

Situational Analysis and Mapping of Women's Human Rights in Pakistan

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List of Acronyms

AASHA	Alliance Against Sexual Harassment
BISP	Benazir Income Support Program
BRSP	Balochistan Rural Support Programme
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DCHD	Democratic Commission for Human Development
DFID	Department for International Development (United Kingdom)
DTCE	Devolution Trust for Community Empowerment
DuA	Dar ul Aman
DVB	Domestic Violence Bill
EVAW	End Violence Against Women
FAFEN	Free and Fair Election Network
FANA	Federally Administered Northern Areas
FATA	Federally Administered Tribal Areas
FGD	Focus Group Discussion
FIR	First Information Report (Preliminary statement of crime registered by police)
GCC	Gender Crime Cell
GJP	Gender Justice Programme
GOP	Government of Pakistan
GRAP	Gender Reform Action Plan
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit [German Technical Assistance]
ICPD	International Conference on Population and Development
IDP	Internally Displaced People
IDSP	Institute for Development Studies Pakistan
IHI	Insaani Huqooq Ittehad (Coalition for Human Rights, a group comprised of individuals and organizations concerned with human rights)

ILO	International Labour Organization
INGO	International Non-Government Organization
LGO	Local Government Ordinance
MDG	Millennium Development Goals
MHR	Ministry of Human Rights
MOH	Ministry of Health
MOLJ	Ministry of Law and Justice
MOWD	Ministry of Women Development
NCSW	National Commission on the Status of Women
NGO	Non-Government Organization
NIC	National Identity Card
NPA	National Plan of Action
NPB	National Police Bureau
NRSP	National Rural Support Programme
PADO	People's Awareness and Development Organization
PAGE	Program for the Advancement of Gender Equality
PATA	Provincially-Administered Tribal Areas
PC 1	Planning Commission -1
PPC	Pakistan Penal Code
PRHN	Pakistan Reproductive Health Network
SACH	Struggle for Change
SEHR	Society for Empowering Human Resource
SNI	Sarhad NGO Ittihad
SPO	Strengthening Participatory Organizations
SRHR	Sexual and Reproductive Health and Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Fund for Women
UNSCR	United Nations Security Council Resolution
VAW	Violence Against Women
WESS	Water Environment and Sanitation Society
WHR	Women's Human Rights

Glossary

Balochistan	Province of Pakistan
Dar ul Aman	Government-managed shelter providing temporary relief to women referred by the courts.
<i>Karo Kari</i>	A man and a woman accused of adulterous relations, most often punished by death to restore the “honour” of their families and communities.
North-West Frontier Province	Province of Pakistan
Punjab	Province of Pakistan
Sindh	Province of Pakistan
<i>Swara</i>	Girl given in marriage to a hostile family to compensate for a relative’s crime. The term is in Pushto.
<i>Tehsil</i>	The second tier administrative level of local government, lower than a District and higher than a Union Council.
<i>Wani</i>	Like swara, the custom of exchanging a girl in marriage to solve a dispute between two parties. The term is in Punjabi.
<i>Watta satta</i>	Customary practice of exchanging brides between families for marriage. The term is in Punjabi.
<i>Zina</i>	Sex outside of marriage, illegal under Islamic law.
<i>Jirga</i>	A tribal assembly of male elders who make decisions regarding social issues and disputes through consensus. The term is in Pushto but the practice exists across Pakistan. It is an informal decision-making body.
<i>Panchayat</i>	Assembly of wise elders in a community which takes important decisions and resolves conflicts. Practiced throughout South Asia. Similar to a <i>jirga</i> .

Executive Summary

The CIDA Pakistan Programme requested a situation analysis and mapping exercise of Women's Human Rights in Pakistan, in order to strategically update its knowledge in and understanding of the issue. CIDA has been a strong supporter of Gender Equality programming in Pakistan for more than 25 years and has supported initiatives through the Program for the Advancement of Gender Equality (PAGE) and other projects amounting to over CDN \$ 24 million (2002 – 2009) in the area of women's economic, legal and political empowerment, human rights and violence against women.

Information in the report is based on interviews and group discussions¹(See Annex 1 for list) as well as by emailing questionnaires (see Annex 2) to CSOs and international organizations engaged in women's human rights work in federal and provincial capitals, and in smaller cities and towns where data was available.

The analysis and recommendations in the report have been presented in accordance with CIDA's Framework for Assessing Gender Equality Results (2005): (1) Legal system (2) Public Awareness (3) Response to Gender Specific Rights violations

The contextual analysis section covers four themes i.e. armed conflict, deepening poverty, violence against women, and lack of good governance. The armed conflict in Pakistan has threatened the very survival of the state. Central to the politics and ideology of the conflict is the role and status of women. In the NWFP, the Taliban have enforced their version of Islamic law by blowing up girls' schools, forcing women to wear the veil, flogging and beheading of women accused of immoral activities, and ransacking CSO offices in an attempt to silence those organizations and women engaged in community development activities.

Since May, 2009, the army operation against the growing insurgency has resulted in an estimated two million people fleeing the affected areas. Women and children during this disaster have been the most affected; they have been less visible and accessible to relief efforts and more vulnerable to exploitation and abuse in unfamiliar environments. There is a documented link between violence against women (VAW) and armed conflict, as their other rights are eroded and competition over scarce resources makes them highly vulnerable to abuse (Ertuk 2009:27-8).

The second conflict zone is in Balochistan province, where Baloch nationalists are demanding increased autonomy, and in some cases independence, from the state. The number of internally displaced within Balochistan are estimated in the thousands however, the provincial government² says it has no accurate figures of displaced people in the province. So far the state has been reluctant to allow international agencies to intervene with humanitarian assistance. Meanwhile, the forced disappearance by law enforcement agencies of both men and women during this conflict has grown into a powerful symbol of this struggle. The higher

¹ Focus group discussions (FGDs) were only conducted in the two provinces of NWFP and Baluchistan selected for emphasis in this report.

² Mohammed Khalid Baloch, Secretary Social Welfare Department, interview 21 April, Quetta.

judiciary has taken up the issue of missing persons, despite little cooperation from the government and military. In the absence of any resolution the tension is growing.

Violence against women in its many forms has been highlighted by CSOs since 1980. Crimes are committed against women in the name of religion, custom, honor, and even political expediency. Unfortunately, till now the state and society together have not addressed women's fundamental rights to life, liberty, and security. The biggest hurdle, still to be overcome, is the discriminatory legislation passed in the name of Islamizing Pakistan³. The efforts of various stakeholders have resulted in more data now being collected and published on VAW.

The section on poverty highlights there is a growing burden of poverty in Pakistan, due to the armed conflict and effects of the current global economic and financial crisis. Also poverty is a major cause for violence against women (VAW).⁴ Rates of rape, honor killings, abductions, and torture seem to be increasing as security and human development indicators weaken.

Pakistan has made some progress to improve women's participation in governance institutions which includes the restoration of reserved seats for women in the federal and provincial parliaments. This has brought more women into the political arena than ever before, both as candidates on reserved and general seats and as elected representatives. Almost 20 percent of seats in the federal and provincial parliaments are filled with women since the 2002 general elections, and 33 percent of local bodies seats are for women. (Aurat Foundation 2005:3). The inclusion of women in these bodies has helped to bring women into the public sphere as well, and engage them with administrative and other structures at the district levels.

The next section, Framework for Women Human Rights, gives details about the Constitution of Pakistan (1973) and other international instruments which are relevant for the protection and promotion of women's human rights. The chapters on Fundamental Rights and Principles and Policies of the Constitution provide for promulgation of basic human rights which have a non-discriminatory nature and attempt to protect gender rights. The government also sponsored a Commission of Inquiry for Women (1997) which has described the low status of women and clearly put the onus on the state to provide for women's development rights as well as civil and political rights.

The section goes on then to critique the extent of application of various international protocols such as CEDAW and CRC, which have still not been promulgated into implementing acts; therefore the provisions of the conventions are not legally binding on the citizens of Pakistan. These obligations, if implemented in letter and spirit, could support the creation of a rights-based agenda for women. As a follow-up to its participation in the 1995 World Conference on Women, the Pakistan government formulated a National Plan of Action (NPA) in 1998 and established the National Commission on the Status of Women. The NPA has been followed through with the formulation of a Gender Reform Action Plan (GRAP), which is currently in place.⁵

³ See Report of the Commission of Inquiry on the Status of Women (1997) for details, and for more background see Mumtaz and Shaheed (1985).

⁴ (Ertuk 2009:10-12, 24).

⁵ GRAP website, <http://grap.gov.pk/projects%20&%20NGOs.html>; also refer to Annex 6.

So far legal reforms have dealt with: enhancing the citizenship rights of women; protecting them from VAW and accusations of adultery, criminalizing “honour killings” and the protection of a woman’s right to choice in marriage. In addition to legal reform, the role of the judiciary is vital in interpreting the clauses of the Constitution. Thus far there have been some judgments giving positive interpretations to the Constitution, but the approach has been more indicative of sympathy for the person or the issue at hand rather than an indication of a clear rights-based judgement on a case.

There have been policy initiatives over the last decade or more that appear to be directly related to Pakistan’s commitments at the international level. These policy and institutional initiatives have improved the advisory and research role of government institutions, but lack authority in status within the government; MOWD, NCSW, Gender Crime Cell, Human Rights Ministry and the Musalihat-e-Anjuman are far outside the mainstream of government institutions, lacking adequate authority and funds to make a strong impact on women’s human rights at any level.

The main findings in the section on Mapping of Women Human Rights are that only a handful of Civil Society Organizations have been engaged in influencing policy and legal reform for women human rights. Very few organizations have the capacity or resources for this kind of work, therefore not much progress has been forth coming.

Rights based CSOs are engaged in awareness-raising among general public especially on violence against women; and there is close link between work on awareness raising and VAW. Awareness-raising work on violence against women has been reported to be the most dangerous and challenging. Oxfam, an international NGO, has implemented a campaign with CSOs from smaller towns to End Violence Against Women (EVAW).

Issue-based networks are relatively more effective. Networks for information sharing exist among CSOs and many are for specific women rights issues. For example, some of the more recent ones include: Aman network in Peshawar on the armed conflict in the province, Hurmat on protecting women who seek shelter, and Insani Haqooq Ittihad a coalition for human rights which is Islamabad-based.

There are various capacity gaps among smaller town CSOs to undertake longer term programming on awareness raising. These include turn-over of volunteers, very limited professional and technical support, short-term nature of projects, and a number of compartmentalized activities that do not have consistency and inter-linkages⁶.

The technical capacity to do advocacy on a rights-based agenda is lacking among CSOs. This is essential to work with various levels and types of stakeholders and pursue women human rights violations. Especially in the provinces of Balochistan and NWFP, where currently there is conflict, CSOs are at a loss to deal with women’s rights violations related to VAW in their own areas.

Rights-based CSOs are also engaged in provision of services to address or prevent gender specific violations. CSOs from larger cities are providing relief services, unfortunately they

⁶ CSO Focus Group Meetings Peshawar and Quetta

are in most instances inadequately equipped to provide relief to women victims of violence or abuse⁷.

Services like training and capacity building for women are also being offered by larger city CSOs. Many women trainees are from socio-cultural and geographic areas where women's mobility is strictly restricted and women have very limited exposure to non-family or domestic related environments. Community development and legal rights work is an area which has a lot of potential for women's professional and leadership development⁸.

Work on legal rights awareness without provision of adequate support and follow-up services in the form of shelters and counseling for those who seek protection. In the province of Balochistan there is only one government supported shelter (Dar ul Aman) for women.

Among other stakeholders supporting women's human rights, international donor agencies harmonization efforts have resulted in pooling of funds for joint initiatives, however information sharing among donor agencies still remains a problem. Also very little financial assistance is forthcoming for institutional support to CSOs from donors. This has reduced the flexibility of CSOs to respond to emerging issues.

Opportunities and Challenges

This section presents a selection of themes as opportunities to support and/or nurture, while taking into account the following developments on the ground:

- Major legislation on various kinds of violence against women has been prepared by government and need pressure from civil society so that they will be tabled in Parliament. For example, legislation for labour rights for women home-based workers is being lobbied and advocated at various levels, and the Domestic Violence Bill has yet to be passed.
- Civil Society Organizations especially in NWFP and Balochistan are being stretched enormously as they try to foster local level women's leadership and other development challenges, while at the same time they are being forced to respond to the emergency needs of displaced populations affected by armed conflict. The situation poses a direct threat to women and children's security and safety.
- There are opportunities for strategic support towards further strengthening and developing capacity of those women's rights leaders and activists who have emerged through the local government process.

In addition to the above-mentioned strategic opportunities, following areas for partnership and support would be essential for a sustained progress of women's legal rights.

A. Legal and Policy

Policy and legislative initiatives for women's legal rights should be undertaken at the federal, provincial and local government levels. Although legislative and policy reforms are required at all these levels, programmatic support for legal rights should be selective and narrowed to second and third tier of governance i.e. provincial and district levels.

⁷ Key informant interviews Crisis Centers in Quetta, Karachi. Mariam Bibi Peshawar

⁸ Informal Group meetings in Peshawar and Quetta with Binte Malakand, IDSP, BRSP

Support for women legal rights should be for programs that are conducting research on the status of various specific substantive legal rights and obstacles to women's enjoyment of them e.g. protection from violence, increasing their mobility and access to public spaces, land ownership rights, and participation in policy making and legislative forums.

The National Commission on the Status of Women (NCSW) needs to be supported to attain a position of autonomy and influence equivalent to that of the Law and Justice Commission. Further to the strengthening of NCSW, support for setting up of provincial Commissions would also be strategic. The provincial Commissions would reinforce the work of the NCSW as well as pressurize the provincial law making and implementing agencies to carry out legal reform on women's human rights (WHR).

B. Awareness Raising

Institutional and longer term program support for CSOs engaged in women's legal rights promotion would contribute to awareness-raising and advocacy in a sustained manner. CSOs with vertical and horizontal linkages with networks would be more effective for this type of work.

The tolerance of violence against women and their suppression exists in many communities, to the extent that these are not considered issues. The rise in militancy and violence among youth in our society is linked to this culture of tolerance towards violence. Therefore it is important to support efforts and initiatives that are focusing on creating awareness on VAW.

The law enforcement and justice systems at the district and local levels are suffering from very real weaknesses in implementation. Support for partnerships and networks that draw in stakeholders at this level for women legal rights work will have a strong influence in increasing access to women's rights.

C. Response to Gender Specific Rights Violations

Support for capacity building and training of women activists in leadership, research techniques and community mobilization would be useful in broadening the base for women human rights work.

Gender sensitization training focused towards government functionaries as well as other technical experts is necessary. There is a dearth of gender specialists that can provide technical input in laws and programmes in support of women's human rights.

At the district level, particularly in NWFP and Balochistan provinces, shelters can be life-saving for women. However, if the government does not strongly back these shelters, and provide on-going protection to women, the backlash from the community levels will be deadly.

D. Conclusions

At this time and foreseeable future, programming at provincial and district levels is critical for the implementation of laws, policies, and services to achieve women's human rights. This programming is essential not only for government, but to support CSOs efforts to consolidate the benefits available in the substantive laws, especially those related to the rights

and violence against women. Programmes must be flexible and relevant to the local contexts in which CSOs and government are operating.

CSOs have demonstrated that they are extraordinarily vibrant and courageous; proving repeatedly that it is possible to work at the community level even when their lives are at risk. Awareness-raising and provision of services cannot be the remit of the CSOs alone. It is the responsibility of government to protect the rights of women articulated in the Constitution of Pakistan 1973 and to fulfill its international commitments.

I. Introduction

The efforts to apply a rights-based framework for application in policies, programmes and laws for women's empowerment in Pakistan are gaining momentum. Severe violations of women's human rights, particularly with reference to their exposure to high degrees of violence, vulnerability in times of conflict and disaster, and denial to access to justice and political participation, are well-known. Women's lack of access to human development and social services in Pakistan has placed them at the lower end of empowerment ratings for women in developing countries. It is clear that unless the state takes an active position to uphold its commitment to fundamental principles of human rights, it will not be possible for civil society and international organizations to succeed in their efforts to improve the situation.

However, despite the challenges ahead, some opportunities have also emerged due to the revival of the democratic process through elections, the re-invigoration of the judicial system, and the high level of concern displayed at the international level for the rights of women in Pakistan. Decades of activism by women, and the experience gained by working at the national and local level on projects and advocacy for women's human rights have also borne fruit, such that it can now be said that the second generation of activists has now gained a foothold.

The Canadian International Development Agency (CIDA), whose office in Pakistan has requested this situation analysis and mapping exercise, has a long-term engagement and commitment to gender equality in Pakistan. CIDA's Gender Equality Policy has identified three main areas for addressing women's empowerment - women's decision making, their legal rights and lastly equality in access to development resources and benefits. The Pakistan Program has demonstrated its commitment for women's empowerment and has supported initiatives amounting to over Cdn \$ 24 million in the area of women's economic, legal and political empowerment, human rights and violence against women.

This report will attempt to provide updated information about the context of women's human rights in Pakistan, with specific focus on the activities, policies and emergence of new stakeholders in the current context.

The study will explore stakeholder initiatives that have impact on different areas of women's human rights, particularly with reference to a) achievements and progress, b) lessons from previous experiences and c) current issues, gaps, challenges and opportunities for future support.

The discussion is based on interviews and group discussions⁹ with the following (See Annex 1 for complete list):

- Representatives from Government of Pakistan institutions at federal, provincial and district levels
- Representatives of bilateral and multilateral agencies based in Islamabad as well as relevant project partners
- International non-government organization offices in Pakistan

⁹ Focus group discussions (FGDs) were only conducted in the two provinces say NWFP and Baluchistan selected for emphasis in this report.

- Civil Society Organizations (CSOs) in the primary cities (federal and provincial capitals)
- CSOs based in secondary cities
- Participants in issue-based networks among CSOs
- Activists

On CIDA's request there is more detailed analysis on women's human rights activities in Balochistan and NWFP, due to the need for intensive support to work on women's issues in the more remote and conflict-ridden parts of the country. In addition, this research is the result of efforts to identify civil society organizations (CSOs) that are emerging outside the main urban centers of these two provinces, in an effort to highlight new stakeholders working on women's human rights.

The research team compiled a list of CSOs engaged in women's human rights work in federal and provincial capitals, and in smaller cities and towns where data was available. It sent out questionnaires (see Annex 2) to these CSOs requesting details of their work based on four main clusters of women's human rights: a) legal and citizenship rights b) social, economic and cultural rights c) reproductive health and sexual rights; and d) violence against women. This was sent to international and local organizations working in Pakistan, and followed up with emails and phone calls to encourage their response.

Eighty-four questionnaires were emailed, responses received were 32, of which 28 are represented in the matrices in Annex 3. These matrices also include information about 11 additional CSOs that was gathered during key informant interviews. It is hoped that this database may serve as a tool for continuing to track activities pertaining to women's rights.

The methodology and findings of this study have been influenced by the worsening security environment and displacement of people due to armed conflict in parts of Balochistan, Northwest Frontier Province and adjacent tribal areas. While the situation limited the researcher's flexibility and access to some respondents, it also positively enhanced the depth of the discussions.

For the sake of consistency and ease of understanding the analysis and recommendations in this report they have been presented in accordance with CIDA's Framework for Assessing Gender Equality Results (2005). These categories of results and their respective sub-codes, used selectively only, are:

Legal system: (1) influencing policy, procedures, laws and legal system.

Public Awareness: (2) as affecting general public awareness, focused advocacy and campaigns, networking on the issue.

Response to Gender Specific Rights violations (3): as affecting service provision, trainings and capacity building services.

The Report is divided into seven sections. What follows from this Introduction is a brief overview of the broader social and political context in Pakistan (Section II) with a view to its impact on women's human rights. Following this is a discussion on the human rights regime, including women's rights under the Constitution of Pakistan, which sets out the framework for identifying and assessing rights-based work for women in the country (Section III). The legal reforms, policies, and institutional initiatives to implement this regime are critiqued in Section IV. The results of the mapping exercise, based on questionnaires and fieldwork, is

presented next, with a detailed assessment of where there are activities that positively impact women's human rights and how that work fits into the framework (Section V). Finally, emerging themes for programming opportunities are presented (Section VI) based on the preceding analysis, with recommendations for taking the work on women's human rights forward.

