



PAKISTAN'S NATIONAL COMMISSION ON THE STATUS OF WOMEN: A SANDWICH STRATEGY INITIATIVE

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Summary

Pakistan's National Commission on the Status of Women (NCSW) was an outcome of the women's movement struggle for gender equality and continues to support their demands for gender justice. It is a compelling case study of sandwich strategy initiative in which pro-reform actors within government cultivated synergy with citizen stakeholders to drive institutional change such as legislative and policy reforms for women's rights (ARC 2019). NCSW successfully negotiated with vested interests by building coalitions with dedicated bureaucrats, concerned politicians, and strategic government bodies together to work for reforms and reduce the risks of collective action for civil society activists. This paper focuses on two initiatives where NCSW acted successfully to mediate and reinforce the interaction between pro-reform actors within the state and society, mitigating the risks for citizen's action and consolidating support for policy reforms within government. The first was NCSW's role to build parliamentary support for the 2006 reform in Pakistan's controversial *zina* laws which ban all sex outside of marriage. The second initiative was NCSW's role as petitioner in a successful bid to ban *jirgas*, or tribal councils. The Supreme Court of Pakistan declared *jirgas* unconstitutional in 2019, recognizing their role in honour killings and illegal practices such as the exchange of girls in marriage to settle tribal disputes. When its initiatives have worked, the NCSW was led by seasoned activists who used their leadership, experience and convening power to draw on support from feminist groups to achieve policy reforms. Yet political and bureaucratic constraints to NCSW's effectiveness remain. These undermine its ability to build coalitions for further progress on gender rights and to mitigate the risks for activists and women on the ground when they organize for change.

Keywords

Pakistan, National Commission on the Status of Women, women's movement, gender policy reforms.

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Introduction

Pakistan's National Commission on the Status of Women (NCSW) was an outcome of the women's movement struggle for gender equality and it continues to serve a gender justice agenda. It is a compelling case study of a 'sandwich strategy initiative', in which pro-reform actors within government cultivated synergy with citizen stakeholders to drive institutional change such as legislative and policy reforms for women's rights (ARC 2019). Since it was set up in 2000, NCSW has successfully negotiated with vested interests by building coalitions with dedicated bureaucrats, concerned politicians, and strategic government bodies together to work for reforms and reduce the risks of collective action for civil society activists. When its initiatives have worked, the NCSW was led by seasoned activists who used their leadership, experience and convening power to draw on support from feminist mobilizations and advocacy organisations in civil society to achieve policy reforms. Yet after almost two decades, political and bureaucratic constraints to NCSW's effectiveness remain and may be increasing. This will undermine the commission's ability to build coalitions amongst policy-makers for urgently needed progress on gender rights and to mitigate the risks for activists and women on the ground when they seek redressal for rights violations and organize for change.

This paper focuses on two initiatives when NCSW acted successfully to mediate and reinforce the interaction between pro-reform actors within the state and society, mitigating the risks for citizen's action and consolidating support for policy reforms within government. The first is NCSW's role in building parliamentary support for the 2006 reform in Pakistan's contentious laws banning all sex outside of marriage and making it punishable by death. Known as the *zina* laws, these Shariah-based reforms were introduced in 1979 as part of the military's regime's program to Islamize the state and society. The death sentences and thousands of arrests under these laws triggered the modern women's movement in Pakistan. The Women's Action Forum (WAF) advocacy group spear-headed the opposition to the regime's discriminatory policies against the rights of women and religious minorities (Khan 2018). The second initiative is NCSW's role as petitioner in a successful bid to ban *jirgas*, or tribal councils. The Supreme Court of Pakistan declared *jirgas* unconstitutional in 2019, recognizing their role in honour killings and illegal practices such as the exchange of girls in marriage to settle tribal disputes.

The methodology for this paper is based on qualitative data collection and secondary research. One dozen in-depth interviews with former chairpersons of NCSWs and its provincial counterparts (PCSWs), activists and politicians were conducted. An online media review established the type of coverage and details of the public debate during the periods when the *zina* laws were under review and the *jirga* issue received media attention. Grey literature produced by the NGO sector and NCSW reports helped to triangulate the interview data and media timelines to confirm key events, political context, and argumentation developed by activists, politicians and NCSW around these initiatives.¹ There is limited scholarly work on the process of gender reforms in Pakistan, and the role of NCSW in specific initiatives. The few academic studies available provided valuable background to this research.

¹ I thank Asiya Jawed at the Collective for Social Science Research for her support with interviews and documentation.

The discussion below begins with two sections to establish the context for NCSW's role in mitigating the risks and costs of protest actions to women on the ground, and broadening spaces for state actors to ally with their demands to produce tangible outcomes for women's rights. The first section explains the risks for women who engage in collective action to protest against sexual violence and the socio-cultural institutions that perpetuate discriminatory norms in Pakistan. In the second section, I introduce the NCSW and its mandate, highlighting its struggle to establish credibility as a government body. Next, I show how it was able to fulfill its role in the *zina* law reform initiative (Section III) and *jirga* petition initiative (Section IV). The paper concludes with a summary of the main analytical findings.

I. Gender-based Violence and the Risks of Collective Action

Civil society activism to promote gender justice in Pakistan is contentious and dangerous at two levels. Protest and advocacy work pose political and social risks for activists. They have a history of confronting the state for discriminatory policies, while navigating a political and social environment increasingly distrustful of civil society organizations (Khan 2018). As civic spaces shrink throughout the country, government officials discredit NGOs for representing western interests or undermining local culture (Mohmand 2019). At the second, deeper level, individual women who struggle against violence and discrimination within their families and communities are vulnerable because they have limited access to protective mechanisms or justice for violations of their rights. I show that the NCSW and its provincial counterparts play a role in mitigating risks for women at both these levels.

All women who exercise agency to resist patriarchal practices face some level of risk in their personal lives from family and community members. They also contend with risk in the public domain from actors within the state, religious organizations, media and political parties who conflate national with religio-cultural values to challenge both the morality and patriotism of women who resist. These actors wield the threat of violence as a weapon to powerful effect by bringing to bear both state-led discriminatory policies and local norms to curtail women's struggle for equality and justice.

The modern women's movement began in 1981 with the formation of Women's Action Forum, an urban-based lobby group that protested against the military regime's Islamization policies led by General Zia ul-Haq (1977-1988). In 1979 he introduced Hudood laws to cover five kinds of crimes under Islamic law: rape, adultery (*zina*), intoxication, theft, and bearing false witness. The maximum punishment for *zina*, i.e. sex outside of marriage, was the death penalty. If a woman charged rape but could not prove it, she was liable to punishment for engaging in illegal sex. As a result of these discriminatory laws, the jails were filled with unprecedented numbers of newly incarcerated women. By 2005 an estimated 200,000 cases were in process around the country (Human Rights Watch 2005:1). For decades WAF drew national attention to the problem, while its members, the lawyers Hina Jilani and Asma Jahangir, provided free legal aid to thousands of women in jail. WAF and leading advocacy organizations, including the Human Rights Commission of Pakistan, called for repeal of the *zina* laws on the grounds they were

discriminatory, and violated both fundamental rights and the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Pakistan ratified in 1996.

