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Rahat Imran

Introduction

"Honour-revenge", "honour-killing", "honour-rape", "forced marriages", "acid-attacks", "stove-burning" and "female genital mutilation" are practices of pre-meditated physical, sexual and psychological violence against women, which are – like all forms of domestic violence – bound up in gender norms and culturally-specific understandings of appropriately gendered behaviour. It is significant to note that all of these acts of gender violence and maltreatment are generally either perpetrated directly by men, or carried out with male consent and support, and primarily in men's interests. The Human Rights Watch reports on honour-related crimes in Pakistan:

> Almost 1,000 women are murdered in Pakistan in the name of honour each year — killed on the grounds of "unacceptable" amorous relationships, defiance of physical or cyber-gendered spaces, brazenness in dressing and language or perceived immorality.[1]
> (Bandial and Dad, 2020)

Despite growing resistance, media attention and feminist interventions for stricter state legislations and punishments, violence against women globally continues to increase (BBC, 2016). In tribal and patriarchal societies like Pakistan where gender-discriminatory parallel legal systems can hold sway over the subjugation of women's rights, freedoms and safety, this situation can be compounded by legal loopholes, socio-cultural constraints and state negligence. For example, 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 (Imran, 2016). Notably, the actions of these tribal councils are in conflict

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with – sometimes longstanding – *national* policy, such as Pakistan's ratification of the UN Convention of the Rights of the Child (1990) which prohibits child marriages, or the Marriage Restraint Act 1929 and the Pakistan Penal Code (Articles 310 & 338- E) which also prohibit and criminalise the sale and underage marriage of girls (Berti, 2003).

Pakistani independent women filmmakers Samar Minallah and Sharmeen Obaid-Chinoy have used the documentary film medium to bring crucial attention to various forms of physical violence and victimisation of women in Pakistan and press for state intervention for legislative and policy changes to ensure safety and justice for women. Appropriating film scholar Thomas Waugh's concept of the "committed documentary" and the interventionist "socio-political positioning" (1984, p. xiv) of the filmmaker in the process of change itself, this chapter discusses the activist and "legislative" role their representative films have played in instigating legal reforms in Pakistan (Nichols, 2001, p.70). Specifically, I examine issue-oriented depictions of women's victimisation in Minallah's documentary film *Swara: A Bridge Over Troubled Waters* (2003) and Obaid-Chinoy's two documentaries, *Saving Face* (2011) and *A Girl In the River: The Price of Forgiveness* (2015). A contextual discussion of these films highlights the gendered nature of extreme forms of violence inflicted on women in the name of so-called "honour" and revenge, while tribal customs and practices, patriarchal mindsets, legal loopholes and state apathy have served to protect male perpetrators of women-specific violence and murders.

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

Anthropologist and filmmaker Samar Minallah, has been at the forefront of leading advocacy projects and making activist documentary films for over two decades. Minallah is a Pakhtun woman whose familiarity with the socio-cultural traditions, contexts and regional languages (Dari, Pashto) in the Khyber Pakhtunkhwa (KP) province of Pakistan has facilitated bonding with her subjects and encouraged them to speak of their ordeals on film. Under the auspices of her non-governmental organisation, Ethnomedia & Development, Minallah's film productions sit alongside research projects and advocacy campaigns all of which focus on women, children and human rights issues and are intended to raise awareness of injustices and push for socio-legal interventions.[2] Her films focus on issues of gender rights in the tribal areas of the KP province, a region that has been historically associated with rigid socio-cultural customs and notions of "honour" that particularly affect the status and treatment of women in these communities.

As the lead researcher for the first statistical study on the tribal custom of *swara* in various districts of KP, Minallah drew attention to how honour and revenge are used to justify forced marriages. At the time of her research in the early 2000s, *swara* was largely unacknowledged in public discourse in the country at large and so Minallah's work had a powerful impact. The study detailed cases where a *jirga* (tribal council) gave a two-month-old girl in marriage to a one-year-old boy; girls were promised in marriage to men substantially older than them; and even unborn girls were promised as compensation between disputing groups as a peace-making deal to resolve feuds, redeem so-called "honour" and avenge murders (Ethnomedia, 2006, p. 57). Minallah comments:

> 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 enter the household of the bereaved family, by way of unceremonious wed-lock, to remind the aggressors of the injustice their men bestowed upon the bereaved family.
>
> (Ethnomedia, 2006, p. 2).

