

BEIJING-25 YEARS ON



2014-2019

Parallel Report Pakistan

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Shirkat Gah, Women's Resource Centre - on behalf of Civil Society

Foreward

As the Beijing Declaration and Platform for Action (BPfA) approaches its twenty-fifth anniversary, the invitation to present a parallel report is an opportunity to take independent stock of national progress against the commitments made by the Government of Pakistan for the advancement of women and girls. Shirkat Gah - Women's Resource Centre (SG) has consultative status with the UN ECOSOC and has been closely involved in the UN systems and processes including Beijing and CEDAW. SG is also represented on the (current) Beijing +25 NGO Steering Committee for Asia Pacific and is working towards setting the advocacy framework with regional partners on the Beijing Areas of Concern as part of the regional review process.

SG took the lead with the Beijing Parallel Report to streamline the national process and hosted a national consultation on the 21st of June, bringing together more than 120 key stakeholders including 33 civil society organisations working on issues pertaining to the BPfA. Participants broke out into clusters based on their expertise and interest and provided input and insight into the current situation in Pakistan, following the NGO Guidelines for National Parallel Reports. Smaller follow-up consultations were also held in June and July, focused on specific areas of concern.

SG would like to thank everyone who was a part of the consultations, for without their input this report could not have been produced. SG would also like to extend its gratitude to the Asian-Pacific Resource and Research Centre for Women (ARROW) and the Royal Norwegian Embassy (RNE) for their support in making this report possible.

Special Appreciation:

Editorial Team: Farida Shaheed, Maryam Hasan

Report Writers: Ayesha Khan, Farida Shaheed, Farah Zia, Haris Gazdar, Kausar S. Khan, Madiha Latif, Maryam Hasan, Meher Noshervani, Rubina Saigol, Sohail Warraich, Yasmin Zaidi, Zeenia Shaukat

Research and Facilitation Team: Ghausia Rashid Salam, Hafsa Khan, Mariam Ahmad, Rafia Asim, Tehreem Azeem

Front Cover Artwork adapted from Beijing + 25 creative design.

List of Contributors (Organisations and Individual)

Aahung	Muttahida Labor Federation (MLF)	UKS
Anjuman Muzareen Punjab	National Trade Union Federation (NTUF)	UN WOMEN Aarti Lila Ram, student Afia Salam, journalist
Aurat Foundation	Pakistan Fisherfolk Forum	Ambrat Lal, Social Activist, HRD
All Pakistan Hindu Panchayat	Pakistan Institute of Labour Education and Research	Attiya Dawood
Bargad	Pakistan Labour Bureau	Ayesha Gazdar, film maker
Bolo Bhi	Pakistan Trade Union Defense Campaign	Ayman Babar
Centre for Social Justice	Pakistan Workers Confederation	Ayra Indrias Patras Deneb Sumbul, journalist
CIRCLE Women Organisation	Pathfinder International	Dr. Anoosh Khan, member KP Commission on the Status of Women
Centre for Legal Aid and Settlement (CLAAS)	Roots for Equity	Fauzia Shamim
Collective for Social Science Research	Simorgh - Women's Resource and Publications Centre	Fauzia Viqar, Former Chairperson Punjab Provincial Commission on the Status of Women
Digital Rights Foundation	Sindh Provincial Commission on the Status of Women	Huma Fouladi
Garment Textile Workers Union Sindh	Sindh Employees Social Security Institution	Huma Sadaf
Home Based Workers Federation (HBWWF)	Shirakat	Kaiser Bengali
HomeNet Pakistan	Shirkat Gah, Women's Resource Centre	Kalpna Devi
Human Rights Commission Pakistan	Strengthening Participatory Organisation	Kamyla Marvi
International Union for Conservation of Nature	Surkhiyan	Khawar Mumtaz, Chairperson N Commission on the Status of Women
Khwendo Kor	The Salvation Army	Laiba Zainab
MCJP		Maryam Chaudhry

List of Contributors (Organisations and Individual)

Moniza Inam

Nida Dhillon

Nuzhat Shirin,
Chairperson Sindh
Provincial Commission on
the Status of Women

Sara Malkani, Lawyer

Sarah Zaman

Shama Dossa
Rubia Noor

Rashid Rizvi, Activist

Rubina Khilji

Sumbul Khan

Sumbul Syed

Sunila Ammar

Uzma Noorani

Wajiha Haider

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Acronyms

Acronyms

AF	Aurat Foundation
AGHS	Asma Jehangir Legal Aid Centre
ANC	Ante-Natal Care
BISP	Benazir Income Support Programme
BoS	Bureau of Statistics
CEAM	Child and Early-Aged Marriage
CEDAW	Convention on the Elimination of Discrimination Against Women
CLAAS	Centre for Legal Aid and Settlement
CNIC	Computerised National Identity Card
COP	Confrence of the Parties
CPEC	China-Pakistan Economic Corridor
CrPC	Criminal Procedure Code
CSOs	Civil Society Organisations
DALY	Disability-Adjusted life Year
DLEC	District Legal Empowerment Committees
DRF	Digital Rights Foundation
DRR	Disaster Risk Reduction
DUA	Darul Aman
ECP	Election Commission of Pakistan
EPA	Environmental Protection Authorities
FATA	Federally Administered Tribal Areas
FIA	Federal Investigation Agency
FIR	First Information Report
FP	Family Planning
GBV	Gender Based Violence
GCC	Gender and Child Cell
GCS	Girls' Community Schools
GDP	Gross Domestic Product
GMC	GBV Model Court
GMIS	Gender Management Information System
HEC	Higher Education Commission
HFA	Hyogo Framework for Action
ICCPR	International Covenant on Civil and Political Rights
ICT	Islamabad Capital Territory
ICTs	Information Communication Technologies
IGP	Inspector General Police
IUCN	International Union for Conservation of Nature
KP	Khyber Pakhtunkhwa
LG	Local Governments
LHRLA	Lawyers for Human Rights and Legal Aid
LSBE	Life Skills Based Education
MFF	Mangroves For the Future
MoHR	Ministry of Human Rights
MPI	Multi-Dimensional Poverty Index
NADRA	National Database and Registration Authority

NCCP National Policy on Climate Change in Pakistan
NCDs Non Communicable Diseases
NCHR National Commission for Human Rights
NCSW National Commission on the Status of Women

OVERVIEW

Beijing 25 Years on

1. Overview

The last five years have seen an impressive raft of legislation and policies introduced in Pakistan to improve the status of women and girls. These go towards achieving the country's constitutional and international obligations, including under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Sustainable Development Goals agenda as well as the Beijing Platform for Action. A number of them take forward the recommendations from the Universal Periodic Reviews on removing gender inequality and empowering women. Additional legislation is said to be in the pipeline.

And yet, the net impact is underwhelming to say the least. Pakistan has remained second last in the Gender Equality Index of the World Economic Forum for several years running; it is also at the bottom of rankings for maternal mortality, for girls' education and a host of other indicators.

According to the Ministry of Planning, Development and Reforms (MPDR) and the Ministry of Finance, Pakistan had spent Rs4.06 trillion to achieve the Millennium Development Goals (MDGs) by 2017 and yet failed to meet targets in health, education, social welfare and other areas. The planning ministry itself acknowledged that, 'Seen in the regional context, Pakistan's performance on MDGs remained less satisfactory as compared to other countries.'¹ This is of deep concern and demands re-thinking of approaches.

The haste with which legislation and policies are drafted and passed results in a prolonged hiatus between enactment and implementation or, as is more often the case, complete inaction. Research is not conducted into the scale, complexities or the determinants of the issues being addressed. The barriers to implementation and the monitoring systems required are overlooked. Too frequently, policies have failed to be converted into costed implementation plans necessary to translate the promises of policies and laws into a reality. Consultations with all stakeholders are perfunctory or omitted from the process, and mechanisms to take on board constructive feedback neglected altogether in the rush to push through measures which, on paper, will signify compliance with commitments and obligations.

¹ <https://tribune.com.pk/story/1391752/depressed-data-pakistan-way-off-track-mdgs/>

Since 2010, all matters relating to women, education and health have been devolved to provincial governments and progress is disparate. There is no dedicated national body focused on women to ensure that plans and resources are adequate, in place, and well-coordinated. Relevant departments and agencies rarely coordinate; hence there is both a duplication of roles as well as areas that fail to be addressed at all. A further exacerbating factor is that programmes and initiatives are often changed, stalled or completely abandoned after a change in government. Attempts by stakeholders, e.g. civil society organisations (CSOs), to highlight inadequacies, pitfalls or continuing discriminatory practices are discouraged as being potentially detrimental to the international image of the country.

1. Priorities

In March 2018, the Ministry of Planning Development & Reform (MPDR) launched the five-year *National Initiative for Sustainable Development Goals* to institutionalise the 2030 Agenda with a dedicated SDGs Section in the MPDR and provincial units. The *National Framework for Sustainable Development Goals* approved by Pakistan's National Economic Council in 2018 places the goals into three categories in order of priority. While all goals are to be worked towards simultaneously, the goals allocated to Category 1 are those that, according to the government, require 'immediate attention to achieve rapid results which will pave the way for achieving the remaining goals.'

Surprisingly, considering the number of laws recently enacted to address women's rights, and the fast-tracking of the welfare society-based poverty alleviation programme, *Ehsaas*, the two key issues of gender equality and elimination of poverty have been relegated to Category 2, which has a longer timeframe. Likewise, Reduced Inequalities (SDG 10) has also been placed in the same category.²

Of the SDGs allocated to Category 1, Quality Education (SDG 4), and Decent Work and Economic Growth (SDG 8) in particular require dedicated commitment and focus and, above all, substantial budget allocations to make any significant progress by 2025—at a time when austerity measures are in place. In all likelihood, this will have a knock-on effect in terms of both funding and completion of the goals allocated to Category 2.

2. Achievements

Workplace harassment has been criminalised across the country and Ombudsperson offices established for redress. Two provinces have criminalised domestic violence and a third province has greatly strengthened response mechanisms; the lacunae in the anti-honour killing bill have been addressed; laws relating to gender-based violence have been strengthened across the board. Following a pilot court dedicated to dealing with gender-based violence cases, 116 special courts across the country have been announced, and training started for these. Family laws for Hindus have been enacted finally, but a Sikh marriages law has only been legislated in one province.

² Priority 1: Goals 2,3,4,6,7,8,16; Priority 2: Goals 1,5,9,10,11,17; Priority 3: Goals 12,13,14,15

An important breakthrough is the recognition of women domestic workers in one province and home-based workers in another. In one province women agricultural workers can now register as workers and enjoy the benefits of ‘workers’. These laws have the potential to benefit millions of women working in unregulated sectors, who are also often unrecognised. It is too soon to gauge the impact yet as many of the enabling legislation is missing so they are not yet functional.

Women’s contributions in rural and urban employment is recognised in the Ministry of Finance’s comprehensive strategy, *A Roadmap for Stability and Growth (2019)*³ which delineates a social protection programme skewed in favour of women and sets targets such as financial inclusion of women (at least 20 million digital transaction accounts of women by 2023).

Social measures have been integrated under a single roof. The social protection programme *Ehsaas* emphasises poverty eradication through enabling initiatives that will empower women to improve their circumstances rather than just rely on cash transfers.

The Transgender Persons (Protection of Rights) Act 2018 is a significant step forward, allowing transgender persons to be recognised and be counted in national databases, to have a specific identity card and passport, and to hold public/private offices. The Act prohibits harassment and discrimination in education and health services. For the first time, the 2017 national census included a category for *khawaja siras*, or transgender persons, although the community disputed the survey methodology and claimed they were severely undercounted.⁴

The Election Act 2017 strengthened women’s political participation. Polls are no longer valid if there is a less than 10 percent turnout of women voters. At least five percent of all contestants being fielded by a political party must be women.

The National Disaster Management (Amendment) Act 2017 was introduced to make the Act more effective and gender responsive. It recognises the need to extend shelter, land and livelihood support solely to women, and gender mainstreaming should be a priority.⁵

All provinces now have a Provincial Commission on the Status of Women (PCSW) except Balochistan, where the commission has been enacted in 2017 but has not yet materialised. Commissions have undertaken important and commendable work, including filling important gaps in knowledge and processes through research, and improving women’s access to justice. The Punjab PCSW has instituted a crucial Gender MIS enabling an annual Gender Parity Report. This is being replicated in the Khyber-Pakhtunkhwa province.

There have been some important data collection initiatives, such as the 2018 National Nutrition Survey⁶ and further questions related to gender-based violence by the Pakistan

³ http://www.finance.gov.pk/A_Roadmap_for_Stability_and_Growth_April_8.pdf

⁴ <https://www.geo.tv/latest/199560-cjp-takes-suo-motu-notice-of-non-issuance-of-cnics-to-transgender-persons>

⁵ <https://www.thenews.com.pk/latest/360223-senate-passes-national-disaster-management-amendment-act-2017>

Demographic Household Survey (PDHS). It is hoped these will enable more gender-responsive planning.

Proactive legislation to protect women and girls from violence and improving infrastructure for effective state responsiveness led to Pakistan being selected as one of the ten global pilot countries for the roll out of the Essential Services Package (ESP).⁷ The ESP will provide social services to survivors and hopes to improve coordination of essential services.

Several government schemes encourage the issuance of national identity cards (CNICs) to women. A nationwide campaign of collective actions followed a national dialogue on '*Closing the Gender Gap in Pakistan's Electoral Rolls*' in December 2017,⁸ including using Mobile Registration Vans of the National Database and Registration Authority (NADRA).

There have been several landmark judgments of the Supreme Court. A crucial judgment in July 2014 safeguards the constitutional and legal rights of the country's religious minorities.⁹ The judgement expands the scope of freedom of religion in the constitution referencing international human rights law, and sets out clear and binding directions to the federal and provincial governments to remedy the persecution of religious minorities.

The Supreme Court ruling that the third-party contract system is unconstitutional and in violation of fundamental rights in December 2017 can have immense impact on the conditions for women workers in the informal sector. In October 2018, the Supreme Court acquitted Aasia Bibi, the Christian women accused of blasphemy and incarcerated for nine years.