WAF initiated the first street protests against Zia's regime. Possibly due to their urban and middle-class status, activists largely avoided arrests, although some were briefly detained for their protests over the years. As religious parties increased their influence under Zia's rule, their rhetoric against women's rights became more strident. The conservative political elite and media censured WAF activists as being immoral, westernized and representing foreign interests. Right-wing politicians more than once publicly accused lawyer Jahangir of blasphemy – a charge for which numerous Pakistanis have paid with their lives through vigilante killings. Jilani narrowly escaped with her life when a client seeking divorce was murdered in her office in a so-called 'honour killing' in 1999. Religious groups held public processions more than once to demand both these lawyers' death for their work to protect women from violence (Khan 2018).

Another Islamic law called *Qisas* and *Diyat* came into force in 1990 through a series of ordinances re-promulgated over twenty times before becoming an act of law in 1997. It privatized the crime of murder by allowing the victim's heirs the option to either forgive an accused, demand financial compensation or receive retribution. The law is associated with a rise in overall murder rates in Pakistan (Wasti 2009). Women activists documented how it led to increased impunity for honour killings and the murder of women, but its origins in Shariah make it politically contentious to reform (Shah 2017). Instead, women politicians worked closely with male allies to achieve changes in the laws against honour killings in 2016, making it more difficult for courts to allow settlements under *Qisas* and *Diyat* to apply in these cases (Khan 2018).

The application of Islamic laws and weakened governance structures at the local level strengthened the role of informal tribal *jirgas*. These all-male councils pronounce verdicts on numerous local disputes that never make it to a corrupt and dysfunctional formal court system. They pronounce judgments on women accused of adultery or illicit sex, and settled disputes related to property, family and tribal matters. In parts of the country where the writ of the state is weak and tribal law is strong, such settlements can involve the exchange of girls and marriage of infants or children between parties. This practice, known as *swara*, *vanni*, or *sung chatti*, uses the barter of women in marriage as a form of settlement. The terms reflect slight variations depending on the nature of the offence. For example, *vanni* refers to practice in the north-western tribal regions of the country whereby the virgin daughter or family member of the offender is handed over to the aggrieved family in cases of murder, kidnapping or attack on other women (Brohi 2017).

Thus, the combination of formal discriminatory laws with the growing influence of *jirgas* have deepened gender violence.

Table 1: Swara/vanni & honour killings (2012-17)

Year	Swara/ Vanni	Honour Killing
2012	17	913
2013	9	900
2014	27	1005
2015	--	1184
2016	28	53
2017	15	309
Total	96	4364

Sources: Human Rights Commission of Pakistan (2012, 2013, 2015, 2017); Brohi (2017); Inayat (2017).

Incidents of harmful practices and deaths due to honour killings are most commonly retrieved through media reports (Table 1). Several cases of *swara/vanni* may be conflated with forced marriages and occur mostly in rural areas. Many are never recorded in police stations or brought to media attention, so the numbers are a likely underestimate.

During the Taliban-led insurgency in the north-west that began in 2007, militants initiated their own Shariah courts which dispensed harsh punishments to women. The breakdown of the formal legal system generated early public support for these courts, while the militants were seen as resisting US imperialism in the region. Activists nonetheless spoke out against the Taliban's violations of women's rights, at considerable risk to their own safety as we will see below. A series of military operations ending in 2015 largely quelled the insurgency.

In 2018, Pakistan was ranked the sixth most dangerous country in the world for women due to its persistent discrimination, sexual violence, non-sexual violence, and cultural traditions (Thomas Reuters Foundation 2018). Extreme acts of sexual violence are commonplace. In 2018, there were 360 rape cases and 112 gang rape cases reported in the media (HRCP 2018). Thirty-four per cent of women in one recent national survey reported at least one experience of violence by a partner or family member (Social Policy and Development Centre et al. 2019).

The women's movement is heavily focused on ending different forms of gender-based violence, but the deeper values and attitudes that maintain gender inequality are of growing concern too. The Gender Social Norms Index found over 98 per cent of men and women hold at least two biases against gender equality in Pakistan (UNDP 2020). The link between values and persistent gender inequality is clear. Thus, Pakistan sits at 151 out of 153 countries in the global gender parity index (World Economic Forum 2019).

Today the women's movement comprises the older activists and a new wave of young feminist mobilizations. The older generation maintains a focus on the state, calling for legal, policy and institutional reform towards greater gender equality. In the last three years, younger feminist mobilizations are increasingly focused on challenging the values and norms that shape their everyday lives. The annual International Women's Day Aurat Marches in urban centres, with slogans in support of #MeToo, LGBTQI rights, and women's bodily and sexual rights, are more focused on personal freedoms yet do not ignore economic and political claims-making (Saigol 2019).

The new slogans led to a new wave of backlash, led by the same religious parties that opposed the women's movement during the 1980s and including new radical groups formed more recently. Their representatives filed police reports against young activists, petitioned the courts to stop the marches, and declared the protestors a threat to Islamic and cultural values. Television channels aired live insults against women activists, including loosely veiled threats calling for their gang-rape (Samaa 2019). At the 2020 Aurat March on International Women's Day in Islamabad, men and women from two extremist religious organizations hurled stones at the marchers, injuring some despite cordons of police protection (The News 2020).

It is with this context of violence and risk in mind that we turn to two NCSW initiatives to see how it played an effective role to mediate women's collective action goals with state actors and bodies to achieve greater accountability for violence against women and push the state towards implementing gender equality, albeit incrementally. The first initiative helped to end the arrest of women under the *zina* laws. The second initiative against *jirgas* led to a landmark 2019 judgment reinforcing women's fundamental rights and recognizing the state's commitment to CEDAW. It empowered activists in their challenge to government actors and political elites who uphold this tribal and patriarchal institution, potentially reducing its power over women's lives.

II. The National Commission on the Status of Women

Pakistan's first woman Prime Minister, Benazir Bhutto, created significant policy momentum by ratifying CEDAW and establishing the third Inquiry Commission on the Status of Women in 1996 to recommend legal and policy reforms. Chaired by a Supreme Court justice, it included senior activists of the women's movement.² The Inquiry Commission recommended a permanent Commission; it was to be fully autonomous government body, with its interaction and linkages with other state organizations 'meticulously' worked out. This was to be complemented by an equality ombudsman to process violations of women's rights and oversee the proper implementation of laws and policies for women (Commission on Inquiry for Women 1997:109).

When General Pervez Musharraf assumed power in 1999 in a military coup d'état, he pursued a policy of 'enlightened moderation', in an attempt to assure domestic and international critics that he was different from Pakistan's previous military leader. He recruited seven women to his cabinet, amongst them legal scholar Shaheen Sardar Ali, an expert on CEDAW. They proposed the creation of a permanent National Commission on the Status of Women (NCSW) as their first policy initiative. Soon after, Musharraf passed a presidential ordinance to establish the NCSW. Despite its birth under a military dictatorship, it was hailed as an important achievement in the struggle for women's rights. Sardar Ali served as its first Chairperson.