In addition to producing a written report based on this research, Minallah used this research as the basis for her award-winning documentary, *Swara: A Bridge Over Troubled Waters* in order to challenge these culturally entrenched tribal customs.

In the film, it is revealed that under these forced marriages, the "*swara*" female is destined to a life of emotional, psychological and physical torture in her in-laws' home as the daughter of the enemy household (Imran, 2016, p.162). We learn that, ironically, the practice is enacted by a woman from the aggrieved family who selects a girl from the aggressor's/murderer's home to be given away as *swara* on reaching maturity. The arrangement is celebrated by slaughtering goats and festivity while the actual marriage ceremony is not commemorated. Additionally, should the feud involve the murder of an influential person, more than one female can be offered as *swara* as a status symbol.

Focussing on the legal dimensions of the tribal custom, Islamic scholars interviewed in the film explain that the marital union imposed on minor girls, whose consent to the marriage is absent from the deal, amounts to *nikah-bil-jabr* (forced marriages) which are forbidden by Islam, hence illegal in religious terms (see also Khel, 2003). They point to the Sharia provisions of the *Diyat* (blood money) and *Qisas* laws (execution of the murderer) for murder and revenge. In contrast, *swara* is no more than an illegal tribal practice that is enforced under the tribal code of conduct of the Pukhtuns, known as Pukhtunwali.[3] In a counter-argument a tribal chief brazenly defends the custom stating that when the Sharia laws of *Qisas* and *Diyat* are not seen as sufficient to avenge a crime, "tribal wisdom" is enforced by giving away girls and women as *swara* so that they may unite the feuding families through their offspring who will connect both households permanently. Defending the custom, another tribal elder expresses his contempt for *swara* girls and 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.

Minallah contrasts these statements in support of the practice with biographical representations and compelling testimonies from victims. These stories are accompanied by visuals which highlight the youth and vulnerability of tribal girls who may become potential victims, for example, contrasting their small stature relative to authoritative male adult figures and centring their pained and confused expressions (Figure 30.1). The repeated use of such images underscores the extreme cruelty of *swara* as an illegitimate practice that uses young females to conciliate crimes committed by adult men in the tribal communities.

Swara was successful in placing the custom of *swara* as a gender-specific practice on the national and international radar through screenings on national television channels and at conferences and workshops. The film is thus an example of what Julia Lesage (1990) calls



Figure 30.1 Emphasising vulnerability in *Swara* (Samar Minallah).

the feminist consciousness-raising documentary film, playing a strategic role in raising awareness of women's issues and struggles for an activist purpose (in this case, with a view to policy reform). Notably, the film has been shown in various districts and far-flung areas *within* the Khyber Pakhtunkhwa Province, as well as aired on various Pakistani television channels such as the state-owned Pakistan Television, Peshawar and PTV World, and independent channels such as Geo Television and the ARY channel. It has had public screenings at a range of festivals, in Pakistan – including Mateela Film Festival (2004) and Kara Film Festival, Karachi (2003) – as well as internationally at Regent Park Film Festival, Toronto (2003), South Asian Film Festival, Nepal (2003), South Asian Human Rights Film Festival, New York (2004) and The South Asian Film Education Society International Film Festival, Vancouver, Canada (2013). It has also screened on university campuses in the UK (Sussex, 2004) and USA (Pittsburgh, Syracuse and Columbia, all in 2004) and as part of the Amnesty International USA On Campus Film Festival (2004). It has been included in the Amnesty International New York archives because of the strong influence it has had in communication for social change (Author's email correspondence with Minallah, 2021) and has received worldwide acclaim and awards, among them the prestigious Perdita Huston Activist for Human Rights Award in 2007.

