

A POLICY FRAMEWORK FOR WOMEN'S EQUAL RIGHTS

ISSUES, CONCERNS AND RECOMMENDATIONS
FOR GENDERED POLICY

Study for the
National Commission on the Status of Women, Pakistan
June 2010

By | Afiya S. Zia

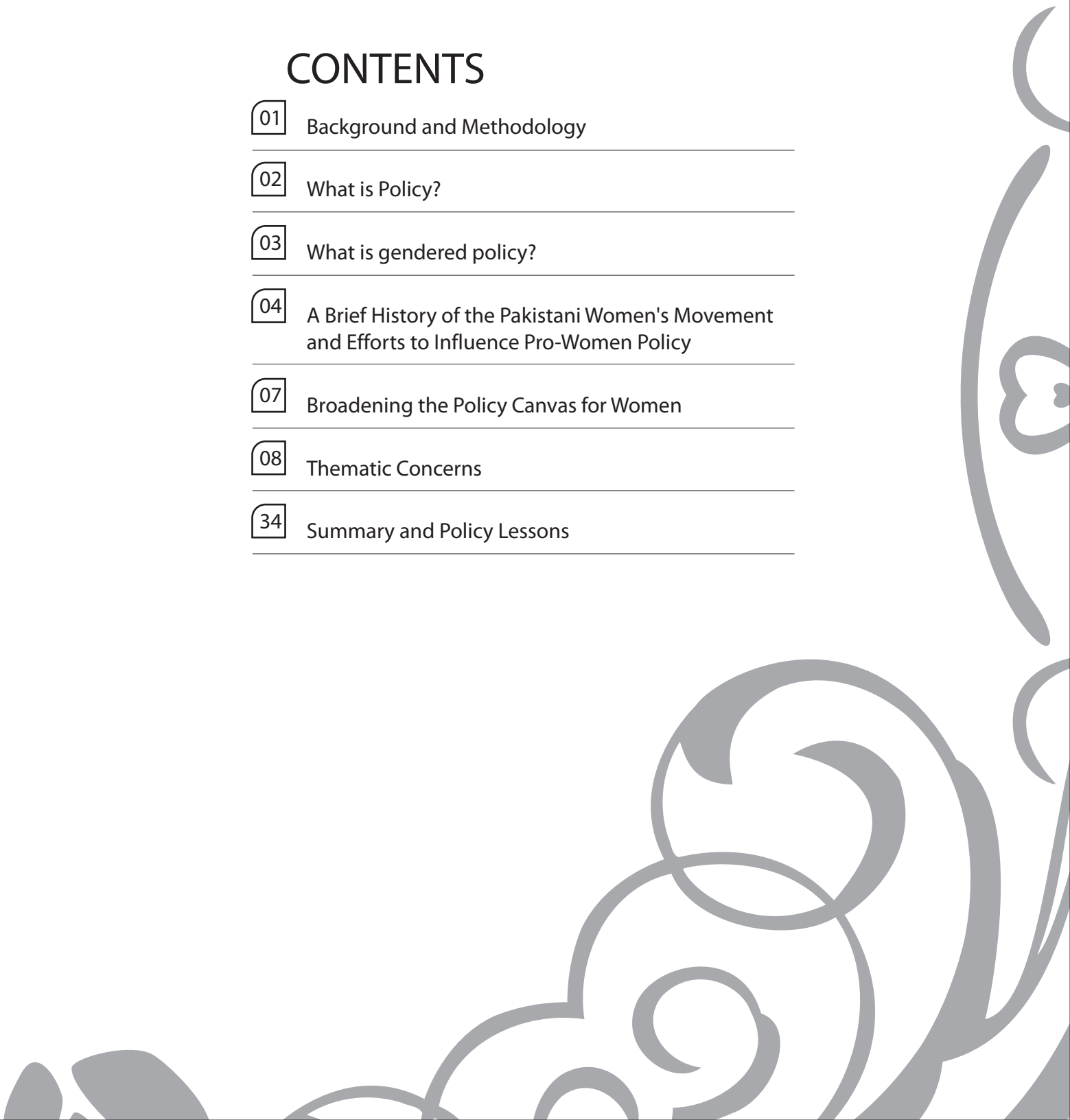
This study acknowledges the contribution of Dr. Saba Khattack, Dr. Farzana Bari, Dr. Fouzia Saeed, Nazish Brohi, Rukhshunda Naz, Sadia Mumtaz, Zeenat Hisham, Samina Khan, Asma Ravji and Uzma Noorani for their input and advice on specific policies. Further, we are grateful to the valuable contributions of all the participants at the NCSW Consultation held for this study in May 2010. Any errors in this study are the responsibility of the author and are not in any way, reflective of the expertise of the NCSW.



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

CONTENTS

01	Background and Methodology
02	What is Policy?
03	What is gendered policy?
04	A Brief History of the Pakistani Women's Movement and Efforts to Influence Pro-Women Policy
07	Broadening the Policy Canvas for Women
08	Thematic Concerns
34	Summary and Policy Lessons



Background and Methodology

The National Commission on the Status of Women (NCSW) initiated a study on women and policy in Pakistan at the beginning of 2010. The purpose of the study was to track discriminatory trends in current policies on women; uncover the flawed underpinnings of gender discriminatory policy approaches and; through a consultative process, recommend alternative approaches for fair and just policy making.

Recognising other parallel processes that work towards gender equity, such as the National Plans of Action and the National Policy for Development and Empowerment of Women 2002, the NCSW study consciously steers away from duplicating and repeating such efforts. Instead, the purpose of this study is more immediate and specific. It attempts to highlight the concerns emerging from the policies of the incumbent government and having identified some specific and urgent areas of concern, it proposes recommendations so that correctives may be made to existing policy. At the same time, this study hopes to caution against those policy initiatives which threaten to blindside women's specific needs, opportunities and rights.

Moreover, the study should read as a guideline to policy makers and other stakeholders on the concepts that inform gendered social policy. The specifics discussed around the themes below should serve as benchmarks against which the tenacity of gender-fair policy can be measured. While international commitments and United Nations goals and conventions are invaluable in themselves, it is strategically important to identify local policy flaws and point out the opportunities and possibilities of correctives through local governance mechanisms too.

As stated above, there are some pre-existing documents and plans of action that identify legal, political and bureaucratic shortcomings that prevent the achievement of gender equality and women's empowerment. The NCSW study takes a different approach to policy analysis. Rather than duplicating a list of themes and concerns such as those documented in the Beijing Plus process, it examines the main policies and initiatives of the current government and highlights the conceptual impulse, political motive, contradictions, alternative possibilities and methodologies that can inform such policy.

The central idea of the study is to serve as a guideline on how policy initiatives, which may read well on paper, can end up negating the purpose of gender equality when applied in the field. Alternatively, flawed policy that is motivated by gender discriminatory impulses can be very effective, since it fits in well with the broader patriarchal social, institutional and attitudinal web of relations in households and communities, as well as in formal institutions, including public office.

¹ Public Policy, Democracy and Legislature, SDDP Publication, 2008, UNDP Islamabad, pg 16.

² This distinction is important since dictatorial governments have crafted social policy which has been sometimes hailed as pro-women (as in the MFLO of 1961 and WPA 2006) or deeply contested as anti-women and minorities (Hudood Ordinances 1979). In the opinion of this author, the consistency of policy can only be measured, however, under democratic dispensations.

³ Maxine Molyneux, *Mothers at the Service of the New Poverty Agenda*, pg 48 in *Gender and Social Policy in a Global Context*, Uncovering the Gendered structure of the Social, UNRISD, Eds. Shahra Razvi and Shireen Hassim, 2006. Palgrave Macmillan, UK.

What is Policy?

A simple definition of public policy is that this is a package of the intended course of actions and strategies that governments organise and implement for the wider public good. Public policy precedes legislation, which is often considered simply the legal wrapping paper for the more substantive policy. It is also the considered opinion of policy analysts that consensus governments outperform majoritarian democracies on policies of social welfare, criminal justice and foreign aid.¹

With regard to social policy under democratic governments² in Pakistan, traditionally this has followed the path of other developing nations. In such cases, policies have mostly been crafted by the international community based on some formulaic consensus and have tended to be conditional to economic packages that our governments have signed on to. Due to this trend, the development agendas of the 1980s and 1990s were criticised by women's rights activist as prioritising productivity, often at the expense of basic human rights of women.

Developmental policy started taking a new direction when the harsh impact of the structural economic reforms of the 1980s became apparent in countries with fragile, inefficient or non-existent social security systems. For the first time, poverty was beginning to be acknowledged as a pervasive, enduring trend that came out of the New Economic Model. To off-set this, several governments sought to develop social policy that would cushion or assist the poor who were suffering from neo-liberal reforms so that the majority of populations would not reject these economic reforms violently.

Maxine Molyneux observes that, "The central feature of the new social policies as they evolved from the mid-1970s...contain[ed]...the familiar elements of targeting, privatization, multi-tierism and pluralization of service providers, along with a greater reliance on the market for poverty relief, mostly evident in micro-credit programmes"³.

There were sharp reactions to such policies which were accused of being more pro-market rather than anti-poverty. In Latin America, such policies were dubbed as 'market fundamentalism', mainly due to the harsh conditionalities imposed by International Financial Institutions (IFIs) which reduced the realm of the state due to privatization, tight fiscal controls and opening of economies.

Ever since the "post-Washington consensus" (2005), also celebrated as the end of neo-liberalism, there have been some revisions of the above policies. The state has been partially rehabilitated and its role described as "facilitator" by the World Bank, while calling for its efficiency through "good governance".

As pointed out by Molyneux;

“If in the 1980s, policy attention focused on 'getting the economy right', in the 1990s, there were attempts to attend to the hitherto neglected social realm and to build appropriate institutions. Significant though these policy shifts might be, they did not greatly alter the broader outline of macroeconomic policy, governments remained committed to fiscal discipline and market-led growth”.⁴

⁴ Ibid.

This explains why women's rights activists, particularly through the decade of the 1990s, protested against many of the social policies that were assisted by IFIs, including the World Bank. These activists protested against policy departure from a rights-based impetus and criticised them for being more favourable to market-led priorities. This vocabulary and narrative is familiar to women's rights activists in Pakistan, although a formal critique of neo-liberal policies and its impact on women has not been documented in-depth.

