

Ethics in Action

Vol. 8 No. 5

October 2014

ISSN 1997-2997



Asian Human Rights Commission

Cover picture:

Street sign during protests, September 2014, Hong Kong.

Source: *Bijo Francis*

Asian Human Rights Commission Ltd 2014

Published by

Asian Human Rights Commission Ltd (AHRC)

Unit 1 & 2, 12/F., Hopeful Factory Centre

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October 2014

Printed by

Clear-Cut Publishing and Printing Co.

A1, 20/F, Fortune Factory Building

40 Lee Chung Street, Chai Wan, Hong Kong

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'Consciousness in action of millions of people' determines social direction

Interview with George Katsiaficas

There have been various social uprisings and movements around the world, which have garnered enormous solidarity and support, but have not amounted to significant change or reform (despite change in government in some instances)—the candlelight vigils in Seoul and the Jeju protests in South Korea, Burma's saffron revolution, the uprisings in Syria and Egypt. How can we understand this?

I think we must be careful to define what we mean by significant changes and reforms. For example, most observers would agree that the French Revolution and the American Revolution had significant impact. Individual liberties were greatly increased, and monarchies were temporarily abolished or expelled. Yet, at the same time, the French Revolution led to acceleration of French imperialism in Africa and Asia, and after the American Revolution, we saw extermination of the buffalo and increased genocide against Native Americans.

What is most important is the residue of social movements in the consciousness and unconsciousness of people, for people's liberties and freedoms are ultimately a product of their own willingness to take them, no matter the cost. Uprisings and social movements sometimes change governments, but almost always build new friendships and connections between people, one dimension of a phenomenon I call the eros effect. In the long run, the consciousness in action of millions of people is the key determinant of the direction societies take.

Do social protests have different roles and impacts in democratic and non-democratic regimes? What are the factors that influence their success?

The specific character of the political regime is one factor among many. High on my list of what influences the outcome of uprisings are cultural factors, the capacity of people to live freely, to think and imagine a better society, and to insist upon it no matter what

George Katsiaficas has been active in social movements since 1969, and is the author of many books that have been well received internationally. His web site is www.erosseffect.com.

the consequences. Having said that, repressive force applied by dictatorial or democratic regimes plays a role. To give two examples, massive force was applied in Burma in 1988 to end popular councils mainly composed of students and monks that were effectively governing the country. In United States in May 1970, six college students were shot dead and the National Guard was called out in more than a dozen states to end a student strike called against the Vietnam War and police repression of the Black Panther Party. In both cases the movements subsided before morphing into other forms that continued struggles.

How is this age of ‘social media revolutions’ different from earlier movements? Where do movements such as ‘One Billion Rising’ fit in?

The connections between people today are often immediate and massive because of the “social media revolutions”, as you put it. This means that movements can arise suddenly and subside quickly, as we have seen with the Occupy Wall Street movement and the Arab Spring (when in 14 months 14 countries experienced protests). Yet long before social media existed, movements erupted in waves, as for instance in Europe in 1848 or in Asia from 1986 to 1992 (when in six years nine dictatorships were overthrown in eight places, as I discuss in my book *Asia’s Unknown Uprisings*).

We see greater participation in social movements by women, particularly in societies where they traditionally had little political or social voice (Syria, Egypt). How has this come about and will it translate into anything positive for their future role in society?

The increasing involvement of women and social movements is part of what I mean by the residue of freedom in people’s consciousness and unconsciousness. In South Korea, commonly thought of and rightfully so as one of the world’s most patriarchal Confucian societies, young teenage girls used music websites to spark nationwide protests against the import of American beef in 2008. As you point out, in Arab countries women are increasingly active in public events, despite the high cost they sometimes pay. In my opinion, the activation of women is one of the most significant developments in the 20th century, and in the 21st century I believe we will see great social transformations led by women. The One Billion Rising Revolution, which seeks to end violence against women, is one contemporary example.

At the same time, there seems to be an increasing trend for societies to turn towards violence, extremism and economic/capitalist chaos, as seen in Europe. Why is this, and what does it imply for the future?

Austerity programs implemented by many European governments today have resulted in declining standards of living for many people, creating the conditions for the emergence of right-wing social movements. Yet social movements are not only caused by economic factors. Psychological insecurity has been intensified by increasing immigration, economic decline, and a more general destabilization of family and social life caused by the culture of consumerism required by the necessity of increasing corporate profits. The existing world system lies at the root of many of the problems facing humanity today. The good news is that there are more activists at the grassroots seeking to transform the global capitalist system than ever before in history.

We are also seeing an increase in the use of religion...

As global capitalism undermines people's daily lives and compels them to work longer years and more hours every week for less money, religion becomes a substitute for satisfactory lives in this world. Ultimately the culture of consumerism empties people's lives of meaning. Shiny cars, jewelry and the latest gadgets and gimmicks have short shelf lives, and their temporary charm creates a kind of addiction—a greediness that keep people running faster to make it in the rat race of corporate culture. As Herbert Marcuse pointed out, such "comforts" can be debilitating, both physically and psychologically.

Is change really possible given the suicidal and imploding system we live in?

Change is not only possible, it is absolutely necessary. As Naomi Klein points out in her new book, capitalism is destroying the planet.

Please share with us about your work on Greece

Although I've given many talks, interviews and written articles for Greek publication, my time there has mainly been a learning experience. I have never before lived in Greece, and recently I have connected with it and people there in ways that have expanded my mind. The country is going through a desperate time. German bankers and arms manufacturers have impoverished the country and continue to extract from it billions of Euros every year. Unemployment is 30 percent officially, 60 percent among youth—and the reality is probably much higher than that. Nonetheless, Greeks voted for progressive change and SYRIZA in the recent European Union elections, and the anarchist movement there is probably the strongest in the entire world today. I am hopeful that Greeks will help lead Europe and the world forward into a brighter future.

Occupy Hong Kong: Protests for democracy and universal suffrage

Editorial

Since September 28, 2014, key districts in Hong Kong have been occupied by students and other protesters demanding genuine universal suffrage and the resignation of Hong Kong's current Chief Executive, C Y Leung. The protests were sparked by the August 31 decision of the Chinese government that only allows two to three candidates to stand for election in the 2017 chief executive election, all of whom would need to obtain the approval of 50 percent of the members of the nominating committee. This committee itself is not seen as truly representative of the Hong Kong people, heavily weighted towards business interests.

Students gathered in thousands in front of the government offices in Central on September 28, demanding that Hong Kong be allowed free elections, and calling for the Hong Kong government to do more to ensure genuine democracy. These student protests were joined by the Occupy Central group, composed of academics, professionals and members of the public.

The police used harsh tactics to disperse the students, by firing teargas and using pepper spray. Although the students held their ground, this use of force shocked the city, leading to spontaneous crowds gathering in Admiralty, Causeway Bay, Mongkok and Tsim Tsa Tsui as well. The protests have continued now for three weeks, although the police have attempted to clear the roads a few times. When their barricades have been removed, protesters have simply replaced them.



Using a bus as their bulletin board



Protesters in Mongkok



Protesters in Admiralty

Political freedom and universal suffrage

“In Hong Kong we have been in very difficult times. We are going to have a selection of Chief Executive, that means our Hong Kong leader. We will have a right to vote our leader in 2017. But the Hong Kong government and the Chinese government limit our selection of our leader. We will have a right to select a leader, but the candidates have been chosen by them. So it’s not a real nomination from the public.” **Protester**

“We are here to communicate several messages to, not only to Hong Kongers, but the whole world. What we are looking for is true democracy. We are looking for a government which has high recognition of people. At the same time we want to have a Chief Executive who represents all we Hong Kongers. We want him to be truly 100 percent elected by we Hong Kong people. We don’t want to have a designated Chief Executive in Hong Kong who doesn’t really represent our opinion. At the same time, we are here today also in response to violent incidents that happened few days ago. I didn’t really know why the Hong Kong police use force and throw tear gas bombs to we students, 87 tear gas bombs. That is a very huge number to students and citizens who were totally unarmed.” **Hong Kong student**

“Hong Kong is my home and I care very deeply about this city and the people of Hong Kong. So I am here to support the cause. And fight for democracy.” **Protester**

“Hong Kong is my home. Living here, I have experienced what democracy means in substance, not just a form of government. I joined the protest and sympathize with pro-democracy protesters for my children. I dream that someday, in Hong Kong, my children can choose a leader of their own choice, and who listens to ethnic minorities” **Danilo Reyes,**

a Filipino Hong Kong resident with the right to vote, who has lived and worked in Hong Kong for nearly ten years.

“The quest for unfettered right to self-determination, and dignity of the people of Hong Kong has taken a planned and new dimension in late September 2014. Since September 28, thousands of students have gathered in front of the government secretariat in Hong Kong, demanding Beijing to allow the people of Hong Kong the right to choose and elect their Chief Executive. At the core of the protest is the right of the citizens of Hong Kong to choose their own government and its chief executive. To be instructed by the government, on who should elect whom, a system dictatorial governments like the one in China, find convenient to implement, has provoked wide criticism in Hong Kong, since the people of Hong Kong consider such rigid and narrow arrangement infringing their dignity, intellect, and self-esteem.” ***Bijo Francis, Executive Director, Asian Human Rights Commission, Hong Kong***

“We are here to protest and to fight for our real democracy. A real vote for our future. Because the China government just release a fake vote system for us. To vote for our leader in the future. So we don't like that.” ***Hong Kong student***

“I'm Natalie. I live in Hong Kong since 1991. I was born here. I live here for 23 years. There is a serious issues that happen in Hong Kong. It's about the Occupy Central. As a University student in Hong Kong, I joined this issue. Why I joined this issue I think since 1997 Hong Kong was handover to China. The (Hong Kong) Government and the China government promised us that we will have “One country, Two systems” to maintain the law, rules in Hong Kong.

“But after the handover for ten years, we find that there are more and more control by the China government. They want “One country, One system”. Many of the freedom we have, like the press freedom, the freedom of speech, are more and more affected by the control of the China government.

