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4 Victims of a vicious system

Women, violence, and human rights

Introduction

While there is tremendous diversity among Muslim women from various regions, there is also a common thread as they share gender-based and patriarchy-driven oppressions and violence across cultures. As Iranian human rights activist and scholar Mahnaz Afkhami points out, over half a billion Muslim women live in vastly different socio-cultural and socio-political environments, and yet, their oppressions are similar due to their gender-specific abuse and marginalization meted out in the name of culture:

> The infringement of women's rights is usually exercised in the name of tradition, religion, social cohesion, morality, or some complex of transcendent values. Always, it is justified in the name of culture. Nowhere is this better demonstrated than in the Muslim societies, where over half a billion women live in vastly different lands, climates, cultures, societies, economies, and politics.[1]

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This cross-cultural predicament of Muslim women is exemplified by the prevalence of extreme forms of gender-specific violence found across Muslim societies such as a recourse to, and brazen justification of, crimes such as honour-killing, honour-rape, forced marriages, acid-attacks, and burning of women to resolve disputes, settle scores, and avenge and redeem so-called 'honour'.

As General Zia-ul-Haq's Islamization process supported state-sponsored gender-discrimination in Pakistan through its fundamentalist approach to religion and legal transformations, the subsequent periods of democracy also saw a surge in violence against women, encouraged by what Pakistani journalist Abbas Jalbani attributes to the culture of 'brutalization', a culture initiated by the Zia-ul-Haq regime that included public executions and lashings, and a system of summary punishments for alleged moral deviations.[2]

Today, human rights violations and gender-specific violence against women continue to be widespread in Pakistan. Despite the fact that Article 25 of the 1973 Constitution of Pakistan, which deals with the fundamental rights of Pakistani citizens, states clearly that nothing 'shall prevent the State from making any

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special provision for the protection of women …'[3] and Pakistan's ratification of the CEDAW convention (the UN Convention on the Elimination of all Forms of Discrimination Against Women) in 1996,[4] violence and discrimination against women is commonplace.[5] It is believed that the majority of the incidents go unreported altogether due to a lack of faith in the police and justice system, or because of socio-cultural restraints, such as in the case of reporting marital/domestic violence and rape to law-enforcement agencies.[6]

In the tribal areas of Pakistan, patriarchal tribal customs, traditions, and honour codes continue to dictate an oppressive parallel legal system, known as the *jirga* and *panchayat* (tribal juries and councils), headed by tribal chiefs and supported by feudal landlords. Under the guise of custom and tradition, these tribal councils have been at the forefront of supporting and carrying out horrific human-rights violations and gender-specific punishments such as *karo kari* (honour-killings), *Swara* (giving away of minor girls in forced marriages as compensation to settle disputes or avenge murders), and honour-rape to settle scores.[7] According to data released by Pakistan's Interior Ministry, since 2009 over 11,789 cases of violence against women have been registered, while the numbers grow.[8] But despite the establishment of women's police stations, countless cases also go unreported due to lack of faith in the country's law enforcement machinery, and fear of police corruption.[9]

It is important to note that various non-governmental organizations, legal-aid cells, lawyers, activists and women's rights groups in Pakistan have continued to focus on issues of various forms of violence against women, and have brought to bear pressure on successive governments and policy makers to amend or promulgate laws that would specifically address these rights issues.[10]

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This chapter will extend the 'Cinema of Accountability' category to focus on representative documentary films, filmmakers, and organizations that address particular gender-specific issues affecting Pakistani women from their standpoint.[11] It will examine the violation of human rights and personal security as a result of various forms of violence, physical abuse, exploitation, marginalization, and denial of women's equal rights through a contextual reading of a selection of documentaries.[12]

Numerous Pakistani activist organizations and independent filmmakers have drawn attention to the widespread forms of violence and discrimination detailed in this chapter, with a particular focus on 'honour' and revenge through extreme acts of violence such as 'stove-burning', 'acid-attacks', '*karo kari*' (honour-killing), 'honour-rape', and *Swara*. It is pertinent to evaluate the activist intent and contribution of the following films in raising awareness, and seeking accountability for the inhumane treatment meted out to women, and the failure of the state, laws, and the law-enforcement machinery to provide them with security and justice. To facilitate the contextual reading of the honour-related issues depicted in these films, the section entitled 'Perspectives on Notions of 'Honour' and 'Shame'' in this chapter will give an introductory socio-cultural background to tribal notions of 'honour', the patriarchal parallel tribal justice system in Pakistan, and the role these play in the violent victimization of women in particular on the pretext of 'tradition', and delivering 'justice'.

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***Stove Burning: Neither Coal Nor Ashes* (*Na koella bhye na raakh*) (*Simorgh* Productions 1993)**

Made by the *Simorgh* Women's Resource and Publication Centre and Collectives' *Simorgh* Productions, *Stove Burning: Neither Coal Nor Ashes* (1993) focuses on the issue of gendered domestic violence against women whereby wives are burnt by husbands or in-laws and the incident is made to look like an accident as a result of a kerosene oil or gas cooking-stove explosion.[13] Supported by testimonies, interviews, and off-screen commentary, *Stove Burning* stands as a significant critical documentary that investigates and contextualizes the socio-cultural aspects involved in the issue of burning women by simulated stove-bursts in Pakistan. Produced in 1993, in the early stages of Pakistani activist documentary cinema, the film demonstrates that over the intervening years, incidents of violence against women have been on the rise throughout Pakistan, and continue to be the result of greed, demand for dowry or money by in-laws, desire of the husband to re-marry, salvaging so-called honour or ego, domestic rifts, or the desire to get rid of a woman who may be a wife, daughter-in-law, sister-in-law,



Figure 4.1 Image of burn victim from *Stove Burning: Neither Coal Nor Ashes.*
Source: Simorgh Productions

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Figure 4.2 Image of burn victim from *Stove Burning: Neither Coal Nor Ashes*
Source: Simorgh Productions

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and even daughter. The usual pattern of these crimes involves women being attacked by their husbands and in-laws who pour oil on them in the kitchen and set them on fire due to domestic quarrels, and then, if the women survive, blackmail them to take the blame for the 'accident' or else risk losing the custody of their children. Besides this method, a leaking gas-stove is also used to start a simulated explosion and fire by unsuspecting women who light them.[14]

With a focus on the Punjab province, *Stove Burning* opens with disturbing images of defaced and disfigured women who have been burn victims as the voice-over informs us that each year up to 1200 such burn cases by kerosene oil stove-bursts are reported in the Punjab provincial capital of Lahore alone, and on average five cases are brought to hospitals on a daily basis. Whether the reasons for burn-related deaths of these victims are accidental, suicide, or murder, the sheer figures of the widespread practice in Pakistan are devastating. Hospital staff interviewed in the film reveals that most women patients who are admitted say that the stove burst accidentally while they were cooking, although most of the incidents are instigated by domestic violence. We learn that despite the knowledge of rising figures of such violence, the Punjab province, with a population of

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Figure 4.3 Image of burn victim from *Stove Burning: Neither Coal Nor Ashes.*
Source: Simorgh Productions

70 million at the time, and growing, has only one burn unit located at the government Mayo Hospital in Lahore, and that too with inadequate facilities.

Figures for 2015 remain disappointing as only four burn units are reported to be fully functional in the Punjab province.[15]

Interviews with doctors at the Mayo Hospital reveal a horrific picture of gender violence and criminal levels of victimization. Stressing the need for public awareness about the dangers and risks of using faulty oil and gas stoves, and the danger of wearing synthetic clothing near them that easily catch fire, Dr Zafar Aziz argues in the film that if the burns in such cases are accidental only the front part of the body and face is likely to be burnt, not the back or the entire frame as happens in pre-meditated incidents. He points to the need for checks on the manufacturers of these cooking units to ensure safety standards. On the other hand, Dr Abdul Babar contends that with adequate facilities even 60 per cent burn victims can also be saved leading to an 80 per cent survival rate, but with inadequate facilities the mortality rate in such cases stands at 95 per cent.

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Speaking out on the dearth of medical facilities to deal with burn cases, he points out that as opposed to the mushrooming of costly, private, specialized cardiac centres catering to the rich elite, these stove-burning incidents occur among the poor sections of society, and the setting up of burn units holds little or no importance even for the government as the singular burn unit at the Mayo Hospital exemplifies.[16] Dr Babar reveals that contrary to what might appear in the press, most stove-burn incidents are cases of 'homicide' carried out by husbands and in-laws and made to look like 'accidents', a view that is seconded by various nurses and other hospital staff who explain that it is easy to recognize homicide cases because the whole body is burnt, including the back, and not just the front as would be the likely case in an 'accident'.

As voice-over highlights the judgment passed by the Lahore High Court in 1991 regarding the mandatory 24-step safety testing of oil and gas stoves, and accountability of manufacturers, we are told that despite this court directive substandard stoves continue to be sold in the market due to a serious lack of stringent law enforcement mechanisms to check their manufacturing.

Hina Jillani, an advocate of the Supreme Court of Pakistan, interviewed in the film highlights the social, cultural, and legal limitations and pressures that women burn victims face in speaking out. Jillani points out that in many cases such victims cannot give testimony or details of the incident because they die. Other victims, who by the time they make it to the hospital, have no idea whether they will even survive, and if they do, they fear to speak the truth because to begin with they have no witnesses to prove their case since such incidents normally take place at the in-laws' or the husband's' house, nor do they have any idea what their future will be. As well, these women are pressured by their in-laws not to turn them in or else they will lose custody of their children. Given the rising rate of stove-blast incidents, Jillani emphasizes that legislation be passed in which it should be made mandatory for the police to investigate these cases along specific procedures, and ensure that no lacunae are left for perpetrators to get away. She points out that the more such cases make it to court, they will serve as a deterrent and basis for accountability.

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In voice-over we learn that in 1991 on the directions of presiding Justice Munir A. Sheikh, the Lahore High Court legislated that investigating officers in stove-blast cases should not be below the rank of Deputy Superintendent Police (DSP). These DSPs were directed to take the stoves into custody, and record the testimony of the dead woman's parents, and, in the case of a married woman, also take testimony from her in-laws. The directive also stated that the faulty stove-maker would be required to take responsibility under the Pakistan Penal Code (PPC). Additionally, in such cases it would be the duty of the hospital superintendent to immediately record the statement of the doctor on duty. Although such directives at the state level seem promising, we learn in voice-over that only two victims of stove-burn cases could be traced, Sakina and Martha Parveen, for fear of being killed by in-laws/husbands, or losing their children if they spoke out publicly. Of these two women, we learn that contact could only be established with the latter. By documenting such a situation, *Stove Burning* exposes the lack

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of faith in Pakistan's law-enforcement machinery by the victims, and the fears and insecurity these women continue to live with.

Adding a testimonial value to the bleakness of *Stove Burning,* Martha, a burn case victim from 1986 who still carries visible burn scars and facial disfigurement, narrates how she was beaten by her in-laws while cooking in the kitchen, and while being threatened and abused she had kerosene oil poured over her and was set alight. She recalls that as she screamed and tried to run out, her in-laws closed all the doors, while only her brother-in-law came to her rescue. After she got burnt, her in-laws informed her parents of the incident as an 'accident'. Her mother-in-law told Martha to treat the whole incident as an 'accident', and threatened her that if she spoke out against her husband, they would retaliate against her maternal family. Martha shares her consequent fears and details of her severe and lasting injuries following the incident. Recalling her treatment as that of a 'slave' at her in-laws' house, Martha points to the socio-cultural pressure and aspects of women's subordination and suppression in the Pakistani society: 'When parents marry off their daughters, they tell her that now only her corpse can return to her parental home.' Having initially told her parents that she had been burnt accidentally while putting oil in the stove, Martha encourages all burn victims to come forward and speak out against their perpetrators. However, Martha's remains a lone voice in the film as *Stove Burning* shows images of more burnt women howling in pain on hospital beds, and the reality of their helplessness and despair. The film makes a critical point by showing the fact that only one survivor from the hundreds of women victimized each year in Punjab could be found to speak out publicly. Clearly, the victims of these vicious and violent acts are paralysed by fear, a fact exacerbated by government indifference to women's security and rights.

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The film provides insights from the Mayo Hospital staff in terms of the contradictory statements of female burn victims and their families. In particular, comments focus on, and detail, how police are bribed by perpetrators to produce contradictory evidence that helps culprits get away with even murder. We learn that the filmmakers were unsuccessful in their attempts to have police officials speak on camera.

Doctors, hospital staff, and a victim in the film try to explain the complex social factors, lack of justice, and the plight of women in Pakistani society as the main cause of such heinous domestic violence. Lawyer Jillani points to the fact that although many cases are reported, very few make it to court because of a variety of socio-cultural factors as well as the failure of the police to conduct an unbiased enquiry. Giving a broad overview of the situation, Jillani states that a woman's death is not a 'big deal' in Pakistani society because her economic dependence renders her 'dispensable, and replaceable'.

Stove Burning ends with a list of women's names scrolling down the screen who were subjected to stove-burns from January to July in 1993 (the year the documentary was filmed) and admitted to one hospital in Lahore alone. Their average age is listed as 23 years, including those as young as 10, 11, 13, and 14 years of age. In conclusion, the lamenting ironic Punjabi couplet that is recited

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off-screen evokes the human cost of the barbaric intent and result of 'burning' women alive as a convenient and 'cost-effective' method of eliminating them: 'Burnt wood becomes coal, coal becomes ash/ Though I am burnt, I become neither coal nor ash.'

In exposing and drawing attention to the criminal intent of perpetrators of stove-blast incidents, compounded only by the apathy of the Pakistani state and police corruption, *Stove Burning: Neither Coal Nor Ashes* remains a significant activist filmic documentation of the realities of women's victimization through horrific cases of domestic abuse and violence. As well, the film stands as a documentary testimony to the 'legislative and deliberative'[17] aspects of a 'Cinema of Accountability' taking shape regarding violence against women in Pakistan.

Burnt Victims: Scars on the Society (AGHS Legal Aid Cell 2002)

While stove-burning remains a catastrophic form of violence against an increasing number of women in Pakistan, another means of violence and revenge that has been rapidly on the rise is throwing acid on women's faces and bodies. *Burnt Victims: Scars on the Society*, made by the AGHS Legal Aid Cell as a consciousness-raising and educational film for the purpose of training its staff to deal with cases of violence against women, also stresses the alarming situation of violence against women in the form of stove-burning and acid-attacks.[18] Whereas this expository film, narrated mostly through voice-over, stresses much of the same socio-cultural factors and implications for women regarding stove-burning as in the previous film (*Stove Burning: Neither Coal Nor Ashes*, 1993), it additionally addresses the practice of 'acid-burning' or 'acid throwing' as the practice has come to be known – the act of throwing acid on a woman's face and body to disfigure her as violent revenge for a number of reasons or perceived transgressions including insufficient dowry, infertility or inability to produce a son, bringing 'dishonour' to the family, suspicion of illicit romantic or sexual relations, rejected marriage proposals, or simply a husband's desire for a second marriage.[19]

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The film begins with off-screen commentary on the lack of essential facilities such as air-conditioning even at the Mayo Hospital Burn Unit, the only one in Punjab. It is pointed out that in January 2002 alone the hospital received 40 burn victims of which 37 per cent were young women. The film is interspersed with disturbing images of charred bodies of women, and testimonies of badly disfigured and traumatized female burn victims, suffering extreme pain in meagre hospital facilities, who recall their experiences of being burnt by stove-blasts or having acid poured over them by family members.[20] Whereas stove-bursts are normally blamed on faulty stoves, the film points out that acid-burns are never an accident. Once again, the overwhelming majority in such cases are women. Off-screen commentary informs viewers that according to data an acid-burn victim is brought to the Mayo Hospital every week, while four out of the six victims being treated in the third week of July 2002 alone were acid-burn victims. Dr. Intesar-ur-Rashid, a surgeon at the Mayo Hospital, points out that those with 40 per cent or less burns have a good chance of survival if treated. However, because of the

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high cost of the treatment, 20 per cent of the patients leave the hospital despite doctor's orders to stay. Given the economic reasons, he points out that 50 per cent of those who leave early succumb to their wounds.

On the one hand, the film highlights the April 1991 directives of the Lahore High Court that specifically addressed the issue of burn-accidents and state assistance to victims such as expenses to be paid by the state for the burial of a victim, or free medical care. However, through testimonies of actual victims and their families who refute having received any such assistance, the film draws attention to state apathy in the actual execution and effectiveness of these directives. As well, the lack of actual implementation of the directives also explains why many burn patients who do make it to hospital, either leave dead or without proper treatment due to economic constraints.

Most importantly, *Burnt Victims* addresses and highlights the issue of the unchecked and easy availability of acid to anyone for purchase. Although one acid-seller speaks of the procedure to get approval for a government license to sell acid that includes the inspection of a proposed shop site by a magistrate and the police, footage of rows and rows of huge, unmarked and unnumbered drums of acid lying in unsecured open lots and premises of sellers belies his claims. Off-screen commentary points out that 'there is no procedure to register the sellers of acid, leave alone a listing of buyers, and that whoever wants acid, for whatever purposes can simply go to one of the stores and have their fill.'[21] The film ends with founding member of AGHS Legal Aid Cell, lawyer and human rights activist Asma Jehangir stressing the need for the application of stringent regulations and laws and accountability measures that would serve as protection for women, and deterrents in both the illegal sale and misuse of acid.

