Pakistan Context

Violence Against Women (VAW) remains widespread in Pakistan. Like the other countries under study, this situation is underpinned by patriarchal cultural beliefs and institutions, and by inactive state machinery. Unlike Nepal and Myanmar, however, Pakistan's legislation and criminal justice system are deeply discriminatory, and as such the structural problems contributing to VAW run deepest here. The relatively recent return of democracy to Pakistan raised hopes that the state would become more proactive in its efforts to empower women. To date, however, progress on relevant law and attention to problematic normative practices and beliefs has been limited.[1]

I. THE SOCIETAL LEVEL

The Law

Pakistani women's rights were subject to extreme limitations in 1979, when the government (led by General Zia-ul-Haq) suspended all rights guaranteed by the Constitution, including the right to freedom from sex-based discrimination. A parallel religious legal structure was introduced to operate alongside the existing penal code. This included the Hudood Ordinances and the Quanun-e-Shahadat (Law of Evidence) Order, which reduced the value of women's testimony in some contexts to half that of male counterparts. **Despite its democratic transition, Pakistan has yet to refashion the law sufficiently to protect women's human rights.**

Rape

➢ **'Forbidden' sexual activities, including extramarital sex (*zina*) and rape (*zina bil jabr*), became religious offenses**. They were therefore detached from the ordinary legal system and covered instead by the Offence of Zina Ordinance (one of the Hudood Ordinances). As such, they became subject to different evidentiary and punishment regulations under the jurisdiction of Islamic higher courts. The only way to prove that a rape had been committed was through the testimony of four adult male witnesses to the act of penetration or a confession from the rapist. Without this, the courts often saw women's accusations of rape as an attempt to conceal prohibited sexual activity; in the 1980s, therefore, the government prosecuted hundreds of women for 'fornication,' while the accused rapist was usually acquitted (HRW 2006). Moreover, thousands of women were also imprisoned under the Zina Ordinance for marrying against their families' wishes, seeking divorce or escaping domestic abuse (ICG 2015). By 1988, almost half of all women in Pakistani prisons were accused of *zina* (ICG 2015).

➢ Since the Protection of Women Act (2006) rape has officially been made a secular offense, and it has been separated from extramarital sex to make it harder to accuse a raped woman of adultery (which is still illegal). However, **rape continues to be subject to different punishment and evidentiary standards** (e.g. a woman's testimony still carries only half the weight of a man's (Oxfam 2013)), and the state has been lax in terms of its enforcement of the Protection of Women Act's provisions (USDS 2014). It is certainly notable that, according to data provided by Pakistan's Ministry of Interior to the US Senate, there were no rape convictions in the Capital District Authority (Islamabad) in the five years preceding 2013 (USDS

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[1] In fact, military leaders have, in some respects, been more progressive and proactive on the issue of women and their empowerment than conventional democratic governments.

2014; Wasim 2013). One gender expert has recently been quoted as follows:

> 'While researching on knowledge, attitudes and practices on rape, I was shocked to hear a [lower court] judge in Punjab say that if it was a gang rape, it could be considered *zina-bil-jaber* (rape). But of there was only one aggressor, then it was *zina* (consensual extramarital sex)' (ICG Crisis Group Interview, Islamabad 2015; cf. ICG 2015).

➢ Recently, moreover, in certain areas there have been vocal religious objections to the Protection of Women Act (2006), and it is possible that a reinstatement of the Hudood Ordinances' provisions could reverse the (small) inroads made so far (IRBC 2011; ICG 2015).

➢ While the justice system is clearly subject to gender bias, problematic **extrajudicial resolutions are also reported to be common**. Such 'resolutions' (enacted by local councils etc.) often compel rape victims to marry their attackers (USDS 2014).

➢ The CEDAW committee has also noted the **high prevalence of spousal rape** as a matter of concern (it is not a crime), and has emphasised the need for improvements in the treatment of abuse victims, including increasing women's shelter numbers etc. (CEDAW 2013).

Murder

➢ In the 1990s, the Ordinance of *Qisas* (retribution) and *Diyat* (blood money) was introduced to govern compensation and punishment in crimes involving physical injury. The Qisas-Diayat system was not intended specifically to manage rape cases, and is in fact considered by many to be a protective and socially restorative mechanism. Nevertheless, the system's invocation has allowed heirs of murder victims to pardon their relatives' killers in return for financial compensation. In practice, international reports highlight that this **enables honour killings under the law**, since honour killings usually take place within the family (CEDAW 2013; ICG 2015). The sentence for murder was also lowered for cases in which the victim's heir is a direct descendant of the accused (Oxfam 2013). This means that a husband who kills his wife is not subject to maximum punishment if they have children. This Ordinance was incorporated into Pakistan's Penal Code in 1997 and remains in place.

Domestic violence

'Effective state protection is, in general, unlikely to be available for women fearing gender based violence' (UK Home Office 2014: 8).

➢ **According to Pakistan's latest Demographic and Health Survey, 39% of married women between 15 and 49 have experienced domestic violence. However, Human Rights Watch (1999) states that reliable estimates actually range from 70% to upwards of 90%.** According to the Human Rights Commission of Pakistan, in 2014 232 women were burned or had acid thrown on them, 461 were killed by their husbands, and 859 committed suicide, often because of domestic abuse. There were also 898 honour killings (ICG 2015). Aurat Foundation Statistics for 2013 were somewhat lower for some of the aforementioned categories (e.g. 43 victims of acid attacks, 42 victims of burning), but they reported 7,852 cases of violence against women in that year, with 1,452 women killed and 2,026 abducted (cited in USDS 2014). US government research (USDS 2014) reports that manifestations of domestic violence in Pakistan include various forms of physical disfigurement including shaving women's heads and eyebrows and cutting off their noses and ears. The torturing of women, setting them on fire

and attacking them with acid are also among the more common manifestations of VAW, although culturally-specific forms of VAW do not necessarily occur in the same ways and for the same reasons across Pakistan. Further to this, however, it is also important to note that available figures are thought to be artificially low. This is due to the significant underreporting of VAW, which is in itself reflective of the challenges facing those who seek to report and/or seek support for these matters.