3. Challenges

3.1 Inadequate institutional mechanisms for women

The absence of a dedicated national mechanism to oversee women's affairs and national gender equality policy or plan is a serious challenge as gender has not been fully integrated into all ministries and departments. This has resulted in dissimilar rights and services for differently located women and girls: from the minimum legal age for marriage to redress for domestic violence and decent work. It is therefore unfortunate that even the coordinating mechanism across provinces, the Inter-Provincial Ministerial Group of Women Ministers, has not been able to meet due to lack of resources.

Provincial women's empowerment strategies and packages have met some gaps, but fall far short of what is required.¹⁰

⁶ 'National Nutrition Survey 2018 launched in Pakistan'. <https://scalingupnutrition.org/news/national-nutrition-survey-2018-launched-pakistan/>

⁷ Implemented through collaboration between UN Women, the UN Population Fund (UNFPA), the World Health Organisation (WHO), the UN Development Programme (UNDP) and the UN Office on Drugs and Crime (UNODC).

⁸ National Dialogue on Gender Gap in Electoral Rolls. National Commission on the Status of Women (NCSW). <http://www.ncsw.gov.pk/national-dialogue-on-gender-gap-in-electoral-rolls>

⁹ S.M.C. No.1 of 2014/PLD2014 SC699

The monitoring and advisory role of the National Commission on the Status of Women (NCSW) and Provincial Commissions on the Status of Women (PCSW) is hampered by restrictions on their autonomy and resources constraints (with the exception of the commission in Khyber Pakhtunkhwa). For example, in theory the NCSW is entitled to over 100 staff, but two decades into its existence it still works with a skeleton staff and minimal resources, often relying on volunteers. NCSW is not a member of the SDGs Cell of the National Planning Commission and only invited for input infrequently.

At provincial level, the Planning and Development Department (P&D) is responsible for implementing the SDGs but only the Punjab PCSW is a member of the P&D's Social Development Group. The provincial Women Development Departments (WDD) involved in the policy formulation, planning and implementation of reforms for women's development, are also under-resourced and understaffed.

Progressive legislation and policies enhancing gender justice show the state's positive intent, but implementation remains highly inadequate. An apparent lack of political will on the part of successive elected governments and the bureaucracy to convert these aspirations into reality perpetuates the climate of discrimination, intimidation, violence and intolerance.

3.2 National identity

Vast numbers of women do not possess a CNIC—a prerequisite for voting as well as accessing education, health, employment, obtaining post-disaster relief, opening bank accounts, purchasing property and even, since July 2019, mandatory for purchases of over Rs50,000.¹¹ The lack of official birth certificates makes it difficult to ascertain a child's age, thus facilitating underage child marriages, mostly of girls. When disasters strike, those without documentation are exceedingly vulnerable.

Religious minorities face other obstacles in documentation, such as not having a government-issued birth certificate. Few Hindus deliver in hospitals and a certificate from their self-governance body, the *panchayat*, is not considered valid (in contrast to the records of churches, which are). The National Database and Registration Authority (NADRA) officials often falsely presume religious identity from the applicant's name, and register a non-Muslim as a Muslim. Such mistakes can only be rectified through the courts and for a fee.

The gender gap in CNICs is being perpetuated. Thirty-five percent fewer women applied for CNICs in 2017 compared to men. (It is therefore encouraging that there was only a seven percent gender gap in Child Registration Cards.¹²) Concerted efforts to accelerate women's CNICs for the 2018 general elections still left a 12.5 million CNIC/electoral gender gap.¹³ The work of CSOs that have facilitated several hundred thousand women to obtain CNICs confirms that women find applications difficult, do not have the requisite

¹¹ <https://www.dawn.com/news/1495708/cnic-mandatory-for-purchases-over-rs50000>

¹² <https://www.pakistangendernews.org/far-fewer-women-apply-cnics-men/>

¹³ <https://www.ecp.gov.pk/Documents/generalelections2018/er2018/pdf/Summary.pdf>

documentation and/or are unaware of the importance of CNICs, and few can access online facilities.

Some cardholders are still identified as ‘aliens’ by NADRA. For example, unofficial estimates put the number of Biharis in Karachi at 1.5 million. There are many reports that they were unable to obtain CNICs unless they could show repatriation certificates and ration cards from when they first moved to the country either before or after 1971. Some claim they are denied CNICs even after providing such documentation.¹⁴

A non-uniformity of modalities for registering Christian marriages means many marriages are not documented with the local administration (Union Council) and/or NADRA, resulting in the denial of appropriate (CNICs). Notwithstanding a Supreme Court direction to address the issue of documentation of births and marriages of minorities, this remains a challenge, especially in rural and remote areas for all communities.

3.3 Data gaps and planning silos

Serious gender-disaggregated data gaps continue to impede effective planning. Some data is simply not collected, some is collected but not analysed and made available by gender or other aspects of exclusion (e.g. religious and ethnic identities). National and provincial budgets cannot be analysed for gender impact; women’s economic contribution is vastly underestimated as those working in the informal sector, particularly agricultural, domestic and home-based workers, are not counted, nor is their productive contribution calculated. There is no data on women’s membership in political parties and existing data on women in trade unions is outdated.

Gender-based violence presents another critical data gap. The Pakistan Demographic and Household Survey (PDHS) only records domestic violence. The possession of physical assets is a key to understanding women and poverty, yet intra-household data is available. Health data primarily covers maternal health and life expectancy, omitting sexual and reproductive health.

Apart from inadequate budgetary allocations, the siloed approach evident in most government planning contributes to rendering laws and policies ineffective. Little consideration is paid to the interconnections between sectors of women’s lives that must be tackled in concert to achieve progress. In the area of health for example, there is little consideration of the social determinants of health emphasised by the World Health Organisation (WHO). Data does not facilitate an understanding of why, for example, a woman who was found to be HIV positive was killed by her husband, or why a husband stops the breast cancer treatment of his wife. While women’s rights activists flag such issues, no data set enables the correlation of health outcomes with the social determinants of health—housing, sanitation, water, food security, sustainable livelihood, transport etc. This is a major reason that initiatives taken for women’s health, by both the government and the non-governmental institutions, show so little impact on the health indicators. The same blind spot is evident in terms of girls’ education, where the issues of transport, security, the social compulsion to marry girls off at a young age are

¹⁴ <http://tns.thenews.com.pk/aliens-since-1971/#.XUbEvHduKHt>

not addressed. Acknowledging and acting upon the multiple factors would help to improve outcomes.

3.4 Violence against women and stereotypes

Despite the multiple actions taken, the prevalence of violence against women and girls remains high. Incidents have shown few signs of abatement. In 2018, so-called ‘honour’ crimes claimed 254 female victims according to the Human Rights Commission of Pakistan (HRCP).¹⁵ HRCP also recorded 67 acid attacks and 856 incidents of sexual violence against women the same year. Actual figures are likely to be much higher as family members are often the perpetrators and cover up the crime and there is a stigma attached to sexual violence. In far too many cases, the perpetrators are not brought to justice. The transgender community too faces unabated violence.

Tellingly, the PDHS survey on domestic violence revealed that 56 percent of women had stayed silent about the violence. If they did seek help or advice they were more likely to approach their own or their husband’s family. For many women societal attitudes, lack of awareness of support or protection they can call upon, perceived police inaction, or lack of faith in the criminal justice system inhibits them from approaching the authorities.

Legislation and institutional mechanisms are insufficient. These will have no impact without proactive measures to overturn societal attitudes that take gender-based violence as an accepted norm. While legal and policy measures have been taken, there is no sign of any attempt by government to change the narrative: to make gender-based violence illegitimate in society, to reshape the definitions of masculinity or to project strong women and girls as the desired role model. Hence, gender-insensitive roles and stereotypes remain dominant in advertising and entertainment. Television shows continue to portray women through a stereotypical sexist lens—the virtuous ones as homemakers and educated women pursuing careers as bad mothers or wives.

No policies exist to ensure the inclusion of women in various tiers of media and associated bodies. Women only make up five percent of journalists in the country. Women are rarely amongst the decision-makers, and have little influence over the continued stereotyping. Women journalists pay the same price for honest reporting as men, however, vulnerable to the same risks as men and compelled to practise self-censorship. Women are also more subject to sexual harassment, including cyber harassment.

3.5 Legislation but no follow through

Despite women being recognised as drivers of economic growth in the national strategy of Vision 2025, they are mostly invisible in micro and macroeconomic policies, only included through ad hoc short-term measures.

¹⁵ ‘State of Human Rights in Pakistan 2018’. Annual Report. Human Rights Commission of Pakistan. Accessed at: <http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English-1.pdf>

Home-based workers are often under third-party contract, with no benefits, no health and safety checks and no pensions. Non-implementation of the Supreme Court ruling in 2017 that the contract system was in violation of fundamental rights prompted a court petition by representatives of trade unions and labour support organisations, the outcome of which is awaited.

4. Setbacks

4.1 Conflict and natural disasters

Conflict, crises, and the law and order situation in the country have continued to adversely impact the social and economic circumstances of women and children, the most vulnerable segment of society, over the past five years. Women are often left to fend for themselves when men are killed, or forced to earn a livelihood far from home. Violent extremism and counterterrorism measures in conflict areas have either necessitated displacement or restricted their mobility in their area.

Pakistan is now the seventh country most vulnerable to climate change. The commitment of the NDMA Act 2017 to step up efforts for rehabilitation with special reference to women and children, such as redistributing land to women, especially landless rural women, has seen little follow up. Women continue to be excluded in the planning and action of gender-responsive disaster preparedness and responses.

Planning is more reactive than proactive. When the lack of rainfall brought drought to several parts of Sindh and Balochistan in 2019, for example, badly affecting food production and thus the health of community members, especially women and children, the provincial disaster management authorities (PDMAs) of Balochistan and Sindh approached the federal government for a contribution towards the relief operations, but they were turned down.¹⁶

Similarly, planning for migration is negligible, if it exists at all, resulting in migrants setting up squatter settlements without infrastructure support. Such settlements are often subject to arbitrary evictions to pave way for major urban development schemes, without any advance rehabilitation measures being put in place.

4.2. Shrinking space for civil society

Serious concerns persist in respect of freedom of expression, freedom of association and assembly, the situation of human rights defenders and civil society activists, and the overall shrinking of civil society space. There are repeated reports of abduction, killings and intimidation of human rights defenders, particularly those fighting for economic, social and cultural rights, as well as those contributing to UN review processes. Numerous CSOs and lawyers' organisations work in the area of prevention and redress of gender-based violence, yet they themselves become victims of violence.

¹⁶ <https://tribune.com.pk/story/1972611/1-imran-khan-led-cabinet-denies-funds-drought-relief-2/>

Reports of intimidation, harassment and surveillance of various CSOs followed the introduction of the policy for the regulation of International NGOs in Pakistan. Registration of a number of INGOs was suspended in 2017 and 2018 depriving many areas of support that either supplemented, or operated in lieu of, government efforts. Local organisations confront increasing obstructions to working on the ground with numerous approvals being required at multiple levels without clearly identified procedures or explanations of refusals.

None of the reputed CSOs working in the area of women's rights and gender equality have been consulted in the preparation of implementation plans for SDGs or reports for the CEDAW Committee or the Beijing Platform for Action, despite government claims to the contrary.

4.3 Religious minorities

Five years on, there is little visible compliance with the Supreme Court ruling in July 2014 to overcome the discrimination faced by religious minorities. The National Commission on Minorities was enacted in 2015 but has never become functional.

A lack of political will is reflected in scant efforts to remove systemic biases.¹⁷ In one province, for example, the pressure from religious extremists led to the non-enactment of a Forced Conversions Bill passed in the assembly.

¹⁷ 'A Long Wait for Justice: A Compliance Analysis of the Supreme Court's Verdict on 19 June 2014'. Centre for Social Justice

2. PROGRESS ACROSS THE CRITICAL AREAS OF CONCERN

Inclusive Development, Shared Prosperity and Decent Work

Participation and Decent work

Participation of women in the labour force is lower than other countries with similar income levels—just 22.53 of the overall civilian labour force in Pakistan, 27.27 percent of the rural, and 13.54 percent of the urban labour force.¹ Participation decreases as educational attainment increases. Overall unemployment has marginally decreased but, at 8.27 percent, female unemployment remains almost double that of men (5.07 percent).² Women are present in all precarious and vulnerable labour, characterised by informality, seasonality, debt bondage and vulnerability to economic shocks. Indeed, women dominate some sectors. Migrant workers include women and child labourers include girls.

The Labour Force Survey 2017-18 shows that approximately 72 percent of Pakistan's non-agricultural employment is in the informal sector. Women account for 77.7 percent of rural informal or non-agriculture work, and 61.5 percent of informal manufacturing workers. More females than males work as contributing family workers (respectively 36.4 percent and 5.9 percent). Less than one percent of the female workforce consists of employers.³ Women hold only three percent of managerial positions, placing Pakistan at 108 among 126 countries⁴ Only seven percent of women work in the professional category. Of these 92 percent are teachers, half of them primary school teachers whose monthly salary is less than the statutory minimum wage. The pay of women health practitioners such as midwives and lady health visitors is below the minimum wage. They also risk violence and harassment.⁵ For example, Lady Health Workers (LHWs) are victims of violence, especially during polio immunisation campaigns, and predominantly in Khyber Pakhtunkhwa (KP) and Karachi (Sindh). Polio workers and their security detail are being manhandled, attacked and, in some cases, killed.

In terms of major occupational groups, 61.7 percent of the female workforce is engaged in the skilled agriculture, forestry and fishery workers' category, 15.5 percent in elementary occupations, and 12.6 percent in craft and related trade work. Informal modes of employment such as contract, piece rate, and seasonal work help to keep women in the informal and unregulated sector. The agriculture, forestry and fishery

¹ Labour Force Survey of Pakistan, 2017-18, http://www.pbs.gov.pk/sites/default/files/Labour%20Force/publications/lfs2017_18/TABLE-6_perc_R.pdf

² Five years ago it stood at 9 % for women and 5.4% for men.

³ Labour Force Survey 2018.

⁴ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/--publ/documents/publication/wcms_334882.pdf

⁵ Zaidi Y., Farooq S. et al. 2016. Women's Economic Participation and Empowerment in Pakistan - Status Report 2016. UN Women Pakistan. Islamabad.

industries are associated with 86 percent of all occupational injuries/diseases amongst women.