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Figure 4.4 Image of burn victim from *Burnt Victims: Scars on the Society.*
Source: Film director Ahmar Rehman

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Although both *Stove Burning: Neither Coal Nor Ashes* (1993) and *Burnt Victims: Scars on the Society* (2002), made almost a decade apart, are most disturbing and difficult films to watch because of the images they depict of victims, they are nevertheless invaluable as documentary testimonies that exhort a legislative and deliberative response to horrific crimes of violence that more often than not go unpunished, even unreported.[22] It may be mentioned here that on continued pressure from women's and rights organizations, both within Pakistan and abroad, a Domestic Violence (Prevention and Protection) Act 2009 had been passed by the National Assembly on August 4, 2009. However, due to the objections raised by the Council of Islamic Ideology (CII), the Senate failed to do the same within three months as required by the Constitution, opting to let the bill lapse.[23] Another bill entitled the 'Acid Control and Burn Crime Prevention Act 2010' drafted by the Acid Survivors Foundation (ASF) of Pakistan, on the directives of the then Chief Justice, Iftikhar Muhammad Chaudhry, was presented to the Ministry of Women Development (MoWD). This detailed bill that covers all aspects of burn related crimes and punishments, and sale, purchase, and manufacture of acid, also awaited approval and passage at the time by the National Assembly.[24]

However, it was once again the private sector and civil organizations that filled in for governmental neglect. Given the rising incidents of extreme domestic violence directed at women, clinical psychologist Shahnaz Bokhari founded the Progressive Women's Association (PWA) in 1990. Since its inception, her organization has been involved with providing shelter, securing medical care, and arranging legal assistance to female victims and survivors of domestic abuse and violence such as acid-attacks and stove-burning, honour related rape, and other physical attacks.[25] Since 1994, the PWA has held various workshops on domestic violence against women at provincial levels, and sought to include participation from government and law enforcement officials, NGOs, and the legal fraternity to foster alliances and channels of legal accountability against these issues. Shahnaz Bokhari and the PWA's has been a most valuable and significant struggle against these most violent and horrific of acts directed at women, considering that despite personal threats and harassment by victim's families, and a corrupt law enforcement system, the PWA has remained resolute in opposing and highlighting governmental and societal biases against protecting women through state legislation.[26] The PWA also runs a shelter for victims by the name of *AASRA* (Support), founded in 1999 as a home for destitute female victims of domestic violence. *AASRA* accommodates 30 residents at a time, and has supported up to 150 women annually since it started in spite of police interference and raids, as victims are hounded and continue to face threats from relatives and the police for escaping their abusers.[27]

There are other organizations as well that focus on the treatment, support, and advocacy for burn victims, such as the Acid Survivor's Foundation of Pakistan (ASF), founded in 2006, with the support of the UK-based Acid Survivors Trust International (ASTI).[28] Similarly, in the face of unabated domestic violence against women, the non-governmental AGHS Legal Aid Cell established a separate violence and burn victims project in 2007, the AGHS Burn Unit and

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Monitoring Cell, to document and research case studies of burn victims.[29] It was reported that as many as 122 women were burnt in Lahore from April to June in 2009, according to the second three-month monitoring and follow-up by AGHS. Of the 122 women, 21 were attacked by acid and 101 were set on fire. From this alarming number, 82 burnt women survived and 40 died. This figure of burnt women, including those burnt by acid-attacks, had doubled since the first three-month monitoring. According to the AGHS Monitoring Cell, the above statistics pertain to Lahore alone, but it is suspected that the situation is the same countrywide. The Acid Survivors Foundation reports that 114 cases of acid-attacks were reported in 2014, while only eight convictions took place.[30]

Saving Face (Sharmeen Obaid-Chinoy 2011)

At the 84th Academy Awards ceremony in Los Angeles, USA on February 26, 2012, Sharmeen Obaid-Chinoy also became the first Pakistani documentary filmmaker to win an Oscar for her film entitled *Saving Face* (2011).[31] Recipient of the coveted award in the Best Documentary (Short Subject) category, Obaid-Chinoy's observational film addresses the widespread practice of acid-attacks on women across Pakistan, including the Seraiki belt in Southern Punjab, a major cotton growing area where industrial acid is readily available as it is used for cleaning cotton.[32] Winning the Oscar for the film, Obaid-Chinoy's documentary has brought this form of violence to centre-stage prominence, both globally and within Pakistan. It can very well be argued that the horrific issue of acid-attacks has been key in winning the recognition and acclaim rather than the quality of the film itself.

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Although not the first film on the topic of acid-attacks to be made in Pakistan, as this chapter illustrates, the award-winning prominence *Saving Face* has achieved, and its international premiere on the HBO channel, are factors that together have contributed immensely to establishing the utility of documentary cinema as an activist tool for consciousness-raising, resistance, cross-cultural communication, and social change in Pakistan.

Supported by the ASF in Pakistan, *Saving Face* revolves around the stories of two Pakistani women, Rukhsana and Zakia, who have been victims of acid-attacks, and their struggle in the process of rehabilitation, seeking justice, and undergoing reconstructive surgery by a Pakistani London-based plastic surgeon, Dr Mohammad Jawad, who returns to his homeland to treat them.[33]

It is to Obaid-Chinoy's credit that she has been able to encourage her two main female subjects to come forward and speak of their experiences on film. We learn that when 39-year-old Zakia attempted to divorce her husband he retaliated by dousing her with acid, while Rukhsana, 25, was burned with acid and set on fire by her husband and his family. However, Rukhsana's ordeal did not end with this attack. She had no choice other than to continue living with her husband as she became pregnant after the acid-attack.

The encouraging note in the film is that for the first time we actually see acid-attack victims not only receiving reconstructive surgery, but also justice as

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Figure 4.5 Image of filmmaker Sharmeen Obaid-Chinoy during the shooting of *Saving Face.* Source: Sharmeen Obaid Films

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Zakia's husband is convicted of assault and sentenced to two life sentences under the new Acid Control and Acid Crime Prevention Bill 2010, and The Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2008, that legislates severe punishment for physically harming women with corrosive substances.[34]

Obaid-Chinoy's film covers most of the same factors and trauma related to acid-attacks on women as the previous two films discussed in this chapter, *Stove Burning: Neither Coal Nor Ashes* (1993) and *Burnt Victims: Scars on the Society* (2002), although her film is rather weak in providing an adequate background to the socio-cultural and socio-economic contexts as the two aforementioned films do. The activist focus in *Saving Face* seems to tilt towards highlighting the courage of the two victims to come forward with their stories, as well as Dr Jawad's willingness and ability to offer reconstructive surgery. However, in the absence of a grounded socio-cultural and socio-economic contextualization as in the earlier films on similar subjects, despite its very difficult and crucial topic, not to mention scenes of the victims physical disfigurement that require tremendous courage to watch, in retrospect as a film *Saving Face* seems to convey a hasty promo-like quality both for the victims' predicament and the good doctor's noble inclination to help them, which may not have been the filmmaker's intent.

However, despite what maybe the film's weaknesses, or the viewer's personal take, the very fact that another film is made on the subject of heinous acts of acid-attacks, and the international acclaim *Saving Face* has garnered because of its topic, has renewed the urgent need for accountability through the new laws and the prosecution of offenders.

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It is particularly encouraging that given the enthusiasm with which Obaid-Chinoy's achievement has been received within Pakistan, there are plans afoot to dub *Saving Face* in regional languages for screening as an educational tool on local TV channels, as well as in educational institutions, and other venues in villages and towns across Pakistan for consciousness-raising, and encouraging social activism against acid-attacks.[35] Obaid-Chinoy has also used the success of her film as a platform to launch an Anti-Acid Campaign (Project SAAVE) that would reach out to victims across the country and help them come forward to seek justice.[36] It is also a welcome prospect that for the first time the government of Pakistan decided to confer the second most prestigious civilian award, the *Hilal-e-Imtiaz* (Crescent of Excellence) on a documentary filmmaker. In recognition of her work, the president of Pakistan, Asif Ali Zardari, awarded Sharmeen Obaid-Chinoy the *Hilal-e-Imtiaz* on Pakistan Day in 2012.[37]

It can be argued that whereas *Saving Face* may lack in contextualizing the issue of acid-attacks in any great depth, it has proven the successful ability and utility of documentary film to project crucial issues in reaching out to wide cross-cultural audiences to foster solidarity and garner support against gender violence.

Perspectives on notions of 'honour' and 'shame'

In order to understand how tribal and cultural notions of 'honour' and 'shame' play out in Pakistani society, it is pertinent to contextualize their significance and symbolism in tribal and feudal societies. The following discussion will facilitate in the reading and understanding of the honour-related violence, crimes, and discrimination against women as represented in the following films.[38]

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The notion of 'honour' in tribal societies has very specific meaning and implications, and is closely tied to the notion of 'shame' that may be endured by a family, tribe, or community due to a person's behaviour or acts. Primarily, both shame and honour are associated with the conduct of women that may or may not be deemed honourable, thus becoming a source of honour or shame for the entire tribe. The higher the status of the tribe, the greater its stakes in preserving its honour and the powers of its members sitting in a *jirga* or *panchayat* (tribal juries or councils).[39] Treatment of women as objects that can be traded or victimized to avenge shame or regain honour also translates into the tribal patterns and means of retaining honour. Although honour-killings have come to be associated with Islamic societies as an Arab-Islamic practice, these murders have been occurring in all regions of the world, including the West.[40] While motives behind extreme acts of violence against women such as stove-burning and acid-attacks are instigated by hatred, revenge and greed, honour–related crimes such as honour-killing and honour-rape are supported by a moralistic stance. These acts are justified and carried out on the pretext of the patriarchal perception of protecting family and tribal honour, and the victimization of women whose bodies are seen to be the repository of this honour.[41]

However, although honour-killings in Pakistan are largely associated with tribal and feudal areas where 'honour' is a driving force in relationships and social

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standing, these killings occur across the country. As opposed to victims of stove-burning and acid-attacks who are seen as blameless and innocent, women victimized by honour-killing are seen to have brought on the violence upon themselves due to their own allegedly inappropriate 'dishonourable' conduct and deeds such as an alleged affair, extra-marital sexual relations, elopement or a marriage of choice against family consent, or desire for divorce, and even employment, hence incurring the justification for their killing and death.[42] In all cases, this 'dishonourable' conduct is judged either as a woman's actual or perceived involvement with a man who is not her husband or is not acceptable to her family as her husband, or defiance of tribal codes of behaviour and subservience, thereby giving all male members of a woman's immediate, extended, and marital family in a tribal and feudal setup the justification to take her life to redeem family and tribal honour.[43] In many cases, even a mere rumour about a woman's infidelity or extra-marital sexual conduct or relations is enough to serve as the basis for honour-related crimes.

Additionally, whereas stove-burning and acid-attacks are usually not carried out by a woman's own family but rather husbands, in-laws, and rejected lovers or suitors, honour–killings are carried out by her own male relatives such as father, brothers, and cousins to redeem and uphold family and tribal honour. The fact that a woman's own family members carry out such killings further legitimizes the act as her relatives are seen to have an integral bond with her that can only be severed due to extreme circumstances. Although the concept of such killings predates Islam, and is neither sanctioned by religion nor restricted to Islamic or tribal societies or rural and uneducated regions and segments of society, these acts are commonly justified in the name of religion because they are seen to enforce morality and uphold patriarchal family power structures.[44]

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Because of deeply ingrained notions of males as the guardians of a woman's chastity and moral conduct, honour-killings occur in all the provinces of Pakistan and are accepted as an act of redemption that is also sanctioned by tribal councils and tribal chiefs in tribal areas. For example, known as '*karo kari*' in the tribal belts of the Sindh province, tribal custom prescribes death for both a '*kari*' woman (blackened woman) who is suspected of immoral activity and illicit sexual relations, and her male partner '*karo*' (blackened man).[45] Blackness in this case symbolizes shamefulness and immorality, particularly regarding the extra-marital sexual conduct of women.[46] As well, there are many instances where even fake honour-killings have taken place to serve vested interests. Amnesty International notes that 'reports abound about men who have killed other men in murders not connected with honour issues who then kill a woman of their own family as an alleged *kari* to camouflage the initial murder as an honour killing.'[47]

Pakistan also has a long tradition of the *jirga* (Pashtun word for the tribal justice-system based on a gathering of all-male community representatives for decision-making) and *panchayat* system (village councils in South Asia that have the power to call a *jirga* (jury)) in which crimes or affronts to dignity and perceived 'honour' are punished outside the framework of Pakistani law. It is pertinent to mention here that despite their status and importance in the tribal setup, these

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tribal councils have no official legal standing in Pakistan, and yet the government authorities have failed to take adequate measures to contain this parallel legal system and prevent such bodies from taking the law into their own hands, and hand down judgments. The *panchayat* comprises elders from the higher tribe and caste in a tribal community, and has the power to call a *jirga* (jury), which again comprises other male members from the higher tribe and caste as well. The tribal council is approached by members of the lower tribes/castes to give judgment in their feuds, and resolve conflicts and problems. The tribal council meets in public and the final judgments are passed down by all members collectively, and are treated as final. Although this system is used to settle all kinds of scores, from murder cases to property disputes to minor disagreements between members of different or the same tribes and castes, its most horrific effects are felt by women because in any case they are subservient to the patriarchal order and codes of conduct in a tribal setup. Any judgment passed by these tribal councils and juries becomes an uncontestable order in the tribal society.[48]

Given the above situation, Pakistani state legislation such as the *Diyat* law (compensation by blood-money), as well as the *jirga* and *panchayat* system operating in Pakistan, empowers tribal society in such a manner that women's status and security remain subservient to the male order of morality and social values, and permeates all classes in these communities regardless of economic or tribal status.

It is in the backdrop of this mentality that men, mostly in Pakistan's tribal setup, see the subjugation of women not only as lesser beings in terms of gender, but more importantly as a means of preserving their own status within their communities. As a means to this end, raping, killing, trading, and humiliating a rival's women is also considered a legitimate means of vengeance and preserving one's own and the tribe's honour. The contextual reading of the following representative documentary films illustrates how notions of 'shame' and 'honour' are used as pretexts for committing violence and crimes against women with impunity.

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Shame: A Tale of Karo Kari (*Dastak* Society for Communication 2005)

Shame: A Tale of Karo Kari (2005) focuses on the custom of *karo kari* (honour-killing) as it is practiced and justified in the feudal and tribal society in the rural areas of the Sindh province and southern Punjab where the practice is most rampant in Pakistan.[49] Accompanied by off-screen commentary, interviews with government officials, lawyers, journalists, human rights activists, clerics, and rural men who actually condone the custom as a just means of regaining family honour by killing women suspected of illicit relations with men, the filmmakers, Sharjil Baloch and Dr Iftikhar Ahmed, provide insight into the practice and motives that instigate it. Views, perspectives, analyses, and stories of the custom of *karo kari* and related incidents from a cross-section of society reveal the socio-cultural complexities, customs, traditions, deep-rooted gender biases, and patriarchal and feudal power that support, protect, and preserve the practice.

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Funded by the Global Opportunity Fund of the Foreign and Commonwealth Office of the British Government through the British Council of Pakistan, *Shame: A Tale of Karo Kari* is an investigative and expository film produced by the *Dastak* Society for Communications as part of an awareness-raising campaign in rural Sindh and southern Punjab.[50] The film opens with footage of a '*karion jo qabristan*' (graveyard of *karo* (male) and *kari* (female)), an unmarked graveyard located near the bustling cosmopolitan city of Karachi. As the camera pans the vast sad and forlorn, dusty graveyard dotted with a series of raised patches where the buried lie, we learn from voice-over that victims of *karo kari* are buried here without a 'bath, a shroud, a prayer' in unmarked graves where no one, even relatives, visit to offer a prayer. This treatment is reserved for *karo karis* to mark their humiliation and ostracization from their society, as they are denied the rites and rituals of traditional or religious funeral services otherwise accorded to honour the dead.

Kalpana Devi, an advocate of the Sindh High Court recounts an incident when a man who had stopped by a fresh grave of a *kari* to say a prayer was perceived by the community as her *karo* (male lover), and hence killed. We learn that the unknown number of dead buried in the graveyard, mostly women, were 'axed, shot, or beaten to death in public by their own fathers, brothers, or sons on the



Figure 4.6 Image of unmarked graveyard for *karo kari* victims from *Shame: A Tale of Karo Kari.*
Source: Film director Sharjil Baloch

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pretext of "honour"'. These opening scenes set the tone for the film's contextual investigation into the socio-cultural causes, and so-called justifications for honour-killing.

Shame: A Tale of Karo Kari raises questions about the prevalence, and origins, of the practice of honour-killing, and the socio-economic, political, and cultural roots that support it. Shown talking to a congregation of his tribesmen, Sardar Ashiq Khan Buzdar, a tribal chief and politician from Rajanpur, Punjab, reflects on the history and origins of 'honour-killing'. He points out that the practice of honour-killing was unknown in matriarchal societies, but came into existence in patriarchal and class-based feudal societies which reduced women's status to that of 'chattel' that was no more than a commodity like land and gold that is to be protected, but is stripped of all human qualities such as love, tenderness, and feelings: 'Instead, a woman came to be valued as no more than a "good cow" in the courtyard.' Spoken by a tribal chief to his followers, this clip is a rare and highly effective footage of the awareness-raising and consciousness-raising effort that the film seeks to fulfil.

On the other hand, a Sindhi journalist, Ikhlaq Jokhio, points out that it is misleading to claim or give the impression that *karo kari* is a Sindhi custom alone: 'The fact is that historically this custom did not exist here, even before the advent of Islam. It does not belong to this land.' But taking an opposing view, activist and lawyer Zia Awan, advocate of the Sindh High Court and president of the Lawyers for Human Rights and Legal Aid (LHRLA), points out that when a community condones a practice, it is highly difficult to curb it. Shedding light on the socio-cultural aspect of honour-killing, Awan stresses that it is a 'community-sanctioned' violence whereby the perpetrator is appreciated as a man of honour

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Figure 4.7 Image of female victim of *karo kari* from *Shame: A Tale of Karo Kari.*
Source: Film director Sharjil Baloch

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who can walk tall among his community. Views from ordinary rural men and villagers who defend the practice of *karo kari* as an 'honourable and good Sindhi tradition' illustrate Awan's concerns. One man puts it like this:

> 'We cannot throw a woman out of the house, but we can kill her. In Sindh we still have honour enough to kill if we witness *karo kari*.'

Asked if a woman also has the right to kill a *karo* or husband if she suspects him of infidelity, most say she has no such right as she is a woman. One man who argues that if a *kari* is not killed, other women will be enabled to follow her example, goes as far as to state: 'A woman is like a fly. She will sit on food, and just as happily on dung.' Asked what is a man, he responds: 'A man is fine. He is a human being.'

In documenting such perturbing arguments and gender biases at the very roots of tribal society, *Shame: A Tale of Karo Kari* highlights in broad, but disquieting, terms the socio-cultural complexities and contradictions that plague Pakistani society while the nuclear-armed county aspires to a modern and progressive future and place in the international community.