“That's why the people are coming out to Occupy Central because they want to have a real election in 2017.” ***Natalie, university student***

“I was in Admiralty for two days, and central. The first day that I went to the protest, the commonly asked question by the people to me is that: “you're not Chinese, and you're fighting for Hong Kong”. Basically what I just said was: “I was born here, I study here, I lived here, and I think that whatever happen to Hong Kong is also going to affect me, my



future and future generations who are coming here. So, I think that if I can do something to change the system right now, then I will be willing to,” *Jianne Soriano, Filipino student born in Hong Kong, interview via DBC*

Police use of force

Investigations into police excessive use of force against the protesters are also said to be underway, with seven police officers suspended. The Hong Kong police have enjoyed a very good image in the region earlier, and their present behaviour against the Hong Kong public, who have been very peaceful and well behaved in the protests have sparked much local outrage. After a video went viral of police officers assaulting a protester on October 15, large crowds gathered outside the police headquarters in Wan Chai.



“After seeing the tear gas on Sunday, I think we just have to come out. If now is not the time, then when? So, I have been here for two days. And then I wanted to do something to tell the world what is happening here. So, we made this wall with 41 languages with the phrase “support democracy in Hong Kong”. So there has been a lot of support and a lot of expats adding languages to it. And I hope the whole works out peacefully, and ultimately we will get universal suffrage. Real universal suffrage.” *Hong Kong student*

“We don’t want violence. We want a peaceful society and we just need democracy.”
Protester

“Unlike most Asian countries, the Hong Kong Police enjoys a reputation for policing by consent and policing without the use of torture and ill treatment. This reputation was achieved largely after the establishment of the Independent Commission Against Corruption (ICAC), controlling bribery and corruption within the police force and instilling a high level of discipline. Also, Hong Kong’s policing model is based on the tradition of the London Metropolitan police, in which the investigative and public control systems were developed in line with modern scientific methodologies and police officers were expected to act calmly even under the most provocative and trying circumstances.

“There is at present a general fear in Hong Kong of more coercive forms of social control coming into play, similar to practices that exist in mainland China. Public reports about excessive force against peaceful demonstrators should therefore ‘ring bells of alarm’ and both the authorities and the public should take such complaints with utmost seriousness. Investigations into these reports should also include considerations relating to the crime of torture, as under the Crimes (Torture) Ordinance 427.” ***Basil Fernando, Director of Policy and Programmes, Asian Human Rights Commission, Hong Kong***

“We have never used violence but the police treat us like this. They use tear gas and batons, and I don’t know why.” ***Protester***

The government has agreed to hold talks with the students on Tuesday, October 21. It is clear that the current impasse facing the city will be difficult to surmount, given the huge role played by the Chinese government. It is important for the Hong Kong government however, to be seen as representing and responding to the interests and concerns of its own citizens. The government and all those fighting for democracy should therefore come together to discuss conditions that would allow true universal suffrage in 2017.

Those who have been out on the streets, and those who have come out to help them, have all shown remarkable courage, fortitude and creativity. Hong Kong can be proud of its youth, its non violence, its voice.

“Went down to Harcourt Road earlier today, to offer some supplies (food, water bottles, towels, bandages, panadol, etc). Everyone was so friendly, well behaved and respectful. Everything was also surprisingly clean. I was met with smiles, thanks, offers of yellow ribbons and even some BBQ! Everyone wanted to have a chat. It was a bit like being at a festival (with the singing and the whole feeling of togetherness), apart from the occasional call / chant for CY to resign! Have never seen anything like this before—it is amazing, but not sure how much difference it will make to China.” ***Daisy Cooper, PhD student, Hong Kong***

“You can’t live in Hong Kong and be untouched by ‘Occupy’. If you haven’t been moved by the brave, well intentioned, remarkably well behaved protestors, you must have thought of them on your daily commute when the traffic has ceased to move as a result of blocked routes, or when you felt closer than you wish to be to your brethren in super packed trains. Thoughts of pride, of support, of respect; or as per some news reports, impatience, annoyance and anger.

“The cynics say nothing will change, the realists expect nothing in the short term, and the idealists, well, they are walking the talk down at Admiralty. So it was only a matter of time before even someone apolitical like me had to go see for himself. Take a look at some of the posters: “Can you hear the voices sing”. There was plenty on the PA system and some of it remarkable and unique to this protest: “Not everyone is fortunate to go to college, so students, please keep up with your studies, go to college and then come to the protest;

Hong Kong will need your skills.” This was no frivolous ‘party’ as some mass gatherings can easily become. I was struck by the sense of purpose, hope and yes, love. What will be the end game and political result? I don’t know. But they have already achieved something by their existence. Because cut out all the noise and you will feel it in the crowd, the sense of something special, something never before, something momentous. And that, already is and will always be, their very own slice of history.” *Hong Kong resident*

“Hong Kong has a proud history of peaceful demonstrations and marches. However, this is the first time that such large areas of the city have been occupied for so long a period. Everyone has been impressed by how well behaved the demonstrators have been. On two nights after work, I slowly strolled along the streets from Central to Wanchai. The mood of the mostly young persons was relaxed and almost festive. At some places, persons were shouting slogans, while at other sites speakers were taking turns analyzing the situation, but the majority of the demonstrators were sitting in small groups holding discussions. I watched how some persons were offering bottles of water to the demonstrators, others were handing out bananas, while still others were bringing bags of prepared food from fast food outlets and giving them to the demonstrators. Large black bags had been fastened along the railings into which people were placing their refuse, while other young persons were going around picking up the small amount of litter that remained on the streets. Some union drivers volunteered to use dump trucks to transport the accumulated garbage from the demonstration sites.” *Jack Clancey, lawyer and Hong Kong resident*

There have also been a large number of ethnic minorities supporting the protests, indicating not only the migrant nature of the city, but also that all those who live there see the city as home, as a place where they can voice their opinions and take part in change. Many of these minorities come from repressive and non-democratic societies, and are thus even more vested in Hong Kong’s future.





Banners reading 'Protect the citizens, End policing', 'Student movement without fear', 'Violent dispersal, Unforgivable sin'



Photos courtesy Danilo Reyes

Dialogue must replace violence

Kowloon Union Church

(September 30, 2014) Kowloon Union Church (KUC), an international and ecumenical church with members from 20 countries, expresses its admiration for the courage, persistence and creativity of the university and high school students and others in the community who have been taking part in the continuous and ongoing demonstrations for the democratic development of Hong Kong. Whether the protesters are Christians or not, they have exhibited the Christian value of giving oneself for the sake of others. In this case, it is not only for the sake of other individuals but for the common good of Hong Kong.

We are similarly moved by those in the community who have selflessly given food, water, first aid, etc., to support the demonstrators in numerous ways. Again, whether they are Christians or not, they have offered their care and compassion for others, especially others who are under great stress and who are feeling fear, are anxious and vulnerable. It is these acts of solidarity that bind us together as one community.

We have witnessed the peaceful approach of the protesters who wish to express their desire for genuine universal suffrage and their dissatisfaction with the recent proposal of the Chinese and Hong Kong governments for political reform in our city, on one hand, and the violent reaction of the police, on the other, who have responded with tear gas and pepper spray to people's discontent. Many people have asked the simple question: Why? Why are the police—Hong Kong people—attacking Hong Kong people?

As a community of faith, we call upon the Hong Kong government to stop using violence to suppress the people who are protesting peacefully to express their views on Hong Kong's democratic development. It is the responsibility of the government to protect her people, uphold human rights and respect people's human dignity.

We, as citizens of Hong Kong, support universal suffrage based on one person, one vote, but the participation of voters in choosing their leaders is a hollow electoral exercise if competition to choose and nominate candidates is limited and restricted. A leader chosen under the proposed political system may be welcome by the Chinese government, but it will result in a weak Hong Kong government that lacks legitimacy in the eyes of Hong Kong's people and will be able to achieve little to better the lives of the citizens of the community.

To resolve the current impasse over political reform, the Chinese and Hong Kong governments will have to genuinely listen to the people of Hong Kong and engage in meaningful dialogue with them. Achieving this aim will require courage, persistence and creativity—qualities that are now being lived out on the streets of Hong Kong.

We pray that the spirit of love and peace will guide the people and the government in Hong Kong. May God bless Hong Kong with wisdom and with peace.

Understanding and overcoming sexual violence in India

Anjuman Ara Begum

The December 2012 gang rape and subsequent death of a 23-year-old female led to a phenomenal consciousness and increased momentum in the country's discourse on sexual violence. For the first time, the discourse shifted the blame from victim to perpetrator, fostering phenomenal changes in the colonial era criminal laws; earlier, the prevalence of gender discrimination meant that victims of rapes were more likely to be held responsible for their suffering than victims of theft. The momentum, however, failed to provide crucial protection and redress for the survivors. News headlines depicting brutalized sexual violence have barely changed since then. The reason for this is that crucial recommendations and changes in the legal system suggested at that time, such as recommendations on police reforms, reduction of the age of consent, amendments to the Armed Forces (Special Powers) Act 1958, reforms in the country's education system as forwarded by the three-member committee¹ formed after the incident, were all ignored. Similarly, recommendations related to the management of crimes against women through an online complaint system, bringing all police stations under CCTV surveillance, non-harassment of public for helping rape victims, increase in the number of police and special training of police to deal with cases of sexual violence were also ignored. Without these basic changes in the country's criminal justice system, crimes of sexual violence are bound to continue unabated.