NCSW's mandate is to oversee government policies and legal initiatives for the empowerment of women and identify discrimination against them, as recommended by the CEDAW committee to monitor each country's compliance with the Convention (UN Women 1988). Thus, NCSW tracks

² These included Asma Jahangir, who co-founded the Human Rights Commission of Pakistan in 1986, and Shahla Zia, joint director of the women's advocacy organisation Aurat Foundation. Both were members of WAF.

and monitors compliance of the government with its international and constitutional commitments, including CEDAW (Ali 2012). It possesses investigative powers to ask for details of court cases and may call for evidence.

However, the statutory body's powers fall short of the women cabinet members' original vision based on the CEDAW template. The government failed to create complaint mechanisms in the provinces. While the details over NCSW's powers were being negotiated, government officials already believed it duplicated the role of the existing Ministry of Women Development. They suspected the proposed complaint mechanism was a plan to set up a 'parallel government for women', paving the way for tension with the women's ministry that persists until today. Thus the women cabinet members were forced to choose 'between a watered-down version' and accept a Commission with limited powers, or none at all (Ali 2012:56).

Political support is essential to NCSW's effectiveness. Its first three chairpersons were appointed under an authoritarian military regime. Since the post-Musharraf democratic transition began in 2008, a cross-party parliamentary committee evaluates candidates and appoints the NCSW chair (a similar process is followed for the provincial commissions). In addition to its chairperson, the NCSW includes 18 other members as provincial representatives, a religious minority member, and representatives from other ministries (NCSW 2020). In October 2019, the tenure of its last chairperson lapsed and the government failed to select her replacement even 18 months later.

As a new body negotiating its place within an entrenched bureaucracy, whose culture is rooted in the colonial-era Indian civil service, NCSW still struggles to consolidate its position twenty years later. Former chairpersons believe the most formidable opposition to NCSW came from within the bureaucracy. The Ministry of Women's Development (MOWD), as the line ministry, provided a skeleton staff to NCSW. The first chair to serve her full term, Justice Majida Rizvi (2002-5), recalls the MOWD secretary sharing the view that NCSW was created by 'western or American interests' and should shut down. There were ideological arguments about women's rights and daily tensions with the ministry's staff (Rizvi 2020).

The next chairperson with a background in women's rights activism was Anis Haroon (2009-12).³ She struggled with MOWD's refusal to grant NCSW the financial and investigative powers she insisted were part of its mandate. Even after cabinet approved these powers, it nonetheless resisted implementing them. Haroon says fellow bureaucrats once disconnected her electricity supply for two weeks and blocked the opening of the Commission bank account. One senior political ally and former activist colleague from WAF, Shahnaz Wazir Ali, suggested she leave the premises for her own safety. Haroon (2020) insisted her past history with left politics had taught her to stay the course. She told Ali, "I will stay here and we will make the office run. I wouldn't leave the battle ground." Haroon leveraged her working relationships with cabinet and government officials to ensure NCSW's status would be secured through an act of parliament, which finally passed in 2012.

³ Anis Haroon is a WAF member, affiliated with Aurat Foundation, HRCF and the peace network Pakistan-India People's Forum for Peace and Democracy.

NCSW still operates within severe administrative, financial and technical constraints. In 2019, after five years of lobbying with the bureaucracy, chairperson Khawar Mumtaz got the NCSW Service and Recruitment Rules successfully approved which paved the way for NCSW to have its own staff. She was denied permission to maintain the commission's own bank account, thus severely curtailing its autonomy (Mumtaz 2020a). She believes that the tension with the MOWD is compounded by a lack of understanding of NCSW's role, such that its monitoring of progress on women's rights is perceived as a criticism of the ministry's shortcomings in implementation of laws and programs (Mumtaz 2020b). Donor agencies fund NCSW for specific research, training or meeting purposes. Even when substantial donor support was forthcoming and not posing any strain to government resources, the bureaucracy blocked major initiatives. A national survey on violence against women never made it beyond the design stage due to bureaucracy's concerns - it would show the country 'in a bad light' (Mumtaz 2020a).

During periods when chairpersons with an activist history led NCSW, it mediated the relationship between government and civil society (Mumtaz 2020a). A bureaucrat who served there described NCSW as working 'on the same team' as civil society, contributing to a reduction in the distrust between government and civil society members (Imran 2020). NCSW provided platforms for dialogue and consultations on a range of gender issues, engaging with politicians, bureaucrats, activists, advocacy NGOs, lawyers, and the media. Its convening power was based in large part on the stature of the Chairperson and fellow members.

NCSW developed working relationships within government and political circles to help fulfill its mandate. Over time, senior bureaucrats, e.g. secretaries of powerful interior and finance ministries, extended technical support to specific reform initiatives. Influential donors funded NCSW activities and research as part of their broader gender programming, which has strengthened its advocacy voice within government. In 2004, the UNDP entered into an agreement with NCSW to improve its institutional strengthening by supporting it to conduct research and advocacy (NCSW 2006). However, the strength of NCSW's voice in policy circles is also contingent upon the political commitment of the government to women's issues, the individual leadership at the Commission and composition of its members. The chairperson is selected through a bi-partisan parliamentary process, but she is nonetheless perceived to be associated with the party in power. If the government is committed to gender reform this more effectively supports NCSW to fulfill its mandate, yet this leaves it vulnerable to critique from opposition parties (Mumtaz 2020a).

Growing violence against women has been an ongoing major concern for activists and organizations working in gender and development in Pakistan. Even though the *zina* laws were amended, discussed below, other forms of violence have proliferated over the years. NCSW worked on improving the legal and policy framework along with providing better support to women on the ground. Police, from national to district and village levels, cooperated with it through sharing data and investigating cases of violence against women. Individual elected politicians, men as well as women, worked closely with NCSW and civil society organisations to draft a series of new progressive laws (Mumtaz 2020a).

NCSW's activities and initiatives fall into three broad categories – research, legal reforms and engagement with civil society. Its areas of focus reflect the main concerns of the women's movement in Pakistan, which include upholding CEDAW commitments, limiting patriarchal practices and improving women's social, political and economic status (Khan 2018). Its research outputs served as evidence for policymakers and civil society to reform discriminatory Islamic, family and inheritance laws, and develop new laws against honour crimes and other traditional practices. NCSW received donor funding to provide evidence in other areas of concern, such as reforming electoral laws to increase women's political participation (NCSW n.d.; NCSW 2018) for which it collaborated closely with the Election Commission of Pakistan and parliamentarians to achieve protections for women voters and candidates in the 2017 electoral law reforms. NCSW also conducted a major survey on the socio-economic status of rural women (Center of Gender and Policy Studies et. al. 2018) and developed indicators for another planned survey on domestic violence against women, both efforts led by the technical expertise of women activists working in civil society organizations.

When militancy was at its peak in the country's north-west, and government struggled to frame a consistent policy against the Taliban, NCSW used its platform and convening power to support women activists in their opposition to religious extremism. In the aftermath of Benazir Bhutto's assassination in 2007, mainstream political parties were reluctant to directly confront militants. Terrorist attacks grew widespread, even coming to the capital, Islamabad. Haroon, as NCSW chairperson, hosted a conference with civil society, inviting leading feminists and WAF activists to discuss their concerns about growing religious extremism (NCSW 2009). Next, NCSW published a powerful report providing evidence on the social impact of the government's peace deal with the Taliban in conflict-affected Swat (Kamal 2010).