Shame: A Tale of Karo Kari takes a turn from socio-cultural aspects of honour and honour-killing to the more worldly socio-economic factors that also serve as a premise for such violence. Journalist Nisar Khokhar illustrates the economic gains to be made from honour-related issues when he narrates the story of a merchant who accused another man of his brother having illicit relations with the merchant's wife. However, the merchant agreed to drop the case if a compensation of Rupees 300,000 was paid him under the *Diyat* law provisions. Highlighting the utility and financial gain tied to the application of the *Diyat* law (compensation by blood-money), Khokhar raises the question of redeeming and cashing the notion of 'honour' at a price. What emerges is the material motive, and validity of avenging 'honour' as no more than a threat to extract money. (For an explanation of the *Diyat* law see Appendix 5).

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Next, the film turns to the religious factors that are also alluded to as a justification for committing honour-killings. Those interviewed on the Islamic aspect of honour-killing include ordinary rural men, political leaders, and clerics. Spinning a religious twist, one man defends the upholding of honour as a supreme task for Muslims, citing Prophet Mohammad as saying that a man without honour is not a member of the Muslim *ummah* (Muslim brotherhood), and that He (the Prophet) would not look at the face of such a dishonourable man. Another says that genuine *karo kari* is recognized in Islam as punishment is prescribed for it. This is a claim that advocate Kalpana Devi refutes in the film, asking for any mention, and hence validity, of such claims for murder in the *Quran* itself. She blames people for hiding behind religion to whitewash their deeds and motives, a view that is shared by Asad Ullah Bhutto, a *Jamaat-e-Islami* leader and a member of the Sindh National Assembly, who categorically states in the film that the *Quran* and *Sunnah* do not give anyone the right to murder a woman. Although coming from a lawyer and a religious leader and politician, these clarifications do little to

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appease the rampant beliefs among the tribal and feudal mindsets, and the failure of the state to address the issue effectively by ensuring the rule of law and justice. Also interviewed in the film, academic and activist Amar Sindhu of the Department of Philosophy at the University of Sindh rejects the premise of 'cultural custom' as justification for honour-killings. Instead, she stresses that the majority of *karo kari* cases that she has studied point to economic reasons. She cites the failure of the state for abandoning social institutions, and using them only for self-aggrandizement and as a political tool. Additionally, Sindhu holds the tribal *jirgas* (tribal juries) responsible for playing a fundamental and institutional role in promoting such violence.

Off-screen commentary points out that in most cases honour-killing has little to do with honour. Instead, financial needs, property disputes, tribal enmities, and family feuds are often the reason behind such killings and violence against women that serves as a convenient cloak for monetary and personal gain. This is a view that is also shared by member of Sindh parliament, Sassi Palejo, who agrees on-screen that the state has completely failed to enforce the writ of law, and that more than 'honour', honour-killings are an outcome of revenge, and property claims and disputes.[51]

As the film turns to legal complexities and limitations in Pakistan's law enforcement machinery, Zia Awan categorically points out that in Sindh, where most of such honour-killing incidents occur, the feudal and tribal clique is so strong that the police, courts, lawyers, and municipal authorities, etc., are rendered helpless even if they wish to investigate. Awan blames this on the entrenched power the tribal and feudal elites enjoy in these areas:

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> 'The law enforcement and court systems all fail if a *wadera* (landlord or tribal chief) calls a meeting in his constituency and forbids them from becoming witnesses or a complainant. If no one goes as a complainant, what will you do? How will the police prove its case when there are no witnesses or complainants? So, the whole official machinery will fail when the *wadera* and the parallel *jirga* system is there.'

An ordinary rural man (in the film) confirms Awan's analysis: '*karo kari* is an honour issue that can only be resolved through a *jirga*'. On her part, Amar Sindhu believes that the institution of the *jirga* system not only justifies honour-killings but has been sustaining it: 'As one of our *sardars* (tribal chief) said about the *jirga* system on the record "these are our income-generating units."'

Refuting any claims for the justification of the *jirga* system, Asad Ullah Bhutto points out in the film that there is no such concept in Islam, as instead Islam has a judicial and legislative system. He asserts that the *jirga* system enjoys government protection and support, therefore no one can stop their functioning. Bhutto informs of an incident where no less than the Chief Minister of Sindh himself participated in a *jirga* meeting to settle a dispute.

The former Chief Justice of the Sindh High Court, Nasir Aslam Zahid, clarifies for the audience that the *jirga* system is a tribal social custom established over the

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centuries that the Pakistan government does not recognize. However, he points out that despite two judgements by the Sindh High Court in 2004 that termed *jirgas* as unconstitutional even in the tribal areas, a study conducted by the Human Rights Commission of Pakistan (HRCP) reported that up to 40 *jirgas* had been held even after this decision.[52] Zahid also confirms that these *jirgas* have been presided over by ministers, bureaucrats, members of national and provincial assemblies, and others. The most significant legal point that he turns the viewer's attention to is that women have no audience in *jirgas*: 'A woman cannot appear before a *jirga*. How can you decide a case relating to *karo kari* or any other immoral conduct against a woman unless you hear that woman?'

Sarfraz Khan Jatoi, an advocate of the Sindh High Court, also agrees in the film that the government is supporting the *jirga* system because it has weakened other law-enforcement and legal institutions so much that people have no other avenue than to turn to *jirgas* for speedy decisions: 'Even government functionaries have lost faith in their institutions.' This view is shared by politician Jani Mohammad who also asserts that he has received letters from local level magistrates admitting their inability to settle disputes: 'Courts are unable to settle a dispute even after 15 years. Those decisions have been taken by us.' This reveals an insight into the limitations and apathy of the Pakistani judicial system yet again, and its process of litigation that is too lengthy, ineffective, and expensive.

Journalist Nisar Khokhar sheds light on yet another aspect of *karo kari* and its implications for women, one that belies all claims of justice and 'honour' on the part of the *jirga* system, and those claiming to mete out justice on the pretext of upholding morality. Khokhar points out that *sardars* have courts in various areas of Sindh right next to their houses, and it is here that *kari* women are kept in the servant quarters where they remain as long as she is with the *sardar*: 'If the *sardar's* son fancies the *kari*, he will not marry her, but will maintain illicit relations with her forcefully.' This exposé of hypocrisy, moral corruption, and exploitation of women already tainted by a tribal system that has condemned them to death in any case as a *kari*, is reflective of the doubly neglected rights and marginalized status of Pakistani women by both the state judicial system, as well as tribal customs and legal system. This state of affairs is vehemently denied by *Sardar* Himat Kumharo, chief of the Abro tribe, who dismissively claims that it is only particular 'dissatisfied groups' in society that want to malign *sardars* and families of good standing for no reason.

Explaining a tribal *sardar's* psyche regarding the *jirga* system, Dr Saeed Buzdar, a provincial union council representative, explains that the *sardar*, well aware of the fact that disputing parties and infighting will only strengthen his position as the peacemaker, will never banish any practice that will increase the power of others at the expense of his own. Danish Zuberi, advocate of the Sindh High Court, argues that although President Pervaiz Musharraf's government has termed *karo kari* as murder under the Criminal Law Amendment Act 2004,[53] the 'waiver' is still there which complicates and weakens the application of the law. She stresses that giving the *wali* (legal heir or guardian) the right to go free in an honour-crime, despite accepting it as a murder, by waiver laws and provisions

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Figure 4.8 Image of female victim of *karo kari* from *Shame: A Tale of Karo Kari.*
Source: Film director Sharjil Baloch

renders the amendment ineffective, because after all, it is the family members that commit the murder in such cases and can resort to the waiver provision.

Seconding Zuberi's critique of the Amendment Act 2004, Asad Ullah Bhutto expresses his rejection of the concept of the state as '*wali*' as a provision in the Act as it is liable to lead to injustice. He points out that if someone of high standing commits a murder, the prime minister can simply issue a brief directive stating that 'in the name of public interest', a particular case of *karo kari* crime is withdrawn, and the killers go free just because they were well-connected people.

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Turning to the clergy, Saeed Buzdar raises a most important point when he stresses that religious clerics can play a significant and positive role in educating people by condemning the practice of *karo kari* as a 'non-Islamic' act. Similarly, he points to the local government representatives such as district councillors that have access to the grassroots level to check the practice of honour-killings in their respective areas: 'If it wants, the state can play a positive role', a view shared by an ordinary rural man in the film: 'If the government provides no law, unjust laws will prevail. If it wants, the government can stop injustice.' Commenting on the vast number of committees otherwise formed by the government such as 'peace committees', Narjees Batool, coordinator for the *Sangtani* Women Rural Development Organization in Rajanpur, Punjab, points to the need for formulating committees at all levels of the law enforcement machinery such as the lower and upper levels of the police department. These, she argues, would act as deterrents by investigating, recording, and following up on cases of *karo kari* to track down culprits and mete out punishment. But, perhaps it is Zia Awan who lays out the practical roadmap to eliminating the practice of *karo kari* and honour-killings by stressing the need to eliminate the feudal, patriarchal *jirga* system that is the root cause of promoting and supporting such practices. Expressing confidence that powerful laws can eliminate this problem, Awan stresses that political and religious parties have to realize the gravity of the problem, and 'use their respective

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platforms and mosques to preach that elimination of such practices as honour-killings is the real *jihad*, and not those fought at the behest of international donors.'

Shame: A Tale of Karo Kari ends with footage of a women's procession carrying placards, demanding justice and legal reforms as a poem by revolutionary Urdu poet, journalist, and human rights activist, the late Faiz Ahmad Faiz, sung by classical singer Iqbal Bano, plays in the background: '*Lazim hai ke hum bhi dekhen ge* …' (For certain, we too shall see the day…).[54]

In *Shame: A Tale of Karo Kari*, for the first time on film the filmmakers do not simply explain the socio-cultural custom of *karo kari*, but through interviews and talking heads pinpoint the host of factors responsible for its unabated continuation including the feudal-government complicity through the *jirga* system; neglect and failure of the state to address the issue; lacunae in the *Diyat* law and the concept of the state as *wali*; and socio-economic reasons and excuses. All these factors explain the prevalent exploitation and victimization of women in particular by both the tribal and feudal systems on the pretext of 'honour' and socio-cultural customs, and state apathy to check or penalize such practices effectively.

However, what is significantly missing from the film are any views on the topic of honour-killing from rural Sindhi women, or the female relatives of those implicated in *karo kari* cases. This omission in itself is indicative of the feudal and tribal power in the region, and its hold on the population they rule over as chiefs – a hold on power that can only be countered through a strict execution of state legislation, and promulgation of stringent laws and punishments as many point out in the film. As we hear views from various levels of Pakistani society who are united in their criticism of the state's failure to implement adequate legislation and machinery to check and discourage honour-killings, it becomes apparent that this neglect is responsible for the increasing number of such cases across the country. As pointed out by advocate Danish Zuberi in the film, NGOs and the civil society cannot take on the responsibilities of the state as it is too huge a task. For example, as the film informs viewers at the time, there is still no shelter home for women implicated in such cases in Sindh, where most cases of *karo kari* occur.

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As 'honour' becomes a relative issue, Pakistan continues to see a surge in 'honour killings' carried out with impunity despite the act being considered murder under state laws. It is alarming that according to a UN report on Violence Against Women, 4,000 women and men were killed in Pakistan in the name of honour between 1998 and 2003 alone. Of these, the number of women was more than double that of men.[55] Although the media, NGOs, and civil society activists have begun to play a significant role in bringing the issue of *karo kari* and honour-killings in general to public notice, as a documentary film that probes the various factors involved in such crimes from a number of socio-cultural and economic angles, *Shame: A Tale of Karo Kari* plays a 'legislative' and 'deliberative' role in drawing attention to the dismal state of affairs that still prevail with regard to violence against women in Pakistan.[56]

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Shame (Mohammad Ali Naqvi 2006)

Mohammad Ali Naqvi's[57] multi award-winning feature length documentary film entitled *Shame*, a biographical film supported by interviews, talking heads, intertitles, and off-screen commentary, documents the shocking ordeal, and defiant and courageous ongoing struggle of Mukhtaran Mai over a period of five years (2002–2006) in detail.[58] Over the years, Mai, an uneducated tribal woman, who was subjected to 'honour-rape' – in this case gang-rape – on the orders of a *panchayat* (village council) in June 2002 in the Punjab village of Meerwala, Pakistan, has emerged as an internationally acclaimed champion of women's rights, and pioneer of education in her remote village. Although not an isolated case of rape or tribal oppression of women, it was Mai's decision to seek justice through the Pakistani judicial system and the accompanying media attention that highlighted the complexities of the intersection of gender, culture, class, and caste/tribe in its most horrendous form.[59] Details of Mai's gang-rape first broke in the local media, and soon made international headlines.[60]

The 'Meerwala gang-rape' story, as it became known in the media worldwide, gained unprecedented attention in Pakistan and abroad, not only because a gang-rape of this nature had taken place, but because this time instead of self-victimization by committing suicide, as is the normal expectation from female rape victims in tribal societies such as Mai's, an uneducated, poor, peasant woman from a lower caste who taught the *Quran* decided to fight back and take her case to

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Figure 4.9 Image of filmmaker Mohammad Ali Naqvi (first left in back row) with Mukhtaran Mai (third from left in back row) during the shooting of *Shame*.
Source: Film director Mohammad Ali Naqvi

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court. In doing so, she also challenged the government, the state law-enforcement machinery, and the judicial system to deliver justice. As *Shame* gives Mai and her family the opportunity to record their own version of events and testimonies as opposed to the various differing, and sensationalizing, stories that appeared in the media at the time of the event, we see a biographical and chronological sequence of events and developments emerge.

Shame begins with Mai's earliest recorded interview in June 2002 in which, her face partially covered, with only her eyes conveying her misery, she narrates her ordeal in soft, collected but poignant tones. Between her account and her father Ghulam Fareed's narration we learn how Mai, a woman of the lower caste *Gujjar* tribe, was mercilessly gang-raped on June 22, 2002 in Meerwala by four men, including one of the jurists, on the orders of the local tribal council.[61] The gang-rape was a punishment meted out by a *panchayat* to avenge the alleged illicit relationship between Mai's 12-year old brother, Shaqoor, with a woman of the higher-ranking *Mastoi* tribe. As punishment and to avenge their 'honour', Mai's father was ordered by the *Mastoi* tribal council to bring a daughter from his house to beg for forgiveness as per the tribal tradition. As Mai was the eldest at 28 years of age, her father and uncle chose to take her to beg for forgiveness in front of the tribal council. Her voice breaking down, Mai narrates that in response to her pleas for forgiveness, Khaliq, one of her rapists told her 'God is forgiving you' as he dragged her away to a nearby farmhouse where two men were already present. Here, Mai was raped repeatedly as scores of *Mastoi* men stood outside laughing and applauding at what they perceived as justice in the form of 'honour rape', hence justifying their concept of 'honour for honour'. During her ordeal witnessed by as many as 200 witnesses, Mai recalls crying out 'Will any brother save my honour?' to which no one responded or intervened. As a mark of her final humiliation and the *Mastoi's* revenge and victory, Mai was made to walk home barely clothed with her father and uncle as the villagers looked on.

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Footage of the dusty, narrow road shows the route to Meerwala, lined by a few roadside village vendors, small shops, and fields and huts – a quiet, remote village described as undeveloped and lacking in basic facilities such as a school, roads, telephone connection, and a police station, the nearest one being 18 kilometres away. Off-screen comments describe the village, with a population of five to six thousand, as cut off from the rest of Pakistan where only 'jungle law' prevails, and all that matters is 'family honour'. We see Mai's house that was to become the focus of such tremendous national and international attention as a simple, sparse rustic structure at the time with a cow and a few goats tied outside. Located only a hundred yards away from hers, the residence of Mai's rapists, the *Mastois*, shows their large estate surrounded by lush fields, indicative of their relative wealth, power, and higher status in the community.

In addition to the fate suffered by his daughter, Mai's father narrates the background that started it all when his son, Shaqoor, was taken away by the *Mastoi* tribesmen and sodomized and tortured. He recalls that when registering his son's case with the police, the *Mastois* had threatened to kill him, and he had known little that seeking justice would instead lead to the gang-rape of his daughter. Mai

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had later told an inquiry team on July 4, 2002 that the accusation against her brother was concocted by the *Mastoi* tribe after he had threatened to tell his parents that three *Mastoi* men had sodomized him.[62] Denying any relationship with a woman of their tribe, we see Shaqoor speak of the horrific physical abuse at the hands of the *Mastois*. What is apparent is that two crimes had taken place – one against Shaqoor (sodomy), the other the revenge exacted from his sister (rape). Mai's mother and father speak of their daughter's suffering, revealing how they were pressed by visitors from the village to repeat the gory details of the incident, and continued to receive death threats from the *Mastois*.

As the camera slowly pans the Meerwala village, we hear Mai talk of her frame of mind, despair, and humiliation after the rape as village women told her to keep quiet because she was not 'special' and other women had also suffered the same fate – a course of action that she eventually rejected. She talks of the initial days when she contemplated suicide knowing that no one would come forward to confront the *Mastois*. But realizing that 'the worst had already happened' gave her strength and a sense of purpose to seek justice. At this juncture, Mai remembers the point of realization that something in her changed, a change that was to be the beginning of her long, arduous journey through the apathetic Pakistani judicial system.

We see Mukhtaran Mai's journey begin with the local cleric, Abdul Razzaq, who offered to help her by speaking on her behalf during his Friday afternoon sermon, and later escorted her personally to the nearest police station to file a complaint while her own family members refused to press charges or testify. After spending hours at the *Tehsil Jatoi* police station and giving statements to three different officers, we see Mai returning home at 11 pm after failing to register her case with the police – a revelation that is reflective of the wider tribal influence and power of the *Mastois* as a higher tribe. Even though the gang-rape took place on June 22, 2002, the police registered the case as late as June 30 because of pressure from the socially powerful *Mastoi* tribesmen. Thus another crime was committed by the law enforcement agencies as in a rape case valuable medical evidence was lost by a delay in the medical examination of the victim. It was only when the incident made international headlines that it was dealt with in an appropriate manner and action was taken by the police. As the story drew intense media attention, and rights organizations built pressure for justice, we learn the police arrested 14 people, including members of the tribal council who had issued the verdict.