Since December 2012, there have been media reports of the hanging of brutally raped victims, the sexual assault of a female judge in her official residence, the pumping of bullets into her private parts after the assault, burning dead bodies after gang rape; all of these conclude that India's criminal justice system has failed systematically. While the gruesome assault and violence subjected to thousands of women may shake the human conscience, it continues to leave the criminal justice system cold and unaffected. It is a

1 The Committee has recommended certain steps to reform the police, including the establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state. The Commission would lay down broad policy guidelines to ensure the police acts according to the law. A Police Establishment Board should also be established to decide all transfers, postings and promotions of officers. The Director General of Police and Inspector General of Police should have a minimum tenure of two years. For details see Justice Verma Report Summary, available at <http://www.prsindia.org/parliamenttrack/report-summaries/justice-verma-committee-report-summary-2628/> as on August 14, 2014.

fact that every 20 minutes a rape is committed in India, with only four out of 10 cases proceeding to the country's justice system for redress. The possibility of justice for even these cases is uncertain due to legal complexities and social notions such as 'honour'.

Legal aspects

The question that arises in this scenario is why is the state unable to curb sexual crimes? The answer to this is not merely about the inefficient criminal justice system; it must also include India's prevalent cultural norms. According to Dr. Vandana, violence is not a natural or biological phenomenon: "the existence of sexual violence is, therefore, a political question, which requires an analysis of the institutions of the state and the society, the conditioning and socialisation of individuals and the nature of economic and social exploitations"². Similarly, eminent feminist writer Catherine MacKinnon explains that "patriarchal values and sexual mores guarantee reproductive ownership, sexual access and control over women, to men as a dominating group. The state incorporates these facts of social power in and as law."³

All law must be seen in two parts—the substance of the law and its implementation. The amendments to India's laws dealing with sexual assault after December 2012 made legal literature more favourable to women. The definition of sexual assault was expanded to go beyond vaginal penetration for instance, punishment for acid attacks was introduced and clarification was provided to section 197 of the Criminal Procedure Code concerning 'prior sanction' for initiating legal proceedings against armed forces.⁴ No changes were made to the implementation of these laws however. Victims of sexual assault face enormous challenges in accessing the justice system, from legal to cultural. While filing a First Information Report (FIR), the first step in seeking justice, is hard in any instance in India, it becomes a Herculean task when a woman wants to complain of sexual assault. India's culture of law enforcement is such that legal text alone does not determine her rights and entitlements, or the space available to her to claim justice. Common practice before the police register an FIR, is for officers to satisfy themselves that the victim wears the 'right' clothing, eats the 'right' food, keeps the 'right' male friends, and also her use of 'questionable' modern electronic addictions like mobile phones. This kind of negative stereotyping as well as attacking complainants' self-esteem is one of the prime reasons for not reporting sexual crimes and accessing the criminal justice system. Burgess and Holmstrom have rightly pointed out that "going to the Court, for the victim, is as much

2 'Sexual Violence—Concept and Determinants: Feminist and Human Rights Perspective', Lexis Nexis publication, 2009, page 15

3 'Towards Feminist Jurisprudence', *ibid*

4 For details visit <http://indiacode.nic.in/acts-in-pdf/132013.pdf>

of a crisis as the actual rape itself.”⁵ It is unfortunate that the 2013 legal amendments retained discriminatory concepts like ‘insult’ and ‘outrages to women’s modesty’, which project emphasis on women as a symbol of honour, undermining the criminal liability of the offence.

The culture of impunity for sexual violence is widespread and has contributed much to propagate the crime. This impunity is both *de-jure* and *de-facto*. *De-jure* impunity is propagated through several legal instruments that validate immunity for state actors. The provision of ‘prior sanction’ was incorporated in several security legislations for this purpose. Sections 45, 132, 197 of the Code of Criminal Procedure, sections 125, 126 of the Army Act 1950, section 45 of the Unlawful Activities (Prevention) Act 1967 and section 6 of the Armed Forces Special Powers Act (AFSPA) 1958, hold that no court shall take cognizance of any offence committed by certain state actors unless previous sanction thereof is granted by the appropriate government. It has been observed that procuring ‘sanction’ for prosecution occurs in the rarest of cases, with most applications rejected by the authorities at their discretion. This is one of the reasons that the perpetrators of Manorama’s rape and murder have yet to be brought to justice. Arrested by the Assam Rifles in July 2004, Manorama was found dead with bullet injuries in her private parts within hours. Public outcry led to an inquiry commission into the case, whose reports were challenged by the armed forces for violating the immunity section under AFSPA. The matter is yet to be disposed of by the judiciary even after ten years of litigation. A legal proceeding against the accused armed forces can be filed only after that.

De-facto impunity is equally prevalent in the criminal justice mechanisms and its enforcement institutions. Police authorities often deny or block access to justice by refusing to register complaints. The investigation and trial process remains extremely slow and unscientific. Moreover, routine practices of torture by security enforcement agencies create a fear psychosis and discourage formal complaints against them, propagating a culture of impunity at all levels of justice administration. This culture is tolerated through various legal provisions and practices with the state’s full knowledge and acquiescence.

The principle of *due diligence* is too narrowly adopted in the legal system to hold private actors accountable for violence against women. While states have a duty under the due diligence obligation to prevent and protect women from violence, punish perpetrators of violent acts and compensate victims of violence through affirmative action, its application to date has been limited to responding to violence when it occurs. Prevention, compensation and responsibility of the non-state actors are all neglected.⁶

5 Ann Wolbert Burgess and Lynda Lytle Holmstorm, ‘Rape: Victims of Crisis’, as quoted in ‘Sexual Violence—Concept and Determinants: Feminist and Human Rights Perspective’, Lexis Nexis publication, 2009, page 145

6 Report of the Special Rapporteur of Violence against Women, 20 January 2006, E/CN.4/2006/61

Women face enormous legal hurdles to access justice, as reflected in a study on sexual violence by state agencies in Assam conducted by the author earlier, entitled “Sexual Violence and Impunity in the Conflict Zones of Assam”:

- Filing of FIR by victims/survivors against armed forces is very difficult due to the culture of impunity enjoyed under the Armed Forces (Special Powers) Act, 1958. In several cases, despite rape being a cognizable offence, police refused to register an FIR, or only did so after protests by the local community. This resulted in delayed investigation and medical examination.
- In one case, legal proceedings into rape allegations were blocked by a politician with promises of employment and compensation to the survivor. When these were not fulfilled, the survivor had to pay the price; her husband would release his frustration through physical violence upon her.
- Intentional delays in investigations by the authorities
- In another case the trial was stopped as the accused could not be identified
- Inadequate compensation was awarded in cases where the crime was proved.

Sociologically speaking, a patriarchal society prescribes male dominance and promotes authoritarian personalities. Law enforcement agencies are traditionally based on masculine ideologies, and the police and military institutions provide ample space for exhibiting dominating and authoritarian personalities. Additionally, women comprise little more than six percent of the Indian police and armed forces, which are dominated by a disproportionate male presence. The tendency to impose power and control over women and their bodily autonomy is thus commonly manifested within these institutions. It is under these circumstances that police often deny registering cases of sexual assault. And the few that are registered have minimal chances of success.

The country’s judicial system is also victim to dominance ideologies over women’s bodily autonomy, and administers law accordingly. Judicial pronouncements have deep rooted gender bias. The judiciary has been observed to be less than congenial to women victims of sexual assault.⁷ In October 2013, a Delhi High Court judge said in his court order that ‘girls are morally and socially bound not to indulge in sexual intercourse before a proper marriage, and if they do so, it would be to their peril and they cannot be heard to cry later on that it was rape’. This pronouncement is judicially biased, derogatory and against the interest of the victim. The judge ignored the law of the country for which he was trained and undermined the principle of rule of law as per the Indian Constitution. In the case of Bhawri Devi, who was gang raped in 1992 by five men while working in a field, the District and Session court delivered an order stating that dominant caste

7 As reflected in, ‘Law on Violence: Against Women’, by Charu Walikhanna, Serials Publication, New Delhi, 2009

men would not rape a women belonging to the oppressed caste.⁸ Examples of such evil judicial pronouncements are not new and have been persistent in India from Mathura⁹ to Manorama and beyond.

Furthermore, the inadequate number of judges, prolonged period of litigation, manipulation of medical reports, intimidation of victims and witnesses are barriers in the road to justice in all types of violations; cases of sexual assault are no different. Corruption and political influence are equally to blame for the country's dysfunctional justice system.

Two cases to further illustrate these aspects:

1. Jonali (name changed), narrated that the army men used to come to her village to carry out 'operations'. On April 22, 1997, night she was sleeping along with her husband and daughters. She said, 'Four men in camouflage uniform entered our house and took me behind the house. I thought they will kill me. But they raped me one by one. They were masked and were muttering '*ghumo, ghumo.. hum karega, hum karega..* [turn around, turn around, my turn, my turn]'. A case was filed with the police and a medical test was also conducted, however, both remained inconclusive. Jonali's life after the incident became a haunting saga. 'Local women said that it would have never happened if I were a woman of good character,' she narrates. The incident increased domestic violence at home and Jonali was forced to compromise with that: 'My husband too believed that I am a bad woman and that's why it happened to me. I did not ask for this to happened, so why is my character being blamed?'
2. Thirty-eight years old Monika (name changed) protested against the arbitrary detention of her husband by the armed forces in April 2011 in Kokrajhar district of Assam. She moved from pillar to post in order to free her husband from the custody of the armed forces, an act treated as something against the national security. Arbitrary detention in the region has often led to disappearance or extrajudicial killings. Subsequently Monika was sexually assaulted by six armed personnel as retaliation and in order to teach her a lesson. Monika could recognise them as members belonging to 15th Dogra Regiment as they were known to the family due to the facts mentioned above. Monika with the help of her husband could manage to file an FIR to Kokrajhar police station on 21 April, 2011. Investigation into the case is still not completed. In 2012, Chief Judicial Magistrate, Kokrajhar issued an order asking the investigating officer to complete

8 For details of the case, read Vishakha vs. State of Rajasthan, 1997, (JT 1997 (7) SC 384)

9 The Mathura rape case was an incident of custodial rape in India on 26 March 1972 which later prompted legal reform making custodial rape punishable and shifting the burden of proof to the accused in 1983.

the investigation as soon as possible and submit the report. As per section 167 of the Criminal Procedure Code, the investigating officer is to complete the investigation within three months and submit the report but in this case, it has been about nine months and still investigation is not completed. Since the incident, Monika's husband has refused to have any physical relationship with her. Monika believes that if she receives compensation her husband may accept her and love her again.

