. We also had to get the customers to buy 'time' by buying cokes for the bar girls at the rate of fifty drinks at least in a month.

Although I followed all the rules, I could not understand how they still managed to cut my salary every month. When we were ill and couldn't come to work, the management would cut our salaries for each day that we were absent. Every week a doctor comes and visits the bar. The doctor's fees are taken from our salaries. It is incredible how they find all kinds of reasons to cut our salaries when actually we

are earning a lot of money for the bar owners. For example, when customers pay for our drinks and when they pay the bar to take us 'out', all told they get more than the salary they pay us.

As for our working conditions, we always have to please the customers and do whatever they want. If a customer comes back and tells the bar owner that a bar girl has not given good service, she can be fired, slapped or have her salary cut, when the truth is that it is the customers who treat us badly. Their attitude is that they have bought us for the night and can do anything with us that they want. Sometimes they don't want to use condoms and it is very difficult to negotiate with them, especially when we are physically weaker and are in their hotel rooms.

Most of us put up with all this. This is because we don't have alternatives. Some of us have had to take pills in order to overcome our distaste and self-consciousness about what we are made to do. These pills are not safe and can affect our brains and our health. Sometimes, after taking these pills, we are not conscious of what we are doing. One of my colleagues went out with a customer after taking these pills. She woke up the next morning, swollen from being beaten up, but she could not remember anything about what had happened. She went to the police to file a report but they took no notice of her complaint.

Sex workers are looked down upon by society and badly treated by the public in general. There was another time when one of my colleagues was attacked on her way home from work at 2 a.m. She was gang-raped and left unconscious and naked in the street. When she gained consciousness, she found that there were a lot of people around her. The police came and gave her a piece of cloth to cover herself with, but once the people learned that she was a prostitute, they just left her and walked away. The police sent her away, they did not take her to the police station to file a report.

I really don't understand this attitude. Why does this happen? Does a prostitute have no rights? Can anybody do anything to her? This kind of treatment is not rare, it happens all the time. The public and the police don't care – they think we are bad women and deserve what we get. They believe good women do not take up such work.

What we would like is a change in social attitudes towards us. We want people to stop looking down on us, we also want better protection from the police. It is the duty of the police to give protection to all citizens. We would also like the bars to reduce their demands on bar workers. There should be rules to prevent bar owners from forcing the women to go out with customers and forcing women to get a

high number of drinks paid for by the customers. We should also be entitled to at least one day off a week along with sick leave and free medication.

There is a need to separate the bar system from the brothel system. The brothel system is the one where women are forced to give sexual services to clients. Often women are kidnapped and forced into prostitution. These places should be closed down. But the bar system is different. The women who work here have consented to do so and these should not be closed down. We have ourselves decided to take this path.

There has been a lot of discussion about making new laws and devising strategies to deal with these problems. Our opinion is that great care should be taken in making these laws as there are a lot of women in this profession. We would not agree to a law enforcing the closing down of bars and entertainment places. If we want this to happen or to improve the conditions of women working in bars, we should start with improving the economic and social opportunities for women. If this is done, women will have better alternatives to choose from by themselves. I would like to stress once again that the brothel and the bar systems are not the same.

Sexual Harassment and Murder. Working Conditions in Indonesia.

Ita F. Nadia

I am here to present the testimony of Hannie Mokoginta regarding sexual harassment at work. Hannie Mokoginta is not here to speak in her own voice as she could not get permission to travel from the government.

Before I present her testimony I would like to remember our late sister Marsinah who was brutally murdered because of her work as an activist. Marsinah was an active and outspoken worker in a factory. She was knowledgeable about labour regulations and workers rights and so came forward as a leader to put up demands for better working conditions and an increase in salaries.

One day, after she had organized a big strike in her factory, she disappeared from her boarding house. Her genitally mutilated body was found in the bank of a rice field the next day. Nobody knows who was the killer.

Hannie Mokoginta's testimony

A Crime of Opportunity

In 1981, twenty-two year old Hannie Mokoginta left her home town Bolsang-Mogondow in North Sulawesi to study at the Public Relations Department at the Institute Ilmu Politik (IISIP. Social and Political Science Institute) in Jakarta. In her second year at the Institute she was faced with financial difficulties and went to

see the IISIP Director, Haji AMH, to ask him for a reduction in tuition fees as well as permission to enroll for the examination prior to the payment of her fees. Haji AMH was helpful and gave her permission to enroll for the exam and to pay her fees in installments. He also got her a job in the Institute kitchen. Hannie Mokoginta was delighted.

In 1984 Hannie Mokoginta fell ill and had to be admitted into hospital for treatment. Again Haji AMH offered help with regard to her medical expenses. After she recovered from her illness, he sublet a house to her. This house was located behind the IISIP campus in Lenteng Agung, South Jakarta. This house had two doors. The key to the front door was kept by Haji AMH. Hannie could use only the back door which was exactly opposite the director's window.

One morning, Haji AMH entered Hannie's room. Suddenly he forced himself on her. Hannie tried very hard to free herself but he was too strong for her and succeeded in raping her. After that, Haji AMH often came to Hannie's house and forced her to serve him sexually. As he had moved her closer to himself by giving her a job in the library, this sexual persecution occurred not only in Hannie's house but also in his office. He also forced her to have anal and oral sex with him. He threatened her with the loss of her job and expulsion from the faculty if she dared to resist his advances.

In order to bind her further, AMH offered her benefits in the form of a promotion and a higher salary. Hannie succumbed to this offer and in this unequal relationship, her dependency on Haji AMH increased. Hannie was still continuing with her studies in 1986 when Haji AMH told her that she should get married and that he would hold a wedding reception for her and her husband on the campus. It seems that with this wedding reception Haji AMH wanted to ward off the gossip that his relationship with Hannie was causing. But even after the wedding, AMH kept on forcing Hannie to provide him with sexual services whenever he wanted. Hannie, on the other hand put up with her director's behaviour because she was afraid of the consequences of his abandoning her. She did not have any one to talk to. Moreover, her desire to complete her studies was very strong.

In 1991 Hannie completed her studies. She was also expecting her fourth child. That year she worked up the courage to reject AMH's sexual advances. As a result, in 1992 Hannie was shifted to the campus cafeteria and bookshop and her salary was reduced. Then, finally, in 1993, she was fired without a formal letter from the IISIP.

Statement by the Jury on Violence Against Women in the Workplace
Jury Member, Naina Kapoor, Sakshi, India.

I wish to express my solidarity with the women who have shared with us some of their experiences of sexual violence in the workplace. Most of you will share with me this sense of solidarity and support since I believe that sexual violence in some form is the common experience of every woman in this room. Yet it is strange how we are, at this moment, spectators to expressions of a crime which these women have, with some reservation but exceptional courage, chosen to share with us while we still linger in the uncertainty of our silence.

