

Women Rights in Pashtun Tribes of Pakistan: Challenges and Opportunities

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Abstract

In Pakistan, women make up more than half of the population and are respected as independent persons under Sharia and Pakistani law. Nevertheless, gender-based violence and sexism remain serious problems in Pakistan. Especially in the Pashtun tribes of Khyber Pakhtunkhwa, a region in Pakistan that were originally known as Pashtun tribes, women still struggle with land ownership, forced marriage, education, the *hijab*, and other issues. Religious laws allow this kind of discrimination, but it's important to remember that in Pashtun society, culture sometimes takes precedence over religious teachings. The aim of this study is to address the questions: to what extent do women contribute to these kinds of discriminations? How and who is more accountable for them, religion or society and why these practices were once supported by Pashtun tribes? The paper

will also explore the true spirit of Islam regarding above mentioned rights of women.

Keywords: Pakistan, Pashtun, Religion, Society, Women rights, challenges and opportunities

Introduction

A society is a group of people who live in a defined geographical area and share a culture, norms, values, beliefs, and institutions. It refers to a complex and organized system of relationships, institutions, and norms that shape and govern the behavior of individuals and groups within a given community. Society can also refer to a particular cultural or social organization, such as a scientific or artistic society. Society is the need for existence and survival of the humans for good and happy life. It is the society who owes rights to each individual. Culture and religion are two of the most important spheres of society. Religion occupies an important place in human society. Pakistan is an Islamic state having pluralistic society with more than one legal systems. Although formal law exist, but informal law has its own importance in Pakistan, especially when it deals with women rights. According to the 2017 Pakistan Census, women make up 48.76% of Pakistan's population. Article 23 of Pakistan's Constitution gives both men and women equal rights to own, use and dispose of property anywhere in the country. Therefore, under the Pakistani Constitution, adult women have the right to own, use, transfer, sell, or dispose of property for a consideration or as a gift, as well as to enter into any type of contract. The mechanisms to ensure that these legal rights translate into actual ownership and meaningful control over land by women, however, remain relatively underdeveloped and are the main obstacle to the success of any pro-women legal reforms, despite the fact that legal reforms and pro-women legislation, primarily related to land ownership and inheritance, have advanced significantly in Pakistan in recent years. This indicates that women still face numerous social and legal obstacles when claiming whatever property, they inherit.¹ The status of women in Pakistani society can vary depending on regional, cultural, and socio-economic factors.

All things considered, women in Pakistan experience a number of types of injustice and discrimination, such as restricted access to healthcare, work prospects, and education. Women in Pakistan also frequently deal with forced marriages and domestic abuse. Although they have the right to inherit property under the country's Islamic laws and the constitution. However, the extent of their inheritance can be limited compared to male heirs. The rules of inheritance for women in Pakistan are based on the principles of Islamic law but vary depending on the region in regards with its implication. In recent years, there have been some efforts to improve the status of women in Pakistan, including legislation aimed at protecting their rights, such as the Protection of Women against Violence Act (2016), and initiatives aimed at increasing their participation in the workforce and political sphere. However, progress has been slow, and cultural attitudes and biases towards women continue to pose significant challenges. Sons are usually entitled to almost all of the inheritance left by their parents, but women either inherit nothing or must renounce their legal inheritance according to traditional tribal norms in Pakistan.²

Indian Basic Questions Regarding the Research Topic

Some basic questions are given below;

- i. What are the primary obstacles to women's rights asserting among Pashtun tribes?
- ii. What are the opportunities of Pashtun tribes for women's empowerment?
- iii. What are some examples of initiatives that the Pashtun tribes are initiating to empowering women?
- iv. What steps can we take to encourage these activities and make the society in Pashtun tribes more fair and just for all women?

Hypotheses of the Research

Here some hypotheses are generated as follow;

- i. Women's position and authority within their families and communities will rise as a result of giving them access to the economy.