The chairpersons prioritize mitigating the immediate threats to women's safety that exist on the ground, even as they face constraints in fulfilling their broader mandate. Women reach out to NCSW (and its provincial counterparts) directly to intervene with law enforcement and government protection services for protection from sexual violence, threats of honour killings, forced marriages, and other violations. Some cases attract heightened media attention, such as the honor killing of social media star Qandeel Baloch in 2015 or the killing of girls in Kohistan by militants in reprisal for dancing at a family wedding, which NCSW pursued in court (Mumtaz 2020a). Chairpersons visit women in their communities, or intercede indirectly and often informally, without any media involvement. They liaise with shelters, police stations and political influentials to mitigate the risks for women and girls when their safety is imperiled and other state bodies fail to protect them (Mumtaz 2020a; Shirin 2020; Toru 2018; Viqar 2020).

Provincial commissions on the status of women (PCSWs)⁴ broadly enjoy the same powers as the NCSW and need to negotiate similar constraints on staffing, financial independence, and bureaucratic support in the provinces. The provincial chairpersons are members of the NCSW, but the PCSWs are autonomous in their functions from the national body. Their effectiveness depends on the individual strength of each commission's chairperson, her ability to garner

⁴ Provincial commissions were set up in Punjab (2014), Sindh (2015), Khyber Pakhtunkhwa (2016) and Balochistan (2017).

support from the provincial political leadership, negotiate bureaucratic constraints, and maintain credibility with civil society organizations.

The Punjab Commission on the Status of Women (PCSW) first chairperson Fauzia Viqar developed a strong working relationship with the provincial bureaucracy and gained political support from the ruling party during her tenure (2014-19). She overcame initial hostility and distrust through a strategy to make its coordination mechanisms with other government bodies more effective. In response to a complaint from a woman on the ground, for example, PCSW would liaise with the highest government official to expedite a response, to build up the departmental confidence in its ability to manage a crisis (Viqar 2020). The PCSW set up a gender management information system for Punjab, releasing annual gender parity reports to inform evidence-based policy-making, and established a helpline for women (PCSW 2020). Because the Women's Development Department and the PCSW had overlapping mandates there was confusion about their respective roles, yet the provincial Commission was clear that it was not an implementing body. It tried to act as a bridge between civil society and government although Viqar thinks activists felt she did not take strong enough positions during the Punjab domestic violence legislation draft process. They disagreed with her strategy of negotiation with stakeholders in the belief that government was always an adversary. After the 2018 elections, the new ruling party removed her as chairperson and did not appoint a successor, leaving the Commission virtually disbanded. Her experience points to the difficulties of balancing horizontal and vertical relationships while trying to advance women's rights through the PCSW.

The other three PCSWs still struggle to play their role effectively. In the province of KP the ruling Pakistan Tehreek-i-Insaaf (PTI) government resisted providing an office and staff, even while its own party member served as KP's PCSW chair. When women legislators in the KP provincial assembly attempted to build cross-party support for domestic violence legislation, PTI leaders refused to back it (Toru 2018). In Sindh, the ruling Pakistan People's Party backed a progressive legislative reform agenda to restrict child marriage and criminalize domestic violence, but its PCSW remains without sufficient staff, office space and financial resources to develop as an institution. The current chairperson, Nuzhat Shirin, says the PCSW was established as a result of civil society and international donor pressure, but it still lacks sufficient political and bureaucratic support. She has set up advisory committees comprising women politicians, civil society stakeholders and lawyers to review laws and make recommendations for reforms, but believes she lacks adequate support from activists (Shirin 2020). Her comments point to possible weakness in convening power, which may be the result of inter-generational tensions and national/provincial-level leadership differences in the feminist landscape in recent years (Khan, Jawed and Qidwai, 2020).

III. Reforming the *Zina* Laws

Reform to laws made during Islamization has been virtually impossible, even during the democratic transition in the 1990s, after the death of General Zia. Politicians across the spectrum were reluctant to challenge these laws and confront the influential religious political parties in the assemblies. They argued under the 8th Amendment to the Constitution all laws passed during his

military rule were protected from review. Any reform would require a constitutional amendment, and no civilian government enjoyed the requisite support for such a move. Women activists and legal experts contested this view (Hussain 2018), but with all religious debate highly politicized it was not possible to generate sufficient political will to re-examine the laws. When General Pervez Musharraf took power in 1999, some activists suspended condemnation of the regime in the hope that he would introduce some progressive policies. As he worked on a development and political reform agenda, his close circle of advisors included some individuals committed to policy reforms for women with links to prominent advocacy NGOs (Inayatullah 2018).

Musharraf's government took key policy decisions to pave the way for landmark changes to the *zina* laws. He set up NCSW and re-introduced a lapsed gender quota for women in local government and legislative assemblies, both long-standing demands of the women's movement and recommended by the 1997 Inquiry Commission on the Status of Women. He opened television and radio to private channels soon after, reinvigorating the political and cultural space to include a wider range of views, both radical and progressive (Hassan 2014). A major news channel ran a campaign to open debate on the Hudood laws, inviting activists and religious scholars of different persuasions and others to exchange views.

Musharraf appointed moderate religious scholars to the influential Council of Islamic Ideology (CII) whose role is to advise the government to keep its laws and policies in accordance with Islam. CII was the body responsible for drafting all Islamic laws in Pakistan, including the controversial *zina* laws under Zia. Musharraf recognized that *ulema* had become a political force in Pakistan, and if he intended to challenge Islamization he would need support from a more moderate discourse at the highest level (Masood 2014).

These measures indicate that Musharraf was open to broadening the discourse around Islamic laws. He appointed Justice Majida Rizvi as the new Chairperson of NCSW in 2002 upon the recommendation of his advisors, one of whom was Dr. Attiya Inayatullah (who had served General Zia as Minister for Women Development). Rizvi (2020) claims there was no political push from Musharraf regarding *zina* law reforms, however she had a plan.

During her previous work as lawyer, Rizvi (2020) discovered most jailed women in Pakistan were incarcerated under *zina*, thus, doing away with these laws became the key issue she planned to tackle as chairperson of NCSW. Her career trajectory confirmed she was well-placed to raise this sensitive issue at the highest level. Prime Minister Benazir Bhutto elevated Rizvi to the position of a judge in 1994, as part of the civilian government's efforts to introduce pro-women policy initiatives without touching the politically contentious Islamic laws. As chairperson of NCSW, Rizvi established a committee of experts to review the Hudood laws, including activist lawyers Hina Jilani and Shahla Zia, Justice Nasir Aslam Zahid who had chaired the 1994 Inquiry Commission, and a representative of CII. All but three members of the committee recommended the repeal of the Hudood Ordinances in 2003 (Lau 2007). NCSW's position for repeal of the laws aligned with the recommendation of the 1997 Inquiry Commission Report, Women's Action Forum, and leading advocacy NGOs, and the views of some women from mainstream political parties, including Musharraf's Pakistan Muslim League (Q).