Many of the women here have spoken of the more obvious experiences of sexual harassment. Experiences which were perhaps more visible and could find expression in familiar language. Yet for most of us sexual harassment is the most invisible form of violence against women and therefore the most difficult to articulate. This violence can be so subtle, so exacting, so clever – and yet so violative – that a court of men will rarely, if ever, acknowledge it as such. The advantage in a court of women is not only the commonality of our experience, but the space it provides to name this violence.

No man, I believe, can ever *really* understand the sexual dimension of harassment as women experience it, because, as the testimonies have shown, it is couched in our experience of the workplace and in any case, what is the definition of workplace with regard to women? What does workplace mean to the temporary factory worker, the bonded labourer, the migrant worker – who are denied all the rights and benefits that are associated with the traditional notion of workplace. What does 'worker' mean to the woman who is assessed, not according to her skill but rather, in terms of the colour of her skin, her looks, as a toy or a machine? And how do we, as women, distinguish our right to work from the economic dependency which is bound up both with our material conditions and mainstream cultural perceptions of womanhood?

These are some of the questions that come to mind and which, as a court of women we need to address. Nor can we promise redress unless we recognize our own biases and prejudices. For example, what do we do with our whole understanding of 'sex-worker'? For some of us, given the cultures from which we come, it seems alien to give acceptance to women who give sex for survival. But how is this work different from the story of the university scholar who must provide sex to the director of her institution in order to study; the nurse or factory worker who wishes to keep her job and so ignores or overlooks instances of sexual harassment; or the housewife who renders sexual service to the husband who beats her because she is economically dependent on him? In each case a mainstream

court of law would, in one way or the other, morally condemn the woman. A court of women seeks to pass judgment elsewhere – at the source of such abuse. It passes judgment on the conspiracy of men, clients, police officers, who take advantage of women's economic need, take bribes and create the demand for sexual services.

It is only when we are able to acknowledge our own prejudices that we can turn to the nation for redress

Session 1V

Violence Against Women and the Community and in the Family

1. Acid Burning: Some Facts and Figures. Ms Fakhrunisa Khokhar.¹³ Multan, Pakistan.
2. Personal Testimony: Acid Burning in the Marketplace. Tahira Rasool, Multan, Pakistan.
3. Personal Testimony: Acid Burning in the Home. Shahjehan, Multan, Pakistan.
4. Personal Testimony: A Father Speaks. Mr. Rasool, Multan, Pakistan.
5. Harassment of Community Workers. Angela Gomes, Banchte Shekha, Bangladesh.

¹³ Ms Fakhrunissa Khokhar, lawyer for Shahjehan and Tahira Rasool. Tahira's and Shahjehan's participation in the Tribunal was made possible by Ms Fakhrunissa Khokhar.

Acid Burning in Pakistan: Some Facts and Figures.

Ms. Fakhrunnisa, Lawyer.

In Pakistan, today, we live in a society that is devoid of all human values and are therefore facing the most ugly forms of violence. Rape, gang rape, death by stove burning and mutilation or death by acid burn are among the worst form of violence that a violent and brutalized society can indulge in.

All human beings are equal before God and have been endowed with the inalienable right to life and safety. The home is a sacred place, and when violence occurs in the home then it is the responsibility of the state to take preventative measures and to see that justice is done to the victim of this violence.

Acts of violence against women are acts of violence against the whole community and against society. These acts require deterrent punishments. There was a time when the use of acid as a means of violence was unknown. But now it is the cheapest weapon for inflicting the ugliest of wounds. If the state and our politicians had realized that violence against women is a serious crime, then perhaps the damage done to so many women – to Tahira, Farzana, Shazia and Shahjehan, could not have taken place.

Under Section 336 of the penal code the maximum punishment for the disfigurement of a woman's face is only ten years. Given the recurrent nature of the crime and the physical and psychological damage done to the woman this is not enough. As this crime is closely linked to womens' subordinate status in society and is an expression of the power society gives to men in this regard, a woman must be given the freedom to think, feel and speak as she wishes. Further, violence in the home is *not* a private matter. The life and safety of all citizens is the responsibility of the state and the state must take steps to see that this right is not violated.

Pakistan belongs to the community of Nations. It is a signatory to the UN Charter of Human Rights. The state must now ensure that women and men enjoy equal human rights. We have to see that the laws by which we live are in conformity with basic human rights.

I would like to take this opportunity to make some suggestions with regard to the use of acid as a means of violence:

- * There should be a restriction on the sale of corrosive substances.
- * Necessary amendments in the Criminal Procedure Code PPC Section 336 and 324 to award maximum punishment for life for the accused in acid burn cases.

- * The facilitation of medical treatment outside the country for acid burn survivors.
- * The provision of the means that would enable the normalization of life for acid burn survivors.
- * A sanction on "watta satta" or exchange marriages as these are most often the cause of the most heinous forms of violence against women.
- * Ensure equality and socio-economic safety for the women of Pakistan.
- * Ensure representation of women in all spheres of national life.
- * Bring about proposed amendments in family laws to give equal rights to women and men in "khulla"¹⁴ and divorce settlements.

Violence through Acid Burning, Pakistan

Tahira Rasul, Student, Multan.

I am a fourth year college student from Multan. I was burnt with acid by a man while returning home on the bus from college. I had earlier asked this man to refrain from 'teasing' and verbally abusing college girls. He took his revenge on me for daring to speak out against him, by throwing acid on my face. I have been to different hospitals, including Nishtar and Sheikh Zayed, and have had a number of operations but they haven't helped. I have had several grafts to heal the burns. I have lost vision in one eye in the process. At Sheikh Zayed hospital my wounds became septic because they were not dressed properly.

Ms. Fakhrunisa has been my lawyer and has helped me for the past few months. She has appealed on my behalf to the prime minister and president. She is also seeking legal aid. The criminal who threw acid on me and one of my friends has received 27 years imprisonment.

My father has also been very supportive throughout.

I want to become an advocate and help other women. I also appeal to the present government to help other burn victims.

Tahira's Father's Statement.

At first, when acid was thrown on my daughter, I was overcome with emotion. I was full of anger and despair and wanted to kill myself and the rest of my family. Then Ms. Fakhrunisa came to our aid. If it hadn't been for her support I would not have found the courage to fight this violence at the social level. Her support and encouragement have been monumental.

¹⁴ Khulla is the term used for divorce proceedings when initiated by the woman.

This is a male dominated society and the relationship between men and women has become violent. We weep when a daughter is born so much so that even women are happy when they give birth to sons. I believe that women play a vital role in society and I also know that they are not appreciated by men. I want to take this opportunity to express my great respect for women and to condemn all men who turn around and hurt them as they owe their very lives to women's care and nurturance.

Domestic Violence: acid burning and disfigurement. Pakistan.

Shah Jehan, Multan.¹⁵

Two years ago, my husband threw acid on me in Multan. He used to taunt me about my beauty and often threatened to kill me. He also used to taunt me about my praying – saying that I was trying to free myself from him and that he would put an end to my relationship with my God.