II. Contextual Analysis of Women's Human Rights in Pakistan

The reality of people's lives in Pakistan is shrouded in layers of inequalities and inequities, making the enjoyment and exercise of human rights almost impossible. While the people look to the state to protect their rights, in truth the state is a product of the same structural inequalities and cannot objectively play that role in the lives of its citizens. Differences among groups of people based on caste, class, ethnicity, religion, political affiliation, residential status, geographical location, and gender are overwhelming. Internationally accepted indicators of progress, both in terms of human development as well as resource distribution, demonstrate that the state has reflected inequalities more than it has functioned as the facilitator of social progress.

Women are extraordinarily burdened by this situation because patriarchy is fundamental to all the inequalities mentioned above. The achievement of women's human rights is inextricably linked to the reduction of gender inequalities in other areas of social, economic and political life. Despite growing understanding of this among policy-makers and development planners, extreme gaps among the people do persist and achievements have been inconsistent. In fact, over the last few years the state has become increasingly fragile and less able to deliver on the promises of its Constitution.

Four important themes need to be included in the analysis of women's human rights in Pakistan: armed conflict, deepening poverty, violence against women, and lack of good governance.

A. Armed Conflict

Pakistan's social, economic and political landscape is overshadowed by the eruption of armed conflicts across the country over the last few years, which has caused unknown numbers of deaths and which is now entering a decisive phase. The public, army and government have, by and large, formed a consensus of opinion that the very survival of the state is at risk if it does not resolve these conflicts successfully.

Urban centres throughout Pakistan are sites of conflict, notwithstanding the effect of violence already underway in remote regions as well. Due to the Taliban movement, attacks on law enforcement personnel, government buildings, major shopping centres are a regular feature of daily life. Islamabad, Lahore, Quetta and Karachi, along with secondary cities, have witnessed extreme violence and the people live in fear of suicide bombers. Each such incident of violence highlights the weakness of state institutions and the government, and the impossibility of protecting the citizens' most fundamental right to security, let alone any other civil, political, social, or economic rights.

For the last five years, a festering insurgency by militants belonging to the Taliban movement has erupted into a full-blown armed conflict underway in parts of the Northwest Frontier Province (NWFP), Federally Administered Tribal Areas (FATA), and Provincially Administered Tribal Areas (PATA). Central to the politics and ideology of the conflict is the role and status of women. Leaders of the insurgency in the Swat valley, for example, have attempted to stop girls from attending school and restrict their mobility outside the home. Measures to enforce this version of Islamic law include the blowing up of girls' schools, forcing women to wear the veil, flogging and beheading of women accused of immoral activities, and ransacking CSO offices in an attempt to silence those organizations and

women engaged in community development activities. These events are in explicit contravention of Pakistan's commitment to women's human rights, and the evidence for this was presented to the government on behalf of a group of CSOs as early as 2007, when the media was hesitant to speak out against the Taliban.¹⁰

Since May, 2009, when the army began a large operation to tackle the growing insurgency, an estimated two million people have fled the affected Malakand Division. Assistance to IDPs (Internally Displaced Persons) will require a long-term logistical and infra-structural support system that has yet to be developed by the state and humanitarian agencies. It will be particularly difficult to enforce international standards for the protection of civilians in this conflict. It is already emerging that civilians have been killed by the military, although numbers are not available.

To complicate matters more, most of the IDPs are living with host families in the NWFP and therefore are not registered with authorities to receive relief and support. Those in camps are slowly getting essentials, although conditions are sub-optimal. Due to heightened restrictions on women's mobility when they are outside their communities, women are less visible and accessible to relief efforts and more vulnerable to exploitation and abuse in unfamiliar environments. They are reported to be sweltering in their tents, exposed to the harsh summer heat, unable to relieve themselves in the outdoors, or ask for medical help, or fetch their food and water themselves. Relief workers report that young children, sent to get supplies, have gotten lost and disorientated on their own surrounded by tents. Worse, children are vulnerable to kidnapping for trafficking as they wander around on their own.¹¹

The conflict and displacement are the biggest challenges to women's human rights in Pakistan at the present time. The UN Special Rapporteur on Violence Against Women, Yakin Ertuk, writes that violent conflict perpetuates VAW.¹² Women's vulnerability increases manifold when they do not have adequate and safe housing, cannot access water, lose their privacy, live in close proximity to unrelated men, are exhausted, at risk of sexual violence, and, to make matters even worse, are excluded from decision-making. When the conflict is over, women still have little say in the rehabilitation and reconstruction of their communities even though they form the backbone of rebuilding their society. (Ertuk 2009: 26-28)

Humanitarian assistance must have a gender approach shared by all organizations involved, and further research is required to understand more fully the effects of the current conflict on women IDPs.¹³ The government of Pakistan, along with the agencies assisting IDPs, will need to form a comprehensive strategy to protect the rights of women and girls as they undergo the difficult processes of displacement and subsequent rehabilitation in the years and months ahead. Current reports suggest female-headed households, which number 31,740 families among IDPs, needing both economic and psychological support from the government and civil society.¹⁴

The second conflict zone is in the province of Balochistan, where Baloch nationalists are demanding increased rights, autonomy, and in some cases independence, from the state.

¹⁰ See Shirkat Gah (2007)

¹¹ Focus Group Discussion, Peshawar [incomplete]

¹² This Report is based on a series of consultations and visits in 2008 and 2009 by the UN Special Rapporteur to selected developing countries, along with regional consultations in different parts of the world, covering issues in the context of VAW and women's rights. (Ertuk: 6-7)

¹³ Interview with Alice Shakelford, Country Program Director, UNIFEM, 6th April, 2009, Islamabad.

¹⁴ United Nations Information Center (2009). www.un.org.pk/unic [accessed August 16, 2009].

Since 2005 there has been an on-going low-level violence between the army and militants for the nationalist cause in parts of the province. The internally displaced within Balochistan numbers in the thousands. And thus far the state has been reluctant to allow international agencies to intervene with humanitarian assistance. Meanwhile, the forced disappearance by law enforcement agencies of both men and women during this conflict has grown into a powerful symbol of this struggle. The higher judiciary has taken up the issue of missing persons, despite little cooperation from the government and military, and in the absence of any resolution the tension is growing.

There are women involved in Baloch nationalist politics. In interviews, they say that their culture is very respectful towards women in comparison to the culture of the other provinces. Women political activists have participated in demonstrations and activism regarding the issue of missing men and women, which has been unprecedented in the political history of the province. However, they are few in number and remain second-tier to the leadership of the nationalist movement. Key informant interviews reveal that women recognize this, but are prioritizing their nationalist agenda at the present time.¹⁵

The provincial government¹⁶ says it has no accurate figures of people displaced within Balochistan due to the conflict. Women IDPs need strong government support if their security and human rights are to be protected at all, not continued invisibility of their needs at the political and humanitarian level.

In the city of Karachi, Sindh province, there are festering ethnic conflicts among the Urdu-speaking community (represented by the Mutahida Qaumi Movement), Pathans (largely represented by the Awami National Party), and Sindhis (who are represented in large measure by the ruling Pakistan People's Party and other Sindhi nationalist parties). The most severe violence erupted during the movement for the restoration of judiciary in 2007, resulting in at least 40 deaths and paralyzing the commercial capital of Pakistan due to protest strikes. In the aftermath of Benazir Bhutto's assassination, interior Sindh erupted in some of the worst riots in its history, only contributing to the Sindhis' sense of alienation from the state. The victory of the Pakistan People's Party in the February 2008 elections, culminating in a Sindhi attaining the Presidency, has mitigated some of this sentiment for the time being.

B. Poverty

There has been progress in poverty reduction between 1998 and 2006, which can be seen from the trends in Table 1 below. Yet the overall improvement still indicates a consistent gap of 7-8% between rural and urban figures. This progress is offset by the 2008 international and national financial crises, and a worsening security environment within Pakistan. As noted in the *Economic Survey of Pakistan 2007-8*, the year was deeply affected by both political and economic events, which "include disturbed political conditions; an unstable law and order situation; supply shocks; soaring oil, food and other commodity prices, softening of external demand; and turmoil in the international financial market." (Government of Pakistan 2008: i)

¹⁵ Interviews with Key Informants, Baloch Khawateen Panal, Manfoosa Ali.

¹⁶ Interview with Mohammed Khalid Baloch, Secretary Social Welfare Department, 21 April, 2009, Quetta.

Table 1. Poverty Headcount Urban and Rural in Pakistan 1998-2006

Year	Headcount		
	Urban	Rural	Pakistan
1998-9	20.9	34.7	30.6
2000-1	22.7	39.3	34.5
2004-5	14.9	28.1	23.9
2005-6	13.1	27.0	22.3
2008-9			30-35

Sources: Pakistan Standards & Living Measurement Survey 2005-6 quoted in *Economic Survey of Pakistan 2007-2008*:216, and *Pakistan Economic Survey 2008-9*:197.

Current estimates suggest that the consequences of economic slowdown globally, combined with the above domestic scenario, have increased poverty by another five percent since the 2006 figures.¹⁷ There is a growing feminization of poverty, with one estimate that 75% of the poor are women.¹⁸ Firm statistics are not available, but the proxy indicators such as access to education and health, and economic participation used in the Gender Empowerment Measure (GEM) rank for Pakistan for 2007-8 is 136 out of 177 countries.¹⁹

Poverty-related issues and the impact of the global financial crisis will have implications for women's rights. They are more often employed in part-time/flexible jobs and are believed to be more dispensable to their employers. Indeed, in Pakistan home-based workers represent the largest sector of women in employment, a trend of global market liberalization, yet they are not covered by existing labour laws and employment benefits.

In fact, on-going violations of rights linked to food security, education, and employment, among the whole population, including men, help to set the context of VAW and as such we must not consider it just an isolated problem of women.²⁰ In Pakistan VAW is one of the most serious issues women face and has been the driving force behind advocacy on women's rights. The latest discouraging statistics for Pakistan vis-à-vis poverty (Table 1), unemployment, health and education (Table 2) suggest that the political economy approach to VAW, suggested by the UN Special Rapporteur, would be very relevant to understanding the Pakistani context, where rates of rape, honor killings, abductions, and torture seem to be increasing as security and human development indicators weaken.

Table 2. Economic and Social Indicators 2007-2008

Indicator	Figure
Population	160.9 million
Unemployment rate	5.2 % per annum
Infant mortality rate	76.7 per 100 persons
Male Literacy rate	65 percent (2005-6)
Female Literacy rate	42 percent (2005-6)
Maternal Mortality rate	276 per 100,000 births (PDHS)

Sources: NIPS/Macro International. 2008. *Pakistan Demographic and Health Survey 2006-7*: xxiv. Islamabad: National Institute for Population Studies: 177
Government of Pakistan. 2009. *Economic Survey of Pakistan 2007-8*: Economic and Social Indicators 1-8.

¹⁷ Government of Pakistan (2009)

¹⁸ Interview w/ Tahira Abdullah.

¹⁹ <http://hdrstats.undp.org/indicators> [accessed August 16, 2009]

²⁰ Ertuk 2009:10-12, 24.

The 2006-7 Pakistan Demographic and Health Survey found that among women of reproductive age (15-49) the leading cause of death is pregnancy. Pakistan, in fact, has one of the worst maternal mortality rates in the world. The causes of death are predominantly preventable, and could be reversed through better access to health care and the will, at all levels of society, to save a woman's life. If there was any more dramatic proof required about how the patriarchal structures of production and reproduction have made the value of a woman's life and security of her body less than that of a man, this is it.

Fortunately there has been growing attention at the policy level to health services and programmes, as well as other social sectors, inspired in large part by the most international policy document known as the Millennium Development Goals, which Pakistan adopted in 2001. There are also some efforts by the government to offset the current economic situation and put in place social protection measures that will, in the short term, provide relief to the poorest families. The most important initiative, called the Benazir Income Support Programme (BISP) offers cash transfers to selected women and female-headed households within constituency-based populations. While only implemented in certain districts at present, it aims to cover almost 15% of the total population through a monthly payment of Rs. 1000/family in all four provinces, federally and provincial-administered tribal areas, and the disputed territories.

C. Violence Against Women

Violence against women (VAW), particularly sexual violence, was what triggered the modern women's movement in Pakistan. Since the 1980s organizations working on women's issues have drawn attention to the vast range of crimes committed against women in the name of religion, custom, honor, and even political expediency. Unfortunately, for the past few decades the state and society together seemed intent on denying women the fundamental right to life, liberty, and security no matter what laws and human rights standards the government claimed to uphold.

The biggest hurdle, still to be overcome, is the discriminatory legislation passed in the name of Islamizing Pakistan. In particular, the 1979 Hudood Ordinances, and the 1982 Law of Evidence made sex outside of marriage illegal and relegated women to an inferior status of citizen. Scores of women were arrested on charges of adultery, and in some cases sentenced to death. Much has been written about this period in Pakistan's history, nevertheless the damage done to women's human rights is still in effect today.²¹

Since VAW became one of the central issues for the women's movement in Pakistan during the 1980s, the lack of data became an important setback for activists. Due to the efforts of activists, media, CSOs, donor agencies, and the broader international human rights organizations, there is more data now than ever before.²²

The Gender Crime Cell at the National Police Bureau in Islamabad has compiled tables of reported violence against women for 2005-8 as recorded by the police. The table is organized by category of crime (definitions of which are missing) and covering Punjab, Sindh, NWFP, Balochistan, Islamabad, Federally Administered Northern Areas (FANA) and Azad Jammu

²¹ See Commission of Inquiry on the Status of Women (1997) for details, and for more background see Mumtaz and Shaheed (1985).

²² See NGO Coordinating Committee for Beijing + 5. (2000) ; Shirkat Gah and Women Living Under Muslim Laws (2002).

and Kashmir.²³ A summary of these figures at the national level is presented in Table 3. The custodial figure for 2007 is extraordinary and based only on figures from Punjab. The 2008 figures for acid and stove burnings, and *wani* are also based on Punjab alone.

Table 3. Summary of Types of FIRs on VAW in Provinces Collated at Gender Crime Cell 2005-2008

Category of crimes	2005	2006	2007	2008	
Domestic Violence	Murder	1075	1084	1078	1005
	Beating	1017	1141	848	770
	Other	313	536	435	408
Honour Killing		321	339	359	386
Burning	Acid	22	12	19	21 (Punjab)
	Stove	18	17	10	10 (Punjab)
Wani		2	17	6	9 (Punjab)
Sexual Violence	Gang Rape	174	131	235	
	Rape	1713	1743	1515	1895
	Custodial	7	7	80 (Punjab)	3
	Incest	41	34	34	47
Harassment at Workplace	Physical	81	156	82	96
	Sexual	39	149	145	207
	Psychological	8	30	28	2
Any other Violence not listed above		2214	2669	2562	2715
Total	7045	8065	7436	7802	

Source: Gender Crime Cell, Islamabad.

Data is now being collected and collated by CSOs and government as a regular feature so that the issue of VAW cannot be suppressed. Some breakthroughs have been made in the last five to ten years, however, although VAW still seems to be the women's human rights violation that galvanizes the most domestic and international attention. These legal reforms and policy changes (see Section IV) have eased some of the pressure but women's vulnerability to discriminatory laws and practices remains fundamentally the same. Annex 4 lists major recommendations by activists and government responses thus far.

D. Governance and Society

Pakistan has arguably made some meaningful strides to improving governance mechanisms and institutions. Former President General Musharraf promulgated an order before holding elections in 2002 which included among its provisions the restoration of reserved seats for women. As a result those elections brought more women into the political arena than ever before, both as candidates on reserved and general seats, and as elected representatives. (Zia 2005:4-5) The smooth transfer from military-based rule to elected democracy in the February 2008 national elections further secured the participation of women in Parliament and other legislative bodies. (See Table 4)

²³ The figures are compiled by collating data provided by the districts to the provincial headquarters, which in turn are sending the data for analysis at the federal level within the National Police Bureau.

Table 4. Women as Proportion of Total Legislators in Four Provinces in 2002 and 2008 Elections

Assemblies	Women Legislators		Total Number of Legislators		Female Percentage of the Total	
	2002	2008	2002	2008	2002	2008
Overall	232	233	1170	1170	19.9	19.9
National Assembly	73	76	342	342	21.6	22.2
Senate	18	17	100	100	18.0	17.0
Punjab Assembly	73	76	371	371	19.7	20.5
Sindh Assembly	33	30	168	168	19.6	17.8
NWFP Assembly	23	22	124	124	18.5	17.7
Balochistan Assembly	12	12	65	65	18.5	18.5

Source: Aurat Foundation. 2008. *Legislative Watch Issue no. 23: 2*.

The provision granted women 33% reserved seats at all three tiers of local government (districts, tehsil and union) and 17% in the legislative bodies (Senate, National and Provincial Assemblies). In total, women's legislative representation soared to almost 20% in 2002 from just 1.4% in the 1997-99 period of the previous National Assembly. (Mirza and Wagha: 5-6)²⁴ Out of a total of 233 women overall in the legislative assemblies, 205 are on reserved seats, 27 have won general seats, and one is on reserved seats for non-Muslims. All three tiers of local government also benefited from a 33% proportion of reserved seats (Aurat Foundation 2005:3).

Interaction with the state, whether it is to register to vote or to apply for social protection, or to become an elected representative, is critical to the achievement of human rights. Importantly, such interaction requires that a woman carry a National Identity Card (NIC) in order to be registered or to qualify for the above-mentioned activities. The rights of citizenship, premised as they are on the possession of NICs, sets women apart from their identity as members of social groups, ie family, clan, or ethnicity, and allows her the opportunity to directly engage with the state. This is a critical step to disentangling a woman from existing social hierarchies and placing her at an equal level with all other citizens of the country, and in a position to benefit from belonging to the state.

It is not surprising, then, that women are prevented from getting NICs, by relatives who do not want her to vote or enter the public sphere in any way. This resistance is most noticeable in the tribal and adjacent areas that have been impacted by the Taliban movement and its repression of women. However, barring women from voting has, to varying degrees, been noticed even before the current conflict. Similarly, women IDPs are also experiencing resistance from men as they try to get NICs in order to access BISP support. In recognition of the deep-seated resistance to women establishing their presence as citizens, over the years women's organizations, in particular the Aurat Foundation, have assisted women across the

²⁴ Mirza, Naeem and Wasim Wagha (2009).

country to get NICs and exercise their vote, in recognition of the pivotal importance of this first step to directly engage with the state.

It is now more clear than ever that the special status of tribal territories, which has allowed for their independent governance in return for almost no investment from the state in development of these areas, has been a grave mistake and should have been resolved decades ago. Now that FATA and PATA have turned into cauldrons of conflict and violence against the rest of Pakistan, particularly since 2001, the government is struggling to invest in the human development of these populations in an effort to help them become invested and integrated into the larger nation-building project.

An emerging site of political and social significance is at the district level. The government introduced Devolution Reforms by Ordinance in 2001 to fill the governance void through decentralization and building the capacity of community-based stakeholders to improve service delivery. The implementation of the Ordinance required building the capacities of local communities in areas of project development, administration, financial management and oversight. The inclusion of women in these bodies has helped to bring women into the public sphere as well, and engage them with administrative and other structures at the district levels. In short, it has proven to be a critical means of making women's voices heard.

III. A Framework for Women's Human Rights in Pakistan

There exist a number of local and international instruments that can be used to achieve women's human rights. These instruments are not sufficient on their own to accomplish the ultimate objective of women's human rights, however they provide support structures and tools that are needed for this purpose. Starting with the Constitution of Pakistan 1973; reports commissioned by the Government of Pakistan; international conventions that the nation is a signatory and party to; and United Nations (UN) declarations and UN Security Council (UNSC) resolutions, there is a large body of over-arching obligations that the Government is bound to fulfill. Those most relevant to women's human rights are discussed below.