All government institutions were not in favour of this position. The Prime Minister summoned Rizvi to meet her for the first time only when word got out that the NCSW report on the laws was about to be launched. He made polite inquiries about her plan to share its findings although stopped short from blocking the event. At the launch, members of the diplomatic community were present but no senior government officials, religious leaders or politicians attended (Rizvi 2020).

As Chairperson of NCSW, Rizvi absorbed personal risk associated with challenging these controversial laws and was only partially protected by the cover of holding a government position. Bureaucrats regularly forwarded to her anonymous death threats. The leader of Jamaat-i-Islami (JI) tried to have her removed from office, accusing her of being westernized. Nonetheless she spoke at a variety of forums and to the media regularly regarding the Commission's reviews of the laws. JI women staged a protest outside Parliament against the NCSW's recommendations, with party leaders alleging those who sought to amend or repeal the laws of trying to 'secularise Pakistan', and imposing the will of a few westernized women upon the majority. The protestors included a JI Senator and Attiya Inayatullah, a senior member of the ruling party (Dawn 2003). Thus, NCSW itself became politically and ideologically contentious, with Rizvi relatively isolated even in her capacity as the lead of a government body.

Her allies were progressive organizations and women activists in civil society. On International Women's Day in 2003, she joined in a women's march alongside these allies in Karachi, accompanied by women from progressive political parties to condemn honour killings, the *jirga* system, among other forms of discrimination, and called for equal opportunities for women and their rights to participate in the democratic process. Hundreds of women from civil society organizations and WAF participated in rallies in urban centres, including before Parliament during the months preceding the government's decision on an amendment bill to the law, while Rizvi held meetings and seminars with stakeholders across the country to build up support for their repeal. International organizations, including UNDP, supported the efforts of NCSW and civil society organisations, and commissioned their own research on the issue to supplement the legal reform effort (The Asia Foundation n.d.)

A key breakthrough achievement of these efforts was to create public awareness that these Islamic laws were not beyond review. CII conducted its own extensive review of the Hudood laws and held extensive consultations with journalists, activists, lawyers, *ulema*, police and politicians to invite input. It hosted an international workshop in 2005 inaugurated by President Musharraf. Participants called for open intellectual and scholarly debate on the laws, given that "globalization has created some misunderstandings which need to be analyzed" due to which "Muslims are especially under tremendous pressure" (Masud 2003:127). The CII released its preliminary recommendations in June 2006, suggesting all women held in jails for the crime of *zina* be released, and the law be amended to clarify the distinction between adultery and rape to avoid double jeopardy for a woman (Masud 2003). CII's position was more politically acceptable than that of NCSW and activists because it made the more palatable argument that the current Islamic laws needed clarification, not repeal. It called for extensive amendments to deprive the laws of their abusive potential.

Thus the NCSW and CII played a joint role in managing the concerns of their respective constituencies and the political leadership. NCSW aligned with the women's movement, progressive civil society, Inquiry Commission and international human rights discourse in its position for repeal. The CII neutralized the politicized religious right through its systematic review process to build up consensus amongst a broader religious and scholarly community for reform.

Musharraf met with his cabinet to decide whether to repeal or amend the laws. Two senior women ministers argued for repeal in line with the Commission's position. The Prime Minister, ministers of law and religious affairs respectively, and Musharraf himself favoured drafting a bill for amendment (Dawn 2006a).

The risks to activists during this period were only partially mitigated by Musharraf's liberal façade. Activists from WAF and other advocacy groups worked with NCSW and allies within political parties to increase punishment for honour killings in 2004, but found the legal reform inadequate to address the growing problems of sexual violence in the country. When a series of high-profile gang-rape cases captured local and international attention, activists held vigils and protests to demand justice. Musharraf blocked survivors from traveling abroad and complained women alleged rape in order to secure political asylum (Kessler 2005).

Finally, the moment for change to the *zina* laws came when Musharraf wanted to amend the laws in time for his official visit to the US in the fall of 2006 (Khan 2018). Substantial public and cross-party political support was in place, but the moment for the move was delayed. Musharraf's ruling party faced a non-confidence motion from the coalition of religious parties, Muttahidda Majlis-e-Aml (MMA), which stalled negotiations over the details of the bill and accused him of following a western agenda and trying to secularise Pakistan by reforming the *zina* laws (Lau 2007). According to US diplomatic correspondence, government officials 'assured' the US ambassador that Musharraf would not delay introduction of the bill and have it passed later in the year, bringing an end to the 'political flirtation' with religious leaders that had proven fruitless in winning their support (Dawn 2011). It appeared the government's push to move on reforming these controversial laws was motivated in part to win accolades from western leaders.

The 2006 Protection of Women (Criminal Laws Amendment) watered down the *zina* laws and appeased the conservative lobby by reiterating in its preamble that all laws must be in accordance with Islam. The bill explained the need for reform by separating the offence of rape and adultery, which had been lumped together in the 1979 Hudood laws, leading to abuse of the provisions. The new law separated the offences by bringing rape back into the penal code and made it procedurally more difficult for the police to register cases of *zina* (Lau 2007). This brought an end to the arrest of hundreds of women in Pakistan for adultery, even though it failed to fulfill the demands of rights activists and NCSW.

The process confirmed that even when all government bodies and political parties were not united on a policy issue related to doctrinal matters and women's rights, successful maneuvering combined with political timing created openings for reform. NCSW provided support to the progressive voices within government and political parties, channeling activists' support. By

supporting civil society in its advocacy with an authoritarian government, it reduced the risks for women activists on the ground.

IV. Banning Jirgas

The NCSW initiative to pursue a ban on *jirgas* built upon years of protest by the women's movement against the institution, and the harmful cultural practices against women and girls that this tribal institution perpetuated. Musharraf's government (1999-2008) and those which followed during the next democratic transition were responsible for a series of new progressive laws that directly addressed many demands of gender justice activists. New laws banned anti-women practices such as *swara/vanni*, improved the penalties for honour killings and rape, and outlawed the practice of banning women from voting, all of which were often enforced through *jirga* decisions. However, the new laws are weakly implemented. Broken governance and criminal justice systems ensure that *jirgas* retain an important role in communities.

WAF's position on *jirgas* was linked to its broader opposition to cultural and religious justification for discrimination and oppression of women in Pakistan. It denounced the reform of *zina* laws as inadequate and condemned the MMA for using religion to undermine women's rights (Dawn 2006b). WAF and its members who worked with leading advocacy NGOs also documented the effects of militancy and raised concerns over government's inaction on growing Talibanization (Shirkat Gah 2007).

This militancy grew unchecked in the province of Khyber Pakhtunkhwa during the MMA provincial government (2002-5). Increasing numbers of violations of women's rights in the name of imposing Shariah challenged the formal justice system and even undermined the power of local *jirgas* (Brohi 2006). Ethnographer and activist Samar Minallah shared with the public the video of a girl being flogged in Swat under a Taliban directive. In response to the media sensation, the militants issued a *fatwa*, or religious edict, with a death threat against Minallah and WAF activist Tahira Abdullah for challenging the flogging. The political context due to the conflict was so charged that even the Parliamentary Women's Caucus did not speak out against the flogging, citing security concerns. This left activists and selected women politicians isolated and vulnerable for taking a stand (Khan 2018). Out of concern for the activists' safety, NCSW held a press conference and sent a team to investigate the flogging (Haroon 2020).