Working conditions are further exacerbated by the third-party employment system, in which a private contractor employs workers to undertake work for a particular company on a daily wage or piece-rate basis. This arrangement is now prevalent in most industries and commercial establishments and workers are not provided appointment letters or company identity cards, even though in many cases workers do work on the company premises. In 2017 a dispute arose between the textile garment manufacturer Khaadi and its workers, many of them women, after 32 were allegedly fired for trying to form a union and demanding their rights. The workers had no employment letters, leaving them no legal recourse. At one point, the company said the workers were on third-party contract and therefore not employees. An agreement was eventually reached, in which the company clarified that it discouraged 'all kinds of gender-based discrimination against women'.⁶

In parallel, home-based workers, who operate largely without any legal protection, were estimated to be contributing almost PKR400 billion (USD2.5 billion) to the economy or 3.8 percent of Pakistan's Gross Domestic Product (GDP) in 2014.⁷ HomeNet Pakistan, a membership-based network of home-based workers (HBWs), estimates there are 20 million HBWs in the country, of which 12 million (or 65 percent) are women. Work conditions involve repetitive and hazardous work, shifts of 14 to 16 hours, and low wages. HBWs have to rely on, and are subsequently exploited by, contractors or middlemen.

Agriculture employs 38 percent of the labour force, down from 42-45 percent, while its contribution to the GDP has dropped from 24 percent to 19 percent.⁸ Constituting the majority of own account and contributing family workers in agriculture, 7.3 million rural women and girls aged 10 to 64 years spend an average of 34 hours per week on agricultural work in addition to their reproductive and care work.⁹ Only 19 percent of females are in paid employment while 60 percent of rural women work as unpaid contributing family members, valued at PKR683 billion (USD4.2 billion), or 2.6 percent of GDP.¹⁰

Barriers to Decent Work

Discriminatory gender norms in both urban and rural settings impose an unhelpful division of labour, restrict women's mobility, and deny them their rights and control over land. Restricted livelihood opportunities mean that most women are 'underpaid, overworked and exploited'.¹¹ Women who are landowners typically operate smaller plots, growing less remunerative lower-yield crops because they have limited access to productive resources and opportunities such as financial services and training, new technology, rural

⁶ <https://www.thenews.com.pk/print/209015-Khaadi-management-protesting-workers-reach-agreement>

⁷ <https://paycheck.pk/labour-laws/home-based-workers-in-pakistan>

⁸ 'The state of labour in Pakistan'. The News on Sunday. 3 February 2019. Accessed at: <http://tns.thenews.com.pk/state-labour-pakistan/#.XUFaxXduKHs>

⁹ Government of Pakistan, 2010. *Agricultural Census Report Pakistan*

¹⁰ Zaidi, Y. Farooq, S., 2018, *Rural Women Status Report*. Calculated using comparative median wages

¹¹ Green Climate Fund., 2015. Gender Policy and Action Plan. [http://www.gcfund.org/fleadmin/00_customer/documents/MOB201503-9th/10_-_Gender_Policy_and](http://www.gcfund.org/fleadmin/00_customer/documents/MOB201503-9th/10_-_Gender_Policy_and_Action_Plan_20150304_fn.pdf)

[Action_Plan_20150304_fn.pdf](http://www.gcfund.org/fleadmin/00_customer/documents/MOB201503-9th/10_-_Gender_Policy_and_Action_Plan_20150304_fn.pdf)

infrastructure, etc.¹²¹³ Furthermore, women engaged in cotton harvesting and livestock care, for example, are more likely to have below normal maternal body mass index (BMI) that in turn is associated with low birth weights and an increased risk of stunting among children.¹⁴

Nutrition is a factor in building physical and mental capacities for productive engagement in economic activity. Women are disadvantaged on a number of fronts: 41 percent women are anaemic, 79 percent suffer from vitamin D deficiency, with 25 percent experiencing severe deficiency.¹⁵ During pregnancy, these deficiencies become more pronounced, hindering women's ability to engage in economic activities.

Indicating inflexible and non-conducive work environments, marriage and pregnancy lead to women dropping out of work. In formal sector white-collar jobs, such as banking and medicine, this results from inflexible working hours that compromise women's care responsibilities. Some banks have an unofficial policy of not hiring women because of the post-marriage/pregnancy dropout that is viewed as a waste of investment in capacity building. However, the conservative mindsets of employers also play a role.

Culturally driven constraints are not limited to management. Trade unions note that pregnant women drop out in informal employment and lower levels of the employment chain (insecure, contractual work) due to the misogynist behaviour/comments of male co-workers.¹⁶ In lowest paid domestic work, women are retrenched because of their physical incapacity to undertake hard physical labour during pregnancy.

Remuneration

The gender pay gap of 26 percent is higher than the global gap of 22.9 percent.¹⁷ Women's average earning is only 59.59 percent that of men.¹⁸ Well over two-thirds of women (68.23 percent) earn less than the official minimum wages, that is PKR15,000 (USD92) per month in all provinces except Sindh, where has been PKR16,200 (USD100) since 2018. Almost two-fifths (37.49 percent) earn only up to PKR5,000 a month (USD31). The revision of the minimum wage by the federal government to PKR17,500 (USD108) per month for the financial year 2019-20 means the vast majority of women (78.21 percent) earn less than minimum wages.

There is a two-fold problem with the minimum wage. First, even the revised PKR17,500 is far below the necessary living wage as calculated by the Food and Agriculture Organisation (FAO).¹⁹ Second, compliance with the minimum wage is largely dependent on

¹² Gender CC-Women for Climate Justice..n.d. Agriculture, Gender and Climate Change.(online). Available at: <https://gendercc.net/gender-climate/agriculture.html>

¹³ Salman Zaidi, Urooj Obaid & Yasmin Zaidi. 2019. *Gender Review Climate Change Policy, Pakistan*, Centre of Gender and Policy Studies (CGaPS) research commissioned by NCSW.

¹⁴ *Leveraging Agriculture for Nutrition in South Asia* project Pakistan; Pradeilles, R. et. al.(2017). *The relationship between crop-related agricultural workload and maternal and infant nutritional status in rural Pakistan*. Paper presented at the Agriculture, Nutrition and Health Scientific Symposium & Academy Week 2017. July 2017. Kathmandu, Nepal

¹⁵ National Nutrition Survey Report, 2018

¹⁶ Trade Union representatives at the Beijing +25 consultation, organised by Shirkat Gah, Karachi XX, July, 2019

¹⁷ Trust for Democratic Education and Accountability (TDEA) & WAction (Women's Action for Better Workplaces), 2018, *Gender Audit of Labour Laws in Pakistan*, calculated using the Labour Force Surveys 2013- 14 and 2014- 15, without taking into account differences in workers' characteristics.

¹⁸ http://www.pbs.gov.pk/sites/default/files//Labour%20Force/publications/lfs2017_18/Table-39%20perc-r.pdf

¹⁹ Kabeer Dawani, "Is Minimum Wage a Living Wage in Pakistan", CSSR, 16 August 2016, <http://researchcollective.blogspot.com/2016/08/is-minimum-wage-living-wage-in-pakistan.html>

government-appointed labour inspectors visiting industries. A study tracking women's access to minimum wages found widespread non-compliance across the country. There were more violations with respect to female employees in most major industry divisions and across all major occupational groups. It found that women in elementary occupations earned only 52.33 percent of the minimum wage level.²⁰ The ineffectiveness of the labour inspection mechanism and the weak implementation of existing provisions stems from 'the shortage of qualified staff, weak inspection mechanisms, poor data collection techniques and dearth of proper equipment.'²¹ (See below)

Outside the purview of inspectors, women in agriculture, forestry, hunting and fishing earn abysmal average monthly wages: PKR3,935, PKR4,975 and PKR4,321 respectively. Also, in rural areas women caring for livestock do not consider it to be an economic activity and income accrued from livestock (milk and meat) goes to men.

Progress in Legal Protection

Pakistan has ratified the eight core Conventions of the ILO (although not the one on Home Working). Yet no domestic legislation prevents occupational segregations, or sex-based wage discrimination; most laws do not explicitly spell out women's rights. Besides inadequate data collection and the lack of gender-segregated data, labour departments have virtually no female staff or inspectors, further hampering accountability for poor working conditions.²² In the garment industry, a major employer of women, workers under the age of 18 are hired without issuing employment contracts; children accompanying mothers may also be put to work. As women workers will not discuss sexual harassment and other personal problems with a male inspector, this perpetuates the problem.²³ The Sexual Harassment at Workplace Act revised in 2017 encourages the reporting of sexual harassment cases and offers a broad definition of workplace. Yet few have used this mechanism, while women workers, mostly employed as contract labour in low-paid and low-skilled jobs, continue to report experiencing verbal, physical and sometimes sexual abuse.²⁴

In a historic verdict in December 2017, the Supreme Court declared the third-party contract system unconstitutional and in violation of fundamental rights, with huge potential to improve conditions for women workers. All employers were ordered to retrospectively regularise their workers employed on contract or third-party contract. Inaction led labour representatives to file a petition in the Supreme Court for implementation. Directed to file a petition in any high court, representatives of major trade unions and labour support organisations such as the Pakistan Institute of Labour Education and Research (PILER) have prepared a petition to be filed in the Sindh High Court.

²⁰ Centre for Peace and Development Initiatives "Women and Living Wages in Pakistan," March 2017, <http://www.cpd-pakistan.org/wp-content/uploads/2017/03/Women-and-Living-Wages-in-Pakistan.pdf>

²¹ TDEA, page Supra Note 3.

²² Labour departments combined employ 20 women out 722 staff. Estimates of female inspectors vary from three amongst 336 labour inspectors (<https://www.dawn.com/news/1208750>); 17 amongst 547 (<https://www.hrw.org/report/2019/01/23/no-room-bargain/unfair-and-abusive-labor-practices-pakistan>) to 5 out of 287. (TDEA p.18)

²³ <https://www.hrw.org/report/2019/01/23/no-room-bargain/unfair-and-abusive-labor-practices-pakistan>

²⁴ 'More cases being reported' as #MeToo movement picks up in Pakistan, Express Tribune, 14 October 2018, <https://tribune.com.pk/story/1825368/1-cases-reported-metoo-movement-picks-pakistan/>

New labour policies in Punjab and Sindh indicate a desire to bring the informal economy workers into the labour regime, including domestic workers (DWs). Only the Punjab has instituted a DW policy and law. Policies for HBWs have been passed in the Punjab and Sindh; a 2015 draft national HBWs policy is still pending with the federal Ministry of Human Rights. KP and Balochistan does not have a policy. The Sindh Home-Based Workers Act 2018 is the first-ever law in Pakistan to protect the rights of HBWs and commits the Sindh government to launch a fund for HBWs. Under the Act, HBWs will be registered and regularised, thereby entitling them to the same conditions as all other workers, including maternity leave, regardless of whether they work in the production and manufacturing of goods or provision of services at a home or any other place. The rules of business have yet to be framed. The law in the Punjab is still pending; other provinces have yet to follow suit.

In January 2019, Punjab extended paternity leave for male government employees from seven to ten days; the Punjab Maternity Benefits (Amendment) Bill 2019, submitted to the Punjab Assembly, proposes additional benefits and security for women at their workplaces during pregnancies. In April 2019, the government reported that 87 daycare centres were functional and that grants had been increased for daycare centres through a new Punjab Day Care Fund Society, including crèche facilities in Workers Welfare Schools.²⁵

Women's Access to Work-Related Grievance Mechanisms

Labour courts adjudicate industrial disputes, inquire into or adjudicate any matter relating to the implementation or violation of a settlement referred by the provincial government, and try offences under the Industrial Relations laws. These laws do not apply to the informal sector, excluding the vast majority of working women. A survey revealed that only 28 cases out of 1,352 in the entire country pertained to women. These were the cases that trade unions had taken up either for individual or collective dismissal.²⁶

Women workers avoid labour courts as a route to seeking workplace justice for a variety of reasons. Approaching labour courts is a costly proposition that most women cannot afford. Cases drag on for at least three to five years and require substantial documentation. Employers take punitive measures against those seeking judicial recourse and labour courts are very women-unfriendly. There are no women judges and hardly any women lawyers.

Right to organise (Participation in Trade Unions) Workplace Justice

The right to organise is severely compromised in Pakistan, given the conditionality of registering unions and collective bargaining agents. Most organised workers are in the formal economy, with a majority in public enterprises. As of December 2016, there were 7,096 registered trade unions, out of which 1,390 were collective bargaining agents. The unionised workforce was 1,414,160, a mere 2.32 percent of the total 61 million workforce in both the formal and informal sectors, and 15.55 percent of the formal sector

²⁵ <https://www.urdupoint.com/en/pakistan/govt-allocates-funds-for-daycare-centers-in-p-606003.html>

²⁶ PILER, "Labour Courts in Pakistan", a Situation Analysis

workforce.²⁷ There is no up-to-date official data regarding women members. However, in 2005 women accounted for less than two percent of trade union members (2,226).²⁸

Trade unions are heavily male-dominated for a number of reasons. Unions operate in sectors with a limited presence of women. The government recognises that women ‘...are culturally discouraged from forming organisations that might take on an active rights-based approach.’²⁹ Finally, women’s experience of trade unions is discouraging and demotivating. Women complain of non-representation in office-bearers and decision-making accompanied by patriarchal mindsets that seek compliance with hierarchy and suppresses expression and disagreement.³⁰ In a breakthrough, the Sindh Industrial Relations Act legislation 2013 establishes the right of agricultural workers to organise, enabling unions of agricultural workers with women’s representation. This may change the scenario.

There are other forms of labour organisations as well as civil society organisations (CSOs) working to improve women’s labour rights. Women-led organisations include Working Women’s Organisation and HomeNet Pakistan, the former focused on formal sector workers, the latter on the far larger number of women outside regulated sectors both home-based and domestic workers.³¹ The Anjuman Muzareen Punjab and Fisherfolk Forum have women in prominent positions. In recent years, nurses, LHWs, and teachers—professions dominated by women—have united to organise for their rights. For example, LHWs have been demanding regularisation of their jobs and payment of dues since 2012. On 26 May 2018 about 800 LHWs were booked for allegedly ransacking the deputy commissioner’s office in Bahawalnagar and holding the staff hostage during a protest against non-payment of their salaries. The non-women specific Health Workers Union Punjab extended solidarity.