I received treatment in Multan and Lahore. Ms. Fakhrunisa helped me. My husband was arrested but only to be released after twenty days. He is a government lawyer and roams free today. The children have been taken away from me too.

I want justice. I have no parents and no family. My husband has remarried and refuses to let me see my children. I would like Benazir to send me abroad for treatment so that I can continue my life.

Violence in the Community in Bangladesh.

Angela Gomes, Banchte Shekha, Bangladesh.

I work with Banchte Shekha which is a non-political, non-profit, voluntary organization engaged in helping deprived and under privileged women to organize against poverty, illiteracy, disease, injustice, animality and cruelty. "Banchte Shekha" means 'learning to survive' and the main focus of its work is in rural Bangladesh where religious bigotry, superstition, illiteracy and prejudice, backed by vested interests, have led the simple village people to live a kind of sub-human life. Needless to say, women are the worst victims of this system.

I am an ordinary social development worker and have worked with "Banchte Shekha" for the past eighteen years. I am not a university scholar. My teachers are ordinary village women whose lives are burdened with the oppression that they suffer at the hands of their male partners.

¹⁵ Although Shahjehan's testimony comes within the ambit of domestic violence, her testimony followed Tahira's on her own suggestion.

My religion and my age have been among the major obstacles in my work. In order to win the support of the community, I have passed myself off as a married Muslim woman with children. I have identified myself as 'Anju' instead of Angela and have cited verses related to women's rights from the Quran. But I have always worked with my own religious faith. I have also stayed in the houses of the rich and religious people as well as in the homes of the poor and listened to the sad stories of helpless women. I have slept with them and played with their children. All these have been ways to support the ordinary people with whom I work.

Persecution by the Community and through Village Courts

In the early days of my work, unable to afford a rickshaw, I used to visit villages on a bicycle. I faced a lot of hostility, people threw human excrement at me, pelted me with stones and stuck obscene pictures on the walls. Later, as my work progressed, I was accused of misappropriating money intended for the women I was working with, of enticing them into prostitution and converting them to Christianity. In two instances cases were lodged against me by those hostile to my work .

In one village the case was lodged with the martial law court which referred it to the Social Welfare Department. A court was held and the chairman and members of the Union Council along with over a thousand people were present. I had to reply to a sixteen page charge sheet. At no point could they prove me guilty.

In the other village court I was accused of training poor village girls in music and dance for commercial purposes. It was said that I was compelling these girls to live with foreigners and high government officials. The interrogation, by the Upozilla¹⁶ Chairman, members and other elite went on from 2.00 p.m. to 10.00 p.m. Once again, I was proved innocent.

In this instance the upozilla chairman was convinced of the sincerity of my work. He praised my work in his address to the people and told my accusers to apologize to me for their false allegations against me otherwise he would lodge a counter case of defamation against them.

Violence and Intimidation at Radhanagor and Manikdaha Baors¹⁷.

We were not so lucky every time. We had decided to cultivate fish in the marshy areas that abound in Radhanagor and Manikdaha in the Bagharpara upozilla of Jessore district. We formed a committee with the elite of the locality and with about six hundred group members, cleared the marshes with great difficulty. Then

¹⁶ District

¹⁷ Deep well or pond.

we planted 10,000 fish spawn in the baors. But when the fish grew big the local people dissolved the committee and encouraged the people to fish in the baors. They also lodged a case against me, saying that I was earning a lot of money from these baors and cheating the poor people. As a result we had to give up the project and leave the place.

Closing Down of Bandobila Centre.

Another time, hostility to the literacy and income generation work with poor women by Banchte Shekha workers led to the closure of the Bandobila Centre.

The women of Bandobila Union used to read and do their sewing at the mini centre. They earned money and saved it with the local bank. Some people of the area were hostile to this project and threatened the women. A procession, headed by the younger brother of the upozilla chairman and the chairman himself compelled our members to withdraw their deposits from the bank and forced our field organizer to leave the place.

Building the Huda Rajapur Centre.

I had succeeded in winning the confidence of the people of Rajapur and had convinced them of the need to organize themselves. As a result, we began to have regular meetings. Lacking a place in which to meet, we would meet and work at different places – usually this would either be in somebody's house or under a tree.

Predictably, the local trouble-mongers created problems. They would not allow the destitute women to use the places where they had begun to meet. This created great inconvenience for the women and after many discussions, the group decided to build a house and dig a tank for the meetings and for income generation.

This was seen as a direct threat by vested interests who could not tolerate the idea that the poor women should own a building and a tank. There was violence and as a result a man had his hand cut off and was stabbed. I was abused, subjected to vulgar language and was accused of corrupting society as I was bringing Muslim women out of their homes and thus undermining their religion. I also received death threats.

This situation compelled me to go to the homes of the members and inform them of my decision to leave the area. But the members of the organization would not hear of it and assured me that they would continue with their work and the very next day five hundred women began to dig the tank. There were reprisals. The women were boycotted and the well-to-do people threatened that they would not give work to their husbands. But the women were undeterred and the training centre was constructed and the tank dug.

Today they are breeding fish in the tank, growing their own vegetables and producing handicrafts. Various trainings, meetings and seminars are also held there.

Shima's Story

Shima, who was about fourteen years old, did sewing at the Huda Rajapur Centre. Her father had owned a few bighas of land but she had been cheated out of her inheritance. One day a rich man's son took her out of the Centre and performed a fake marriage ceremony with her. He established conjugal relations with her but advised her to keep their 'marriage' a secret.

Shima became pregnant and asked her husband to make their relationship known to the community. At this he became furious and repudiated her. Then, along with some other boys, he insulted her publicly and declared her to be a Banchte Shekha prostitute. The boys hung a string of shoes around her neck and draped another around the Banchte Shekha sign board. Shima was made to stand under the sign board. I too got my share of abuse and was called the leader of prostitutes. Posters, denouncing me, were stuck to the trees and it was announced that I was enticing innocent Muslim women into prostitution and sending them abroad to foreign brothels.

Sexual Violence and Murder

One member of our group, a widow with a school going daughter, trained as a tailor. This skill enabled her to earn a living and to bear the expenses of her daughter's schooling. Her economic independence angered some people and they attempted to rape her daughter. In order to protect her daughter from these men, the woman sent the girl to her maternal uncle's house. This infuriated the 'mastans'¹⁸ who stabbed the woman to death.

The Story of Padma beel

We decided to breed fish in Padmabeel, which was on freehold government land. Funds for this project were collected through subscription. As always we met with opposition from among the community. I have been declared an agent of an anti-Islamic conspiracy; vested interests have banned my entry into villages; my work was misinterpreted and laughed at and I have received death threats.

They told these men to stop the women of their families from working with Banchte Shekha as I was a Christian woman who would mislead them and make

¹⁸ Hoodlums

them go against their religious code. They said that it was the responsibility of all Muslims, rich and poor, to prevent their women from going astray.