The Constitution of Pakistan 1973

The Constitution of a country is meant to be the standard-setting document, reflecting the highest principles and aspirations of the nation. It must be a cohesive document, not a patchwork of conflicting ideas in which principles are enunciated on one hand, only to be rendered virtually ineffectual on the other. As a document by which all other laws, rules and decisions are to be measured, it cannot be ambiguous and unclear.²⁵

For the purpose of examining the Constitution of Pakistan²⁶ with reference to women's human rights, the chapters on Fundamental Rights and Principles and Policies holds great importance. Although the Principles of Policy are not legally enforceable, they provide guidelines that the executive must follow to develop its policies. The chapters contain a number of definitions promulgating basic human rights which have a non-discriminatory nature and attempt to protect gender rights. In short, the Constitution is a wide document, an umbrella under which laws and policies have to develop through case law and interpretation of the courts. (Further details are in Annex 5)

Commission of Inquiry for Women 1997

The *Report of the Commission of Inquiry for Women* was commissioned by the Government under the leadership of Justice (retd.) Nasir Aslam Zahid and included the participation of prominent civil society activists as well. It discussed a wide number of issues faced by women and remains one of the most influential reports to date. Amongst other things, the *Report*²⁷ termed the rights of women to food, shelter, education, health, sanitation, and training for employment as "development rights". To fulfill development rights, affordable and accessible basic facilities must be in place. The responsibility for delivering these facilities lies with the state. It recognizes that women are the most deprived among all sections of the disadvantaged in terms of the rights to food, shelter, education, health, sanitation, and training. The *Report* also spells out that security of housing for working women and secure public transport are also necessary.

The *Report* notes that women are also deprived of their fundamental rights of political participation. Insufficient numbers of women hold National Identity Cards, are registered to vote and are actually able to exercise their right to vote. Women's membership in political parties remains low and few women receive tickets from these parties to run for election.

²⁵ Aurat Foundation. Nd. *Legislative Watch Newsletter No. 5*.

²⁶ See. *The Constitution of Pakistan 1973* at <http://www.pakistani.org/pakistan/constitution/>. [accessed August 4, 2009].

²⁷ Commission of Inquiry for Women (1997:90-97)

The Report states that as long as “women remain financially powerless and economically dependent they are unable to exercise their rights, take advantage of options available to them or attain a social status at par with men.”²⁸ In order to help women become more economically independent certain rights need to be secured (such as recognition of their paid and unpaid labour) with men and women having equal compensation for equal work. They also need to exercise their rights to inheritance, property, and exercise control over their own assets. Security of housing and good public transport are also vital to achievement of economic rights.

Selected International Conventions, Platforms of Action and Resolutions

Since independence, Pakistan has become a party to a number of international human rights conventions, starting with the Universal Declaration of Human Rights (UDHR) 1948, obligating it to certain courses of action. Further, by virtue of being a member of the United Nation (UN), all UN declarations and UN Security Council Resolutions apply to Pakistan directly.

The human rights conventions deal with a variety of different rights, considered to have the standing of universal norms, and all of them have a direct or indirect bearing on women’s human rights. To have a holistic understanding of the human rights arena and to make full use of these international human rights instruments, they need to be understood together. Further, they need to be interpreted with regard to the Constitution of Pakistan to determine their full applicability. (Details of these commitments are in Annex 6.)

Pakistan’s International Commitments²⁹

- The Universal Declaration of Human Rights (1948);
- International Labour Standards and ILO Basic Human Rights Conventions, e.g. Freedom of Association and Protection of the Rights to Organise 1948; Discrimination in Employment and Occupation 1958;
- The Forward-Looking Strategies for the Advancement of Women (1985);
- Education for All, Jomtien, 1990;
- Convention on the Rights of the Child, (CRC) [ratified in 1990]
- Agenda 21, United Nations Conference on Environment and Development, Rio, 1992
- Vienna Declaration and Programme of Action, Vienna Conference on Human Rights, 1993;
- The Programme of Action, International Conference on Population and Development (ICPD), Cairo, 1994;
- Platform for Social Development, World Summit on Social Development, Copenhagen, 1995;
- Beijing Platform for Action, Fourth World Conference on Women, Beijing, 1995;
- Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW) [accessed to in 1996]
- International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [ratified 2008]
- International Convention on Economic and Social Rights [ratified 2008]
- International Convention on Civil and Political Rights [ratified 2008]
- UN Security Council Resolution 1325 [passed in 2000]
- United Nations Security Council Resolutions 1820 [passed in 2008]

²⁸ *ibid*: 97

²⁹ See link at: <http://un.org.pk/pakgen.html>. [accessed July 15, 2009].

These Conventions, Platforms for Action and Resolutions are important because they serve as an almost universal schema, agreed upon by all states that are members of the UN. They can be used to guide the development of policies and programmes within member states, and serve as a benchmark for measuring rights-based development. They also provide a common discourse for state to state communication. For example, as the wealthier countries determine their development assistance with regard to the less wealthy nations, a dialogue is possible between the recipient and donor nations premised upon a common understanding of the rights-based goals that bind both parties equally.

IV. Implementation of Framework

A. International Obligations

While Pakistan has ratified a number of international conventions, including CEDAW and CRC, it has not promulgated implementing acts; therefore the provisions of the conventions are not legally binding on the citizens of Pakistan. The GoP report to the CEDAW Committee in May 2007 stated that there was no need to promulgate an implementing act for CEDAW, as its principles already exist in the Constitution. This point was also evident in its report to the CEDAW Committee in 2006³⁰ and to the Human Rights Council in the Universal Periodic Review in 2008.³¹ However, these obligations, if implemented in letter and spirit could support the creation of a rights-based agenda for women and also help to build development policies and programmes that have justice and equity for all as their primary goals.

The *Programme of Action* of ICPD recognized reproductive rights as an essential part of human rights, which should be included in laws, policies, and services. As a follow-up to Pakistan's strong showing at the ICPD the government attempted to develop a national reproductive health policy, but instead it later launched a Reproductive Health Package during the 1998-2002 planning period.

The Beijing *Declaration* recognizes that women's rights are human rights and it commits to the advancement of women and empowerment of women by recognizing that women hold an unequal status in society; and that they have gendered experiences of different and diverse development issues, such as poverty. It reaffirms the commitment to ensuring all the fundamental and basic human rights to women who face multiple barriers, including access to information, resources, and more; to involve women in decision making at all levels; and to put into place gender sensitive policies and programmes at all levels that will foster the empowerment and advancement of women.

The *Beijing Platform for Action* is an agenda for women's empowerment. It aims to remove all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. As a follow-up to its participation in the 1995 Conference, the Pakistan government formulated a National Plan of Action (NPA) in 1998. It was prepared on the basis of national participatory process, involving federal and provincial governments, CSOs, women's organizations and individual experts.³² The areas to be focused on in the Plan included poverty, health, violence, armed conflict, and the human rights of women

The NPA led to a number of positive actions, including the National Policy for Development and Empowerment of Women, March 2002, designed to formulate and implement programs for women's empowerment dimensions of women. These include the formation of a National Commission on the Status of Women, and efforts towards a reproductive health policy (2000). The latter was, unfortunately never approved. Women activists and civil society

³⁰ See Government of Pakistan, *Pakistan Combined Initial, Second and Third Periodic Reports to CEDAW Committee* (2006)

³¹ National Report Submitted in Accordance with Paragraph (A) of the Annex to Human Rights Council Resolution 5/1. Pakistan Report to the Human Rights Council, 2007

³² Website of the Ministry of Women's Development, <http://202.83.164.26/wps/portal/Mowd>

organizations subsequently charged that the process had stalled at the implementation stage.³³ This criticism is also included in the mandate of the Gender Reform Action Plan (GRAP), which is currently in place.³⁴

Pakistan ratified CEDAW in 1996 with reservations regarding dispute resolution mechanism and supremacy of the Islamic Constitution of Pakistan.³⁵ Although CEDAW does not directly address the question of violence against women, Article 5 does make violence an integral part of CEDAW. The Article upholds the right to a family environment free of sex role stereotyping. It holds that states are obligated to work towards modifying social and cultural patterns of individual conduct in order to eliminate prejudices, customary and other practices based on the idea of one sex being inferior to another. In the case of Pakistan, CEDAW's Article 5 works well as an instrument on violence because it is cultural, religious, and social practices that are invoked to justify VAW. To clarify its stand in violence, in CEDAW passed a recommendation in 1989 asking states to report on statistics, legislation and support services in this area.³⁶

The reporting process includes government reports and a CSO shadow report to be presented before the CEDAW Committee.³⁷ The Committee has released a set of Concluding Comments on the last Pakistan report, addressing 'principal areas of concern and recommendations' requiring action and clarification on them by the Government of Pakistan (GoP).³⁸ These Concluding Comments have formed the basis of focused advocacy and lobbying for civil society. The Aurat Foundation, for example, has prepared a "tool kit" on CEDAW for the purpose of collecting data for the upcoming Shadow Report on Pakistan's progress in implementing the Convention, using the Comments as a frame of reference.³⁹

A summary of the substantive issues raised is provided here.

1. Pakistan is urged to withdraw its declaration on the Convention, which states that the Convention is subject to the provisions of the Constitution of Pakistan.
2. The Constitution should be amended, or appropriate legislation passed, to include CEDAW's definition of discrimination (Article 1) which encompasses both direct and indirect discrimination.
3. The discrimination in existing laws should be removed. These laws include the: Citizenship Act 1951 (which forbids Pakistani women to pass on their nationality to a foreign spouse), Law of Evidence 1984 (on the value of a woman's testimony), Hudood Ordinances 1979 (offences of *zina*).
4. Awareness raising campaigns about CEDAW needed, to make women aware of their rights and how to access redress mechanisms.

³³ Pakistan NGO Review, Beijing + 5, NGO Co-ordinating Committee for Beijing + 5, February 2000

³⁴ GRAP website, <http://grap.gop.pk/projects%20&%20NGOs.html>; also refer to Annex 6.

³⁵ Pakistan's Declaration: "The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."

Paistan's Reservation: "The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention." <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm> [accessed August 16, 2009]

³⁶ Ibid. CEDAW Recommendation No. 9, CEDAW Committee.

³⁷ The United Nations Committee on the Elimination of Discrimination against Women (CEDAW), an expert body established in 1982, is composed of 23 experts on women's issues from around the world. <http://www.un.org/womenwatch/daw/cedaw/committee.htm> [accessed August 16, 2009]

³⁸ The GoP was required to present its response in its next periodic report that was due in April 2009 but has now been delayed.

³⁹ Prominent women's rights organization in Pakistan

5. The National Commission on the Status of Women (NCSW) should be strengthened: to coordinate mechanisms to implement Convention, to provide training and strengthen capacity at all levels of the state, institute accountability mechanisms for applicability of standards and provisions of CEDAW in the National Plan Action (NPA) and Gender Reform Action Programme (GRAP)

6. Review of violence related laws: the *Qisas* and *Diyat* law provides impunity to offenders, who may be forgiven by the victim's family and therefore will not be subject to state prosecution.

These Comments provide a useful guide to a rights-based agenda for reform by the government.

B. Legal Reforms

The laws of Pakistan are supposed to be based on the Constitution of Pakistan. Article 5 of the Constitution places an obligation of loyalty and obedience to the Constitution and law on all the citizens of Pakistan; Article 8 of the Constitution states that, 'Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void'.⁴⁰ The government *believes* that its laws reflect the principles of international human rights treaties and that the Constitution has a sufficient human rights content.⁴¹ However, the role of the judiciary is vital in interpreting these clauses of the Constitution. Thus far there have been some judgments giving positive interpretations to the Constitution, but the approach has been more indicative of sympathy for the person or the issue at hand rather than an indication of a clear rights-based judgement on a case.

The *Report of the Commission of Inquiry for Women* makes note that "The laws of a country establish the basic relationship between the State and citizen and the rights and obligations between citizens themselves. If the laws either directly or by implication maintain half the population - the women's half - in an unequal or subordinate status, no equal development can take place." (1997: xii) It recommends changes in the Constitution to bring the entire document in line with the fundamental rights articulated in its own Chapter on Principles and Policies. It also draws attention to existing laws which need to be reformed in line with women's fundamental rights, including selected Islamic laws, family laws, labour and service laws, criminal laws and laws relating to violence against women.

Some of the successes in legal, policy and institution reforms which have enhanced women's human rights are shown in Matrix 1. The human rights are clustered for the purpose of our discussion as per key areas mentioned in CEDAW but they also draw on the UDHR and the *Report of the Inquiry Commission for Women*. There is a specific category on violence because it is the most prominent of all violations of women's human rights in Pakistan and a core concern for civil society organizations and the international community alike. The Matrix shows how each legal reform has affected each category of women's human rights.

The categories of rights are as follows:

⁴⁰ Constitution of Pakistan 1973. <http://www.pakistani.org/pakistan/constitution/>. [accessed August 4, 2009]

⁴¹ See *Pakistan combined initial, second and third periodic reports to CEDAW Committee* (2006)

i) Civil and Legal: Equality before the law; full citizenship rights; equal access to education, employment, economic and social activities; command over property; freedom to choose spouse; right to political participation; right to hold identity cards; freedom of movement; equal right to vote; equal right to speak; right to assemble and form association.

ii) Economic, Social and Cultural: Elimination of prejudices, customs and norms based on inferiority of one sex over another (through revision of educational material, and removal of cultural divide of public and private spheres that inhibit women's access to other rights.) Rights pertaining to livelihood and productive assets, food security, education, well-being, and basic needs.

iii) Reproductive and Sexual: Protection of maternity; support for child-care; widest range of family planning services; freedom to decide number and spacing of children; right to bodily integrity; right to enjoy sexuality; protection from sexual abuse; right to health embracing all aspects of reproductive life.

iv) Protection from Violence: Elimination of gender based violence, sexual harassment, exploitation and trafficking. Protection from conflict-related violations of human rights, security of person, safety from honour killings, domestic violence, stove burning, acid burning, public humiliations, rape, forced sex within marriage.

The numbers listed alongside the details in each box are codes that represent subcategories of results on women's rights.⁴²

Legal system: (1) influencing policy, procedures, laws and legal system.

Public Awareness: (2) as affecting general public awareness, focused advocacy and campaigns, networking on the issue.

Response to Gender Specific Rights violations (3): as affecting service provision, trainings and capacity building services.

⁴² CIDA (2005) *CIDA's Framework for Assessing Gender Equality Results* (2005).

Matrix 1. Major Legal, Policy and Institutional Initiatives for Women’s Human Rights⁴³

	Details	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive	Protection from Violence
Legal					
1. Amendment to the Pakistani Citizenship Act 1951, providing for nationality to the children of foreign spouses	2000	(3) Extending citizenship rights of women and children	(1,2) Changes gender stereotyping and prejudice through law		
2. Amendment to Articles 51 and 59 of Constitution under the Legal Framework Order to increase women’s political participation in National Assembly and Senate.	2002	(1,2) Women’s presence in elected bodies as form of advocacy and awareness (3) Women’s participation in laws, policies and decision-making			
3. Adoption of the Prevention and Control of Human Trafficking Ordinance	2002			(3) Criminalizes violation of SRHR	(1) Regulates external human smuggling only (3) Aims to protect women from external trafficking
4. Adoption of the Criminal Law Amendment Act to facilitate prosecution of “honour killings”.	2004	(1,3) Protects right to life (3) Enhance prosecution	(1,2) Changes gender stereotyping, customs and prejudice through law (3) Criminalizes customs	(3) Protects right to choice in marriage, sexual rights	(2) Advocacy (3) Criminalizes honour killings, penalizes perpetrators
5. Adoption of the Protection of Women (Criminal Laws Amendment) Act amending some of the Hudood Ordinances	2006	(1,3) Protects right to life (3) Protects from false accusations	(1,2) Changes gender stereotyping, customs and prejudice through law	(1) Change in laws governing rape and adultery (3) Protects right to choice in marriage, sexual rights	(1) Change in laws governing rape and adultery (3) Changes in procedure for reporting violence
Policy					
1. 1998 adoption of the National Plan of Action	1998	(1) Precursor for increasing women’s seats in legislative bodies			(1) Began work on review of discriminatory laws
2. National Policy for Advancement and Empowerment of Women designed to formulate and implement programs for women’s empowerment dimensions of women. These include national health and reproductive health policies (2000).	2002	(1) Establishment of NCSW		(1) Led to formulation of national health and reproductive health policies (3) improved services for women	(2) Increased research

⁴³ Discussion of the legal reforms is in Annex 7.

Matrix 1. Major Recent Legal, Policy and Institutional Initiatives for Women’s Human Rights

3. Launch of Gender Reform Action Plan under MOWD	2005	(2) Advocacy with other govt departments (3) Gender development sections	(2) Advocacy w/in govt to increase women leaders and encourage gender friendly environment		(3) Women Resource Centers (2) Advocacy against discriminatory laws (1) Advice on laws and policies
Institutional					
1. Establishment of National Commission on the Status of Women	2000	(1) Policy advice (2) Research and advocacy	(1) Policy advice (2) Research	(1) Policy advice (2) Research	(1) Policy advice (2) Research
2. Ministry of Women Development	2004	(3) District Resource Centers	(3) District Resource Centers	(3) Shelters	(3) Women’s Centers (3) Shelters
3. Ministry of Interior created a Gender Crime Cell in the National Police Bureau	2006	(1) Input on laws and policies		(2) Data collection on VAW	(2) Data collection on VAW (3) Support to victims of violence
4. Musalihat-e-Anjuman		(3) Informal justice and conflict resolution			(3) Provides funds for relief and repatriation
5. Establishment of Human Rights Ministry	2008	(1) Institutionalize state support for HR (3) Funding to prisoners			

A quick review of the legal reforms (details of which are given in Annex 7) shown in the matrix reveals the following developments:

- Legal reform enhances the citizenship rights of women.
- Legal reforms can also have a direct impact by improving law enforcement and complaint procedures, particularly in the categories of Sexual and Reproductive Rights, and Violence Against Women.
- The criminalization of “honour killings” and the protection of a woman’s right to choice in marriage have a positive impact on enhancing women’s Economic, Social and Cultural Rights. They also raise awareness about VAW and improve women’s access to legal recourse when their rights are violated.

CSOs are not waiting for government to take the lead, as evidenced by CSOs taking up issues of sexual health and rights long before the government has made such services available.⁴⁴ Further, the state is somewhat responsive to advocacy efforts, although not active enough. International human rights instruments are essential tools for lobbying, and thus widening the discourse in Pakistan. While women’s human rights are deeply politicized, in large part due to the introduction of religious-based discriminatory legislation, it is possible to make inroads into legislatures with support from politicians, particularly women.

The role of international conventions in influencing legal reform is real. In a report to the Human Rights Council in 2007, a list of laws is given that give effect to the various provisions of Conventions to which Pakistan is signatory. These include the Muslim Family Law Ordinance 1961, Child Marriage Restraint Act 1929, The West Pakistan Maternity

⁴⁴ These CSOs include Aahung, Sahil, and Rozan, whose path-breaking work is serving as a model in other South Asian and Muslim countries.

Benefit Ordinance, 1958; as well as amendments to the Prevention and Control of Human Trafficking Ordinance 2002, Criminal Law Amendment Act 2004 and Pakistan Citizenship Act 1951.⁴⁵

So far, even though these laws have been promulgated, most of them still have not formulated any rules of procedure; there is very weak or no implementation of the laws at all, thereby not providing any of the rights and protections supposedly in place; the implementing agencies such as the police, Union Councils, and in some districts even the courts, have little knowledge, training or understanding on the reasoning behind these laws and how they are meant to be applied. They are rendered almost useless without the required infrastructure and support.⁴⁶

Further Legal Reforms Required

The state needs to dramatically reform statutory law. In fact, it is necessary to have a categorical affirmation from the State as to its stand on human rights, and evidence of this stand through relevant acts of Parliament. For women, as citizens, laws would be the only solid base on which they can pursue their rights. Where legal reform is an option, the priority has to be to reform the laws that affect the personal security and wellbeing of women.⁴⁷

There has been positive movement towards the recognition and acceptance of women's basic human rights. For example, girls' right to education is not challenged or disputed, but it is not strongly protected either. When girls' schools in Swat were being shut down due to the emergence of an extreme religious movement affiliated with the Taliban over the last three years, there was no official government reaction or move to protect this right. While the 1969 Muslim Family Laws gave more space to women and facilitated divorce proceedings after the 2002 amendments, women's right to inheritance has been accepted by court in a Supreme Court judgment.⁴⁸

Two bills pertaining to women's sexual and reproductive rights are pending in Parliament. The first is Domestic Violence (Protection and Prevention) Act 2009 and second, the Protection against Harassment in the Work Place Act 2009. Both of these initiatives have been the result of civil society advocacy over a number of years. Organisations such as Aurat Foundation, AASHA, and Action Aid have all worked on preparing comments and draft bills, and continue to work towards improvement of these proposed laws. Advocacy has included regular association with relevant Government bodies, especially the Ministry of Women Development.