Training and Technology for Working Women

Women’s access to technological innovations and relevant information is negligible. Out of 3,798 technical and vocational institutions, 30 percent are in the public sector. There are 119,000 females enrolled at these institutions, or 35 percent of all enrolled.³² Still, training does not necessarily translate into improved employment options as often the skills taught, such as embroidery, stitching, and beautician courses, are unlikely to fetch good market rates.

Rural women do not obtain timely and accurate information about weather patterns, crops and animal diseases, water flow shortage and rain predictions to make informed and timely decisions to save their crops and animals, meet family needs, and avoid violence at home (the latter recently evidenced after unexpected wind and rain led to immense losses of the wheat crop). Women rarely benefit from the government’s male agriculture and livestock extension workers³³ because of the use of male-exclusive places

²⁷ Zafrullah Khalil, ‘A Profile of Trade Unionism and Industrial Relations in Pakistan’, 2018, ILO

²⁸ Pakistan Statistical Yearbook 2008, Government of Pakistan.

²⁹ Medium Term Development Framework 2005-10, Planning Commission, GoP.

³⁰ See “Pakistani Women Struggle for Equality at Work”, Newline, May 2010 <https://newlinemagazine.com/magazine/pakistani-women-struggle-for-equality-at-work/>

³¹ Home-Based Women Workers Federation represents home based workers

³² Pakistan Education Statistics 2016-17, <http://library.aepam.edu.pk/Books/Pakistan%20Education%20Statistics%202016-17.pdf>

³³ Extension workers provide advice and run trainings on the use of new agricultural/livestock technologies.

to share information (e.g. mosques and the male meeting spaces of landlords) and lack of focus on women by extension services.

There is an urgent need for coordinated action by federal and provincial governments to improve women's economic well-being. Steps are needed to give effect to Pakistan's obligations under ILO Convention 100 on Equal Remuneration, and Convention 111 on Discrimination (Employment and Occupation) in rural areas as well as industry. Overcoming social and structural barriers impeding women's employment in the formal sector demands special incentive packages to encourage women to enter and re-enter the workforce following marriage and childbirth/care. The Government should engage the private sector and agree on appropriate modalities to recruit women, and invest in marketable technical skills for women.

The government should expand the number of women extension workers in agriculture, forestry, livestock and water and irrigation to support women farmers, and provide them with transportation and fieldwork facilities. In 2017, for example, the Punjab government gave male workers motorcycles but no such scheme was extended to women extension workers.

The government should recognise women's agricultural work formally; revise the definition of 'farmer' to include women who work on the land even if they do not own land, and include women in the federal government's National Farmers Convention. The rights of female agricultural workers' should be recognised, protected, and promoted in legislation, policy, and programmes, and provincial governments should establish systems of support for rural women.³⁴

Poverty Eradication, Social Protection & Social Services

Poverty impacts all aspects of life from school enrolments to health, including reproductive health, to child labour. Money metric poverty and multidimensional poverty have both declined. People living on less than US\$2 a day dropped to 24.3 percent in 2015-16³⁵. The multi-dimensional poverty index (MPI), though significantly higher, shows a decline from 55 percent in 2004 to 39 percent in 2015.

Progress across different regions of Pakistan is uneven, however. Poverty in urban areas is only 9.3 percent as compared to 54.6 percent in rural areas and poverty reduction has been stronger in urban areas, exacerbating urban-rural inequalities. Provincial disparities are significant: more than two-thirds of people in the former Federally Administered Tribal Areas (FATA) (73 percent) and Balochistan (71 percent) live in multidimensional poverty. Decrease has been slowest in Balochistan and poverty levels actually increased in several districts of Balochistan and Sindh in the last decade.³⁶ World Development

³⁴ See for example, Mazhar, S., Balagamwala, M., & Gazdar, H. (2017). [The hidden economic backbone: Women in agriculture](#). Paper presented at the LUMS International Conference on Gender, Work and Society; Rao, N., Gazdar, H., Chanchani, D., with Ibrahim., M (2018). [Women's agricultural work and nutrition in South Asia: from pathways to a cross-disciplinary, grounded analytical framework](#).

³⁵ Economic Survey 2018

³⁶ <http://www.pk.undp.org/content/pakistan/en/home/presscenter/pressreleases/2016/06/20/pakistan-s-new-poverty-index-reveals-that-4-out-of-10-pakistanis-live-in-multidimensional-poverty.html>

Indicators show that, between 2013 and 2015, Pakistan was among the bottom 29 countries out of 81 for which data was available.³⁷ Moreover, declines in poverty have not had the expected impact on nutritional intake, health etc. Sadly, food production *per se* is not the problem. As noted by UNDP, Pakistan produces sufficient food ‘to provide adequate nutrition for all citizens.’ The issue is ‘asymmetric income and wealth distribution which, in turn, results in iniquitous access to food.’³⁸ As national poverty figures are estimated at the household level, sex disaggregated figures are not available at this point.

A new Ministry of Social Protection and Poverty Alleviation Coordination has been created to unite the currently fragmented social protection programmes under one umbrella.³⁹ Its flagship social protection programme *Ehsaas*⁴⁰ has a specific focus on poor and vulnerable women. Its poverty reduction strategy has four pillars: making the government system work to create equality; safety nets for disadvantaged segments of the population; jobs and livelihoods; and human capital development. The government has committed to anti-stunting nutrition programme under *Ehsaas* for 2 million children aged 6-23 months and 2 million pregnant or lactating women. Women in general are more likely to spend money on nutrition than men—so a cash income becomes essential.

Financial inclusion is now accepted as a cornerstone of graduating out of poverty, in particular for marginalised groups. Women need access to savings, loans, and financial systems in general because to them prosperity means investments in education, health and household well-being. Only 13 percent of adults aged 15+ (4.2 percent women, slightly higher in urban Punjab at seven percent) have an account. Only two percent of people in Pakistan (ages 15+) borrowed from a financial institution while 34 percent borrowed from friends and family. In the Punjab, only six percent of women had used mobile phones for financial transactions in 2018.⁴¹

The proposed *Kamyab Jawan* (Successful Youth) government programme will disburse a cumulative sum of PKR200 billion (USD1.2 billion) through banks to 138,000 youth (aged 21-45 years) as low cost loans for establishing small businesses enterprises. No sex disaggregation is available. Under the government’s *Roadmap for Stability and Growth*, 20 million women will benefit from the financial inclusion net through digital transaction accounts by 2023.⁴²

The largest percentage of women workers (in agriculture) only account for four percent of those obtaining loans. Women borrowers comprise only 13 percent of all borrowers and have only a five percent share of the total gross loan portfolios.⁴³

The public sector First Women Bank Limited, along with 10 microfinance banks and dozens of CSOs across the country provide microloans to an estimated five million people. This represents PKR170 billion (USD1.6bn), a fraction of the total loan portfolio of PKR15

³⁷ http://www.lahoreschoolofeconomics.edu.pk/EconomicsJournal/Journals/Volume_percent2022/Issue_percent202/06_percent20Idrees.pdf

³⁸ Pakistan’s Challenges: Sustainable Development Goals 2015-2030. UNDP.

<http://www.un.org.pk/pakistans-challenges-sustainable-development-goals-2015-2030/>

³⁹ Such as the Benazir Income Support Programme, Pakistan Bait-ul-Mal, Zakat, Pakistan Poverty Alleviation Fund, Trust for Voluntary Organisations, the SUN Network, Centre for Social Entrepreneurship, etc.

⁴⁰ <http://www.pakistan.gov.pk/ehsaas-program.html>

⁴¹ Punjab Commission on the Status of Women, Financial Inclusion of Women in Punjab 2018.

<https://pcsw.punjab.gov.pk/system/files/financial.pdf>

⁴² A Roadmap for Stability, Growth and Productive Employment. Government of Pakistan Finance Division Islamabad 8 April 2019. Accessed at: http://finance.gov.pk/A_Roadmap_for_Stability_and_Growth_April_8.pdf

⁴³ State bank of Pakistan 2013

trillion (USD142 billion) of the commercial banking sector.⁴⁴ Only 26 percent of the borrowers from the microfinance organisations are women. However, women comprise 53 percent of Pakistan Microfinance Network borrowers and of the value borrowed. Tellingly, only 22 percent of those able to save are women, and their savings account for a meagre 15-16 percent of the total savings amongst micro-borrowers.⁴⁵

Access and ownership of physical capital significantly impacts women's ability to navigate and weather shocks that can be economic (loss of livelihood, crop failure) or social (widowhood, abandonment or divorce). Most of the national surveys collect information for the household and intra-family sex disaggregated data on physical assets, other than land, is very difficult to obtain.

Ownership of assets, particularly high value ones, has multiple benefits for households, including protection against financial ruin. Amongst ever-married women, 89 percent do not own a house and 96 percent do not own land. Only two percent of women are sole homeowners (7.4 percent have joint ownership) and two percent are sole landowners. Women aged 40-49 fare better than other age cohorts: 7.4 percent are sole house owners and 17.6 percent joint owners; 5.5 percent are sole landowners while 3.9 percent own land jointly—usually as a result of inheritance, or joint investment of their inheritance with brothers or spouses.⁴⁶

Share of national budget and planning

Tracking the share of the national budget invested in women's advancement remains a serious challenge given the lack of sex-disaggregated financial data. The number of girls' schools, for example, helps to identify the expense incurred on them specifically, but not all the budget line items are disaggregated. Likewise in health, budgets are identifiable for women-specific services, such as maternal and neonatal child health, but expenditure on the health of women and girls is not computed. Defence budgets continue to be the second highest category of government expenditures. The defence budget increased from an estimated PKR627.226 million in 2013-14 to PKR1.15 trillion for 2019-20. Inequitable financing of the education and health sectors is a perennial issue. Currently around 2.3 percent of GDP goes to education and 2.75 percent to health,⁴⁷ ranking Pakistan 177 out of 182 countries.⁴⁸ The health budget includes recurrent and capital spending from federal and provincial budgets, external borrowings and grants from international agencies, non-governmental organisations, and health insurance funds. Of the total health expenditure, 32 percent is funded by the public sector. As of 2016, out-of-pocket expenditure is 65 percent, one of the highest in the region.⁴⁹

Public Private Partnerships (PPPs) are increasingly relied upon to meet financing and resource gaps, with the private sector absorbing public health facilities under the Public Private Health Initiatives that have refused to be audited. PPP models lack clear governance and accountability mechanisms,⁵⁰ with ambiguous set-ups across the

⁴⁴<https://www.aljazeera.com/indepth/features/2017/09/microfinancing-pakistans-women-entrepreneurs-170930112423093.html>

⁴⁵ Pakistan Microfinance Network. Accessed at:

<http://www.microfinanceconnect.info/assets/articles/b0937186ef48d5be36387ed0a61d8992.pdf>

⁴⁶ http://www2.unwomen.org/-/media/field_percent20office_percent20eseasia/docs/publications/2016/05/pk-wee-status-report-lowres.pdf?vs=5731

⁴⁷ <https://data.worldbank.org/indicator/SHF.XPD.OOPC.CH.ZS?locations=PK>

⁴⁸ Economic Survey 2018

⁴⁹ http://www.pbs.gov.pk/sites/default/files/NHA_percent20report_percent202013-14....pdf

⁵⁰ <https://www.thenews.com.pk/print/386457-money-laundering-detected-under-public-private-partnership>

provinces leading to failures or break-ups of partnerships.⁵¹ For example, the PPP in KP was dissolved, leading to the suspension of hundreds of staff, disruption of services, and a court case. Poor regulation of PPPs risks weakening the public sector while allowing the private sector to flourish. There is a need to re-examine and restructure PPPs to ensure coverage and accessibility of health care services to all, particularly women, children and adolescents.⁵²

Similarly, in education there is an increasing reliance on meeting gaps through the private sector that runs an increasing percentage of schools (37 percent in 2015-16). National and international development planners both often promote the private sector as the solution for the education crisis. Despite low cost private schools, including those receiving government funds⁵³, the net effect on access to schooling remains unclear, particularly for the poorest who get left behind. The impact on quality is also uncertain.⁵⁴ The result is inequity regarding provision and access of education, far from the promise of free and compulsory education for all.⁵⁵

Social protection measures

The government has identified 7.2 million families as extremely poor, with one woman per household identified as eligible for unconditional quarterly cash transfers of PKR5,000 (USD30) under the Benazir Income Support Programme (BISP). So far 5.7 million of the poorest families have benefited. The allocation for the financial year 2019-20 is PKR110 billion (USD 683 million).⁵⁶ The associated *Waseela-e-Taleem* programme, part of the government's poverty-graduation strategy, links the unconditional cash transfer to human development goals and operates in 50 districts. Financing the primary education of children (ages 4-12 years) of BISP beneficiary families, it provides cash transfers of PKR750 (USD5) per quarter for each beneficiary child after verifying admission and 70 percent attendance. By June 2018, 2.1 million children had benefited, nearly half of them girls.⁵⁷ The government intends to increase the stipend for girls to PKR1000 (USD6) from 2020.⁵⁸

Under *Ehsaas*, the *Tahafuz* initiative will provide preferential support for women through a one-time economic support to help those undergoing hardship due to external or internal shocks. More than half of the education vouchers and scholarships are earmarked for women, and the *Insaaf* (justice) insurance card and *Sehat Sahulat* (health services) provide preferential coverage to women. Additionally, *Ehsaas* expects to work with relevant departments to improve jobs and economic opportunities for women, recognise the work of rural women, promote equal wages, and support legislation on domestic work.

Health

⁵¹ Qidwai W. Healthcare Delivery and Public Private Partnership in Pakistan: Issues, Challenges and Opportunities. J Liaquat Uni Med Health Sci. 2016;15 (04):162-3. doi: 10.22442/jlumhs.161540485

⁵² "Strengthening Governance in Health Systems for Reproductive Health and Rights (RHR) in Pakistan: An Intervention Case Study" Shirkat Gah Publication, 2017.

