

# Gender Studies

## Case Studies of:

### 1. Mukhtaran Mai

#### Specs:

Born in 1972 in Meerwala, Jatoi in Muzaffarabad District. Belongs to the Gujjar tribe.

#### The facts (in order):

1. On June 22, 2002, a tribal council in the Pakistani village of Mirwali was in session to resolve an issue between two tribes. Members of the village's Mastoi tribe had accused 12 year old Abdul Shakoor (Henceforth A.S) of the Gujjar tribe of having an affair with Salma Naseen, sister of Abdul Khaliq (A.K) from the Mastoi tribe.
2. A.S denies the accusation and explained that three Mastoi men had kidnapped and sodomized him earlier in the day, and when he had threatened to report the incident, they concocted the story about the affair. He was allegedly kept imprisoned in the home of A.K. A.S's family threatened to go to the police. A.S is nevertheless arrested by police on charges of adultery.
3. The boy's father appeared before the tribal council to address the matter. Worried about her father, the boy's elder sister attended the proceedings as well. The council decided that A.S should marry Salma Naseen and that, in exchange, Mai would marry someone from the Mastoi tribe. Although the boy's father accepted the decision, villagers from the Mastoi tribe rejected it. They demanded that zina be settled with zina.

4. Mai was called by the council to apologize for her brother's alleged behavior; however, when she arrives she was dragged to a nearby hut and gang raped allegedly by four men. Armed men of the Mastoi tribe restrained Mukhtar Mai's father and uncle as they tried to help her. They gang-raped Mukhtar Mai for more than one hour. After the men raped her, they stripped Mukhtar Mai of her clothing and threw her out of the hut. As she walked naked through the village to her home, her father draped her with a shawl. The Mastois inform the police that the dispute has been settled and Shakoor is released.
5. **On 28 June 2002** During his weekly Friday sermon, the village imam (prayer leader) declares that a great sin has been committed and asks the villagers to report the matter to the police. The imam then tells a reporter from a nearby town who publishes the story in the local press.
6. It is immediately picked up by the international media and the Punjab government asks the police to take immediate action.
7. **On 30 June 2002:** A case is registered with the Dera Ghazi Khan (southern Punjab) police against 14 men. All are arrested and charged under various provisions of the Pakistan Penal Code (provisions 109/149) of 1868, the Anti-Terrorism Act (7c & 21-1) of 1997 and the Offence of Zina (Enforcement of Hadd) Ordinance (10-4 and 11) of 1979. Four of the 14 accused are charged with raping Ms Mai while the rest are booked for abetment.
8. Their trial begins in an anti-terrorism court in Dera Ghazi Khan (southern Punjab). The medical examination of Ms Mai and chemical analysis of her clothes reveals at least two semen stains.
9. **On 5 July, 2002:** Ms Mai is awarded a sum of 500,000 Rupees.
10. **On 31 August 2002:** The trial court announces the verdict in a special midnight session, sentencing six men to death. Four of these are sentenced for raping her while two are convicted for being a part of the panchayat that decreed the rape.
11. The remaining eight are released and subsequently freed. The guilty men appealed their case. See point 15 for decision on this appeal.
12. **On 3 September, 2002:** The State and Mukhtar Mai file separate appeals in the Multan bench of the Lahore high court against the acquittal of the eight men set free.