➢ **There is no national law specifically designed to address domestic violence or gender-based violence** (CEDAW 2013). The National Assembly passed a Bill criminalising domestic violence in 2009, but it met substantial objections and ultimately failed to pass the Senate (OECD 2014):

> 'Legislation regarding domestic violence was not passed
> by law-makers because many male members privately
> believed – and even publicly stated – that they had the right
> to punish and chastise the women in their households' (Oxfam 2013b: 24).

➢ Since then **regional laws have been made to address the issue in some areas**, including Balochistan's Domestic Violence Bill (2014) and similar legislation passed in Sindh in 2013. According to Shirkat Gah, a prominent Pakistani NGO, civil society in Punjab (the province with the highest reported VAW rates) is now calling for the introduction of similar law.[2] However, the CEDAW committee (2013) has voiced concern about recent the decentralisation of power from the national government to the provincial authorities in relation to all 'policies aimed at the advancement of women', stating that this presents extra obstacles to ensuring the implementation of CEDAW's priorities. This may be an interesting point to pursue in research: to ascertain whether, in fact, certain forms of democratic governance only have the power to positively affect women if they are enacted by particular types of individuals, and in specific kinds of settings. In other words, there is a need to question whether so-called 'bottom-up' local power sharing is necessarily as positive an approach as it is often believed to be.

➢ Most international government and NGO research (e.g. ICG 2015, OECD 2014, USDS 2014, USAID 2013) underscores the fact that **the police are poorly-equipped and frequently unwilling to address accusations of domestic violence** (see also NCSW 2010). There are numerous reports of police refusing to lodge complaints and even physically and sexually assaulting complainants, and of authorities forcibly returning victims to their abusive family members (ICG 2015; USDS 2014). The Islamabad Capital Territory Police has openly acknowledged this issue (IRBC 2013).

➢ Efforts have been made to increase the numbers of female police officers, but they have been known to commit abuses too (ICG 2015). Police stations staffed solely by women have been introduced, but a representative of the Human Rights Commission of Pakistan is quoted as saying they are 'not very effective' (IRBC 2013: 5). A police officer in one such police station in Karachi goes some way towards vindicating this view, explaining why she and her colleagues rarely file incident reports:

> '…we mostly get domestic violence complaints and if we listen to the wife and
> take to task the husband, the only people who really suffer are the children. So
> we try to hammer some sense into their heads before taking any harsh step'
> (quoted in IRBC 2013: 5).

This certainly emphasises the lack of effectiveness of these institutional changes. However, this may

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[2] See http://shirkatgah.org/sexual-harassment-and-gender-based-violence-in-pakistan/

be blamed - to some extent at least – on the absence of other viable, socially acceptable solutions to domestic abuse and assault. Police women may simply be responding to the very real, pragmatic and social constraints and punishments women face for leaving their husbands.

Workplace harassment

➢ **Two laws relating to sexual harassment were introduced in 2010**, with punishments of up to three years imprisonment or a fine of Rs. 500,000 (OECD 2014). Parliament passed the Protection against Harassment of Women at Workplace Act, with complaint mechanism, inquiry procedure and penalties to improve women's working conditions and to increase their workforce participation (ICG 2015). The Criminal Law (amendment) Act also added sexual harassment to the Penal Code. 'Harassment' is defined here as 'any unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment' (Saeed 2013; Shirkat Gah 2014: n.p.).

➢ As noted for domestic violence above, however, the devolution of power over 'women's affairs' to Pakistan's provincial authorities has resulted in a general **ambivalence towards workplace harassment** (see also Shah 2015). While Sindh and Punjab provinces and administrative district Gilgit-Baltistan have appointed ombudspersons to address it, Balochistan and KPK have not (ICG 2015; USDS 2014). Rukhsana Shah, a former federal secretary in the Ministry of Women Development, Social Welfare and Special Education (now dissolved and its powers devolved) warns of a 'shameful slide of half of [Pakistan's] population into the dark ages' following this provincial takeover of women's issues (Shah 2015: 6). Oxfam (2013: 16) suggest that 'decentralization brings power closer to grassroots women', but accepts that it can also reinforce traditional power relations.

➢ Sexual harassment at work is reported to be a prevalent problem throughout Pakistan, although reports suggest that it affects domestic workers and nurses most frequently (Express Tribune 2010; USDS 2014). The CEDAW Committee (2013) has also expressed concern about the fact that **women in the informal sector (agriculture, domestic and home-based work) are not recognised in the existing labour legislation** and are therefore left unprotected. For the most part, they also lack recourse to social security and benefits.[3]

Politics

➢ **Pakistan ratified CEDAW in 1996**, but with the declaration that "The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan." The CEDAW Committee (2013) urged the current government to rescind this declaration, but the Federal Ministries did not support its withdrawal.[4]

➢ **Although they have equal voting rights, Pakistani women are poorly represented in formal**

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[3] Zakat, Baitulma, and the Benazir Income Support Program (BISP) are examples of social security/benefits programs available to poorer women. However, international reports do not believe these to be sufficient to meet their needs.

[4] Similar declarations have been made by numerous countries, with many specifying reservations regarding the reconcilability of elements of the Convention with Sharia law (e.g. Bahrain, Bangladesh, Egypt, Kuwait, Libya, Maldives, Mauritania, Morocco, Oman, Syria, UAE).

governance. Although illegal, women within certain cultural and geographical boundaries are often stopped from voting, either by their families or through signed agreements between male political candidates endorsed by religious leaders and village committees (Oxfam 2013b; USDS 2014).

➢ **There are quotas for women in political positions**: 60 seats in the National Assembly and 129 (of 758) in Provincial National Assemblies.