⁵³ https://apolitical.co/solution_article/government-subsidies-fund-low-cost-private-schools-pakistan/

⁵⁴ Education in Pakistan: The state's engagement with the private sector. EDUCATION MONITOR. SAHE, Campaign for Quality Education and Open Society Foundations. 2015

⁵⁵ Neglected Financing and Privatization of Education in Pakistan: Right to Education out of reach?

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=4613&file=EnglishTranslation>

⁵⁶ <http://bisp.gov.pk/bisp-beneficiaries-are-females-of-the-poorest-strata-of-society/>

⁵⁷ <https://tribune.com.pk/story/1643907/6-no-one-behind-waseela-e-taleem/>

⁵⁸ https://www.fbr.gov.pk/Budget2019-20/BudgetSpeech/Budget_percent20Speech_percent202019-20_percent20-percent20V6.pdf

There are still 105 men for every 100 women in the country. Poor female health is attributed to multiple causes including poverty, food insecurity, poor status of women, and a poor health delivery system. Rights activists and leading gynaecologists⁵⁹ agree that unless women are valued by society their health status is unlikely to improve. Comparing current statistics with those of five years ago indicates near stagnation of women's health indicators.⁶⁰

Policies predominantly focus on health services, ignoring the social determinants of health. A hierarchy of health services does not function optimally and there is great provincial variation, with the Punjab performing better than other provinces.

Child early-age marriages contribute to poor female health; 4.9 percent of women in the 15-29 years age cohort are married.⁶¹ Early pregnancy and childbearing directly impact maternal and infant mortality rates and young mothers are more prone to health complications.⁶² Girls married early have limited control over their own bodies and no decision-making powers to practise family planning (FP), or access prenatal and antenatal care (ANC) and skilled birth attendants.⁶³

Seventeen percent of currently married women have an unmet need for FP services (down from 20 percent in 2012-13). Thirty-four percent are currently using a contraceptive method, but the percentage of women using modern methods has remained largely unchanged over the last five years. Figures in Pakistan exclude unmarried women of reproductive age.

The high maternal mortality rate (178/100,000) stems from the lack of trained midwives, emergency care and family planning (FP), as well as early age marriages and physical labour while pregnant.⁶⁴ Concern persists over women's fertility rates that stubbornly resist all FP efforts, and how badly Pakistani women are doing on all measurements.⁶⁵ (See Table 2)

The *Waseela-e- Sehat*⁶⁶ scheme of BISP, offers treatment of designated medical and surgical conditions up to a maximum PKR25,000 (USD155). A National Health Insurance Programme (2015) was launched to ease access to quality health services for women and the poor. Since 2016, *Sehat Sahulat* too enhances access, but is limited to 53 of Pakistan's 351 cities and is not yet functional in all.⁶⁷ A step in the right direction, the Secondary and Priority treatment packages still fail to bridge the gap of affordability of sexual and reproductive health services, such as HPV testing, STD/STI testing, contraceptive purchases, ultrasounds, or any form of menstrual health services. The poor also access limited healthcare from a number of charities and foundations (e.g. Edhi Foundation, Aga Khan Foundation, and Al Shifa Trust).

⁵⁹ <https://www.mhtf.org/2015/08/03/leadership-in-maternal-newborn-health-dr-shershah-syed/>

⁶⁰ [file:///C:/Users/hajulsg/Downloads/Report percent20Beijing percent20+20.pdf](file:///C:/Users/hajulsg/Downloads/Report%20Beijing%20+20.pdf)

⁶¹ NIPS, PDHS 2017-18 Key Indicators

⁶² Shahina Maqbool, "Rural teenagers in Pakistan start childbearing earlier than urbanites," The News, September 1st, 2018, <https://www.thenews.com.pk/print/362338-rural-teenagers-in-pakistan-start-childbearing-earlier-than-urbanites>

⁶³ Deepali Godha and Anastasia J Gage, "Association Between Child Marriage and Reproductive Health Outcomes and Service Utilization: A Multi-Country Study From South Asia," Journal of Adolescent Health 52, no.5 (2013),

<https://www.researchgate.net/publication/236265801/download>

⁶⁴ <https://www.samaa.tv/living/health/2019/04/why-mothers-are-dying-during-childbirth-in-pakistan/>

⁶⁵ <https://www.dawn.com/news/1285181/the-poor-state-of-pakistans-healthcare-system;>

⁶⁶ [http://www2.unwomen.org/-/media/field percent20office percent20eseasia/docs/publications/2016/05/pk-wee-status-report-lowres.pdf?vs=5731](http://www2.unwomen.org/-/media/field_percent20office_percent20eseasia/docs/publications/2016/05/pk-wee-status-report-lowres.pdf?vs=5731)

⁶⁷ <https://www.pmhealthprogram.gov.pk/districts-covered-by-the-program/>

Despite signing up to the World Health Organisation (WHO) mental health action plan (2013-2020) Pakistan has not yet compiled data for policy planning or management. Mental health is a provincial matter and Sindh, Punjab, and KP have all passed Mental Health Acts, in 2013, 2014 and 2017 respectively, but none has constituted a Mental Health Authority. The Acts focus primarily on psychiatric care and do not reflect an understanding of varied mental health needs.⁶⁸

Focus has shifted to non-communicable diseases (NCDs) responsible for 60 percent of all deaths in the country. A national plan drawn up in 2004 was to be revised in 2018 but has not materialised. Punjab launched the Prevention and Control of Non-Communicable Disease Programme in 2016, and to date has screened nearly two million people through 130 screening desks supported by 40 NCD clinics established in public sector health facilities.⁶⁹

Adolescent health is neglected in youth policies which do not focus on health. Sexual and reproductive health (SRH) policies and laws fail to address the impact of service provider biases and socio-cultural norms, especially with regard to unmarried girls/women, but even young boys have limited access to services and information. There is a serious lack of national data on SRH for youth. The Federal Reproductive Health Care Act 2013, for example, is restricted to married couples. The Act and provincial draft bills ignore evidence of service providers discouraging young couples from delaying first birth.⁷⁰ Policies ignore compelling evidence that informing young people about SRH leads to better health choices as well as gender relations.⁷¹ Young people are expected to be sexually inactive before marriage, and SRH remains a taboo subject for youth, particularly girls, impeding progress. It is expected that sex and sexuality are issues that young people will naturally understand after marriage.⁷²

Unmarried girls generally lack awareness of their reproductive system as mothers refuse to inform daughters about puberty. Unmarried girls are rarely taken to health facilities for fear this would damage their reputation and reduce marriage prospects.⁷³ Numerous CSOs⁷⁴ focus on dispelling myths and providing reproductive health knowledge to youngsters and strive to reorient service providers.

There has been some progress. Life Skills Based Education (LSBE) is being introduced in Sindh and Balochistan in schools in partnership with Aahung, which has run school-based LSBE for years. Sindh has rolled out an LSBE programme developed by Aahung in Grade levels 6 to 9. Post Abortion Care and Post-Partum Family Planning practices have been integrated into the overall health policies; in 2016, medicines such as Misoprostol were added to the National Essential Medicine List; national guidelines for uterine evacuation were federally endorsed for uptake by provinces.⁷⁵ Yet women are still unable to access

⁶⁸ <https://www.dawn.com/news/1449130>

⁶⁹ <http://www.ppha.punjab.gov.pk/news-and-highlights/non-communicable-diseases.html>

⁷⁰ *Beyond Bias*, Pathfinder International <https://www.pathfinder.org/publications/beyond-bias/>

⁷¹ Aminah Jahangir and Neha Mankani, CASE STUDY: Aahung — Empowering Adolescents in Pakistan through Life Skills-based Education, (UNGEI, 2016), <https://www.goodpracticefund.org/documents/Aahung-UNGEI-Final.pdf>.

⁷² Zeba A. Sathar, Iram Kamran, Maqsood Sadiq, and Sabahat Hussain, Youth in Pakistan: Priorities, Realities and Policy Responses, (Population Council, 2016), https://www.popcouncil.org/uploads/pdfs/2016PGY_YouthInPakistan.pdf

⁷³ Shirkat Gah Field Research, unpublished

⁷⁴ In particular the Family Planning Association of Pakistan, Aahung, Marie Stopes Society, Greenstar Marketing, Shirkat Gah, Pathfinder, National Commission on Maternal Child and Neonatal Health, and Sukh Initiative

⁷⁵ "Leaving the Youth Behind, The Missing Demographic in Pakistan's SRHR Policies and Programmes" Shirkat Gah, 2018, <http://shirkatgah.org/shirkat/?p=14179>

safe abortion services, which are only legally permissible for necessary treatment for the mother, or to save her life. Abortion remains criminalised for any other reason.

Facilitating women's access, 24/7 health services have increased in Punjab, Sindh and KP. Punjab has introduced health programmes in 1,700 schools to monitor nutrition and promote awareness on good health and nutrition practices with girls and boys.⁷⁶ The maternal health care indicator for women receiving ANC from a skilled provider has seen a steady increase (from 75.1 percent in 2012-2013 to 86 percent in 2017-18). The percentage of deliveries at health facilities has increased to 66 percent, and the percentage of births attended by skilled providers to 69 percent.⁷⁷ Sindh recently announced a Reproductive Health Scheme to prioritise women's health. Punjab has launched the Chief Minister's Village Ambulance Service, providing free services for pregnant women, particularly beneficial for women in far-flung areas otherwise unable to access adequate health facilities.⁷⁸ Both Sindh and Punjab have instituted health care commissions mandated to ensure complaints by clients are managed effectively, and to help reduce quackery and medical negligence.

Education

Girls repeatedly express an ardent desire for education, an aspiration thwarted by not being allowed to continue studying: 'I have dreams too. Let me live a little, become something...then I'll marry.'⁷⁹ Unfortunately, female education is still not amongst the government's foremost priorities. The 2017 education policy⁸⁰ does not list girls' education amongst its long-term goals. There is a lack of recognition of the multiple factors that impact upon girls' access to education—socio-economic status, cultural and social norms, location, violence and insecurity—and the investment and commitment needed to overcome them.

Since education was devolved to the provinces, there has been a marked inconsistency in terms of strategy, budget allocation, efficacy, and commitment to improving girls' access to quality education. Education status reports show erratic, minimal and, at times, imperceptible progress. A most disturbing aspect is that the number of out-of-school children (OOSC) rose by 0.9 percent to 22.84 million in 2016.⁸¹ In 2017, 53 percent of the OOSC were girls, indicating that 12.6 million school-age girls were deprived of schooling.

The funding and resources at federal and provincial level are insufficient to both uplift the standard of education and enrol the OOSC. Initiatives that are in place have been bolstered by international assistance and project funding in less developed regions, aimed in part at stemming the tide of militancy in some areas.

While plans to enrol children in the five-to-ten age bracket may be easier to envisage and implement, the growing number of children above that age present a different challenge. Many of them are already working to support their families and approaching adulthood

⁷⁶ <https://www.dawn.com/news/1450689>

⁷⁷ NIPS, PDHS 2017-18 Key Indicators, <https://dhsprogram.com/pubs/pdf/PR109/PR109.pdf>

⁷⁸ <http://dunya.com/news/en/Pakistan/389480-Punjab-Health-Department-launches-ambulance-service>

⁷⁹ Ending Child & Early Age Marriages. Lessons of the Humsathi Intervention Study. A Policy Brief. Shirkat Gah Women's Resource Centre, International Development Research Centre (IDRC) July 2018.

⁸⁰ National Education Policy 2017-2025. Ministry of Federal Education and Professional Training Government of Pakistan. Accessed at: [http://moent.gov.pk/userfiles1/file/National percent20Education percent20Policy percent202017.pdf](http://moent.gov.pk/userfiles1/file/National%20Education%20Policy%202017.pdf)

⁸¹ Pakistan Education Statistics 2016-17. Ministry of Federal Education and Professional Training. Government of Pakistan Islamabad. March 2018.

without any formal education. A separate strategy for adult literacy and associated programmes is needed.⁸²

A general increase in girls' enrolment and retention as well as access to education is evident, but progress is painfully slow. The dropout rate of girls, especially once they attain puberty, is a persisting challenge. National enrolment for children aged 5-16 years has risen from 81 percent in 2016 to 83 percent in 2018, largely thanks to the private sector. The percentage of mothers completing primary education has increased from 24 percent in 2014 to 33 percent in 2016. However, the rate of increase is far too slow (one to two percent) and the dropout rate for both girls and boys remains high.

Despite numerous initiatives by the government and the international community to close the enrolment gender gap, male enrolment exceeds female enrolment at all the stages of education—from primary through to university level⁸³— especially in post-primary stages. An urban/rural divide in enrolment is apparent, especially at higher levels of education. The exception is in non-formal Basic Education where female enrolment is higher, but the quality and standards of this sector do not match those of the formal/state and private sector education.

Some efforts to promote universal primary enrolment of girls have been successful, even in remote areas. In subsequent levels, however, multiple factors still obstruct access to higher levels, such as social and cultural conservative attitudes, gender biases, distance of schools from homes, security issues, lack of transport facilities, and early marriage driven either by cultural norms or economic concerns. The expected years of schooling for girls is 7.8 as compared to 9.3 for boys.⁸⁴ Seventy-four percent of women have less than six years of education. Poor Pashtun women in rural areas are the most disadvantaged.⁸⁵ In 2017, 27 percent of adult women reached a secondary level of education compared to 47.3 percent of their male counterparts.

The retention pattern across provinces parallels that of enrolment: Punjab and Sindh fare better than Balochistan and KP. This could be due to a combination of factors including distances (Balochistan), conflict (former FATA and Balochistan), lower levels of development, and more conservative attitudes towards women's education.

Increased enrolment rates helped literacy rise from 60.7 percent in 2014-15 to 62.3 percent in 2016-17. Female literacy grew more rapidly than male literacy (from 49.6 percent to 51.8 percent) while rural female literacy improved more than in urban areas (from 51.9 percent to 53.3 percent).⁸⁶ The greatest improvement in Punjab is still only a meagre 1.8 percent. Moreover, minimal performance is used to measure literacy and often those declared literate are barely able to write their names or a single sentence. Those in the field of education, such as Idara-e-Taleem-o-Agahi and the Society for the Advancement of Education (SAHE), believe that children who are *in school but not necessarily learning* is an even bigger crisis than the numbers who remain out of school.⁸⁷

⁸² 'Out of school, out of sight'. Faisal Bari. *Dawn*. 26 July 2017. Accessed at: <https://www.dawn.com/news/1496257/out-of-school-out-of-sight>

⁸³ ASER Report, 2018. See Figure 1

⁸⁴ Human Development Indicators. United Nations Development Programme. September 2018. Accessed at: <http://hdr.undp.org/en/countries/profiles/PAK>

⁸⁵ See Table 3

⁸⁶ ASER Report, 2018.