And so the women were forbidden to have anything to do with the project. The men convinced them that such earnings were forbidden to them by religion. In this way a religious sentiment was created against us. These men also convinced the poor people that the male members would cultivate the fish by raising funds through subscription and that the profits would be divided amongst them. But when the fish were ready for the market, the rich people gave no share of the profit to the poor and when they demanded their share, the husband's of two of our members were beaten to death in front of our production centre.

Statement by the Jury on Violence in the Community.

Jury Member, Sunila Abeyesekera, Sri Lanka.

The community is what provides the link between the state and the family. Today's testimonies showed us this link and presented us with the challenge of bridging the silence between the testimonies of the acid burn survivors and Angela's story of persecution by the community. These stories also reveal how the community acts as a means of control over the individual while the misogyny inherent in patriarchy manifests itself in the violence women suffer and in the expectations society has of them.

Women are expected to be beautiful and passive, and that same beauty is used as a means of destroying them when they refuse to remain silent. This is what happened to Tahira, when she spoke up against an act of sexual harassment. Her action was a threat to male self-esteem and security, just as Shahjehan's beauty and the time she spent in prayer was a threat to her husband's ego and to the power he exercised over her as man. While Angela's work which empowered women, made them economically independent and helped them to develop their skills, drew the anger of whole communities against her.

Women who challenge patriarchal expectations and norms are silenced through the use of force. They put their lives on the line when they break the rules patriarchy expects them to live by. They live with the threat of murder and disfigurement. They are abused verbally and called prostitutes or lesbians simply because they speak out against injustice and encourage others to do the same.

It is important that we continue to raise our voices against each act of violence against women but it is equally important that we should understand the reasons for this violence, trace it to its source and challenge the structures and concepts which enable it to take place. Unless we do this our work will be limited in its impact and outreach.

Session V:

Violence Against Women in the Family.

1. Personal Testimony: Murder for Property. Punjab, Pakistan.
2. Personal Testimony: Domestic Violence. Mussarat Jabeen, Punjab, Pakistan.
3. Personal Testimony: Incest, Rape and Forced Prostitution. Punjab, Pakistan.
4. Personal Testimony: Rape and Enforced Prostitution. Punjab, Pakistan
5. Personal Testimony: Wife Battering and Financial Harassment. Nasreen, Punjab, Pakistan.
6. Personal Testimony: Social Violence Against Women, Peshawar, Pakistan.
7. Personal Testimony: Forced Marriage. Farzana Yasmin, Dera Ismail Khan, Pakistan.
8. Anonymous Testimony: Child Sexual Abuse. Pakistan.

Murder for Property. Pakistan.

Name withheld on request.

I am an only daughter, married to my *mamoo's*¹⁹ son. He became a *ghar jawai*²⁰ and wanted all my property in his name. My parents refused and so he got my mother murdered and put the blame on my father. He told me that if I did not testify against my father he would kill me. I testified, and now my father is in jail. I want my father released and my husband arrested.

Domestic Violence and Rape. Pakistan

Mussarat Jabeen

I am a staff nurse at the Ganga Ram Hospital. Against my family's wishes I married a ward boy who worked there. My husband turned out to be a habitual gambler -- a suspicious, insecure man who constantly threatened me and gave me no respect. After the marriage he began beating me and compelling me to work more and more to pay his gambling debts. I ended up doing two jobs to make ends meet. Although, after some time, contact with my family was established, they refused to help, saying that I had made the choice to marry myself.

Only my younger sister came to live with us, to help me with the housework. My husband raped her, telling her that he wanted to marry her. Although she was willing to marry him, I didn't want her to do so and have her life ruined. He then began to threaten me. He said he would throw acid on me; burn me with kerosene; kill me and my children. I eventually left him and went to Dastak. I ask for protection for myself and for my children. My husband would regularly beat me, especially after losing a bet. I fear for my life and need someone, a women's shelter, to give me security.

Incest, Rape and Forced Prostitution. Pakistan.

Name withheld on request

I am from Sheikhpura, now living in Dastak with my daughters. My parents were poor. When they arranged my marriage my in-laws agreed to a nominal dowry, but my husband created a hue and cry because he wanted to marry into a rich home. He used to beat me. When we moved to Lahore he began to sell me to his relatives so that they could use me for sexual purposes. I begged him to take me back to my village. He was a drunkard and a drug addict and would sell all the

¹⁹ Uncle. Mother's brother.

²⁰ The reference is to a local practice where often, on the basis of mutual agreement, the son-in-law moves in with the woman's natal family instead of the other way around. This usually happens in economically secure families where the daughter may be an only and much loved child .

food and steal all the money I made through weaving and selling baskets. He has had me raped many times, and has been to jail for robbery and on drug charges. I have three daughters.

I finally came away to my parents but they sent me back to my husband. He would beat me and humiliate me, and would sell me for Rs 5 to other men. I pleaded with him to stop, I told him I was willing to live in poverty but could not bear the dishonour and violence of prostitution, but he kept on selling me to others. The man who mediated between my husband and myself also raped me. Once it was in front of my husband; I was raped on the roof of my house.

I want a divorce and want to work to support my daughters. I fear that if I go back to him he will sell my daughters to other men in the same way that I have been sold.

Rape and Enforced Prostitution. Pakistan.

Name withheld on request.

I was engaged during childhood to my first cousin. My mother died when I was very young. My father started drinking and prostituting girls along with my brother-in-law and uncle. My father kidnapped a girl and murdered her. He served some time in jail for this. He then helped my uncle to set up a bakery and that became their only source of income.

My father would hire me as a prostitute to get money for himself. I was even made to have sex at gun point with my brother-in-law and other men who paid my father. Eventually I ran away to Dastak. My father has registered a case against me and my fiancé. He wants me to return and I know he will abuse me more. My fiancé is in jail now and the case is continuing in Sialkot. I have to go to Sialkot every week or so for my case and I have very little money for this travel.

I want the government to decide my case and release my fiancé.

I don't want to marry him; I want him released because he is innocent.

I want to earn my own living and be independent.

I don't recognize my parents, uncle or brother-in-law as family.

I have no family left.

They turned me into a prostitute and sold me for sex.

I want to live a life of dignity.

My case has been continuing for two years and I want a decision to be made as soon as possible.

Domestic Violence, Pakistan.

Nasreen.

I am a poor and helpless woman. My husband was a rickshaw driver. He used to bring home other women. Once he brought home a ten year old girl and raped her. He kept another woman in Multan and often went there to meet her. Whenever I questioned him about his activities, he would beat me. Once he broke my arm and now it is difficult for me to do domestic work like washing clothes or anything heavy. So I can't even earn a living.