13. **From 3 September, 2002 to 3 March, 2005:** Ms Mai busies herself in setting up two schools in her village with the compensation money awarded to her.
14. Her courage and efforts are acknowledged worldwide and generous donations are made for her school.
15. **On 3 March, 2005:** The Multan bench of the Lahore High Court reverses the trial court's judgment on the basis of "insufficient evidence" and "faulty investigations". [On the basis of the appeal of convicted men] The court acquits five of the six while the death sentence of the sixth is commuted to life imprisonment. The court orders the release of the five acquitted. The acquittals cause an international outcry and human rights groups call upon the Pakistan government to intervene.
16. **From 4 to 7 March, 2005:** Ms Mai writes to the government saying she fears for her life if those acquitted are released.
17. Rights group hold rallies in various Pakistani cities protesting against the acquittals.
18. **On 11 March, 2005:** Pakistan's highest Islamic court, the Federal Shariat Court, suspends the Lahore High Court's acquittal of the five men.
19. The court rules that the Lahore High Court does not have the jurisdiction to hear appeals in cases tried under Islamic laws. The Shariat Court decides to hear the case itself.
20. **On 14 March, 2005:** The Supreme Court - Pakistan's highest judicial forum - intervenes to set aside the ruling by the Sharia court.
21. The Supreme Court says it will hear the final appeal in the case. It rules that the Lahore High Court verdict will stand till such time that the appeal in the Supreme Court is decided. The five acquitted are ordered to be released.
22. **On 15 March, 2005:** Four of the five acquitted in Ms Mai's case are released on the orders of the Supreme Court. The fifth is detained on other, unrelated charges but is released two days later.
23. **On 17 March, 2005:** Ms Mai appeals to President Musharraf to order the re-arrest of the four men released saying she fears for her life.
24. **On 18 March, 2005:** The five men released earlier are re-arrested along with the eight others who had been found not guilty at the original trial in 2002.

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25. All are detained on an order from the government of Punjab province under the maintenance of public order ordinance - a law which allows the authorities to detain anyone for a period of 90 days on grounds that the person is a threat to public order.
  26. **On March 26, 2005:** Mukhtar Mai files an appeal in the Supreme court against the acquittal of five men sentenced to death by the Supreme court.
  27. **On 10 June, 2005:** Ms Mai says she is being prevented from travelling abroad by the government. She was to fly to London on invitation of Amnesty International. Officials say the security measures are in place for Ms Mai's own safety and that she can travel abroad once the courts have dealt with her case. It is reported that she has applied for a US visa after being invited by a US-based women's rights NGO to visit the US.
  28. **On 13 June, 2005:** The 90-day detention period comes to an end but all 14 men remain in jail as no one comes forward to furnish their bail bonds.
  29. **On 14 June, 2005:** Ms Mai is taken by the police first to Lahore to meet Provincial Assembly Member Shagufta Anwar and then to Islamabad for a meeting with the prime minister's advisor on women development, Nilofer Bakhtiar. Officials confirm that her name has been included in the Exit Control List. She demands the removal of her name from ECL as she was "virtually under house arrest" because of the police detail assigned to her. The travel ban on Ms Mai is widely condemned, locally and internationally. Critics say the move is to stop Ms Mai's case generating bad publicity for Pakistan abroad.
  30. **On 15 June 2005:** Ms Mai spends two hours at the US consulate and withdraws her application for a US visa. Her passport is taken from her as she emerges from the US embassy. The same day, the government announces that her name has been removed from the Exit Control List. Ms Mai says the removal is meaningless as her passport has been taken away and she cannot travel anyway.
  31. **On 18 June, 2005:** The Supreme Court says it will start hearing Ms Mai's appeal against acquittals on 27 June.
  32. **On 28 June, 2005:** The Supreme Court suspends the acquittals of the five men convicted. It orders that they and eight others found not guilty at the original trial be held pending retrial.

33. On 21 April 2011, The Supreme Court set aside the Lahore High Court, Lahore's verdict of acquitting A. Ditta, Ghulam Farid, Faiz Mastoi and Ramzan Parchar. However the Supreme Court confirmed acquittal of Khalil Ahmad, Ghulam Hussain, Qasim Rasool, Hazoor and Nazar Hussain for being falsely implicated by Mukhtar Mai