Political and cultural will

India's political leaders, who exert significant influence over common citizens, also play a role in pronouncing and promoting misogynistic ideologies regarding sexual assault, and reinforcing impunity. Madhya Pradesh's Home Minister Babulai Gaur for instance, went so far as to say 'rape is sometimes right, sometimes wrong'.¹⁰ Ramsevak Paikara, Home Minister of Chhattisgarh, was reported to say 'no one commits rape intentionally, it happens by mistake'.¹¹ Prominent politician Mulayam Singh Yadav meanwhile, outrageously noted that, 'Boys make mistakes, why hang them?'.¹² He was supported by fellow politician Abu Azmi, who opined that 'women who were raped should also be hanged'.¹³ The latest in line is Arun Jatley, who termed the December 2012 gang rape and subsequent death of the young woman in Delhi as 'one small incident of rape' costing billions of dollars in terms of global tourism.¹⁴ While these statements and views are unfortunately only the tip of the iceberg, they are significant in understanding how the country's institutions and public officials are mired in authoritarian, misogynistic and gender biased norms. These views and norms are then filtered down to ordinary people.

Socially, India provides little space to be a sexual being, particularly for women. Talking of sex or sexuality is taboo and unwelcome in the public domain. Young children largely grow up in a gender segregated environment, and often suppress their willingness to play or mingle with children of the opposite sex due to parental or social disapproval. Repressive sexuality is often quoted by Indian authors like Sudhir Kakar as a reason for sexualized and gender based violence. Society prescribes women to be chaste and celibate before 'marriage', thus suppressing her sensuality and sexuality. At the same time, women are advised to take 'precautions' against sexual violence, ranging from wearing certain clothes, travelling at certain times, in certain areas, to keeping 'good company'. Men meanwhile, are free to express their sexuality, even in violent ways, and these are blithely justified with the explanation that 'boys will be boys'. Homosexual sex is still criminalized

10 Reuters news, June 5, 2014

11 Times of India, June 7, 2014

12 Times of India, April 10, 2014

13 NDTV, April 11, 2014

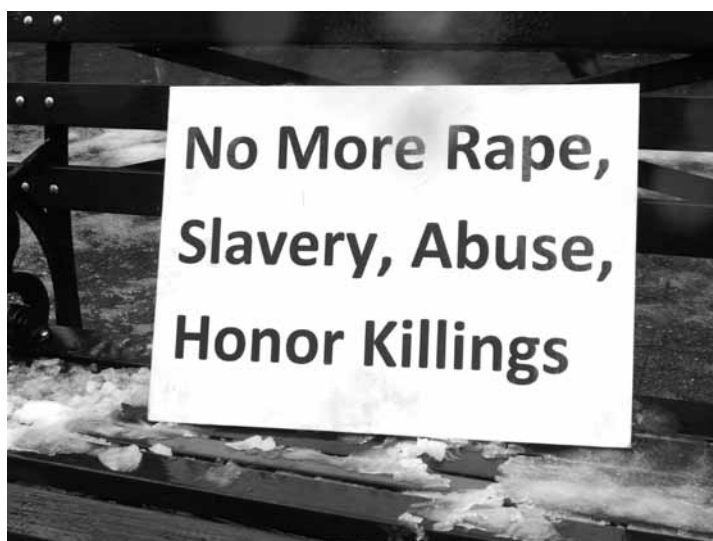
14 NDTV, August 22, 2014

as “unnatural” under section 377 of the Indian Penal Code. This encroachment in the private space of citizens exhibits a narrow construction of people’s freedom over their bodily autonomy and their choice of life.

Social, political and legal change

Violence against women in India will remain unabated due to the pervasive prevalence of discrimination against women and girls, which starts at birth and continues till death. Law if enforced properly is undoubtedly an instrument to control and modify human behaviour. Not only does India need to reform its laws to make them gender equal, but it also needs to enforce these laws effectively. The entire criminal justice system—the police, prosecution and judiciary—needs to be retrained so as to be cognizant of gender issues. As has been clearly demonstrated above, the views and attitudes of police officers, judges and other public officials at present are severely detrimental to enforcing laws that protect women’s rights.

Only when public officials, politicians and society alike hold these laws and their corresponding legal norms as valuable and worthy, can effective enforcement occur. And this can only happen when there is social and political change in the views towards women. It is thus crucial that the state and society work towards seeding this change. Social and cultural patterns of conduct towards gender need to be modified. Not only should the state focus on improving the lot of women, but it must also work on changing the attitudes of men, and garner the support of men. Gender discrimination and violence against women is not to be treated as only women’s issue. Men have as much to lose and as much to gain.



Placard in front of the UN building in New York during a demonstration in March 2013. Picture by Anjuman Ara Begum

Malala Yousafzai: Epitome of fight against religious oppression of women

(Edited text of statement issued by the Asian Human Rights Commission: AHRC-STM-182-2014, October 15, 2014)

The Asian Human Rights Commission (AHRC) takes great pleasure in congratulating Malala Yousafzai on the occasion of being awarded the Nobel Prize for female education. Beginning her struggle as a child, Malala defied religious extremism of the worst kind in Pakistan and continued to demand that girls be allowed to receive education, for which she was shot in the head by a Taliban gunman in 2012. Malala miraculously survived the cold blooded murder attempt and continued her tireless efforts to be the voice on behalf of all women to claim the right to an education.

Today, Malala is no longer a lone voice in the fight for women's education and against religious extremism. The world stands with her in her struggle to win education for women in Pakistan. While congratulating her on her unparalleled achievement, the AHRC believes that Malala will gain more strength and commitment towards continuing the struggle for women's education and rights not only in Pakistan, but throughout the world.

It is a rarity in Pakistani society for girls to speak for themselves, let alone stand up for the rights of others. Malala is an exception to that rule, a rule imposed by a male dominant society that believes in subjugating and oppressing women. Malala's courage and valor has today inspired many to carve a destiny for themselves. The journey of the youngest Nobel laureate was unlike many teens her age; from a very young age she had the passion that ignited her resolve to fight against extremist elements. In 2007 the Taliban literally took hold of the Swat valley—a pristine tourist destination in the Khyber Pakhtunkhwa Province of Northwest Pakistan—and passed an edict banning girls' education. Hundreds of schools were blown up as a result. Only 10-years-old at that



Malala Yousafzai attends a special event entitled, "Delivering on the Global Education Promise". UN Photo/Amanda Voisardb

time, Malala chronicled her experience of living under Taliban rule under the pseudonym Gul Makai, and her diary was later published by the BBC's Urdu Service.

A basic human right, the right to education is a privilege for many children in Pakistan. Malala stood as a symbol of that fight against oppression and tyranny in the name of religion. Refusing to bow down to the whims and fancies of a few obscurantists' view of Islam, Malala risked her life for the cause of girls' education; she was shot in the head by two men who stopped her school van. She was easily identifiable as she was the only one not covering her face. The twisted norms of Pakistan's patriarchal society dictate that a good woman is one who suffers in silence and endures every hardship meted out to her without complaining. In a society where the birth of a girl is neither celebrated nor acknowledged, girls find themselves at the mercy of their fathers or brothers who are considered the 'demi Gods of their fate'. Malala was fortunate to have a father who understood the paradigm of genders and encouraged her to break free. Mr. Ziaudin Yousafzai, in his speech at Ted Talk 2014 said "Why is my daughter so strong? Because I didn't clip her wings." A visionary educationist, Mr. Ziaudin told the rapt audience, "I taught my girl students to unlearn the lesson of obedience. I taught my boy students to unlearn the lesson of so-called pseudo-honor."

Malala has won 16 major international awards for her service to human rights and justice before winning the Nobel Peace Prize this year. In 2011, Malala was one of the five nominees chosen out of 98 children put forward by organizations and individuals from 42 different countries for the consideration of the Nobel Peace Prize selection committee. Archbishop Desmond Tutu, himself a Nobel Peace Laureate, announced the five nominees for the International Children's Peace Prize in 2011 in Cape Town. The prize is an initiative of the Dutch organization 'Kids Rights' and was launched during the 2005 Nobel Peace Laureates' Summit chaired by Mikhail Gorbachev. That year, Michaela Mycroft (17) from South Africa was awarded the Children's Peace Prize. Today Malala is the youngest ever Nobel Prize winner.

Malala is the second Pakistani after Dr. Abdul Salam to have brought the accolade home. Dr. Salam was never given the respect he duly deserved, his crime being an *Ahmedi*. Despite many physics research centers around the world being named after him, not a single street was named after him in Pakistan. Hailed as the shining star of physics, making quantum physics a household name, Dr. Salam is a nameless soldier in the annals of Pakistani history. Malala too elicits a mixed response from the masses in Pakistan divided in their views about her as a champion of human and women's rights, or a media darling wishing to malign Pakistan as an extremist state harboring the *Taliban*. The increasing Talibanization and intolerance for dissent has eroded the moral fabric of the society that has been the birthplace of luminaries like Bullah Shah, Sachal Sarmast, Moinudin Chisti and other sages who preached an egalitarian social order.

Over the past decades in Pakistan, many attacks have been carried out by orthodox forces on students, educational institutions and academic staff. A series of terrorist attacks on school buses, students, teachers, and institutions took place in Pakistan in order to create a serious fear among the youth of getting an education. Fundamentalist groups oppose education since it provides people, youth especially, with powerful means for intellectual independence, social advancement and personal emancipation. Fundamentalists use the weapon of terrorism as a tool to stop Pakistani young people from getting a secular education, through which they can potentially develop alternative reasoning. They have not only targeted institutions, but also individual teachers and university students. In a recent attack on a university in June last year, 14 female students were killed and another 20 were injured when a female suicide bomber from the religious terrorist group Lashkar-e-Jhangvi blew herself up, in a bus in Quetta, Balochistan.