Subsequently, after the 4th World Conference on Women (WCW, Beijing, 1995), many donor-led projects have emphasised what was earlier the World Bank's, New Poverty Agenda and which towards the new millennium, became the Millennium Development Goals (MDG). The main shift came by way of a new emphasis on the principles of participation, empowerment and co-responsibility. The MDGs also stressed on gender equality and good governance as measurable goals, and allocated benchmarks for governments towards such ends.

What is gendered policy?

There are two ways of unpacking social policy to understand its implications for women. The first is offered by a critique of those policies that are labelled as 'gender blind' or where the 'gender lens' of policy-makers is blurred or fogged. This kind of policy is therefore criticised for only keeping men in mind when being crafted or, for focussing predominantly on men's position in any particular social class. Such policies simply carry over the existing biases in society into formal policy and therefore reinforce unequal power relations between men and women, as well as the unequal status between the genders and their taken-for-granted roles.

Such gender exclusionary policies neither uproot existing biases nor do they solve gender inequalities and injustices. One example of gender blind policy can be found in those economic policies that encourage women's entry and integration into the workforce as a pro-women policy. However, because such a policy is not crafted from a complete understanding of women's multifaceted responsibilities, these policies do not account for provision of childcare nor do they consider correctives for unequal wages or the existing biases against women within labour

market status. Instead, such policies simply add women into the already iniquitous market equation with no assistance, incentive or safeguards.

Some welfare and socialist states did to some extent redress these concerns, especially the dual burden of family care and paid work for women, as well as the gender segmentation of the market. But most other states tended to focus on labour policy from the increasing participation parity approach, rather than the specific or gendered needs of women in the workforce. Therefore gender blind policies can be ineffective at best, or outright dangerous in formalising gender biased attitudes and roles in society through policy.

The second approach to social policy on women which is not *gender blind* but is far more perilous in its implications, is policy which is *gender conscious* but in an actively familial, patriarchal and paternalistic manner. Such policies can often be recognised by their titles which tend to stress on 'protection' and perceive women as non-agentive victims rather than contributive actors in all realms. Such policies tend to emerge when the state shifts the burden of social provision and unpaid care onto families, households and communities. To cushion the fall-out from such macro-policy, development and social policy-makers (traditionally, men) introduced the notion of safety nets and social protection.

The implications of such shifting of state responsibility onto families and households are crucial in gender relations, especially in countries such as Pakistan. The most critical of these are that they raise the interface between formal and informal social institutions. The burden of unpaid family care, low-paid home-based work and community honour, are just some simple examples of the layers of gendered responsibilities imposed on women in informal institutions. If formal policy simply reinforces such traditional stereotypical roles and notions, then rather than transforming gender relations, the policy will only reinforce gender inequalities and injustices further. Such policy succeeds because it masks itself as progressive for women and as 'culturally appropriate' but in fact, it compensates women for their gender through some token measure rather than prescribing measures that consider women equal citizens worthy of equal rights regardless of their gender or class.

A Brief History of the Pakistani Women's Movement and Efforts to Influence Pro-Women Policy

The founding of the All Pakistan Women's Association (APWA) in 1949 was encouraged by the government of the time and at the receiving end of its patronage. Soon after Pakistan's independence, other welfare based, non-political organisations working on women's concerns included the Business and Professional Women's Association, Family Planning Association, and the Federation of University Women. On the political front, the United Front was active on women's issues while the

Democratic Women's Association was a marxist-oriented organisation working from a class and gendered perspective.

Although initiated as early as 1955, it was under General Ayub Khan's military rule (1958-69) through concerted lobbying by these various groups that the family laws were reformed. The Commission on Marriage and Family Laws formed in 1955 had recommended reforms of inheritance rights for women, divorce rights, restrictions on polygamy. The struggle for women's commissions has historical roots in the fact that even this early on the direct recommendations were not taken up immediately for government action. It was only in 1961 that the Commission's recommendations were carried into the Family Laws Ordinance and these became legally implemented. The reforms included inheritance rights, introduced marriage registration and the condition for first wife's approval for a husband seeking a second marriage, and streamlined divorce proceedings and requirements for men especially, while allowing women the right to initiate divorce proceedings.

The years of Prime Minister Zulfikar Ali Bhutto's civilian rule saw administrative reform within an overall improved legal status as enshrined in stated equal rights within the amended Constitution of 1973. Discrimination was countered through reserved seats in the legislature and overall progressive and liberal gender policies informed the newly formed Women's Rights Commission of 1976. The appointment of a woman governor of Sindh, a university vice-chancellor and a deputy speaker of Parliament, are some examples.⁵ The 1975 UN World Conference on Women gave a further fillip to the momentum of women's rights concerns when a strong delegation from Pakistan participated and committed to many universal rights for women, including maternity rights and making crèches available for women working in the public sector.

The severe and long-term set backs for women's rights during the General Zia ul Haq years (1977-1988) have been well-documented by activists who note that the effects of these are still impeding women's progress today. However, even during this time, Women's Action Forum as a platform for several progressive women's groups, trade union and individuals, cooperated with the Women's Division of the time to draft a special report for the Sixth Five Year Plan for the Planning Commission. Ironically, as the military rule became increasingly retrogressive, civil society organisations and women's groups developed some of the most crucial research, applied outreach programmes and extended support mechanisms for women that assisted women directly as well as influenced (particularly, development) policy in the years to come.

The uneasy democratic interregnum from 1988 to 1999 was dominated by political confrontations as political parties attempted to root themselves and define a new culture of democratic relations. However, it

⁵Shaheen S. Ali, 'Law, Islam and the Women's Movement in Pakistan' 2000: 44-46, cited in Andrea Fleschenberg, 'Military Rule, religious fundamentalism, women's empowerment and feminism in Pakistan', in *Women's Movements in Asia; Feminisms and Transnational Activism*, Edited by Mina Roces and Louise Edwards, Routledge, 2010, New York, pg 172.

was during the two tenures of the late Prime Minister Benazir Bhutto, that tangible policy outcomes included the setting up of women's police stations; the First Women's Bank; women judges appointed; women's studies centres at universities were established; the twenty year plan for the Beijing Plan of Action developed; funding of many NGOs for women's services made available and in 1996, CEDAW was ratified by her government. The most important policy lesson here was the potential that effective gendered policy carries when leadership understands the importance of and is committed to such policy.

It was a similar approach that led to effective policy for women's empowerment during General Pervez Musharraf's military rule from 1999 to 2008. The single most important policy move under his leadership was to induct prominent women's rights activists into his cabinet and key government posts. This commitment to women's progress has been thought to be motivated by policy hubris to serve as the driving symbol of Musharraf's 'enlightened moderation' theme. However, it is to the credit of these key appointees, that they used their positions to enable several visible results and progress made at policy and implementation levels. Some official policies included the establishment of a National Commission on the Status of Women in 2000; a National Policy for Development and Empowerment of Women in 2002; Pakistan's Population Policy 2002; the National Health Policy 2001; unprecedented reservation of seats for women at local government, Parliamentary and Senate levels; the Citizenship Act 2000; Ministry of Women's Development Family Protection Project; Human Trafficking Ordinance 2002; the Gender Reform Action Plan; the Women's Political Participation Project; the Beijing Plus Ten process and laws such as the Honour Killings Act and the Women's Protection Act are just some of them. At provincial levels too, several gender related policies were introduced to tackle honour crimes and women's appointments made in the national guard and within the armed forces, as part of the symbolic and tangible policy approach of the Musharraf government.

While an overall analysis that weighs the benefits and shortfalls of these policies is still being developed by analysts, the central concerns of activists through this decade had to do with the contradictions invoked by this military-led rule. Thus, double-edged policies meant liberal policies were countered by an overall oppressive control which resulted in unsustainable and limited policy progress. Gendered policy is one that goes beyond pro-women measures; it aims to transform social, economic and legal relationships between men and women and state institutions, such that all citizens are protected, provided for and free to express themselves independently and democratically, in political and social terms.

Another one of the main contradictions played out during this period was that, while women could access public expression and were paid lip service in terms of freedom of mobility under the liberal policies of the

Musharraf government, yet repeatedly the support extended to the religious parties allied to the government, allowed them to directly attack, censor and limit women's practical progress in the entire country. Due to this, many of the practical benefits from progressive policies for women from this era have de facto, been difficult to quantify.

Dr Andrea Fleschenberg writing on the women's movement in Pakistan notes that;

“Given the outstanding commitment and stamina of the women's movement throughout the last three decades, the women's movement managed to a) place women on the national agenda and public discourse at an unprecedented level, (b) resist or delay discriminatory laws or amend proposed legislation (e.g. Law of Evidence, Law of Qisas and Diyat), open a debate on Islam and Islamic laws previously considered too sacred to tackle, and (c) catalyse new women's advocacy groups and develop linkages with other social movements as important platforms and support structures, becoming critical watchdogs for human rights and minority rights”.⁶

She also notes the long list of challenges that women activists confront under a democratic government in Pakistan today. Some of these include the class boundaries and urban-rural divide in terms of social and economic development and the common routine concerns of health, education, resources, employment, decision making, security of life, and gender based violence. Below, this study outlines some of the current policy challenges keeping in mind the specific political environment that Pakistani women contend with.

Broadening the Policy Canvas for Women

Given the historic significance of national initiatives for women's development and empowerment, it is appropriate to turn to the possibilities of upgrading the framework of policy concerns and locating and crafting them within the current Pakistani experience and context. Towards this, the National Commission on the Status of Women held a preliminary consultation in May 2010 with some women's rights activists to discuss themes and issues of priority for women's rights with reference to the current government policies (2008 - 2010). The idea was to narrow the analysis to current policy rather than spanning the entire international themes and goals which in any case, is a regular exercise conducted by several NGOs and women's development practitioners.

The aim here is to not duplicate the existing broad narratives that define the Beijing Plans of Action, nor to repeat the grids of recommendations drafted by development experts and consultants. Rather, the purpose for this consultation was to evaluate what concepts underline (gendered) social policy and to discuss this framing with reference to

⁶Fleschengerg, cited above, pg 182.

⁷NGO STATEMENT: PAKISTAN, Presented at the 38th Session of CEDAW Committee, United Nations: 21 May 2007.

how the approach and understanding of crafting policy affects women and gender relations.

The intention here is to examine the current policy directions, identify any leaks or flaws and to suggest and recommend correctives, so that gender equality remains the central concern of policy and that the needs of women's rights and empowerment are met.