C. Policies and Institutional Initiatives

This section of the report discusses the main policy and institutional initiatives introduced by the government, mainly during the last *five years*, towards promulgating women's human rights.

⁴⁵ National Report, submitted in accordance with para (A) of the Human Rights Council Resolution 5/1. Pakistan Report to the Human Rights Council (2008)

⁴⁶ Interview on 25 April 2009 with Hina Jillani, Advocate, Founder Member of Dastak Shelter Home

⁴⁷ This discussion is a compilation of interviews conducted with Danish Zuberi, Nighat Saeed Khan, Hina Jillani, Neelam Hussain, and Khawar Mumtaz,...

⁴⁸ Rafique Bibi v. Muhammad Sharif and others, 2006 SCMR 512

There has been a series of policy initiatives over the last decade or more that appear to be directly related to Pakistan's commitments at the international level. For example, after ICPD 1994 there came the reproductive health initiative. After Beijing the National Plan of Action was adopted in 1998. The limitations of these policy initiatives have in part led to the current initiative, the Gender Reform Action Plan.

An overview of Matrix1 reveals that policy and institutional initiatives have improved the advisory and research role of government institutions, but this is not the same as having direct authority to approve their content. The most effort in terms of improving service delivery appears to be with regard to Sexual and Reproductive Rights and Protection from Violence. Institutional initiatives are lacking in status within the government; MOWD, NCSW, Gender Crime Cell, Human Rights Ministry and the newly created Musalihat-e-Anjuman are far outside the mainstream of government institutions, lacking adequate authority and funds to make a strong impact on women's human rights at any level.

1. Gender Reform Action Plan⁴⁹

The Gender Reform Action Plan (GRAP) is a Rs. 600 million project of the Government of Pakistan (GoP) housed in the Ministry of Women Development to redress gender inequalities. It aims to create space for women within the existing systems, while trying to improve them through policy, institutional and budgetary reforms. There are five GRAPs, one for each province and one on the national level.

The scope of GRAP includes essential reforms:

- Administrative / institutional reforms and departmental restructuring to pave way for gender-sensitive operations that ultimately lead to gender equality.
- Political reforms that facilitate effective participation of women in political sphere.
- Reforms in public sector recruitment process and working conditions to encourage women for employment in this sector.
- Reforms of key processes of policy formulation and budget preparation.⁵⁰

At the national level, one of GRAP's main purposes is to target key federal government ministries and set up gender equity positions or sections in each Ministry at a senior level. The project targets senior bureaucrats at the Finance, Planning, Social Welfare, Information, Law and Justice, Human Rights and Establishment Ministries, as focal persons. The work of these gender and development sections includes monitoring the 10% quota of women in each Ministry, undertaking analysis of all their projects and undertaking trainings.

Initial resources required for the work with line ministries and departments are funded through the federal GRAP. The goal is to institutionalize them with their own Ministerial budgets. For example, the Finance Ministry now funds its sections from its own budgets after two years of GRAP funding. On a district level, GRAP plans to set up women resource centers to empower women district councilors and government, and a few districts have already been covered.

⁴⁹ This discussion on GRAP is based on an interview conducted with Rehana Hashmi, Nuzhat Shirin and Erum Fatima, GRAP, 2nd April 2009

⁵⁰ GRAP website, www.grap.gov.pk, accessed on 2 June 2009

Challenges

- The original design of GRAP did not incorporate effective resource allocations. This has led to a dependence on raising donor resources to support and initiate activities with Ministries.
- The management unit needs capacity building to initiate and implement health, education and employment policies.
- In-service training is needed, as well as a revision of service academy training.
- There is lack of co-ordination and support from some of the line ministries.
- Donors are pressurizing civil society organizations CSOs and government to work on projects in collaboration, which compromises the CSOs independence and monitoring role.
- Donors need to provide technical assistance and assistance in fiscal review to government projects, as it does to CSO projects.

2. Institutional Initiatives

(i) Ministry of Women Development (MoWD)

The Government's Ministry of Women's Development is the main authority when dealing with women's development issues. Over the course of years, other bodies and institutions have also been formed to assist the MoWD. Currently, MOWD is overseeing the federal GRAP and setting up 12 District Resource Centers. It is also responsible for the Crisis Centers and Shelter Homes under the government. MOWD also does work on legal reform, in collaboration with civil society organizations.⁵¹

Challenges

- MOWD has had its stature eroded over the years in terms of finances, outreach, expertise and resources. It cannot fulfill its role as a catalyst and advocate for change within the government because it lacks the expertise.
- The fact that there is no Minister appointed at the centre may have value as the Prime Minister is directly in charge, but it also means that there is no one single authority figure dealing and focusing purely on the issues of the MoWD. This may prove to be a greater disadvantage than advantage.
- There is lack of gender equality expertise within the Ministry. Employees do not have a clear understanding of the issues, therefore feel they cannot do an effective job.

(ii) National Commission on the Status of Women (NCSW)

The NCSW was created upon the advice of the Inquiry Commission for Women and as a follow-up to the Beijing process. It was greeted with great enthusiasm and optimism. The NCSW has been chaired by a series of dynamic women, selected by the government. The new 2009 appointee to the post, Anis Haroon, is a prominent women's rights activist and professional with the Aurat Foundation, a prominent CSO in Pakistan.

⁵¹ Interviews with Idrees Baig, Director General (Gender Equality) and Javed Iqbal Butt, Director (Development) Ministry of Women Development, 1st April, 2009 and 7th April, 2009, Islamabad.

Challenges⁵²

- The NCSW is supposed to exist as a monitoring body of the government on women's issues, but it does not have the independence or means to do so. Its funds are disbursed through the MoWD. Without an autonomous mandate, magistrate powers and administrative powers it will not be successful.⁵³
- The Commission has not been given official consultative status with reference to policy-development, planning or law making. It has only been assigned the role of (a) 'making suitable recommendations about the implementation of policy, programmes or other measures, or (b) advice on the repeal or amendment of laws or new legislation.
- The Secretariat of the NCSW is shared with the MoWD, with the latter being a full time job. As a result time spent with the NCSW becomes 'optional'.
- Review of the Constitution has been excluded from the Commission's mandate.
- The watchdog role of monitoring and evaluating the performance of government in terms of laws, policies, plans and programmes has not been assigned to the Commission, but there is nothing to prevent the Commission from assuming this role.
- No enforcing mechanisms for ensuring that the NCSW's advice to government on implementation of laws and policies, or redressing violations, have been provided.
- There are no clear mechanisms to ensure the effectiveness of the Commission in terms of access to information and cooperation from governmental agencies.

(iii) Ministry of Human Rights

In November 2008, a Ministry of Human Rights was formed as a department of the Ministry of Law and Justice (MoLJ). The MoHR operates two human rights funds. The first is used to release women or male prisoners from jails when they have served their sentence but cannot be released because they cannot pay their fine; and the second is a district detention and emergency relief fund for women.

MoHR current work involves improving the jail manuals and improving conditions of female inmates. It plans to establish Standard Operating Procedures (SOPs) and relief and rehabilitation programmes for women survivors and prisoners. The Ministry is also collaborating with UNDP on capacity building programmes and trying to prioritize issues such as *wani* and *swara*. (Please see Glossary for definitions of these terms.)

Challenges

- Its rules of business have not been amended and it is still not operationally independent from MoLJ. It shares the same staff and remains dependent on it for staff salaries. Currently, there are only two persons working with the MoHR⁵⁴
- There is a lack of capacity to comprehend and interpret human rights charter terminology, and how to implement these rights effectively.
- There is a lack of expertise on law within the Ministry staff.

⁵² Compiled from interviews of Anis Haroon, Chairperson, NCSW, and Simi Kamal, ex-member, NCSW.

⁵³ Interview with Tahira Abdullah.

⁵⁴ This discussion is based on an interview conducted with Khalid Ameen, Ministry of Human Rights, 2nd April 2009.

- Adequate provisions are not made for training of staff, despite a UNDP funded capacity building project.

(iv) Gender Crime Cell

The Gender Crime Cell (GCC) was established in 2006 under the umbrella of the National Police Bureau (NPB). The GCC has three main functions: a) data collection on cases of violence against women, b) policy advice to government on particular cases or proposed legislation on VAW and c) investigation into cases of VAW only on the request of the Secretary, Ministry of Interior. Its other activities have included developing Standard Operating Procedures on dealing with VAW and conducting police trainings.

Challenges

- The GCC has succeeded in raising awareness within the police force about these crimes, but the major preoccupation of the forces is still catching terrorists and criminals. Since law and order is a provincial subject, more detailed information gathering and awareness-raising needs to be developed and owned at this level.⁵⁵
- At the moment there is only one GCC and it is based in Islamabad. There is a lack of interest of supporting and developing the GCC. Currently there are 20 positions that remain to be filled.
- The GCC does not have autonomy to actually investigate cases. It can only supervise cases on the basis of the information provided by the relevant police team.
- The data collected is shared with the provincial Inspector Generals of Police, who are supposed to act upon it and to fill the gaps in procedure. However, the priority in district police stations is law and order and terrorism, not gender cases.
- There is no mandatory gender sensitization training of the GCC staff.

(v) Women's Centers and Shelter Homes for Women

Due to the prevalence of violent crimes against women, Women's Centers provide survivors shelter and protection. These services are offered by both private and the non-profit sectors. There are also a number of *Darul Amans*, and women's shelters funded by the Anjuman-e-Himayat-e-Islam (a religious organization involved in education and charity work) and CSO-run shelters such as Dastak in Lahore.

(a) Women's Centers⁵⁶

The government is currently running 25 Centers that are located, among other districts, in Vehari, Khuzdar, Sibbi, Quetta, Peshawar, Kohat and Swat. Thirty more are planned in the year 2009 – one in each district. Management of these Centers is through government appointed officers who are management staff and a thirteen-member management committee to include representatives from local CSOs.

⁵⁵ Interview with Syed Irshad Hussain Shah, Director General, and Asif Piracha, Director, Gender Crime Cell, 31st March, 2009, Islamabad

⁵⁶ They are now called Shaheed Benazir Bhutto Centers for Women.

This discussion is compiled from interviews conducted on 11 April 2009 with Saira Furqan, Manager, Benazir Bhutto Women' Centre, Islamabad and on 7 April 2009 with Javed Butt, Director Development, MoWD, Islamabad

The following services are provided at the Centers:⁵⁷ Medical and legal aid, counseling, investigation into cases of violence, linkage with law-enforcement agencies and police complaint cell, limited vocational training, rehabilitation through micro finance and provision of interest free credit up to Rs. 15,000. Centers can only keep women between 24-72 hours. For longer-term accommodation, they are either sent to the Islamabad shelter or encouraged to negotiate an agreement. They may also be transferred to other shelters, depending upon the nature of the case.

The Islamabad Shelter, opened in 2005, is the only Shelter that is supported by a Center on the same premises. While the Centers do not have shelter facilities beyond 72 hours, this Shelter offer free protection and temporary shelter to survivors of violence, psychological and job counseling, vocational training and education to children of survivors.

Challenges

- The finalization and implementation SOPs is needed to coordinate the government and CSO-run shelters.
- While a number of issues are similar in all of the Women's Centers across the nation, there are issues that are specific to different provinces.
- The CSO Rozan has set up a Humrat network to help standardize the care and support for women victims of violence, including both government and private Centers and Shelters. Rozan is also working on making Standard Operating Procedures (SOPs) for Centers and Shelters⁵⁸. There is a shortage of properly trained staff.
- There are lengthy and detailed procedures for running the various support services.
- There is an increase in demand for services but not enough resources are available.
- A number of the Shelters are rented and not owned by the MoWD.
- The Centers have not been institutionalized in government, with dedicated funding.
- Some facilities are only provided by creating links with outside CSOs and professionals such as doctors, psychologists or counselors.

(b) Dar ul Amans (DuAs)

The DuAs are shelters for women who have been accused or against whom there is an FIR or legal case. They are under the control of the Social Welfare Departments and the provincial governments. Women in need of protection, not female criminals, are placed through the local courts in the shelter. The DuA first tries to arrange a compromise between the disputing parties or to provide free legal or medical aid as needed from a government hospital⁵⁹. Shelter is provided to the woman as a last option.

In 2006, guidelines for DuAs were developed in collaboration with CSOs, police, medical practitioners, government, judiciary and the law departments. The guidelines were notified in 2007 and the DuA Superintendents were given training on these guidelines. Further trainings are being planned with the police and media.⁶⁰ GTZ is running a project with DuAs in Punjab. SOPs have been approved and are in the process of being developed. Manuals are being developed on gender, VAW and gender and religion.

⁵⁷ Website of the Women Development Division, <http://www.pakistan.gov.pk/divisions/ContentInfo> [accessed 2 June 2009]

⁵⁸ Interview with Ms. Farah (Manager), Fowzia Marri (Chairperson NGO Committee) and Gulistan Soomro (Law officer), Women's Center, Quetta

⁵⁹ Deutsche Gesellschaft für Technische Zusammenarbeit. (GTZ) is offering support.

⁶⁰ Interview with on 25 April 2009 with Saira Irum, Technical Expert, Gender Justice Project, UNDP.

Challenges

- There is a powerful social stigma against women in DuAs.
- There are outdated management guidelines and no final SOPs.
- Currently the staff does not have the ongoing training and support needed to care for women, in terms of a clear medico-legal procedure and also psychological counseling of women.
- The DuAs are dependent on ad hoc support from the government, and have not been sufficiently institutionalized within the system with fixed budgets.

(c) Private Shelters

There are three main CSO-run shelters: Dastak in Lahore, Mera Ghar in Peshawar and Panha in Karachi. The city government in Karachi has handed over its DuA to the private shelter Panha for its management.

Private shelters have a different approach to the running of the shelter. The attempt is to provide protection with dignity for women, while giving them opportunity to rehabilitate into society and make decisions about their futures. There are no custodial restraints.

These shelters aim to protect women's right to life, catering to women in difficult circumstances. There are different categories of VAW survivors: single women who are trying to exercise their choice of marriage, those fleeing from forced marriages or from domestic violence, prisoners trying to re-integrate into society, and women subjected to different sorts of crimes, mostly rape.

Challenges

- The DuA in Karachi run by Panha is not entirely privately-run anymore and has to encompass a number of the DuA requirements, including restriction of movement for women referred through the court – although there are on-going negotiations with the court on this point.⁶¹
- The dependency created in women while they are in the shelters can be counter-productive, negatively impacting their rehabilitation in society.

(vi) Informal Legal System and Musalihat-e-Anjuman

Customary law in Pakistan has many informal systems of dispute resolution, such as *jirgas* and *panchayat*⁶²s operating at community levels. These systems consist of the male elders or tribal leaders of a community making decisions on disputes and other problems. Women have not traditionally been included in these bodies, to horrible effect, as evidenced in the widely reported gang-rape of Mukhtaran Mai.⁶³

⁶¹ This discussion is compiled from interviews conducted on 15 April 2009 with Uzma Noorani, Managing Director, Panha Trust and on 25 April 2009 with Hina Jillani, Founder Member, Dastak Shelter Home

⁶² Tribal assembly of elders resolving disputes between individuals and villages

⁶³ Mukhtar Mai - history of a rape case, BBC News, http://news.bbc.co.uk/2/hi/south_asia/4620065.stm

The Musalihat Anjumans (MAs) are part of the alternative dispute resolution platform provided as an alternative to the *jirga* and *panchayat* systems, under the Local Government Ordinance 2001. The government is supported in this effort by various international donors including UNDP-supported Gender Support Programme. The MA is a means to address gender justice issues for amicable settlement through mediation and conciliation.⁶⁴ Its objectives are in large part to promote women's awareness of their legal rights and men's active participation in ending gender based violence.⁶⁵

The MA should comprise two men and one woman from a community; however the latter is not mandatory. While the MA's purpose is to provide the socially excluded an opportunity to be heard, it is not clear if this has been achieved.

Challenges⁶⁶

- The MAs do not include a fully representative profile of members.
- While at the community level⁶⁷ there is some appreciation for the MA, however, it is suspected throughout the four provinces there are *almost* no women participants, and existing power hierarchies are still being reinforced, especially because women have voiced reluctance to bring VAW to a body comprised of fellow community members.
- There is inadequate awareness among Anjuman members to be effective and gender-sensitive decision-makers. One-day training on gender issues, proposed by the government, is not enough to make a difference to women at the local level.

(vii) Gender and Women Studies Centers and Institutes

Gender and Women Studies Departments exist in major public Universities of each province and a Center of Excellence for Gender Studies in the Quaid-e-Azam University, Islamabad. They offer BA and MA degrees. Some of their graduates are now part of these institutions, while many others are employed by CSOs and development projects.

The Women Studies Department at Karachi University and Gender Studies Departments at Peshawar and Islamabad have budgets which are funded through the University Grants Commission. Some faculty is supported by the Higher Education Commission (HEC) to pursue doctoral programs abroad. The Gender and Development Studies Department at Peshawar University⁶⁸ has a capacity-building program with a university in the UK, which has provided course development material and library strengthening. Department faculty has been sent on short courses to UK. The Department is engaged in offering short courses on gender and development to the staff of Government of NWFP and it is also actively engaged in research projects for development institutions.

The private Institute of Women Studies in Lahore (IWSL) is considered to be delivering good quality courses on gender and women studies. The staff and faculty of the Institute are invited by public-sector universities for consultation on improving curricula. In addition to fresh graduates the IWSL also offers courses for professionals already employed in CSOs and

⁶⁴ Musalihat Anjuman (Constitution and Responsibilities) Regulation 2006

⁶⁵ Musalihat Anjuman (Constitution and Responsibilities) Regulation 2006

⁶⁶ Interview with Danish Zuberi.

⁶⁷ Interview with Ayesha Mir, Regional Programme Director for Sindh and Baluchistan, Shirkat Gah, 14th April, 2009, Karachi.

⁶⁸ Supported through the Higher Education Commission of the GoP and the British Council.

development projects. The departments have close linkages with major CSOs that are working on gender issues in Pakistan and their staff are invited as resources persons in seminar and learning programs organized by the departments.

Challenges

- All the University departments are stretched for resources both financial and technical and are still trying to build up their faculty base (Phds) so that they are not dependent on the faculty of other University departments for running courses
- Program enrichment opportunities are limited in the publicly funded Universities. The public sector Departments and Institutes of Gender/Women Studies are constrained due to limited resources; thus have very limited opportunities for sharing and exchange of visiting faculty within the country. In addition, due to political and conflict situations, exchange programs for faculty from within the region are also very intermittent. Except for a few individuals from these departments, linkages of the Women/Gender Studies Department with government departments and ministries are also weak.

V. Mapping of Women's Human Rights

This section gives an overview of the current work and results related to specific women human rights, as undertaken by CSOs, international CSOs and donors. It also sheds light on the gaps in the work undertaken so far and challenges faced by these organizations while doing work on women rights.

The CSOs identified in this study represent a fraction of civil society organizations in Pakistan engaged in rights based advocacy and development issues. The matrices present only the women's human rights work of these organizations, as these are the focus of the present study. The information presented does not reflect the entire work of these organizations nor of all organizations working on women's human rights.

Unfortunately there has been no comprehensive update in the last ten years on the state of civil society organizations⁶⁹, nor is there a review of rights-based organizations those especially working on women's rights. Based on our research process, however, we feel confident in stating that the number of civil society organizations undertaking rights-based work has increased during this time period. We have also identified organizations outside the major cities, federal and provincial capitals that are engaged in work on human rights, especially those of women.

Matrix 2 below is structured on the same lines as the earlier matrix in Section IV. The only addition is some further subcategories in explaining how the work of organizations is affecting women's human rights, as follows:

Legal system: (1) influencing policy, procedures, laws and legal system

Public Awareness: (2a) general public awareness, **(2b)** focused advocacy and campaigns **(2c)** networking

Response to Gender Specific Rights violations: (3a) Trainings and capacity building services **(3b)** provision of technical/professional assistance **(3c)** provision of relief, shelters, crisis centers, phone-in, medical care services etc.