Media

➢ The media can operate at both societal and more local community levels (national TV stations and newspapers, in addition to local papers, radio etc.). Female informants in Ali et al (2011: 6)'s Karachi study voice the view that media can play a supportive role in striving for gender equity, 'by portraying respect and freedom of both sexes equally.'

Labour force statistics for women

➢ **Women make up 22% of the labour force**.[5] This figure has remained consistent for the last fifteen years (World Bank 2014).

➢ Of the 12.1 million women in the labour force, 8.3 million work in agriculture / fisheries, 2.2m in other elementary occupations, and 1.4m in crafts and related trades (Ali 2011). It should be noted that these are almost always informal job roles and as noted above are not covered by labour legislation.

➢ The **Global Gender Gap Index places Pakistan 141 of 142 countries**, including 141st for 'economic participation and opportunity' (WEF 2014).

II. THE COMMUNITY LEVEL

At the community level, local institutions and norms are considered. Thus for example, we may look at the behaviour of local governance structures (local councils, or *jirgas*), resources made available by women's groups and local authorities, women's social networks, educational access, the local community's socioeconomic condition, community (e.g. village/caste) marriage practices etc.

At present, it is difficult to go to the same level of detail about the community level as for the society level. This is because communities inside Pakistan will demonstrate varied characteristics that cannot be reported here until we have field data. Intersectional analysis will also highlight how different factors affect people inside and in the spaces between community boundaries (often highly permeable, especially in urban areas).

Local governance and justice

➢ It is possible to offer a general picture of certain issues, however. It has already been noted above, for example, that some 'insiders' deem the devolution of authority over women's empowerment initiatives a backward step. For example, Shah (2015) claims that the provinces

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[5] The labour force, or economically active population, is defined as the sum of those who are either working (employed) or available for and seeking work (unemployed) at any given moment (ILO 2007).

are not maintaining provisions originally offered by the now-dissolved Women's Ministry (including but not limited to micro-credit facilities for business development, tuition and skill development centres, childcare services and crisis centres).

➢ Oxfam's Raising Her Voice Project (this was DFID-funded) also highlights problems related to local governance structures, although at a level below official local government. **Oxfam (2013) reports that women often have poor access to informal and yet powerful forms of traditional governance**. The formal governance system is often sidestepped, especially in rural areas, to be replaced by the *jirga* system, whereby the elite of the community form a council to set local rules. Oxfam (2013) notes that these bodies are almost always exclusively male. So, Oxfam (2013) observes, are *zakat* committees, which frequently fail to have at least one woman on their panels (the legal minimum).[6]

➢ **Women are also explicitly disadvantaged by the fact that *jirgas* also pass judgements in local disputes**. These judgements are underpinned by traditional custom and belief, and are often illegal in terms of both Common Law and Sharia Law (Shah & Tariq 2013). They are known to use antiquated, superstitious methods of ascertaining 'truth': having the accused walk over hot coals, for example (Iqbal 2007). The violation of human rights is endemic throughout these bodies' decision-making, but is especially evident in matters concerning the control of women's sexuality and morality (Iqbal 2007). However, women are not often allowed even to attend, being represented by male family members and summoned only to hear final rulings. Moreover, *jirgas* are not held accountable to higher authorities, and their decisions usually go unchallenged (Iqbal 2007).

Table - Parallel Legal Systems in Pakistan Nature and Mechanism

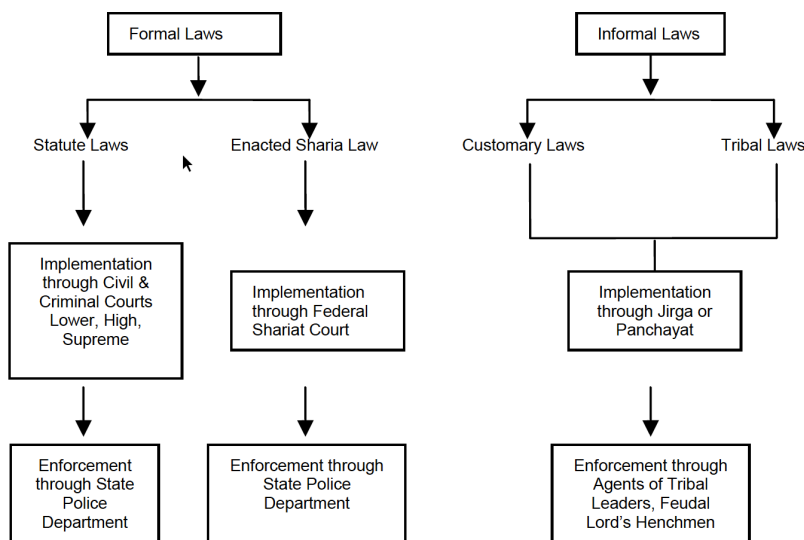**Parallel Legal Systems in Pakistan
Nature and Mechanism**

Figure - Table from Iqbal (2007: 108)

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[6] Muslims are obligated to give a percentage (usually 2.5%) of their income as a donation (*zakat*) to those in need; this is considered a religious tax. *Zakat* committees collect the money and decide how it is dispensed amongst the poor.

- At their most virulent, *jirga* rulings concerning women include honour killings (*karo-kari, tora-tor* or *sia-kari*[7]). Although honour killings are usually carried out by a woman's family after she has brought 'shame' upon them (Shah 2007), it is reported that Pakistan's *jirgas* also impose this form of death sentence on women (Iqbal 2007; UKHO 2014; USDS 2014). They are also known to pass other forms of honour-based sentencing, such as in the infamous case of Mukhtar Mai. This woman was sentenced to gang rape by her local council as punishment for her twelve-year-old brother's alleged affair with a Matsoi woman (which was said to bring shame upon the Matsoi community). Although they are illegal under Pakistani law, even low-level courts are said to see honour crimes like this, and even murder, as somewhat legitimate (Iqbal 2007).[8] According to the UK Home Office (2014), 70% of perpetrators of such honour crimes go unpunished.