⁸⁷ See also. Nadia Naviwala. 2019. Why can't Pakistani Children read: The Inside Story. Wilson Centre Asia Program.

<https://www.wilsoncenter.org/publication/why-cant-pakistani-children-read-the-inside-story-education-reform-efforts-gone-wrong>

Girls in school lag behind boys in reading sentences in Urdu and vernacular languages and words in English as well as in subtraction.⁸⁸ The lesser attention paid by schools and homes to girls' education may account for disparities in the basic skills of reading, writing, and arithmetic.

There are some commendable initiatives. The Girls' Stipend Programme in 25 KP/Tribal Districts for girls in government schools that grants a stipend of PKR2,400 (USD15) per year to girls with 80 percent attendance in classes 6-8, and PKR6,000 (USD37) to those in classes 9 to 10, has benefited some 444,000 girls to date.⁸⁹

The Elementary and Secondary Education Foundation set up over 2,200 Girls Community Schools (GCS) across KP to enrol out-of-school children and help them transition to regular schools. The GCS cater to around 121,570 students across the province, (66 percent girls), and have enrolled an additional 48,000 OOSC.⁹⁰ Also in KP, the Girls Cadet College set up in Mardan at a cost of PKR3 billion (USD18.5 million), serving as a destination for some of the provincial government scholarship schemes, has attracted young women from across the country.

Financial incentives to increase enrolment and retention appear to be powerful, underscoring the need for greater allocation to education at all levels. The Higher Education Commission (HEC) also offers stipends for class 9-10 students, but there is no gender specific data.

In terms of higher education, at least in Punjab, girls face less resistance in studying science than arts, suggesting a greater acceptance of girls seeking education 'in a high-value, modern, technological discipline that promises prestige and economic and societal advancement.'⁹¹

While the overwhelming concern on *access* to education is understandable, it is equally important for educators and policymakers to focus on *what* is taught (curriculum/textbooks) and *how* it is taught. People's identities and actions depend on the knowledge they receive and the manner in which they receive it. What is *included* in the curriculum and textbooks is as important as what is *excluded*. A broader focus on life skills is needed

Gender bias permeates textbooks.⁹² A significant gender bias towards males was found in at least three of six subjects reviewed in a study of 194 textbooks from the four provinces. Only 7.7 percent of the personalities included were female, virtually all related to Muslim history, and a negligible 0.9 percent of the icons in history textbooks represented women.⁹³ 'A hundred sons are not a burden but one daughter bows our heads', an often-quoted example of misogynist writing that perpetuates patriarchal tendencies in society, is common in one of the many gender-biased textbooks.⁹⁴

⁸⁸ Annual Status of Education Report (ASER) 2018. Idara-e-Taleem-o-Aagahi

⁸⁹ Fasi Zaka, Maheen, 2013-18 Five Years of Education Reforms Khyber Pakhtunkhwa – Wins, Losses and challenges for the future 2018-23. Islamabad: Alif Ailaan, 2018.

⁹⁰ Community school students perform better than schools. *The Express Tribune*. 23 July 2018 <https://tribune.com.pk/story/1764449/1-community-school-students-perform-better-schools/>

⁹¹ Sadia Shaikat, 'Personal and Social Problems Faced by Women in Higher Education,' *FWU Journal of Social Sciences*, Winter 2015, Vol. 9, No. 2, 101-109. UK: University of Leicester.

⁹² Zubeida Mustafa, 'Textbooks – the real culprit', 14 August 2018, www.zubeidamustafa.com

⁹³ *Books, Gender Analysis of School Curriculum and Text*. Islamabad: UNESCO, 2004. Accessed at:

https://worldsofeducation.org/en/woe_homepage/woe_detail/15405/curriculum-textbooks-and-gender-stereotypes-the-case-of-pakistan

⁹⁴ Women cook, men work: Gender bias rife in Pakistani textbooks. *The Express Tribune*. 7 March 2017. Accessed at:

<https://tribune.com.pk/story/1344822/women-cook-men-work-gender-bias-rife-pakistani-textbooks/>

Additionally, the 2017 Education Policy not only perpetuates religion-based discrimination, it intensifies this. (See Peaceful and Inclusive Societies)

Training and Teachers

Quality education demands qualified and trained teachers. There are 213 teacher-training institutions, with the 74 percent in the public sector accounting for an overwhelming 99 percent of those enrolled.⁹⁵ Thirty-four percent of those enrolled are women. Public sector institutions emphasise old-fashioned pedagogy of a one-way transmission of knowledge from the teacher to students, perceived as passive receptors. Only one percent of future teachers train in private and civil society institutions that impart modern methods of play-based learning using, for example, theatre, dance, music, games and field trips.

Given the numbers of teachers across Pakistan at all levels, it is unlikely that the requisite professional development and training can be provided in existing teacher-training institutions. This is yet another area for investment and improvement that needs to be addressed.

Seventy-five percent of the 453,614 primary school teachers are in the public sector. In 2015-16, women accounted for 59 percent of all teachers.⁹⁶ Only 30 percent of the middle level teachers (455,445) work in the public sector. Female teachers outnumber their male counterparts, accounting for 72 percent. In high schools, 43 percent of 560,642 teachers are in the public sector and, again, the majority are women (61 percent). The ratios are more balanced in higher secondary schools/inter college level: the public and private sectors share 50 percent each of the 120,336 teachers -- women account for 53 percent.⁹⁷

Women make up 73 percent of non-formal basic education teachers where remuneration is very low. 2016-17 saw a 5.1 percent decrease of female teachers in public sector primary schools. Over a longer period, 2014-17, there was an increase of 10 percent of female high school teachers and a more substantial rise of 14 percent at middle level. During the same period, both male and female teachers increased by 19 percent at secondary school level. The trend suggests that as economic and educational opportunities increase women prefer to move towards the higher levels of education where remunerations are greater. At the highest levels of education, men outnumber women teachers: at the degree college level, men account for 68 percent of teachers, at university level, 69 percent. In technical and vocational institutions, 76 percent of the teachers are men.

Political commitment, grassroots leadership, increasing awareness, and providing resources for those at risk of being left behind are prerequisites to achieve the goal of universal, gender-just education and gender equality in the education sector. Small, isolated initiatives will not overcome the challenges. The list of goals and objectives in the National Education Policy will remain just that—a wish list that does not identify what needs to be done and how much it will cost—until and unless a centralised financial and action plan is devised and fully implemented.

⁹⁵ Pakistan Education Statistics, 2016-17, NEMIS, Govt of Pakistan.

⁹⁶ http://library.aepam.edu.pk/books/pakistan_percent20education_percent20statistics_percent202015-16.pdf

⁹⁷ Pakistan Education Statistics, 2016-17, NEMIS, Govt of Pakistan

Freedom from Violence, Stigma and Stereotypes

Despite the very high prevalence of all forms of violence against women and girls (VAWG), there is no reliable comprehensive data. The Pakistan Demographic and Household Survey (PDHS) collects data on domestic violence alone. The PDHS 2017-18⁹⁸ indicates some reductions in VAWG experienced by ever-married women aged 15-49. Twenty-eight percent had experienced physical violence as compared to 32 percent in 2013-14, and spousal sexual violence was five percent, down from six percent in 2013-14. Seven percent of women who had ever been pregnant suffered violence during pregnancy. Spousal violence—physical, emotional, sexual—was reported by 34 percent of ever-married women.

Rural women and girls are more likely to experience violence (30 percent) than their urban counterparts (24 percent). Girls and women aged 15-19 are more vulnerable to all forms of violence with 33 percent experiencing physical or sexual violence. The highest prevalence was in FATA and KP where 56 percent were survivors, followed by 48 percent in Balochistan. Women in Sindh are least likely to experience violence (15 percent).

The risk of physical violence is higher amongst previously married women (41 percent) than currently married women (27 percent); women employed but not earning cash (32 percent) than either women earning cash incomes (27 percent) or not employed (28 percent). It is more likely amongst those with a primary education (35 percent) than those with higher education (12 percent). Counterintuitively perhaps, women with no children experience less violence than those having five or more children (four percent vs. nine percent).

Fifty-six percent of women neither seek help nor talk to anyone about resisting or stopping the violence. When they do, they are more likely to approach their own or their husband's family rather than the authorities because of societal attitudes, lack of awareness of available protection, police inaction, or the weak criminal justice system. A 2017-18 survey in Punjab shows that acquittal rates remain high, especially in rape cases.⁹⁹ One challenge is the paucity of women at all levels of the justice systems, including police, judges, prosecutors and lawyers (see Participation and Gender-responsive Institutions).

Inconsistent court judgments can lead to a miscarriage of justice. In 2017, a judicial magistrate sentenced law student Shah Husain to prison for seven years for stabbing 21-year-old fellow student Khadija Siddiqui, 23 times. Both evidence and statements of witnesses were taken into account in the ruling that it was attempted murder 'without any shadow of a minor doubt'. In June 2018, the Lahore High Court overturned the verdict. Acquitting the assailant in a controversial judgment, the court ruled the prosecution had 'failed to prove guilt beyond reasonable doubt'. The fact that Hussain's father belonged to the legal fraternity raised some doubt as to judicial independence. Khadija was resolute in seeking justice despite criticism for talking publicly about her case. The Supreme Court stepped taking suo moto notice and on 23 January 2019 ruled in her favour, ending her three-year struggle. She has now graduated with a degree in law.¹⁰⁰

⁹⁸ National Institute of Population Studies (NIPS). 2018. Pakistan Demographic and Health Survey (2017-18 PDHS)

⁹⁹ 2018 Punjab Gender Parity Report. Accessed at: https://pcsw.punjab.gov.pk/system/files/PGPR-2018_0.pdf

¹⁰⁰ <https://www.thenews.com.pk/latest/496578-khadija-siddiqi-stabbed-23-times-completes-bar-degree>

There is no central policy for eliminating VAWG—a draft National Policy, *Ending Violence Against Women & Girls*¹⁰¹ was never approved. Some provincial policies address the issue. One objective of the Punjab Women Development Policy 2018 is to ensure the deployment of legal and procedural laws for combatting and comprehensively eliminating all forms of VAWG. The KP Women Empowerment Policy 2017¹⁰² strengthens institutional mechanisms to prevent VAWG, support survivors, and revise medico-legal procedures. The Gender Policy Action Plan 2016-2020¹⁰³ of the Balochistan Women Development Department foresees the formation of a provincial Gender Based Violence (GBV) strategy, guidelines for public and private institutions, the implementation of the Domestic Violence Act 2014, and expansion of shelter homes for women at the divisional level.

Legal Reforms

Since October 2016, criminal laws have been strengthened, adding new offences for sexual violence and amending procedural laws for more effective prosecution. Punishment for murder on the pretext of ‘honour’ is now mandatory, regardless of whether the heirs of the deceased pardon or reach a compromise with the killer. Provincial governments can no longer commute sentences in cases of honour killing, stripping a woman naked in public, rape, or even for disclosing the identity of a victim of a sexual offence/abuse. The prohibition on using *wani* (where young girls are forcibly married as part of the punishment for a crime committed by a male relative) in out-of-court compromises for murder has been extended to all civil liability and criminal cases. Media reports of cruel treatment of children, especially those in domestic service, led to the inclusion of a new cruelty to a child offence in the Pakistan Penal Code (PPC). New offences for exposing a child to seduction, child pornography and sexual abuse have been introduced. The punishment for forced marriages of girls less than sixteen years of age and non-Muslims has been increased. Penalties for the rape of a minor or person with mental or physical disability has been also been increased. Provisions have been added in the Criminal Procedure Code (CrPC) for timely medical examination and DNA testing of the victims of sexual crimes (i.e. rape, sexual abuse and unnatural offences), with their consent; DNA testing of the accused is now mandatory. The law of evidence has been amended to allow convictions on the basis of modern devices or techniques. (See ADD URL of SG website and name and Footnote>)

The Punjab Protection of Women against Violence Act 2016 does not criminalise any new aspects of domestic violence but it does provide for VAW centres and protective remedies. However, it has only come into force in one district. The laws under the domestic violence prevention and protection Acts promulgated in Sindh (2013) and Balochistan (2014) are not fully implemented because stipulated institutions and committees have not been established. The Sindh High Court order for a report on the formation of a Commission and District Protection Committees and appointment of protection officers was not complied with; the order was reiterated on 30 May 2019.¹⁰⁴ The laws provide for similar protection, residence and economic orders, but rules under

¹⁰¹ Ministry of Human Rights, National Policy on Ending Violence Against Women & Girls – Draft, Accessed at:

<http://www.mohr.gov.pk/uploads/reports/NATIONALPOLICY%20on%20violence%20against%20women.pdf>

¹⁰² Zakat Ushr, Social Welfare, Special Education and Women Empowerment Department, Government of Khyber Pakhtunkhwa, Women Empowerment Policy 2017. Accessed at: <https://swkpk.gov.pk/wp-content/uploads/2018/01/Women-Empowerment-Policy-2017.pdf>

¹⁰³ Women Development Department, Government of Balochistan, Gender Policy Action Plan 2016-2020, Accessed at:

https://www.balochistan.gov.pk/images/Women_Development/Intiatives_Bills/gender%20policy%20action%20plan%20WDD%20under%20review.pdf

¹⁰⁴ Writ Petition CP No. S-2658/2018

all three have not yet been formulated. A domestic violence bill moved by the KP Commission on the Status of Women (KP PCSW) has stalled, while the bill for the Islamabad Capital Territory (ICT) has been tabled in parliament but not yet passed.