A. Findings Regarding the Legal System

Larger civil society organizations, like Aurat Foundation, Shirkatgah who have offices in the federal and or provincial capitals, are directly engaged in policy advocacy for legal change. Smaller city CSOs have also been involved in policy influencing work with the local government. Policy influencing work has been for women's legal rights related to age of marriage, protection from violence and sexual harassment against women, discriminatory laws, economic social rights of home based workers and youth issues.

⁶⁹ Registered under some of the major laws Companies Ordinance, Societies Registration Act 1860, Social Welfare Ordinance 1964, Trust Act.

(i) Gaps

A handful of CSOs, whether in large or small cities, are engaged in direct policy influencing and legal reform work for women's legal rights. Also policy influencing work has not been undertaken at any level of the legal system in women human rights like health, sexual and reproductive health, education and socio-cultural rights.

Insights from interviews and Focus Group Discussions reveal that CSOs have developed relationships with only those key government policy making and implementation institutions at the federal, provincial and local government levels, which are women related institutions, like Women's or Social Welfare Departments, the Ministry of Women's Development and the National Commission on the Status of Women and Women Parliamentarians⁷⁰. Policy influencing links with mainstream government institutions like Ministry of Interior, Finance, Planning, Agriculture, Industries, Labour, and Commerce are still weak or non existent.

Similarly CSOs report that their capacity and resources to engage in policy influencing work on legal rights is weak. Gaps include: weak human, technical and financial resources to take on the core work at the three levels; community based support/response; research and knowledge building; and translating this knowledge to influence laws and policies⁷¹.

There are limited technical resources (legal expertise) among CSOs and the government on women's human rights that hinder their work. There is also a scarcity of technical expertise for developing effective procedures and mechanisms for implementation of the substantive laws at federal, provincial and local/district government levels⁷².

(ii) Possible Areas to Support

While some progress has been made in terms of legal provisions for reducing the negative effects of laws brought in through the Hudood Ordinances, discriminatory laws such as the Law of Evidence, Qisas and Diyat Ordinances still need to be repealed. For this, support for continued engagement with law policy makers at the federal provincial and local government level is necessary.

Support for lobbying at provincial and local government levels for formulation and implementation of the substantive women legal rights and policy measures is required. These substantive laws require procedural rules in order to be made effective and implemented by the provincial governments. For example, application of an adult girl's right of consent or dissent for marriage.

CSOs need support for harnessing available legal and technical experts who can assist them in policy influencing work. This would require engaging such resource persons and sensitizing them to gender issues.

Despite the temporary rolling up of the Local Government Ordinance by the Federal Government, the challenge for CSOs will be to continue constructive engagement with the ex-councilors (male and female) as they are political activists who can still play a significant

⁷⁰ Key informant interviews with women parliamentarians and officials of the government departments in Islamabad, Quetta and Peshawar

⁷¹ NGO Focus Group Discussions Peshawar and Quetta

⁷² Key informant interviews Quetta:

role in safe guarding women human rights. They are a critical force or backbone at the local level for political lobbying for legal reform. A significant number of women councilors and some male councilors have developed sensitivity to gender issues and women rights violations. They have also achieved some level of leadership capability which is a prerequisite for asserting women's rights⁷³.

B. Findings Regarding Public Awareness

The discussion below is based on three types of awareness raising activities as reported by CSOs: (1) general public awareness; (2) specific advocacy and campaigns; and (3) networking.

(i) General Public Awareness

CSOs, in large cities (such as Lahore, Karachi, Islamabad) and small cities (such as Nowshera, Abottabad, Khairpur, Dera Ghazi Khan), are engaged in raising awareness on selected women's human rights and the majority also works on creating awareness on violence against women rights. There is also a strong link between work on legal rights awareness and work on violence against women. CSOs that are working on legal rights are also providing some services related to VAW.

Some of the specific women's legal rights on which CSOs have done work are: women's right to vote and be part of the electoral process; women's right to public spaces and mobility; property rights; rights of women as holders of public office; women's right to choose spouse; and the Muslim Family Laws.

CSOs in smaller cities have reported on raising awareness on VAW issues specific to their target areas, while CSOs in larger cities have undertaken awareness raising on a broad range of VAW incidents related to customary violence, child marriage, women and girl trafficking, acid attacks, stove burnings, IDP violence on women and forced marriages.

Information from interviews and Focus Group Discussions explains that there are large-scale awareness-raising initiatives by the CSOs in larger cities and INGOs in partnership with CSOs in smaller cities. Work with men has increased and involves men as champions of the cause in the public sphere⁷⁴. There are plans to collate archival material and case details among CSOs working on VAW⁷⁵. CSOs in secondary (smaller) cities are taking up VAW cases and connecting to networks through the larger NGOs with whom they partner. Greater partnerships between CSOs and media have been forged. One example of this is the unprecedented media attention given to the flogging of a Swati girl by the Taliban (April 2009).

CSOs report that women's legal rights issues for public awareness can be selected in two ways: (i) either by some information need in the community and/or through the initiative of a local/smaller city CSO; or (ii) or at the behest of a larger CSO that has a larger and longer term program for addressing lack of awareness on women human rights. Information dissemination material on women rights is produced mainly by a few large CSOs e.g. Aurat

⁷³ Islamabad NGO Focus Group Meeting, Peshawar and Quetta NGO Focus Group Meeting

⁷⁴ Focus Group Discussion with NGOs Peshawar and Quetta, Meeting with CIDA's Gender Team, 31st March, 2009.

⁷⁵ Interview with Nasreen Siddiqui, Coordinator, WAR, Karachi on 17th April, 2009

Foundation, Shirkatgah, DCHD, Oxfam in the form of short reports, posters, pamphlets, handouts, etc. Nation-wide dissemination of this material is made possible through smaller grassroots organizations and CSOs which often translate the material in their local languages⁷⁶.

Public awareness raising work is reported to be an area of relative ease⁷⁷. After some initial resistance, there is generally appreciation and understanding among the community on women rights issues. Male activists prefer to hold dialogue with small groups of men in the community. Meetings with men are mainly conducted outside the home in some public space whereas women group meetings are hosted in someone's home.

A few CSOs now also include sexual and bodily rights in their awareness-raising messages, including work on youth on adolescent health and puberty. The absence of awareness and application of the latter set of rights has direct relationship with incidences of violence against women, health issues like HIV/Aids and sexually transmitted infections⁷⁸.

(ii) Specific Advocacy and Campaigning

Advocacy campaigns build on awareness-raising initiatives among the general public by targeting a particular group to act positively towards a specific women's human right. This type of advocacy work has been mentioned by CSOs in both large cities and smaller towns. These CSOs also provide limited services for stopping violence against women.

In legal rights advocacy CSOs have worked on improving services for women to get National I.D cards and for reducing incidence of child marriages in certain remote rural communities. CSOs have also reported being part of an International NGO⁷⁹ organized campaign on Ending Violence Against Women (EVAW) and a local campaign organized by local NGOs⁸⁰ in Sindh on child and forced marriages. The campaign on EVAW included a signature campaign to prepare change makers among youth, men and women.

From interviews and FGDs we understand that the CSOs engaged in advocacy campaigns work on specific women human rights issues and for the duration of the advocacy/campaign are linked to each other through close communication, set of predetermined/defined activities and exchange of information. Subsequently these communication channels and information exchange might become dormant or maybe revived if the need arises or might just continue at the same pace.

Larger advocacy initiatives and campaigns, with practical results have been successful where a large CSO had programmatic support for sustaining a communication network including the local (small town) actors as well as proponents in larger cities. One example of this is the Aurat Foundation's campaign to mobilize women for contesting local body elections. However, more time and resources are required for the strategic rights campaigns, like legal rights, and policy changes to take place that affect women's daily lives.

⁷⁶ Key informant interviews Peshawar and Quetta.

⁷⁷ Key informant and FGDs in Quetta and Peshawar.

⁷⁸ FGD INGOs, Islamabad.

⁷⁹ Oxfam

⁸⁰ Democratic Commission for Human Development (DCHD)

(iii) Networks and networking

Generally there are two types of networks. First, there are those networks set up as programming activity by larger city based CSOs with their CSO partners in smaller towns. Second, there are networks in which CSOs voluntarily engage in information sharing for collective action these and are dependent on the CSOs own resources and may not be part of a programmatic activity.

According to Focus Group Discussions the latter, issue based networks, are functioning more effectively and actively compared to the programming networks. This can also be seen in Matrix 2, Composite Matrix of NGOs Working on Women's Rights in Pakistan. CSOs are vertically and horizontally linked through formal and informal networks on VAW. There is also a link between legal rights and issue based networks on VAW. Some examples of active issue based networks are HURMAT for violence against women and FAFEN⁸¹ for CSOs working on electoral and local body reforms. *Insani Haqooq Itihad* (IHI) (Collective for Human Rights) is an Islamabad based organization on human rights. Aman network, which is based in Peshawar, is a sub-network of a wider civil society network⁸² on peace in Swat and issues of IDPs. In Balochistan there is the Baloch Khawateen (Baloch Women's) Panel that primarily comprises of Baloch nationalist women activists who demand that the missing Baloch men and women be declared Prisoners of War (POW) and reported as being illegally detained by government agencies⁸³.

Key informants report that both types of networks, i.e. issue based and programme based, have provided assistance to women in crisis situations, such as victims of gang rap in Southern Punjab, and have given visibility to cases such as the murder of six women in Balochistan (April 2008) which was supported by a local influential and the public flogging of a girl by extremists in Swat.

One of the most active networks around is the Pakistan Reproductive Health network (PRHN). It is a national level network for information sharing among partners on women's rights issues in general and specifically on reproductive and sexual health rights in particular. PRHN also does some advocacy work with government, particularly on the issues of post-abortion complications and monitoring of government efforts to meet MDG Goal 5 (related to maternal health). Strong provincial-levels ties among NGOs working on RH are being developed in Sindh.

Currently there are no government plans to change laws or restrict activities of CSOs, therefore the national/provincial coalitions for safeguarding CSO interests and rights are currently dormant⁸⁴.

(iv) Gaps

Advocacy and networking activities are reported to be less as compared to work on general public awareness. Awareness-raising on social, economic and cultural rights and sexual and reproductive rights is less compared to legal rights and VAW.

⁸¹ Free and Fair Election Network

⁸² NGO FGD Peshawar,

⁸³ Informal Group Meeting Quetta.

⁸⁴ Key Informant Interviews with SNI, NGO Focus Group Meeting, Quetta.

According to key informant interviews the work on awareness raising on women rights, especially legal rights, is incomplete if it is not directly supported by counseling and other support services for women who are in need of assistance. This particularly applies to less developed provinces, for example in the province of Balochistan where there is only one government run shelter for women in Quetta and only three Women Crisis Centers, of which one is in Quetta⁸⁵.

Many of the CSOs in the smaller towns are dependent on the support of larger CSOs or city based organizations for awareness raising work, especially if the latter has provided impetus to take this on. Male and female activists from these smaller city CSOs are not adequately trained for information dissemination, nor is there any strategy to follow up on this sort of work. NGOs in Peshawar and Quetta cite lack of technical and financial resources, short term or project based work and turn over of volunteers as some of the main impediments⁸⁶.

Based on Focus Group Discussions we understand that the technical capacity to do advocacy on a rights-based agenda is lacking among CSOs in general. Advocacy campaigns have not achieved the desired results as they are intermittent and geographically sporadic⁸⁷. Smaller localized campaigns have been relatively more successful e.g. mobilizing women to get National Identification Cards or to encourage them to register as voters or candidates and mobilizing local authorities for disaster relief.

CSOs are unable to work effectively in areas that are currently conflict ridden, i.e. areas within Balochistan and NWFP⁸⁸. The very real threat to the lives and safety of NGO workers is a major obstacle to ongoing efforts to meet the needs of women at the local level⁸⁹. The activists who had released the video of the woman being flogged in Swat, had to contend with threats to their lives. Also there has been some fragmentation in the response among civil society in these provinces. This has resulted in muted and individual voices from activists instead of a collective response from CSOs⁹⁰.

In NWFP the violence against women and activists has increased significantly with the rise in militant activity in the area. Participants of FGDs in Balochistan associate the violence with the abduction of young nationalist activists, male and female, by government agencies. Collaboration and collective action among CSOs in Balochistan is sparse and most CSOs are donor or project driven and do not have an independent agenda of their own⁹¹.

(v) Possible Areas to Support

CSOs and women activists require continued support in their work regarding spreading awareness on women's legal rights in general and customary VAW in particular. In addition encouraging male activists to participate in these activities and supporting existing ones would be strategic. Male activist are as, if not more, vulnerable when it comes to broaching the subject of customary VAW practices⁹². It is important to strengthen their position in

⁸⁵ Manfoosa Ali Key Informant Interview and NGO Focus Group Meeting Quetta

⁸⁶ NGO Focus Group Meetings Peshawar and Quetta.

⁸⁷ Key Informant Interview Feroza Zehra, Oxfam, NGO FGD Peshawar and Quetta.

⁸⁸ Key Informant Interviews Peshawar and NGO FGDs Peshawar and Quetta.

⁸⁹ Informal Group meetings, NGO FGDs in Peshawar and Quetta.

⁹⁰ Key informant interviews and informal group meetings, Quetta.

⁹¹ Key Informant interviews and NGO FGD Quetta.

⁹² FGDs and Informal Group Meetings . Islamabad, Quetta, Peshawar

society as they possess a wealth of knowledge through their work in the field and can be instrumental in drawing more male activities into this area.

Similarly extending support to male dominated CSOs that undertake work on gender equality and women human rights is important, however, it should be ensured that these CSOs have a gender sensitive work place to ensure retention of women staff. These types of CSOs need to enhance links and collaborations with women CSOs that operate in the same area of work or neighbouring communities⁹³.

Support for networking and advocacy on women legal rights as funded programmatic activity of CSOs would be useful for strategic rights e.g. women's right to mobility and access to public spaces. Intermittent and inadequate resources for networking have stymied the potential of CSO advocacy campaigns for attaining women's strategic rights⁹⁴. The need for networking has become more imminent in the current situation in NWFP and Balochistan. Existence of networks and links with experienced CSOs in Iran and Afghanistan could provide opportunities for proactive learning and program development that is more relevant for dealing with violations of women's rights in conflicts prone areas⁹⁵.

C. Findings Regarding Responses to Gender Specific Violations

In this section the responses for addressing the violations of women rights are broadly divided into three categories by types of activities: (1) training and capacity building; (2) technical/professional assistance; and (3) provision of relief.

(i) Training and Capacity Building

Generally large CSOs have reported offering training and capacity building services to women on legal and economic rights. According to FGDs and interviews, community development work is an area which has provided work opportunities to women and has a lot of potential for women's professional and leadership development, especially in provinces like NWFP and Balochistan⁹⁶. Many women trainees are from socio-cultural and geographic areas where female mobility is restricted and women have very limited exposure the world outside their domestic sphere⁹⁷. One such program, undertaken by a Quetta based CSO⁹⁸, was designed to encourage women to participate in otherwise male dominated courses. This helped the organization understand how to work with women and improve gender parity among trainees and staff in that organization.

(ii) Provision of Technical/Professional Assistance

Among legal rights, organizations have reported providing legal aid or legal counseling services. However, this kind of support is primarily being provided by CSOs based in larger cities.

⁹³ Key informant interviews and informal group meetings with BRSP and IDSP Quetta.

⁹⁴ NGO FGDs Quetta and Peshawar.

⁹⁵ Interview with Mariam Bibi of Khawaendo Kor, and NGO FGD Peshawar.

⁹⁶ Informal Group meetings in Peshawar and Quetta with Binte Malakand, IDSP, BRSP..

⁹⁷ Key informant interviews and informal group meetings in Quetta and Peshawar.

⁹⁸ IDSP's CIDA supported course for gender mainstreaming and development. CIDA support ended in 2005. The course is regularly offered and has trained over 500 Baloch women after CIDA support ended. This was jointly funded with DFID and managed by the British Council.

(iii) Provision of Relief

Larger city-based CSOs are providing relief services. Under legal rights these deal with mostly shelters and support for assisting women victims to access police and courts. Relief from economic adversities is being provided by CSOs in the form of emergency relief and rehabilitation services to victims of natural disasters, creation of skill centers and vocational facilities, providing access to micro finance services and seed banks for female agriculture workers.

(iv) Gaps

There are very few organizations offering proper training services to encourage and equip women for leadership roles and community work. In addition, training and capacity building services to equip men to work with women are also very limited.

Compared to CSOs in larger cities, CSOs in smaller cities are not providing as many services for promotion of legal rights of women in relation to VAW. Shelters and facilities that are available are inadequately equipped and they operate mostly at the level of first aid clinics, which do not address the root causes of the problem women face⁹⁹. In many instances CSO use these services for purposes of developing community-based ties and conducting pilot projects.

(v) Possible Areas to Support

Many of the training services for legal rights are based in larger cities; programming support to CSOs so that they can provide such services on a consistent basis to women in remote communities would have strategic benefits¹⁰⁰. Support should also be extended for leadership training programs for women especially to equip them to deal with local government issues. This is an area which is closer to women's lives and will be instrumental in helping them achieve their strategic rights¹⁰¹.

Encouraging development of gender sensitive and women friendly spaces in CSOs requires few financial resources but requires commitment from senior management in terms of adopting gendered management approaches¹⁰².

CSOs that provide shelter or support services to women victims require institutional support in order to forge and sustain links, among themselves, as well as with law enforcement agencies and the judiciary¹⁰³. This becomes more relevant especially in times of crises.

D. Role of Donor Agencies

Bilateral and multilateral agencies have been supporting government and civil society initiatives on women's human rights for many years. Donor harmonization efforts have

⁹⁹Key informant interviews Crisis Centers in Quetta, Karachi. Mariam Bibi Peshawar

¹⁰⁰Informal Group meeting, Quetta, NGO FGDs Quetta

¹⁰¹ NGO FGD in Peshawar and Quetta.

¹⁰² Informal Group Meetings Quetta, NGO FGD Peshawar.

¹⁰³ Key informant interviews Crisis Centers and Shelters, Islamabad, Peshawar and Quetta,

resulted in pooling of funds to support some joint initiatives, however, information sharing among donors/development agencies still remains a problem.

One example is the Gender Justice Project (GJP) of the UNDP's Gender Support Programme, funded by DFID. Since the GJP project management is not part of the Inter-Agency Network for Gender and Development (INGAD), a donor group for information sharing, there is no trickle down of information about other donor initiatives to the project management. There could be a considerable reduction in time and expenses on verification of applicants for this fund if the project management had knowledge of CIDA's (PAGE) gender responsive fund, which has some of the same partners and similar projects which are funded by GJP.

Very little funds are available or forth coming for institutional support for CSOs, which has reduced CSOs to primarily contracting for support on a project to project basis.¹⁰⁴ In Balochistan in particular this has lead to CSOs re-designing their needs based on projects in line with donor priorities. This has also reduced the flexibility of CSOs and in responding to emerging issues on women rights in a timely manner¹⁰⁵.

CSOs and government agencies often lack the capacity to submit quality proposals and to report transparently using the results based approach¹⁰⁶. This has been a problem faced by all types of CSOs, irrespective of their geographic location. Therefore donors will have to focus on building the capacity of personnel within CSOs.

CSOs have expressed concern about the turnover of their professional staff. These CSOs feel that once their staff gains expertise in a particular area they move on to other higher paid jobs in international NGOs, bi-lateral or multilateral agencies. This type of turnover severely reduces the efficiency and work of CSOs. Creative approaches to work share and staff retention could be developed through donor-CSO collaboration¹⁰⁷.

Another area of concern for donors is that there is low absorptive capacity and longer time taken than anticipated by most CSO and government agencies to deliver results. One of the reasons for this is that there are not enough professionals/experts around who can deliver as required. Another reason is that there is very little investment in the institution itself. Most funds are for specific activities; therefore the organizations ability to do just activities would be relevant to its size, which would be only what it can support sustainably.

E. Partnerships

Civil society organizations have both vertical and horizontal partnerships amongst themselves. Horizontally, as part of district or issue¹⁰⁸ based networks, the smaller organizations have been able to meet at regular intervals at some event organized by one of its partners.