Such international acclaim, coupled with raising awareness through national media and advocacy campaigns, placed pressure on the government for decisive action and legal

reforms. Minallah's committed stance, filing a petition for Public Interest Litigation in the Supreme Court of Pakistan in 2003, and persistent campaigning against the custom (also practiced under the names of *Khoon Baha*, *Sung Chatti*, *Irchai*, *Ivaz* and *Vanni* in other tribal regions of the country), played a significant "legislative role" (Nichols, 2001, p.70) in the criminalisation of the custom. The film made legislative history as, taking *suo moto* notice, the Supreme Court of Pakistan used the film as evidence to pass benchmark legislation in 2005 that criminalised *swara* as victimisation of women (Ethnomedia, 2006, p.126). The state law now treats 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) (Ethnomedia, 2006, p.25). Additionally, the Federal Shariat Court of Pakistan also declared the custom of *swara* as an un-Islamic practice (Asad, 2021).

Testifying to the utility of documentary cinema in the service of human rights and social change, Minallah's film remains a pioneering Pakistani activist documentary film made by a woman filmmaker that aided in the criminalisation of an ignored gender-discriminatory custom. Minallah estimates that, based on the petition filed by her, around 70 girls had been saved from *swara* marriages in cases where the Supreme Court of Pakistan intervened, while many others continued to be recovered as cases were reported to the police (Author's email correspondence with Minallah, 2021).

The activist films of Sharmeen Obaid-Chinoy

Minallah is not alone in using her filmmaking to challenge gender-based violence in Pakistan. In this section, I turn my attention to the films of Sharmeen Obaid-Chinoy whose films *Saving Face* (2011) and *A Girl In the River: The Price of Forgiveness* (2015) have tackled the issues of acid-throwing and honour-based violence respectively.

Acid throwing has been on the rise in Pakistan in recent years (Orujova, 2022). Commonly known as "acid burning" or "acid throwing" this practice entails throwing acid on a woman's face and body to disfigure her as violent revenge for a number of reasons or perceived transgressions. These may include insufficient dowry, infertility or inability to produce a son, bringing so-called "dishonour" to the family, suspicion of extra-marital or illicit romantic or sexual relations, rejected marriage proposals or simply a husband's desire for a second marriage (Women Without Borders, 2010). While this violent practice has received considerable attention and coverage in Pakistani media, Obaid-Chinoy's documentary film *Saving Face* (2011), recipient of the Oscar award for Best Documentary (Short Subject) category in 2012, was instrumental in drawing worldwide attention to the issue (Chow, 2012).

Supported by the Acid Survivor's Trust (ASF) in Pakistan, *Saving Face* revolves around the stories of two severely disfigured Pakistani female victims of acid attacks, Rukhsana and Zakia. The film follows their struggle in the process of rehabilitation, seeking justice and undergoing reconstructive surgery by a UK-based Pakistani plastic surgeon, Dr Mohammad Jawad, who returns to Pakistan to treat them for free. As the survivors' stories of acid attacks unfold, we see highly disturbing images of their physical disfigurement and permanent damage to their bodies.

We learn that when 39-year-old Zakia attempted to divorce her husband, a drug addict and alcoholic, he retaliated by dousing her with acid, deforming her face beyond recognition and blinding her in one eye. The second victim, Rukhsana, 25, narrates that she was burned with acid by her husband and then set on fire by his sister and mother. However, her ordeal did not end with this attack as she had no choice other than to continue living with her

husband because of her pregnancy. It is significant that the husbands of both victims deny attacking them and instead place the blame on the women themselves for their disfigurement.

While the acid attack victims receive medical attention, in a parallel development we see Pakistani woman parliamentarian, Marvi Memon, move a bill in the National Assembly seeking legislation for the protection of women against acid attacks. During the course of the film, we see the unanimous and successful passage of the bill into law.[4]

In *Saving Face* for the first time we see Pakistani female victims of acid attacks not only receiving reconstructive surgery but also justice as 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.