Thematic Concerns

Several of the demands accrued over the last two decades by women's rights activist and organisations in Pakistan have been well documented. The common ones amongst these are perhaps best summarised in the NGO Statement made at the 38th Session of the CEDAW Committee at the UN in 2007.⁷

This statement lists some of the core discriminatory laws and customs, the flaws in institutional mechanisms that prevent the furthering of women's rights agenda and, the lack of adequate and meaningful political representation of women.

The statement points out the continuation of discriminatory laws and policies including, the Citizenship Act of 1951 which does not extend Pakistani citizenship to spouses of those women who marry men of foreign origin; the Law of Evidence which allows courts to judge on the competence of women's testimony in accordance to interpretations of Islamic junctions and reduces women's testimony to half in cases of financial transaction; that there is no consensus on the age of adulthood for girls which is 16 in the case of culpability under the law on adultery against 18 years for men and this contravenes the Child Marriage Restraint Act as well as the UN Child Rights Convention; that the Qisas and Diyat laws extend immunity to men who murder women family members through the permission of waivers for retribution and/or compensation for the crime committed; and that while the Hudood Ordinances have been amended under the Women's Protection Act of 2006, these are partial rather than inclusive of many other discriminatory aspects of the Ordinances.

Further, the statement points out that the Human Trafficking Ordinance of 2002 deals with external trafficking but there are no provisions regarding internal customary practices of forced marriages of brides who are 'sold' into marriages which amounts to trafficking. Also, this is connected to the policy flaw regarding non-registration of births and marriages which allows such practices to continue unchecked. One of the most important points raised in this statement is that there are no mechanisms, nor policy initiatives to review and revise the personal laws of religious minorities in order to ensure that minority women have fair and equal legal rights.

The statement reiterates the concern of women activists regarding the stark disparity in terms of possession of national identity cards by women and subsequently there has been a policy drive to extend CNICs to women across the country. However, these efforts have been limited to the larger provinces and there is no special strategy to extend citizenship rights to women in tribal areas. The lack of concerted efforts to implement the quota of 10% reservation in public services has been dismal and the statement points out that there has been no appointment of a woman judge since 1994. The statement points to the inadequacy of women's crisis centres by noting, that out of the 25 such centres, 17 are operational in a country of 110 districts, and that these too operate on meagre funds and little publicity. Similarly, the Gender Crimes Cells in the police bureau are ineffectively managed and limited in their contribution.

Since this statement, however, the demands for legislation against domestic violence and sexual harassment have in fact been addressed by the current government and the latter has been enacted in 2010.

There is no doubt that there are many challenges preceding the additional responsibilities brought about due to the current political environment. Certainly, it remains the task of women's groups to keep pursuing the government to meet these unfinished responsibilities and monitor their progress. However, with regard to a precarious new direction that Pakistan has had to face as a result of the War on Terror and its fall-out for the Pakistani people, there are some additional concerns that now have added to the broader thematic concerns of women specifically. These additional themes have been identified below in order to expand the canvas on which policy for women is approached.

i. Security of Life

The most pressing and urgent of all concerns is clearly that of security of life. Traditionally the women's movement has struggled to link security issues to times of peace and stressed how security of livelihood and domestic violence equally threaten women's lives regardless of broader security issues. However, the new violence that pervades FATA, Pukhtunkhwa and all Pakistani cities has created a systemic sense of insecurity that is shared amongst all citizens. With regard to women, as expected, new expressions of violence are also gendered. So, for example, the last few years have witnessed a shift in the entire spectrum of gender relations. From a visibly increased masculinization of public space, to unprecedented extra judicial punishments including stoning to death of women suspected of illicit acts, to honour crimes committed now in urban centres, these are just some of the more obvious practices threatening women's very lives.

The government has attempted to tackle the impact of local terrorism

through counter-terrorist military imperatives rather than pre-emptive and preventive measures at societal levels. Therefore, women's groups have repeatedly stressed the following barometer to measure how a social environment becomes conducive and ripe for the embedding of extremist politics and for terrorism to be successful. The first step for extremist possibilities begins with seemingly innocuous conservatism and self-acclaimed moral policing such as the following;

- The shutting down of women's shelters,
- ban on medical treatment from the opposite sex,
- forcible segregation of colleges,
- jirgas and parallel adjudication systems in universities governing on gender relations,
- banning of music, photography and artistic expressions in public institutions and private recreational spaces,
- outlawing public depictions of women, restrictive regulations on women's dress,
- prohibitions on women contesting or voting in elections,
- fatwas and khutbas declaring women's bodies to be subject to public governance,
- 'virtue promotion' 'moral cleansing' drives,
- Women, minorities and cultural expressions/artistry/sport are the first casualties of extremist ideologies,

Organisations such as the Women's Action Forum prescribe many of the above violations as indicators of political health and recommend that if all public representatives and policy makers took serious attention and immediate recourse to counter these, then the possibility of critical mass that leads towards extremist acts may just be mitigated.

More importantly, those communities or political actors who are sympathetic or silent in the event of such violations, should be held accountable in a manner equal to one who is complicit or directly responsible in committing or exacerbating, aiding and abetting the crime of terrorism.

Women activists have for several decades warned against the institutionalisation of religion at state levels. The concern over parallel judicial systems and advisory bodies in the name of religion is that their intervention and political pressure exerts undue and often, for women and minorities, unjust influence over policy. Therefore the government needs to be guided foremost and above all, by the Constitution. At the same time government must protect Constitutional rights and institutions by ensuring that Islamic jurisprudence is not defined or influenced by theologians or populist religious leaders masking their political agendas behind faith-based identities.

ii. Political Media

Under such insecure and critical circumstances, the parameters of responsibility do need to be redefined. Therefore, the role of those in public services, including the media, deserves critical attention and redefinition. When media sources are being abused so as to spread hate messages, religious intolerance and to prevent women from voting or access to health services, the government must take immediate and urgent recourse to criminalise such acts and take legal action against violations. The spectrum of such media abuse is wide.

Mainstream media often accommodates prejudicial and libellous views in order to sell their programmes under the guise of journalistic controversy. However, very often the message that runs through is blatantly patriarchal, ultra conservative and anti-minorities. Media policy for women needs to go beyond monitoring of sexist content or expanding women's representation in the media. It needs to monitor the use of media forms as a propaganda tool (including informal media such as pamphlets, graffiti, mosque loudspeakers etc) that challenges the state discourse on religion, social policy and citizenship. To abdicate message dissemination to these uncontrolled fronts of the informal media means yielding the rights of ordinary citizens and opening them to capture by anti-state forces.

There are also additional concerns and themes within the media that have not been discussed within the realm of policy redefinition. For example, while there is passionate discussion and policy debate around the issue of blasphemy, yet what constitutes pornography and its proliferation remains unclaimed. Only a section of theologically motivated rhetoric determines what constitutes pornography and those who are involved in its production. Yet this is an important facet of media and women's representation and policy intervention on this should be determined by consensus recommendations from women's rights activists.

Another source of discriminatory policy arises from the notion of what comprises as 'culture'. Both historically and in contemporary terms, the culture ministry remains the purview of gender-bias and falls short of its true potential to redress gender needs. Over recent years, it is clear that provincial aukaafs have played very negative roles in encouraging or falling prey to manipulation by local clergy and religio-political groups and following their agenda rather than that of the state. Conservative political parties understand and use this to their advantage while more liberal political parties tend to ignore this very vital ministry as a soft or irrelevant one. This has led to surrendering the ministry to the more conservative elements within government allies and this can have a devastating impact on local gender and minority relations. The political use of what is "our culture" or "tradition" can be as dangerous an ideology as politicised religion. Both tend to be defined and interpreted by and for

the benefit of men. A regulatory framework needs to be designed for state-associated bodies responsible for cultural expression and activities.

iii. Moratorium on Policies

Since discriminatory policies and laws continue to be detrimental to Pakistani women's rights, there is a temptation amongst activists to follow set agendas and repeat unfulfilled demands off the lists that have been defined by a previous generation of rights activists. No doubt it is vital to demand the removal of discriminatory laws and policies to create a neutral and equitable society for all.

The question remains, when is it the time and where is the place to identify new priorities? For example, why do women's rights activists continue to hail the Muslim Family Laws of 1961 as "progressive"? Given the considerable social and economic waves of change that have impacted women in Pakistan, including rising divorce rates, single working women, women headed households, rising school enrolments, women's literacy, changes in fertility rates and so on, why do we consider the negotiation of Haq Mehr, custody of children and other gender discriminatory divorce settlements as adequate? Is it not the time to draft a new Family Law that is commensurate with women's changed status as well as new needs and rights within the current context? Is it also not appropriate to legally streamline the Nikah contract rather than leave this subject to social pressures that demand conformity to patriarchal requirements rather than for the security of women's rights? Similarly, fair laws on divorce settlements including maintenance need to be debated.

The warning here would be that new policies would have to be crafted in ways that avoid replicating discriminatory social attitudes and customs but also that they should not be influenced by preconceived familial, marital and maternalist roles of women. This is particularly true for religious-based, conservative societies which place strong emphasis on traditional family values and women's unpaid caring roles. The expectation of social provisioning from women and young girls results in cruel extraction of labour from them and their coping mechanisms are at high risks. A new policy agenda would mean rethinking care provisioning as women's exclusive roles and the cost to unpaid carers.

Instead, family laws need to be revamped with the view of the basic, individual rights of women as equal citizens regardless of her marital, maternal or familial status. Policy ends up being discriminatory when it attempts to recreate traditional gender arrangements by idealising motherhood as a full-time dedication. In reality, women's day to day lives and attachment to the labour market are the challenges most women face when trying to combine employment and family responsibility.

Neo-patriarchal family laws and lack of social spending on family benefits can hinder the role of women as economic agents and rights-bearing citizens.

Another important concept to be clarified here is the debate over **collective** and **individual** rights of women. It is at this intersection that activists often flounder and policy makers take refuge, allowing informal institutions within communities to determine the role and limit the rights of women. Most often, informal control tools are retrogressive and in the case of Pakistan, enhanced community control is linked to traditional authorities such as jirgas and panchayats. These allow for embedded parallel adjudication and decision-making which reinforce traditionalist interests of the male elite.

It may be useful for activists and policy makers alike, to make a distinction between the notion of **collectivism** and the **communitarian**. The former is linked to democratic possibilities whereby collective strategies can link the well-being of communities to political goals and community based initiatives and programmes would be linked and directed to the state. Communitarian approaches, however, tend to be insular and entrenched in traditional resistance to women's equal rights. Communitarian authorities are also resistant to state control because they are able to substitute for (already weak and ineffective) state services internally.