- Another manifestation of women's human rights abuses imposed by these local councils is *swara/vani:* **the use of women as 'payment' (compensation) for crimes committed**, or offering them as a bargaining chip in dispute resolution (e.g. Bokhari 2009).

Local norms: separation/divorce

- Overall, **divorce rates are extremely low in Pakistan due to the social stigma** associated with it. In some communities it is becoming somewhat more acceptable (generally in higher-income, educated groups).[9] The literature on wage work's empowering potential often assumes that women have more bargaining power as a result of their ability to leave an abusive household; social stigma is likely to prevent this as an outcome in many Pakistani communities.

Local norms: public space and mobility

- Clearly, local norms concerning the free movement of women in public space ought to be considered in the context of (a) analysing women's opportunities to seek work, and (b) their experiences of harassment whilst travelling to an outside workplace (e.g. Hayat 2015).

- **The tradition of *purdah* is more prevalent in some areas than others**.[10] It is likely to interact with poverty in significant ways, as poor women may struggle to keep *purdah* if they have to leave the home to earn money, especially in rural areas where home-based work is not as easily available. It has been suggested that *purdah* rules may help to explain the urban/rural difference in female employment rates (8% vs. 26% overall) (USAID 2013).

- The impact of public space norms on women's work and experiences of harassment is complex however, and requires nuanced intersectional analysis. For instance, one study of women's

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[7] These terms may apply more to punishments specific to Punjab and Sindh than KPK or Balochistan.

[8] In the case of Mukhtar Mai, the rapists were later tried and convicted by the courts. However, Pakistan's Supreme Court has since overturned the convictions and released the men (Maqbool 2011).

[9] In some ethnic minority and/or sectarian communities, divorce is seen as a socially acceptable, religiously permissible solution to marital unhappiness, infidelity etc.

[10] 'Purdah, meaning curtain, is the word most commonly used for the system of secluding women and enforcing high standards of female modesty (linked strongly to honour) in much of South Asia. Purdah is an important part of the life experience of many South Asians, both Muslim and Hindu, and is a central feature of the social systems of the area. The crucial characteristic of the purdah system is its limitation on interaction between women and males outside certain well-defined categories, which differ among Muslims and Hindus. Muslim purdah restrictions do not apply within the immediate kin unit, but only outside it, while Hindu purdah is based on a set of avoidance rules between a woman and her male affines. Muslim seclusion begins at puberty, Hindu seclusion strictly speaking begins with marriage' (Papanek 1973: 289).

mobility finds that for poor women, unaccompanied mobility makes them susceptible to sexual violence, but similar movement amongst richer women does not have the same effect (Mumtaz & Salway 2005). The very concept of 'public space' therefore needs to be examined further.

Women's networks

> In a nutshell, women often find strength in numbers. **Oxfam (2013) highlights the importance of community-based female networking in Pakistan in encouraging local political participation,** particularly voting. In this context, women's awareness of their voting rights can be raised through interactions, and their hesitancy to vote can be overcome.[11] It is assumed that women's needs will be provided for more effectively when women make up a more substantial percentage of the electorate. In 2012 it was reported that there were 11 million fewer women registered as voters than men on the electoral rolls (Oxfam 2013).

> In relation to VAW, **strong social networks can also function to protect women from violence and other forms of abuse** at family, community and even religious levels. In India, for example, research has documented community responses to violence as proactive in urban slums, when neighbours come together to 'shame' the more extreme perpetrators (Bradley & Ramsay 2010). Recent research in Karachi, Pakistan finds that women there believe social networks to be important for protecting women's rights, especially relating to family violence (Ali et al 2011). However, it is reported that few women are willing to reach out to others for help because of the stigma associated with breaking family ties. According to a local resident:

> 'They [women] don't have proper support and network systems so they move within the same friendship and family circle, and it is difficult to break this circle' (quoted in Ali et al (2011: 6).

The concept of social capital may be helpful here. Adler & Kwon (2002: 23) define this as:

> '…the goodwill available to individuals or groups. Its source lies in the structure and content of the actor's social relations. Its effects flow from the information, influence, and solidarity it makes available to the actor.'

It has been argued that the inclusion of resources gained is antithetical to productive analyses of social capital, rendering the process tautological (Portes 1998). However, it is clearly necessary, particularly in studies that address the positions of socially and economically disadvantaged groups, to focus on what is gained practically from social networks (see also Bourdieu 1980). Thus, **gains made ranging from psychological support to practical interventions that improve women's lives should be incorporated in the study of their networks/social capital.**

Apart from family and friend connections, the obvious examples here are resources offered by women's NGOs, and women's self-help groups or microcredit groups. While the majority of research on these groups in South Asia has focused on Bangladesh and India, in Pakistan they are said to have

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[11] The hope is that women's votes will lead to the election of candidates who support their needs, and therefore to an increase in women-friendly manifestos and policies. While women's political participation is undeniably important, however, it should be noted that it does not *necessarily* point towards greater empowerment; evidence from India suggests that women in patriarchal settings often vote according to male family members' instructions, and function as token (silent) members on local councils when they are included as a legal requirement (Dreze and Sen 2002).

been 'contributing to the economic, social and psychological conditions' of women (Jamal et al. 2015: 1). However, the reach of such groups, organisations and networks is limited to particular areas of the country, classes of individuals, etc. For instance, rural women are comparatively more poorly served than urban women.

Furthermore, other research has highlighted that money gained through such groups can be empowering only if a woman maintains control over it, and that access to microcredit may actually increase VAW in the household (Schuler et al 1998). It is therefore important that these groups address broader gender issues in their work. As yet there is no information on this in Pakistan, but it could be a useful avenue to pursue since social networks are key resources to be utilised in the development of women's (and indeed men's) social and economic freedoms.

