

This Pakistani lawyer is as indomitable and impassioned as the Queen of Sheba, for whom she is named. Bilquis Tahira is engaged on many fronts: she is a writer, feminist and pacifist. She has a Master's degree in English literature from the University of Punjab and another in Women and Development from Holland, having written a thesis on women and cinema in her country. She has worked for the past twenty years as a consultant for NGOs, trying to combine Pakistan's economic development and the needs of women

Bilquis, the new Queen of Sheba

FIGHTING BACK 2

by Farian Sabahi

Bilquis Tahira is the head of an association named WADA, meaning "promise". The promise and the wealth of Pakistan are the little girls and boys to whom WADA addresses its educational programmes with an eye to the future. The association's members go from school to school teaching the value of tolerance towards differences and minorities, in sharp contrast to the fundamentalist currents that are spreading and imposing themselves in a violent and threatening manner.

In the past four years, Bilquis Tahira has got involved in the fight for peace and justice. She has volunteered to take part in court hearings involving women prisoners in Pakistan, gathering their testimony in simple and very human tales. *People without a country* is the title of a collection of true stories, the testimony of ten prisoners during one of the support sessions that Tahira holds in Pakistani jails. Bilquis Tahira has worked for the past twenty years as a consultant for NGOs, trying to combine projects for Pakistan's economic development with particular attention towards the needs of women, the environment and educational issues. We met Bilquis during her recent stopover in Turin on the way to Geneva. She was travelling with her daughter and wearing the traditional Pakistani *salwar kameez*. She does not wear a veil, either in Italy or in Islamabad.



Which of all these battles is your priority?

Education. In the rural areas only 22% of women can read and write; the others are illiterate. Television and radio stations are State-controlled and a TV appearance of a few minutes is very costly. Precise decrees also specify what the press can write and those who dare to disobey risk being arrested and actually condemned for crimes against the State. For millions of Pakistanis the real mass media, authoritative and available throughout the country, is the imam at the mosque. Faced with the expansion of radical Islam, we feel the need to spread literacy even more keenly.

What are the obstacles that Pakistani women face?

The main obstacles that we come across in defending women's rights are tradition and culture, which prevent Pakistani women from taking advantage of the rights the Constitution gives them, i.e. the right to education and, as specified in Article 24, the right not to be discriminated against. In other words, the Constitution allows the State to take a stand if a social group feels it being discriminated against and guarantees, on paper, the right to education and shelter in case these groups are threatened. But tradition and culture limit female mobility, opportunities and the possibility of choice. Culture defines our role as being primarily within the walls of the home as housewives and mothers. Although an ever-increasing number of women now work outside the home, we still shoulder the responsibility for domestic tasks, just as we did twenty years ago. In Pakistan we have women pilots, engineers, doctors, nurses, teachers, hostesses and ground staff in airports, but society still cannot accept this role change and continues to impose the order of the old patriarchal system.

In 1947, the year Pakistan seceded from India and became independent, it inherited the British legal system. How did the Islamisation of the legal system come about?

Women took part in the independence movement in 1947 and considered the State to be an institution that would guarantee their rights. Little by little, however, they realised that they would have to fight to have their rights respected. Initially the law guaranteed us many freedoms, opportunities and rights, including the right to inherit not only residential buildings but land as well. In 1947 women organised themselves into humanitarian associations working to offer support to refugees. There were great hopes across the newborn nation. Theatre companies and writers associations were set up. Debates in the press were intense and free. The Pakistani Constitution is moderately liberal as regards women's rights and certainly more advanced than the Constitutions of other Islamic countries: women do not require the approval of a man to apply for a passport or permission from a male relative in order to get married; they can vote, stand for election, own property and have bank accounts.

However, the ban on marrying a non-Muslim foreigner remained in place until 1984.

Unfortunately, there is a big difference between the letter of the Constitution and its application; even today, it is subject to the overwhelming hegemony of the patriarchal tribal traditions, which make their presence felt strongly, especially in the rural areas.

How did things change after General Zia's ascent to power through a coup d'état in 1977?

General Zia introduced a regime that went from being a provisional one to a dictatorship that lasted for eleven years. Zia's motto as regards policies for women was "chador and the four walls of the house". This showed the growing influence of the religious hierarchy on the dictator, translating into ever-more pressing calls for *sharia* (Islamic law) to be applied in the education of the young, who now felt they were invested with the power to prescribe the use of the veil to the women of the family and control their behaviour, and into the approval in 1979 of the so-called *hudood* ordinance, which deals with issues such as bearing false witness, theft, the use of alcohol and above all adultery, prostitution, rape and fornication, all considered to be on the same level, with no differentiation whatsoever. After Zia's regime, women's rights diminished drastically. Since dictators do not have a pool of voters, Zia used Islam and his interpretation of it to limit women's rights and curry favour with a section of the Pakistani population. As I have just said, the imposition of Islamic law and corporal punishment in particular dates to his regime.

What version of Islam is practiced in Pakistan?

Some of the laws of Zia's time were promulgated very hastily. Later on we found contradictions in the interpretation of the Scriptures, which we had to work on to re-affirm our rights and re-appropriate our place in society. General Zia did not have very clear ideas; he was surrounded by mullahs who interpreted the sources of the law but were virtually incompetent.

According to the BBC, a woman is raped every two hours and gang-raped every eight hours in Pakistan. Five years ago, Mukhtar Mai was gang-raped on the orders of village



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elders. She went to court and although she has not yet received justice, she has become a symbol of resistance for Pakistani women and has even built a school for girls in her village. The law was recently amended to impose a maximum sentence of three years in prison for rapists. But activists say the new law does not contribute to reducing the number of crimes against women.