Recognising the difference between these two institutions may permit policy which co-opts the collectivism that is open to constitutional standards of social equality, while contesting the parallel political power of communitarian authorities. This is only consistently possible where democratic institutions are strong, truly representative and accountable from community right up to state levels. Only then can a strong link be validated between collective community rights and the state, while loosening the internal control that communitarian authorities wield over women's choices and rights.

iv. Labour, Health and Education

Just as in other developing countries, the informal economy of Pakistan is strongly gendered and a major source for women's labour more than men's. However, even within this sector, men dominate the higher segments of this informal sector. In Pakistan, some studies have highlighted the growth of women's home based work and the discrimination that accompanies this unrecognised and unprotected form of labour. A comprehensive National Policy on Home Based Workers has been drafted by the Ministry of Women's Development in collaboration with the Ministry of Labour under the aegis of the current government. The recommendations do not need to be repeated here but there is a continued need to recognise that home based work is not

the only gendered sector. Further policy needs to be drafted for other vulnerable sectors that are also gendered.

The most important aspect for policy consideration is the close link between economic security and social security. Loss of income for health reasons, family care responsibilities, failure of produce, natural disaster or loss of asset (carts, sewing machines or other tools) or lack of supplies, can devastate a worker's life. The vicious cycle between low income and health makes girls and women particularly vulnerable in terms of their livelihoods, social status and in terms of their very lives.

For this reason, women activists have been calling for a) visibility of and attention to women's roles in the informal economy and b) social protection in the form of health insurance and education for these young working girls and employment security, such as special pension funds for adult women.

There are three particularly vulnerable groups within the women's labour force which require specific policy attention.

Migrant workers, either those who accompany men as family members or those who themselves migrate for employment reasons, are a high-risk group. These women are especially vulnerable to exploitation by way of lack of knowledge or access to social protection. Often such young women resort to becoming commercial sex workers and their labour is not recognised as an acceptable category of 'occupation'.

A second vulnerable category includes those women who serve as the lowest paid domestic workers in urban areas. Not only are they invisible but this group too has no knowledge of their legal right to the minimum employment wage and are often in no position to negotiate for this amount. The employers often defend their exploitation on the basis of other forms of informal assistance that they may extend to domestic workers, such as school fees of children or health costs, but these are contingent on the whims of employers and thus constrain the autonomy of the worker. Domestic work needs the same form of security that is derived from the contractual obligations of employers in the formal sector.

Unpaid home-based *carers* (not necessarily working) form the third vulnerable group within the informal economy and their labour does not classify as work or employment in the national accounts of a country. When the primary carer of the household, almost always the woman, falls sick herself or carries the dual burden of working outside the home and caring for the children, the entire household becomes high-risk due to the multifaceted responsibilities that depend on the woman's role of carer and her income.

Increasingly, indebted women are perhaps the most vulnerable in the current economic environment and in many cases they are the primary bearer of family debts and responsible for repayments. This is an under-researched area and data on this could assist policy intervention for social protection in a substantial way.

Based on this recognition of the interconnectedness of working women's issues, there have been some successful examples of innovative social-protection programmes that introduced social insurance for women informal workers, such as the Self Employed Women's Association (SEWA) in India and a voluntary insurance scheme in Costa Rica.

These social insurance schemes attribute their success to the central understanding of the inter-dependence between income savings and health. The main reason why the poor are unable to repay loans is sickness. Therefore to assist the working poor, the schemes offered by SEWA are integrated; a bank, healthcare programme, life insurance and asset insurance to which all members must subscribe. However, the flexibility of whether to pay annual subscription or a one-time deposit encourages higher membership. Another important feature is SEWA's partnership with the government which subsidises two of its insurance corporations to offer some of their services to the poor.

Policy-makers do need to be wary of attempts to graft or impose schemes without due consideration as to how the access of informal workers to any measure of social protection is contingent on their building strong, effective organisations as a first step. Then the commitment of the state to deliver social services will be key in empowering women workers, not just in economic terms but with regard to their health and overall quality of life. In this regard, policy needs to address health concerns from a new perspective which is more holistic and not limited to only maternal and reproductive health when it comes to women.

The Mental Health Ordinance 2001 (MHO), which was promulgated in Pakistan in February 2001, is a law pertaining to mental health in general and to matters relating to persons with mental illness or with developmental delays in particular. Mental health issues affect women more pervasively than most other health-related concerns.

Dr. Rubeena Kidwai, an expert and activist on mental health issues for women in Pakistan notes the efficacy of the MHO as in her opinion it "brings the definition and treatment of mental illness at par with current understanding and practice of mental health care. Its implementation can ensure that persons with mental illness or developmental delays are accorded their civil, legal and human rights."⁸

⁸ <http://www.gopetition.com/petitions/implementation-of-mental-health-ordinance-in-pakistan.html>

According to the MHO, the Ministry of Health (Government of Pakistan) will constitute the Federal Mental Health Authority, a 14-member body consisting of representatives from Federal and Provincial Health Ministries as well as 7 eminent psychiatrists. It is the task of the Federal Mental Health Authority to enforce the Ordinance by forming rules and regulations that translate into ethical, standardised and humane treatment and care for persons with mental illness or developmental delays.

Dr. Kidwai also points out that while the first Federal Mental Health Authority was formed in 2001, however it lapsed in 2005 without achieving any significant progress in the implementation of the Ordinance. This authority was reconstituted in December 2008; it is now 2010 and members of the reconstituted authority have not yet convened. As with all Ordinances, this one too will remain ineffectual unless and until rules and regulations are formed which make the Ordinance enforceable. Activists are urging the Federal Mental Authority to initiate the process of implementation of the MHO. A petition drafted by Dr. Kidwai explains the importance of the MHO reproduced below;⁹

In the absence of an active law on mental health in Pakistan, persons with mental illness or with developmental delays are:

- *Abused in the name of treatment, for e.g. chained at mazaars, chained to bed in a treatment facility or given electric shock treatment without anaesthesia*
- *Families may abandon a relative who has severe mental illness or developmental delay*
- *Families may confiscate assets/property of a relative who has mental illness or developmental delay*
- *Families may falsely claim mental illness of a relative in order to confiscate his or her assets/property*
- *Prisoners/inmates with mental illness are housed along with other inmates instead of being treated/rehabilitated.*

The implementation of the MHO would work towards the prevention of abuse of persons with mental illness or developmental delays in the name of care/treatment and legal recourse for protection of property/assets belonging to such persons. It would also ensure that government would bear liability of cost of treatment for persons with mental illness who cannot afford their own treatment.

In terms of education, the conventional policy approach has focussed on discriminatory budget spending on girls' and women's education. The current political environment requires a wider grasp of the implications arising from the informal education system and vocational sectors. While it is easy to set goals such as 'education for all', there is no grappling with the existence and growth of madrassah education for girls and increasing influence of private piety movements and schools. In the

absence of studies, interrogation, debate and policy intervention on such parallel educational forms for girls and women, the discussion will remain limited to increasing expenditure rather than targeting the real challenges to women's educational output emerging from parallel educational systems.

The same is true of the increasing influence of cultural policing by vigilante groups in universities regarding women's behaviour. This intimidation scares the faculty into submission too who become helpless in controlling the political forces of such groups on campus. Educational policies need to encompass all these facets of campus dynamics and implement preventive policies before they become endemic and institutionalised and therefore very difficult to uproot. In other words, educational policies need to be strengthened as per regulatory frameworks which don't simply monitor resources, physical facilities and role of teachers but also on the social environment within schools, colleges and universities – both public and private.

While budgetary allocations, maternal health, reproductive rights, curricula and vocational opportunities, labour and childcare policies are deeply important issues that require policy revamping, it is equally important to introduce the new and pressing additional parallel concerns that Pakistani women are facing in the fields of labour, health and education and which have been outlined above.

v. Social Protection

There is no explicit policy that seeks to reduce inequalities in Pakistan's macroeconomic management, nor in economic reform programmes. Therefore, while there have been some stated attempts to target poverty, there are no targeting mechanisms to ensure efficient reduction of basic inequalities. The current economic policies are divided into economic reforms, pro-poor government spending and social protection. Atypically, targeting and evaluation of such policies tend to be the weakest at all levels.

If policies do not consciously aim to reduce inequalities as their primary target, whether these inequalities are in the form of income/asset distribution, in access to effective social protection, or by way of legal citizenship rights, these policies will necessarily result in discrimination. Eliminating the social and economic hurdles that obstruct equality must be the foundation of every policy intention, otherwise policy initiatives will merely end up duplicating and reinforcing existing discrimination against marginalised sectors, especially women, minorities and the poor. This results in adverse policies which wrongly assume that some growth-oriented economic strategy will, indirectly, lead to improvement in people's quality of life.

¹⁰For some more details on social protection history and figures, including a detailed discussion on the BISP see chapter on Social Protection in 10th Five Year Plan of the Government of Pakistan Planning Commission, 2010. In this study, only the salient gender concerns of social protection have been outlined.

¹¹Or as in the case of the *Oportunidades* programme in Mexico can link social assistance to the health, education and nutrition of beneficiaries' children.

As part of the recent anti-poverty drives initiated by the current government, entitlements, specifically cash transfers have been identified as a key aspect of the poverty alleviating policy.¹⁰ Of these, the Benazir Income Support Programme (BISP) while not the first, is certainly the largest cash transfer project purported towards poverty relief. It is funded by the World Bank at a reported sum of Rs. 350 billion over the next five years.

The main concerns about the BISP is with reference to the fact that this is yet another vertical programme that layers other welfare initiatives such as Bait ul Mal and Zakat fund which also get support from the World Bank fund. The introduction and emphasis on new windows of cash transfers without focus on the root causes of poverty, is one central issue. This is particularly true as the BISP is viewed as having been planned as a short run crisis management with no horizontal plan towards sustainability.

Secondly, the repetition of bureaucratic weaknesses and leaks within the delivery processes is another concern. The third aspect of the BISP that has met with criticism regards the targeting methodology prescribed by the WB for cash transfers. The methodology for identifying beneficiaries has since been changed from a MNA-led one (Member of National Assembly) to a mechanism that depends on a Proxy Means Test. The concern is that the poverty score-card has been derived from questionnaires that are not culturally accurate measurements of what constitutes poverty. Therefore, the issue of who defines and identifies "the poor" plagues this programme. Even amongst this category, the target population is extremely limited in terms of the scales of requirement. There is a dire need to institute a deeper understanding on measures that attempt to authenticate the credibility of 'the poor', as well as a discussion needed on how the targeting can be related to social considerations. For example, under the current circumstances can women from religious minorities qualify as a fixed proportion of recipients as per their precarious social and economic positions in communities?