Women's access to education and other resources required for skilled economic engagement

> **The ease of educational access varies significantly by location**. This relates to the local availability of resources (schools, training centres etc.), but also to the attitudes of local communities in relation to women's and girls uptake of such services. In addition to this, the risk in some places of religious fundamentalism impinging upon women's opportunities to seek education or skills training must also be considered. Thus, the CEDAW Committee (2013: 8) urges Pakistan to 'take the necessary measures to prevent the occurrence of attacks and threats against educational institutions.'

> However, even widespread access to education is not necessarily empowering if it promotes patriarchal concepts through teaching methods and materials. Women's empowerment requires the strengthening of particular formations of identity and the promotion of individual agency (Golla et al 2011; Kabeer 2012). As such, the CEDAW Committee (2013: 8) stresses the need for Pakistani authorities to 'improve the quality of education by providing systematic and gender sensitive training to all teachers and by conducting a revision of the curriculum and textbooks to remove gender stereotypes.' When such stereotypes are maintained, there is greater likelihood of subsequent employment lacking empowering potential; wages may be funnelled into male hands, and 'abnormal' or threatening incomes may render women vulnerable to violence in order to reinstate male dominance.

> As noted above, the dissolution of the Women's Ministry has also weakened the local availability of resources required for women's labour force engagement to progress, including skills training, credit facilities, childcare, 'female-friendly' transport options etc.

III. THE HOUSEHOLD LEVEL

The household level relates to the dynamics within families: male dominance in decision-making, control of wealth, responsibility for domestic work and childcare, socioeconomic status, and employment levels within the family, among other issues.

> Ali et al (2011) held five focus groups in Karachi, discussing gender roles with women of varied socioeconomic positions. Socioeconomic status notwithstanding, it was agreed that **a 'good woman' does the household chores, cares for her children, husband and in-laws, hides her emotions and 'sacrifices her dreams'** (Ali et al 2011: 3). Women are expected to contribute economically to the household if it is financially necessary. Notably, however, women of higher socioeconomic standing stated that husbands should support their wives' desire for employment even if it causes family trouble, whereas women of lower and mid-level

socioeconomic status said that a good husband should allow a woman to work outside the household but not at the expense of her domestic responsibilities.

➢ The same study (Ali et al 2011) reports that **men are usually the decision makers in the family**, stating that 'strong egos and aggressive temperaments' are considered socially acceptable. Religious doctrine is regularly invoked to inculcate the belief that women cannot challenge their husbands:

> 'In religion it has clearly been said that the woman is made for the man, that she doesn't have the choice to say no' (Karachi resident in Ali et al 2011: 5).

Of course, it is recognised that religion can be used in multiple contrasting ways, and has also been used to achieve entirely opposing aims.

➢ Education is viewed as a route out of powerlessness, informing women of their rights and enhancing their decision-making capacity. Further to this, **housewives are believed to have less power than women who earn money**. Although research on the relationship between WEE and VAW in Pakistan is lacking, Zulfiqar & Hassan (2012) agree with this finding; their research in Rawalpindi finds that working women have a greater say in decision-making, leading them to suggest that 'improving job opportunities for women may be a contributing factor in deterring domestic violence' (Zulfiqar & Hassan 2012: 32).

Table 1 Do women believe that earning an income alleviates IPV?

	Housewives				Working women			
	Less Educated		Highly Educated		Less Educated		Highly Educated	
	F	%	F	%	F	%	F	%
Yes	8	80.0	9	90.0	9	90.0	10	100
No	2	20.0	1	10.0	0	0	0	0
Don't Know	0	0	0	0	1	10.0	0	0

The table above demonstrates findings of Zulfiqar & Hassan's (2012) study of 40 women in Rawalpindi, half of whom are described as working, and the rest as housewives. The results show that the vast majority of these women believe that economic earnings alleviate the risk of domestic violence.

IV. THE PERSONAL LEVEL

By its very nature this level of analysis cannot be generalised. It relates to the life experiences of individuals (both men and women), their awareness of their rights, and their habits and personal beliefs regarding appropriate gender roles.

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Hayat 2015
Bokhari 2009
Iqbal 2007

From extracts from inception report

Note: The UK and US governments refer to Myanmar as Burma. This decision is often seen to be in solidarity with human rights and democracy orgs in the country, which prefer not to associate with the name instated by the military junta. Some do recognise that even Burma is not ideal, however, as it is actually a colonial mispronunciation of the local *Bama* (Norsworthy 2004).

This annex offers an overview of the current situation in Myanmar, presenting background information that will prove relevant to our in-country research. It is organised according to the levels of the social ecology framework: societal level (cultural values and beliefs, and their reflections in social institutions such as the law); community level (the neighbourhood level, or the level at which people socially engage); the household level (the family) and the individual level. It then presents the findings from the scoping work presented as a table of all stakeholders documented as working on either WEE or VAW (or both) and is followed by the findings from interviews and details on key programmes that have been recommended for inclusion in this research project.

Rather than addressing the WEE-VAW relationship (on which pointed data is lacking), this annex offers insight into how women are viewed and treated in terms of the law, social institutions and cultural belief systems in this country. Our own project will need to extrapolate from the information below to create a basis/direction for its research agenda, with correlative analysis between the WEE/VAW data sets in addition to their intersection with other social issues and divisions.

For many years, Myanmar operated in isolation from western governments. From 1962 to 2011, the country was ruled by a military junta that held absolute authority, and forbade political dissent. The junta was guilty of substantial human rights abuses, including forced displacement and the prevalent use of forced labour (BBC 2015). However, since the country issued a new Constitution in 2008, international relations have been much improved. Nonetheless substantial concerns remain about the levels of freedom enjoyed by Burmese citizens in various areas of the law and in common practice. These will be discussed further below.