Obaid-Chinoy used the international success of her film as a platform to work with an anti-acid campaign, Project SAAVE (Stand Against Acid Violence) with an aim to screen her film at various forums worldwide to spread public awareness, involve rights organisations and mobilise public opinion for justice and reforms (Robbins, 2012). It is particularly significant that, given the enthusiasm with which Obaid-Chinoy's achievement has been received within Pakistan, *Saving Face* has been dubbed 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 (Agha, 2016).

Significantly, *Saving Face* renewed the urgent need for accountability, stringent laws and swift prosecution of offenders, underscoring the legislative and pedagogical value of documentary cinema as a cross-cultural tool in the service of consciousness-raising, justice and social change. As a tribute, in 2012, the then president of Pakistan, Asif Ali Zardari, conferred the second most prestigious national civilian award, the *Hilal- e-Imtiaz* (Crescent of Excellence) on Obaid-Chinoy in recognition of her activist documentary (*The Daily Dawn*, 2012).

While acid attacks are usually carried out on women as acts of revenge by rejected suitors, husbands and in-laws, honour killings are committed by close male relatives such as fathers, brothers, uncles and cousins to uphold so-called family and tribal "honour". It is estimated by official figures that over a thousand females are subjected to honour killings each year in Pakistan, although the number may be higher as not all cases are reported (Hussain, 2016). Women may be accused of bringing honour violence on themselves due to allegedly "dishonourable" conduct, which could include an alleged affair, extra-marital sexual relations, elopement, desire for divorce or even employment. All male members of a woman's immediate, extended and marital family in a tribal and feudal setup can claim the power to commit these murders as justification for redeeming so-called family and tribal "honour" (Hassan, 1995). Although men can also be victims of honour killings, normally it is women who are targeted as the symbols of so-called family, tribal, and religious "honour". As H.Q. Shah (1998, 4) explains:

> Honor is a male value derived and viewed against the index of a woman's body. Although honor is located in material wealth, the language and expression of honor resides in the body. In fact honor and shame are two parallel states, honor is masculine, shame is feminine. Just as men have honor, women have shame. A woman's

> shame summarizes her public reputation and social position in much the same manner as honor does for men … . Killing and violence, therefore, are not crimes, but are defenses against dishonour.

Obaid-Chinoy's documentary film, *A Girl in the River: The Price of Forgiveness* (2015) tells one such story focused on the ordeal and testimony of a 19-year-old girl, Saba, in the city of Gujranwala, Pakistan, who survived an honour killing attempt by her father and uncle for marrying a boy of lower social status out of choice. The film exposes the loopholes in the legal system itself that enable men to murder women with impunity on the pretext of a "moralistic stance" which centres patriarchal perceptions of family "honour" (Hayat, 2002, p.91).

Saba recounts her father and uncle taking her from her in-laws' house hours after her marriage to a secluded place by a river, beating her, shooting her in the face and hand and throwing her in a gunny sack in the river to die as punishment for bringing what they perceived as "dishonour" to the family. Miraculously surviving the brutal attack, Saba managed to return to her husband. Taking the matter to court, we see in the film that Saba is able to have the perpetrators jailed. However, despite her reluctance, she is eventually coerced by family and social pressure and drops the case against her father and uncle for the sake of upholding "family honour". Given that Pakistani law provides for a murderer's next of kin to forgive the crime (although in this case, the victim survived the attempted murder), Saba is directed by a lawyer to state that she had implicated her father and uncle "in a state of anger" and now forgives them. The case is hence withdrawn. Needless to say, this legal provision has been instrumental in facilitating culprits of honour-killings to evade punishment and go scot-free.

We see Saba's father and uncle freed from jail and treated by their neighbours and community as "honourable" men who upheld family honour by punishing a woman from their family for eloping and contracting a marriage against their wishes. What is significant is that, ironically, this act of negotiated compromise and forgiveness was enabled by the Pakistani law itself that did not consider these acts as attempted murder, but rather provided leniency and legal cover in facilitating compromise and resolution through a pardon by the family members of the victim and the perpetrator themselves (Imran, 2016). The film ends with Saba's reconciliation with her family as a result of her compromise.