According to one school of thought, subsidies are more successful than cash transfers and can be linked to girls' education and health rather than just economic status.¹¹

Other alternatives to cash transfers would need to be premised upon the distinction between rural and urban poverty and for plans to be more holistic around demographic determination. This means provincial responsibility and ownership of social protection programmes. Employment guarantees are another neglected aspect of policy as they omit informal sectors where most women are employed.

Finally, the BISP is a straight forward welfare consideration like the two other main welfare funds. Although it is a tribute to a woman leader and

her commitment to women's progress as well as, a symbolic acknowledgement of women's primary right to state provisions, however, in practice, while it targets women beneficiaries, yet it has not translated into a key development strategy linked to the political economy. The fear is that such a welfarist approach to the BISP will limit this programme to a scheme rather than a social contract between the state and women. The targeting methodology also reinforces the notion of what constitutes the “deserving” woman beneficiary, dependent as it is on her political affiliation, age and status rather than her vulnerable social positioning. The absence of an informed gender disaggregated and gender conscious household based poverty data leads then to discretionary ad hoc and ultimately untenable, social protection policy.

vi. Right to Assets/Resources

The more significant aspects of social policy in Pakistan have typically targeted a nebulous land reform programme in the 1970s; food procurement and distribution (utility stores, fair price shops and specific programmes like Tawana Pakistan); cash transfer through Zakat and Usher system introduced in the 1980s; education; employment creation in the public sector; mechanisms for social security provision introduced in the 1960s (contribution-based social insurance schemes)—Employees' Social Security, Workers' Welfare Fund, Workers' Profit Participation Scheme, Compulsory Group Insurance Scheme, Employees' Old-Age Benefit Institution—applicable only to the formal sector's permanent employees; affirmative action by way of quotas in public services employment and educational institutions; anti-poverty programmes directed by way of Bait ul Mal and micro-credit; changes in governance structures and social services delivery mechanisms by way of devolution.

In India and several developing countries, from 1990 onwards, one of the effects of neoliberalisation has been the casualisation of labour and what is known as, feminisation of work. In all these countries where as work became more casual, lesser paid and employers preferred flexible, docile women's labour, women's presence in the workforce (albeit causal) increased. According to the *Pakistan Employment Trend for Women, Series No. 5*, Labour Market Information and Analysis Unit Report available at the Ministry of Manpower and Labour website, there are clear indicators that female labour force participation rate in Pakistan has increased substantially over the years.

The absence of any substantive land redistribution in Pakistan has had many different implications but specifically in economic terms, this has meant that the domestic market for manufactured goods remains socially narrowly based, as does agricultural growth which remains confined to a small class of landlord-turned-capitalists and rich peasants. This narrow base means that neither productivity, nor incomes (particularly rural) have increased in a substantive way to stimulate

¹²Jayati Ghosh, *Social Policy in Indian Development*, UNRISD project on Social Policy in a Development Context, Geneva 2002, pg

domestic demand.

Cooperative Not Corporate Farming

More recently, even token political sloganeering on the issue of land reforms has been abandoned. In the absence of such institutional restructuring from a political resolve, the only avenue for minimal redistribution remains the social welfare window. At the same time, the few reforms that are being instituted are further corporatisation of agriculture which has deep and direct implications for women. Thus, on the one hand there is virtually minimal resource redistribution for women and on the other hand, new policies around agriculture are further burdening women. Traditional growers prefer to cultivate indigenous grain crops for their local requirements such as wheat, paddy, maize, while multinational farming is said to prioritize grasses over grain. Analysts also point out that livelihoods earned through cotton picking and livestock breeding, which are traditionally sectors managed by women, are also threatened by corporate farming which seeks to displace such use of land through machinations and catering for international markets, rather than for local food security or livelihood.

Some economists have pointed out that in the place of radical land reforms there are other options that can alleviate the current inequalities that are resulting from current policy neglect. Although there is recognition that small landholdings now dominate agriculture and land ownership patterns but it is the tenurial patterns that create insecurity or threaten the viability of these holdings. For example, cultivation of fragmented holdings becomes a problem, as does access to credit or the market which is still monopolised by large landholders. Moreover, as noted by Jayati Ghosh regarding agriculture in India, "control over water has become possibly even more important than control over land".¹² This is true for Pakistan too.

The point here is that even if policy makers wish to avoid the political fall-out from direct land reforms, there are many additional ways to address land issues in a wider, more encompassing manner which will assist, encourage and support small landholders.

Agrarian reform needs to focus on eradicating poverty among sharecroppers, most susceptible to the abuse of debt bondage where the worst suffers are women. Public policy should impose a floor for size of tenant holding and for tenant shares, or provide a subsistence plot where production is not shared with the landlord. Such asset-building for women is essential. Women farmers should have a piece of land in their names. Besides ensuring and protecting female entitlements, cooperative farming can realise economies of scale. Overall, investing land rights in cooperatives can lower the land poverty threshold.

However, the caveat that applies here is the same that this study has attempted to point out under all themes. Unless specific local, social and cultural considerations are factored into policy in a holistic manner, any policy that attempts to enable women's empowerment will have limited impact or even reverse possible progress.

A study by Nazish Brohi, *'Rereading the Disconnect between Women and Land in Rural Pakistan; Circumventing the State'* (2008), reveals a complex relationship between land rights and women's negotiation of these theoretical rights for familial protection.

The demand for land rights and titles for women has been based on a conventional understanding of the state as provider of citizenship rights. However, the Brohi study raises some details about the more beleaguered struggle by women for access to land at the meso level and through non-state structures. First it notes that historically, Pakistani women have had an inverse class relationship with land such that landed women tend not to have knowledge or skills about land and farming, while women who *do* carry this knowledge are the ones who do not own land.

Secondly, it records how the demand for women's individual right to land ownership (in a contradictory manner) both guarantees and simultaneously threatens her access to communal social protection. Here social protection is literally protection awarded to her by the society/community. In other words, as a right, a woman's claim to land is supported by the community as part of the social justice ethos. However, once her entitlement is acknowledged and should she then proceed to seek divestiture of her land, she is perceived as violating the social justice system of the community and even excluded from the ascribed communal protective rights. This web of social protection that ties women's land rights to indigenous social justice systems repeatedly eludes women's rights activists and policy makers alike.

It is therefore imperative for policy to consider the various filters that sift out the effectiveness of laws and policies at meso levels. In other words, by the time a good policy initiative trickles to communities, it may just evaporate in the face of inherent and indigenous social protective systems which are strongly patriarchal in intent and execution but may technically not be resisting women's rights. Instead, by co-opting the rights of women and accommodating them within their own, more effective patriarchal social order, the community can easily follow state policy, yet at the same time equally effectively resist the intention, imperative or delivery of that very right. With regard to the nature and role of the state, this then raises the issue of whether state policy is independent and autonomous from kin-based and community-based structures in society or merely an extension and therefore, reflective and reinforcing of their patriarchal and masculinist expressions.

The challenge for policy initiatives remains that currently, neither formal

¹³ Naeem Mirza and Wasim Wagha, A Five-year Report on: Performance of Women Parliamentarians in the 12th National Assembly (2002-2007), Aurat Foundation, Islamabad, 2009 and Farzana Bari, Women Parliamentarians: Challenging the Frontiers of Politics, 2010, forthcoming.

nor informal social protection is rights-based. It is the responsibility of the state to set correctives that reclaim its own role as provider and affords direct protection to women, at least from informal institutions as a minimum start.

vii. Democratization

The original rationale behind reservations and quotas for increasing women's parity in representative politics was intended to reverse the systemic discrimination and exclusion of women from politics. The corrective approach has been achieved through affirmative action policies. However, the various experiments all over the world have shown that a review of such policies is always useful, in order to reflect on the successes and correct the flaws of the outcome of such affirmative action. The landmark decision to increase women's representation to 33% across Pakistan's local governance and 17% within national governance structures by General Purvez Musharraf in 2002, did impact the entire political landscape of the country. It elevated the Gender Empowerment Measurement of the country while also improving Pakistan's standing on the Human Development Index and boosted women's political participation in the country.

However, activists within the women's movement in Pakistan have been cautioning over the need to review the performances of women representatives who benefit from the reservation system and for reviewing the quality of women's representative politics. Otherwise, affirmative policies, which should serve the political needs of women constituents, can be reduced to simple tokenism and make a mockery of the original policy.

Some women's groups have documented the performances and assessed the role played by women Parliamentarians.¹³ Such studies point out three broad concerns regarding the experience of Pakistan's experiment in reservations of women's seats.

The first observation is that the policy was premised on essentialist presumptions, such as, the assumption that those women who are awarded reserved seats in Parliament automatically represent all women's concerns. The second concern is that the indirect modality of nominating women for these seats mirrors and duplicates the patriarchal constraints that women face in society. Therefore these quotas really are dependent on male leadership of the party rather than reflective of women's services in constituencies. The third concern extends this point by noting that when affirmative action policy is made in a vacuum rather than from a deep understanding of the specificities of how gendered politics works in a society, then such flaws are bound to surface very soon and result in an ineffective policy outcome. Affirmative policy needs to be driven by the impulse to empower women, not for

parochial political benefit.

In a forthcoming essay, Farzana Bari observes that “... *the approach to gender quota was essentialist in that it treated woman as a universal and undifferentiated category rather than one divided by class, ethnicity, region and the rural/urban divide. The treatment of women as a homogeneous group negated and ignored the diverse interests of women belonging to different social groups. In the absence of any criteria prescribed for the nomination of women on reserved seats, political leaders were given a free hand to nominate women of their own choice, from their families and from the elite background and those willing to toe party line.*”¹⁴

¹⁴ Ibid.

Some of the correctives recommended at the NCSW consultation included the proposal that women aspirants for reserved seats need to seek alternate power bases in constituencies rather than rely on returns from party loyalty. Also a consistent demand from the women's movement has been the call for a mandatory 33% reservation within party allocation of tickets for women, as well as the same proportion of decision making positions within parties. This requires correctives within the Political Parties Act. Not only would this be truly reflective of equal representation of women in political processes but indeed, it would change the very culture of politics in the country towards more egalitarian possibilities.