I THE SOCIETAL LEVEL

National politics

In 2008, a new Constitution was instated by the military regime, which allowed the first democratic election for decades to take place in 2010. However, this election was considered neither free nor fair by international commentators. In 2012, local by-elections received better reviews, and the National League for Democracy party (NLD), led by former political prisoner Aung San Suu Kyi, won the majority of seats. In November 2015 a national election was held with a landslide victory for the NLD. However, the Constitution prevents Aung San Suu Kyi from becoming president because her children are British citizens. Nonetheless she insists that, as leader of the party, she will retain authority over whomever the party elects to act as president.[12]

This is an undeniably pivotal moment for Burmese politics; with a Nobel laureate champion of democracy at the helm, it is likely that important changes will be implemented during the coming years. Optimism must nevertheless remain somewhat guarded, however, because **the Constitution still retains a 25% share of parliamentary seats for representatives of the military**. **Furthermore, it**

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[12] See http://www.theguardian.com/world/video/2015/nov/10/aung-san-suu-kyi-vows-to-lead-myanmar-government-video

contains provision for the military to dissolve the civilian government if it decides that 'the disintegration of the Union or national solidarity is at stake' (UKHO 2012: 24).

Nonetheless, Aung San Suu Kyi's victory would appear to be a clear indication of women's acceptance in national politics. However, **DFID (2014) has flagged up the lack of women leaders in Burmese public life as troubling.** At the time of writing, statistics are not available for the newly elected government. However, women previously held only 6% of seats in parliament, a smaller percentage than in any other south-east Asian country (England 2015). Women (and ethnic minorities) were also absent from the State Peace and Development Council, the cabinet and the Supreme Court (USDS 2010). In 2015's election, 13% of the candidates were women, and reports suggest that women are not widely considered 'leadership material' in Burmese culture (England 2015).

The Concluding Observations of the CEDAW Committee (2008) stated that 'While noting that the majority of university graduates are women, the Committee is concerned at the very low rate of participation of women in all areas of public, political and professional life, including in the National Assembly and the realms of government, diplomacy, the judiciary, the military and public administration, especially at senior levels'.

The Law

Rape

Rape is illegal in Myanmar, but the government does not enforce the law effectively (USDS 2014). Women's organisations regularly report that members of **the military are guilty of raping women**, both as a weapon of war against ethnic minorities, and as a common practice when women from any community are taken by the military as forced labour, guides etc. (UKHO 2012; Women's League of Burma 2008). However, the Constitution includes a provision granting amnesty to all members of the regime for all crimes, thereby creating what the UN Special Rapporteur calls a 'culture of impunity' for VAW (CEDAW 2007: 50).

Outside of the military environment, if a victim is under the age of 14 intercourse is deemed rape with or without consent. **Spousal rape is not a crime unless the wife is under 14.** Although there are no official data, NGOs report that sexual violence is one of the most pressing human rights infringements in Myanmar, specifying that women suffer this abuse at the hands of family and community members as well as state representatives (Women of Burma 2008).

Rape is generally underreported because it brings social stigma upon the victim (Gender Equality Network 2014). There are also reports that the police may verbally abuse women who report rape. **A local newspaper reports that 'violence against women doesn't seem to move the country's courts'** (Solomon 2014), and gives the example of women who accuse men of rape then being punished by the courts for other, undisclosed offences. The United States Department of State (2014) further notes that women can be sued for impugning the dignity of a man she accuses.

Domestic violence

There are laws related to inflicting bodily harm, but none that relate specifically to domestic violence. Domestic violence prevalence is hard to comment upon, because there are no official statistics. However, it is generally accepted that rates are high, and that IPV is considered socially acceptable (USDS 2014). Women's NGOs confirm this, noting that the *Dhammathats*[13] traditionally allowed husbands to 'chastise his wife with a light cane or split bamboo' (Ba Tun quoted in Gender

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[13] Precolonial legal and ethical material

Equality Network 2013: 10). They highlight the lack of any provision for restraining orders against violent family members or boyfriends.

Police are often reluctant to respond to accusations of domestic violence, but when a woman is physically injured and files a report, they do take action (USDS 2010). Punishments are usually limited to fines, however.

Sexual harassment

The Penal Code prohibits sexual harassment and stipulates punishments from fines to one year in prison (OECD 2014). However, sexual harassment is common both in public areas (e.g. streets and transport) and at work. The 'Whistle for Help Campaign' has received substantial attention in recent years, with its efforts to encourage women to blow on their (freely distributed) whistles when they encounter sexual harassment in public.[14]

There are no laws in place specifically to address sexual harassment in the workplace. ActionAid[15] quotes a local lawyer: 'Often the police just say it's a domestic worker and won't take it seriously. If a woman takes a man to court, male judges often dismiss the case.'

Property ownership

By law, women have the same rights as men regarding property rights and ownership. It is not clear how firmly the law is enforced, however (USDS 2014). Women's organisations report the continuation of customary discriminatory inheritance practices, such as in the Palaung tradition, whereby a man's property passes to his male relatives rather than his wife (Women's League of Burma 2008). In the event of a divorce, women are supposed to have equal right over shared property, but in practice the man often takes the property (Gender Equality Network 2013). This is supported by customary law, and it has clear impacts on a woman's 'bargaining power' in terms of being able to remove her wealth from a relationship.

NGOs working on women's issues in Myanmar tend to focus on legal reform. They have enjoyed some success, although more is required; it is expected that Myanmar's first draft law on VAW will be submitted later this year (Pyae 2015). However, legal reforms do not operate in isolation from their cultural environs. According to one activist in Myanmar, 'Some husbands beat their wives because they think that's what you should do – it's a source of pride' (RWI 2014). If Myanmar's potential legal reforms are to be successful, therefore, there is a pressing need for research and work on women's issues beyond the law.

Religious discrimination/divisions

It should be noted that women have markedly different experiences of the law and gendered practices in Burma depending on their religious and ethnic identities. **Women from ethnic minority communities are said to experience much higher levels of domestic violence**, for example (OECD 2014).