At one time I went to the local councillor for help. He asked that my husband should see him, but my husband would not go there. He would not give me money for the house and my children starved. I would pretend to cook food for them and they would go to sleep hungry – waiting for the food to get ready. Then my husband left me and there was a theft in our house. It was organized by my husband. We lost our possessions. My daughter, who is almost sixteen, tried to kill herself.

I came to Asma and Shahtaj²¹, they helped me – I can never thank them enough. But judges and courts are indifferent to such matters. They do not care. They would react differently if such things were to happen to their own daughters, in their own homes.

Social Violence Against Women, Peshawar, Pakistan.

Ismat Shahjehan.

I come from a tribal Pathan society. My birth was not an occasion of happiness for my family, in fact it was a time of shame for them. Simply, my being born was my crime. They told me that I was their izzat²² and that I would live in their house like a guest until the day when I would be given away as property.

I was told that my aim in life would be to learn how to take care of children, how to please a husband, tend to his honour, do housework. "Your work is to remain virtuous," they said. In this way they initiated me into becoming a woman.

I had a lower status than my brother in my house - every woman in my village lives like this. And if I did not assume my role with obedience, the threat of my father would be invoked, the threat of the village jirga would be used to scare me into place. But they did grant me the favour of an education. I came to the city and

²¹ Asma Jehangir, activist and human rights lawyer. Shahtaj Qizalbash, activist working at the AGHS Legal Aid Centre, Lahore.

²² Honour.

lived in a hostel, away from my family. I began to think about myself, about my existence. I realized I want a lot out of life. I realized I have nothing at all.

I want happiness, I want my own existence, I want the love of living. I want money. I want the right to myself...I began to realize how difficult it was to achieve all this.

This is a bound place. Here there are male gods, and I have one too. I cannot separate from him. I will have to serve out my marital rites. I will have to produce children that are legitimate before law. There are curfews on loving here. In return for more hard work there is less pay here. Here if you step out, rape awaits you. You are suspected of immorality. My party, my father and my mother, my teachers put locks on *pare*²³ ways of thinking; on questions. When I turn on the TV I see General Zia. Here my existence is deemed as half²⁴. And I know, as I fight, that my time; my mornings; my work; my ability to make decisions – these are not mine. I do not have any right to my abilities. And as I look around me, I see: my mother is the same as me, and she is not mine, all women are like me. And many men too are like me. They do not have right over their lives.

I met with one man. We both wanted the union of a human relationship, but such a union was not socially acceptable. He was a man, a brother, he was a father, but not a human being. I was a mother, a sister, a wife, but I was not an individual. We wanted to live together as human beings but the law of this country, its structures, would not grant us the permission to befriend and love each other. Laws were created by a failure of imagination - the fundamental concept of friendship does not exist. So this country's systems and structures, its society clenched us into a relationship called marriage. And I found I had to now do exactly as my mother does, live as she does:

- i) Doing house work: fourteen hours of work that have no recognition in the country's economy - a barred sanctum that gives two meals and a roof. And with the utterance of three words,²⁵ this sanctum can be snatched away, any time.
- ii) Provide comfort to my husband so that he may serve his superiors with sufficient obedience.
- iii) Produce obedient children and teach them obedience all over again.
- iv) Make this husband happy and go on keeping him happy.

²³ Alien ;foreign. Those outside the group or community.

²⁴ The reference is to General Zia's proposed Law of Evidence whereby a woman's evidence in a court of law is deemed to be half that of a man. This law transforms a woman into a legal minor.

²⁵ Traditionally, under Islamic law, a man can divorce his wife by thrice pronouncing the word 'talaq'.

Now I am even more terrified because my child innocently says:
"A fish's baby slipped in the water, and Abu²⁶ caught it, and Ami²⁷ cooked it, Oh what fun it was!"

Now I serve my husband and live in fear of the moment, any moment, when he might lose his human self and become a man, and we may spiral away and shut ourselves into boxes of manhood and womanhood. This entire society is bent upon making a man and a woman out of us. Now my child goes to school and I live as society wants me to. It controls me completely. I am to adhere to its values; forced to play the role it has given me to play. More than half of me belongs to others.

Everything – values, customs, norms – is bent upon depriving us of our individuality and humanity.

Questions are emerging before me. Who is benefiting from all this? Only men? And if so, why? What do poor men gain from marriage? They do not even have the resources to become fathers, and they need money to procure a wife²⁸. And I know that if a poor woman takes a job, her husband suspects her and her father and brothers beat her. At least a wealthy woman has money, and if she is lucky, she has more space and she keeps obedient servants. But a poor man cannot do any of this. Poor people do not even have the resources to commit a sin or a crime. But violence is for them, all traditions and conventions are for them, all restrictions are for them. Under such conditions, what good is my marriage? Why do I have a child? What is the purpose of all this if I lose myself in the process.

We are all victims of violence at some level or the other. There is inequality between men and women, between classes, between the rich and the poor and between rich and poor nations. We must speak out against our oppression.

Forced Marriage and Family Violence, Pakistan.

Farzana Yasmin.

I want to thank Simorgh and AWHRC for giving me this opportunity to speak out. I come from Dera Ismail Khan. My parents fought all the time and I had to face a lot of conflict at home. I was fond of poetry but my interest was subdued due to family problems.

My uncle sent a proposal of marriage for me for his son. But he was already married and used to beat his wife. I refused and told my mother that I was not ready for marriage. But my father could not say 'no' to his brother and one day my

²⁶ Diminutive for abba or father.

²⁷ Mother.

²⁸ This is a reference to the custom of 'wulver' or bride price prevalent in the Frontier and Baluchistan.

mother informed me that my engagement ceremony would take place that evening. I was emotionally blackmailed into agreeing to the engagement.

But I was unhappy and fled to Miss Hina²⁹, in Lahore, and asked for aid. My parents were angry and upset. Then my fiancé's older brother came to Lahore and promised to help me out of the engagement if I went to his house. I respected and trusted him and agreed to do as he said. But when I went there, I was asked again to marry the same man. I was told that this was necessary as my marriage had become a question of the 'honour' of their family and I was forced into a 'nikah'³⁰. Once again I gave in to emotional blackmail. I then asked to be allowed to return to my parent's house so that I could officially leave for my marital home from there.

I came home and told my parents what had happened. After much debate, my father and I returned to Miss Hina and I managed to get a divorce.

After all that I have gone through, I too want to become a lawyer so that I too can help other women.

Child Sexual Abuse, Pakistan.

Anonymous testimony presented by Anusheh Hussain.

When I was a child I was sexually abused by four men and one woman. Two of my abusers are still in contact with me and one of them still harasses me. These two men are family members. Of the other three, one was a construction worker, one a male servant and the third a maid servant. I have no contact with the latter three.

The first time abuse took place I was three years old. We were staying at my uncle's house and he was my first abuser. He would orally rape me. For how long, I do not know. It went on for may be a few weeks or a few months. It ended when we left his house and returned to my parent's place. He is still around and visits us often. I try to avoid him because he is still sexually harassing me. But in our society one can't cut away from close family, especially if no one in the family knows about the abuse.