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Clips from Mai's first interview in 2002 by Mureed Abbas, a local journalist who was the first to report the story in the media, shows her as a frail, broken woman who introduces herself as '30 years old', and a teacher of the *Quran*, which she has memorized by heart.[63] When asked what punishment her rapists should get, she replies without hesitation: 'death'. As for what would be the single most effective tool of defence against such violations and abuse of women, her reply is 'education'.[64] In the years that were to follow, it was these two objectives that were to transform Mai's life from a docile, broken woman to a vocal, defiant rights activist and educationist who would be acclaimed and

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honoured internationally for her courage and struggle, becoming a symbol for women's rights and education.

It is pertinent to mention here that in her memoir entitled *In the Name of Honour*, written in collaboration with Marie-Thérèse Cuny, first published in French and subsequently translated into 23 languages, Mai recounts her transformation from a frightened, docile rape victim to a strong-willed survivor:

> 'Nothing will be "as usual" from now on … I have suffered for days, contemplated suicide, cried my heart out. I am changing, behaving differently, which I would never have thought possible … When I begin this journey into the legal system, a path from which there is no turning back, I am hampered by my illiteracy and my status as a woman. Aside from my family, I have only one strength to call upon: my outrage … Before, I had lived in absolute submission; now my rebellion will be equally relentless.'[65]

Her 'outrage' led to her unfailing pursuit of her quest for justice, which was to eventually lead to the arrest of her rapists. Footage shows Mai making a second trip to the police station, and this time managing to register her case. After the story broke in the international media as well, we see foreign media units, journalists, photographers, and representatives of various NGO's descending on Meerwala, turning the once unknown village into a hub of intense curiosity, activity, and focus of interest because of one woman's courageous decision to speak out and be heard. In the midst of such publicity, as the Pakistan government is forced to launch an investigation, we see the Punjab provincial Minister for Women's Development and Social Welfare at the time, Shaheen Attiq-ur-Rehman, visit Meerwala and extend help such as the deployment of guards to protect Mai and her family. Whereas earlier no one had come forward to testify to the horrific crime against Mai, what we now see is a breakdown of barriers of stigma as villagers begin to add their voices of concern, and question the police neglect in not registering the gang-rape case in the first instance.

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Footage shows Mai's rapists, now under arrest, being brought to court in shackles as six weeks after the incident the trial begins amidst heavy Pakistani and international media presence such as CNN, Reuters, and the BBC. Indicative of the line of intimate questioning in a rape case, Mai comments off-screen of her unease and fear, and at being questioned by the defence lawyers: 'The lawyers asked horrible things, and then I understood why women are afraid of going to court.' Journalist Nadeem Saeed pays tribute to Mai in the film for not backing away from pursuing her case: 'For three days Mai stood in court answering all kinds of questions. Even men would sweat at doing this.' Eventually, six of Mai's rapists were sentenced to death.

Although the *Mastois* never registered a police case against Mai's brother for allegedly raping their daughter, Naqvi shows us their clan giving their version of events. They accuse Mai of concocting the entire episode of the gang-rape, terming it the 'biggest lie in the history of Pakistan'. However, ten weeks after Mai's rape, we see Yaqoob Khan, defence attorney for the *Mastois*, informing the

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media persons that the judge has reached a verdict: of the fourteen arrested, six men are given the death penalty – four for rape and two for abetting the crime – besides a fine of Rupees 40,000 each. Eight men have been set free. Nevertheless, the attorney expresses hope for a better verdict on appeal by the *Mastois*.

As *Shame* moves into 2003, Naqvi gives us footage of the changes and developments that have taken place a year later. Though still her frail self, Mai is picking up her life but her anger has subsided little as she voices that the only punishment that would satisfy her is the death of her rapists which she will believe only when the verdict is carried out: 'I keep thinking their spirits are going to return from the gallows to haunt me.' This was to prove an ominous thought that, in retrospect, would materialize some years later. Mai informs us that after her trial, other women in the area have begun to come forward and report cases of abuse against them to the police. Footage shows the construction of a girl's school in progress, a police check-post with four officers on duty, and a 24-hour police security outside Mai's house – provided by the government due to continuing death threats from the *Mastois*. Speaking of her trip to Spain, where she was invited to the International Women's Rights Forum as a delegate in February 2003, Mai regrets that her lack of education proved to be a hurdle in participating and interacting with others, stressing once again her belief that education is the strongest tool against oppression. Of the Rs 500,000 cheque that the government of Pakistan gave her to honour her bravery she says: 'I could have

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Figure 4.10 Image of Mukhtaran Mai from *Shame*.
Source: Film director Mohammad Ali Naqvi

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left Meerwala, but the people would have stayed the same forever. So I started a school.' Clips show the lively environment of the Government Mukhtar Mai Girls School in session, where up to a hundred girls are now receiving free education. Further, journalist Nadeem Saeed informs us that the village has been renamed after Mai's father, a dual carriageway is under construction, electricity has been provided, and plans are afoot for the construction of a boy's school as well. Intertitles confirm that the government built the Ghulam Fareed Government Primary School for Boys in 2003.

Against these transformations, and the return to comparative normalcy, for the first time we also hear the *Mastois'* version of events. Despite the fact that the *Mastois* never filed formal charges against Shaqoor, Salma Mastoi maintains that she was raped by six men, the last being Mai's brother Shaqoor. Accusing a child of 12 from a lower caste of rape is in itself an incredible exposé of tribal power that is exercised by the *Mastois* to influence and manipulate events and decisions by using their own women to testify and support them. We see Taj Mastoi in her surprisingly impoverished domestic surroundings despite belonging to a higher caste and status, who tells us that three of her sons are rotting in jail for the alleged gang-rape of Mai, and she now has no help with the crops, or the cattle. She vents her bitterness against Mai:

> 'She is free to meet President Musharraf or the governor. She now travels on a plane, with cars, special bodyguards … I am a widow. Mai is fighting with a widow … Let Mai's father come to my face. I will ask him who are the real criminals here, you or us? Which side committed a crime first? You or us? They have made us suffer. God will soon return the favour.'

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Naqvi's depiction of a woman left to fend for herself is reflective of the fact that, unfortunately, as tribal women in a patriarchal society Salma Mastoi, Taj Mastoi, Mukhtaran Mai, and others like them, all have an uphill task regardless of their caste, truth of the case, and verdicts reached.

On his part, Mai's father, while acknowledging the positive changes that have taken place in the village such as the construction of schools and roads, says that he still has to live with the stigma and comments about his daughter and son. Similarly, Mai too says that the local village women still look down on her and don't understand her, while it is the urban, educated women who look on her as a symbol of integrity and courage in a male-dominated society.

As *Shame* progresses to 2004, we see the arrival of Naseem Akhtar, an educated woman who has joined Mai in her educational and welfare work. Akhtar points out that Mai's efforts have changed the destiny of the people of Meerwala despite the firm control of the feudal lords who resist any progress such as schools, electricity, roads, and police presence. Nicholas D. Kristoff, the *New York Times* journalist who was present in Pakistan on other business as Mai's story broke in 2002, also makes an appearance. He speaks of writing about Mai's ordeal in the *New York Times* that resulted in a massive outpouring of support, and donations to the tune of $130,000 which went towards the development of

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Figure 4.11 Image of filmmaker Mohammad Ali Naqvi (centre), Mukhtaran Mai (left), and Mai's friend Naseem Akhtar (right) during the shooting of *Shame*.
Source: Film director Mohammad Ali Naqvi

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her educational efforts. Clips show bare classrooms where earlier children had sat on the floor replaced by neat rows of tables and chairs. The enrolment stands at 350 girls now, and a growing staff, while plans are underway for an expansion to include a high school, and eventually, a college.

In a sudden twist of events, perhaps the worst was yet to come in 2005. Three years after Mai's ordeal, we learn that on appeal five of the six men sentenced to death in her gang-rape case will be freed in a fortnight by the Lahore High Court Multan Bench due to lack of evidence. As media frenzy grows, NGO activists once again rally to Mai's support, both in Pakistan and abroad. The court ruling attracts support from the New York-based Asian-American Network Against Abuse of human rights (ANAA) and its founder Dr Amna Buttar. Mai says she fears for her life even more now. Talking to the press, she breaks down as she appeals to the prime minister of Pakistan for help. She says she finds this court decision more disturbing as this time it has been passed by 'educated people' as opposed to a tribal council that had sentenced her to gang-rape in 2002.

In addition to her appeal in the High Court, we see Mai meeting the then Prime Minister of Pakistan, Shaukat Aziz, who orders four of the accused to be re-arrested.[66] Against these developments, we see Mai being invited by ANAA and Amnesty International (AI) to speak at a Women's Rights Forum in the US. Once again, the government steps in but this time to detain her from leaving the country. We

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learn that Mai has been put under house arrest, and later taken to an undisclosed location in Islamabad while her passport has been confiscated. In footage added by Naqvi to expose government hypocrisy, Mai reappears after 48 hours, making an appearance at a press conference accompanied by Nilofer Bakhtiar, the then Pakistan government Advisor on Women's Development who carefully orchestrates the event, and displays a guarded stance on behalf of her government. Bakhtiar dismisses any intervention in Mai's disappearance, and regards the entire episode as a 'misunderstanding', saying that Mai had postponed the US trip herself because of her mother's illness. On her part, Mai does not hesitate to contradict Bakhtiar to her face during the press conference, informing them that she had been forcefully put under 'house arrest', a point that a reporter pursues ('Madam, she is saying in front of you that she was under house-arrest') but to little avail as Bakhtiar hurriedly concludes the press conference.

In a later interview in the film, Bakhtiar admits that President Pervaiz Musharraf stopped Mai from visiting the US as he felt that her case would go against the image of the country. It is pertinent to point out in retrospect that the president had felt no remorse at his actions. This is evident from his callous remarks in an interview he gave to the *New York Times* in September 2005, enraging rights activists and the international community. Musharraf stated: 'You must understand the environment in Pakistan. This has become a money-making concern. A lot of people say if you want to go abroad and get a visa for Canada or citizenship and be a millionaire, get yourself raped.' In reply, Mukhtaran Mai had told the BBC: 'I offer all the riches I've made out of the *panchayat*-enforced gang-rape to the president in return for justice.'[67]

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As life moves on, clips now show a confident and highly motivated Mai running her own NGO, the Mukhtar Mai Women's Welfare Organization (MMWWO), as work continues on a girls' high school in the village from donations.[68] Besides the schools, the MMWWO board now also lists the Mukhtar Mai Community Dairy Farm and the Women's Crises Relief Centre. Future projects list a health centre, shelter home, and a women's resource centre. By contrast, clips of the *Mastoi* home depict a gloomy and forlorn picture as their family members continue to blame Mai for minting money from their misfortune.

Eventually allowed to travel to the US under growing pressure on the government, we see clips showing Mai receiving international acclaim for her efforts and struggle as she is given a standing ovation by Hollywood celebrities such as Catherine Zeta Jones, Brooke Shields, and others at the 2005 Glamour Awards in the US. Attending a glittering ceremony at New York's Lincoln Center, dressed in her national dress – a simple white *shalwar kameez* – and receiving the Glamour magazine's 'Bravest Woman of the Year Award 2005', Mai shyly utters a one line speech in Urdu: 'My message is to eradicate oppression with education.' CNN journalist Christiane Amanpour applauds Mai's courage in travelling and telling her story despite discouragements. Other engagements and recognition show Mai as a guest at the closing of the NASDAQ Stock Market in New York, and receiving an award at the 'Vital Voices' Global Leadership Award Ceremony in Washington DC with Hilary Clinton in attendance.[69]

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Mai, now visibly plump, relaxed, and smiling easily, is shown sightseeing in New York and meeting the Mayor of Las Vegas. We also see a still photograph of Mai holding a copy of her memoir *In the Name of Honor*, first published in France.[70] Adding to her achievements and recognition, *Time* magazine cites her on its 2006 list of the 100 most influential people in the world. Mai shared this distinction with President Pervaiz Musharraf, a man who had earlier accused her of opportunism in 2005.[71] However, despite the remarkable strides Mai may have made in her individual capacity, how much still remains unchanged is conveyed from the clip of a phone call between the filmmaker and Mai on her return to the village. She is shocked to learn that a nine-year-old student from her school has been raped. But this time, we learn that Mai has acquired the capacity to get the girl's rapists arrested.

As *Shame* enters 2006, we see Mai's Welfare Centre now turned into a hub of activity where a steady stream of women visit her to seek advice on their problems. A school poetry recitation ceremony with girls and boys from Mai's schools also includes a boy from the *Mastoi* tribe who is enrolled there. As she continues with her social work despite constant death threats from the *Mastois*, she reflects: 'Had I left and not struggled, there would have been no schools, electricity, and people's lot would have been the same.' As *Shame* ends its biographical journey in 2006, we learn that Mai, enrolled in her own school, is now in grade five while her case is pending in the Supreme Court of Pakistan.

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Whereas Naqvi's film has shown us Mai's personal ordeal push her into the limelight because of her unrelenting defiance, her struggle at the hands of the Pakistani legal system was to bring her back to square one. Mai's case had been pending in the Pakistan Supreme Court since 2005, while six of the fourteen men sentenced to death in connection with the gang-rape were still in custody pending a retrial. In February 2009, the case hearing was again postponed indefinitely. As she continued to fight for justice, Mai's lawyers suspected political interference from influential tribal leaders as the cause for delay.[72]

Despite Mukhtaran Mai's determined, arduous struggle through Pakistan's legal system, it became a cause of national and international shock when on April 21, 2011 the Supreme Court of Pakistan upheld the decision of the Lahore High Court that had cited lack of adequate evidence, and acquitted five of the six men charged in her gang-rape in 2002.[73] The Supreme Court also upheld the decision of the lower court that had included commuting the death penalty of the sixth man to life imprisonment. Although Mai once again filed an appeal in 2011 (the case is still pending), she had said in an interview to the BBC minutes after the verdict that she had lost all faith in the Pakistani legal system, and now feared for the security of her family and her life:

> 'The police never even recorded my own statements correctly. I don't have any more faith in the courts. I have put my faith in God's judgement now. I don't know what the legal procedure is, but my faith [in the system] is gone. Yes, there is a threat to me and my family. There is a threat of death, and even of the same thing happening again. Anything can happen.'[74]

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Shame is as much about the parallel tribal legal system, as it is reflective of the miscarriage of justice through the gender-biased Pakistani state legal system. In *Shame* we see the story of an uneducated, peasant woman's lonely struggle against all odds – yet the Pakistani legal system has let her down repeatedly after waiting for justice for nine years. The significant point in the Meerwala gang-rape case is that this was a solitary incident that received unprecedented coverage and attention in the local and international media, as compared to the countless cases that go unreported altogether in the face of tribal and class power, which is further compounded by women's inferior status in the patriarchal society of Pakistan.[75]

Although Mukhtaran Mai's struggle has today become symbolic of a simple woman's courage and resolve to fight back, and seek triumph over a tribal system that continues to sacrifice and humiliate women as symbols of their 'honour', I am reminded of Pakistani poetess, writer and women's rights activist, Kishwar Naheed, who had expressed her serious doubts and fears despite the initial just and favourable verdict in the Meerwala gang-rape case:

> 'The Meerawala case is not the first such case which has taken place in Pakistan. Rather, every day several such cases occur but are not reported. I still fear that any day Mukhtar Mai will be killed and after a while the culprits will be freed on some pretext or the other. The system in Pakistan has gone back from feudalism to tribalism. Women have become the symbol of revenge, whether it is Benazir Bhutto or Mukhtar Mai.'[76]

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Mohammad Naqvi's film *Shame* is significant in its filmic exposé and contextualization of the role caste, customs, patriarchal power structures, notions of honour and shame, the *jirga* and *panchayat* system, tribal modes of revenge, and tribal mindsets play in the victimization of women to exert and uphold their power and status. The film pays tribute to a lone woman's courage in taking on all these marginalizing, victimizing, and discriminatory practices and attitudes, allowing Mai the space and empowerment to offer a filmic testimonial of her ordeal from her perspective and press for accountability. In retrospect, *Shame* today holds authenticity value as what can be termed as a *judicial history* of the earliest days of Mai's trial, and the subsequent dismal performance of Pakistan's judicial and state players. Spanning several years since the horrific Meerwala gang-rape incident took place, this biographical film remains significant in its activist intent of documenting and exposing tribal gender-specific violence, and state apathy and failure in such matters, particularly through the gender-biased judicial process and law enforcement machinery in Pakistan.[77]

Samar Minallah: Ethnomedia & Development

Samar Minallah, graduated and returned to Pakistan with an M.Phil. degree in Anthropology and Development from the University of Cambridge, in 1999, and took up documentary filmmaking as her main vehicle for activism in 2003 mainly

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to address issues pertaining to social and tribal practices and oppressive traditions that affect women and young girls in rural areas and the Khyber Pakhtunkhwa Province (KP), formerly known as the North West Frontier Province of Pakistan (NWFP).[78] An ultra-conservative *Pakhtun* tribal region, the KP is historically associated with rigid socio-cultural customs that operate in accordance with notions of 'honour', particularly in the treatment and status of women. Minallah has the distinction of being one of the first Pakistani filmmakers who used video to give voice to marginalized groups, especially in the region, by making socially relevant documentaries.

For over two decades now, as an anthropologist, journalist, freelance writer, human rights activist, and now documentarist, Minallah, a multi-award-winning independent filmmaker, and a *Pakhtun* woman herself, has focused on investigating and critiquing tribal customs, and women's rights issues that had traditionally been ignored and remained out of public view and debate in the region and adjoining Afghanistan that shares the *Pakhtun* cultural norms and languages.[79] With a distinctly activist focus, Minallah's Islamabad-based non-governmental organization, Ethnomedia & Development, of which she is the executive director, was founded in 2004 as an independent media think tank that uses media for social change, and specializes in producing advocacy and consciousness-raising films that challenge patriarchal practices and mindsets.[80] The organization continues to collaborate with local and international civil society as well as government and non-governmental organizations to produce documentaries with an activist focus, besides engaging in public forums, workshops, and advocacy campaigns on culturally controversial and sensitive issues that have included honour-related tribal customs and practices such as *Swara*, violence against women, girls' and women's rights, and taboo health issues such as tuberculosis and HIV/AIDS.