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- ii. Women's engagement in the workforce will rise and early marriage and childbearing will decline as a result of investments in their education.
- iii. Gender-based violence will decline and women's enjoyment of their rights will rise as a result of working with communities to remove harmful cultural practices.

Objectives of the Study

There are some objectives as follows;

- i. To study the interlacing of society and religion.
- ii. To analyses the status of women rights in Pashtun society.
- iii. To determine the factors behind gender discrimination in Pakistan.

Importance of the Research

Given the particular difficulties that women of Pakistan's Pashtun tribes endure, it is particularly crucial that they be empowered. By tackling these obstacles and giving women the chance to thrive, we can contribute to building a fairer and just society that benefits all Pakistanis.

Literature Review

The Constitution is the basic document to guide law, political culture and system in Pakistan.³ Parents expects from their daughters to sacrifice the rights of inheritance for their brother, failing which, daughter may face abandonment from their parents end.⁴

Studies shows that Women themselves relinquish their property right to save their social relations in the native family.⁵ Deniz Kandiyoti says that dominant forces in the nation use cultural difference to mask women's subordination.⁶

Moreover, to comprehend the verifiable and social setting of ladies' legacy in Pashtun clans, it is critical to initially look at the strict and cultural variables that have added to this peculiarity. Pashtuns follow a severe understanding of Islam, which has impacted their cultural standards and practices. In this regard, a number of studies have emphasized how religion influences Pashtun attitudes and behaviors toward women's inheritance. For instance, Ahmed (2017) argues that Pashtun tribal society disregards Islam's principles of

justice and equality while employing Islamic law to regulate women's inheritance rights.⁷ Moreover, Rahman (2014) proposes that the man centric translation of Islamic regulation by Pashtun ancestral elderly folks has made a legitimate system that undermines of legacy privileges of women.⁸ In addition to religion, Pashtun attitudes toward women's inheritance are shaped by societal norms and cultural practices. For instance, Qayum (2015) recommends that the act of giving share, which is profoundly imbued in Pashtun culture, has added to the underestimation of ladies' legacy privileges. The author argues that Pashtun men now use dowry to control women's inheritance by giving them a share of their property instead of letting them inherit it all. Likewise, Khan (2016) features the job of man centric accepted practices and practices in building up orientation imbalance in Pashtun society, including women legacy privileges.⁹ This exploration will be a particular work which would be given a particular information with respect to its particular subject to researchers and scholars.

Women Rights under Islamic and Pakistani Laws

In Islam, women have rights related to marriage, divorce, inheritance, education, and work. These rights are derived from the Qur'an and the Hadith, and are further detailed in Islamic jurisprudence.

Right of Education

In Islam, education is highly valued and considered a fundamental right for both men and women. Every Muslim, man or female, is required to pursue knowledge, according to the Prophet Muhammad (peace be upon him). Muslim women have a long history of education in a range of subjects, such as Religion, Medicine, math, and Literature. In addition to stating that education is essential for women, many Islamic philosophers and thinkers have underlined the significance of education for women's personal growth as well as for the benefit of their families and communities. Depending on the obstacles present at a given period and area, access to education can occasionally be tough and complex. However, in countries where Muslims make up the majority, women's access to education has occasionally been

restricted, much like that of many other communities. Initiatives to enhance gender equality in education and broaden women's access to educational and personal development opportunities are being taken in several of these nations.