Vertically, smaller civil society organizations have maintained partnerships with national level organizations like SPO, SAP Pk, Aurat Foundation, Shirkat Gah. These partnerships provide the community centeredness, critical mass and outreach to larger NGOs and in return

¹⁰⁴ UNIFEM

¹⁰⁵ NGO FGDs Peshawar, Quetta and Islamabad

¹⁰⁶ CIDA and UNDP's GJP

¹⁰⁷ NGO FGD Islamabad, Peshawar, Quetta

¹⁰⁸ For example, child rights, violence against women, reproductive rights.

the smaller partners are supported through training, capacity building or project finances to assist the smaller partner with its community programs.

When larger NGOs have resource constraints, projects with smaller partners also stop or reduce considerably. However, many of the smaller partners value the knowledge, guidance and support of the larger NGOs and maintain contact with them, by inviting the representatives of the larger NGOs to their programs, sending reports on their work and attending the programs of the large NGOs¹⁰⁹.

The partnerships between large and small CSOs have nonetheless become fragile over the years. Opportunities to further develop these partnerships have been limited and hampered by absence of adequate and sustained financial and institutional support. There is potential to build on the existing CSO networks so that women rights issues can be comprehensively taken on from the policy level to on ground service delivery. This is especially useful for provinces such as Balochistan and NWFP, where capacity of smaller city CSOs is very limited and women's rights based work is considered sensitive and dangerous, and can be done more effectively with the backing and cover of a larger, better established, CSO.

¹⁰⁹ NGO FGD Islamabad, Peshawar and Quetta.

Matrix.2 Composite Matrix of CSOs Working on Women’s Rights in Pakistan

Stakeholder	Women’s Human Rights										
	Legal and Citizenship			Economic, Social and Cultural			Sexual and Reproductive Rights			Protection from Violence	
Punjab- Lahore											
HEAL Trust								2.a			
						3.b					
									3.c		
Democratic Commission for Human Development (DCHD)		2.a			2.a			2.a			
		2.b								2.b	
										2.c	
Punjab-Other Cities											
Sangtani Women Rural Development Organization- Rajanpur, D.G. Khan		2.a	3.a		2.a			2.a	3.a		2.a
Sindh-Karachi											
Shirkat Gah Regional Programme for Sindh and Balochistan	1	2.a	3.a					2.a	3.a	1	
		2.b	3.b								
		2.c									2.c
Panha Shelter											
			3.b								3.b
			3.c						3.c		3.c
Marie Stopes Society							1	2. b	3.c		
Inter Press Communication (IPC)		2.a	3.a		2.a	3.a				2.a	3.a
War Against Rape											
									3.b		
											3.c
Sindh-Other Cities											
PAHEL(Preaching for Advocacy, Health, Enviroment & Literacy) - Sakrand		2.a								2.a	
						3.c					
Al- Mehran Social Welfare Association-Shikarpur		2.a									
Marvi Women Welfare Association-Shikarpur		2.a			2.a	3.a				1.a	2.a
		2.c									2.c
Development Institutions' Network-Shikarpur		2.a								2.a	
							3.c				

Matrix 2. cont	Legal and Citizenship			Economic, Social and Cultural			Sexual and Reproductive Rights			Protection from Violence		
NGOs Development Society-District Qamber, Shahdadkot				2.a	2.a	3.a		2.a			2.a	
					2.b				3.b			3.b
		2.c				3.c					2.c	
Pirbhat Women Development Society Sindh- District Qamber, Shahdadkot		2.a	3.a			3.a					2.a	3.a
			3.b		2.b						2.b	3.b
		2.c			2.c	3.c			3.c		2.c	3.c
NWFP-Other Cities												
PADO (People's Awareness and Development Organization)-Nowshera											2.a	
SUNGI-Abbotabad		2.a	3.a	1	2.a	3.a		2.a			2.a	
					2.b							
			3.c			3.c			3.c		2.c	3.c
Baluchistan-Quetta												
Society for Empowering Human Resource (SEHER)					2.a	3.a			3.a			
			3.b								2.b	
Water Environment and Sanitation Society (WESS)		2.a				3.a						
		2.b						2.b				
											2.c	
Baluchistan-Other Cities												
Sada Bahar Welfare Society-District Mastung		2.a		2.a)				2.a			2.a	
Tob Na Kachari-District Mastung		2.a						2.a			2.a	
									3.b			
		2.c										
Shahshani Welfare Society-District Mastung		2.a			2.a			2.a			2.a	
											2.b	
		2.c										
Amach Education and Environmental Development Society-District Mastung		2.a			2.a						2.a	
		2.c										
Islamabad												
SACH (Struggle for Change)		2.a				3.a		2.a				3.a
		2.b	3.b								2.b	3.b
						3.c						3.c
National Rural Support Programme (NRSP)					2.a	3.a		2.a				
			3.c			3.c						

Matrix 2. cont	Legal and Citizenship			Economic, Social and Cultural			Sexual and Reproductive Rights			Protection from Violence		
Acid Survivors Foundation Pakistan									1		3.a	
										2.b	3.b	
										2.c	3.c	
Rozan						3.a		2.a	3.a		2.a	3.a
								2.b				3.b
									3.c			
Aurat Foundation	1	2.a	3.a	1	2.a	3.a		2.a				
		2.b	3.b		2.b			2.b	3.b			3.b
			3.c			3.c						
International Non-government Organization												
Oxfam											2.a	
											2.b	3.b
World Population Foundation				1		3.a		2.a	3.a			3.a
					2.c							
Institute of International Education (IIE)			3.a			3.a			3.a			3.a
Asia Foundation		2.a	3.a		2.a	3.a						
		2.b										
Donor Organizations												
ILO (International Labour Organization)		2.a		1								
		2.b			2.b							
UNIFEM	1	2.a		1						1		
		2.b	3.b									
			3.c									
Norwegian Embassy	1	2.a	3.a		2.a						2.a	3.a
		2.b	3.b		2.b						2.b	3.b
			3.c									3.c
European Commission		2.a	3.a		2.a	3.a					2.a	
		2.b	3.b		2.b							
												3.c
CIDA	1	2.a	3.a		2.a	3.a				1	2.a	3.a
		2.b	3.b		2.b						2.b	3.b
			3.c									
DFID				1	2a, 2b	3						
UNDP										1	2a, 2b	3

VI. Opportunities and Challenges: Emerging Themes

The report has laid out the broader context of women's human rights in Pakistan, the human rights instruments that can be used by all stakeholders to help realize the goals of gender equality, discussed government initiatives, and identified a number of areas for support to civil society initiatives. This section will present a selection of themes as recommendations for possible programming support.

However, the following developments on the ground need to be taken into account as support is considered to stakeholders working on gender equality:

- Major legislations on various kinds of violence against women have been prepared by government and need pressure from civil society so that they will be tabled in Parliament. For example, legislation for labour rights for women home-based workers is being lobbied and advocated at various levels, and the Domestic Violence Bill has yet to be passed.
- Civil Society Organizations especially in NWFP and Balochistan are being stretched enormously as they try to foster local level women's leadership and other development challenges, while at the same time they are being forced to respond to the emergency needs of displaced populations affected by armed conflict. The situation poses a direct threat to women and children's security and safety.
- There are opportunities for strategic support towards further strengthening and developing capacity of those women's rights leaders and activists who have emerged through the local government process.
- Closer partnership with CSOs in conflict-areas is possible in terms of accessing motivated and active women on the ground. However, the security situation remains a risk factor to be assessed at all times.

In addition to the above-mentioned strategic opportunities, following areas for partnership and support would be essential for sustained progress of women's legal rights.

A. Policy and Legal

Policy and legislative initiatives for women's legal rights can be undertaken at the federal, provincial and local government levels. Programming support and opportunities should be specific to the different needs and scope of work at each level. Although legislative and policy reforms are required at all these levels, programmatic support for legal rights should be selective and narrowed to second and third tier of governance i.e. provincial and district levels.

Support for women legal rights should be for programs that are conducting research on the status of various specific substantive legal rights and obstacles to women's enjoyment of them e.g. protection from violence, increasing their mobility and access to public spaces, land ownership rights access, and participation in policy making and legislative forums. This means that the larger and more experienced NGOs, for example Shirkat Gah and Aurat Foundation, will still require stronger support from donors in order to continue their work. There is weak research capacity among CSOs and the urgency of the issues is always great, therefore it is not a duplication of support to continue nurturing existing CSOs.

Section III identified the human rights instruments which are particularly useful in the context of Pakistan, and some of them are indeed substantively influencing legal reform. Support to those CSOs and law-makers in a position to advocate with Parliament and institutions of the state is essential. Donor support can help to facilitate contact between CSOs, law-makers and government institution to nurture the constituency in favor of these laws and their implementation.

In addition there are existing laws that require improvements e.g. the protection of women in conflict and disaster situations, the age of a marriage for a girl and rights of women from minorities etc. The need is for contributions towards technical legal resources that also support procedural policy development and legal input at the federal, provincial and district levels.

At the federal level the type of programming support required is strategic and mostly linked to technical resources especially on law and gender issues. Those interviewed working within this sector all have mentioned need for strengthening its technical support base so that it can assist in meaningful reform in the areas of legal rights. Support to MOWD through provision much-needed technical legal expertise will help place it in a position to play a more prominent role in horizontal and vertical advocacy within government to ensure the provision of women's legal rights.

The National Commission on the Status of Women (NCSW) needs to be in a position of autonomy and influence equivalent to that of the Law and Justice Commission. It must have powers to monitor public policies and programmes, summon departments or individuals on a *suo moto* basis to provide explanations as necessary, and either support or veto laws or policy proposed that have an impact on women's human rights.

Further to the strengthening of NCSW, support for setting up of provincial Commissions would also be strategic. These independent Commissions would reinforce the work of the NCSW as well as pressurize the provincial lawmaking and implementing agencies to carry out legal reform on WHR.

B. Awareness Raising

Institutional and longer term program support for CSOs engaged in women's legal rights promotion would contribute to awareness raising and advocacy in a sustained manner. CSOs with vertical and horizontal linkages with networks would be more effective for this type of work.

The tolerance of violence against women and their suppression exists in many communities, to the extent that these are not considered as issues. The rise in militancy and violence among youth in our society is linked to this culture tolerance of violence. Therefore it is important to support efforts and initiatives that are focusing on creating awareness on VAW.

Non-conventional approaches to women human rights also require financial support. NGOs that have an explicit rights-based approach to sexual and reproductive health address issues of violence against women and children, and life skills education in a proactive way. These have proved to be very effective initiatives and have created further depth in the gender based work on women human rights as well as more holistic approaches to awareness-raising.

Spaces seem to be opening up for advocacy work at the district level. While the law enforcement and justice systems at the district and local levels are suffering from very real weaknesses, nonetheless support for partnerships and networks that draw in stakeholders at this level for women legal rights work will have a strong influence in increasing access to women's rights.

C. Response to Gender Specific Rights Violations

Support for capacity building and training of women activists in leadership, research techniques and community mobilization would be useful in broadening the base for women human rights work.

Support for gender sensitization training focused towards government functionaries as well as other technical experts is necessary. There is a dearth of gender specialists that can provide technical input in laws and programmes in support of women's human rights.

At the district level, particularly in NWFP and Balochistan provinces, shelters can be life-saving for women. However, if the government does not strongly back these shelters, and provide on-going protection to women, the backlash from the community levels will be deadly.

The Women's Crisis Centers, Shelters and Dar ul Amans, have the potential to be an important space within which women can be safe, develop a sense of community, and be part of advocacy-related activities. Support for lobbying initiatives that can improve their functioning will be very useful, so that sustained technical and financial assistance for these facilities are made possible. The government-supported centers should become an integral part of the government system with a separate budget line. Similarly, privately-run shelters and centers need similar strengthening and staff training to be able to provide proper support to women victims.

In conclusion, now and in the foreseeable future, programming at provincial and district levels is critical for the implementation of laws, policies, and services to achieve women's human rights. This programming is essential not only for government, but also to support CSOs efforts to consolidate the benefits available in the substantive laws, especially those related to violence against women. Programmes must be flexible and relevant to the local contexts in which CSOs and government are operating.

CSOs have demonstrated that they are extraordinarily vibrant and courageous; proving repeatedly that it is possible to work at the community level even when their lives are at risk. Awareness-raising and provision of services cannot be the remit of the CSOs alone. It is the responsibility of government to protect the rights of women articulated in the Constitution of Pakistan 1973 and to fulfill its international commitments.

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Annex 1. List of Interviews and Meetings

Islamabad

Key Informant Interviews:

1. Syed Irshad Hussain Shah, Director General National Police Bureau, 31st March 2009
2. Asif Paracha, Director Gender Crime Cell, National Police Bureau, 31st, March 2009
3. Idrees Baig, Director General Gender Equity Ministry of Women's Development, 1st April 2009
4. Nadeem Mahbub, National Project Manager, UNDP Gender Justice Program, 1st April, 2009
5. Ayesha Durrani, Advocacy and Communication Specialist, UNDP Gender Justice Program, 1st April, 2009
6. Rehana Hashmi, Project Director GRAP, 2nd April, 2009
7. Khalid Amin, Secretary Ministry of Human Rights, 2nd April, 2009
8. Farzana Bari, Director Centre of Excellence for Women's Studies, Quaid e Azam University, 2nd April, 2009
9. Zahid Khattak, Shaheen Hussain, Moeen Akhtar, UN HABITAT, 2nd April, 2009
10. Tahira Abdullah, activist/member Women's Action Forum, 2nd April, 2009
11. Alice Shakelford, Country Program Director UNIFEM, 6th April, 2009
12. Javed Iqbal Butt, Director Development MOWD, 7th April, 2009
13. Younis Khalid, Director Aurat Foundation, 7th April, 2009
14. Saira Furqan, Manager of MBBWC, Govt Crisis Centre, 11th April 2009

Informal Group Meetings:

1. CIDA's Gender Equality team 31st March, 2009:
Farah Chandani, First Secretary Development, Rukhsana Rasheed, Manager Gender Equality Program, Umbereen Baig, Coordinator PAGE

Focus Group Discussions:

1. NGO/CSOs 6th April, 2009:
Bilal Naqeeb (SPO), Mukhtar Javed (Sungi), Shabana Arif (Rozan), Munazza and (Acid Survivor Foundation) Samina Nazeer (PODA)
2. Donor Round Table 7th April, 2009 :
Samia Rauf (Royal Norwegian Embassy), Rabia Nizam (DFID), Mr. Saleem Rehmat , Ali Rehman, Ms. Rabia Aslam (IOM), Salman Asif UNFPA, Mr. Jan de Boer, 1st Sec. Dutch Embassy, Farah and Rukhsana (CIDA), Marion Mueller (GTZ), Manzoor Khaliq (ILO), Ms. Dania Gharaibeh (USAID)
2. International NGOs, 7th April, 2009:
Farhat Sheikh, Feroza Zehra (Oxfam), Mohammad Anwar (WPF)

N.W.F.P

Peshawar

Key Informant Interviews:

1. Rubina Khilji, Head of Department Gender Studies Dept Peshawar Univ, 9th April 2009
2. Prof M. Ismail, RISE, 9th April 2009
3. Omar Javaid, Acting Coordinator SNI, 9th April 2009

4. Mariam Bibi, founder Khwendo Kor, 9th April, 2009
5. Sitara Ayaz, Minister Women's Development and Social Welfare, 10th April, 2009
6. Tariq, Shakila, Shirin staff at Aurat Foundation Office 15th May, 2009

Informal Group Meetings:

1. Binte Malakand 10th April, 2009
Arjumand Nizamani, Fawzia Fatima

Focus Group Discussions:

1. Peshawar based NGO/CSOs 15th May, 2009:
Qamar Naseem (Blue Veins), Shad Begum (Disaster Response Net), Sadaf Malik (Shirkatgah), Zainab Khan (South Asia Partnership), Gule-Hina (Pakistan Village Development Program), NUsrat Ara (Sap Pk)
2. Smaller city CSO/ Activists, 16th May 2009 :
Kackol Khattak, Citizen Action Committee Coordinantor (Noshera), Nlala Naz (Naib Nazim Noshera) Advocate Amir Zeb Khan (Noor Foundation Mardan), Khaista Rehman (Shaheen Youth League), Sadiqullah (Citizen Action Committee Coordinator Charsadda)

Sindh

Karachi

Key Informant Interviews:

1. Maliha Zia, Consultant Aurt Foundation, 19th April 2009
2. Najma Sadeque, Shirkat Gah , 16th April 2009
3. Nasreen Siddiqui, Co-ordinator WAR 17th April 2009
4. Aliyah Ali, Cooperative Lecturer Centre of Excellence for Women's Studies, University of Karachi 28th April, 2009
5. Arooj Javed, Zainab Zaib , staff of Women Crisis Centre Karachi 5th May 2009
6. Anis Haroon Chairperson NCSW, 11th May, 2009

Balochistan

Quetta

Key Informant Interviews:

1. Mohammed Khalid Baloch, Secretary Dept Social Welfare and Women's Devt, 21st April 2009
2. Fareeda Noshirwani, activist, 23rd April 2009
3. Nahida Safdar, Advisor to Minister for Women's Development, 21st April 2009
4. Dr. Saboor, Chairman Balochi Languages and Department of Gender Studies, Balochistan University, 21st April 2009
5. Mrs. Jamila Kazi, Registrar, Sardar Bahadur Women's University, 23rd April, 2009
6. Fareeda Noshirwani, activist, 23rd April 2009
7. Farzana Baloch, Programme Officer BRSP, 24th April 2009
8. Rubina Irfan, Provincial Law Minister, 21st May, 2009
9. Mufoosa Ali, Activist, 21st May, 2009

Informal Group Meetings:

1. Chairperson and Staff of MBBWC 21st April, 2009
Ms Farah, Fowzia Marri, Gulistan Soomro
2. Staff of IDSP, 23rd April 2009

Zikri Ali, Safdar Hussain, Raziq, Rubina Zehri

3. Baloch Khawateen Panel 24th April 2009

Focus Group Discussions:

1. Quetta based NGO/CSOs 21st May, 2009:

Siraj Bashir Rind (Shirkat Gah), Zaihidan and Shazia Aman (PIDS), Abdul Wadood (SEHER), Fayzia Shaheen (IDO)

2. Smaller city CSO/ Activists, 16th May 2009 :

Talat Naz, Parveen, Aneela, Muhammad Akram (Human Watch Macch), Riaz Baloch (Sasawan Network Mustang), Mohammad Hussain Bhag Kacchhi), Syed Aurang Shah Macch), Walid Baloch (Sarawan Network Mustang), Yasmeen Yousaf (Sohb Gender Network), Gul Nisa and Zar mail (Sohb Gender Network)

Punjab

Lahore

1. Hina Jillani, Partner, Advocate, AGHS Legal Aid Cell, Founder Member Dastak 25th May 2009

2. Sarah Shahed, Head of Department, Department of Gender & Development Studies, Lahore College for Women University 25th May 2009

3. Nighat Saeed Khan, Director, ASR Resource Center, Institute of Women Studies Lahore, 25th May 2009

4. Saira Irum, Technical Expert, Gender Justice Project, GTZ, 26th May 2009

5. Neelam Hussain, Simorgh, 26th May 200

6. Khawar Mumtaz, Senior Coordinator, Shirkat Gah, 26th May 2009

7. Irfan Mufti, SAP Pk, 30th May, 2009

Annex 2. Emailed Questionnaire for CIDA Situation Analysis of Women's Human Rights Activities in Pakistan Questionnaire

Instructions: Do not print this form. Please download the form before answering any questions. Answers are to be filled out on the soft copy in the space provided, **(you may add rows if you need more space)** and submitted via email as an attachment.

For answers that require check-boxes please enter x in the desired box.

- Q1. Name _____
- Q2. Organization Name _____
- Q3. Designation _____
- Q4. What are the goals of your organization?

- Q5. What are the type of **women's human** rights that are impacted in your work?

a?

b?

c?

- Q6. Does your work on **women's human rights** have outcomes (**successes??**) in any of the areas mentioned below?

Awareness-Raising

Advocacy

Service Provision

Other:

- Q7. Does your organization belong to any wider stakeholder networks or action committees? If yes, which ones?