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For the scope and length of this chapter, I will specifically discuss Minallah's widely screened film *Swara: A Bridge Over Troubled Waters* (2003) that was part of her initiative against the tribal practice of *Swara* and made legislative history in Pakistan as it forced the government to criminalize the practice of giving away of minor girls and women through forced marriages as compensation to settle disputes.[81] Other films by Ethnomedia & Development, some made in collaboration with international NGOs such as ActionAid, the Heinrich Böll Stiftung Foundation, Befare, and the International Labour Organization (ILO), will be discussed briefly to give a sense of the variety of social and rights issues the organization has taken up for filmic representation to raise awareness.

Swara: A Bridge Over Troubled Waters (Samar Minallah 2003)

In addition to being the lead researcher for the first statistical research on the custom of *Swara* in various districts of the Khyber Pakhtunkhwa (KP) Province in Pakistan which was shared with policy makers, media, law enforcement agencies, and other stake holders, Minallah's outstanding achievement has been her ground-breaking 40-minute expository documentary *Swara: A Bridge Over*

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Troubled Waters (2003) that put the issue on the national radar.[82] In Pakistan, the documentary served a political purpose as well as it was a catalyst in pushing a law against the custom of *Swara*, and was used as evidence in the first ever Supreme Court case highlighting the issue.[83]

Minallah's documentary challenged the age-old tribal custom of *Swara* as practiced in the KP Province that allows minor girls, even newborns, or in some cases even unborn ones, to be exchanged as commodities and compensation in marriage between rival or disputing groups as a peace-making arrangement to settle feuds, regain lost 'honour', and avenge murder.[84] Under this practice, through forced marriage the '*Swara*' female is condemned to a life of misery and victimization in her in-laws' home as the daughter of the enemy household. In her extensive study on the topic published in 2006, Minallah describes the practice of *Swara*:

> Swara is known to many in Pakistan as an alternative dispute resolution mechanism whereby disputes (often murders) are resolved by traditional peace keeping institutions (jirga, local council of elders) without having to invest time and money in lengthy judicial processes. The price of this dispute settlement is paid by the women/girls from the family of the aggressor who



Figure 4.12 Image of filmmaker Samar Minallah during the shooting of *Swara: A Bridge Over Troubled Waters.*
Source: Film director Samar Minallah

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> enter the household of the bereaved family, by way of unceremonious wedlock, to remind the aggressors of the injustice their men bestowed upon the bereaved family.[85]

The film documents the stories of several minor girls in the KP Province who were given away under the *Swara* custom, depicting the oppressed, and humiliating lives they have been made to lead as '*Swara*' women, and the views of their male elders and community members, most of whom support the practice as a legitimate tribal custom. Interviews with tribal leaders, human rights activists, journalists, lawyers, and *Swara* victims and their families reveal the complex layers of tradition, tribal law, and gender biases that exist in the tribal set up.

Religious clerics interviewed in the film point out that the proposed marriages of minor girls, whose consent is not part of the *Swara* deal, amount to *nikah-bil-jabr* (forced marriages), which are forbidden by Islam, thus also rendering them illegal in religious terms.[86] They also emphasize that as *Sharia* laws already give the provisions of *Diyat* (blood-money) and *Qisas* (execution of the murderer) for murder and revenge, *Swara* is a purely tribal practice, and has no legal or religious sanction under Islam, or the tribal code of conduct of the *Pukhtuns* known as *Pukhtunwali*. [87] As off-screen commentary explains the tribal customs and



Figure 4.13 Image of *swara* girl from *Swara: A Bridge Over Troubled Waters.*
Source: Film director Samar Minallah

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Figure 4.14 Image of *swara* girl from *Swara: A Bridge Over Troubled Waters.*
Source: Film director Samar Minallah

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notions of honour, and the dynamics of *Pukhtunwali*, the native tribal unwritten code of law (as opposed to *Sharia* laws in Islamic jurisprudence which are regarded by Muslims as divine laws derived from the *Quran*), interspersed heart-rending images of minor *Pukhtun* girls being led by their fathers to be offered as compensation to enemies through *jirgas* bring to life the callous practice of sacrificing females to appease the acts of men in their societies.

Malik Bilal, a tribal chief from Darra Adam Khel, explains that when the *Sharia* laws of *Qisas* and *Diyat* prove insufficient for revenge, tribal wisdom dictates that a woman be given away as *Swara* so that someday her children will belong to both warring families, and hence the dispute would be settled permanently. (See Appendix 5 for an explanation of the *Qisas* and *Diyat* laws). We learn that under the *Swara* custom, a woman from the aggrieved family goes to the aggressor's/murderer's home to select a girl who would be given away at maturity, and once the settlement is reached goats are slaughtered and a feast held to commemorate the occasion, although the marriage ceremony itself would not be commemorated by any festivities. Bilal points out that in the case of an influential person's murder, instead of one, two *Swara* girls are given away as a status symbol. We learn that this act of 'forgiveness' or resolution of a dispute is known as '*nanawatay*' in the tribal code of *Pukhtunwali*.

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Figure 4.15 Image of *swara* girl from *Swara: A Bridge Over Troubled Waters.*
Source: Film director Samar Minallah

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Addressing the legal foundations for *Sharia*, Justice Dr Fida Mohammad Khan of the Federal *Shariat* Court, Islamabad, explains in the film that punishment according to the *Sharia* law should have four characteristics – it should be punitive, retributive, reformative, and a deterrent – none of which are embodied by the custom of *Swara* since the criminal himself goes free and an innocent female is made to pay the price. Nevertheless, an old tribal man defiantly defends the custom, and does not hesitate to display his contempt in the film for *Swara* women:

> 'I may accept a *Swara* girl as payment for my son's murder, she will get food and clothing but I will find it very difficult to have any feelings of kindness towards her in my heart. I will not accord her any marriage ceremony. I will simply whisk her away by hand or on horseback. She is the price for my son's death and will be treated accordingly. This is our custom. Of course I will taunt her and humiliate her. After all, she is the price paid for my son's death.'

These comments demonstrate the oppression, ill-treatment, and discrimination suffered by *Swara* women in their in-laws' homes and in society because they are treated as nothing more than constant reminders of the crimes their male family

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Figure 4.16 Image of *swara* girls from *Swara: A Bridge Over Troubled Waters.*
Source: Film director Samar Minallah

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members have committed – hatred and crimes they are not personally responsible for. First-hand accounts in the film from *Swara* women stress the helplessness and despair suffered by them at the mercy of tribal customs. Adding anguish and poignancy to the subject of the film, these tribal women's voices support the filmmaker's intent of raising awareness and opposition to the practice of *Swara* as an illegitimate and brutal means of justice. As the film ends with a small girl being led away by her father to a *jirga* – an image that is repeated throughout the film to endorse the unjust nature of the *Swara* custom – women's testimonies of abusive lives, and views from men that support the practice as an 'honourable' tribal practice establish the fact that the custom of *Swara* is mere revenge, and anything but a genuine and effective form of resolving issues, or eradicating hatred and enmities. There have also been media reports about *Swara* girls being killed by in-laws once they are given away in marriage.[88]

In depicting views and personal stories from a cross-section of society, particularly from *Swara* women themselves, Minallah's *Swara: A Bridge Over Troubled Waters* can be seen as offering a rare empowerment to female victims to come forward and speak out against the unjust custom for the first time. Doing so on film is even more rare considering the conservative environment of the tribal regions and their marginalizing treatment of women, particularly in the public

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arena. It is no doubt the filmmaker's cultural and gender-sensitive approach has been instrumental in establishing trust and confidentiality with her subjects and female victims of *Swara*, resulting in the investigation of a most neglected, yet significant, issue. Given her own *Pukhtun* ethnicity, knowledge of languages spoken in the region (Pushto/Darri), and her focus on an investigation of specific tribal customs and socio-cultural issues, Minallah's filmic exercise can also be seen as auto-ethnography that film scholar Bill Nichols points to.[89]

It is to her immense credit that in a country notorious for government apathy towards human rights issues, particularly regarding women's rights as we have seen in earlier films, Minallah's activist documentary and persistent campaigning were a key factor in playing a significant legislative and deliberative role[90] by raising countrywide awareness and mobilization against the custom of *Swara*, also practiced by the names of *Khoon Baha, Chatti, Ivaz*, or *Vanni* under the same dynamics in other tribal regions of the country through the tribal legal system.

Minallah's documentary on *Swara* was used as evidence and resource material by the Supreme Court of Pakistan in its case regarding the criminalization of the custom. As a result of the nationwide pressure exerted by Minallah's efforts through the media, her film compelled the Pakistan Supreme Court in 2005 to deliver a benchmark decision that renders the practice of offering and accepting by way of compensation any child or woman against her free will as a criminal offence under Section 310-A inserted into the Pakistan Penal Code (PPC).[91] Minallah has continued to highlight similar tribal customs as *Swara*, known as *Vani, Sungchatti*, and *Irchai* in other tribal regions and provinces of Pakistan, through her activist documentary *The Plagued Mindset* (2008).[92]

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Minallah's other filmic topics have included the issue of human smuggling and human trafficking for the purpose of bonded-labour, slavery, prostitution, and children sent as camel jockeys to the Middle East through organized criminal networks operating in Pakistan and abroad **(***The Dark Side of Migration* (2009)).[93] This documentary has been widely used for advocacy and educational purposes by the Federal Investigation Agency of Pakistan (FIA) and various non-government organizations. Minallah has also focused on the largely overlooked and neglected long-term emotional impact of war on the lives of Afghan refugee women living in refugee camps in Pakistan's KP Province from their perspectives on the impact of conflict, war, and resultant personal loss (*Dar Pa Dar: Afghan Refugee Women* (*Where the Heart Lies*) (2008)), and internally displaced *Pakhtun* populations from Bajaur Agency in the province due to the often indiscriminate Pak-US-led aerial strikes on *Al Qaida* and Taliban hideouts that often targeted civilian populations as well in the process (*Da Bajaur Galoona* (*Homeless at Home*) (2008)).[94] Minallah has also led awareness campaigns, and produced documentaries on issues of health-related stigmas in Pakistani society such as HIV/AIDS, its transmission by migrant workers, and the impact on socially shunned AIDS victims and their families (*The Silver Lining: HIV and AIDS* (2007)), and tuberculosis (*Rays of Hope: A Documentary on Tuberculosis* (2008)) in the most backward areas of the KP region where discussion and seeking treatment for these diseases remains largely taboo.[95]

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Besides television talk-shows in local languages such as Pushto and Darri (spoken both in the KP Province of Pakistan, and Afghanistan), Minallah has also conducted her filmic activism through the potential music and songs have in promoting and popularizing ideas and views. These issue-oriented productions have included a music video that emphasizes the importance of girls' education (*Allaho: A Lullaby for You My Daughter* (2009)).[96] This music video makes a significant break with tradition as lullabies in the region are traditionally sung and dedicated to boys as only they are perceived to be precious as heirs, whereas girls are seen as an unwanted burden by parents. Sung by an Afghan woman singer, Naghma, to a lively tune and music, the lullaby is dedicated to girls. Referring to them as the 'jewel of the mother's cradle', the song urges girls to seek education and do well in life in their own right, as opposed to living a sheltered life under male domination. The music video, launched by the Human Rights Commission of Pakistan (HRCP) in Islamabad, Pakistan, has acquired significant importance and popularity as an advocacy tool since hundreds of schools were burnt down in the Northern Areas of Pakistan such as in the Swat Valley, and Afghanistan by religious fundamentalists and the Taliban who oppose girls' education.

The diversity and richness of the *Pakhtun* culture and women are explored and represented in other video songs also such as *Shinwarey Lawangeena: Where the Waters Meet* (2006), and *Warwaee Lasoona: The Dance of Unity* (2008).[97] In particular, the lyrics of *Bibi Shireenay: Where Honour Comes From* (2007) sung by a male singer, Gulzar Alam, pays tribute to the struggles and contribution of rural *Pukhtun* women to their society.[98] The folk song video, made as part of the awareness-raising campaign regarding violence against women in collaboration with a women's organization, the *Aurat* Foundation, Peshawar, raises awareness on how women are culturally deprived of their right to inherit property, as well as basic health facilities in the rural areas of Pakistan.

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Minallah's productions have been shown in Pakistan's rural areas through mobile screenings, and broadcast on national and regional television channels to generate national debate, while her song videos have met popular demand in the Pushto-speaking regions. Besides film production and publications, Minallah's organization also serves as an outreach research and resource centre that provides sensitizing workshops on local and tribal issues to religious leaders, media persons, and tribal *jirga* leaders.[99]

Most of Minallah's documentaries, especially the award winning *Swara: A Bridge Over Troubled Waters* (2003), are being used for pedagogical, educational, and consciousness-raising purposes around socio-cultural and tribal practices in Pakistan and abroad, including at Amnesty International, while *Bibi Shireenay: Where Honour Comes From* (2007) has also been screened at the United Nations Headquarters in New York, USA.[100] Today, Minallah's filmic contributions present a body of work from an independent Pakistani woman filmmaker who is driven by a strong activist intent to conduct an expository, issue-oriented cultural investigation into a range of neglected and taboo topics that prevail and undermine gender and human rights in conservative tribal societies such as the Khyber Pakhtunkhwa Province of Pakistan.

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Conclusion

The contextual reading and discussion of a selection of documentary films in this chapter, both by organizations and independent filmmakers, illustrates the various issues pertaining to extreme forms of violence and honour-related crimes against women, gender-discrimination and biases, and violation of their individual and human rights. Collectively, these investigative, expository, observational, and biographical films draw attention to the inadequate legislative measures, corruption in the Pakistani law enforcement-machinery, and state apathy in dealing with the aforementioned issues, and the socio-cultural and tribal agendas and customs that support and strengthen the brutalization of women in Pakistani society, rendering them victims of a vicious system. Particularly, these productions and their makers illustrate the activist spirit of the documentary film practices taking root in Pakistan, with a distinct focus on social and political 'accountability', legal reforms, and law enforcement that would ensure justice and security for women, and protect their rights as human rights.[101]

Beginning with *Stove Burning: Neither Coal Nor Ashes* (*Na koella bhye na raakh)* (1993) and *Burnt Victims: Scars on the Society* (2002), we get a chilling insight into the patriarchal power structures and mindsets that invoke and justify the victimization of women, domestic violence, even murder, with impunity. By documenting and showing the plight of actual female victims of stove-blasts and acid-attacks, as activist and rights organizations both *Simorgh* and the AGHS Legal Aid Cell have given the subjects of their films a rare voice and chance to exhibit their predicament, highlighting the dangers and cruelty meted out to women in a society and legal system that offers them little protection, and almost no justice. Images of ghost-like disfigured and badly burnt women are testimonies of ruined lives with a bleak future and poor ability to lead independent lives, while ineffective legal directives, and state indifference to the widespread menace of burning, defacing, and murdering women for revenge, monetary gains, or as acts of sheer hatred continue to act as facilitators for such crimes. On the other hand, the wide international success of Sharmeen Obaid-Chinoy's Oscar-winning film, *Saving Face* (2011), and the subsequent Anti-Acid Campaign launched by the film team, have not only been instrumental in bringing the brutal crime of acid-attacks on women to centre-stage prominence, both in Pakistan as well as internationally, but also stresses the legislative and pedagogical value of documentary cinema as a cross-cultural tool in the service of consciousness-raising, justice, and social change.

Shame: A Tale of Karo kari (2005) makes a valuable contribution in tracing not only the roots and practice of honour-killings, but also in holding the state accountable as the final authority in promulgating and expediting adequate laws, and protecting its citizens. As a filmic exposé of problematic legislative lacunae, tribal power, and government apathy that tends to aid brutal murders to be committed with impunity in the name of perceived 'honour', the film holds a historical and legislative significance as it pieces together the many complex and urgent socio-legal factors that need to be addressed by society and the state. In

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presenting the many aspects relating to the crime and issue of honour-killing, the documentary serves its activist intent as it brings together and exposes the key underlying factors of economic gain, cultural and tribal power structures, failure of state laws and institutions, state complicity with the tribal and feudal system, judicial and state gender-biases, and the victimization of women in particular on the pretext of 'honour' and morality that instigate such murders. In doing so, the film plays a deliberative and legislative role by identifying areas where changes in laws and law-enforcement mechanisms need to be revised and applied.[102]

It may be mentioned here that Sharmeen-Obaid Chinoy's documentary film, *A Girl in the River: The Price of Forgiveness* (2015) garnered tremendous attention, both at home and worldwide, for the crime of honour-killing. Winning in the Best Documentary (Short Subject) category at the 88th Academy Awards held in February 2016 in the US, the film renewed focus on honour killings with Pakistani Prime, Mian Minister Nawaz Sharif, declaring his government's resolve to bring in appropriate legal measures to contain the practice.[103]

Compressing a tribal woman's struggle against all odds into 90 minutes, we see Mohammad Naqvi's documentary *Shame* (2006) play an important archival role by documenting the timeframe and sequence of Mukhtaran Mai's gang-rape case over a period of five years. Naqvi's biographical approach, compilation of media footage and stills, and documentation of the sequence of key events surrounding Mai's case and the developing story carefully pieces together the transformation of an unknown woman into an internationally acclaimed rights activist, and the obscure village of Meerwala into a hub of social welfare activity. As opposed to the many sensationalizing print media stories that have abounded in both the local and international media about the Meerwala gang-rape case, *Shame* brings to life the voices and sights of actual victims, and the locales, courthouses, and the changing landscape as developments such as new schools and social welfare activities begin to emerge. In doing so, Naqvi's observational and participatory documentation acquires the activist value of the 'committed documentary' that is positioned to seek accountability and justice for its subject.[104] As *Shame* acquires its own archival significance in a case that remains unresolved, it also plays a deliberative and judicial role in highlighting not only the brutality of tribal customs and practices, but equally the gender-biases prevalent in the state law-enforcement machinery, drawing attention to the dangers, limitations, and hurdles that prevail and need to be addressed.[105] The film can be seen as a critical cultural-judicial study of the Pakistani tribal legal system versus the state criminal justice system in the Meerwala gang-rape case as it draws attention to the wider issue of marginalization of women's rights and their oppression.