Right of Marriage

In Islam, marriage is considered a contract between a man and a woman, with the consent of both parties essential for its validity. Muslim women are free to choose who they marry and negotiate the terms of their union, including clauses protecting their own assets and rights in the case of divorce. Islam permits polygamy, but only when a man can support several marriages and preserve justice between them. If a husband is unable to uphold justice among his wives, he will be allowed to keep only one wife. In the Qur'an, it is plainly stated that a man cannot achieve the requirement that he treats each woman equally and fairly. He should only take on more wives if he is confident that he can treat them justly. Islam also values compassion and love between spouses, and the Prophet Muhammad (PBUH) promotes women's rights in marriage and encourages wives to be treated with kindness and consideration. Muslim women should not be abused physically, emotionally, or psychologically in this sense; instead, they should have the right to a happy and loving marriage. Islam prohibits forced marriages, which are seen as breaches of a person's freedom to select their own partner. The significance of consent in matrimony is underscored by the Qur'an, which asserts that both genders possess the right to choose their spouses and that coercion in issues of faith is forbidden. However, forced marriage has been falsely used in the name of Islam in some cultures and nations. Islamic teachings emphasize the value of mutual consent, love, and respect in marriage; this is a cultural or sociological issue, rather than anything rooted in Islamic law. Forcible marriages can have detrimental effects on the persons involved, such as injury to the body and mind, loss of freedom and autonomy, and limitations on prospects for both career and personal development. It is crucial to remember that forced marriage is a global problem that has to be condemned and

stopped. It is not exclusive to any faith or culture. To promote the real principles of equality and justice in marriage as taught by Islam, Muslim communities, leaders, and academics should draw a clear contrast between Islamic marriage teachings and cultural customs that violate people's rights and dignity.

Right of Inheritance

Islam grants the right to take inherit the money and property to women from their kin, including their parents, spouses, and offspring. Certain rules about inheritance are outlined in the Qur'an, which provide a part of the deceased person's wealth to their heirs, includes their female relatives. Women generally have the right to a portion of the inheritance that is equal to or higher than that of men in similar circumstances, however the precise amount that a woman is entitled to will depend on the number and relationship of heirs. When it comes to inheritance, for instance, a daughter usually gets half of what a son gets, and a woman always gets a part of her husband's wealth no matter how big the estate is or how many heirs there are. Women's inheritance rights may be restricted in various cultures and nations, however these restrictions are not supported by Islamic teachings, which explicitly state that women have the right to inherit and be taken care of in the case that their relatives pass away.

It is significant to remember that inheritance laws and practises varies between Muslim-majority nations and can be impacted by regional traditions, cultural standards, and governmental regulations. But Islamic inheritance law's fundamental tenets guarantee that women have a legitimate and unalienable right to inherit and shouldn't be kept out of the division of their ancestors' wealth. The Islamic Republic of Pakistan's constitution protects all citizens' fundamental rights, regardless of gender. This encompasses safeguards for females in Pakistan. The Constitution safeguards twenty-one fundamental rights, including the rights to property, freedom, equality (across all racial, religious, and social classes), and life and liberty. However, in reality, individuals frequently experience unfairness and discrimination in a number

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of contexts, including the job, the educational system, and the legal system. There have been efforts to improve women's rights in recent years, such as the passage of the Prevention of Anti-Women Practices Act in 2011, but much work remains to be done to ensure that women are treated equally under the law and in society.

Women Rights in Pashtun Tribes of Pakistan

In certain sections of the nation, women are denied their share of the property. Due to the partition of parental possessions and the promotion of the Vanni, Karo Kari, WattaSatta Marriage, and Marriage to Quran cultures, the majority of women in Southern Punjab, Interior Sindh, Baluchistan, and KPK are not married.¹⁰ Since the 1950s, it has been a local custom among the residents of Dir, the right bank of the River Swat, and the Bajaur Agency, to categorically refuse to grant land shares to their female relatives, widows, and young daughters.¹¹ Women's rights in tribal areas of Pakistan are often limited and restricted due to traditional cultural practices and patriarchal attitudes. Access to essential services like healthcare, education, and legal protection is difficult for women in these locations. Because of cultural traditions that priorities male education and limit women's mobility, women in these places, for example, have a low literacy rate and many girls do not have access to formal education. The likelihood of violence against women in tribal regions is considerably higher, including honor murders and domestic abuse. Customary regulations known as Pashtunwali, which can be biased against women and limit their rights, are frequently in place in tribal communities. Women might not be able to inherit property or get justice through the legal system, for instance, or their testimony could not be recognized in certain situations. But there are also initiatives underway to enhance the status of women in these areas. In addition to civil society organizations striving to increase knowledge of women's rights and offer assistance to underprivileged women, the Pakistani government has undertaken a number of projects targeted at advancing gender equality and women's empowerment. It is crucial to remember that, despite the difficulties