Malala raised a lone voice to draw attention to the plight of thousands of men, women and children who were being exploited and abused at the hands of the mighty. She rose where many feared for their lives, she spoke when speaking was a crime, she struggled when it was punishable for women to be seen in public. No common teen, Malala was a warrior like the Pakhtun freedom fighter Malalai of Maiwand, whom she was named after. The Taliban failed to silence her and she went on to become the symbol of struggle for girls' right to education. She has been extolled for her persistence and fortitude by many politicians, celebrities and human rights activists who believe in equal rights for all, regardless of gender, creed or race. In December 2012, Pakistan and UNESCO unveiled the Malala Plan, which aims to have all girls in the world attend school by the end of 2015.

While speaking at the UN General Assembly, Malala said,

"I speak - not for myself, but for all girls and boys. I raise up my voice - not so that I can shout, but so that those without a voice can be heard. Those who have fought for their rights: Their right to live in peace. Their right to be treated with dignity. Their right to equality of opportunity. Their right to be educated."

Gender at work and the feminization of labour migration: Call for responsible governance and a challenge for society

Liliana Corrieri

The promotion of female employment and the integration of gender perspectives into labour laws and migration policies are slowly becoming prominent approaches in the international debate emphasising the links between economic development and gender equality. This is particularly the case for peoples and economies of the global south. However, the reality that many women from developing countries live in is still one of inequalities, lack of opportunities, inadequate earning, and exploitation. This article will discuss various aspects of female labour migration, including case studies from Cambodia and Bangladesh.

Gender-based discrimination, poverty and a life-cycle of financial restrictions

A decent job can boost the self-esteem of a woman and benefit members of her family in terms of education, healthcare and a proper livelihood. It can even be crucial in alleviating her family out of extreme poverty. Furthermore, a good job can increase the agency of a woman, not only as a direct consequence of economic empowerment, but also because she can potentially expand the spectrum of her life choices and investments, and participate more actively in her community and society. At the same time, enhanced agency can sensibly expand her job opportunities.

On a virtually global scale however, women's economic participation in the labour force is inferior to men's due to persisting patriarchal norms that continue to undervalue women's potential and dictate that housework, child and elderly care are women's prime duties. Due to gender-biased constraints, women typically earn less than men—the International Labour Organisation (ILO) estimates that women earn between 10 to 30 percent less than men. Gender wage gaps are particularly acute in developing countries, but they endure in high-income countries as well. In the global south, women have fewer opportunities to establish businesses and when they do, it is often a business on a small scale and in less profitable sectors, such as commercial farming or small manufacturing plants. They also tend to be employed in less productive jobs and often in the informal

sector, which mainly includes unregistered and small-scale private enterprises, casual and seasonal low paid work in the fields, and domestic labour.

The barriers that women encounter ‘in the marketplace’ are multidimensional and are ascribable to factors such as their lack of adequate education, constraints in accessing capital, technology, equipment and other services, limited participation and a lack of quality employment opportunities, the negation of equal pay for equal work, the denial of benefits, protection, rights, skills development and career advancement. When gender intersects with poverty, disability or being part of an ethnic minority, restrictions become even greater.

Cross-border migration and false empowerment

It is relevant to point out that the increasing rate of women’s migration over the past years, usually referred to as the ‘feminization of migration’, can be seen as an indicator of expanding female mobility rather than agency. Many women, particularly in Asia, have become more dynamic and given the disabling circumstances in their countries of origin or in their local communities, the number of those who choose to emigrate is increasing as they pursue higher wages and a route to empowerment. Research has shown that women who migrate for work tend to send larger remittances back home compared to their male counterparts. This money is mainly spent on daily household expenses, family healthcare, and children’s education.

Too often however, migrant women are exposed to exploitation and are in a very vulnerable position in their host societies. While women’s geographical mobility has increased, women’s agency in the world of work is still strictly connected to the norms and values of the society they come from as well as the society of their destination. Traditional norms, gender roles and common perceptions about what women are ‘suitable’ for (housekeeping, childcare, sewing, ‘entertainment’), deeply affect their economic agency and the types of jobs they can access.

In fact, women face a form of occupational segregation, being concentrated in specific industries and types of work, which usually offer lower earnings, fewer rights and fewer opportunities for acquiring new and transferable skills. In 2013, the ILO estimated that women represent 83 percent of domestic workers worldwide. The majority of such workers are not protected by labour laws covering basic issues such as maximum weekly working hours, a minimum wage, or maternity leave.¹

1 The CEDAW General Recommendation No. 26 on Migrant Women Workers (2008), and the ILO Convention concerning Decent Work for Domestic Workers (No. 189, 2011) are among the most recent instruments within the international human rights legal framework which are relevant for the fulfilment of the obligations of State parties.

Abroad as domestic workers

The Philippines is a well established source country of thousands of migrant women who every year arrive in several countries worldwide to be employed as domestic helpers. Within the Asian-Pacific region, Hong Kong and Singapore lead as the two main destinations. About 325,000 domestic helpers are estimated to be living and working in Hong Kong only. While a high percentage of them are indeed of Filipino nationality, in the past decade the number of Indonesian domestic workers in Hong Kong has exponentially increased. According to the International Organisation for Migration (IOM), domestic work abroad is by now one of the largest sources of employment for low educated and unskilled women from rural Indonesia. Cross-border migration exposes women to the risk of deceptive recruitment by unlicensed or unscrupulous brokers, who, paid by commission, are after 'large numbers' and often deceive their 'targets' on essential terms of employment contracts such as expected salary and living conditions. Once abroad, long working hours, harassment and violence unfortunately become the common patterns of abuse for many domestic workers. The case of the Indonesian domestic helper Erwiana Sulistyarningsih earlier this year, who was severely abused by her Hong Kong employer for eight months, was widely covered by the international press. The case raised serious concerns among the public and human rights organisations about the working conditions and the degrading treatment endured by foreign domestic workers in Hong Kong. This prominent case is now also emblematic of the number of dangers that migrant women (often young and vulnerable) are exposed to when leaving their country to go and work as maids abroad.

In the past years, more and more women from South-Asia (Nepal in particular) have emigrated as domestic helpers to high-income countries in the Middle-East, such as Lebanon, Kuwait, Qatar, Saudi Arabia, Oman and the United Arab Emirates. Most of them are unaware of the risks they may face in their country of destination, ranging from restrictions to their freedom of movement, to long working hours and exploitation, physical harassment and unwanted pregnancies due to sexual abuse. Only upon arrival do many of them realise how different their working conditions are in comparison with the previously agreed terms stipulated in their contracts. Unfortunately, a large number of Nepali women, particularly from rural areas, are deceived with the 'advance' payment of all expenses (flights, passport etc.) offered as a 'loan' by their alleged recruiters, who, in fact, are traffickers. Their migration, which entails crossing the border via land and flying out from India as totally unregistered Nepali migrant workers, does not figure in the official statistics of the Department of Foreign Employment of Nepal. Unwittingly, they become victims of human trafficking and consequently of modern forms of slavery: they end up entrapped in debt-bonded labour and, with their passport confiscated, are forced to stay abroad and work until that debt has been cleared. Confinement, battering if they dare to protest, food and sleep deprivation, threats to their lives, mental and

physical abuse, exhausting and forced work are the typical forms of abuse suffered by female domestic workers (as well as by male migrant workers mainly employed in the construction sector in the Middle East). With their very low wages and, at times, the withdrawal of their salary for months, and given the extortionate interest rates imposed by their traffickers, it becomes very difficult if not impossible to extinguish their 'debt'.

Anti Slavery International explains that in Lebanon, domestic workers are not protected by the country's Labour Code. They migrate under the sponsorship (*kafala*) system that ties the domestic worker's residence and work permits to her employer. Therefore, if she leaves her sponsor (and workplace) to escape abuse, she becomes illegal and may be subject to arrest and deportation. This appears to be the case in several other receiving countries. While advocacy by several human rights and workers' rights organizations continues in the attempt to raise awareness, engage authorities, tackle the illicit channels and create valid alternatives, it is not uncommon to read about desperate Nepali domestic workers who commit suicide. The Kathmandu-based NGO and shelter *Maiti Nepal* estimates that about 80 percent of female Nepali migrants who return from the Gulf Arab States suffer from mental health problems, trauma and other disorders as a result of the abuse suffered and the type of 'slavery culture' experienced. Such a high percentage leads one to reflect upon the personal costs on one side and the alleged financial benefits of migration on the other side, and whether in the long term this type of migration is worthwhile for the purposes of empowerment and development.

Legal protection: A fundamental right and indispensable support in a foreign country

Several female migrant workers interviewed by prominent human rights organizations such as Anti Slavery International and Amnesty International have highlighted how important it is to have full access to information about safe and legal migration in order to make a well-informed decision, as well as receiving at least basic language classes and adequate professional training before departure. Legal protection abroad is also a crucial issue and embassies or consulates are seen as the least that governments can guarantee to their citizens in cases of need in other countries. Bilateral and regional agreements and good cooperation between sending and receiving countries are also very important. In truth, however, the great majority of migrant workers are left alone in defending their rights, and even when consular representation is available, they receive support largely from other migrants, and local and international NGOs. The problem of legal protection in defence of domestic workers gained international attention with the case of Rizana Nafeek, the Sri Lankan domestic helper who in January 2013 was beheaded in Saudi Arabia. Nafeek was accused of the murder of a four-month-old baby boy, the son of the couple she was working for. It was 2005 and Rizana (only 17) had been working for her employers for only 18 days, when the baby boy died while she was bottle feeding him.

The baby's parents accused her of murder and no autopsy was ever performed to certify whether the baby had perhaps died of natural causes. The Saudi police 'interrogated' Rizana without an interpreter and forced her to sign a 'confession' in Arabic, a language she had no understanding of. The Saudi Court accepted such 'evidence' and she was imprisoned and sentenced to death in 2007. Rizana's story became a case of global outrage and the unresponsiveness of the Sri Lankan diplomats based in Saudi Arabia was heavily criticized.