Similarly, the filmic body of work being produced by Samar Minallah's Ethnomedia & Development today stands as a strong and significant ally in pushing for social change, and legislative reforms. Minallah's film entitled *Swara: A Bridge Over Troubled Waters* (2003) addresses the oppressive tribal custom of *Swara* whereby females and minor girls are given away as compensation through forced marriages to settle disputes and avenge murders. As a documentary film that actually aided in the criminalization of such customs,[106] *Swara* testifies to the

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utility of documentary cinema in the service of human rights and social change.[107]

Minallah's activist filmmaking style that focuses on case studies and testimonies of victims of tribal practices embodies a cultural sensitivity to the regional conservative environment, its customs, traditions, and socio-political landscape. As a *Pakhtun* woman conversant in the regional languages, and the socio-cultural nuances and constraints of the people and culture she investigates, as an 'insider' Minallah has been successful in encouraging her subjects, particularly women, to confide and open up about controversial and personal issues in a most conservative society.[108] Today, Minallah's films and her organization stand as significant human rights advocacy tools and educational forum that continue to address and investigate crucial socio-cultural issues with an emphasis on social change and reform.

Together, these documentary films, filmmakers, organizations, and collaborations represent women's gender-violence issues, and the abuse and violation of their human rights both as individuals and as Pakistani citizens, while the contextual analysis also situates their makers' own political, personal, historical, social, cultural, and institutional positioning as activists in the process for change.[109] In addition to independent filmmakers and collaborations between rights and activist organizations in the preceding chapters, films in this chapter illustrate that production of issue-oriented films from non-governmental organizations, as well as the emergence of new documentary filmmaking organizations, such as Ethnomedia & Development, with a focus on advocacy and consciousness-raising continue to add to a committed 'Cinema of Accountability' category in Pakistan, as identified in this study. Collectively, these films and their makers call attention to the pressing need for accountability from the government, policy makers, law-enforcement bodies, the judicial system, and society for reforms and legislative measures to contain the horrific violence and indignities suffered by women on the pretext of culture, tribal customs, and so-called 'honour'.

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Serving as visual testimony to the ruthless forms of violence committed against women with impunity, these films remain valuable in upholding and fulfilling the activist intent of documentary film to a) record, reveal or preserve; b) to persuade or promote; c) to analyse or interrogate; and d) express the urgent need for checking and penalizing negative and violent patriarchal and tribal mindsets and cultural practices in the ill-treatment of women.[110]

Film discussions in this chapter demonstrate that Western conceptualizations and terminology of 'feminist' are not wholly applicable to the Pakistani situation, as stated in Chapter 1 (endnote 20) of this book. This is primarily so because of Pakistani women's distinctly unique blend of socio-cultural, historical, political, religious, and tribal backgrounds that is specific to them and their national identity and realities. These complex factors cannot be overlooked if a meaningful contextual analysis of Pakistani women's oppressions, marginalization, and victimization through laws, cultural practices, and subjugation in a patriarchal system are to be conducted. Pakistani women's rights and issues primarily remain human rights issues till such time they are granted and ensured equal status, rights, and

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protection as individuals and citizens under the state laws. In fact, it is near impossible to contain and evaluate the representation of widespread brutal violence depicted in films in this chapter in particular within the diverse or neat divisions and frameworks of Western feminist film studies, and feminism.[111] Hence, these Pakistan-specific issues, films, and filmmakers necessitate contextual analyses that situate them within their own particular socio-cultural, political, and historical ground realities, as well as the contributing factors of economic contradictions, and gender-specific constraints that are also dictated by class, and influenced by patriarchal notions of morality.[112]

Discussions in this chapter emphasize the invaluably crucial and activist utility of documentary cinema to continue to identify, document, and highlight pressing issues of violence against women and violation of gender and human rights for debate, consciousness-raising, and social change in countries like Pakistan – as indeed they do for building cross-cultural and cross-class communication for solidarity, and encouraging activist alliances that the contextual reading of films in this book illustrates.

Correspondingly, the use of talking heads as a strategy to forge a direct subject–viewer connection,[113] and autobiographical accounts of ordinary people that offer counter-historical and anti-patriarchal versions of the same events, render these films as significant archival records that seek accountability for their human rights violation.[114] As well, we see and experience the common beliefs and convictions for justice held by both the filmmakers, and the subjects and victims they empower to speak out.[115] Together, the filmmakers and their subjects give the viewer not only an insight into the gender-specific predicaments faced by the subjects, and potentially by women in general, they also invoke action for justice, and accountability for such crimes and maltreatment, not only in Pakistan but also in the broader sense of gender/women's rights, and protection from violence globally.

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Notes

1 Mahnaz Afkhami, 'Gender Apartheid, Cultural Relativism, and Women's Human Rights in Muslim Societies', in Marjorie Agosin (ed.), *Women, Gender, and Human Rights: A Global Perspective*, Rutgers University Press, USA, 2001 p. 234.
2 Abbas Jalbani, 'A Return to Tribalism?', *Dawn Weekly Review,* September 12–18, 2002, p. 7.
3 Ardeshir Cowasjee, 'Injustice to Women', *The Daily Dawn*, Pakistan, February 5, 2004. Accessed at: http://www.dawn.com on February 5, 2011.
4 For details see Shahla Zia, and Farzana Bari, 'Women in Non-Government Organizations', *Baseline Report on Women's Participation in Political and Public Life in Pakistan.* Project of International Women's Rights Action Watch – Asia Pacific. Published by *Aurat* Publications and Information Service Foundation, Islamabad, Pakistan, 1999, p. 11.
5 According to the *State of Human Rights in 2008 Report* prepared by the Human Rights Commission of Pakistan (HRCP) at least 1,210 women were killed for various reasons in Pakistan, including at least 612 killed for honour; there were 808 sexual harassment cases of which 350 were rape cases, 445 gang-rape cases and 13 cases of stripping. At least 221 victims were minors. *State of Human Rights in 2008 Report*. 'Women', Human Rights Commission of Pakistan, Maktaba Jadeed Press,

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Lahore, Pakistan, p. 115. Similarly, a monitoring exercise conducted by the Lahore-based law firm AGHS Legal Aid Cell shows that from April to June in 2009, 122 cases of women being burnt were reported in the city of Lahore alone. Of them, 21 women had acid burns while the rest were injured by direct exposure to flames. Of these, 40 victims died. *The Daily Dawn*, 'Violence Against Women Unchecked', July 4, 2009. Accessed at: http://www.dawn.com/news/879454/violence-against-women-unchecked on April 2, 2015.

6 For 2014 data on violence against women in Pakistan, see 'Rights of the Disadvantaged: Women', *State of Human Rights in 2014*, Human Rights Commission of Pakistan. U. B. Printers, Lahore, Pakistan, 2014, p. 201. Accessed at: http://hrcp-web.org/hrcpweb/data/ar14c/5-1 women - 2014.pdf on April 18, 2015.

For detailed discussion on factors that can hinder reporting of cases of violence against women in Pakistan, see 'The State Response to Violence Against Women'. *Crime or Custom?: Violence Against Women in Pakistan*, Human Rights Watch World Report, New York, USA, August 1999, p. 33. Accessed at: http://www.hrw.org/reports/1999/pakistan/ on April 2, 2015.

7 The Human Rights Commission of Pakistan (HRCP) 2010 report released in April 2011 states that at least 1,790 women were murdered in 2010 as a result of honour-killings and other forms of violence. Of these, 791 women were killed in incidents of so-called honour killing or *karo kari*, and the killers were often related to the victim. According to statistics provided by the police departments in the four provinces, cases of rape of 2,903 women, nearly eight women a day, were reported to the police. These included at least 51 cases of gang-rape. These figures were believed to be only a fraction of the actual problem as cases are often not reported or are hushed up. *State of Human Rights in 2010*,, 'Violence Against Women', Human Rights Commission of Pakistan, Maktaba Jadeed Press, Lahore, Pakistan, 2010, pp. 206–7.

8 *The Daily Dawn Online*, 'Over 11,000 Cases of Violence Against Women Registered Since 2009', February 21, 2011. Accessed at: http://www.dawn.com/news/607746/over-11000-cases-of-violence-against-women-registered-since-2009 on January 15, 2016.

9 Given the alarming rise in violence-related cases, up to nine women's police stations, staffed by women police officers, have also been established in the cities of Karachi, Larkana, Hyderabad, Peshawar, Abbottabad, Islamabad, Lahore, Rawalpindi, and Faisalabad. Ibid. Accessed at: http://www.dawn.com/news/607746/over-11000-cases-of-violence-against-women-registered-since-2009 on January 15, 2016.

10 For discussion of Pakistani family laws that address and affect women's rights, see Rubya Mehdi, *The Islamization of the Law in Pakistan*, Routledge Library Edition: Politics of Islam, UK, 2013.

For the AGHS Legal Aid Cell 2009–2010 statistical figures of violence against women in Pakistan, see Huma Patrick, 'Cases of Violence Against Women in Pakistan: November 2009–October 2010', *AGHS Legal Aid Cell Publications*, Lahore, Pakistan, 2011.

11 Nancy C. M. Hartsock, 'The Nature of a Standpoint', *The Feminist Standpoint Revisited and Other Essays*, Westview Press, Colorado, USA, 1998, p. 107.

12 Chuck Kleinhans, 'Forms, Politics, Makers and Contexts: Basic Issues for a Theory of Radical Political Documentary', in Thomas Waugh (ed.), *"Show Us Life": Toward a History and Aesthetics of Committed Documentary*, The Scarecrow Press, Inc. Metuchen, NJ and London, 1984, p. 320.

13 *Stove Burning: Neither Coal Nor Ashes* (Punjabi title: *Na koella bhye na raakh*), 1993 (28 min.). Produced by Nadia Shah for *Simorgh* Productions, Pakistan. (Urdu/Punjabi).

14 A. A. Hayat. *Women: Victims of Social Evil*, Pakistan Institute of Security Management, Press Corporation of Pakistan, 2002, pp. 32–3.

15 For the Burn Units situation in the Punjab province, see 'Only Four Burn Units in Punjab Fully Functional', *The Daily Dawn* e-paper *'Metro Lahore'* section May 12, 2015. Accessed at: http://www.dawn.com/news/1181484 on January 15. 2016.

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16 Since the making of *Stove Burning* in 1993, till 2011 there was only one other burn unit under installation in Jinnah Hospital in Lahore, Punjab, but the progress was slow because of lack of funds and the amount of expenditure involved in the establishment of such units. Personal communication with Ms Huma Patrick, Coordinator AGHS Legal Aid Cell Burn Unit and Monitoring Cell, Lahore, Pakistan, June 28, 2011.

For the situation in Lahore, also see: Iqtidar Gilani, 'Only Two Burn Units Functional in City', *The Daily Nation* September 13, 2012. Accessed at: http://nation.com.pk/lahore/13-Sep-2012/only-two-burn-units-functional-in-city on April 2, 2015.

The situation remains grim for burn patients as even major government hospitals in the capital city of Islamabad, and its twin city of Rawalpindi, lack adequate facilities. For details see: Muhammad Qasim, 'Pakistan Lacks Burn Treatment Facilities', *The News International*, April 1, 2014.

17 Bill Nichols, 'What Are Documentaries About?', *Introduction to Documentary*, Indiana University Press, Bloomington, IN and Indianapolis, IN, USA, 2001, p. 70.

18 *Burnt Victims: Scars on the Society*, Ahmar Rehman, 2002. (20 min. 38 sec.) AGHS Legal Aid Cell in collaboration with Katholische Frauea Deutchland, Pakistan (Urdu/Punjabi/English/English sub-titles).

19 According to a report by the UN Women, while acid-attacks are most prevalent in Bangladesh, Cambodia, India, and Pakistan, they have also been reported in Afghanistan and in parts of Africa and Europe. In 2002, Bangladesh became the first and only country that instituted a law to address acid production business. In 2002 the Bangladesh government passed the Acid Crime Prevention Act 2002 and Acid Control Act 2002 that regulate the import and sale of acid in open markets, and treat acid-attacks as a serious punishable crime. 'Acid Attacks', *UN Women: United Nations Entity for Gender Equality and the Empowerment of Women*. Accessed at: http://www.endvawnow.org/en/articles/607-acid-attacks.html on April 2, 2015.

It is encouraging that, due to the unwavering struggle and pressure by women's rights activists and women parliamentarians, an Acid Control and Acid Crime Prevention Bill, 2010 was presented and passed in the National Assembly of Pakistan on May 10, 2011. The Bill sought to deter incidents of acid-attacks on women, and to compensate and rehabilitate victims. The Bill recommended the punishment of either life-imprisonment or imprisonment for a minimum of 14 years, besides a minimum fine of Rupees 1 million. *The Daily Times*, 'NA Passes Bill to Prevent Acid Attacks Against Women', May 11, 2011. Lahore, Pakistan. Accessed at: http://archives.dailytimes.com.pk/main/11-May-2011/na-passes-bill-to-prevent-acid-attacks-against-women on January 15, 2016.

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20 The Pakistani Women's Human Rights Organization (PWHRO) describes the life-altering physical and psychological effects of acid-attacks on survivors: 'Acid burns through eyes, skin tissue, and bone. Usually, the victims are left blind and with permanent scar tissue. Their bones are often fused together – jawbones sealed tight, chins locked to chests, hands left permanently contorted in the position they held as they tried to deflect the splash. The psychological scars are even worse. Depression, anxiety and shame would be part of the emotional aftermath of any scarring injury. Victims of acid-attacks are also often ostracized by their communities and even held responsible for incurring the attack they suffered.' For case studies of acid-attacks see: 'Recent Victims of Inhuman Attacks with Acid', *Pakistani Women's Human Rights Organization* (PWHRO). Accessed at: http://pakistaniwomen.org/acid_pwhro.html on April 2, 2015.

21 According to a survey conducted by a Pakistani English newspaper, *The Daily Times*, there were around 1,000 chemical and acid dealers running their business without any checks on sale and purchase of acid. A bottle of acid could be bought for domestic use by anyone as the district administration failed to enforce any checks on the sale of the item. Nadia Usman, 'Acid Accessibility Behind Increase in Burn Cases', *The Daily Times*. April 6, 2008. Lahore, Pakistan. Accessed at: http://archives.

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dailytimes.com.pk/national/06-Apr-2008/acid-accessibility-behind-increase-in-burn-cases on January 15, 2016.

22 Nichols, 'What Are Documentaries About?', p. 70.

23 For further details see: *Human Rights Watch*. 'Pakistan: Expedite Domestic Violence Legislation'. Accessed at: http://www.hrw.org/en/news/2010/01/11/pakistan-expedite-domestic-violence-legislation on April 2, 2015.

24 For details of the Acid Control and Burn Crime Prevention Act 2010 see: Myra Imran, 'First Major Step Towards Legislation Against Burn Crimes: Bill Titled "Acid Control and Burn Crime Prevention Act 2010" Presented to the Ministry', *The News International*, August 12, 2010, Lahore, Pakistan.

Similarly, a Prevention of Anti-Women Practices (Criminal Law Amendment) Bill was passed by the National Assembly of Pakistan on November 15, 2011, and approved by the Senate to become law in December 2011. Sumera Khan, 'Women-specific Bills Passed: Fourteen Year Jail Term for Acid-Throwers', *Express Tribune*, Islamabad, Pakistan. Accessed at: http://tribune.com.pk/story/305482/unanimous-vote-senate-passes-women-protection-anti-acid-throwing-bills/ on April 2, 2015.

25 According to the Pakistani Women's Human Rights Organization (PWHRO), Shahnaz Bokhari, chief coordinator and clinical psychologist at the Progressive Women's Association (PWA) in Rawalpindi, states that PWA has counted 8,000 victims burned by acid as well as kerosene and stoves since 1994 just from the cities of Rawalpindi, Islamabad, and a 200-mile radius, and not Pakistan as a whole. The *Aurat* Foundation has documented 53 cases of acid-attacks in 2009 in Pakistan (42 in Punjab; 9 in Sindh; 1 in NWFP; 0 in Balochistan; 1 in Islamabad). The organization also points out that the scenario in 2010 seemed to be no better, while women's activists believe that only 30 per cent of acid-attack cases are reported. *Pakistani Women's Human Rights Organization* (PWHRO). 'Recent Victims of Inhuman Attacks with Acid'. Accessed at: http://pakistaniwomen.org/acid_pwhro.html on April 2, 2015.

26 In one decade alone, the PWA has uncovered over 5,675 stove-death victims as part of the 16,000 cases they have documented of violence against women. The data is available at: http://womensenews.org/story/21-leaders-the-21st-century/031223/seven-who-stretch-their-reach-across-cultures. Accessed on January 17, 2016.

27 Ibid. Accessed on January 17, 2016.

The PWA is now available on Facebook: https://web.facebook.com/Progressive-Womens-Association-111315255588748/info?tab=page_info. Accessed on January 17, 2016. There does not seem to be a direct PWA website any longer. This is most probably because of security reasons for both those working there and the victims. For example see this site: http://womensenews.org/story/domestic-violence/021027/pakistans-fiery-shame-women-die-stove-deaths.

28 The Acid Survivors Foundation (ASF) in Pakistan is a branch of the Acid Survivors Trust International (ASTI), a UK-based charity that supports a network of partners who provide surgical treatment and rehabilitation to around 1,000 survivors every year. Acid Survivor's Foundation of Pakistan. Accessed at: http://acidsurvivorspakistan.org/about on April 2, 2015.

29 Data available from the AGHS Legal Aid Cell reveals that 68 women were burnt in the city of Lahore in the first three months of 2009. A statement issued by the cell said eight women were burnt in acid attacks, while 60 were set ablaze. It said the figures were probably a tip of the iceberg, as 49 cases in Lahore alone were reported in the local press, while most went unreported for various reasons. *The Daily Times.* '68 Women Burnt in City in 3 Months', April 15, 2009. Accessed at: http://archives.dailytimes.com.pk/lahore/15-Apr-2009/68-women-burnt-in-city-in-3-months on January 15, 2016.

30 For further details and figures see Yumna Rafi, 'An Unforgiving Scar', *The Daily Dawn*. March 26, 2015. Accessed at: http://www.dawn.com/news/1153480/unforgiving-scar-2014-a-year-of-horrific-acid-attacks on April 2, 2015.

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31 *Saving Face*, Sharmeen Obaid-Chinoy (with Daniel Junge), 2011 (52 min), Naked Edge Films (English/English sub-titles/Urdu).