In 2003, a love marriage in Sindh triggered a tribal feud. Shaista Almani married a man from a different tribe, for which her own tribe's *jirga* pronounced an honour killing death sentence upon the couple. The Chief Minister of Sindh, from the boy's Meher tribe, intervened but only worsened the feud as a cycle of kidnapping and violence between the tribes gained momentum. The Sindh High Court heard a petition filed by the Human Rights Commission of Pakistan, WAF, and Aurat Foundation to save the couple from illegal confinement. The court upheld the couple's right to marry, however, this did not stop *jirgas* from perpetrating more honour killing in the province (Khan 2018).

A new WAF chapter in the city of Hyderabad mobilized protest against *jirgas* amongst university students and activists in interior Sindh. Starting in 2008, they started a petition against *jirgas*, covering each district and all colleges and universities. They took photographs of these signatures

and sent them to the National Commission to include in their anti-*jirga* petition. WAF collected 60,000 signatures directly, and thousands more were collected by other groups. Its purpose was to pressure politicians at the provincial and national levels to legislate against *jirgas* (Dawn 2008). They held demonstrations and meetings throughout the province to raise awareness on the issue. WAF Hyderabad ran another provincial campaign in 2013 called, “Don’t kill daughters of the soil”, which mobilized at the district level again, and succeeded in pushing the police to register honour killings of women which they were reluctant to register out of fear of local reprisal from *jirga* leaders and other influentials (Sindhu 2020).

When Anis Haroon became chairperson of NCSW in 2009 she held a conference with women’s organizations to invite their input into developing the NCSW agenda. Funded by the Asia Foundation, the conference highlighted militancy, *jirgas*, and progressive legal reforms as issues. This served as a ‘mandate’ for NCSW’s agenda (Haroon 2020; Mumtaz 2020a). Haroon set up a legal committee that included former chairperson Majida Rizvi, a retired Justice Kohli of the high court from Balochistan, leading activists, and Hina Jilani. The NCSW conference had brought home the urgent need to end the impunity of *jirgas* (Haroon 2020). NCSW decided to file a constitutional petition in 2012, without seeking permission from the Law or Interior Ministries, with Rizvi and Kohli as their lawyers. The petitioners were NCSW members, who in their individual capacity were activists with the women’s movement, while the respondents were representatives of all the provincial governments, federal law, and interior ministries (Supreme Court Judgment 2018).

The Supreme Court heard the petition for the first time three years after it was filed. One possible reason for the delay is that there was some political support for *jirgas* within the elected assemblies, since a number of legislators also sat on their own tribal *jirgas*. The strongest opposition to the petition came from the Law Ministry itself, uncomfortable with being taken to court by another government body (Haroon 2020). NCSW persisted and commissioned a study on *jirgas*, conducted by a WAF activist and scholar, that was submitted to the Court (Brohi 2017).

NCSW filed a different series of petitions regarding women’s electoral rights during this period, linked to both the *jirga* issue and the effects of militancy. In a conflict-affected district bordering Afghanistan, Lower Dir, political parties, *jirgas* and militants blocked women’s political participation as electoral candidates and voters during a bye-election to the National Assembly in 2015. Activists from Aurat Foundation filed a petition in the Peshawar High Court (PHC) against this *jirga* action, but the local women witnesses were too frightened to testify in person, and it was rejected (Khan and Naqvi 2018). NCSW and activists, with Asma Jahangir as advocate, filed an appeal against the PHC decision with the Supreme Court. It remains pending. The PCSW in Khyber Pakhtunkhwa did not join in the petition, possibly because Jamaat-i-Islami was a coalition partner in the provincial government and an accused party named in the petitions against the ban on women voting (Abdullah 2018). NCSW, along with women activists, also filed a successful petition with the Election Commission of Pakistan (ECP) against the practice of banning women from voting. This eventually led to the 2017 electoral laws reforms which declared an election void if less than ten percent of women vote in a given constituency.

NCSW's anti-*jirga* petition may well have remained pending at the Supreme Court for more years to come, if not for a series of cases publicized by activists and the media. WAF continued to protest against *jirga* decisions used to justify honour killings, exposing how local elites and politicians even used their official roles to convene these meetings and exercise informal power (Dawn 2014a; Dawn 2014c; Dawn 2014d; Daily Times 2014). NCSW liaised closely with civil society organisations, activists, and individual politicians, sometimes behind the scenes, as they investigated cases of violence against women and *jirga* decisions (Mumtaz 2020a).

NCSW's petition argued that *jirgas* violate citizen's fundamental rights to dignity and equal protection before the law. It further challenged their validity as adjudicating bodies to award judgments and punishments. It cited the Sindh High Court judgment of 2004 that banned all *jirgas*, which had been filed by a couple seeking protection from honour killing, and an earlier 1993 Supreme Court judgment. The 2018 Supreme Court judgment upheld the petition, referring to both the existing laws in Pakistan as well as its international commitments under the Universal Declaration of Human Rights, CEDAW, and the International Covenant on Civil and Political Rights (Supreme Court Judgement 2018). It was one of few higher court judgments to use CEDAW on a matter concerning women's rights, where more often Islamic teachings and cultures mores have been invoked (Khan, Malkani, and Yousuf 2019).

The timing of this decision was also linked with the politics of post-conflict reconstruction in Khyber Pakhtunkhwa and the end of Chief Justice Saqib Nisar's tenure at the Supreme Court. The tribal areas on the Afghan border, where the Taliban assumed control during the conflict were governed indirectly through tribal *jirgas* since the British colonial period. These areas were incorporated into the provincial administration of Khyber Pakhtunkhwa as part of the post-conflict resolution but an interim regulation allowed *jirgas* to continue functioning. The political support for *jirgas* came from the local elite in the tribal areas, along with their allies amongst religious parties, in particular the Jamiat Ulema-i-Islam (Fazl) with strong links to the Taliban (Dawn 2014b). The government appealed against a Peshawar High Court ruling declaring this interim regulation unconstitutional in effect calling for *jirgas* to remain active and delaying the full introduction of the formal justice system to the tribal areas.

Justice Nisar heard NCSW petition together with this government petition. He directed the provincial government to disallow *jirgas* to continue adjudicating in all but minor civil matters in its formal tribal areas (Supreme Court Judgment 2018). Thus, the formal judicial system had re-asserted its power within the state, sending a clear message to government and political actors through this judgment and sealing the legacy of the Chief Justice.

Conclusion

NCSW's role in reforming Pakistan's draconian *zina* laws and banning *jirgas* provide useful insights into how a government body can push for state accountability by leveraging support vertically from activists and civil society and horizontally by cultivating alliances with state actors, government bodies and politicians in a complex governance environment. NCSW, mostly chaired by senior women's rights activists drawn from civil society, allies itself with the women's

and human rights movement on a number of issues to take the lead on advocacy where the state was reluctant to proceed with necessary reforms. It also views itself as a direct ally of individual women in communities faced with the threat of violence or marginalized through patriarchal practices, often intervening to prevent crimes and working with local law enforcement to provide security to women.