When I was about five, I met my next two abusers. One was a male servant. He used to get sweets for me and swore me to secrecy by threatening me emotionally. It started by his exposing himself and led to rape. This cycle of abuse lasted over six months, until I fell seriously ill and had to be hospitalized. I never spoke about it and no one said anything. The day I was taken to hospital, he was fired.

²⁹ Hina Jilani; activist and human rights lawyer.

³⁰ Nikah: Muslim marriage contract.

While the servant was abusing me, there was a construction worker, working at our house, who also began to sexually abuse me. He too raped me and no one knew. I was too scared and ashamed to say anything. The funny thing is that all the abuse took place, not only in my own home, but in broad daylight. Usually in the afternoons when everyone was asleep. There were no dark roads and no physical violence with guns and knives. Only sweet, cajoling words and promises of friendship to a little girl.

A few years later, between the age of nine and eleven, I met two more child abusers. One was my cousin, a few years older than me, and the other was a maid servant. My cousin raped me and molested me for months – all in the same house where I have lived all my life. Again, the time for abuse was afternoons and I suspect my family members knew about it. But no one, including myself, said anything.

The maid servant was an exception twice over. She was female and the abuse took place at night, in my own bed. No one ever found out about it. I never spoke about the abuse. While it was happening, the trauma was so great that I learnt to leave my body. Block out all sensation. No adult had ever spoken to me about abuse. I had no vocabulary to name or define it. It felt wrong, but the only adults who talked about it were my abusers – and they told me it was right and for my own good. They also taught me that secrecy was necessary or else someone would get hurt – either them or me. To live any kind of a life I had to block it out, forget.

Even though I had repressed the memory of sexual abuse, it took its toll, first of the child and then the teenager. I was always a loner, preferring to play alone in a corner. Very early on I became obsessed with being the “perfect-good-little-girl”. Very polite, considerate and shy. I hated being touched by anyone. At five, I was repelled by hugs, even from my parents. By seven, I was a workaholic! The minute I came home from school, I would start studying. I never really played games.

By the time I reached high school, I had absolutely no memory of childhood. Memory began at eleven and a half. I was a good, quiet student and very responsible. Every day, locked in the bathroom, I wept for hours. Every day, I would cut myself or hurt my body in new ways. The pain was immense, but the reason for my pain, I had forgotten. Friends were few and I spent all my time alone. Then I left Pakistan to study. The first year there was a manic year. Either I was extremely active, hyper and bursting with joy or, I was ready to kill myself. And then I remembered. I remembered sexual abuse. I remembered something had gone wrong. With the word ‘abuse’ hanging round my neck, I checked myself into the college infirmary. They helped me to find a counselor and I started my weekly sessions.

Slowly, painfully, with the non-judgmental help of a professional psychologist, I remembered and relived the years of sexual abuse. And at the same time, led a normal student's life. A year into therapy, I was returning home for holidays. Up until then I had told about my past to only non-Pakistani friends.

I was scared of breach of confidence. The story would get around; my family would find out; society would blame me; people would look on me with disgust, my parents would be angry. Basically, I feared that if any one found out, I would be seen as a 'fallen woman'.

But coming home, to the place of abuse, and knowing that I would meet my abusers again, was too much to keep to myself. I told a very trusted friend who was also a cousin and who, I knew, would be there to support me.

You see, once the silence of abuse is broken, it is very difficult to remain absolutely silent. I *had* to speak. I *had* to know that someone knew.

The response I got was very supportive. She was empathetic and sensitive to my sudden mood changes. She gave me the space to talk openly about my feelings and let me know I was not insane or alone in my own home. She validated my experience and my feelings. For three years I was in individual therapy and attended a group for survivors of sexual abuse. Away from home, I broke my silence again and again and each time found more strength. I wrote my story for the college newspaper. I wrote my abusers' name on sidewalks. I read books on child sexual abuse. And I spoke about abuse to hundreds of students at workshops and seminars.

Being able to say it out loud and own it, killed the monster sexual abuse had been for me for eighteen years.

Since I have been back I have told my story to a few friends. It was done with great caution and after a lot of pain. Here it is a taboo subject. We cannot talk about it openly. Even if we talk from a non-personal position, people begin to wonder why we know so much. The daily language carries messages for the survivor telling her or him repeatedly "It is your fault." The simplest and clearest messages that I hear are :

"If you have been raped, you are *not* a virgin."

"If you are not a virgin, you will *never* get married".

"By getting raped, *you* have brought dishonour to the family."

"Because of *you*, the family must suffer society's judgment."

And what is society's judgment?

"*You* asked for it!"

With these messages how can I talk about myself honestly and openly?

How *can* I?

The abuse stays.

It's memory stays with me every day.

This society provides no help for survivors of sexual abuse. It does not enable them to speak up and share their stories.

The silence *does* return.

Slowly, it returns, and with it returns the monster of sexual abuse.

Today, though I have friends who support me, I still fall badly. There is shame and guilt, self-hatred and addictions. There are days of silenced anger and a just sadness.

All I can say is that sexual abuse is a story most of us are familiar with. But as a child I was taught the story from the 'villain's perspective'. As an adult survivor, I am still taught the same story, but now I am the 'bad guy'.

Statement by the Jury on Violence Against Women in the Family

Jury Member, Mumtaz Begum, Lahore.

We have just heard cases of domestic violence, and each testimony, horrifying and painful, makes us realize that the family, which is the place of protection for woman, is the place where violence begins. Violence begins from the time of the girl's birth. She is greeted with mourning as opposed to the birth of a boy when the family and the community celebrate.

Violence begins in the family, at the moment of birth, and is found at every level. The girl is crushed. She has low access to food; better food is reserved for the boy who is the bread winner. This practice is justified with the words that food will only make the girl grow up faster and make her ready for marriage. It is violence when the girl is denied education because we are told that the girl doesn't need it.

A girl grows up in violence; silenced and afraid. What we have heard today has shaken us and we have not the words to speak further. Where can we find the words to speak about the rape of a three year old? Whom do we blame? Society? Culture? The institutions of property and the laws that deal with ownership? Marriage, and the terms on which this relationship is based? It makes us question the credibility of the believers in Islam. Is this what Islam is about? We are told that Islam gives honour to women, but we know she is treated as a second class citizen who is always vulnerable to violence. At every step the woman is helpless and afraid. Should we now learn to be ashamed of the fact that we are Muslims?

We have heard of the prostitution of women and the rape of children at the hands of family members. We have listened to the testimonies of battered wives and about murder committed for property. We have also heard about sexual

harassment in the Pakistan Embassy in Bangkok and we are angry and ashamed at what we have heard. Angry because we are women and ashamed because we belong to societies which allow such crimes to take place. It is now time to give a voice to our shame and anger and to speak out against the violence which destroys womens' lives.