The garment industry as a prime catalyst for female internal migration

Labour migration is primarily associated with cross-border flows whereby issues such as income inequalities, unemployment and underemployment, and also political instability, conflicts, natural disasters and climate change are pushing an increasing number of people to cross borders in search of income and security abroad. However, labour migration also includes 'internal' migration, the movement of people from rural to urban areas (which supposedly offer a more diversified economy). Industrialisation has always encouraged labour migration wherever and whenever it has occurred, and nowadays it is one of the leading causes for internal migration in many Asian countries.

In the past years, the manufacturing outsourcing by European and American brands to China first, and then to South and South-East Asia, has posed new challenges to the economic and social development, as well as the labour conditions and regulations in developing countries like Cambodia, Vietnam, Myanmar, Bangladesh and India. The vast majority of garment workers in these countries are vulnerable and unskilled women who suffer diminishing and discriminatory attitudes and represent a seriously under-priced and heavily undervalued economic force. Factory owners openly prefer hiring female workers because they are considered 'easier to control' in comparison to the male workforce. Such a perception clearly derives from the unbalanced power relations between men and women pervasive throughout society and institutions in Asia.

The case of Cambodia

In Cambodia, the female workers employed in the export garment and footwear industries are often poorly educated women who migrate from rural districts to the capital city and other major urban areas in search of employment in order to sustain their families (including children but also other family members such as parents and younger siblings). Due to the remote location of their area of origin, they generally have no experience, direct or indirect, in the formal sector. Their limited knowledge of what to expect, accept, refuse or demand makes them vulnerable and more exposed to the risk of exploitation. At times, these migrant workers may even be minor girls.

The issue of the minimum wage for garment workers has recently become a great public concern in Cambodia. In December 2013, trade unions and workers took part in several strikes in Phnom Penh demanding that the minimum wage be doubled (from 80 USD to 160 USD per month) in order to guarantee a more adequate income for their long hours and hard working conditions. Protests came to a violent halt in early January 2014 when the military became involved and opened fire against a crowd of demonstrators, killing at least five people and injuring dozens. Authorities so far have only been willing to grant a 20 percent increase, claiming that the national economy cannot sustain higher demands, at least for the time being, despite the fact that the garment and textile industry in Cambodia currently represents the country's largest source of export earnings. The Cambodian Government stated that the minimum wage may be gradually raised to USD 160 over the next five years.

In the meantime, the monthly salary of garment workers is often not enough to cover their living costs for housing, food, transportation and healthcare, and to also guarantee that remittances are regularly sent back home to support their family members and finance their children's education. Many women in Phnom Penh share small flats among four, sometimes even six workers in order to limit expenses. Besides the restrictions related to their low wages, there are several other critical issues pertaining to the wellbeing of the women employed in the garment industry, as well as their safety in the work place and personal security on the way to and from the factory.

It has been reported that many women do not eat enough, and their health is affected by the inhalation of fumes, cloth bleaches and other chemicals. Extra (and poorly remunerated) working hours also affect their physical resistance and make them exhausted. Many women work 10 hours a day, or even longer, six days a week. The lack of proper ventilation systems in very hot locations and the short or limited breaks provoke such distress that many women faint and are in need of medical help to recover. Factories are reported to offer poor sanitary facilities and hygiene standards, and often even simple soap is not provided. Other critical issues are harassment, both sexual and verbal, difficult communication with supervisors and dispute resolutions. In most cases, the management of garment factories comprises only men who behave in an abusive and discriminatory way towards their female employees, by sexually harassing them, insulting them, shouting at them, and denying them sick leave, maternity leave and other basic rights. It is known that many women are forced to work until the end of their pregnancy and expected to return to work not long after they have given birth, compromising therefore their possibility of adequately breastfeeding their babies. Due to short-term contracts, low wages and weak job security, quality health care and childcare are mainly inaccessible. Street harassment on the way to the factory, the risk of rape at dusk and other concerns related to personal security further burden women working in the garment industry.

Bangladesh in the spot-light

Circumstances are not dissimilar in Bangladesh, where it is estimated that 80 percent of the approximately 4 million garment workers in the country are women, and where workers earn an estimated 3,000 taka (USD 38) per month, which is about half of what Cambodian factory workers earn. In September 2013, garment workers in Dhaka staged the biggest wage hike protest the country has ever had. According to Reuters, about 50,000 people took part in the demonstration demanding a raise of the minimum wage to 8,000 taka (USD 103) per month. However, the best they were offered by the government who were in talks with factory owners (many of whom were parliamentarians themselves) was an increase of only 20 percent.

The fire at the Tazreen Fashion factory (which took place in November 2012 on the outskirts of Dhaka) killed about 115 people and left circa 200 injured. The incident raised serious concerns among several human rights organisations about the health and safety standards and procedures of factories in Bangladesh, and the responsibility of Western companies to supervise and improve their supply chains in terms of adequate evacuation plans and the safeguarding of workers' rights. Survivors interviewed by Human Rights Watch reported that on the day of the fire, Tazreen was on deadline to fulfil a large order and managers ordered people to remain where they were even after fire alarms had started to ring. Furthermore, it seems that some factory personnel were ordered to lock the exits on several floors of the building, and that other exit routes were blocked by stock ready for delivery. A few months later (April 2013) the world watched in shock at the collapse of the eight-story commercial building Rana Plaza (Greater Dhaka) in which more than 1100 workers died, more than 2000 injured people were rescued and several hundred went missing. The USA based Institute for Global Labour and Human Rights defined the accident as the 'deadliest disaster in the history of the garment industry worldwide' and reported:

Some 3,639 workers toiled in five factories housed in the Rana Plaza building producing clothing for some U.S., Canadian and European clothing labels and retailers. Eighty percent of the workers were young women, 18, 19, 20 years of age. Their standard shift was 13 to 14 ½ hours, from 8:00 a.m. to 9:00 or 10:30 p.m., toiling 90 to 100 hours a week with just two days off a month.

Given the release on bail in August 2014 of the owner of the Tazreen Fashion factory after hardly six months in pre-trial detention with the charge of culpable homicide, and given the fact that many survivors of both disasters have received no compensation for their permanent injuries, the issues of accountability, the denial of basic workers' rights, redress and good and fair governance return to the spotlight.

Gender equality and economic development in Asia: From open discussion to potential intervention and social change

The regulation of the garment sector in Asian export-dependent developing countries remains a complex topic of discussion as it entails issues such as western corporate social responsibility, traceable and complying supply chains, health and safety standards, transparency and corruption, national laws and the rule of law, governments' accountability, internal migration, labour rights and gender perspectives. A better understanding of the several dynamics in place and aimed interventions, such as a general improvement of working conditions and the development of adequate procedures in auditing and gender-sensitive and rights-based labour policies, are crucial and necessary steps for the protection of female workers from exploitation and discrimination.

The massive but undervalued contribution of women in the economic dynamics which are gradually advancing Asian countries provides a valid reason to reflect upon the dualism between 'capitalist patriarchy' and the so-called 'inclusive growth' advocated by the UN and various research and policies in international development cooperation. It needs to be understood that gender equality is not simply a feminist claim or an attainment relevant to women only, it is an achievement which becomes immediately beneficial for men and children, proving itself to be economically smart and socially profitable. In Asian countries, women are traditionally expected to accept what they are told and given, and are not supposed to challenge establishments, which are conventionally gender-biased and in favour of men. However, the fast paced process of industrialisation taking place in the region and the prime involvement of women require a deconstruction of traditional gender roles and a necessary modernisation of mindsets, attitudes and expectations with the indispensable support of gender mainstreaming in the making and implementation of the law. Transformations in society, as well as in economics and policies, need to be traced, analysed and performed through a gender-sensitive lens.

"Women make up more than one-third of China's migrants. They tend to be younger than their male counterparts and more likely to be single; they travel farther from home and they stay out longer. They are more motivated to improve themselves and more likely to value migration for its life changing possibilities. [...] From their home villages, families tried to influence their daughters. *Send money home. Don't get a boyfriend outside. Get married sooner. Get back.* For the most part the girls did as they pleased".

Leslie T. Chang, *Factory Girls/ From Village to City in a Changing China*. 2009.

Yartsaganbu breeds violence in Dolpo, Nepal

Phurwa Dhondup

Dolpo is the biggest administrative region of Nepal but the most scarcely populated due to its rugged geography. It fetches the government large revenues from tourists and a plethora of natural resources from water to medicinal herbs. It houses splendid natural beauty, cultural heritages and endangered wildlife species. Yet, Dolpo is not linked to the rest of the nation by road, or equipped with basic infrastructure such as electricity and hospitals. The people of the lower region primarily depend on agriculture, while the settlements in the upper regions synergize agriculture with animal husbandry for subsistence living. As such, pastures for winter grazing become vital for people to eke out their livestock through the difficult season. With the advent of 'yartsaganbu economy', serious and inevitable consequences are threatening local livelihoods of this remote region.

Dolpo and 'Yartsaganbu'

'Yartsaganbu' (*Cordyceps sinensis*) is a parasitic fungus in which the larvae are mummified and stalk-like reddish-brown fruiting-bodies emerge. Yartsaganbu has been used in both Tibetan medicine and traditional Chinese medicine as a universal cure for all ailments in general, and as a popular aphrodisiac in particular. It is believed to cure ailments ranging from fatigue to cancer. The government of Nepal legalized yartsaganbu harvesting in 2001, and since then, such practices have increased dramatically. Yartsaganbu season begins mid-May, and could last as long as two months. During this time, most villages are deserted. Whole communities are on the move for this seasonal outing to higher altitudes to collect yartsaganbu while homes, schools and offices are padlocked.

Yartsaganbu has swiftly become the biggest contributor to household economy in Dolpo, surpassing even farming, which makes up to 53.3 percent of total household income.¹

1 Shrestha, Uttam Babu and Kamaljit S. Bawa. 2013 Trade, Harvest, and Conservation of Caterpillar Fungus (*Ophiocordyceps sinensis*). *Biological Conservation* 159: 514-520.