Four adult male Muslim witnesses of good character are required to testify for an act of rape to be proved. But it is absurd to think that a man will rape a woman in front of four adult witnesses. At most, other women and children are present, and their testimony is of little value in court. Another problem is that the legal system does not make a distinction between rape and adultery. Moreover, if the woman files a complaint for violence, that in itself makes her guilty while, in the absence of four witnesses, the man goes scot-free and does not risk anything. Any resulting pregnancy is in itself an admission of blame, even if the woman has filed a report. The maximum sentence envisaged is death by stoning for married women and a hundred lashes for those who have not yet signed a marriage contract. Adultery, which the old British laws defined as an "offence against the husband", has become a "crime against the State" in Pakistan. Only the father, brother or husband can pay the bail and this places the fate of women at the mercy of male judgement, the sense of honour and family *omertà*. A woman who remarries after being

repudiated can also be condemned in case the husband, as is often the case, has not bothered to officially register the divorce. In rural areas in particular, where a feudal system of conflicts between landowners still subsists, it is not unusual for people to take advantage of the *hudoob* ordinance to accuse a man for purposes of revenge, thereby sacrificing an innocent woman. Now the law has changed, but it will take time for society to acknowledge the change.

Parliament amended the Zina Decree, which covers rape, in November despite opposition from the Islamic parties. Besides a prison sentence for people who commit acts of violence, the new law envisages a maximum prison term of seven years for those who deprive women of their property. In recent years, however, many women have ended up in jail. What is your experience?

According to a 1984 estimate, 1,864 Pakistani women had gone to jail because of the *hudoob* ordinance. I dedicated a story to them: the suspended existence of women and girls in a labyrinthine jail that needs no fictional touches to make it surreal and Kafkaesque, their children running about among the tiny cells. They are often victims of internecine vengeance, forgotten and repudiated by their families, burdened by the weight of dishonour, oppressed by the illiteracy that prevents them from contacting a lawyer and building a defence. But they do not stop raising their voices to give vent to their intense pain and torment. The *hudoob* ordinance is still in force. Even Benazir Bhutto did not try in any way to amend it although she had a two-thirds majority in Parliament, so as not to displease the religious leaders.

What changes are being made as regards "honour" crimes?

Our concept of honour may seem strange to Italian readers: female sexuality must be controlled because a woman's behaviour reflects on the honour of the male members of her family. Thanks to the mitigating circumstances envisaged, in the past many men got off very easily and often honour crimes were not even registered. The Musharraf government, on the other hand, has taken this issue to heart and promulgated decrees against this very widespread phenomenon. And feminist movements have taken a stand on the issue. We must not however forget that honour crimes are part of Pakistani tradition and therefore a certain amount of time will be needed to trigger the desired changes.

General Musharraf came to power in a coup and was reinstated by the United States after 9/11. What do you think of Musharraf?

I have spent over thirty years working with women and fighting for democracy. This is why I will never be able to pardon military leaders and dictators. But in all these years of work I have also understood that democracy does not automatically guarantee women's rights. When Musharraf seized power, for two years he kept attacking us. He had it in for NGOs and feminist movements. We were so tired of fighting every day that all we wanted was to have someone else come along and take his place. Now, however, I have to admit that the Musharraf government allows for a certain amount of pluralism. I cannot tell you whether it is a dictatorship or a bad democracy. I can only invite all those concerned to commit more strongly to democracy so that the wicked and the corrupt are forced to give up politics.

To what extent can a country be Islamic and democratic at the same time?

Islam has never encouraged sovereigns and dictators. At the time of the Caliphate, an assembly of many people decided who should govern. I believe that democracy is the truly Islamic way of governing because everyone has the right to their space, everyone can express their opinion and decisions are taken collectively. The first Caliphs were responsible for food and lodging for all, for education and health, i.e. for the things that

were considered to be human rights. If a government does not satisfy the basic needs of the population, how can it expect its citizens to respect the laws of the State? I don't mean to say that people should not respect the law if their basic needs are not guaranteed, but rather that it is their right to fight to achieve their objective. And hence an Islamic State has the duty of providing welfare services without limiting itself to being a democracy.

What can we do to help Pakistani civil society?

The feminist movement appeals to the Constitution and the international conventions for women's rights ratified by the government. We are a few thousand people but in the past few years we have managed to make the government withdraw from decisions that would have restricted freedom. The West cannot play any role in promoting activism in Pakistan because movements must emerge in a spontaneous way and in the respect of local traditions. The classic example is pacifist movements: when Western organisations intervene, they move according to their agenda and are immediately considered external movements. This is why I think that the West should not interfere in Pakistan; rather, it should limit itself to promoting these issues and intervening only on the request of the Pakistanis themselves, thereby leaving us the possibility of moving at our own pace without anything being imposed on us.

So you do not believe in American President George W. Bush's project to export democracy?

Bush can do everything but not export democracy! The American President's only objective is to control the Earth's resources so as to strengthen the U.S. economy. If he really wanted to bring democracy he would not violate the sovereignty of other countries and human rights, making so many Iraqis and Afghans die. Bush's is a desperate search for oil, certainly not a fight for rights or other noble causes. It is a form of neo-colonialism, as in fact the WTO accords also are: if these people really wanted globalisation, all they have to do is to open their borders to citizens of the South, without driving us mad with their entry visas. ■■■■■