Q8. Does your organization have partners among the options given below? If yes, give examples

<input type="checkbox"/>	Government	_____
<input type="checkbox"/>	Donors	_____
<input type="checkbox"/>	INGOs	_____
<input type="checkbox"/>	National NGOs	_____
<input type="checkbox"/>	Smaller NGOs	_____
<input type="checkbox"/>	National network	
<input type="checkbox"/>	Provincial network	
<input type="checkbox"/>	Other (State)	

Q9. What are the major gaps preventing your organization from fulfilling its role **in the areas of women's human rights**?

<input type="checkbox"/>	Government Support	
<input type="checkbox"/>	Donor Funding	
<input type="checkbox"/>	Weak Partnerships with National NGOs or Smaller NGOs	
<input type="checkbox"/>	Other	_____

Q10.(a) With reference to Awareness Raising, Advocacy and/or Service Provision, what important lessons have you learned in the last five years?

Q10.(b) Please mention any resource gaps or constraints, if relevant, that were experienced during this time

Q10.(c) Please mention the significant achievements and lessons learned during this time

Annex 3. Matrices of Activities on Women’s Human Rights

1. Matrix of Activities on Women’s Human Rights-Punjab

Stakeholder	Women’s Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
Non-government organizations by Province				
Punjab- Lahore				
HEAL Trust		3) Adult literacy and non-formal education centers for adolescent girls and women	2.a) Awareness raising on mother and child health. 3) Linkages of community women to basic health units and nearby health facilities.	
Democratic Commission for Human Development (DCHD)	2.a) Awareness raising in communities on human rights 2.a) Awareness through community dialogue 2.b) Campaign against child marriages	2.a) Community dialogues for these rights.	2.a) Community dialogue on reproductive rights	2.b) Campaign on VAW. 2.c) Part of a network, Alliance Against Sexual Harassment
Other Cities				
Sangtani Women Rural Development Organization (Rajanpur, D.G. Khan)	2.a) Awareness on women’s political participation at union council level. 2.a) Awareness on freedom to choose spouse and Muslim family laws. 2.a) Awareness on legal rights through seminars, theater performances, published material. 3) Training of local communities and police on women’s legal rights 3) Free legal aid programme on property issues and marital rights.	2.a) Research on customary practices, e.g. ‘kala kali’, women trafficking, child marriages. 2.a) local research and conducting Seminars and theater performances against these customary practices 2.a) Awareness raising sessions against these customary practices	2.a) IEC material on safe motherhood 2.a) Awareness through debates and dialogues on women’s reproductive rights. 3) Training on reproductive services and rights 3) Setup medical camps and referral system for existing health facilities	2.a) Local research on domestic violence and conducting seminars, theater performances against domestic violence.

2. Matrix of Activities on Women's Human Rights-Sindh

Stakeholder	Women's Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
Sindh-Karachi				
Shirkat Gah Regional Programme for Sindh and Balochistan	<p>1) legal reforms, influencing and contributing in decision-making at the local and district policy forums Information from the ground feeds into provincial and national policy arena as in MFLO, Domestic violence bill, shelters, poverty, fisheries etc.</p> <p>2.a) communities and duty bearers, field staff of Population Welfare and Social Welfare Departments, the National Institutes of Policy.</p> <p>2.b) national and provincial parliamentarians; National Commission on the Status of Women has been through provision of information and linkages.</p> <p>2.c) Linked to a national network on Muslim Family Laws with formal & non-formal institutions.</p> <p>3) Local government representatives have benefited from information regarding CCBs.</p> <p>3) Training of para legals and also directly assisted women in court cases.</p> <p>2 b)Had a campaign for making NID (CNIC) cards for women in SG project areas and with other networking organizations in the country.</p>		<p>2) (a) Field staff of Population Welfare and Social Welfare Departments</p> <p>3) Training to dais (Traditional Birth Attendants),</p>	<p>1)contributing in decision-making at the local and district policy forums Information from the ground feeds into provincial and national policy arena as in Domestic violence bill</p> <p>2.c) Linked to a network on VAW.</p>
Panha Shelter	3) women's access to counsel	3) skill training for women	(c) women's protection from sexual assault, access to medical care through Shelter	(c) shelter to women fleeing violence
Marie Stopes Society			<p>1) Part of a core group on Post Abortion Complications steering committee.</p> <p>2 b) initiatives regarding women's reproductive health.</p> <p>3) Clinics all over Pakistan, Mobile Service and Mother and Child Health centres, 24/7 toll-free helpline and website on SRH matters.</p>	

2. Matrix of Activities on Women's Human Rights-Sindh (continued)

Stakeholder	Women's Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
Sindh-Karachi				
Inter Press Communication (IPC)	2.a) Newspaper reports on women parliamentarian grievances about their exclusion from decision –making and dominance of their male counterparts. 3) Training of journalists on gender issues. Production of research documents –Press Kits	2.a) women's Employment' related to poverty, discrimination in wages, absence of facilities 3) Training of journalists on gender issues. Production of research documents –Press Kits		2.a) Domestic violence including honor killings, focused in Karachi, Sukkur, Larkana, Multan and Bahawalpur. 3) Training of journalists on gender issues. Production of research documents –Press Kits
War Against Rape				
Sindh-Other Cities				
PAHEL(Preachin g for Advocacy, Health, Enviroment & Literacy) SINDH-Sakrand	2.a) Further the women groups have been given the awareness on CEDAW. Increased capacity of District Nawabshah women from rural areas, who were totally unaware of the election, to cast their votes according to their own consent.	3) The women of the rural areas have been made literate through adult literacy project.		2.a) The general issue of the district of honour killing have been addressed through awareness sessions in the area and the males have been awared on such a level that they committed not to do so in future.
Al- Mehran Social Welfare Association-Shikarpur	2.a)			
Marvi Women Welfare Association-Shikarpur	2.a) the local people who don't allow their females in Social gatherings,issues,meetings even they don't let them to go for their treatment & shoping now their behaviours has been change 25%. 2.c) Linked to a national network on women's rights.	2.a) Health & educational issues to groups conducting seminars, workshops & home schools for women. 3) Train in handicraft development and marketing at local, regional, national & international level		1.a) In local jirgas some land lords give their decesion in favour of women 2.a) Behaviour of number of police officers also become polite regarding honour killing issues b/c they have attended these seminars,workshops & trainings. Awarness on Women, Human rights. 2.c) Linked to a national network on VAW
Development Institutions' Network-Shikarpur	2.a) women groups have been given the awareness through CEDAW on Women rights.	3) The rural women adult literacy		2.a) Sessions with males on honor killing.
NGOs Development Society- District Qamber, Shahdadkot	2.c) Part of national human rights network on women's rights	2.a) theater performance 2.a) gender sensitizations workshop. 2.b) Natural disaster management at district level 3) Relief for victims of natural disasters 3) Seed banks for women farmers. 3) Adult literacy centres for women 3) Women Skill Centre	2.a) SRH 3) Organize medical health camps.	2.a) theater performance 2.a) gender sensitizations workshop 2.a) community dialogues, citizen's froums with media, lawyers, teachers, youth 2.c) National network on VAW 3) It is providing legal aid to violence victims.

2. Matrix of Activities on Women's Human Rights-Sindh (continued)

Stakeholder	Women's Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
Non-government organizations by Province				
Sindh-Other Cities				
Pirbhat Women Development Society Sindh-District Qamber, Shahdadkot	<p>2a.) Women's political participation, women's rights and property rights</p> <p>2.a) theatre performances on women and child rights,</p> <p>2.c) Part of a national network on women's rights and child rights</p> <p>3) legal aid and counseling center</p> <p>3) Courses on human rights, paralegal, counseling</p>	<p>3.) Literacy Centers</p> <p>3) Vocational skills and microfinance services</p> <p>2.b) Natural Disaster management at district level</p> <p>2.c) various national networks on women's economic rights.</p> <p>3) Relief for victims of natural disasters</p> <p>3) Courses on record keeping and accounts</p>	<p>3) Health Clinics and health committees</p>	<p>2.a) murder as honor killing and violence against women.</p> <p>2.a) Group formation, workshops, seminars, regular meetings and celebration human/women rights days</p> <p>2.a) Formation and strengthen District Coordination Forum, Lawyers Forum,</p> <p>2 b) Campaign on VAW, Demonstrations and Rallies</p> <p>2.a) theatre performances on honor killing and domestic violence</p> <p>2. b) political parties representatives, parliamentarian, Nazims, councilors, police officials, judiciary, local influential, media and religious persons.</p> <p>2.c) Linked with various national networks on VAW</p> <p>3)Legal aid to women victims violence, facilitation/access police and court</p> <p>3) Courses on ending VAW, Child Sexual Abuse</p>

3. Matrix of Activities on Women’s Human Rights-NWFP

Stakeholder	Women’s Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
Non-government organizations by Province				
NWFP-Other Cities				
PADO (People’s Awareness and Development Organization), Nowshera				2.a) Awareness of men on VAW and prepare male change makers
SUNGI, Abbotabad	<p>2.a) Sensitization of men and women on property rights.</p> <p>2.a) Engage moderate ulema on issues of women’s property rights.</p> <p>2.a) Freedom to choose spouse.</p> <p>3) Political education through seminars, theater, radio talk shows and constituency relations.</p> <p>3) Training sessions on civic rights and facilitate making of CNIC cards and enlisting in voter list. Also facilitating contesting elections, so setup voter camps for women.</p>	<p>1) Home based workers policy draft preparation.</p> <p>2.a) Seminars, radio talk shows, focus groups and theater performances on norms that discriminate against women</p> <p>2.b) Consultation workshops and seminars on home-based workers’ rights.</p> <p>2.b) Campaign on energy and water policy of Pakistan.</p> <p>3) Techniques on women’s livelihood rights, i.e. natural resource management and crafts.</p> <p>3) Relief and rehabilitation of IDPs.</p>	<p>2.a) Awareness raising on family planning.</p> <p>3) Setup community health centers in two districts and handed it over to the community.</p>	<p>2.a) Awareness raising through radio talk shows, theater, TV cable shows, developing IEC material, wall chalking, display of Quranic verses on billboards, debates among college and university students</p> <p>3) Referrals of rape victims to women development centers.</p> <p>2.c) Part of an alliance against sexual harassment at the work place. Have an internal sexual harassment policy.</p>

4. Matrix of Activities on Women's Human Rights-Baluchistan

Stakeholder	Women's Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
Non-government organizations by Province Society for Empowering Human Resource (SEHER)	3) Free legal aid is being provided to women.	3) Providing training for women's skill development, income generation. 2.a) Awareness on gender issues and women's participation in decision making at the family level.	3) Reproductive health trainings to target groups	2.b) Part of EVAW (End Violence Against Women) campaign which involves making male change agents at the district level.
Water Environment and Sanitation Society?? (WESS)	2.a) Setup women's groups for decision making in projects and political participation. 2.b) Community mobilization, especially of men for increasing women's mobility.	3) Skill building services for women for livelihood and poverty reduction. Carried this out in Awara and Quetta	2.b) Community mobilization, especially of men for increasing women's mobility.	2.c) Working with Baluchistan Gender Network.
Sada Bahar Welfare Society, Mastung	2.a) Awareness raising on women and girl child education. 2.a) Dialogue with community men and women regarding women's education and women's mobility.	2.a) Awareness raising about preserving the environment and maintaining cleanliness at home.	2.a) Awareness raising about women's health, hygiene and family planning	2.a) Awareness raising with community men and women about VAW through dialogue
Tob Na Kachari, Mastung	2.a) Awareness raising on women's rights and women's participation in elections as voters 2.c) Part of a district and provincial network on women's rights.		2.a) Awareness raising on family planning 3) Service delivery on family planning with population welfare organization	2.a) Awareness raising with men on domestic violence.
Shahshani Welfare Society, Mastung	2.c) Part of a district gender network and provincial network on gender issues. 3) Mobilization of women as political voters in local body elections.	2.a) Dialogues with men regarding implications of restrictions on women's mobility. 2.a) Awareness raising on women's education and access to health. 2.a) Awareness on agricultural women farmer rights	2.a) Awareness raising with men on reproductive health.	2. a & b) Awareness raising and advocacy with men on VAW and trafficking of women.
Amach Education and Environmental Development Society, district Mastung	2.a) Awareness raising on girls' education. 2.c) Part of provincial and district networks on gender related issues.	2.a) Awareness raising on environmental and sanitation issues. 2.a) Awareness raising with men on social and cultural barriers on women and their implications		2.a) Awareness raising with men on domestic violence.

5. Matrix of Activities on Women’s Human Rights-Donors

Stakeholder	Women’s Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
ILO (International Labour Organization)	<p>2.a) Awareness raising on right to education.</p> <p>2.b) Working with donors and civil society for access to education and freedom of association and collective bargaining</p>	<p>1) Work at policy level with government and employers for implementation of legislation in line with international commitments.</p> <p>2.b) Working with donors and civil society for social protection and equal economic opportunities.</p> <p>2.b) Working with donors and civil society for maternity protection in the sphere of employment.</p>		
UNIFEM	<p>1) CEDAW legal working group. Providing technical assistance at the policy level to the government for the implementation and reporting of CEDAW, and input in the Medium Term Development Framework</p> <p>1) Provided input to government about draft migration policy</p> <p>1) Providing awareness to donors and government and UN agencies on humanitarian response in conflict and disaster situations, e.g. Security Council resolution 1325 on women’s participation in peace-making and reconstruction, and resolution 1820 gender based violence as an instrument of war.</p> <p>1) Providing technical assistance to provincial planning department to strengthen policy making at that level.</p> <p>2.a and b) Research and advocacy on earthquake and conflict issues</p> <p>3) Working with civil society for the reporting of CEDAW.</p> <p>3) Donor resource coordination through UNIFEM for the shadow report on CEDAW.</p>	<p>1) Policy and legislation for social protection of home based workers</p> <p>1) UNIFEM also a part of technical input for policy and institutional level change under GRAP.</p>		<p>1) Providing awareness to donors and government and UN agencies on humanitarian response in conflict and disaster situations, e.g. Security Council resolution 1325 on women’s participation in peace-making and reconstruction, and resolution 1820 gender based violence as an instrument of war.</p>

5. Matrix of Activities on Women's Human Rights-Donors (continued)

Stakeholder	Women's Human Rights			
Donor Organizations	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
Norwegian Embassy	<p>1) At the policy level they carry out peace initiatives through media and support civil society organizations that are working on peace.</p> <p>2.a and b) Supporting civil society organizations that focus on increasing political participation of women.</p> <p>2.a and b) Research and publications on human development and women and child rights.</p> <p>3) Through its support to civil society it is providing paralegal training and assistance on legal aid, counseling and shelters</p>	<p>2. a and b) Support to civil society organizations for rights based advocacy, cultural activities for economic development, social/ religious tolerance and awareness of human rights and rural development.</p>		<p>2. a and b) Support to civil society organizations for rights based advocacy, cultural activities for economic development, social/ religious tolerance and awareness of human rights and rural development.</p> <p>3) Through its support to civil society it is providing paralegal training and assistance on legal aid, counseling and shelters</p>
European Commission	<p>2. a, b and 3) Under EID strategy paper country based support schemes primarily for civil society organization programmes.</p> <p>2.a,b and 3) Access to justice, empowerment of religious minorities, women's political participation.</p> <p>2.b) Advocacy for legal reforms.</p> <p>2.b) Monitoring of detention, which includes prison conditions, treatment of pre-trial detainees and prisoners</p> <p>3) Training of civil society actors on human rights and their practical application.</p> <p>3) Provision of legal aid to prisoners and detainees</p> <p>3) Advocacy against arbitrary detention and documentation of cases of enforced disappearances.</p>	<p>2.a,b and 3) Awareness raising and work on Workers' rights</p>		<p>2.a) Awareness raising on sexual harassment and trafficking of women</p> <p>3) Service delivery and shelters for victims of torture, violence crisis centers</p>
DFID/UNDP	<p>(Enter themes from AK material and give RK the GRAP booklet of stories)</p>	<p>1, 2,a,b and 3) Working with government and non-governmental organizations on Social Exclusion of Women</p>		<p>1, 2,a,b and 3) Working with government and non-governmental organizations on Gender Justice Protection Project</p>

5. Matrix of Activities on Women’s Human Rights-Donors (continued)

Stakeholder	Women’s Human Rights			
	Legal and Citizenship	Economic, Social and Cultural	Sexual and Reproductive Rights	Protection from Violence
CIDA	<p>1) Through multi-national donor projects, in this case UNIFEM and ADB, e.g. Gender Mainstreaming in Planning and Development Division and Departments and Support to Implementation of Gender Reform Action Plans.</p> <p>1, 2.a and b, and 3) Responsive fund, Programme for Advancement of Gender Equality. Support to civil society organizations for women’s human rights.</p> <p>1 and 3) Gender Equality Technical Assistance to the Government agency ERRA. Gender sensitive and provision of equality in all reconstruction and rehabilitation services of the government.</p>	<p>3) Through a Canadian organization MEDA, carry out research and capacity building of Pakistani civil society organizations to undertake training on value chain analysis and women entrepreneurship development in poor communities.</p> <p>2.a and b, and 3) Responsive fund, Programme for Advancement of Gender Equality. Support to civil society organizations for women’s health, education and economic empowerment.</p>		<p>1, 2.a and b, and 3) Programme for Advancement of Gender Equality. Support to civil society organizations for women’s human rights.</p>
UN HABITAT	<p>1) Developed a module for gender inclusive land rights, where land transfer by government agencies to landless people is not to one individual, which is male, but land title is transferred to the entire family, including women and girls. This is a policy which is already being applied in AJK and is being pilot-tested in one district of Punjab and Sindh.</p>			

Annex 4. List of Recommendations and Activities (VAW)

Recommendation ¹¹⁰	Activity
Repeal discriminatory legislation, i.e the 1979 Hudood Ordinances and the 1990 Law of Qisas and Diyat.	2006 Protection of Women [Criminal Law Amendment] Act
The law enforcement agencies and officers need further <u>sensitization</u> on the handling of VAW victims and legal charges.	Gender Crime Center established CSOs conducting gender sensitization
The arrest and prosecution of those involved in crimes based on customs needs to increase, as criminals still engage in such murders with impunity.	i)Media coverage increased ii)Protection of Women [Criminal Law Amendment Act] 2006, Criminal Law Amendment Act 2004 iii)A Domestic Violence Bill is pending in Parliament and other legal measures have been taken, as discussed in Section IV.
Accurate <u>statistics</u> are difficult to come by, and the government is not sharing with the public the data it has.	Figures on violence are being compiled by CSOs and the Gender Crime Center, at national and provincial levels.
A clear <u>definition</u> of what constitutes violence has yet to be agreed upon by stakeholders	More types of violence are included in policy and programme work, and this may be the correct time to agree on a definition.
Trafficking, Sex Trade, and Conflict: The current conflict in Pakistan has displaced millions of people, out of whom women and girls are vulnerable to sexual violence and to the ongoing trafficking and sex trade in the region.	2002 Trafficking Ordinance 2004 Trafficking Ordinance Rules
VAW is often the result of women seeking to exercise their <i>rights to choice</i> in marriage and/or divorce.	i) Protection of Women [Criminal Law Amendment Act] 2006, Criminal Law Amendment Act 2004 ii) Supreme Court has declared an adult woman allowed to marry out of her own choice. iii) Research and documentation in place, including information on case law
Violence in the workplace needs to be addressed, particularly the <i>sexual harassment</i> of working women.	Draft Sexual Harassment in the Workplace Bill, going through government procedures at present.
Health implications of VAW : - vulnerability of women to HIV/AIDS, but also -- - research studies that link pregnancy with increased rates of domestic violence. - treatment facilities for burn victims in hospital, - reduce maternal deaths - promote contraception as a life-saving intervention - access to safe abortion services	i) Research, medical and social science ii) CSOs working on sexual and reproductive rights and building networks iii) PRHN network closely engaged with relevant government ministries iv) increased funding in CSO sector for family planning v) Safe post-abortion care has become a major issue for advocacy groups, including doctors.
Protect children from sexual abuse	i) CSOs in the SRHR sector expanding their programmes ii) Media discussions on the topic to raise awareness.
There are not enough <u>services and shelters</u> run by the state to protect women who attempt to escape violence.	Government Crisis Centers, 3 Shelters, and plans to up it to 9.
The <u>medico-legal system</u> used to press charges for VAW is out-dated and inefficient.	Comprehensive report by Aahung. Increased number of hospitals with medico-legal facilities, which may lead to more prosecutions.