The danger of allowing some image-enhancing policy to float along without any serious consideration of their long-term impact (such as quotas), is that if these are not instituted properly then women's participation continues to sink to the bottom of state institutions. The dismal results of the current quota system as it operates in the bureaucracy are testament to this. Without quotas in the legislative system, women will never be in decision-making or law-making positions and there is no likelihood of any gendered policy then emerging. At the same time, evidence from international experiences shows that if the broader women's movement is not vigilant then women political representatives tend not to work efficiently towards women's causes. The symbiotic relationship cannot be overestimated.

Some women representatives tend to believe they are not accountable to women's rights groups but the trend shows that when women politicians face challenges from traditional power bases then they do require the support from the broader women's movement in society. Thus, vertical linkages, as encouraged by the current political parties' culture, can be cut across by women representatives if they truly wish to bring about critical changes for women's empowerment and rights. This can only be done by forging horizontal alliances with the women's movement.

As a comment on the culture of politics in the country, a UNDP report from 2005 points out that as a consequence of non-democratic inner-

¹⁵S. Akbar Zaidi and Afiya S. Zia, An Assessment of the Effectiveness of Women's Wings of Political Parties in Pakistan, 2009, A study for the Asia Foundation, Islamabad.

party culture and workings, women's wings and women party actors also suffer. Most parties still do not maintain the record of women members, and with the exception of the Jamat Islami and possibly the Muhajir Qaumi Movement and the Pakistan Tehrik Insaf, one does not really know how many women members there are – or, for that matter, how many male members there are either. The Report estimates a total share of women members of around 5-7 percent (cited in Zaidi and Zia, 2009).¹⁵

Further, there is a need to review the role and requirements of women's wings of political parties. The Zaidi and Zia study on, *The Effectiveness of Women's Wings of Political Parties In Pakistan*, reports that many of the office holders of women's wings confessed in their interviews that they felt ghettoized and marginalised. The study notes the following;

All respondents, particularly those who were affiliated with a political party, agreed that women's wings play a great role in mobilising women at the time of elections, in times of voters' registration, and during election rallies. All respondents felt that women's wings did the 'dirty work' of politicking, bringing women voters out to vote. Moreover, women's wings and women activists, helped in campaigning for candidates and also played an active part in demonstrations and political campaigns. Whenever the main political parties were incarcerated or in exile, women's wings members were said to be seen on the streets agitating for their release. This political value of women's wings is most noticeable in times of agitation and crises where, according to one respondent, the 'photo-opportunity' provided by women political activists agitating goes much further than that for men doing the same political activity. This lead to one experienced and seasoned politician to confess that women's wings provide 'fodder' to the political party for such sorts of activities.

Most women politicians interviewed conceded that they had little role to play in any sort of decision-making with regard to the party, except perhaps, at a very local, parochial, level. Women who had been part of senior office or in committees, felt that they were there not because they were women or from women's wings, but that they were there because of their competence and capabilities as 'politicians'. They under-stated their 'woman-ness' if they had risen to higher office within the party. One woman politician asserted that despite her many years in politics, some of which she spent in the women's wings, she never felt that 'she was a woman'.....

.....
Some women when pressed further did concede that this mechanism and structure was a 'relic of the past' when the social and cultural position and prominence of women was not as evolved or prominent, and did feel that in our current 'modern' times, women have come a very long way and no longer need to be segregated, but they also said that because these wings were a 'cultural' issue, they were difficult to undo. This view was also held by some women who had been part of the women's wing in their party and said that these wings were mainly meant to mobilise women and women voters, but were quite peripheral to the 'main' party. One woman politician

*confessed that while they may have been part of the political machinery in structural terms, they were not part of the thinking or of the ideas related to how the party functioned.*¹⁶

The study also makes an important observation that one mainstream party, currently part of the coalition government, the Awami National Party does not have a separate women's wing and instead includes women as active members of the mainstream party. This also challenges the mythical assumption that segregation of women is a necessary requirement due to the demands of traditional politics. The ANP is dominant in what is considered conservative Pukhtunkhwa, yet holds to its principle of integrating women within mainstream politics.¹⁷

The above reference sums up the overall dilemmas of the autonomy versus integration debate for women in politics. Is it time for women's wings to be disbanded and for all women members to be integrated into the main party? This may be one method of overcoming the obstacles of separation and stereotyped roles for women politicians at cadre level and opening a channel for political mobility that is based on merit rather than gender. In addition, the issue of social class representation is another challenge that has not been addressed in affirmative action policy on women's reserved seats. Therefore, the reserved seats lists are subject to middle class and elite capture in the same unfortunate way that mainstream politics tends to be.

The issue of gender quotas revolves around a wider predicament. Male dominated communities tend to see women as either assets or liabilities and fetishize the symbolic worth of both extremes. This is reflected in the definition and policies of the state and plays itself out, for example, in the Family Laws, the Women's Protection Act, the discriminatory Citizenship Act and even in the fact that female headed households do not qualify for Computerised National Identity Cards or that women cannot be titled on the ب – form. In addition, women are not eligible for CNICs without the supporting evidence from a male relative. All these factors work against the struggle for leveraging women to an equal status and policy redressal is imperative to achieve this goal.

Underlining such inequalities in citizenship are ideological tools, such as school textbooks and curricula which are dominated by religio-nationalist narratives. These reinforce symbolic inequalities and influence patriarchal policies, such as those listed above. In this context, quotas become necessary but these tend to have limited deliverance. Often, the legitimacy of special commissions on women and reserved seats are challenged and their proposals do not carry the same compulsion as they are perceived as supra-governance or peripheral and their credibility is always questioned.

The non-uniformity of implementing quotas is of grave concern, especially in the judiciary where women are extremely under-

¹⁶ Ibid, pg 16

¹⁷ Ibid, pg 17

represented as well as, for tribal areas where there is a presumption that enforcing quotas for women's representation is not appropriate. A concerted policy needs to be worked out to ensure successful implementation of quota policies and in other cases, the worth of quotas themselves need to be re-evaluated and made more effective in terms of the quality of representation they afford.

Several indicators suggest that women's reservation at union council levels and overall in the local government system have made legitimate gains due to the active role of women councillors. There is a need to thoroughly assess the successful strategies applied by such local actors to learn lessons from the field and use these in future policy to empower them even further.

viii. Procedural Policies on Family Laws and Violence Against Women

Many of the same arguments presented above also apply to other affirmative action policy initiatives, such as the Women's Police Stations (WPS). Despite the theoretical and in some cases, practical benefits of policies that support women's autonomy, the success of WPS has remained limited. In recent cases, such as the alleged torture of women complainants at the WPS, they have even proven to duplicate the masculinist oppressive cultures of common police stations. Apart from a need to review the role and effectiveness of WPS, there are increasing calls for and existing efforts by some NGOs towards gender sensitization and training of police staff. The experiences from such interaction point towards the fact that this latter effort aimed at engendering mainstream institutions may be more effective than separating women's access to criminal justice.

Legal activists also list several procedural flaws which impede women's access to justice. These range from lack of information desks in police stations that are supposed to disclose information on how women can get legal services; the non-availability of medical rape kits in the stations; the reluctance to contact women's shelters/crisis centres when the woman complainant seeks help from police. In addition, it is pointed out that often police staff are ignorant about the law itself, including the fact that women cannot be detained at police stations after dusk. Thus a consolidated policy on the *dispensation of justice* is itself missing from criminal justice law. This is a glaring gap between law and policy that is meant to sustain the viability of law.

Some of the recommendations that legal activists have been working on include, the need for a detection wing in addition to the investigative wing so that the complainants do not have to conduct their own explorative work. At the moment, the burden of finding evidence and proof tends to depend on the energies of the complainant/victim.

Activists also stress on a strong emphasis on gender within the police curriculum. Also, when a new law is passed, it is issued through an official gazette but for wider knowledge, the popular media must be engaged to carry the information as a public service.

The one area where activists agree that quotas are required and would be effective is within the judiciary. However, this is with the caveat that women judges must be provided with in-court support staff since the overwhelming masculinist environment of courts is intimidating for not just women on trial but even women judges if they do not have professional assistance. The quotas would have to be introduced within the lower judiciary to allow for a natural evolution towards higher courts.

There is also a need for provisional policy that reviews certain laws regularly. For example, violations of the dowry law or the child marriage act, and a range of family laws including stipulations around polygamous marriages carry minimal fines which are not imposed and therefore render the law completely ineffectual. As pointed out repeatedly in this study, the broader societal collusion of male beneficiaries prevents women's inalienable rights because they compound these rights. So for example, in many cases, women's dowries become substituted by or transferred as part of their inheritance and this method allows men to deflect awarding women's rights in both cases, that is, women neither receive dowries nor inheritance in most cases. Policies need to review the ground realities rather than continuing outdated frames of references.

While activists struggle for the enactment of the domestic violence law, there is a need for understanding the broader politics of the domestic sphere. It is not enough to expedite divorce but given the severe financial constraints and vulnerability of single women's responsibilities of taking care of the children while working for a living, a post-divorce maintenance policy must be drafted and implemented as part of regular court procedure. Similarly, all procedures including birth, marriages, divorce and death must become included within a broadened mandate of the NADRA system. Across the board, activists from the field are calling for such reforms.

The current inheritance laws are discriminatory by international standards and even within these limited rights, the legal process whereby property disputes are settled are slow, cumbersome and expensive. Thus, most men depend on the fact that women are unlikely to be able to maintain their legal claims for their property. Added to this is the discriminatory practice by family members of postponing the award of dowries to women and amalgamating these as their inheritance rights, of which property may be a part. Thus, policy needs to address such circumvention of the law.

Legal analysts insist that a comprehensive criminal justice policy needs to put policy and laws in congruity so that a gendered understanding of

the social issues that affect women informs suitable and corresponding law-making and also becomes the base for reforming obsolete existing laws.

The introduction of Anjuman Musalihat (AM) dispute resolution mechanisms have shown initial success in creating a voice and space for women's involvement in localised cases. The effectiveness of these however, seem to also be dependent on the mobility and social capital carried by women within communities. Therefore it is imperative that policy recommendation should stress on the mandatory inclusion of women on the AM bench, otherwise the adjudication should be declared void.