Winning in the Best Documentary (Short Subject) category at the 88th Academy Awards held in February 2016 in the US, Obaid-Chinoy's film garnered tremendous attention both at home and worldwide for the crime of honour killing, renewing national debate and activist intervention for legal reforms (Selby and Rodrigues, 2019). In 2016, the then Pakistani Prime Minister, Mian Nawaz Sharif, invited Obaid-Chinoy to screen her film at the prime minister's house, pledging his government's resolve to enforce stringent legal measures to curb the practice (*The News International*, 2016). Resultantly, because of continued pressure on the government, the Criminal Law (Amendment) (Offences in the name or pretext of Honour) Act of 2016 repealed the loophole that allowed offenders to seek forgiveness (BBC, 2016). However, despite the changes in law, honour killings continue to be committed in the tribal regions in particular where family and tribal honour govern women's conduct and freedoms through the parallel tribal legal system of the *jirga* and *panchayat* (tribal juries and councils). Saba's story demonstrates these contradictions well. Whilst her safety within her community hinges on her withdrawal of the case against her family members, the global circulation of her story in Obaid-Chinoy's film has been instrumental in pushing for legal change at a national level. The film shows that, within her

community, Saba's compromise *upholds* the family honour by accepting the legitimacy of the men's actions; but on a national and international stage the circulation of Obaid-Chinoy's film challenges that, placing shame not on Saba but on the perpetrators and the structures which enable their violence. What this means for Saba personally is not something the film can address, but this does suggest some of the inherent tensions in this kind of activist film. In using the personal story to push for structural change, what happens to the individual once the cameras stop rolling?

Conclusion

As all three short films discussed here share horrific first-hand personal experiences and ordeals recounted by victims of shocking acts of emotional and physical violence enacted on the pretext of honour and revenge, they not only lend credence to the urgency for legal reforms and stern law-enforcement measures but also to the power of depicting real-life stories through the documentary medium to muster resistance and activism against state apathy.

Minallah and Obaid-Chinoy stand out as pioneering and representative activist Pakistani women documentary filmmakers whose films have worked as a form of "consciousness-raising" (Lesage, 1990, p.224) by promoting awareness about horrific forms of violence against women that require urgent attention and legal reforms. They have forced accountability for state apathy and gender biases in the law-enforcement system that have led to significant legislative changes. Broaching gender-specific topics of forced marriages, acid attacks and honour killing on film, biographical accounts of female victims, and the award-winning prominence and international acclaim of their productions, are factors that have collectively contributed to establishing the utility of documentary cinema as an activist tool for resistance, cross-cultural communication and social change in Pakistan.

It is no small victory that the three films discussed here have served as catalysts for legislative reforms in a country beset with patriarchal and gender-discriminatory mindsets that condone violence against women on the pretext of so-called "honour".

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Notes

1 For more detail on violent crimes against women in Pakistan see Human Rights Watch's 2020 summary: https://www.hrw.org/world-report/2021/country-chapters/pakistan (Accessed:12 February 2022).

2 For details on Minallah's background as a freelance writer, human rights activist, documentarist, and her advocacy projects, visit: https://samarminallahkhan.com. (Accessed: 10 February 2022).

3 Elsewhere, 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 (Ethnomedia, 2006).

4 It is pertinent to mention here that in a significant move in December 2011 the then President of Pakistan, Asif Ali Zardari, signed into law the much-awaited Criminal Law (Second Amendment) Bill 2011. An outcome of persistent pressure and demand from rights organisations and activists, this Bill includes The Acid Control and Acid Crime Prevention Bill 2010, and The Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2008, which prohibits forced marriages, gives women inheritance rights and legislates severe punishment for physically harming women with corrosive substances. The Bill also 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*, 2011).

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