4th - 5th January, 1994

Closed Discussions

Three days had been set aside for closed discussions. The first two days would focus on planning for future action on violence against women both nationally and regionally and the third day would be given over to planning for Beijing. In general we stayed within this arrangement, but the mood that had been generated during the public forum created its own modalities.

Working within the premise that the personal is the political, the first day began with introductions. The emphasis being on the participants involvement with the women's movement in general and more specifically with the issue of violence. And this is where the careful arrangements of the organizers, beginning with the one hour set aside for introductions, gave way before the pattern that emerged from these narratives.

In speaking about ourselves we discovered that most of us had experienced and survived one of the many forms of violence to which women are subjected within patriarchy. The pattern of the public forum was relived in greater and more intimate detail. When we had planned this tribunal we had done so on the premise that violence is the cornerstone of all patriarchal social formations, regardless of historical and cultural differences. It had in fact been our aim to show that when state and cultural institutions bring violence against women into the purview of crime in general they operate within the false dichotomy of the private and public spheres; that legal, cultural and religious discourses collude with mediatic representations of these acts of violence to trivialize or ignore the enormity of these acts, and that in the ultimate analysis, they end by placing responsibility for them on the women who are the victims of violence.

During this session we discovered collectively at a personal and non-academic level, something most of us had perhaps always known, that the trauma of violence, often unacknowledged and, for many of us, articulated in a wider forum for perhaps the first time, had left its impression on our minds, our emotions and our lives. Ranging from the apparently insignificant minutiae of daily life within the family and the community and moving on to violence in the work place and by the institutions of the state, our stories made us realize that in this instance at least, how closely and in what hidden and subterranean ways feminist theory and experience come together and corroborate each other. This was a deeply moving experience. It was also an instance of bonding based on trust and shared knowledge. Because of an overflow of experiences, the sessions lasted till dinner-time. After dinner, the Simorgh film on stove deaths, *Neither Coal Nor Ashes* was shown followed by a session of music and art therapy facilitated by Anjana Raza.

This was a calming session after the emotionally draining day. The Resolutions regarding violence grew out of this day's deliberations.

Twelfth February : Asian Women's Day of Protest

The group also declared 12th February, the Pakistan Women's Day of Protest as the Asian Women's Day of Protest. This was the day when, in 1983, the women of Lahore protested against the retrogressive Law of Evidence that had been proposed by Zia-ul-Haque's military regime. By coming out on the streets in Lahore, where they were violently baton charged by the police, they became the first to challenge the military government and raise their voices for women's rights and democracy at a time when all political parties, both of the right and the left, were silent.

Conclusion

There was unanimity in the feeling among participants from the region that this had been to date one of the most successful tribunals . However, organizationally there were certain weak areas. For one thing the dates of the tribunal, which coincided with the winter vacation, resulted in low participation in the public forum from the student community. This was seen as a serious lack. It made us aware of the fact that at the organizational level greater deliberation on all details is necessary if the impact of our work for women's rights as human rights is to be maximized. This meeting, which had brought together women from across the region, also brought with it an affirmation of our common cause as women living in patriarchal cultures and societies despite the heterogeneity of ethnicity and class and geopolitical and linguistic differences.

Statements From The Tribunal On Violence Against Women

In The Court Of Women

The Lahore Declaration on Violence Against Women 1993 - 94

We are twenty five women from the Asian region: from Afghanistan, Bangladesh, Hong Kong, India, Indonesia, Pakistan, Philippines, South Korea, Sri Lanka and Thailand, who gathered in Lahore from December 29, 1993 to January 6, 1994, to meet as a 'Court of Women' and consider the issue of violence against women in the context of the global campaign for women's human rights.

We feel it is important to place our consideration of the issue of violence against women within the frame work of the social relations of patriarchy so that we can look at violence against women as a complex social phenomenon that affects not only women but every individual in society.

In our understanding, violence against women is not only those acts of violence committed against individual women, such as rape and sexual harassment, wife beating and widow burning. The imposition of legal sanctions and policies that limit women's reproductive rights are part of an over-all violence against women as are instances stemming from social attitudes which relegate women to a second class status in society and deny them their right to education and health care. We also consider civil war and internal conflict in our societies as part of a process of militarisation which creates situations of extreme violence and danger for women. Women are among the groups most vulnerable to politically motivated violence, while new economic policies, such as structural adjustments policies, imposed in our countries by international monetary agencies and the strategies of so-called development that only heighten the inequalities and injustices in our societies, are also instrumental in creating situations of deprivation in which women are once again the most affected.

Thus we would like to extend the parameters of our discussion on violence against women to include all forms of violence in our societies which have a direct or indirect impact on women as women, women as mothers who bear the primary responsibility for children and families, women as citizens and in particular girl children who suffer gross and blatant violations of their rights because they live in violent societies and violent communities.

The patriarchal system, which is a system of control based on the principle of male domination and female subordination, is rooted in every socio-economic formation and is implicit in the structure of class, gender, religious, ethnic and every other division in modern human society. Patriarchy is at the root of the sexual division of labour and of all forms of discriminatory practices against women that lead to their exploitation and oppression. It also socializes us to accept social hierarchies and other structures of power and control in society without ever daring to question them. Violence and the use of coercion are an inevitable part of any patriarchal system.

As Asian women, living and working in very specific social, political, economic and cultural contexts, we seek to link our struggle against violence against women with the broader social struggle for democracy and human rights. We believe that challenging the structures of patriarchy and violence in society means challenging existing norms of economic political power and control. As women, we link our demand to end violence against women to the demand to end all forms of violence against poor and oppressed communities. We link our demand to the right of self determination of women to the demand for democratic rights and human dignity. We affirm our right to live as full and equal partners in a society that is based on principles of human freedom and call on all those who envision a new society to take up our call for an end to violence against women in society.

In the Tribunal, which we called In the Court of Women, women from many Asian countries spoke of their personal experiences of violence. They bore witness to crimes of which they themselves had been victims: crimes of child sexual abuse, of harassment and exploitation at the workplace, of rape and forced prostitution, of wife battering and acid burning, of the deliberate disfigurement and murder of women. The testimonies covered the range of violence against women at the level of the family, the domestic sphere, the community, society and the state.

Resolutions from the Tribunal on Violence Against Women

We, the participants on the Tribunal on Violence Against Women, found that the injustice and discrimination against women occurs in the Asian region, not only in the form of rape, sexual harassment, wife battery, acid burning, mutilation or death by stove burning, but also the different forms of violence of which women are the specific targets, simply because they are women, during civil war and internal strife. Women bore witness to the fact that not only are situations of extreme violence created for women but that women as a group, are most vulnerable to politically motivated violence. Judging by the testimonies given by women from many countries of Asia, we learned that the governments of all Asian countries have failed to protect the human rights of women and found that most of the

countries spend their budgets on defense and a negligible amount on women and the social sector.