There is a more specific concern on the issue of extending legal rights and recourse to women in Pakistan. This is with regard to FATA and PATA and Gilgit-Baltistan where many federal laws do not apply nor does recourse extend to these regions and peoples. The continuity of old and discriminatory laws is due to the lack of a new policy approach that should be committed towards legal inclusivity of these parts of the country and define the people of these areas within the common and equal framework of Pakistani citizenship.

There are some important lessons to be derived from the experiences of the passage of the Sexual Harassment in the Workplace Act, 2010. The most important aspect of the approach to this legislation is found in the explanation given by Dr. Fouzia Saeed, who has been a leading proponent and activist for getting this law passed. She explains that the main objective behind the lobbying for this legislation was that it should serve as a 'transformative law' not a criminalizing one. This approach means that the success depends on an accompanying Code of Conduct which served as the policy that was drafted, tested, and then sent up to be made into formal law. Such an approach involves the people who are going to be affected by the law with the understanding that this is for the civic improvement of the quality of life for all citizens.

Further, the approach around this legislation includes post-legislative work which includes Implementation-Watch committees which keep a record of their work and continuous effort is being made to ensure that the reporting system of harassment is a formal procedure not an informal casual one. Similarly, while it is noted that introducing the Code of Conduct is somewhat easier in the private sector, for the public sector the official appointment for an Ombudsman to hear such cases and various other procedures had to be completed. The pressure is now to ensure that a conducive environment can be created so that women are confident to register their complaints without fear of a social or career backlash.

The importance of the struggle to get this law passed is based on the

clear realisation of how harassment directly affects women's self-esteem, worth, mobility and economic and career opportunities. The lessons that can be drawn from the experiences of testing and lobbying for its endorsement, are an important source of advocacy-guidance for future legislation and policy towards women's equal rights.

ix. Conflict and Security Policies

One of the critical policy concerns regarding conflict in Pakistan today is the lack of distinction between humanitarian and developmental assistance. With the result, remedial policies for natural disasters and military conflict is often the same and although women are deeply affected by both, the impact and course of action required are very different for both. In addition, there has been a criminal lack of transparency on information of the impact of the War on Terror on Pakistanis. This lack of data and information makes reconstruction of lives and communities much more difficult and the process, untrustworthy.

The most compelling comment regarding conflict and military action in Kyber Pukhtunkhwa and FATA is that women are now actual direct targets of terrorist attacks in some cases and indirect targets of counter-terrorist strategies, whether these are through drone attacks or the Pakistani military's re-occupation of the tribal areas. As it stands, there is no specific policy for women affectees of this military activity, simply a plan to fund trauma centres or some ad hoc funds for those who manage to attain status as Internally Displaced Peoples (IDPs).

One of the consequences of this that is worrying women activists in Pakistan today, is the lack of gendered studies of the IDPs. This does not allow for a meaningful policy recommendation nor strategic advocacy regarding women IDPs. The example of the fate of Afghani displaced women through the 1980s should alert activists to seriously study and prevent the victims of displacement in Pakistan from losing status and rights altogether in the post-displacement period.

Displacement affects women far more acutely than men simply because the loss of property and livelihoods suddenly thrusts male roles on women who have had no experience, nor exposure to such responsibilities.

On the practical side, there are serious challenges not just with regard to the coping mechanisms and failing state provisions in the immediate crisis. Along with displacement and the unpredictability of further conflict, the two most pressing concerns regarding displaced women include; protection against violence and forced sexual slavery/trafficking, and, access and participation to assistance programmes directly and equally.

Traditionally, the policy approach to displaced women has been no different to that of refugee or abandoned women, or those who live in shelters in the country. However, while refugees have supposedly safe havens to move to and legal rights to international assistance, IDPs are at the receiving end of ad hoc and vague rights.

On the part of government and donors there is a willingness to direct some resources and at best, some efforts towards extending the opportunity to provide vocational or educational skills to women in the recent displacement in the northern areas of Pakistan. However, participation and protection against violence tend still to be treated as 'personal', 'cultural' and non-prioritised issues under the circumstances.

There is a need for an in-depth study that attempts to document the above challenges but with a view to opening up opportunities and improving the overall status of IDPs. Such a study would be based on;

1. A participatory research to record the challenges faced by the displaced women.
2. An action based mapping to find the results of where violations and failures to provide services have hampered the protection of such women.
3. Analysis and recommendations based on the above to seek better understanding and hence enables donors, government and activists to forecast the needs and advocacy potential of future displacement situations. This study should serve as a tool for IDP assistance programmes.

The role of the state comes under special scrutiny in the current crisis whereby militants are challenging and regularly attacking the state itself. In reprisal, state forces conduct search operations including from house to house without legal warrants and in violation of cultural norms of privacy of the domestic sphere. However, as women activists point out, when the state is called on to prevent domestic violence, or where male-dominant jirga decisions are questioned, this same sanctity of the home and cultural relativity is invoked and used as an excuse to not investigate or interfere in the "private affairs" of communities.

This hide-and-seek role played by the state must be challenged. The state retreats from the social sector in terms of providing (even access to) education, health and housing, yet moulds its structures to accommodate and facilitate cultural patriarchy such that it is hard to distinguish where its structures and actors end and non-state peripheries begin.

Another way in which women become dual victims of the state and families is when official authorities refuse to register women for state

services by accusing them of being “women Taliban” in an effort to delegitimise their right to basic services (as observed in Kohat). Yet another example is the increasing practice of forced marriages of young widows in conflict zones to foreign men, in order to justify their presence in their Pakistani host’s households. These are just some of the urgent and expanding issues arising out of the conflict in northern Pakistan.

There is an additional need to understand that all crises throw up opportunities as well. Therefore, these windows have to be used to facilitate basic services for women affectees of direct conflict situations by way of health provisions, CNICs, voting registration, educational opportunities and employment skills, extension of legal rights and proper registration of marriage/nikah contract and access to some form of micro-credit and provision of basic legal knowledge.

As activist Rukhshunda Naz points out, that if militants succeed in getting services, such as issuance of ID cards and access to other provision, why is this so hard for common citizens and affectees in conflict zones? Further, she identifies the impact of conflict on women as indicative in the increase in numbers of widows as heads of households and their unskilled status making them especially vulnerable. Other concerns are that women are completely missing from reconciliation efforts and dialogues between state and tribal representatives and the arming of young men to form pro-government *laskhars*. This feeds into the creation of a second generation of non-state (male) armed combatants who often turn their new-founded militarised power internally to control their own communities and tribes. Such ad hoc policies simply worsen gender relations and are bound to rise again to plague post-conflict social relations.

Activists have also pointed out that trauma and crisis centres or shelters are a different concern from the IDP crisis and need independent policy attention. First, in conflict zones there is a need to expand crisis centres into multipurpose centres through which the above listed resources should be made available.

In addition, activists are agreed that given the paucity of centres it would be advisable for federal and provincial resources to be merged and made available according to district distribution. There should not be concentration in any one district, rather these should be located fairly and equitably.

As mentioned under the Security of Life section above, the most critical point for policy intervention is in pre-conflict times. If policy-makers and law-enforcement agencies learn to identify and intervene according to the list of signs, symptoms and indicators given above, there is a credible possibility of reducing conflict through early preventive measures rather than waiting until it is too late. As seen in the last decade, peace zones become quickly vulnerable to conflict as the tipping point is shallow when militancy gains momentum. This fluidity means a holistic

understanding is necessary of how connected and equally vulnerable marginalised sectors are, such as, ethnic/religious minorities and women. Early intervention is more likely to be save lives and prevent conflict from reaching critical levels.

x. Implementation and Research

The Plans of Action and various donor-initiated projects have pointed out and attempted corrective measures regarding the weak implementation of signed conventions, commitments and resolutions by the various governments that have led Pakistan.

There are two schools of thought on why well-intentioned and well-drafted gendered policy fails to translate into implementation.

The first more prevalent criticism regarding policy failure tends to focus on government budget and expenditure. With reference to gender responsiveness, this criticism has also focussed on mismanagement within bureaucracies which are unskilled in understanding, untrained on methods and often, outright resistant to gender-based programmes across all state departments.

Many activists and feminist economists around the world have conducted gender based policy analyses of budget allocations from a gendered perspective. One of the tools developed from such an exercise has been the recommendation of a Gender Responsive Budget (GRB). This is not simply about number allocations but also is a method of analysing government policies and programmes in correspondence with the budget.

This initiative, introduced in many countries including in Pakistan, has so far had no noticeable impact in our case. The reasons for this form the second set of criticisms about lack of implementation of gender policies. These suggest that GRBs tend to run as futile, donor-driven activities which tend to separate fund allocation for women as a 'special interest budget' rather than crafting a gendered budget which allocates equitable funds through the entire state budget. This defies the stated purpose of GRBs which are supposed to mainstream gender in government policies.

Some countries have initiated what is called the three-way categorisation whereby all line ministries are required to assign every expenditure under three categories including;

- Expenditures targeting women (special interest allocations);
- Expenditures promoting equal opportunities between men and women;
- All other expenditures and an assessment of their impact on women citizens.

There are also exemplary efforts to include women's unpaid labour within macroeconomic policy. However, for such fundamental restructuring, there has to be relevant data that provides estimates for conversion of this labour into monetary equivalence. This would not be necessary for policy making if everyone were to acknowledge the fact of women's unpaid labour but data would simply back up and reinforce any hypothetical policy attempt and convince the sceptics.

There is another concern for GRB which has been mentioned elsewhere in this study which presumes that greater political participation of women results in more attention to women's interests. This raises the question of whether increased women's political participation influences GRBs or do GRB initiatives lead to more politicisation and involvement of women on funding of policy? Also, while there is a lot of focus on women in Parliament and their activities, there is little attention on women's performances in the bureaucracy. In the case of budgets, the role of bureaucracies are far more compelling than Parliament which is limited in its ability to change budget proposals. The additional fact that budgets are tabled in such a short period and prepared with the pressure of international lending agencies, does not allow for Parliament to make independent proposals and amendments.

However, Parliamentarians also need to rethink their roles as not just overseers but as proposers too and to check that budget allocations are made in appropriate correspondence to the government's overall policy priorities. One possible method may be for a Parliamentary committee to be formed that checks on performance budgeting with regard to the allocations made for women and gender equity. Another possibility is for this committee to set up a Mid-Term Expenditure Framework which examines the figures and indicators of budget allocations before the next budget. Parliamentarians should be empowering themselves to get more involved in this aspect of policy especially with regard to gender responsive allocations and expenses.