32 For Sharmeen Obaid-Chinoy's list of awards see: http://sharmeenobaidfilms.com/awards/. Accessed on January 17, 2016.

33 Acid Survivors Trust International (ASTI). Accessed at: http://www.acidviolence.org/index.php/news/Saving-Face-trailer-and-the-Press-Release/ on April 2, 2015.

34 The Bill legislates a punishment of 14 years to life imprisonment for crimes involving the disfiguring of human organ/body by a corrosive substance. *The News International*, 'President Gives Assent to Bills on Crimes Against Women', December 22, 2011.

35 Saira Agha, 'Pakistani Women are Brave and Fearless', *The Daily Times*, March, 18, 2012. Accessed at: http://archives.dailytimes.com.pk/infotainment/18-Mar-2012/pakistani-women-are-brave-and-fearless on January 15, 2016.

36 *Business Recorder*. 'Sharmeen Chinoy Launches Anti-Acid Campaign', February 28, 2012. Accessed at: http://www.brecorder.com/top-news/1-front-top-news/47514-sharmeen-chinoy-launches-anti-acid-campaign.html on April 2, 2015.

For details of the Anti-Acid campaign visit Project SAAVE at: http://projectsaave.org/ Accessed on April 2, 2015.

37 *Dawn.com*. 'President Confers Civil Awards on 67: Top National Award for Nusrat Bhutto, Salman Taseer', March 24, 2012. Accessed at: http://dawn.com/2012/03/24/president-confers-civil-awards-on-67-top-national-award-for-nusrat-bhutto-salman-taseer/ on April 2, 2015.

Pakistan Day is commemorated each year on March 23.

38 In the Pakistani context, honour and shame assume the terms of *ghairat* (honour/pride) and *izzat* (respect/honour), and *sharm* (shame). However, the tribal concepts of punishment for related violations of perceived honour remain similar in all tribal and feudal societies. A. A. Hayat elaborates on the gender-specificity of these terms: '*Ghairat* is masculine. A man must be able to hold up his head with pride and stand tall in public. If his pride is compromised in any way realistically or imagined, it dishonours him. To revive his honour and live with pride in his society he must kill or avenge the insult. Shame is feminine. If a woman is shamed it makes her bow her head and hide her face due to which her public reputation and social position is compromised, and therefore she must be killed.' In the case of women, who are treated as material wealth in such societies and whose worth depends on their 'chastity', Hayat points out that 'Rape or murder committed is not considered to be the actual crime, it is the loss of chastity which is considered to be central to the issue. This code of tribal honour transcends the laws of the land and its influence proves even stronger than that of religion.' A. A. Hayat 'Honour-Killings', *Women: Victims of Social Evil*, Pakistan Institute of Security Management, Press Corporation of Pakistan, 2002, p. 88.

39 The word *Jirga* (also known as *Loya Jirga*) has its roots in the Turkish word meaning 'circle'. In many tribal societies even now, these tribal councils sit in a circle to decide matters. Rahimullah Yusufzai, 'Circled in Controversy', *Newsline Monthly Magazine*, Karachi, Pakistan. August, 2002.

40 Reports submitted to the United Nations Commission on Human Rights show that honour-killings are also committed in Bangladesh, Great Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, and Uganda. Even though Iraq, Iran, and Afghanistan have not submitted reports to the UN in the past, the practice of honour-killings has been reported in all three countries. 'Marital Law & Customary Practices: "Honour-Killings"', *Bayan Bi-Annual Socio-Legal Journal*, Vol. IV, September 2005, *Simorgh* Women's Resource and Publication Centre, Lahore, Pakistan, p. 92.

For detailed discussion on violence against women on the pretext of 'honour', see *Amnesty International*: 'Pakistan: Violence Against Women in the Name of Honour', London, 1999.

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For examples of first-hand accounts of honour-killings in the UK, and the reasons behind them as narrated by men who committed these acts, see Ayse Onal. *Honour Killing: Stories of Men Who Killed*, Saqi Books, London, San Francisco, CA, Beirut, Lebanon, 2008.

41 Hayat, 'Honour-Killings', p. 91.

42 In 2008, a brutally shocking incident of a tribal group-murder of women came to light in Pakistan's Balochistan province. The HRCP reports: 'Perhaps the most extreme example of violence in the name of tradition was witnessed in Balochistan, in August, when five women were shot and killed for wanting to marry of their own choice. The women, three of whom were teenagers, belonged to the Baba Kot village in the remote district of Jafferabad. The three young girls, aged between 16 and 18, had dared to defy tribal norms in wanting to marry of their own choice and reject the tribal elders' marriage commands. They were kidnapped and arrangements made to kill them. Two elder female relatives tried to intervene and they too were shot along with the younger 'offenders'. All five of them were then thrown in a ditch and covered with mud. Some NGOs claimed that at least some of the women were alive when they were buried. The decision to murder the women was made and its enforcement overseen by village elders, the head of whom was said to be the brother of a provincial minister. When Senator Yasmin Shah raised the issue in parliament a month after the incident, saying that no action had been taken against the perpetrators, it was followed by an outrageous reaction from two senators from the Balochistan province. Senator Israrullah Zehri defended the gruesome deed adding that it was part of "our tribal custom" and that "these are centuries-old traditions and I will continue to defend them"'. *State of Human Rights in 2008*, 'Violence Against Women: The Hold of Tradition', Human Rights Commission of Pakistan Maktaba Jadeed Press, Lahore, Pakistan, p. 120.

For further details on this case of tribal group-murder see: Noor Akbar Khalil, 'Honour Killing in Pakistan: The Case of 5 Women Buried Alive', *Human Dignity and Humiliation Studies*, University of Gothenburg Sweden, 2010. Accessed at: http://www.humiliationstudies.org/whoweare/coreteamlong.php - akbar on April 2, 2015.

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43 Yasmeen Hassan, *The Haven Becomes Hell: A Study of Domestic Violence in Pakistan*, Special Bulletin August 1995. Published by *Shirkat Gah*, WLUML Coordination Office Asia, Lahore, Pakistan, p. 22.

44 Ibid., p. 22.

45 Hayat, 'Honour-Killings', p. 90.

For a tribal perspective on the concept of 'blackened face' that corresponds to the concept of loss of honour, and 'shame', see Raphael Patai, 'The Bedouin Ethos and Modern Arab Society', *The Arab Mind*, Charles Scribner's Sons, New York, 1983, p. 101.

46 In the Sindh province of Pakistan the practice of honour-killing is known as *karo kari*; in the Balochistan province as *siya-kari*; in Punjab by the name of *kala-kali*; in the Khyber Pakhtunkhwa (former North West Frontier Province) as *tora-tora*. All the terms denote 'black' as indicative of the dark and dishonourable nature of the crime for which the offenders are punished. Rashida Patel, 'The Menace of Honour Killing', *Gender Equality and Women's Empowerment in Pakistan*, Oxford University Press, Karachi, Pakistan, 2010, pp. 73–4.

47 *Amnesty International*. 'Pakistan: Honour Killings of Girls and Women: Fake Honour Killings'. Accessed at: http://www.academia.edu/9872947/Honour_killings_of_girls_and_women on January 14, 2016.

48 For detailed discussion on the workings of the *jirga* system see Hassan M. Yousufzai and Ali Gohar, 'The Context of Jirga', *Towards Understanding Pukhtoon Jirga*, Just Peace International Publishers, Peshawar, Pakistan, 2005, p. 23; and Ali Wardak, 'Concept and Definition of Jirga', *Jirga – A Traditional Mechanism of Conflict Resolution in Afghanistan*, University of Glamorgan, UK, 2003, p. 3.

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49 *Shame: A Tale of Karo Kari*, Sharjil Baloch and Iftikhar Ahmed, 2005 (33 min.), 2005, *Dastak* Society for Communications (Urdu/Seraiki/English/English sub-titles).

Sharjil Baloch has been making films as a freelance director since 2011, and also works as an actor and writer. He was associated with the *Dastak* Society for Communication as a film director. Dr Iftikhar Ahmad is a social scientist. *Shame: A Tale of Karo Kari*, his first film venture with Sharjil Baloch, was screened at the 6th International Karafilm Festival in Karachi, Pakistan, in 2006. 6th International Kara Film Festival, 2006. Accessed at: http://www.karafilmfest.com/KaraFilm2006/films_documentaries_02.htm on April 2, 2015.

Sharjil Baloch works as a video producer with the BBC Urdu Service in Karachi, Pakistan. His work can be viewed at Culture Unplugged: http://www.cultureunplugged.com/storyteller/Sharjil Baloch - /myFilms Accessed on April 2, 2015.

Given the rising figures of *karo kari* in the Sindh province, the Sindh Police initiated setting up helplines and anti-*karo kari* cells in four districts of the province: Sukkur, Ghotki, Khairpur, and Naushero Feroz. Human Rights Commission of Pakistan. Accessed at: http://www.hrcp-web.org on June 26, 2010.

50 'Karachi: British Council's Drive Against Honour Killing.' *The Daily Dawn*, Karachi. June 10, 2006. Accessed at: http://www.dawn.com/news/196250/karachi-british-council-s-drive-against-honour-killings on March 16, 2016.

51 For a high profile case of *karo kari* in which an accused woman, Haleema Bhutto, and her family have been seeking government help to provide them protection and justice, and the state's apathy to address their problem, see Mahtab Bashir, '*Karo Kari* Victim Announces Hunger Strike Unto Death', *The Daily Times*. June 3, 2011. Accessed at: http://archives.dailytimes.com.pk/islamabad/03-Jun-2011/karo-kari-victim-announces-hunger-strike-unto-death on January 15, 2016.

In a rare development, after camping outside the National Press Club, Islamabad, for 15 months Haleema Bhutto's ordeal was taken up as a *suo moto* case by the Supreme Court of Pakistan and she was given protection, while the tribal *jirga* members who had ordered her honour-killing were to be arrested and put on trial. Accessed at: http://www.youtube.com/watch?v=D_zg6n-3CEs on November 22, 2011.

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52 For details on the Sindh High Court ruling see *IRIN*, 'Pakistan: Focus on Court Decision Banning Jirga Trials', April 26, 2004. Accessed at: http://news.irinnews.org/Report.aspx?ReportID=24213 on April 2, 2015.

53 For details of the Criminal Law Amendment Act 2004 see: Ministry of Women Development, Government of Pakistan, 'Acts and Regulation on Women Issues in Pakistan'. Accessed at: http://www.niew.gov.my/contents/PDF/acts%20&%20regulations/Pakistan/GOVERNMENT_OF_PAKISTAN.pdf on May 17, 2011.

54 This poem by the late Faiz Ahmed Faiz became a rallying point for rights and political activists since it was first sung by the late Iqbal Bano to a packed and emotionally charged auditorium at the Alhamra Hall in Lahore in 1988 while General Zia-ul-Haq was still in power. Zia's death in a plane crash the same year rendered this poem a symbol of struggle and victory against oppressive regimes, laws, and practices, and is sung widely at crucial activist junctures and events in Pakistan.

55 For further details see: *UN Entity for Gender Equality and the Empowerment of Women*: 'Facts and Figures on Violence Against Women: Honour Killings'. Accessed at: http://www.unifem.org/gender_issues/violence_against_women/facts_figures.php?page=4 on June 15, 2011, p. 4.

According to an *Aurat* Foundation report, 3,000 people have been killed for 'honour' since 2008. *Dawn.com*. 'Murder for 'Honour': Over 3,000 Victims in Seven Years', November 17, 2014. Accessed at: http://www.dawn.com/news/1145062/murder-for-honour-over-3000-victims-in-seven-years on April 2, 2015.

The *Human Rights Commission of Pakistan 2013* report states that in 2013, 869 women were murdered as a result of honour-killings, and 359 were killed in cases of

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karo kari. State of Human Rights in 2013 Report. 'Honour Crimes', Human Rights Commission of Pakistan Publication, Lahore, Pakistan, p. 180.

56 Nichols, 'What Are Documentaries About?' p. 70.

57 Mohammad Naqvi is an independent Pakistani/Canadian filmmaker, writer, producer, and director. Among the many awards and honours he has received are: Television Academy Honor, Academy of Television Arts and Sciences (Special Emmy group) 2008; Development In Literacy Honoree 2007, 2009; San Diego International Film Festival, Best Documentary 2008. For further details on Naqvi's productions and work visit: http://www.linkedin.com/pub/mohammed-naqvi/6/773/b98 Accessed on April 2, 2015.

For details of Mohammad Naqvi's current productions and projects visit: http://monaqvi.com. Accessed on January 19, 2016.

58 *Shame*, 2006, Mohammad Ali Naqvi (96 min.), Pakistan/USA, Showtime in Association with Mü Nân Pictures. Showtime Networks, Inc. (Seraiki/Urdu/English subtitles).

Shame has won several international documentary film awards such as the Humanitarian Award – Chicago International Documentary Film Festival; Women in Leadership Award – Full Frame Documentary Festival; American Film Institute (AFI) Project 20–20 Participant. *Shame* has been shown at various international film festivals. These include: Toronto International Film Festival 2006, World Premier; American Film Institute Film Festival 2006; International Documentary Film Festival of Amsterdam 2006 (IDFA); Dubai International Film Festival 2006; Tribeca Film Festival 2007: and many others around the world. Accessed at Mohammad Naqvi: http://www.myspace.com/shamefilm on June 4, 2011.

59 It is pertinent to mention here that within South Asian societies, even the non-tribal ones, there is a strong prevalence of the caste system quite independent of religion, culture, and economic class. Sociologist Chris Smaje points out that the *jati* (caste system) is a dominant force, not only in the tribal communities, but generally also, and it is around this social structure and caste differences that marriages and socialization are based and class distinctions made. He elaborates that people who marry and procreate among themselves pass on their particular *jati* identification to their offspring, so that the *jati* can be regarded as a closed, ascriptive social group. Smaje's analysis of the caste system is also pertinent to present South Asian societies, and reflects on the inequalities inherent in the interaction between castes underlying the Meeerwala gang-rape case. Chris Smaje, 'Race, Caste and Hierarchy', *Natural Hierarchies: The Historical Sociology of Race and Caste*, Blackwell Publishers, Oxford, UK, 2000, p. 12.

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60 In the Meerwala case, a local journalist first reported the incident after which the international media picked it up. Widespread international publicity of the case, as well as pressure from Pakistani rights organizations and activists was instrumental in forcing the Pakistan government to take up Mukhtaran Mai's case, and seek a fair trial and judgement.

61 Mukhtaran Mai is also referred to as Mukhtar Mai elsewhere. The filmmaker refers to her as Mukhtaran Mai in the film.

Pakistani journalist Abbas Jalbani describes the tribal parallel justice system as one governed by the tribal/feudal lords, and an integral part of such societies that dominate the rural areas of the country where the majority of the population lives. Jalbani notes that 'in most of the decisions of these traditional courts women have to pay for the sins committed (or even not committed, as was the case with the Meerwala victim) by men'. Abbas Jalbani, 'A Return to Tribalism?', *The Dawn Weekly Review*. September 12–18, 2002, p. 1.

62 Saleem Sheikh, 'Shame in the Name of Justice', *The Daily News Weekly Magazine*, Lahore, Pakistan, July 16, 2002.

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63 Discrepancies in knowing exact ages or dates of birth are common in the lower, uneducated, or peasant classes in tribal societies as births that do not take place at hospitals are not officially registered.

64 Mukhtaran Mai not only survived her ordeal, but also courageously spoke to the media (a rarity itself in Pakistan considering the nature of her ordeal and the stigma attached to a raped woman in an orthodox society) on how she thinks the lot of Pakistani women can be improved. In her first interview to the Pakistani media after her trial she said: 'Education is the key to awareness … This is the most that parents in rural areas can offer their daughters, I still feel deprived of education. The Meerwala incident only strengthened my convictions on the significance of education. For it was educated urban women who supported my decision to take a firm stand in bringing the perpetrators to justice, while I was vilified by the illiterate village women who saw my decision as nothing more than the washing of dirty linen in public … Women should start their struggle against injustice from their homes by resisting domestic violence. Their silence and tolerance encourages men to further suppress them. They should muster courage to resist the hand raised against them.' Nadeem Saeed, Interview excerpts from 'Life After the Verdict', *The Daily Dawn*, Lahore, Pakistan. December 9, 2002.

65 Mukhtar Mai, *In the Name of Honor: A Memoir,* with Marie-Therese Cuny. Translated by Linda Coverdale. Atria Books, New York, London, Toronto, Sydney, 2006, p. 31.

Mai's book was first published in French and translation rights were sold to Brazil, Czech Republic, Germany, Greece, India, Holland, Hungary, Indonesia, Israel, Italy, Egypt, Japan, Korea, Latin America, Portugal, Spain, Sweden, Taiwan, the US, Canada, and the UK. For details see: 'After Musharraf, it's Mukhtaran Mai's Book', *Rediff India Abroad*, October 12, 2006. Accessed at: http://www.rediff.com/news/2006/oct/12mai.htm on April 2, 2015.

66 BBC. 'Pakistan Rape-case Men Rearrested', March 18, 2005. Accessed at: http://news.bbc.co.uk/2/hi/south_asia/4361289.stm on April 2, 2015.

67 *BBC News*, 'Outrage at Musharraf Rape Remarks', September 16, 2005. Accessed at: http://news.bbc.co.uk/2/hi/south_asia/4251536.stm on April 2, 2015.

It is ironic that Mai's memoir, *In the Name of Honor: A Memoir*, was also published in 2006 in the US by the same publisher, Simon and Schuster, that published President Pervaiz Musharraf's biography, *In the Line of Fire*. Stop Honour Killings!, 'Musharraf's US Publisher to Bring Out Mukhtaran Mai Book'. Accessed at: http://www.stophonourkillings.com/?q=es/node/728 on June 18, 2011.

68 For details on the Mukhtar Mai Women's Welfare Organization (MMWWO) visit: http://www.mukhtarmai.org/ Accessed on April 2, 2015.

69 Among other honours and awards that Mukhtaran Mai has received over the years were an invitation to address an assembly at the UN Headquarters in New York in May, 2006.

In 2006, the Council of Europe awarded Mukhtaran Mai the North South Prize 2006. Accessed at: http://wn.com/North-South_Prize on June 4, 2011.