NCSW and its provincial counterparts struggle to establish their legitimacy and power within the bureaucracy, yet they are able to build strong relationships with some government bodies and politicians to useful effect. NCSW's strong working relationship with the Election Commission of Pakistan led to electoral reforms and highlighted the state's inaction on *jirgas*. It worked closely with the Women's Parliamentary Caucus to draft new gender equality legislation, building on relationships with activist-cum politicians in the legislative assemblies who had a history of advocacy for women's rights. In keeping with the women's movement focus on legal and policy reform, and strategic use of the courts to protect women's rights, it used constitutional petitions as a tool to secure the same.

The research and public seminars conducted by the NCSW and its provincial counterparts rely in large part on donor funds, two examples being the work around the *zina* law reform and *jirga* research. This contributes to the view within the bureaucracy and the political right that the Commissions' work fulfills a western agenda. This may add to the reluctance amongst senior bureaucrats to collaborate more closely with their CSWs, although the Punjab case suggests with senior political backing the relationship may still prosper. At the same time, the same donor funds provide resources to the non-government advocacy organizations at the forefront of monitoring the state's commitments to women's rights, pushing for further policy reform, and generating research outputs (Khan 2004).

The success of NCSW's advocacy efforts in both the *zina* and *jirga* initiatives were also contingent upon the value of political timing, which has proven essential to breakthroughs for women's rights in Pakistan. We have seen how General Musharraf supported the reform in *zina* laws to enhance the international standing of his military government. As the distribution of powers within the Pakistani state between the military, judiciary, and government remain contested, the judiciary's push against non-state *jirgas* sent a message to government with an added, if not primary benefit for women's rights.

NCSW has demonstrated its value as a government institution which can mediate the demands of women collectively and individually on the ground, reduce the very real risks to their safety, and achieve improved accountability from the state for protecting their rights. However, it remains a fragile government body with limited legitimacy within the powerful bureaucracy and highly dependent on the vision and skill of individual chairpersons to carry out its mandate. It relies on Parliament for leadership appointments and high-level political commitment to implement its reform agenda. The current absence of chairpersons in key provinces and at NCSW underscores this vulnerability to political sidelining while the threats to women's safety continue, almost unmitigated.

References

- Abdullah, Tahira. 2018. Written correspondence with Ayesha Khan. August 10.
- Accountability Research Center. 2019. Author Guidance for Sandwich Strategy Case Research [unpublished].
- Ali, Shaheen S. 2012. "Navigating Religion, Politics and Cultural Norms: The Arduous Journey toward Domestication of CEDAW in Pakistan." *Journal of Peace, Conflict & Development* (19):43-60.
- Aziz, Naheed. 2018. *Women in Elections 2018: National Commission on the Status of Women's Observation Report*. Islamabad: NCSW, Heinrich Boll Stiftung & Government of Pakistan.
- Brohi, Nazish. 2006. *The MMA Offensive: Three Years in Power 2003–2005*. Islamabad: Action Aid.
- . 2017. *Women, Violence and Jirgas: Consensus and Impunity in Pakistan*. Islamabad: NCSW.
- Center of Gender and Policy Studies, NCSW and UN Women. 2018. *Rural Women in Pakistan - Status Report 2018*. Islamabad: NCSW.
- Commission of Inquiry for Women. 1997. *Report of the Commission of Inquiry for Women*. Islamabad: Pakistan Law Commission.
- Daily Times. 2014. "WAF against Jirgas." March 21. Retrieved February 15, 2020 (<https://dailytimes.com.pk/writer/dailytimes/>).
- Dawn. 2003. "Repeal of Hudood ordinance opposed." *Dawn*, September 6. Retrieved February 16, 2020 (<https://www.dawn.com/news/114020>).
- 2006a. "Hudood law will be amended not repealed." *Dawn*, July 18. Retrieved February 16, 2020 (<https://www.dawn.com/news/201999>).
- 2006b. "Civil society rejects Women's Protection Bill." *Dawn*, November 16. Retrieved February 16, 2020 (<https://www.dawn.com/news/219160/civil-society-rejects-women-s-protection-bill>).
- 2008. "Signature Campaign Against Jirga System." *Dawn*, September 10. Retrieved February 16, 2020 (<https://www.dawn.com/news/320482>).
- 2011. "Political maneuvering to amend Hudood Ordinance." *Dawn*, May 30. Retrieved February 16, 2020 (<https://www.dawn.com/news/632808>).
- 2014a. "Women rights activists oppose talks with Taliban, reject PPO." *Dawn*, February 3. Retrieved February 16, 2020 (<https://www.dawn.com/news/1084486/women-rights-activists-oppose-talks-with-taliban-reject-ppo>).

-- 2014b. "JUI-I stresses importance of Jirga Mechanism." *Dawn*, February 3. Retrieved February 16, 2020 (<https://www.dawn.com/news/1084534>).

-- 2014c. "Commission on women's status." *Dawn*, February 12. Retrieved February 16, 2020 (<https://www.dawn.com/news/1086369/commission-on-womens-status>).

-- 2014d. "Call for effective implementation of women protection laws." *Dawn*, February 9. Retrieved February 15, 2020 (<https://www.dawn.com/news/1126383>).

-- 2018. "JUI-F to hold tribal Jirga on Fata's future." *Dawn*, February 9. Retrieved February 15, 2020 (https://www.dawn.com/news/1388313/jui-f-to-hold-tribal-jirga-on-fatas-future?fromNewsdog=1&utm_source=NewsDog&utm_medium=referral).

Haroon, Anis. 2020. Interviewed by Ayesha Khan. February 7. Karachi.

Hassan, Kiran. 2014. "The Round Table: The Role of Private Electronic Media in Radicalising Pakistan." *The Round Table: The Commonwealth Journal of International Affairs* 103(1):65-81.

Human Rights Commission of Pakistan (HRCP). 2012. *State of Human Rights in 2012*. Islamabad: HRCP. Retrieved March 5, 2020 (<http://hrcp-web.org/hrcpweb/wp-content/pdf/AR2012.pdf>).

-- 2013. *State of Human Rights in 2013*. Islamabad: HRCP. Retrieved March 5, 2020 (<http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>).

-- 2014. *State of Human Rights in 2014*. Islamabad: HRCP. Retrieved March 5, 2020 (<http://hrcp-web.org/hrcpweb/hrcp-annual-report-2015/>).

-- 2015. *State of Human Rights in 2015*. Islamabad: HRCP. Retrieved March 5, 2020 (<http://hrcp-web.org/hrcpweb/wp-content/uploads/2017/05/State-of-Human-Rights-in-2016.pdf>).

-- 2016. *State of Human Rights in 2016*. Islamabad: HRCP. Retrieved March 5, 2020 (<http://hrcp-web.org/hrcpweb/wp-content/uploads/2017/05/State-of-Human-Rights-in-2016.pdf>).