Source: Authors' analysis

Annex 5. Discussion of the Constitution of Pakistan (1973)

The laws of Pakistan are supposed to take their base from the Constitution of Pakistan. Article 5 of the Constitution places an obligation of loyalty and obedience to the Constitution and law on all the citizens of Pakistan; Article 8 states that 'Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void'¹.

While Pakistan has ratified a number of international conventions, including CEDAW and CRC, it has not promulgated implementing acts; thereby the provisions of the conventions are not legally binding on the citizen's of Pakistan. The GoP report to the CEDAW Committee in May 2007 stated that there was no need to promulgate an implanting act for CEDAW, as its principles already exist in the Constitution.

As discussed above, in Part III, the Constitution of Pakistan does give a number of rights to its citizens within the Fundamental Rights and Principles of Policy chapter, including a number of clauses that by and large take notice, and give some protection to gender rights - although this is also done by remaining mostly gender neutral. However, there remain a number of flaws within these rights as well. The role of the judiciary is vital in interpreting the clauses. So far there have been a number of judgments giving positive interpretations to the clauses, but the approach has been more sympathetic for the person or the issue at hand rather than a rights-based looking to come out strongly on an issue.²

A Critique of Constitutional Rights

Some of the positive rights being provided include the right of individuals to be dealt with in accordance with law etc (Article 4); Right to life and liberty (Article 9); Laws to be consistent with or in derogation of fundamental rights to be void; Dignity of Man (Article 14); Freedom of speech; Right to profess religion (Article 20) etc.

Article 25 is the most significant clause: the equality of citizen's clause, stating there will be no discrimination on the basis of sex alone. Further provisions are made to ensure that there is no restriction to affirmative action for the protection of women and children.

Other Articles in the Chapter on Principles of Policy have been referred to as "developmental rights" by the Inquiry Commission on the Status of Women.

Article 32: women to be given special representation in local bodies

Article 34: "Steps shall be taken to ensure full participation of women in all spheres of national life."

Article 35: binds the state to protect marriage, the family and the mother and child.

¹ Government of Pakistan. Constitution of Pakistan 1973,

<http://www.pakistani.org/pakistan/constitution/>[accessed August 14, 2009]

² This discussion is based on the author's interview with Danish Zuberi, an expert on women's issues and the law in Pakistan, 11 April 2009, Karachi.

Article 37: lays down commitments for promoting social justice and eradication of social evils. It promotes removal of illiteracy, provision of free and compulsory education, securing just and human conditions for work and maternity benefits, ensuring that children and women are not employed in vocations unsuited to their age or sex.

Article 38: securing the well-being of people irrespective of sex, etc, preventing concentration of wealth and means of production the hands of a few, providing facilities for work and adequate livelihood, as well as rest and leisure, providing social security and basic necessities of life such as food, clothing, housing, education and medical relief for all citizens irrespective of sex, caste, creed or race.

However, while the Constitution does seem to enunciate a number of fundamental freedoms, at the same time it places restrictions on a number of them. For example, the freedom of speech and freedom to profess religion, both are restricted, subject to restrictions imposed by law, public order or morality. While the judiciary can act as a watch dog and protect these rights, it depends entirely on the interpretation of the judge at the time. A Constitution should not be ambiguous and open-ended.

Furthermore, although the Constitution protects both men and women from violence to a great degree, there are laws based on Islamic injunctions that do not uphold these provisions. The Hudood Ordinance (1979) and the Qisas and Diyat Ordinance (1990) have played a pivotal role in undermining women's human rights and they promote a cruel interpretation of Islam instead, that include cruel and unusual punishments that have attracted condemnation from international human rights organizations.³

Critiques on other women specific clauses are summarized below.

Article 8:

While this declares no law, custom or usage can be inconsistent with fundamental rights, it does not include that the provisions of the Constitution must also be interpreted in accordance with fundamental rights. It therefore leads to ambiguity in the interpretation of constitutional provisions, consequentially leading to further ambiguity within the laws of the land.

Article 8 also bars the touchstone of these rights being applied to laws relating to the armed forces, police and laws listed in the First Schedule, making them immune to scrutiny on the basis of gender discrimination.

Article 14:

Here, the dignity of man is assured, subject to law and the privacy of home. There is danger when specifying the 'privacy of home'. One of the biggest issues dealing with women's human rights comes from the public/private divide i.e. that what happens in private should not be subject to scrutiny, including the law. The problem arises with the question of the definition of 'dignity' and what is included in a woman's 'dignity'. Article 14 (2) deals with right against torture for the purpose of extracting evidence. This explicitly allows torture for any other purpose. This especially needs to be redrafted with Pakistan signing the Torture Convention in April 2008.

³ Amnesty International (April 2002).

Article 22:

This Article deals with safeguarding educational institutions. It states that no citizen shall be denied admission to any educational institution receiving public revenues on the ground only of race, religion, caste or place of birth, This often results in not allowing women to enter into all-male higher and specialized institutions. However, simultaneously, the necessity of all-female institutions cannot also be denied, especially under the principle of affirmative action. The Article needs to be amended to omit the word 'only' and add the word 'sex', while also specifying the need and creation of all-female institutions.

Article 25:

The biggest issue with the 'equality' clause is that while stating there will be no discrimination on the basis of sex alone, it provides no definition of 'discrimination'. Nor does it refer to any of the international conventions signed by Pakistan which may lead to a concrete definition, thereby leaving it interpretation by the court. Furthermore, there is a great potential of misuse in its wording. The words 'sex alone' suggests that sex coupled with some other factor may provide justification for discrimination. Moreover, the word 'protective' in relation to women, in the cultural context of Pakistan, has the potential for a rigid and conservative interpretation which could even be used to justify the barricading of women. 'Protective' legislation can also often result in being discriminatory to women. Moreover, the word is patronizing and does not reflect the spirit of affirmative action which was intended by this clause. This should be replaced with words which connote that special affirmative women's status and rights towards the promotion of gender equality.⁴

⁴ Aurat Foundation. Nd. *Legislative Watch Newsletter No 5*,

Annex 6. Pakistan's International Human Rights Commitments

1948 Universal Declaration of Human Rights (UDHR)

It is pledged to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.”¹¹¹ Even a cursory glance at the UDHR reveals that women are denied almost every fundamental human right enshrined in the document. These include:

- the right to life, liberty and security of person (Article 3),
- the equality of rights and freedoms of men and women (Article 1 and 2), equality before the law (Article 7),
- freedom of movement within the State (Article 13),
- right to nationality (Article 15),
- freedom of choice in marriage (Article 16),
- right to own property (Article 17),
- right to assemble, take part in government, equal rights to access to public service, vote in elections, employment, equal pay, join trade unions, basic rights to health and well-being, education, participation in cultural life, and more (Articles 18-30)

1990 United Nations Convention on the Rights of the Child. Pakistan ratified this on 12 November, 1990.

1993 UN Conference on Human Rights, Vienna Declaration

This landmark conference recognized that human rights of women and the girl-child are an integral part of universal human rights. It demanded the full and equal participation of women in political, civil, economic, social and cultural life, and vowed to eradicate all forms of discrimination on grounds of sex. Violation of their human rights included all forms of gender based violence, with a particular focus on armed conflict.

1994 UN Conference on Population and Development

Pakistan adopted the *Programme of Action* reaffirming principles of gender equality and equity, the empowerment of women, right to development, reproductive rights and eradication of poverty. Reproductive rights “...embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health.” This includes the right of couples to make reproductive decisions without discrimination, coercion and violence. It also necessitates equitable gender relations and special attentions to the needs of adolescents due to their lack of information and access to services.¹¹²

1995 Fourth World Conference on Women

¹¹¹ Universal Declaration of Human Rights, General Assembly Resolution 217 (A) (III), 10th December, 1948.

¹¹² Programme of Action of the International Conference on Population and Development, Cairo, 1994, paragraph 7.3, and repeated in the Fourth World Conference on Women Platform of Action, Beijing, paragraph 95.

The Fourth World Conference on Women: Action for Equality, Development and Peace was held in Beijing in 1995. The conference focused on the advancement and empowerment of women in relation to women's human rights, women and poverty, women and decision-making, the girl-child, violence against women and other areas of concern. The resulting documents of the Conference are *The Beijing Declaration* and *Platform for Action*.

The *Declaration* recognizes that women's rights are human rights and it commits to the advancement of women and empowerment of women by recognizing that women hold an unequal status in society; and have different and diverse effects to issues such as poverty. It reaffirms the commitment to ensuring all the fundamental and basic human rights to women who face multiple barriers, including access to information, resources, and more; to involve women in decision making at all levels; and to put into place gender sensitive policies and programmes at all levels that will foster the empowerment and advancement of women.

The *Platform for Action* is an agenda for women's empowerment. It aims to remove all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. The action plan sets time- specific targets, committing nations to carry out concrete actions in such areas as health, education, decision-making and legal reforms with the ultimate goal of eliminating all forms of discrimination against women in both public and private life.

1996 United Nations' Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW is the first comprehensive and detailed charter of equality for women under international law. It is a legally binding document that guarantees equality and freedom from discrimination by the state and private actors in all areas of public and private life; it attempts to bridge gap between public private divide by including family specifically. The three founding principles of CEDAW are equality, non-discrimination and state obligations. It requires state parties to ensure that women enjoy equality in fields of civil, political, economic, social and cultural rights. It addresses not discrimination on the basis of sex, but discrimination against women, amplifying particular areas where gender discrimination is most marked. It imposes explicit obligations on state parties with respect to discrimination by private parties, as well as state or public officials, calling for no less than a change in the traditional role of men and the role of women in society and in the family in order to achieve full equality between the sexes.

Declaration:

"The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."

Reservation:

"The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention."

<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>

The rights of women enshrined in CEDAW¹¹³:

1. Civil rights and freedoms, right to women's own nationality, right to equal treatment before the law (Article 15 and 16),
2. Right to equal participation in social and political life (Articles 7 and 8),

113 See the Sri Lanka study: Children and Women in Sri Lanka

3. Right to a family environment free of sex role, stereotyping (article 5)
4. Treatment in family and marriage law (article 16),
5. Right to health care including family planning service (article 12),
6. Right to education, work and cultural activities (articles 10, 11 and 13),
7. Right to special measures of protection for rural women (article 14),
8. Protection from sale and sexual exploitation (article 6)

CEDAW does not directly address the question of violence against women. Nonetheless some organizations do make the argument that Article 5 does make violence an integral part of CEDAW. The Article upholds the right to a family environment free of sex role, stereotyping. It holds that states are obligated to work towards modifying social and cultural patterns of individual conduct in order to eliminate prejudices, customary and other practices based on the idea of one sex being inferior to another. To clarify its stand on violence, though, in 1989 CEDAW passed a recommendation in 1989 asking states to report on statistics, legislation and support services in this area.¹¹⁴

In the case of Pakistan, CEDAW's Article 5 works well as an instrument on violence because it is cultural, religious, and social practices that are invoked to justify VAW. State parties agree to initiate constitutional, legislative, administrative and other measures and address discrimination entrenched *de jure* and also *de facto*. State obligations include:

- Prevent discrimination
- Prohibit discrimination
- Identify and redress discrimination
- Impose sanction against discriminating acts
- Promote women's rights and equality through proactive measures
- Accelerate de facto equality
- They recognize discrimination and inequality
- They recognize the need for state action
- They commit themselves to do certain things and not do certain things
- They are willing to be held accountable at state and international levels¹¹⁵

Pakistan and CEDAW

Pakistan ratified the CEDAW Convention in April 1996 with one declaration and one reservation regarding dispute resolution mechanism and supremacy of the Islamic Constitution of Pakistan. Declaration:

"The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."

Reservation:

"The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention

<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>

Pakistan has neither signed nor ratified the Optional Protocol to the CEDAW.

Pakistan presented combined Initial, Second and Third Periodic Reports, before the CEDAW Committee during its 38th Session at the United Nations, New York, on 22 May 2007. The

¹¹⁴ CEDAW Recommendation No. 9, CEDAW Committee.

¹¹⁵ UN Human Rights Treaty System, presentation by Naeem Mirza

Pakistan Report was supported by Responses to the List of Issues and Questions raised by a Pre-session Working Group of the CEDAW Committee. A shadow report, an alternative report and an NGO statement were also presented by Pakistani civil society, who also presented to the CEDAW Committee.

The CEDAW Committee released its Concluding Comments on the Pakistan report, containing 53 points addressing 'principal areas of concern and recommendations' requiring action and clarification on them by the Government of Pakistan (GoP). The GoP was required to present its response in its next periodic report that was due April 2009 but has now been delayed to September-October 2009.¹¹⁶

CEDAW Committees Concluding Comments

The CEDAW Committees Concluding Comments focused on a large range of issues. A summary of the substantive issues raised is provided here.

1. State urged to withdraw its declaration on the Convention, which states that the Convention is subject to the provisions of the Constitution of Pakistan.
2. Amend Constitution or include in appropriate legislation to include CEDAW's definition of discrimination (Article 1) which encompasses both direct and indirect discrimination.
3. Discrimination still in existing laws: Citizenship Act 1951 (which forbids Pakistani women to pass on their nationality to a foreign spouse), Law of Evidence 1984 (on the value of a woman's testimony), Hudood Ordinances 1979 (offences of *zina*). These laws should be reviewed and revised.
4. Awareness raising campaigns on Convention to make women aware of their rights and avail themselves of redress mechanisms.
5. Strengthen National Commission on the Status of Women (NCSW): to coordinate mechanisms to implement Convention, training and capacity at all levels of the state, accountability mechanisms for applicability of standards and provisions of CEDAW in the National Plan Action (NPA) and Gender Reform Action Programme (GRAP)
6. Violence: *Qisas* and *Diyat* law provides impunity

The Concluding Comments have formed the basis of focused advocacy and lobbying for civil society. Although widely spread and distributed, the concluding comments have not yet resulted in the formulated of consolidated manuals, other than CEDAW tool kit that has been prepared by Aurat Foundation during the collected of data for the Shadow Report. Nevertheless, they have provided civil society with immediate targets to highlight along with their other priorities.

UN Resolution 1325, 2000

The UN Security Council Resolution 1325 Resolution (S/RES/1325) is the first resolution that addresses the '*disproportionate and unique impact of armed conflict on women, recognized the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building, and stressed the*

¹¹⁶ As of June 2009, the GoP has prepared the first draft of its periodic report, which is being re-drafted after severe criticism. Alongside the GoP report, as of the moment, two shadow reports are also being prepared by Shirkat Gah and a combined NGO report, being facilitated by Aurat Foundation.

importance of their equal and full participation as active agents in peace and security'.¹¹⁷ It is the first time the UN noted that conflict affects women and girls differently from men and boys. It recognized the necessity of a gender dimension in peacekeeping operations and promotion of women's full involvement in all efforts to maintain and promote peace and security.

The resolution calls for enhanced participation of women in all mechanisms to prevent, manage, and resolve conflicts, and for attention to the special needs of women and girls during resettlement, disarmament, reintegration, and other post-conflict processes.¹¹⁸

International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1975 (CAT)

The Convention Against Torture (CAT) defines torture and requires state parties to take effective legal and measures to prevent any act of torture in any territory under their jurisdiction and to punish perpetrators if it does. These include ensuring that torture is a criminal offence, establishing jurisdiction over acts of torture committed by or against a party's citizens, ensuring that torture is an extraditable offence, and establishing universal jurisdiction to try cases of torture where an alleged torturer cannot be extradited. Parties must promptly investigate any allegation of torture and victims of torture must have an enforceable right to compensation. Parties must also ban the use of evidence produced by torture in their courts, and are barred from deporting, extraditing or refoulement of people where there are substantial grounds for believing they will be tortured. Parties are also obliged to prevent other acts of cruel, inhuman or degrading treatment or punishment, and to investigate any allegation of such treatment within their jurisdiction.

Pakistan signed CAT in April 2008.

United Nations Security Council Resolution 1820, 2008

The Resolution demands the "immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians," expressing a deep concern that, despite repeated condemnation, violence and sexual abuse of women and children trapped in war zones was not only continuing, but, in some cases, had become so widespread and systematic as to "reach appalling levels of brutality".¹¹⁹

¹¹⁷ Preamble, UN Security Council Resolution 1325

¹¹⁸ Human Rights Watch, UN Security Council Resolution 1325: Recognizing Women's Vital Roles in Achieving Peace and Security, 15 May 2008, available at: <http://www.unhcr.org/refworld/docid/48314dfa94.html>

¹¹⁹ United Nations website, <http://www.un.org/News/Press/docs/2008/sc9364.doc.htm>, accessed on 3rd June 2009

Annex 7. Description of Legal Reforms in Pakistan Relevant to Women's Human Rights 2000-present

Criminal Law Amendment Act 2004

The Criminal Law Amendment Act, also referred to as the Honour Killing Act, was passed after years of activism and demands by different segments of society to clearly make illegal the heinous crime of murder under the name of honour. In 2004, the Government finally passed an Act outlawing honour killings and making them punishable. However, despite many objections, a number of loop holes remained in the law, most importantly, the remaining existence of Qisas¹²⁰ and Diyat¹²¹, thereby making it largely ineffective.¹²²

Prevention and Control of Human Trafficking Ordinance 2002 and Prevention and Control of Human Trafficking Rules 2004

The Trafficking Ordinance was welcomed as an attempt to deal with confusing issue of illegal smuggling of humans and human trafficking. Although it was passed seven years ago, its corresponding rules were passed 2 years later in 2004. Examining the Ordinance and Rules together, it is apparent that in attempting to deal with the issue, they have proven to be inadequate, leaving a number of issues and problems to be dealt with. For example, there is no focus on the internal trafficking, punishments need to be made harsher and bail for the perpetrators needs to be eliminated.

Protection of Women (Criminal Law Amendment) Act 2006

The Hudood Ordinances¹²³ were considered politically untouchable for 27 years due to their origins in Islam. After years of protests, campaigns and activism, they were finally amended by the Protection of Women (Criminal Laws Amendment) Act 2006 (WPA). The government hails this as a sign of their commitment towards protecting women's rights. While the amendments to the Hudood have been welcomed, there remain a number of problems within the WPA which are not effectively dealt with. There still remains a necessity to repeal the Hudood Ordinance and to fill in the gaps of the WPA.¹²⁴

The Pakistan Citizenship Act 1951

This law provides details of Pakistani citizenship and related procedures and issues. It was criticized for many years as the children of a Pakistani woman and a foreign man were not granted automatic citizenship, while in a reversed situation with a Pakistani man and a foreign woman, this was not the case. In a 2000, this was amended, changing the word 'father' to 'parent', thereby allowing children with a Pakistan parent to get nationality.

However, huge discrimination still remains as foreign husbands of Pakistani women still do not get automatic citizenship as foreign wives of Pakistani men do.

Family Courts (Amendment) Act 2002

¹²⁰ Islamic term, meaning retaliation, in case of murder, meaning right of heirs of murder victim to demand execution of the murderer.

¹²¹ Compensation paid to the heirs of the victim i.e. blood money.

¹²² There is no 'Honour' in Killing, Aurat Foundation Publication

¹²³ The Hudood Ordinances are a set of five Ordinances promulgated by General Zia ul Haq in 1979 during his military rule, under the pretext of bringing the laws of Pakistan in conformity with Islam. They have been severely criticized as being highly discriminatory and oppressive, especially to women and other marginalized sections of society.

¹²⁴ Aurat Foundation *Legislative Watch Newsletter No. 24*.

Amendments were made to the procedure on cases of Muslim family laws. Concrete and welcomed changes were made to make it easier for women to get a 'khula'¹²⁵ within a specified time-period. The reforms also gives a person the option to file within one case the marriage, maintenance and custody, divorce, and charges of violence at the same time. The courts are now mandated to complete a case of divorce and other related issues such as maintenance and guardianship within six months.¹²⁶

National Commission on the Status of Women Ordinance, 2000

The formation of the National Commission on the Status of Women was a benchmark in the women's movement. After years of demands, a government commission was set up to monitor women's issues. However, the commission has not been given any power or autonomy which would allow it the right to effectively participate, monitor, guide or oblige the government to perform on women's rights issues. It has largely been side-lined from the mainstream of government.

¹²⁵ The right of a Muslim woman to divorce or separate from her husband.

¹²⁶ Rukshanda Naz and Maliha Zia (2008)