Opportunities for Muslims are dramatically curtailed, and the Rohingya community in particular has faced discrimination from employers and from the government (one example of many is that Muslims

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[14] See: http://www.stopstreetharassment.org/2012/02/whistlehelp/
[15] See: http://www.actionaid.org/stories/lot-men-assume-women-wont-fight-back

cannot adopt children). This is in addition to the discrimination that Muslims face on a daily basis from the majority Burmese community.

Marriage and divorce are governed by different laws depending on religious background. Hindu women cannot divorce their husbands, for example (Gender Equality Network 2013), and while Christian men can divorce wives for adultery, Christian women seeking divorce require extra factors (Sen 2001). Furthermore, while Buddhists who want to marry under the age of 20 need parental approval, a when a non-Buddhist male reaches puberty, he can marry a girl of 14 if her parent's consent.

The labour force

In 2008, the CEDAW Committee noted its disappointment concerning the lack of information on the situation of women in the labour force, the lack of clarity regarding women's labour force participation in urban vs. rural areas, unemployment rates, the gender wage gap and vertical and horizontal labour-force segregation. The data currently available is still inadequately nuanced, but some relevant facts are presented below.

Women's share in non-agricultural wage work is 44.7% (UNDP 2010), up from 41.3% in 2005. Therefore, there is little need to for state or non-state agencies to promote women's employment *per se*. However, women tend to predominate in lower-ranked and lesser-paid job roles with notoriously poor working conditions. **Labour laws do not specifically prohibit gender discrimination**, thus allowing women to be paid less than men for the same work (UNDP n.d.; USDS 2014). Nonetheless, President Thein Sein has recently legalized labour unions, and there are now numerous reports of NGOs and female workers campaigning for improved employment conditions (Johnson 2014).

Women remain underrepresented in traditionally male job roles (mining forestry, fishing etc.) and are still effectively barred from certain professions (USDS 2014). The military has begun to accept a very small number of women into its Defence Services Academy, and in 2014 two women were appointed to represent the military in government (USDS 2014).

The Media

It is unknown at present whether the media could play a role supportive of gender equity in Myanmar. Since **the media is heavily censored and controlled by the state**, this is largely dependent on the will of the state to address gender issues.

In 2012, private daily newspapers were allowed for the first time since the 1960s. However, in 2014 authorities arrested, convicted and imprisoned citizens for expressing political opinions critical of the government, and threats and arrests of journalists continued (USDS 2014). Although a new law was approved decriminalizing basic journalistic practices, they included broadly worded stipulations that protect 'national security' and respect religion in publishing (Freedom House 2015).

Access to the internet also remains limited (2-7%) (USDS 2014). This is largely to do with restricted bandwidth availability and costs, but Freedom House (2015) notes that journalists and others who may be critical of the state face regular cyber-attacks and attempts to infiltrate email accounts.

The government continued in 2014 to monopolise and control all domestic television broadcasting (USDS 2014).

Academic freedom

Academic freedoms remain restricted but more opportunities for undergraduate students have now been made available. In 2013, the Universities of Yangon and Mandalay were allowed to have undergraduate students again for the first time since the student uprisings in 1988, and they were also allowed to enter into agreements with international institutions after decades of isolation, hosting international faculty and speakers (USDS 2014). However, political activity on campuses is banned, and students have been arrested or detained for attempting political gatherings (USDS 2014). According to Freedom House (2011):

> '**Academic freedom is severely limited. Teachers are subject to restrictions on freedom of expression and are held accountable for the political activities of their students.** Academic freedom is severely limited. Teachers are subject to restrictions on freedom of expression and are held accountable for the political activities of their students.'

Freedom of expression

There have been many reports of peaceful groups of people (e.g. farmers) being arrested for protesting human rights violations (USDS 2014). Members of women's rights groups have also been arrested, for instance for protesting against the military for its refusal to deal with accused rapists in its ranks (OECD 2014).

In 2011, Human Rights Watch wrote:

> '**Basic rights to freedom of expression, association, and peaceful assembly remain tightly circumscribed in Burma**. The government staged two general amnesties of prisoners in 2011. In May and June, a general amnesty included a one-year reduction of all sentences, freeing an estimated 20,000 prisoners. Of these, 77 were believed to be political prisoners… Large numbers of political prisoners remain in Burma's horrid prisons.'

II THE COMMUNITY LEVEL

Note: it is likely that everything in this section will differ substantially for areas marked here in yellow on the map, where ethnic conflict levels are high.[16]

Figure 1 Map of Myanmar

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[16] Current FCO map available at: https://www.gov.uk/foreign-travel-advice/burma

Customary law

As noted in section I above, customary law often governs multiple areas of women's lives. Women's groups report that these areas frequently include **marriage, adoption, property rights and inheritance rights** (Women's League of Burma 2008). Little is documented about the details of such practices or their prevalence.

Local gender norms

Pansy's (2015) study of a number of local communities throughout Burma finds that **urban areas are witnessing the relaxing of gender rules** more quickly than communities in rural areas. It is stated that even in cities, norms that guard women's dress and behaviour are still in place, but that they are experiencing increased mobility and social space. Changing work patterns are thought to be at least partly responsible for this. Only in areas where awareness-raising initiatives had taken place were women recognised as having greater decision-making capacity over their lives, however, such as in decisions about whether to remain in domestic relationships.

Unsurprisingly, some communities are found to retain more conservative attitudes. Changes related to women's engagement in public life, their social interaction, dress codes, openness, mobility and even eating patterns are treated with 'caution or even resistance.'

Influence of religion

A recent study (Pansy 2015) found that **religious leaders have a strong influence on the daily lives of participants**. Burma has experienced high levels of inter-religious ethnic tensions in certain areas, and so the dynamics of specific areas will likely impinge upon attitudes differently. In some ways, however, religion impacts upon people in a standardised way across the country rather than being concentrated at the community level. This is reflected, for example, in the proposed new law to prevent Buddhist women marrying men from different faiths without obtaining their families' permission. 'This draft law was supported of a (solely male) convention of 1,500 senior monks in Yangon' (OECD 2014: 3).