Hearing multiple petitions related to domestic violence cases and non-implementation of law, the Sindh High Court ordered the Member Inspection Team to circulate the law to all magistrates to ensure compliance. Magistrates can authorise monetary aid and restraining orders. Provincial Deputy Inspector Generals were directed to start awareness campaigns about the domestic violence law and refer relevant harassment cases pertaining to the law to the magistrates.¹⁰⁵ Some cases under the DV law have been filed in Sindh. In what is said to be the first decision under the law, a husband was convicted on his wife's complaint, and sentenced to six months' imprisonment each (to run concurrently) on two charges: physical injuries and compensation of PKR5,000 and six months imprisonment along with compensation of PKR45,000 for the use of criminal force, emotional and psychological abuse.¹⁰⁶

Multiple amendments to the CrPC have improved responses to a range of GBV crimes. (See Annex XX) A survivor's statement to register a police case can be taken at her residence or other place of her choice. The presence of a female police official or female relative is mandatory during this and any subsequent statements by the survivor. The failure to carry out an investigation properly or diligently is now a punishable offence, as is intentionally hampering, misleading, jeopardising or defeating an investigation, inquiry, or prosecution. Trials involving sexual crimes can now be held in camera, allowing survivors and witnesses to use video links/screens. The printing, publishing or broadcasting of any matter in relation to such proceedings without court permission is prohibited. A new section obliges courts to complete trials of sexual offence cases¹⁰⁷ within three months, but no measures exist to check compliance.

Procedures inhibiting access to justice persist, however. For example, since 2016, in all cases of sexual violence all medico-legal officers must state precisely the reasons for each of their conclusions (CrPC section 164-A). In rape cases, doctors frequently write prejudiced opinions on the basis of the controversial 'two finger test' (i.e. whether two fingers can be inserted in the vagina). Such reports prejudice courts against the survivor, leading to a problematic questioning of a woman's prior sexual history, whether the act was consensual, and the reliability of the survivor's testimony. The two-finger test is not prescribed in any health department's medico-legal guidelines and Standard Operational Procedures (SOPs) and must be eliminated.

Commonly, medico-legal officers are poorly trained; appointed without any training in the requirements of medically examining survivors of sexual assault; work without the required facilities, and lack Sexual Assault Forensic Evidence (SAFE) kits. No steps by provincial health departments to provide specialised training and orientation to medico-legal officers are visible. SOPs and guidelines require revision in line with the World Health Organisation's 2003 *Guidelines for Medico-legal Care for the Victims of Sexual Violence*, and in light of modern forensic testing and sections 164-A and B of the Criminal Procedure Code.

¹⁰⁵ Sindh High Court orders dates 07-03-2019 in CP NOS.S-1957 & 2662 of 2018, 87,105,258,277,331 & 357 of 2019

¹⁰⁶ Cr. Petition No 457/2017 decided on 23-02-2019 by Judicial Magistrate-XV (West) Karachi

¹⁰⁷ Stripping a woman naked in public, rape, unnatural sexual offences and sexual abuse.

DNA testing facilities are grossly inadequate. A single forensic DNA testing laboratory in Punjab handles all cases in the country. The cost of obtaining a test from outside the Punjab province can be a prohibitive factor (approximately PKR30,000 or USD200). The lack of funds for police investigation of cases of sexual violence often obstructs or delays the submission of samples for testing. These shortcomings hinder access to justice despite several changes in law.

The 2018 Prevention of Trafficking law section 3 provides a higher punishment for the trafficking of a child or woman.¹⁰⁸ The 2018 Prevention of Smuggling of Migrants law exempts a trafficking victim from any criminal liability but allows her to be a witness, and describes measures courts can take during trial to protect victims and witnesses.¹⁰⁹ The responsibility of preventing inter-country trafficking is the remit of the Federal Investigation Agency (FIA) which has established an Integrated Border Management System at all immigration check posts and a 24/7 helpline for complaints and support.¹¹⁰ It is too soon to gauge the impact.

A juvenile female cannot be arrested or investigated by a male police officer under any circumstances, or released on probation under the supervision of a male officer. A female juvenile can only be kept in a Juvenile Rehabilitation Centre meant for female inmates.¹¹¹

The list of offences under witness protection laws in the Federal capital, Sindh, Punjab and Balochistan¹¹² includes rape, indecent assault of a child less than 16 years of age, and grievous bodily harm. Witness protection boards, units and programmes are not yet fully operational.¹¹³ However, courts are empowered to provide protection to witnesses during a trial regardless of such entities. The Punjab Witness Protection Act, 2018 (Section 12) bars a person accused of a sexual offence¹¹⁴ from cross-examining a witness without the court's express permission. The court can deny permission if it believes that such cross-examination is likely to affect voluntariness or the quality of the evidence. Furthermore, questioning of a sexual offence survivor about any prior sexual behaviour with the accused or other person is forbidden, unless the court believes such a question is a relevant fact in the case. Since 2016 it is no longer permissible to present evidence regarding a woman's prior sexual behaviour in a rape trial.

Legal Aid, Shelters and Assistance

Survivors of sexual abuse have been entitled to free legal aid since 2016 and police must inform survivors of this right after registering the case.¹¹⁵ The police must also provide a survivor requiring legal aid with the list of lawyers maintained by provincial Bar Councils for this purpose, as legal aid is an assigned function of the Pakistan and provincial Bar Councils. The Punjab Legal Aid Act, 2018 envisages an agency to facilitate anyone implicated in an offence or a female involved in a family dispute unable to pay for an advocate.¹¹⁶ The court, investigation officer, prosecutor, or a prison officer must inform a

¹⁰⁸ Section 3 (2) of the prevention of trafficking in persons Act, 2018

¹⁰⁹ See section 6 and 12 of the prevention of trafficking in persons Act, 2018

¹¹⁰ For other measures taken see <http://www.fia.gov.pk/en/ahtc.php>

¹¹¹ Section 17 of Juvenile Justice Act, 2018

¹¹² Witness protection laws were enacted, in 2017 for federal Capital, Balochistan in 2016, Sindh in 2013 and Punjab in 2018.

¹¹³ <https://www.dawn.com/news/1471498>

¹¹⁴ Offences included are procurement of a minor girl, kidnapping or abducting in order to subject person to unnatural lust, rape and unnatural offences.

¹¹⁵ Section 161-A CrPC added in 2016

¹¹⁶ Sections 3 & 8 of the Punjab Legal Aid Act, 2018. Family dispute includes divorce, maintenance, dowry, dower and custody of children.

person without legal representation to apply to the agency for free legal aid. However, the law is not fully functional as the Punjab cabinet only approved the Legal Aid Agency in March 2019. A 2015 executive order in Punjab made legal aid available to prisoners, but there is no information on how many women prisoners benefited.

Legal aid has a poor track record. District Legal Empowerment Committees (DLECs) headed by District and Session Judges were constituted in 2011 to administer and manage free legal aid as part of the legal empowerment fund of the Law and Justice Commission. Funds can be used for lawyers' professional fees, court fees, copying charges and process fees. As of June 2016, DLECs had a total PKR21.2 million (USD133,000) at their disposal but utilised it sparingly: 41 percent of the funds were used in Punjab, 31 percent in Khyber Pakhtunkhwa, nine percent in Sindh, and five percent in Balochistan. The funds were used for 569 criminal cases including 13 rape cases, 20 civil cases, and two family suits. Major factors for under-utilisation include: a lack of awareness about DLECs, lengthy case selection process, low approved fees not attracting experienced lawyers, and a delay in fund management system.¹¹⁷ Under the Pakistan Bar Council Free Legal Aid Rules (1999), aid is provided to persons eligible for *zakat* (a tithe based on income and wealth imposed on all Muslims as a contribution for the poor and needy) for cases including succession certificates and family law matters. Federal, provincial and district legal aid committees exist, but the procedure for accessing aid is very cumbersome. Likewise, the Women in Distress and Detention Fund is dormant despite a new board in 2018.

Punjab now has government-run shelter homes for women called Darul Amans (DUAs) in each of its 36 districts as well as the VAW Centre in Multan. Sindh only has five DUAs, one of which, *Panah*, is managed through a private-public partnership. There are five functional DUAs in Khyber Pakhtunkhwa and only one in Balochistan that accounts for 44 percent of Pakistan's landmass. DUAs are run by provincial Social Welfare Departments, which are ill-equipped to run shelters. DUA staff lacks gender sensitivity. Poor or non-implementation of existing provisions impedes effective functioning of DuAs. The supervisory Punjab Women Protection Authority for VAW centres is not functional as its composition is incomplete since the change of government in 2018. The budget for the period July 2018-June 2019 was only released in March 2019 and did not include funding for legal aid. Lawyers contracted at the inauguration of the Multan centre were not paid and were the first to stop working. Civil society organisations wishing to conduct independent inspections are frequently denied access to these centres.

SOPs for DuAs were developed through public-private partnerships, but only notified in Sindh and Punjab. In Sindh, an electronic database was developed to improve SOP implementation in DUAs and IT equipment procured for this in 2016, but there is no evidence of the database being used to generate relevant data, impeding reports vital to improve services. The effective functioning of DUAs and the Multan VAW Centre is negatively impacted by a lack, or timely release, of funds. Oversight mechanisms for government shelter homes for women either do not exist or seem not to be functional. For example, a Provincial Management Committee on DUAs, notified by the Sindh government in 2016 at the closure of a civil society initiative¹¹⁸, has never been

¹¹⁷ <http://lrfpk.org/files/research-reports/News-Letter-English-1.pdf>

¹¹⁸ *Strengthening State-run Shelters and Citizens' Engagement for Responding more effectively to Gender-Based Violence*, joint project of Rozan, Shirkat Gah and Indus Resource Centre.

constituted. Only one VAW centre (Multan) has been established under the Punjab Protection Act, which depends on the opening of such centres to come into effect. The supervisory Punjab Protection Committee for VAW centres is not yet functional as its composition is incomplete.

In February 2019 the Sindh Cabinet, acting on a 2016 Sindh High Court directive, approved the establishment of Safe Houses and Rescue Centres in each district.¹¹⁹ This was consequent upon multiple petitions filed by women fearing for their lives after marrying someone without parental/family approval, remarrying after divorce, in danger of being handed over to settle disputes, or otherwise forced to marry. Safe Houses will ensure shelter for survivors of sexual and domestic violence, family feuds, tribal clashes, *karo kari* (so-called ‘honour’ crimes), early age marriages, traumatic situations, calamity and property disputes before being shifted to the DuAs.

The federal Ministry of Human Rights launched a Helpline (1099) in 2016 for information and legal help, staffed by male and female lawyers and linked to the Islamabad DuA, crisis centre and police. NCSW often refers ICT-based complaints to the helpline to facilitate access to a shelter and legal support. However, by the end of 2018 only 9,057 of the 111,566 calls received concerned human rights violations. Of these, 404 concerned women’s rights, children’s rights 38, minority rights 110, the protection of life and liberty 127, the rights of persons with disabilities 77, and labour rights 42.¹²⁰ The Punjab Commission on the Status of Women (PCSW) has operated a helpline since 2014 to provide awareness, guidance and redress to aggrieved women against official inaction. As of June 2018, it had received 75,128 calls of which 1,775 were for information on legal issues such as family law matters, criminal offences, domestic violence, harassment, and harmful traditional practices, as well as employment and financial support.¹²¹

The KP government helpline, *Bolo* (speak) at 0800-22227 launched in December 2016 and housed in the Social Welfare Directorate, provides free legal aid on VAWG and psychological help if required.¹²² The Sindh helpline (0800-11100) is for all human rights violations.

The Sindh Law Department has launched a toll-free helpline service (0800-70806) as part of the Sindh Legal Advisory Call Centre under the Legal Empowerment of People Programme that provides free legal advice and information. A retired Supreme Court judge oversees the quality of legal advice. Any person in the country can obtain legal information or advice on a civil or criminal matter including emergency support for a victim of violence, rights in divorce, maintenance, custody, and guardianship.¹²³ In future the helpline will be run in collaboration with the Legal Aid Society, a CSO chaired by another retired Supreme Court judge. Most recently, the National Assembly’s Standing Committee on Human Rights has recommended inducting a Special Prosecutor to deal with and follow up on VAW cases.

Numerous CSOs and lawyers’ organisations work to prevent and/or redress GBV. The Legal Aid Society provides legal aid to women prisoners at Karachi Central Jail for Women. The

¹¹⁹Safe Houses will operate in Larkana, Sukkur and Nawabshah and Rescue Centres under the charge of women police officers at Tehsil and District levels . <https://nation.com.pk/25-Feb-2019/sindh-cabinet-approves-establishment-of-safe-houses-for-women>

¹²⁰<https://gulfnews.com/world/asia/pakistan/over-9000-human-rights-violation-calls-received-from-across-pakistan-in-2-years-1.2169973>

¹²¹ PCSW report 2018. Best practices Punjab’s Women Helpline

¹²²<https://tribune.com.pk/story/1288725/k-p-launches-helpline-domestic-violence/> news about launch of helpline

¹²³ The list mentions 9 issues on which advice can be obtained.

Strengthening Participatory Organisation builds capacity of medico-legal officers, police, judiciary and judges on ‘Gender Based Violence Standard Guidelines’. The Legal Aid Women Trust provides free legal aid to women, especially in Islamabad prisons; INP-INSAF network Pakistan, engaged in legal reform advocacy, also provides legal aid. In Lahore, the Legal Aid Cell of the Asma Jehangir law firm (AGHS) offers legal aid to women and to children; the Centre for Legal Aid and Settlement (CLAAS) focuses on legal aid, shelter and other assistance for minority women and men; *Sanjog* extends free legal aid to imprisoned children and works against child trafficking. In Karachi, Lawyers for Human Rights and Legal Aid and the Pakistan Women Lawyers Association provide women free legal aid—the former for all cases, the latter in family matters and other civil cases. LHRLA also runs a helpline, *Madadgar* (1098) for children and women in cases of violence, abuse and exploitation. Several other CSOs provide legal awareness and advice but no legal representation. Civil society-run shelters include *Dastak* in Lahore that receives residents from across Pakistan, and Nur Trust in Peshawar.

Online Harassment

The Prevention of Electronic Crimes Act (PECA) 2016 aims to control extremist content, curb hate speech, and prevent online harassment of women. The Act imposes penalties for forcing an individual into immoral activity, non-consensual publishing of an individual’s picture or sexually explicit images, sending obscene messages, impugning a person’s reputation, and cyberstalking, among other nefarious activities. Some people have been charged under this Act but there are allegations made by women and their lawyers of officials mishandling evidence and accepting bribes to deny the existence of evidence on the offender’s digital devices.