Phurwa Dhondup is a native of Dolpo, who faced the violent police crackdown on June 3, 2014. He is currently working as Program Coordinator at SIT Nepal.

The exorbitant price of this fungus attracts thousands of people to move to Dolpo district from more than 28 of the 75 districts of Nepal. According to local sources, in 2013 alone, more than 9,000 people flocked to Dho-Tarap, one of Dolpo's 23 Village Development Committees (VDC), to make a new, profitable living picking yartsagunbu. Dho-Tarap had a meager population of 923 according to the National Census 2011. The onslaught of people and the unexpected consequences has greatly affected and threatened the locals by depleting the limited grasslands and timber. Criminal activities and violence have also dramatically increased.

With little consolation, in 2008 locals in Dho-Tarap started collecting compulsory 'fees', restated as 'donations', from the yartsagunbu pickers. Until 2011, NRs 1000 per head was collected; NRs 1500 in 2012; and NRs 3000 in 2013. The Shey Phoksundo Buffer Zone management committee (SPBZMC), which maintains the area's statistics, has been collecting royalties in Dunai, the headquarters of Dolpo, and in the local VDCs since 2011. Reported royalties until 2013 were NRs 1100 for non-district, NRs 600 for within-district, and NRs 150 for within-buffer zone area residents. Both the government and locals collected together in 2011. In 2012 and 2013 the two agencies collected separately. For 2014, the SPBZMC increased the royalty threefold, or NRs 3000 for non-district, NRs 2000 for within-district, and Rs 500 for within-buffer zone area residents, while the locals people from Dho-Tarap reduced the amount to half, or NRs 1500.

Situations turned tense when the SPBZMC wanted to curb the locals from 'illegally' collecting money in the name of donations, while increasing its own royalties threefold. To make matters worse, the SPBZMC wanted to open up all pastures for yartsagunbu harvesting, regardless of the sensitive winter grasslands. The locals however, wanted to block the annual winter grassland, collectively known as 'lang', from yartsagunbu pickers, while demanding the right to collect donations from other pastures as part of their customary rights, and in addition to the rights granted by the International Labor Organization in ILO convention number 169, to which Nepal is a signatory.² According to the locals, not one rupee of the huge royalties collected by the SPBZMC has benefited them to date. In response, the SPBZMC claims that maintaining law and order is more important than appeasing local demands. In this lose/lose situation, the locals continued to collect donations and declared the 'lang' region as a no-harvest zone. The team of SPBZMC and armed police forces then came in and changed everything.

2 The Legislative Parliament of Nepal has approved the ratification of the Convention on Indigenous and Tribal Peoples (No.169) adopted by the ILO in 1989. Convention No. 169 was ratified by the Parliament on the 22nd of August and formally submitted to the ILO on 5th September 2007 by the Minister for Local Development Dev P. Gurung.

Dolpo's black days

June 2, 2014: Three field supervisors of the SPBZMC accompanied by thirty-five armed police forces (APFs) arrived in Dho-Tarap, and confiscated a sum of NRs 756,000 which had been collected by the locals. Adding insult to injury, the SPBZMC sent thousands of people to the sensitive 'lang' region.

June 3, 2014: The locals submitted a petition to the SPBZMC asking them to reconsider their actions. The SPBZMC ignored their pleas.

During a peaceful protest on July 4, 2014, the police charged the gathered locals with batons. Some individuals reacted and hurled stones towards the police, who scattered from the scene. In a matter of seconds, the police regrouped and attacked with more force. Live bullets were fired at the unarmed people, who frantically ran for cover.

The unprepared locals were deeply traumatized by this horrific violence. Doors and wooden grain stores were widely vandalized. After the chaos subsided, the police went on a rampage, searching each house along the Y-shaped river valley. Innocent bystanders were indiscriminately beaten. Twelve random people were detained and systematically beaten. The police orchestrated plans to accuse the 12 of crimes they never committed. The victims were also repeatedly assaulted, belittled and made out as refugees in their own nation. Ethnic slurs such as 'bhotias,³ we will kill you all', 'this is Nepal, not your country', were commonly uttered by the police. The violence resulted in the death of two, the detention of 12 and left more than 40 others seriously injured. Authority figures also falsified the report concerning the death of one victim, and failed to send the body for a post-mortem.

Nyima Tsering from Tsarka VDC, 25-years-old, was one of the men dragged out from a grain storehouse, beaten, and then released, only to be rounded up again by another police team as he tried to flee the village. He witnessed a bullet hit his brother's temple. He saw a friend suffer, with burning hot gun pipes shoved into his mouth. He said he didn't feel the pain from his torture in detention as much as the worry about whether his brother had survived. After his torture, he was treated for two broken upper incisors and sent back home. "A cold shiver runs through my veins and my body heats up every time I see a policeman", he told reporters after a press conference on July 29, 2014.

3 The Bhotiyas live in much of the northern and eastern regions of Nepal. They are a group of ethnolinguistically Tibetan people living in the trans-Himalayan region that divides India from Tibet, and were originally a hill tribe. Their name, Bhotiya, derives from the word Bod (Bodyul), which is the Classical Tibetan name for Tibet. The ancient language of Bhotiya people is Boti (Bhoti).

Ngaten Choephel, 25 years old, a winter teacher⁴ in the local school, was one of the detainees targeted and tortured for speaking up for his rights. “They let us sit in a sort of Lotus position, and jogged and jumped on our legs, as if we were trampolines. One of them shone the light and kicked me right in the face,” he testified in documentary footage.

Among the few who managed to flee quickly across the mountains on that fateful day, and thus escape assault, was 25-year-old Dhargye Lama, a young village Lama (religious guru). “We ran the whole night without flash lights, stopping near rocky caves, and ran again after we suspected we were being pursued. Before we knew it, we had circumambulated the entire Buddha-Rivo pilgrimage,” he said.

“They played me like a football, but with martial boots and batons,” Pema Tsewang, a 16-year-old student told ABC television reporters at the protest of Bhadrakali on July 4, 2014. He looked little, frail, but determined. He had returned home after being away from his parents for more than five years in Kathmandu, hoping to contribute to his community. “The trauma still haunts me. Nightmares are frequent,” Pema admitted.

And so the stories go. Every person from the locality has a story of pain, fear, and suffering, endured on that fateful black day in Dolpo history. There has been considerable media outcry and organized protest since then, which has tragically only fallen on deaf ears. A joint struggle committee was formed by the locals of Dolpo in Kathmandu and numerous press conferences were organized. The Asian Human Rights Commission (AHRC) sent an urgent appeal to the office of the Prime Minister, Home Minister, National Human Rights Commission and the Inspector General of Police on June 12, requesting immediate and effective action. A number of press articles condemned the atrocities, including an editorial in the Kathmandu Post on June 16. The Kantipur media house sent a reporter to the field, and the resultant stories of police brutality were on the front page of the Kantipur daily newspaper on June 22. The joint struggle committee met the Minister of Forest and Soil Conservation on June 25. The home ministry formed a three-member probe panel led by the regional deputy administrator of Surkhet, Mr. Raju Kumar Shrestha, on June 27. The joint struggle committee organized a nine-day sit-in protest in Kathmandu from July 1-9 to demand an impartial investigation committee be set up, as well as a candlelight vigil and peace march at Boudhanath on July 22. The probe panel returned on July 15 from Dunai, which is a difficult three days walk from the area of incident. To date, it is yet to produce its controversial report. Worst of all, another round of threat and drama has begun to repeat itself.

4 During the winter season, hundreds of Dolpo people have to leave upper Dolpa and find warmer areas to live. In that time schools also used to close.

The wife of Tsering Phurwa who died after the brutal police crackdown frantically called me up from Dho village at 5:14pm on Saturday, June 11. She was panicking, and sounded confused and lonely. She said the police had summoned her from her camp in the Dho pastures, which is a difficult three day walk away. They pressured her to confess that her husband died by 'falling-off a cliff while collecting timber but not by stick charge. She was told that unless she did this, 'she would not get the one million Nepali rupees compensation promised after the death of her husband on 4 June, and that the 12 ex-detainees would be taken to Dunai for actions accusing them of killing her husband'. She was depressed and left with no hope.

Most villagers have lost hope and/or have been threatened to the point of giving up. There are only a few who are bravely considering the risk of speaking up once again for justice. After a protracted discussion however, the villagers unanimously voted to fight for justice despite the growing hurdles and confusion. They have decided to reject the 'one-sided regional investigation committee' set to fly to Dho village by helicopter when the weather clears, and instead demand a 'high level and inclusive central investigation committee' with mandatory representatives from the victims' side and from human rights groups. In case this does not occur, they have threatened to collect all the citizenship certificates⁵ and dump them in front of the District Administration Office in Dunai, showing the irrelevance of these citizenship certificates that have not safeguarded the rights to security, peaceful livelihood, recognition and justice, which are embodied in the social contract.

Every passing day the pain and fear of my fellow people depresses me more, but there is not much I can do. Our incumbent government is preoccupied with purchasing super-luxurious bulletproof German cars to show off at the SAARC summit, designing a fat Constituent Assembly trust, or holding extravagant party conventions full of hatred and lust for power. Justice and compensation appear distant illusions, at least for now. When will Nyima, Pema, Dhargye and Ngaten, along with all the other Dho villagers feel safe again, and relegate the horrendous events of June 3 to the past? When will they get the rights their citizenship certificates entitle them to? Does the government listen only to violent Nepal Bandhs or chakka jams, or worse, instead of passive resistance, such as sit-in protests or hunger strikes?

5 Generally, Nepalese citizenship is based on the principles of jus-sanguine or bloodline. Generally, a person born of parents who are citizens of Nepal will have a claim to citizenship of Nepal. It is compulsory for people to get benefits from the government. Without citizenship they can't get passports to go to abroad.