-- 2018. *State of Human Rights in 2018*. Islamabad: HRCP. Retrieved March 5, 2020 (<http://hrcp-web.org/hrcpweb/>).

Human Rights Watch. 2005. *Human Rights Watch World Report 2005 – Pakistan*. Retrieved April 29, 2021 (<https://www.refworld.org/docid/421da3182.html>).

Hussain, Faqir. 2018. Interviewed by Ayesha Khan. February 14. Islamabad.

Imran, Khalid. 2020. Interviewed by Asiya Jawed. February 11. Islamabad.

Inayat, Naila. 2017. "Pakistan cracks down on men trading young daughters to settle debts and disputes." *PRI*, May 15. Retrieved February 20, 2020 (<https://www.pri.org/stories/2017-05-15/pakistan-cracks-down-men-trading-young-daughters-settle-debts-and-disputes>).

Inayatullah, Attiya. 2018. Interviewed by Ayesha Khan. June 2. Lahore.

Kamal, Simi. 2010. *Nizam-e-Adl Inside Out: A Study of Nizam-e-Adl in the Light of the Constitution, Women's Policies and the Perceptions of Pakistani Society*. Islamabad: NCSW.

Khan, Ayesha. 2018. *The Women's Movement in Pakistan: Activism, Islam and Democracy*. London: I.B. Tauris.

Khan, Ayesha, Asiya Jawed, and Komal Qidwai. 2020. "‘We have to be everywhere’: Women and Protest Politics in Pakistan." Paper presented at Development Studies Association (DSA) Conference, June 19. Online (Shindig).

Khan, Ayesha and Rabia Khan. 2004. "Civil Society and Social Change in Pakistan." *Collective for Social Science Research*.

Khan, Ayesha, Sara Malkani and Zonia Yousuf. 2019. "Women activists' strategic use of the courts in Pakistan." *Contemporary South Asia* 47(2): 549-57.

Khan, Ayesha and Sana Naqvi. 2018. "Women in Politics: Gaining Ground for Progressive Outcomes in Pakistan." *Institute of Development Studies (IDS) Working Paper No.519*.

Kessler, Glenn. 2005. "Musharraf Denies Rape Comments: Recording Shows Post Article Correctly Quoted Pakistani President." *Washington Post*, September 19 (<https://www.washingtonpost.com/archive/politics/2005/09/19/musharraf-denies-rape-comments/5f2e0d4c-5ff2-4273-81e5-878cd59a1744/>).

Lau, Martin. 2007. "Twenty-Five Years of Hudood Ordinances – A Review." *Washington & Lee Law Review* 64(4).

Masud, Khalid. 2014. Interviewed by Ayesha Khan. December 5. Karachi.

Masud, Khalid. 2003. *A Critical Report on Hudood Ordinance (1979)*. Islamabad: Council of Islamic Ideology.

Mohmand, Shandana K. 2019. "The Implications of Closing Civic Space for Sustainable Development in Pakistan." *Institute of Development Studies (IDS) Working Paper 521:1-40*.

Mumtaz, Khawar. 2020a. Interviewed by Ayesha Khan. January 17. Lahore (Skype).

-- 2020b. Written correspondence with Ayesha Khan. April 29.

National Commission on the Status of Women (NCSW). 2006. Annual Report. Islamabad: NCSW.

-- n.d. *Gender Review of Framework for Women Political Participation*. Islamabad.

-- 2009. *Report on National Conference 'Extremism, Its Impact on Society: Implications for Women' 18-19 August*. Islamabad.

-- 2015. *Standardized Indicators on Violence Against Women in Pakistan*. Islamabad: NCSW, USAID, Aurat Foundation.

- 2020. "Our Strategies and Priorities." Islamabad: NCSW. Retrieved June 28, 2020 (<https://www.ncsw.gov.pk/about-us/our-strategies-priorities>)
- Punjab Commission on the Status of Women (PCSW). 2020. "Gender Management Information System." Lahore: PCSW. Retrieved June 27, 2020 (<https://pcsw.punjab.gov.pk/>)
- Rizvi, Majida. 2020. Interviewed by Ayesha Khan. March 6. Karachi.
- Saeed, Shahid. 2010. "Effect of Qisas and Diyat laws on criminal justice." *Secular Pakistan*, September 18. Retrieved March 7, 2020 (<https://secularpakistan.wordpress.com/2010/09/18/effect-of-qisas-and-diyat-laws-on-criminal-justice/>)
- Saigol, Rubina. 2019. "The past, present and future of feminist activism in Pakistan." *The Herald*, July 15. Retrieved March 7, 2020 (<https://herald.dawn.com/news/1398878>).
- Samaa. 2019. "Khalil ur Rehman wants women to gang-rape men to prove equality." November 1. Retrieved February 26, 2020 (<https://www.samaa.tv/lifeandstyle/2019/11/khalil-ur-rehman-qamar-wants-women-to-gang-rape-men-to-prove-equality/>).
- Shah, Nafisa. 2017. *Honour Unmasked: Gender, Violence, Law and Power in Pakistan*. Karachi: Oxford University Press.
- Shirin, Nuzhat. 2020. Interviewed by Asiya Jawed. February 26. Karachi.
- Shirkat Gah. 2007. *Talibanisation and Poor Governance: Undermining CEDAW in Pakistan: Second Shadow Report*. Lahore: Shirkat Gah.
- Sindhu, Amar. 2020. Written Correspondence with Ayesha Khan. March 2. Karachi.
- Social Policy and Development Centre (SPDC), NUI Galway, Ipsos Mori, and International Centre for Research on Women (ICRW). 2019. *Economic and Social Costs of Violence Against Women in Pakistan: Summary Report*. Galway: NUI Galway.
- Supreme Court Judgment. 2018. *Constitution Petition No. 24 of 2012 (Under Article 184(3) of The Constitution) and Civil Petition No.773-P of 2018*. Islamabad: HRCP. Retrieved June 30, 2020 (<http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/01/judgement.pdf>)
- The Asia Foundation. N.d. *The Zina Ordinance in Practice*, Islamabad: UNDP.
- Thomson Reuters Foundation. 2018. *Annual Poll – The World’s Most Dangerous Countries for Women*. London: Thomson Reuters Foundation. Retrieved March 6, 2020 (<https://poll2018.trust.org/>).
- Toru, Neelum. 2018. Interviewed by Ayesha Khan. June 1. Islamabad.
- UN Women. 1988. *General Recommendation No. 6*. General recommendations made by the Committee on the Elimination of Discrimination against Women.

UNDP. 2020. *Tackling Social Norms: A game changer for gender inequalities*. New York: Human Development Perspectives. Retrieved March 15, 2020 (http://hdr.undp.org/sites/default/files/hd_perspectives_gsni.pdf).

Viqar, Fauzia. 2020. Interviewed by Ayesha Khan. March 2. Karachi (Telephonic).

Wasti, Tahir. 2009. *The Application of Islamic Criminal Law in Pakistan: Sharia in Practice*. Boston: IDC Publishers.

World Economic Forum. 2019. *Global Gender Gap Report 2020*. Geneva: World Economic Forum. Retrieved March 15, 2020 (http://www3.weforum.org/docs/WEF_GGGR_2020.pdf).