In 2010, the Laurentian University, Sudbury, Canada conferred an honorary doctorate degree on Mukhtaran Mai in recognition of her struggle for women's rights. *Geo Television Network*. 'Mukhtar Mai to Receive Honorary Doctorate Degree', June 11, 2010. Accessed at: http://www.geo.tv/6-11-2010/66495.htm on April 2, 2015.

70 Her memoir entitled *In the Name of Honor: A Memoir* was published in New York in 2006. According to the *New York Times*, it became the number three bestseller in France and has been translated into twenty-three languages. For further details see: *Oslo Freedom Forum*. Accessed at: http://www.oslofreedomforum.com/speakers/mukhtar_mai on June 4, 2011.

71 President Pervaiz Musharraf of Pakistan and Mukhtaran Mai both shared the distinction of being listed among the100 most influential people of the world by *Time*

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magazine in 2006. While Musharraf was listed under the 'Leaders and Revolutionaries' category, Mai was honoured in the 'Heroes and Pioneers' list. *The Daily Times*, 'Musharraf, Mai on Time Magazine's 100 List', May 2, 2006. Accessed at: http://www.dawn.com/news/190210/musharraf-mukhtaran-on-time-100-list on January 15, 2016.

72 Nicholas Kristof, 'Mukhtar Mai's Case in Pakistan', *The New York Times*. March 2, 2009. Accessed at: http://kristof.blogs.nytimes.com/2009/03/02/mukhtar-mais-case-in-pakistan/ on April 2, 2015.

73 *BBC News South Asia*. 'Pakistan: Acquittals in Mukhtar Mai Gang Rape Case', April 21, 2011. Accessed at: http://www.bbc.co.uk/news/world-south-asia-13158001 on April 2, 2015.

74 Ibid.

75 *The Human Rights Commission of Pakistan 2002 Annual Report* concluded on the status of Pakistani women: 'Despite making up almost 51 percent of the population, women continue to face a discriminatory status within society. Most alarmingly, it was found that violence against them, in almost every form, was on the rise. A woman was raped every two hours somewhere in the country, while hundreds became victims of 'honour' killings and rape, domestic violence, burnings and murder. Perhaps the most distressing part of focusing on women's rights in Pakistan is the fact that many cases that are brought to the limelight, with media attention and involvement of non-governmental organizations (NGOs) at some stage peter out. They make the headlines for a few days – and then are forgotten. Other women suffer abuses in silence for years, die violent deaths and get buried in unmarked graves', *Human Rights Commission of Pakistan Annual Report*. Pakistan, 2002. Accessed at: http://hrcp-web.org/hrcpweb/ on April 27, 2011.

76 Personal communication with Ms Kishwar Naheed, September 20, 2002.

77 By April 2016, Mai's appeal filed in 2011, remained pending in the Supreme Court of Pakistan.

78 Personal email communication with Samar Minallah. June 22, 2015.

79 Samar Minallah has received both national and international recognition for her work for civil rights and support of disadvantaged groups, particularly women in Pakistan. Among the many awards she has received are: The UNICEF Child Rights Award 2005; Perdita Huston Activist for Human Rights Award 2007 for her film *Swara: A Bridge Over Troubled Waters* (2003); UNESCO Best Documentary Filmmaker Award 2007 for her film *The Silver Lining: HIV and AIDS* (2007) on HIV/AIDS and women in Pakistan; International Roberto Rossellini Award 2009 (Italy); Cannon Award 2009 at the International Film Festival (Italy); Center for Civic Education Pakistan Civic Courage Award 2010; and the Pakistan Women's Day Award 2011 for challenging patriarchal traditions through media documentaries. This award was given to her by the National Commission for the Status of Women (NCSW), Government of Pakistan. Personal communication with Samar Minallah.

For further details on Samar Minallah's work and projects visit: http://www.ethnomedia.pk/ Accessed on April 2, 2015.

80 Julia Lesage, 'The Political Aesthetics of the Feminist Documentary Film', in Patricia Erens (ed.), *Issues in Feminist Film Criticism*, Indiana University Press, Bloomington, IN and Indianapolis, IN, USA, 1990, p. 224.

81 It may be mentioned here that although Pakistan ratified the *United Nations Convention on the Rights of the Child* in 1990, this ratification has had little or no bearing on children's rights in the country given government apathy in such matters, and tribal and socio-cultural traditions and practices that remain unchecked. *United Nations Treaty Collection: Convention on the Rights of the Child*. Accessed at: http://treaties.un.org/Pages/ViewDetails.aspx?src= TREATY&mtdsg_no=IV-11&chapter=4&lang=en on April 2, 2015.

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Pakistan's ratification of the UN Convention on the Rights of the Child in 1990 prohibits child marriages. In addition, under the Muslim Family Law Ordinance 1961, a girl must have attained the age of 16 and a boy must have attained the age of 18, and both need to consent before the marriage can take place. Pakistani laws such as the Marriage Restraint Act 1929 and the Pakistan Penal Code (articles 310 & 338-E) also prohibit and criminalize the sale and underage marriage of girls. For further discussion see: Berti Stefano, *Rights of the Child in Pakistan, Report on the Implementation of the Convention on the Rights of the Child by Pakistan,* World Organization Against Torture, Geneva, Switzerland, 2003, p. 11. Accessed at: http://www.refworld.org/pdfid/46c190b40.pdf on January 17, 2016.

Society for the Protection of the Rights of the Child, *Child Marriage*. Accessed at: http://www.sparcpk.org/Other-Publications/CM.pdf on January 17, 2016.

Women Living Under Muslim Laws, *Child, Early and Forced Marriage: A Multi-Country Study*, December 2013, p. 32. Accessed at: http://www.wluml.org/resource/child-early-and-forced-marriage-multi-country-studyon January 17, 2016.

The Institute for Social Justice, *Child Marriages in Pakistan*, Accessed at: http://www.isj.org.pk/child-marriages-in-pakistan/ on January 17, 2016.

82 *Swara: A Bridge Over Troubled Waters*, Samar Minallah, 2003 (40 min.), *Ethnomedia & Development* for the *Mera Ghar* (My Home) Project of GTZ and the *Aurat* Foundation of Peshawar, Pakistan (Pushto/ Urdu/ English sub-titles).

Swara: A Bridge Over Troubled Waters has been aired in various districts and far flung areas of the Khyber Pakhtunkhwa Province to create discussion within civil society. It has also been shown at conferences and workshops, as well as aired on various Pakistani television channels such as the state-owned Pakistan Television, Peshawar, and PTV World, as well as independent channels such as Geo Television, and the ARY channel. This film has also been included in the Amnesty International New York archives because of the strong influence it has had in communication for social change.

Pakistani and international screenings of *Swara: A Bridge Over Troubled Waters* have included: The Regent Park Film Festival, Toronto 2003; South Asian Human Rights Film Festival, New York 2004; Sussex University, UK 2004; Pittsburgh University, USA 2004; Amnesty International USA On Campus Film Festival 2004; Syracuse University, USA 2004; Travelling Film South Asia, Columbia University, USA 2004; Mateela Film Festival, Pakistan 2004; South Asian Film Festival, Nepal 2003; Kara Film Festival, Karachi, Pakistan, 2003; The South Asian Film Education Society International Film Festival, Vancouver, Canada, 2013. Email correspondence with Samar Minallah, July 5, 2011.

83 Lesage, ' Political Aesthetics', p. 224.

84 In her study on *Swara*, Samar Minallah points out cases where a *jirga* gave a two-month-old girl in marriage to a one-year-old boy. Some girls are promised in marriage to men substantially older than them. Similarly, even unborn girls were promised as compensation. Ethnomedia & Development, 'Types of *Swara*', *Swara –The Human Shield: A Study on the Custom of SWARA in North West Frontier Province*, Ethnomedia Publications, Islamabad, Pakistan, 2006, p. 57.

85 Ibid., 'Introduction', p. 2.

Similarly, Muhammad Ali Baba Khel notes in his study entitled '*Swara*: Women as Property' that modes to practice *Swara* can vary due to geographical and cultural variations in different societies, for example in the various provinces and regions of Afghanistan and the tribal belts in Pakistan. For further details see Muhammad Ali Baba Khel, '*Swara* in Practice', *Swara: Women as Property*, *Aurat* Foundation Publications, Peshawar, Pakistan, 2003, p. 9.

86 *Nikah-bil-jabr* (forced marriage) is prohibited in Islam. The consent of a woman in *nikah* (Islamic marriage contract) is obligatory. For details see: Baba Khel, 'Status of *Swara* in Islam', p. 14.

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87 Samar Minallah points out that not only is the practice of *Swara* un-Islamic but it is also against the basic principles of the *Pukhtunwali* code which considers women as a symbol of honour who are meant to be kept away from the sight of strangers, and more so from the gaze of enemies. 'Dynamics of Swara', *Swara – The Human Shield: A Study on the Custom of SWARA in North West Frontier Province*, Ethnomedia Publications, Islamabad, Pakistan, 2006, p. 53.

88 Zofeen T. Ebrahim, 'Death Penalty: 'Swara' Killings in Pakistan Continue', *Inter Press Service News Agency*, September 27, 2005. Accessed at: http://www.ipsnews.net/africa/interna.asp?idnews=34896 on April 2, 2015.

89 Bill Nichols, 'Why Are Ethical Issues Central to Documentary Filmmaking?', *Introduction to Documentary*, Indiana University Press, Bloomington, IN and Indianapolis, IN, USA, 2001, p. 18.

90 Ibid., p. 70.

91 In 2003, Samar Minallah filed a petition that requested the court to declare the handing over of a female as compensation in any form of settlement, as well as a forced marriage under the custom of *Swara*, as illegal marriage. The case against *Swara* was heard by the Chief Justice of Pakistan, Justice Iftikhar Mohammad Chaudhry, and a *suo moto* notice was taken in December 2005, whereby under landmark orders on December 16, 2005 the Supreme Court of Pakistan instructed the inspector generals of police in all four provinces and in the Northern Areas to act against any incidents of *Swara*-related practices as a criminal offence. 'Progressive Directions Under the Supreme Court', *Swara – The Human Shield: A Study on the Custom of SWARA in North West Frontier Province*, Ethnomedia Publications, Islamabad, Pakistan, 2006, pp. 26–35.

It may be mentioned here that under Islamic laws of *Qisas* and *Diyat*, only exchange of property, and blood-money are allowed as compensation, not the exchange of human beings. Ibid., 'Petition filed by Ethnomedia in Supreme Court', p. 126.

92 *The Plagued Mindset*, Samar Minallah, 2008 (15 min.), Ethnomedia & Development, Pakistan (Urdu/Punjabi/English/English sub-titles).

93 *The Dark Side of Migration*, Samar Minallah, 2009 (25 min.), Ethnomedia & Development, Pakistan. Developed and produced in collaboration with ActionAid and Befare with financial assistance from the European Commission. (Urdu/Punjabi/English sub-titles).

94 *Dar Pa Dar: Afghan Refugee Women.* (*Where the Heart Lies*), Samar Minallah, 2008 (15 min.), Ethnomedia & Development, Pakistan (Pushto/Darri/English sub-titles).

Da Bajaur Galoona. (*Homeless at Home*), Samar Minallah, 2008 (17 min.), Ethnodmedia & Development, Pakistan (Pushto/English sub-titles).

95 *The Silver Lining: HIV and AIDS*, Samar Minallah, 2007 (15 min.), Ethnomedia & Development, Pakistan (Pushto/English/English sub-titles).

Rays of Hope: A Documentary on Tuberculosis, Samar Minallah, 2008 (35 min.), Ethnomedia & Development, Pakistan. Made in collaboration with the Provincial TB Control Programme, Health Department of NWFP, and the Ministry of Economic Cooperation and Development (BMZ), Government of the Federal Republic of Germany. (Pushto/English sub-titles).

96 *Allaho: A Lullaby for You My Daughter*, Samar Minallah, 2009 (5 min.), Ethnomedia & Development, Pakistan. Made in collaboration with HBS Afghanistan, WCLRF, and the Heinrich Böll Stiftung Foundation, Afghanistan (Pushto/English sub-titles).

97 *Shinwarey Lawangeena: Where the Waters Meet*, Samar Minallah, 2006 (7 min.), Ethnomedia & Development, Pakistan. Made in collaboration with the Heinrich Böll Stiftung Foundation, Afghanistan. Pakistan (Pushto/English sub-titles).

Warwaee Lasoona: The Dance of Unity, Samar Minallah, 2008 (8 min.), Ethnomedia & Development, Pakistan. Made in collaboration with the Heinrich Böll Stiftung Foundation, Afghanistan. (Pushto/Darri/English sub-titles).

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98 *Bibi Shireenay: Where Honour Comes From*, Samar Minallah, 2007 (6 min.), Ethnomedia & Development, Pakistan. Made in collaboration with the *Aurat* Foundation, Peshawar, and GTZ. (Pushto/English sub-titles).
99 For details on Samar Minallah's filmography and Ethnomedia & Development projects visit: http://www.ethnomedia.pk Accessed on April 2, 2015.
100 Email correspondence with Samar Minallah, July 5, 2011.
101 Susan Moller Okin, 'Feminism, Women's Rights, and Cultural Differences', in Uma Narayan and Sandra Harding (eds), *Decentering the Centre: Philosophy for a Multicultural, Postcolonial, and Feminist World*, Indiana University Press, Bloomington, IN and Indianapolis, IN, USA, 2000, p. 28.
102 Nichols 'What Are Documentaries About?', p. 70.
103 Sharmeen Obaid's Second Documentary Nominated for Oscar', *The News International*. January 14, 2016. Accessed at: http://www.thenews.com.pk/latest/90311-Sharmeen-Obaids-second-documentary-nominated-for-Oscar on January 19, 2016.
104 Thomas Waugh, 'Why Documentary Filmmakers Keep Trying to Change the World, Or Why People Changing the World Keep Making Documentaries', in Thomas Waugh (ed.), *"Show Us Life": Towards a History and Aesthetics of the Committed Documentary*, The Scarecrow Press, Inc. Metuchen, NJ, and London, 1984, p. xiv.
105 Nichols 'What Are Documentaries About?', p. 70.
106 Section 310-A inserted into the Pakistan Penal Code (PPC) Criminal Law (Amendment) Act now states the following penalty for exchange of girls or women as compensation: 'Whoever gives a female in marriage or otherwise in *badl-e-sulh* (compensation) shall be punished with rigorous imprisonment which may extend to ten years but shall not be less than three years.' Samar Minallah, 'Judiciary as Catalyst for Change', p. 5. Accessed at: http://supremecourt.gov.pk/ijc/Articles/9/2.pdf on April 2, 2015.
107 According to Samar Minallah, around 70 girls had been saved from being forced into *Swara* forms of marriages in cases where the Supreme Court of Pakistan intervened based on the petition filed by her, while many others continued to be recovered as cases are reported to the police. Email correspondence with Samar Minallah on July 31, 2011, and January 15, 2015.
108 Trinh T. Minh-ha, 'An All-Owning Spectatorship', *When the Moon Waxes Red: Representation, Gender, and Cultural Politics*, Routledge, New York, 1991, p. 81.
109 Kleinhans, 'Forms, Politics, Makers and Contexts', p. 320.
110 Michael Renov, 'Towards a Poetics of Documentary', in Michael Renov (ed.), *Theorizing Documentary*, Routledge, New York, London, 1993, p. 21.
111 The *Human Rights Commission of Pakistan (HRCP) 2014 Annual Report* released in April 2015 states: 'The Aurat Foundation estimates that more than 3,000 have been killed for "honour" since 2008 in Pakistan. HRCP database recorded that 923 women and 82 minor girls fell victim to "honour" killings in 2014. The count included 21 deaths in Gilgit-Baltistan. The total number of victims of these crimes is usually higher as both men and women are targeted in such incidents. The predominant cause of these killings in 2014 was alleged illicit relations where both the boy and girl believed to be involved in the relationship were murdered as a result. Firearms were the most commonly used method of carrying out these killings … Acid attacks have been rising in Pakistan despite the criminalization of this offence in 2010. According to HRCP's database seven women died in acid attacks on 92 women and 13 minors in 2014. Sixty women expired in other incidents like cylinder blast, stove burning and setting on fire. Between 2007 and 2014 the Acid Survivors Foundation (ASF), an NGO supporting acid attack victims, has recorded 1,090 incidents of acid attacks. 43 cases were recorded in 2009, 55 cases in 2010, 150 in 2011, 93 in 2012, 143 in 2013 and 161 cases were recorded from January–October 2014. The number of cases has increased since last year, which makes it all the more necessary to have a comprehensive law in place in each province to protect the victims. This is

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particularly essential for Punjab where 56 per cent of the cases took place in 2013 according to ASF', *State of Human Rights in 2014.* 'Honour Crimes and Acid Attacks', *Human Rights Commission of Pakistan 2014 Report.* U. B. Printers, Lahore, Pakistan, 2014, pp. 217–18.

112 Ella Shohat, 'Post-Third-Worldist Culture: Gender, Nation and the Cinema', in Anthony R. Guneratne and Wimal Dissanayake (eds), *Rethinking Third Cinema*, Routledge, New York and London, 2003, p. 52.

113 Barbara Halpern Martineau stresses the use of talking heads as a style particularly effective for conveying a feminist message: 'It seems useful at this point to make a general distinction between the use of talking heads to represent some official or authoritative position, and the use of talking heads of people who are telling their own stories. Another, more formal three-part distinction can be made among: 1) Interviews where the subject addresses someone who is either off-screen or on; 2) candid or informal discussions filmed in close-up; and 3) direct address to the camera, where the subject appears to be talking to the audience.' Barbara Halpern Martineau, 'Talking About Our Lives and Experiences: Some Thoughts About Feminism, Documentary and "Talking Heads"', in Thomas Waugh (ed.), *"Show Us Life": Toward a History and Aesthetics of the Committed Documentary*, The Scarecrow Press, Inc. Metuchen, NJ, and London, 1984, p. 259.

114 Diane Waldman and Janet Walker, 'Introduction', in Diane Waldman and Janet Walker (eds), *Feminism and Documentary*, University of Minnesota Press, Minneapolis, IN, USA, 1999, pp. 1–2.

115 Ibid., p. 17.

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