Human rights, abortion and disabled women—A snapshot from Pakistan

Dr. Rakhshinda Perveen

The word ‘rights’ very often seem so wrong—politically, socially and technically—in the Islamic Republic of Pakistan, at all levels of policy making and community gate keeping. When used in the context of Sexual and Reproductive Health Rights (SRHR) in general and abortion in particular, the word is even seen as threatening, no less than an explosive that will tarnish or destroy Islam, the country’s dominant religion and its traditional/cultural values. The dishonor, disgrace and discrimination entrenched in the words ‘abortion’ and ‘abortion rights’ are in fact, to varying degrees and dimensions, global.

It is unfortunate, but perhaps not surprising, that there is no importance given to the element of reproductive health rights of disabled women and girls in Pakistan, whether in terms of research, advocacy, public policy planning, legislation, social awareness or health interventions. In 1990, the Pakistan government revised the colonial British Raj Penal Code of 1860 with respect to abortion. Under the 1990 revision, the conditions for abortion depend on the developmental stage of the fetus; whether the fetal organs are formed or not. Section 338 of the Pakistan Penal code states that “Whoever causes a woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman or providing necessary treatment to her, is said to cause ‘*Isqat-i-Haml*’ (isqat=abort haml=pregnancy)”. Such a person is liable to a punishment of three years imprisonment if the abortion is performed by the woman’s consent, otherwise, a maximum of ten years.

Section 338 B and C of the Pakistan Penal Code provides that termination of a child whose limbs have been formed for any reason other than to save the life of the mother shall be liable to pay *Diyat* (blood money), and such a person is also liable for a maximum of seven years imprisonment.

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The law does not allow abortion on the basis of fetal defects. Whoever causes *Isqat-i-Janin* shall be liable to half of the Diyat if the child is born dead. Full Diyat is liable if the child is born alive but dies as a result of any act of the offender. And imprisonment of either description for a term which may extend to seven years as *Ta'zir* (in Islamic Law, *ta'zir* refers to punishment, usually corporal, that can be administered at the discretion of the judge). If there is more than one child in the womb of the woman, the offender shall be liable to separate Diyat or *Ta'zir* for each child. If as a result of *Isqat-i-Janin*, any injury is caused to the woman or she dies, the offender shall also be liable to punishment for such injury or death.

Distinguished Pakistani lawyer, late Ms. Rashida Patel recorded in her book *Woman vs. man: Socio-legal gender equality in Pakistan* (Oxford University Press, 2003) that this explanation of penalty became a law in 1996 through a Presidential ordinance. Until 1997, abortion was permitted to save the life of the mother but then the law was amended in the light of injunctions of the Quran and Sunnah. At that point, abortion also became legal in cases where it was necessary to provide treatment to the mother.

It is pertinent to ask here, who benefits from an exception to the rule, and, who establishes the exception to the rule? The global trend of a higher number of back street or unsafe abortions, and a smaller number of “therapeutic/necessary treatment” abortions by expensive consultants is common in Pakistan as well. As always, those who need safe abortions the most, remain mostly deprived of them. During my active clinical life I found several woman doctors, nurses and health workers, trained and untrained, conducting all forms of abortion. As a physician mistaken for a gynecologist (woman doctors are commonly mistaken for either nurses or gynecologists/ obstetricians in my country) I used to get many requests for a ‘DNC’ by husbands (the dilation of the cervix and surgical removal of part of the lining of the uterus and/or contents of the uterus by scraping and scooping) for their wives. These men were of the view that family planning—through the use of condoms, birth control and so forth—is not allowed under Islam and Christianity. This experience also made me understand that a woman’s body is under the ownership of her husband or male partner. This says a lot about the autonomy of women.

Religion and culture are unashamedly twisted to further disadvantage and endorse the subordinate positions of Pakistani women and girls from all classes and faiths. Available research is almost silent on the predicament of non Muslim Pakistani women and girls regarding their sexual and reproductive rights.

Pakistan, being the world’s sixth most populous country, having an estimated 37.9 million women in the reproductive age group (15-49 years) with an estimated 4.2 million births occurring annually, faces enormous population and development related

challenges. Nine percent of Pakistan's teenage girls have already begun childbearing (the highest percentage in Sindh province (11 percent) and the lowest in Balochistan province (seven percent)) and the overall adolescent birth rate is seven percent.

Pakistan's annual abortion rate is about 29 per 1,000 women aged 15–49 years. If this persists, every Pakistani woman will experience an abortion in her lifetime. During 2002, 890, 000 induced abortions were performed. Nationally, about one in seven pregnancies is terminated by abortion. Associated mortality and morbidity rates are high—23 percent of all Pakistani women who get an abortion are hospitalized for treatment of complications, and some 197, 000 women are treated annually for abortion related complications.

According to Dr. Zeba Sathar, Country Director of Pakistan's Population Council, "What is strikingly clear from these estimates is that induced abortion is a widely used method of preventing unwanted births in Pakistan."

None of this and other related information profiles women and girls in connection with their disability status. According to research by the Population Council, the most documented reasons for abortions are: poverty, fetus abnormality, 5 percent medical reasons, desire of a smaller family, 65 percent after determining the sex, pre and extra marital affairs, contraceptive failures.

I recall my days as the first Field Medical Trainer for the pilot project of contraceptives' social marketing by Population Services International DC-U.S., through which I became aware of many such cases. What was tough to me at a personal level was the inability of health service providers to suggest any remedy besides harboring unpredictable degree of bias and judgment. The technical and professional failing of doctors and paramedics to identify and address the health and sexual and reproductive needs of the disabled in general, and women and girls in particular, is yet to be seen as a serious threat to the quality of medical teaching and health service provided by the concerned authorities within a government that spends two percent or a little more of its GDP on health and education.

A study entitled 'Perceptions, interpretations and implications of abortions: A qualitative enquiry among the legal community of Pakistan' conducted by the Marie Stopes Society, Pakistan in 2011 concluded that,

To facilitate access of women to abortion and related care, the knowledge of the existing law among legal professionals must improve. The implications of abortion for maternal health and its repercussions on a community governed by the Islamic dogmas must be publicized. The legal community could have an instrumental role in bringing about attitudinal changes vis-à-vis abortions in the society.

Chairperson of the National Commission on the Status of Women and renowned activist Ms. Khawar Mumtaz observed that, “The law does not make a distinction between mentally challenged or sound women. There is no policy that I know of; but doctors may have developed some kind of unwritten code.” The view of researcher and public health specialist Dr. Syed Zakir Hussain however, is that since Pakistan’s current abortion law permits abortions to save the life of the mother and/or to provide necessary treatment for physical, mental or social conditions, “in this way there is provision for mentally retarded women as the continued pregnancy would affect her mentally”. He admits though, that there is no “data or system to collect the number of disabled women receiving post abortion care services.”

An important determinant of health is education. The privileged few who happen to go to school here (Pakistan has the second highest rate of out of school children in the world, and 65 percent of its population is under 30 years) do not learn anything about general or adolescents SRHR. Some donor funded projects focusing on youth SRHR and women’s rights advocacy have created some ripples, but these are limited to a very few elite institutions.

Generally speaking, there is a complete lack of attention to the issue of abortion and disabled women. Furthermore, the few short term project based approaches to address general abortion do not take local cultural factors and needs into account, and have thus failed to produce any meaningful or significant change in education or legislation. An evident social dismissal of the issue of abortion is an understandable impact indicator of the failure of such half baked actions.

Various research reports, studies and articles were unable to provide any substance or statistics about disabled women and girls who are victims of rape, gang rape and or incest leading to pregnancy. How many such victims can access abortion care at all, let alone the abortion? There is no information available about the mentally retarded women and girls who are repeatedly raped and become pregnant multiple times.

According to Ms. Abia Akram, a young Pakistani leader of women with disabilities,

The exact data or any evidence based research is not available. Since I am working with women with diverse disabilities from different geographic areas, I have heard about cases where women with intellectual disability got pregnant and their parents took them for abortion, especially in the flood affected areas. These cases are never reported, since they don’t want to disclose the disability and secondly they don’t have access to justice.

Barring aside the justified need of accessing a safe abortion without being judged by married and unmarried women who may be victims of rape, incest and unprotected sex

in different situations, the predicament of disabled women and girls who conceive either under compulsion or by choice but want to abort the fetus are yet to be identified as an issue in mainstream activism, academia and advocacy on SRHR related issues. This differs from most developed societies, where the issue is mainly about the rights of disabled women/girls to be able to continue with the pregnancy and/or being able not to abort the fetus if any congenital anomaly is detected during antenatal care.

The stifling and nonintellectual Islamization induced in the late 1970s by General Zia's military dictatorship peaked in the last decade, resulting in the reluctance of intellectuals, writers and legislators to bring forth any alternative positions or initiate a liberal dialogue on tricky issues like abortion, control of women's bodies and so on. These subjects remain confined to a very limited group of activists (in no way united), who are very often accused of performing western donors' driven activism.

Disability cannot be cherished anywhere in the world, but being disabled in Pakistan for women and girls is the worst disadvantage a human being could experience. It is unfortunate that Pakistan has a significant percentage of physically and/or mentally challenged women. These women largely get pregnant as a result of sexual violence, and there is no safe way for them to terminate their pregnancies.

I look forward to the day when pro-people governance policies will be designed, when even marginalized groups would be included in the discourses on gender and SRHR and all individuals including disabled women and girls, can dream and decide about their lives with dignity, respect and complete protection from the State, if not society. I dare to suggest that as a step towards this ideal, it is time to revisit the Hippocratic Oath traditionally taken by physicians written ca. 400 B.C:

I will give no deadly medicine to any one if asked, nor suggest any such counsel; and in like manner I will not give to a woman a peccary to produce abortion. With purity and with holiness I will pass my life and practice my Art. While I continue to keep this Oath un-violated, may it be granted to me to enjoy life and the practice of the art, respected by all men, in all times! But should I trespass and violate this Oath, may the reverse be my lot!
[Translated version by Francis Adams]