#### **Accolades and honors:**

1. On 2 August 2005, the Pakistani government awarded Mukhtaran the Fatima Jinnah gold medal for bravery and courage.
2. On 2 November 2005, the US magazine *Glamour* named Mukhtaran as their Woman Of The Year.
3. On 12 January 2006, Mukhtaran Mai published her memoir with the collaboration of Marie-Thérèse Cuny under the title *Déshonorée*. The originating publisher of the book is OH ! Editions in France and her book was published simultaneously in German by Droemer Verlag as *Die Schuld, eine Frau zu sein*.
4. On 16 January 2006, to coincide with the publication of her memoir, Mukhtaran Mai travelled to Paris (France) and was received by Foreign Minister Philippe Douste-Blazy.
5. On 2 May 2006, Mukhtaran spoke at the United Nations headquarters in New York. In an interview with United Nations TV, Mai said that "she wanted to get the message across to the world that one should fight for their rights and for the rights of the next generation." She was welcomed by UN Under-Secretary General Shashi Tharoor, who said, "I think it is fair to say that anyone who has the moral courage and internal strength to turn such a brutal attack into a weapon to defend others in a similar position, is a hero indeed, and is worthy of our deepest respect and admiration."
6. On 31 October 2006, Mukhtaran's memoir was released in the United States as *In the Name of Honor: A Memoir*.
7. On 15 November 2006, Pakistan's lower house of Parliament voted to alter its rape laws to move them from religious law to penal code, effectively separating rape from adultery. It also modifies the law to no longer require that the victim produce four witnesses of the assault, and it allows circumstantial and forensic evidence be used for investigation. The bill reduced the penalty for adultery from execution to a maximum of five years' incarceration and a 10,000 rupee fine. A modified version of the bill, called the Protection of Women Bill, was signed by

Musharraf in late 2006. Critics of the final version of the law complained that "[a] judge can still decide whether rape cases will be heard in a civil or an Islamic court. Rape victims will have to report their complaints to district courts, not at local police stations, compelling many to travel long distances. As a result, many will be discouraged." **24 January 2007**

8. **In March 2007**, Mukhtaran formally received the 2006 North-South Prize of the Council of Europe for her contribution to human rights. In April 2007, Mukhtaran Mai won the North-South Prize from the Council of Europe.
9. **In October 2010**, Laurentian University of Canada decided to award an honorary doctorate degree to Mukhtar Mai.

### Effects:

1. Mukhtaran mai became a symbol of courage and boldness for girls.
2. It Highlights the role of feudalism in Pakistan
3. It shows how the executive maneuvers the system in it's own favor.
4. It presented clerics in a good light.
5. Highlighted the power of the media and the effectiveness of media campaigning in providing justice and a voice to the disenfranchised.
6. Highlights the weakness of the courts and how it carries out miscarriages of justice.
7. Shows that "justice delayed is justice denied"
8. The prevalence of ignorance and illiteracy regarding legal rights and laws is also highlighted.
9. Shows it is important to understand how to preserve proof for criminal cases.
10. Highlighted weak prosecution of the state and shows the misogynistic attitude of state leaders.

## 2. Mallala Yousaf Zai

**Stats:** Born 12 July 1997 in Mingora Swat, Pakistan To Ziauddin Yousafzai and Tor Pekai Yousafzai. Her family is Sunni family of Pashtun descent and she has two younger brothers.

## **Swat Valley under TTP:**

In 2007, the Tehrik-i-Taliban (TTP) began to occupy and control parts of Swat Valley and to impose their version of Shariaa (Islamic) law. This included a prohibition on women's education.

## **Malala Yousafzai's Public Profile Before the Shooting:**

In 2008, he had taken his daughter to Peshawar to speak at a local press club about girls' right to basic education. The event was covered by newspapers and television channels through the region.

Soon afterwards, she began anonymously blogging for BBC Urdu about what it was like to live under harsh TTP rule. These entries depicted life from a schoolgirl's perspective during the time whilst the TTP passed formal edicts prohibiting girls from attending school. She was also featured in a New York Times documentary called "Class Dismissed: The Death of Female Education."

In 2011, she was nominated for the International Children's Peace Prize by South African activist Desmond Tutu. Later that year, Pakistan's Prime Minister awarded her Pakistan's first National Youth Peace Prize. As Yousafzai's public profile grew, she began receiving death threats

## **The Events of October 9, 2012:**

On October 9th, 2012 in Mingora, Yousafzai, now 14 years old, was returning home from school when hooded TTP militants stopped and boarded the school bus. They demanded that the other schoolchildren on the school bus identify Yousafzai asking, "Who is Malala? After being identified, she was shot in the head. Although a bullet traversed her brain and lodged in her spine, she survived the shooting but was critically injured. Two other girls were also hurt during the shooting; they also survived.