To demystify the methods and applications of budgets and expenditure and promote the discussion of improving gender responsiveness in this sector, the women's studies centres, political and development studies and economics department could include GRBs in their curriculum to train future generations on this important vital policy tool. However, it is important to point out that budget analysis and for that matter, any policy analysis is not the monopoly of economists, political scientists or specialists only. As pointed out throughout this study, social and cultural factors work in such unexpected ways, that if a working knowledge of the possible impact of policies is not taken into consideration, then the very purpose may get subverted and have negative effects on women, and ultimately, all citizens.

There are gendered implications in tax reforms as well, which are understudied. For such an assessment to be made, it is necessary to distinguish

not only women's locations in occupational and earning structures but also in the structure of households.

Understanding the dynamics of the household, such as whether decision-making about household budget and expenditure is consensual or not, helps to assess the impact of price hikes and rising indirect taxes on women. If there is a fixed budget within which women have to run households then the impact of indirect taxes on household items will adversely affect women. This is why basic necessities must be exempted from VAT or sales or consumption taxes. In the same manner, single working women are disadvantaged by regressive taxes of all kinds including basic food, transportation, health and education services.

Universally, the more regressive the tax system is across income classes, the more they are also regressive in gender terms. There is also evidence to show that progressive tax systems can effectively raise at least moderate levels of tax revenue, even in low development countries. However, reliance on regressive taxes such as the VAT is due to a reluctance to tax the wealthy because governments rely on them to invest locally for economic growth. So rather than improving the existing tax laws and putting energies into making these effective, governments are lured by international funding agencies to impose VAT rather than focussing on enforcement of direct taxes. This unbalanced prioritisation suggests governments are not committed to the redistributive aspect of taxation and merely the collection side.

Expenditures on health and education tend to benefit lower income groups more than upper income ones in relation to their incomes. Increased direct tax revenues devoted to better quality health and education and to anti-poverty policies (pensions, unemployment, family allowances) go a long way to mitigating class and gender inequalities.

Summary and Policy Lessons

To ensure that the above policy guidelines assist policy makers, some main points from this study are summarised below;

- The benefits of strong, fair and just social policy are only effective if policy is transformative rather than merely reformative. Policy-making should account for the broader cultural and behavioural patterns that are specific to the Pakistani context. Effective gendered policy would weave such knowledge into policy mechanisms so that implementation is successful and so that gender relations and status become equal.
- Policy makers need to understand the gendered nature of all sectors. Usually social policy is either gender blind, or gender conscious but

in an essentialist manner. Both are equally dangerous because they reproduce a stereotypical notion of women and their traditional familial roles, as mothers or wives, rather than independent citizens first and foremost.

- Currently, policy initiatives are such that neither formal nor informal social protection is rights-based. It is the responsibility of the state to set correctives that reclaim its own role as provider and affords direct rights to women. The state must also afford women protection, at least from informal institutions and unofficial policies, as a minimum start.
- There is a need to account for the difference between collective rights of a community and communitarian oppression of women's choices within communities. Policy must respect and connect with the potential strength of collective rights without over-riding or abandoning the individual rights of women and their access to state protection and citizenship rights.
- There needs to be policy protection against the influence of theologians or populist religious leaders over Islamic jurisprudence. This is because such vested interests mostly mask political agendas behind faith-based identities and this targets women and minority rights adversely.
- No single authority has the right to define what "our culture" or "traditions" are or should be. All policies about culture need to be derived through broad and active consensus. A regulatory framework needs to be designed for state-associated bodies responsible for cultural expression and activities.
- Media practices whereby media sources are abused so as to spread hate messages, religious intolerance and to prevent women from voting or their access to health services or education must be criminalised immediately. Misogynist messages must be penalised in an exemplary manner.
- The national policy on Home-Based Workers drafted by the current government must be implemented. In addition, similar policy is needed on unpaid home-based care provision which needs to be integrated into macroeconomic policy. Other vulnerable workers such as migrant women workers, domestic workers and care providers need policy that recognises their contribution and social safety nets and social security must be made available for them through policy.
- The Mental Health Ordinance 2001 must be implemented at the

advice of the Federal Mental Health Authority with immediate effect. Policy rules and regulations of this Ordinance must be worked out to make it enforceable. This must include specific steps to create awareness about the Ordinance among doctors, lawyers, judiciary, consumers of the mental health care system as well as the masses.

- There is a pressing need for policy that translates social protection into social insurance. An integrated policy that links credit, health, life and asset insurance for women must be introduced by the government.
- Educational policies need to expand beyond correcting unequal allocation and expenditure on girl's and women's education. Policies need to target the social and political harassment of women on campuses and penalise vigilante groups and extra-judicial bodies set up illegally which attempt to control women in educational institutions. The role of private education, particularly religious instruction needs to be monitored closely for its wider discriminatory impact and if the teachings challenge state policies and laws.
- Agrarian policy needs to focus on eradicating poverty among sharecroppers, most susceptible to the abuse of debt bondage where the worst sufferers are women.
- Public policy should impose a floor for size of tenant holding and for tenant shares, or provide a subsistence plot where production is not shared with the landlord.
- Women farmers should have a piece of land in their names. Besides ensuring and protecting female entitlements, *cooperative not corporative* farming can realize economies of scale. Overall, investing land rights in women's cooperatives can lower the land poverty threshold. Policy could be formed towards women's cooperatives in the livestock sector as a starting point.
- Women's specific relationship with water, its collection and use requires policy that enables women's access to this resource as much as to land rights.
- Financial policy needs to incorporate the gendered nature of debt and develop a specific policy which assists debt relief for women.
- A concerted policy needs to be worked out to ensure successful implementation of quotas and in other cases, the worth of quotas themselves need to be re-evaluated and made more effective in

terms of the quality of representation they afford. Women representatives occupying reserved seats in Parliament and Senate need to be more representative of lower class and women's issues rather than duplicating 'malestream' political practices.

- Policies need to review the ground realities rather than continuing within outdated frames of references. One example of an outdated reference frame is that within which the 1961 Family Laws were drafted. Fifty years later, it is time for policy to approach women's legal rights as individual citizens deserving of equal rights and not due to their familial, maternalist or marital roles.
- Women need to be recognised as heads of households and as equal qualifiers for CNICs, ٻ – form titles, citizenship rights if they have foreign spouses and uniform maintenance rights after divorce. In addition, the age of adulthood needs to be fixed according to internationally agreed conventions. The policy on dowries needs to address the malpractice of merging property rights into dowries, both of which then are ultimately denied to women altogether. Similarly, revised policy deterrence is required to prevent the practice of violation or circumvention of legal conditions for polygamy. It is also time to recommend the total banning of such a practice.
- Discriminatory laws on the unequal inheritance rights for women need policy support so that laws can conform to the constitutional clause that guarantees equal legal and personal rights, regardless of gender.
- Policy evaluation needs to be conducted on Women Police Stations and reworked such that a connection may be developed with dispute resolution mechanisms such as the Anjuman Musalihat. This may allow for a more effective role for WPS rather than risking redundancy, as they do now.
- The Benazir Income Support Programme needs to be redefined from its current welfarist approach which limits this programme to a scheme rather than a social contract between the state and women. It also is dependent on the beneficiary's political affiliation, age and status rather than her vulnerable social positioning. The current vertical structure, weak targeting mechanism and exclusion percentage of this programme lends it to perform as a discretionary ad hoc and ultimately, untenable, social protection policy.
- The policy process developed for the Sexual Harassment at the Workplace Act should be made into a guideline on how to develop gendered policy. At the same time, there should be regular policy reviews for updating existing policies in order to ensure equality for

women.

- A quota for women judges is imperative and must be implemented with immediate effect.
- The registration of birth, death, marriages, divorce and voters' lists need to be streamlined under an umbrella organisation such as NADRA.
- Displacement in conflict zones affects women most severely and a distinct policy must be developed for IDPs in general and women IDPs specifically. On an emergency basis, women IDPs must be supplied with CNICs, voting registration, health facilities, marriage and birth registration and provision of crisis centres have to be conducted as a targeted and special policy under conflict circumstances.
- A policy overhaul is needed for women's crisis centres which should not be used as custody centres. Instead, proper rules and administration need to be worked out for these centres and implemented with transparency and retaining the dignity of women residents.
- Gender Responsive Budgeting is not only an accounting issue. It's a method of analysing budgets from a gendered perspective and monitoring fair and representative allocation and expenditure for women. All economic departments, business schools, Women's Studies Centres, development centres and civil services academies should introduce courses on GRBs to familiarise themselves and students with this important economic tool.
- A Mid-Term Expenditure Framework committee, which examines the figures and indicators of budget allocations for women, should be set up and meet before every budget. Parliamentarians should be empowering themselves to get more involved in this aspect of policy especially with regard to gender responsive allocations and expenses.
- Regressive taxes such as the VAT impact the poor and women negatively. Direct tax revenues devoted towards re-distributive expenditure such as health and education for women and anti-poverty programmes are the best policies to mitigate class and gender inequalities.
- Policy must involve wider participation and commitment from politicians, bureaucrats but also civil society actors. Policy recommendations should not be restricted by the invitation of some over others. Civil society activists should be working towards

comprehensive policy changes constantly.

- All policy-supporting research must incorporate a gendered approach. This means not just carrying out something vaguely called, 'gender disaggregated data' but that the visibility of women's contributions in all sectors needs to be taught to researchers. Further, researchers need to be informed about how gender relations differ in public and household dynamics so that data collection is appropriately conducted.
- Women's Commissions have served successive governments extremely well despite their chequered relationship with military rule. Despite that and challenges regarding appointment and membership, many of the progressive policies for women have come through the research, commitment and lobbying successes of such commissions. It is time to institutionalise the current commission and extend its legal autonomy as well as to make its recommendations binding. This is especially urgent since so much of the social and political fabric of the country is under the conservative threat from obscurantist forces. Under such circumstances, such a commission may prove to act as a buffer if it had permanent and constitutional authority. The NCSW would also play a legitimate role in resisting such regressive forces by continuing to assist the government in furthering the agenda of progressive policies and laws for women in Pakistan.



House #39 , Street#56 , Sector F-6/4,
Islamabad, Pakistan 44000.

Phone / Fax+92 51 9224875, +92 51 6209885,
+92 51 2873184, +92 51 9224877

Web: www.ncsw.gov.pk, **Email:** info@ncsw.gov.pk