they face, women's circumstances in Pakistan's tribal regions are not typical of those in other tribal groups or across the country. There have been some advancements in the rights and well-being of women in these and other societies, and work is still being done in these areas.

Religion vs Society:

Society and religion are entwined and frequently influence one another. The beliefs, values, and practices of a society can be greatly influenced by religion, while the interpretation and expression of religion can be influenced by the cultural norms and values of that community. The connection between religion and society is not always straightforward, though; there are instances when it becomes tense. When religious organizations and leaders gain political clout or when religious practices and beliefs conflict with cultural norms and values, conflicts may result. In the end, the way that religion and society interact varies and is subject to historical, cultural, and political influences. There is no denying that religious institutions are influenced by various social institutions, including those in the home, workplace, and political system. However, it is also true that religious institutions do occasionally have an impact on these institutions.¹²

Human rights advocates want to understand the system of cultural legitimacy and change, and make use of that system correctly of their efforts to enhance the enforcement of human rights requirements during the world.¹³ The study also reveals that people are reluctant to act on their beliefs due to social pressure or other considerations. They believe on the right to inheritance for women, however, unable act on this belief due to perceived complications in management of the property and pressure of the family members. It also reveals that public awareness regarding the legal standing of religion and state for women rights do not affect significantly their intentions about giving the daughters their permitted shares.¹⁴

Conclusion

It is not accurate or fair to place the responsibility for women not receiving their rights solely on the shoulders of women themselves. Legal frameworks,

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political and economic systems, cultural norms and attitudes, and other variables all have a role in shaping the complicated issue of women's lack of rights. Women are not always aware of their rights, and in other cases, they are unable to demand their rights because of social or cultural pressure to conform to stereotypes about what it means to be a woman. In other situations, women could actively oppose attempts to limit their rights, but they might encounter many obstacles along the way, such as a lack of money and knowledge, prejudice in the legal system, and acts of violence or threats of violence. It's crucial to remember that women's rights are a human rights problem that impacts every member of a society, not just women. Women's rights must be promoted and upheld, and the underlying causes of discrimination and gender inequality must be addressed by males, governments, and other organizations. It is more fruitful to concentrate on the structural and cultural barriers preventing women from exercising their rights and to collaborate in building a fairer and equal society where all people, regardless of gender, may fully enjoy their human rights. This is preferable than criticizing women for not being able to exercise their rights. It's crucial to understand that while religion can occasionally be used as justification for actions and attitudes that discriminate against women, it is not always to blame for women's rights violations. Sometimes, prejudiced beliefs and actions directed towards women stem from cultural, political, or economic elements unrelated to religion. These elements are sometimes misapplied or misconstrued to justify unfair treatment of women. For instance, even if these limitations are not founded on religious teachings, in certain societies cultural or societal standards may be utilized to limit women's access to political representation, the workforce, or education. Comparably, even while discriminatory laws and practices may run against to the values of justice and equality found in many faiths, they may be used as an excuse for treating women differently in areas like inheritance, marriage, and property rights. Women's rights and equality may also find inspiration and support in religion, and many religious groups and leaders have actively

supported women's rights and challenged discriminatory attitudes and behaviours. It is crucial to understand that religion is a complicated and diverse phenomena and that a range of historical, political, and cultural elements have affected the relationship between religion and women's rights. It is more fruitful to participate in conversation and education to advance a better understanding of the role that religion can play in advancing women's rights and to confront discriminatory attitudes and practices wherever they occur, as opposed to holding religion responsible for denying women their right.

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