## **The Government's Response:**

The Pakistani government took responsibility for her care, treating her at a military hospital in Peshawar under heavy security. Her doctors and the Pakistani government decided to transfer her out of country to an English hospital which specialized in military-related trauma.

Pakistan President Asif Ali Zardari stated that the violent assault on Yousafzai was “an attack on all girls in Pakistan, an attack on education, and on all civilized people.”

Authorities offered a US\$100,000 reward for her attackers’ capture. Pakistan’s Prime Minister and top military officials also condemned the attack, calling the shooting “inhuman” and a “heinous act of terrorism.”

A month later, the Pakistani government pledged cash incentives to poor families to send their children to school.

### **Pakistani Taliban Response:**

A TTP spokesman confirmed that Yousafzai was the specific target of the shooting and added that she was a symbol of “infidels and obscenity.” He went on to say, “She has become a symbol of Western culture in the area; she was openly propagating it,” adding that if she survived, the militants would try to kill her again.

### **Public Response & International Outrage:**

Rallies and prayer sessions were held across Pakistan while social media forums bustled as people from around the world voiced their disgust with the attack and expressed their admiration for Yousafzai.

Fifty Islamic clerics in Pakistan issued a fatwa against the gunmen, and the Sunni Ittehad Council publicly denounced the TTP’s religious arguments for justifying the shooting of Yousafzai and her classmates.

The shooting also drew significant international response. The US President Obama “strongly condemned the shooting,” calling it “reprehensible, disgusting and tragic.” UN Secretary-General Ban Ki-moon also voiced his “outrage and strong condemnation”

### **“I am Malala”:**

**On October 15, 2012**, Gordon Brown, former British Prime Minister, who had been appointed UN Special Envoy for Global Education in July 2012, launched a petition in Yousafzai’s name to call on Pakistan “to ensure that every girl like Malala has the chance to go to school” using the slogan “I am Malala,” a chant that was heard at demonstrations across Pakistan.



He also called on the international community to ensure that all children have access to education by the end of 2015.

**On July 12, 2013**, dubbed “Malala Day,” over 500 youth from 75 nations gathered at the UN headquarters calling for every child worldwide to have the right and access to an education as Yousafzai spoke to UN leaders to call for worldwide education.

**In fall 2013** Yousafzai published her memoir, “I Am Malala.”

In an interview with the popular American TV personality Jon Stewart she explained what she would do if she encountered a Taliban member, “If you hit a Talib, then there would be no difference between you and the Talib...You must not treat others with cruelty [...] you must fight others through peace and through dialogue and through education. I would tell him how important education is and that I would even want education for your children as well,” the Pakistani girl added. “That's what I want to tell you, now do what you want.”

### **Nobel Peace Prize:**

**On 10 October 2014:** She was announced as a co-recipient of the Nobel Peace Prize with Kailash Satyarthi, a children Rights Activist from India.

### **Accolades and Honors:**

Yousafzai has been awarded the following national and international honours:

- 2011: National Youth Peace Prize
- Anne Frank Award for Moral Courage, January 2012
- Sitara-e-Shujaat, Pakistan's third-highest civilian bravery award, October 2012
- *Foreign Policy* magazine top 100 global thinker, November 2012
- 2012: *Time* magazine Person of the Year shortlist
- Mother Teresa Awards for Social Justice, November 2012
- Rome Prize for Peace and Humanitarian Action, December 2012
- 2012: Top Name in Annual Survey of Global English, January 2013
- Simone de Beauvoir Prize, January 2013
- Memminger Freiheitspreis 1525, March 2013
- Fred and Anne Jarvis Award of the UK National Union of Teachers, March 2013