Participants in a study of Burmese women (Norsworthy et al 2004) agreed that Buddhism is a strong social force in their communities. It was noted that **Theravada Buddhism has an overt bias towards men**, who are allowed to become monks while women cannot be ordained. Christian informants stated that they are also inferior in their own religious systems, but that women have better status in Christian communities than that enjoyed by their Buddhist counterparts.

Women's access to education and other resources required for skilled economic engagement

Strong cultural barriers do not appear to be in place to prevent girls' education (unlike in Pakistan, for example). According to the UNDP website:[17]

> *'**Myanmar has achieved parity in primary, secondary and tertiary education**. The ratio of girls to boys enrolled in primary education, or the Gender Parity Index (GPI), as measured by net enrolment ratio, has increased from 98 per cent in 2000 to 104 per cent in 2010. The ratio of girls to boys enrolled in secondary education has increased from 99 per cent in 2000 to 105 per cent in 2010. The overall participation rate in secondary education is still low and inequitable. The gross enrollment rate for secondary education was estimated to be 53 per cent in 2008. The number of girls attending tertiary education had far exceeded that of boys since 1990. The GPI in tertiary education was 151 per cent in 1990, 168 per cent in 2000 and 164 per cent in 2010.'*

However, Burmese participants in Norsworthy et al's (2004) study stated that educational opportunities are distinctly gendered according to the traditional custom of offering sons as novice monks. Young Buddhist boys are traditionally expected to live at monasteries for a period of time, engaging in education there. Girls, on the other hand, are expected to stay at home to deal with domestic chores and family requirements. It is stated that 'the ordination of boys is considered sacred and as a display of gratitude to parents who gave birth to them. Girls do not have access to these educational and religious opportunities' (Norsworthy et al 2004: 274)

Although data is now available through the UN for education enrolment rates, the CEDAW Committee (2008) voiced concern at the state's 'lack of a comparative analysis of education enrolment rates, dropout rates and literacy rates by sex, ethnic group and/or religion as well as at the state/division level.' It is likely that access to education and skills training will vary by region and community, but unfortunately this data is still unavailable. The Committee (CEDAW 2008) did underscore the fact that the quality of education available to girls was substantially poorer in rural and conflict-prone areas than in urban ones, however, and this is likely still to be the case.

Summary

Norsworthy et al (2004) conducted several live-in workshops with Burmese refugee women from different areas and backgrounds, who spent time in discussion and debate about factors contributing to women's disempowerment and VAW in their communities. These workshop participants compiled the following list of problematic factors evident in their communities and cultures:

1. Women need parents or husbands to take care of them because they are weak and cannot take care of themselves; therefore, they need to stay home where it is safe or have an escort when traveling.
2. Men should be leaders because they are superior, intellectually and physically.
3. Women are not capable of living their own lives and should follow men.

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[17] See: http://www.mm.undp.org/content/myanmar/en/home/mdgoverview/overview/mdg3.html

4. Women are dirty because of menstruation, so they are not allowed to enter certain sacred Buddhist sites.
5. Being born as a woman is due to bad kamma (karma) from past lives, while being born a man is due to good karma from previous lives.
6. Women are responsible for caring for the family and keeping it together.
7. Relationship failures are the fault of the woman.
8. In relation to incidents of gender-based violence, such as partner abuse or sexual assault, the following beliefs regarding women pervade their cultures:
9. The woman asked for abuse or assault or caused it to happen.
10. An abused woman was a bad wife or partner. It is her duty to her partner and her children to stay in the relationship.
11. Women are assaulted or abused because of bad karma (Norsworthy et al 2004: 273-4).

The authors go on to compile a list of the workshops' participants ideas about potential strategic action. In their discussions of changes to be made at the community level, these groups of Burmese women devised the following aims to address gender discrimination and VAW:

1. Develop and promote support groups, feminist-based counselling, and informal networking for women in order to help them create bonds, gain strength from one another, recognize that they are not alone, and promote information exchange
2. Because ''knowledge is power,'' offer community education regarding women's leadership, women's rights, income generation, and community organising.
3. Educate men about the importance of becoming allies for women, about gender justice and violence against women, about the responsibilities of men in promoting more egalitarian societies, and about how raising the status of women in society benefits men and women alike.
4. Organize workshops that bring together men and women for the purpose of consciousness raising and bringing gender justice to their relationships, communities, and societies (Norsworthy et al 2004: 277).

III THE HOUSEHOLD LEVEL

Norsworthy et al's (2004: 272) study also revealed that Burmese women share the following concerns about gender norms at the household level:

> 'Within families, the women were concerned about limited role choices and particularly about being relegated to the roles of servants and child-care providers. They also saw women as having limited decision–making power within the family system. Other forms of oppression included negative societal beliefs and myths about women [and]… husbands' outside affairs and multiple wives.'

They go on to list the following points as potential actions to improve gendered household dynamics:

1. Form power-sharing relationships between spouses and partners, especially when raising children.
2. As parents, demonstrate flexible gender roles and distribute household responsibilities outside of the typical gender ''boxes.''
3. Encourage strengths, potentials, and talents in all family members regardless of gender.
4. Do not use violence and coercion in parent-child relationships, couple relationships, or any other family relationships (Norsworthy et al 2004: 277).

THE INDIVIDUAL LEVEL

Finally, the Burmese women in Norsworthy et al's (2004: 277) study listed the following points as individual-level strategies to promote empowerment and decrease VAW in their communities:

1. Know ourselves. Become aware of our own beliefs and values and transform any that support gender-based oppression.
2. Recognize and be responsible with the power we have.
3. Learn about women's rights and human rights.
4. Do not pass on oppressive attitudes that uphold violence against women.
5. Insist on power sharing in all relationships, especially between men and women.