1. Basing our position on the principle that no crime should go unacknowledged, we demand an apology from the Government of Pakistan for the rape of Bangladeshi women committed by the Pakistan army during the 1971 war .

We also demand compensation and an apology from the Government of Japan for the surviving Asian Comfort Women who were forced into sexual slavery during World War II. These women came from Korea, China, Thailand, the Philippines, Indonesia and Taiwan.

2. We condemn the rape, kidnapping and battering of Kashmiri, Afghan and Sri Lankan women that is taking place under the umbrella of war and /or conflict situations in those areas. We also demand that the UN Rapporteur should investigate these cases and serious efforts be made to end the war in these areas.
3. We demand that all forms of oppressive laws like Emergencies and the Prevention of Terrorism and the National Security Act in the Asian regions be abolished.
4. We demand the repeal of all laws, such as the Hadood Ordinances and the Blasphemy Law that discriminate against women, minorities and other citizens of the state on the basis of religious, gender, caste, class and ethnic difference.
5. We condemn the sexual harassment of our Thai sister, who participated in this tribunal, by a staff member of the Pakistan High Commission in Bangkok in December 1993 and demand that it be investigated and appropriate action be taken against the guilty person.
6. We demand that the Government of Bangladesh give protection to Tasleema Nasreen who is being persecuted by religious fanatics, and that her right of freedom of expression is not violated.
7. We uphold the rights of all political prisoners in the Asian region and demand that the Government of Burma should free Aung San Su Kyi.
8. We demand the governments of the Asian region protect the rights of children and provide shelter and counseling services for women and children who have been the victims of sexual abuse and violence.

9. We demand that all the governments in the Asian region protect the rights of female migrant workers and the rights of all women who work as domestic labour.
10. We demand that concerned governments give compensation to the survivors of acid burn and stove burn victims and also pay for their treatment.

Asian Plan of Action on Violence Against Women Strategies and Demands

1. Reparation be demanded for women victims of war in Afghanistan, Kashmir, Sri Lanka and for those who belong to areas with a past history and/or existing situations of armed conflict.

Reparation should be made to victims of military sexual slavery viz. Asian Comfort Women for the crimes committed against them through monetary compensation, apologies, the provision of health and housing facilities etc. The history of war crimes against women should be included in school texts in Japan, the Philippines, Pakistan, India and other concerned countries in the Asian region, where such crimes have taken place, along with public acknowledgment and apologies for these crimes.

2. Demand uniform civil codes based on human rights and equality between sexes.
3. Demand that a record be made of the history of crimes against women at all levels and in all situations so that the silence that surrounds the issue of violence against women is broken and the world is compelled to acknowledge the fact that crimes are committed against women in all spheres of life.

Challenging Patriarchal Precedents

Family, Culture, Society

As violence against women is endemic to patriarchal structures, there is an urgent need to challenge and transform cultural attitudes and norms with regard to gender relations. This can be done through a wide ranging feminist agenda.

- 1 Transform discriminatory cultural attitudes through consciousness raising activities viz. workshops, theatre and interventions/inputs in mainstream media, school texts etc.
- 2 Break/challenge patriarchal patterns of power by initiating a feminist process through group work at small community based levels.
- 3 Strengthen and empower women through workshops/group discussions on self-esteem self-growth and on critiquing patriarchal patterns of powers, the internalization of patriarchal precedents by women themselves resulting in violence by women against women, to find our own answers/alternatives.
- 4 Providing feminist counseling at the community level for individuals and families.
- 5 Setting up shelters, crisis centres and rehabilitation centres for women who have faced violence at the individual, family or state level.
- 6 Break the silence on child abuse and sexual violence through education and counseling services.
- 7 Create support linkages between women's organizations. Network to break the silence that surrounds crimes committed against women at all levels.
- 8 Initiate analyses of pornography in order to give visibility to the links between pornography and violence against women.

1st January, 1994
Press Conference

A press conference had been arranged for the participants during the afternoon of 1st January. This however, proved to be disappointing as it was thinly represented despite all efforts. The main reason for this lack of interest was other press conferences called at the same time by Abida Hussain of the Pakistan Muslim League (N) and the Pakistan Federation of Trade Unions. While this may be read as symptomatic of women's status in our society where issues concerning women have a low priority, it was also a reminder to the organizers that the press need to be pursued, often more than once if their attendance at any function is to be ensured.

2nd January, 1994
Networking and Fact Finding Visits

The 2nd of January had been programmed for networking and fact-finding visits by the participants. The day was divided into three sections. The morning was set aside for visits to Dastak, a shelter for battered women. Established by Hina Jilani and Asma Jehangir as part of their legal aid programme, Dastak houses women who have come for legal aid to AGHS. Most of the women who come to Dastak belong to low income groups although some middle class women can also be found there. The centre provides free board and lodging for these women, is run on humane lines and differs from the government and other privately run Dar-ul-Amans in that the women are free to come and go within fixed hours. Many of the witnesses who gave testimonies at the tribunal came from Dastak.

Later some of the participants met with trade union women from the Working Women's Organization (WWO). These visits were voluntary and the participants were free to decide where they wanted to go. As Nelia Sancho, Regional Coordinator for the AWHRC is also involved with Defense of Children International, she along with some others spent time with local organizations involved in the issue of child labour and bonded labour.

In order to ensure that the participants could meet as many women from the women's ngos and those involved with the movement, the afternoon had been set aside for Women's Action Forum (WAF). It was felt that as most women both in the women's ngos and other organizations are members of WAF, this would also be an effective way of meeting them.

In the evening the participants were taken to the Goethe Institute where Lok Rehas, an alternative theatre group presented a play for them. This was followed by an animated discussion. This was perhaps, the most successful part of the day.

On the 5th of January Ajoka, another alternative theatre group staged a special performance for the participants at the Kinnaird College Hall.

The Quilt

Anjana Raza's idea for the Quilt project, in which women's experience of violence would find an outlet in women's creativity, was shared and accepted as part of the regional activity for Beijing. This project which is based on a series of workshops or meetings with women from different social strata, but with a focus on grass roots women is being implemented in a number of countries including Pakistan. As in the tribunal where women shared their experiences of the violence that they experience in the course of their daily lives, these workshops are based on women's perceptions and stories of what they recognise as violence. Experiences which they then proceed to express in the 'patchwork' that makes the 'quilt'.

The project was also introduced to participants at the Tokyo Tribunal that was held in March 1994 and at the Jakarta Meeting in June 1994. We have so far received information that similar projects have been started in Bangladesh, Sri Lanka and India. The group in India is also collecting material for a book on oral history based on 'stories' about quilt making. Simorgh has also published a booklet based on the stories told during the workshops but narrated by Anjana as part of her own experience of these meetings.

Annex B

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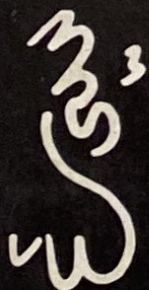
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