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- One of *Time's* "100 Most Influential People in the World", April 2013
  - Premi Internacional Catalunya Award of Catalonia, May 2013
  - Annual Award for Development of the OPEC Fund for International Development (OFID), June 2013
  - International Campaigner of the Year, 2013 Observer Ethical Awards, June 2013
  - 2012: Tipperary International Peace Award, Ireland Tipperary Peace Convention, August 2013
  - Ambassador of Conscience Award from Amnesty International
  - 2013: International Children's Peace Prize, KidsRights Foundation
  - 2013: Clinton Global Citizen Awards from Clinton Foundation
  - Harvard Foundation's Peter Gomes Humanitarian Award from
  - 2013: Sakharov Prize for Freedom of Thought – awarded by the European Parliament
  - 2013: Honorary Master of Arts degree awarded by the University of Edinburgh
  - 2013: Pride of Britain (October)
  - 2013: Glamour magazine Woman of the Year
  - 2013: GG2 Hammer Award at GG2 Leadership Awards (November)
  - 2013: International Prize for Equality and Non-Discrimination
  - 2014: Awarded Honorary Life Membership by the PSEU (Ireland)
  - 2014: Honorary Doctor of Civil Law, University of King's College, Halifax, Nova Scotia, Canada
  - 2014: One of *Time Magazine* "The 25 Most Influential Teens of 2014"
  - 2014: Honorary Canadian citizenship
  - 2015: Asteroid 316201 Malala named in her honour.
  - 2017: Youngest ever United Nations Messenger of Peace
  - 2017: Received honorary doctorate from the University of Ottawa
  - 2017: Ellis Island International Medal of Honor
  - 2017: Wonk of the Year 2017 from American University

### 3. Sharmeen Obaid Chinoy

#### **Early Life:**

Obaid-Chinoy was born on 12 November 1978 in Karachi, Sindh, Pakistan. Her father, Sheikh Obaid, was a businessman, who died in 2010, and her mother, Saba Obaid, is a social worker. She has a younger sister, Mahjabeen Obaid.

#### **Education:**

Obaid-Chinoy attended Karachi Grammar School, followed by Convent of Jesus and Mary in Karachi. She then moved to the United States for higher education. Upon moving, she studied at the Smith College, from where she completed her bachelor's degree in journalism in 2002. After graduating from the Smith College, she enrolled at the Stanford University for a double master's degree in International Policy Studies and Communication, which she received in 2004, during this period, she developed a long-lasting passion for filmmaking, and made two award-winning short films simultaneously.

#### **Career as a filmmaker:**

Her first film was Terror's Children. In 2003 and 2004 she made two award-winning films while a graduate student at Stanford University. She then began a long association with the PBS TV series Frontline World, where she reported "On a Razor's Edge" in 2004 and went on over the next 5 years to produce many broadcast reports, online videos and written "Dispatches" from Pakistan.

Her most notable films include;

1. The Lost Generation,
2. Children of the Taliban,
3. Afghanistan Unveiled,
4. 3 Bahadur,
5. Song of Lahore
6. Saving Face
7. A Girl in the River: The Price of Forgiveness.

Her films have been aired on several international channels, including the PBS, CNN, Discovery Channel, Al Jazeera English and Channel 4.

### **Accolades and Awards:**

Obaid-Chinoy has won six Emmy Awards. Two of these were in the International Emmy Award for Current Affairs Documentary category for the films Pakistan's Taliban Generation and Saving Face.

- ❖ Her first Academy Award win for Saving Face in 2012. This made her the first Pakistani to win an Academy Award. She is one of only 11 female directors who have ever won an Oscar for a non-fiction film.
- ❖ She has also won another Academy Award for Best Documentary Short Subject in 2016 for A Girl In The River: The Price of Forgiveness.
- ❖ She is also the first non-American to win the Livingston Award for Young Journalists in 2010.
- ❖ On 23 March 2012, Pakistan's president conferred the highest civilian award, the Hilal-e-Imtiaz, on Obaid-Chinoy for bringing honor to Pakistan as a filmmaker.
- ❖ Time magazine named Sharmeen in its annual list of the 100 most influential people in the world for 2012.

She was highly influential in the movement to amend the law on murder in Pakistan. In 2016, Pakistan repealed the loophole which allowed the perpetrators of honour killings to avoid punishment by seeking forgiveness for the crime from another family member and thus be legally pardoned.

"This week the Pakistani prime minister has said that he will change the law on honour killing after watching this film. That is the power of film."—Obaid-Chinoy while accepting her Oscar for A Girl in the River: The Price of Forgiveness

Acid violence in Pakistan also came to the global limelight after filmmaker Sharmeen Obaid-Chinoy's documentary 'Saving Face' received an Oscar award in 2012.