The Act is not without controversy. Considerable concern continues to be expressed over clauses in the Act that may be open to misinterpretation or misuse in terms of freedom of expression and the right to privacy.¹²⁴ Complaints are received and processed by the FIA that lacks both manpower and technical procedures to handle evidence. Several women’s CSOs focused on digital rights report that the FIA cybercrime wing is not gender-sensitised. Most cases of online harassment suffer immense delays, or are dropped altogether due to a lack of follow up or non-cooperation from social media companies. The Digital Rights Foundation (DRF) established Pakistan’s first helpline for cyber harassment and violence in 2016, receiving 2,781 cases between December 2017 and November 2018. In 2019, DRF facilitated five complaints of harassment following women’s participation in the International Women’s Day March. DRF filed a combined complaint with the FIA regarding nine Twitter accounts, five Facebook pages, and a YouTube channel. The FIA took almost two months to respond, and eventually dismissed the case due to lack of evidence. DRF has also noted incidents of case evidence left unattended and vulnerable to tampering.

There is a tendency to encourage a compromise between two parties rather than prosecute. Many women complainants agree to a compromise as they feel unable to go to the court hearings for various reasons including cultural constraints. Digital rights CSOs are concerned about women journalists subjected to concerted disinformation campaigns, often putting their lives at risk. The case of a Pakistani journalist, Asma Shirazi, is one such case. She was made a target of online harassment after she went public with an

¹²⁴ ‘Pakistan’s cybercrime law: boon or bane?’ Heinrich Böll Stiftung. <https://www.boell.de/en/2018/02/07/pakistans-cybercrime-law-boon-or-bane>.

interview she had conducted with the former Prime Minister, Nawaz Sharif. A character assassination campaign ensued, calling her a ‘western agent’, ‘whore’, and ‘traitor’. In some cases, online trolls included the faces of female journalists copied onto sexually explicit or pornographic images. Many female journalists receive threats of murder and rape.¹²⁵ Activists believe that the volume of abuse complaints received by the FIA is beyond its capacity to prosecute. Hence, the law falls short in protecting women. Amendments to the law in order to capture this kind of abuse is important; at the same time, however, action is needed to address troll armies, some allegedly sponsored by political parties or the state, where trends of abuse are amplified by automated accounts as opposed to real accounts.¹²⁶

The Government set up a citizen’s portal in 2018 enabling citizens to complain about the media as well as cybercrime, promising that each complaint would be addressed by relevant government offices within 10 days. However, there is little by way of data to support its efficacy for women.

Personal Law Matters and Vulnerable Groups

No law specifically addresses the division of matrimonial assets on divorce. However, a woman can approach the family court for her personal property and belongings. The superior courts have held that a wife’s personal property includes any property she owned, whether from her own income/resources or her husband’s or from other sources, during the marriage. Women have successfully used these provisions to obtain personal properties acquired during the marriage.

Pakistan has committed to eliminate child, early and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals (SDGs). During its 2018 Universal Periodic Review, it agreed to examine recommendations to make 18 years the minimum age of marriage for women and men. In April 2019 the Senate passed a bill seeking to revise the legal age of marriage to 18 years for girls amid vociferous protests.¹²⁷ Two similar bills had been withdrawn after the Council of Islamic Ideology (CII) termed them un-Islamic.¹²⁸ The minimum age of marriage¹²⁹ was extended to the Swat district of KP in May 2018. Under the Punjab Child Marriage Restraint Act, 1929, amended in March 2015,¹³⁰ punishment for violation of the law was increased, and provision related to punishment for marrying a child was made applicable to a male or a female, as the case may be, with enhanced punishment.¹³¹

The Sindh Child Marriage Restraint Act (CMRA), 2013 has increased the minimum age of marriage for girls to 18 years on a par with the minimum age for boys, and made a marriage in violation of the law a cognisable offence. Implementation has been slow but cases are being registered by the police¹³², and a CSO found 99 cases of child marriage reported in 2018, the highest number (68) in Sindh.¹³³ Some persons found responsible for

¹²⁵<https://digitalrightsfoundation.pk/wp-content/uploads/2019/03/Female-journalists-in-new-media-experiences-challenges-and-a-gendered-approach.pdf>

¹²⁶ Interview with Nighat Dad of DRF

¹²⁷ Child Marriage Restraint (Amendment) Bill

¹²⁸ ‘Child Marriage Restraint Bill sails through Senate’. Dawn. 30 April 2019. Accessed at: <https://www.dawn.com/news/1479317>

¹²⁹ 16 years for a female and 18 years for a male under Child Marriage Restraint Act, 1929 as enforced in Khyber Pakhtunkhwa.

¹³⁰ 16 years for a female and 18 years for a male.

¹³¹ Punjab CMRS (Amendment) Act, 2015 amended sections 5, 6 and 4 of the 1929 law.

¹³² <https://dailytimes.com.pk/295598/child-brides-and-grooms-in-sindh/>

¹³³ <http://sahil.org/cruel-numbers/>

child marriages have been convicted too. In June 2018, for example, a court in Mithi awarded a two-year jail sentence to four persons including the adult groom, for contracting a child marriage.¹³⁴

In June 2017, the Sindh High Court ordered that, since marriage to a girl under 18 years of age was an offence, Deputy Commissioners should issue instructions to all the *nikah khawan*/registrars to ensure that brides had a CNIC or sufficient proof of age, failing which the marriage should not be registered and police officers should proceed against the persons involved.¹³⁵ Knowledge of the law has enabled women and girls to resist child/early age marriages, as evidenced in a CSO intervention study. In Sindh women used new legal awareness to prevent the marriages of young daughters; in other provinces, girls and women successfully delayed girls' marriages until the age of 18, despite the legal age being 16 years for girls.¹³⁶

Participation and Gender-Responsive Institutions

Political participation

Voting requires a national identity card while there is a significant gender gap amongst cardholders. To fast track voter registration, the Election Commission of Pakistan (ECP) and National Database and Registration Authority (NADRA) signed an agreement in 2018 enabling all those obtaining computerised national identity cards (CNICs) to automatically be registered as voters, eliminating one step. Despite concerted efforts, the voter gender gap remains significant. Women only comprised 44 percent of the 105.99 million voters registered for the 2018 elections, a slight improvement from 43.6 percent in the 2013 elections, but the number of women excluded increased to 12.5 million from 10.97 million. Counter-intuitively, the widest gaps are in urban centres and Punjab.¹³⁷

The Elections Act 2017 is a breakthrough for the inclusion and participation of women, persons with disabilities, and transgender persons. The ECP's Gender and Disability Electoral Working Group took on board several key recommendations made by the National Commission on the Status of Women (NCSW) in consultation with various civil society groups. The Act empowers the ECP to declare a poll void and call for a re-poll due to 'grave illegalities or such violations...including implementation of an agreement restraining women from casting their votes', explaining that less than 10 percent turnout of female votes should be taken as an indication that women have been restrained from voting (Section 9). Section 206 makes it obligatory for political parties to field at least five percent women candidates.

¹³⁴ <https://www.dawn.com/news/print/1412215>

¹³⁵ SHC order in C.P. No.S_501,654 & 779 of 2017

¹³⁶ Shirkat Gah. 2019. *Humsathi*, Endline Research Report.

¹³⁷ Lahore district has the largest gap of 616,945 (3.05 million men vs. 2.43 million women), Faisalabad a gap of 479,484 (2.47 million men vs. a little over 2 million women). The 20 districts with the largest gender gaps encompass 17 districts in Punjab, two in Khyber Pakhtunkhwa (KP) and one in Sindh

The 2018 General Elections were held under the new Act. The ECP issued a Code of Conduct for security officials and polling staff and produced election materials with images of women voters, persons with disabilities and female polling staff. The overall female turnout was 46.64 percent. A Punjab-based survey found that 69 percent of young women voted, compared to 32 percent in the 2013 elections. Tellingly, however, only 39 percent were aware of political parties and a miniscule 1.9 percent has party membership.¹³⁸

Twenty-one seats were added to the KP provincial assembly, including four reserved seats for women and one for minorities, by the 25th constitutional amendment that merged the erstwhile FATA with KP in 2018. Two women stood from general seats in by-elections in July 2019. Neither won, but fears of women not voting proved baseless as female voter turnout in these conservative areas, some overrun by the Taliban for years, was 28.6 percent.

Several constituencies barely achieved the mandatory 10 percent female votes in 2018, but only one fell short (Shangla-I in KP) compared with 17 constituencies with lower than 10 percent female turnout in the 2013 elections before the provision. Social patriarchal norms are serious hindrances exemplified by an 85-year-old man in Shangla saying that female voting 'violates our tradition of *haya* [modesty]'.¹³⁹ The 10 percent was met in the re-polling (10 September 2018).

Virtually all political parties fielded just enough women to meet the mandatory five percent; many in unwinnable constituencies. Encouragingly, 175 women contested general seats as independents, including several whose parties had not granted them a ticket, and for the first time several in remote and impoverished areas such as Tharparkar (Sindh). A total of 464 women contested assembly seats (compared to 419 in the previous election), 289 as party candidates, but fewer women were returned than in 2013. Only 15 were elected directly compared to 25 in the previous elections (8 vs. 10 in the national assembly; 7 vs. 15 in provincial assemblies).

There are no quotas for persons with disabilities in any political process and quotas for religious minorities do not specify a gender framework. Exceptionally, women have served as Christian representatives in Punjab.

Politics is not a women-friendly arena. In 2018, female politicians faced threats to their person and became targets of harassment for advocating for women's rights.¹⁴⁰ A survey of women members of all assemblies and the Senate revealed that 26 percent experience silencing by male colleagues during proceedings, 11 percent verbal insults inside and outside the assemblies, and 23 percent unwelcome text messages or social media posts. Six percent reported physical harassment or threats. Women on the campaign trail have been subject to direct physical harassment or threat. During the 2018 elections a woman candidate in KP was only able to distribute pamphlets to canvass votes due to threats to her safety.¹⁴¹ Legislative houses have yet to provide effective guidelines and

¹³⁸ <https://www.pakistantoday.com.pk/2019/04/19/only-56pc-women-have-cnics-in-rural-punjab-survey/>

¹³⁹ Ghulam Dastageer, Sairah Zaidi & Rizwan Safdar "A look into the turnout of women voters for the 2018 elections." <https://herald.dawn.com/news/1398671>

¹⁴⁰ OHCHR and UN Women *Violence Against Women in Politics in 2018*. Available at <https://www.ohchr.org/Documents/Issues/Women/ViolenceAgainstWomeninPoliticsReport.pdf>

¹⁴¹ Ayesha Khan, Zonia Yousuf and Sana Naqvi. 2019. "Women Politicians Navigating the 'Hostile Environment' in Pakistan," IDS Special Bulletin 'Collective Action for Accountability on Sexual Harassment: Global Perspectives and Experiences.'

accountability procedures for sexual harassment complaints. The Protection Against Harassment of Women at the Workplace Act (2010) does not extend to legislators. Only the Speaker may take action under the Rules of Business or Code of Conduct.

Impeding women's candidacy is the lack of independent resources. Political parties provide little to no support to candidates. Instead, most expect candidates to bolster party funds. In 2018, while the ECP waived fees for women's CNICs, the increased fees for candidates was identified as a possible obstacle for women.¹⁴² Election results underscore the need for further measures to bolster women's participation, for example, revising the Political Parties Act to enhance active participation at all levels. Effective participation within parties is also essential. Few political parties maintain accurate membership records, making it difficult to track women's presence and participation. As a start, the ECP should ask for gender-disaggregated records of all office bearers from the grassroots to the most senior decision-making bodies—data that all parties have but rarely in a consolidated and easily available format.

Women legislators' performance is reported as 'excellent', including those on reserved seats. In a scorecard exercise ranking national assembly members in 2016, nine out of the 14 in the top 10 ranking were women, most on reserved seats.¹⁴³ Performance reviews by civil society in 2017-19 indicate that women parliamentarians' legislative contribution surpassed expectations and men's performances: on average they attended more Senate sessions than men; and helped sponsor 71 of 243 bills that year, 44 of which they sponsored themselves.¹⁴⁴ Few bills were passed, but important successes include landmark legislations: Anti-Honour Killing Laws (criminal amendment Bill) and the Anti-Rape laws (criminal amendment Bill) originally tabled by a woman senator,¹⁴⁵ the Criminal Law (amendment) Bill, 2017 and the Right of Access to Information Bill, 2017.¹⁴⁶ Although the process for selecting women on reserved seats needs greater transparency, as long as legislators are allocated development funds, denying these to women on reserved seats undermines their ability to build a strong constituency base.

The Women's Parliamentary Caucus (WPC) started in the national assembly in November 2008. Provincial assembly WPCs followed: in Punjab (2009), KP (2013), Sindh (2014) and Balochistan (2017). WPCs are an important forum for women legislators to debate and draft new laws for women, often with the support of women activists from civil society as well as the national and provincial women's commissions. Caucuses lack administrative support to function effectively and often contend with opposition from their own parties, making successful cross-party legislative initiatives for women's rights even more difficult. Still, the Sindh and Punjab assemblies passed laws against domestic violence, respectively in 2013 and 2016.¹⁴⁷

Several initiatives seek to strengthen women legislators. The Pakistan Institute for Parliamentary Services conducts leadership trainings and research workshops for national and provincial legislators. CSO initiatives also support women legislators. SUBAI

¹⁴² Nahid Aziz. 2018. Women in Elections 2018: National Commission on the Status of Women's Observation Report. NCSW & HBS-Pakistan: Islamabad.

¹⁴³ https://pildat.org/publications/Publication/GovernanceAssessment/MappingFuturePoliticalLeadershipofPakistan_ScorecardonHonourableMNAsPerformance_2015-2016.pdf?Submit=Download

¹⁴⁴ FAFEN Report <https://www.dawn.com/news/1319007>; <https://dailytimes.com.pk/363423/female-lawmakers-more-regular-in-attending-parliament-fafen/>

¹⁴⁵ <https://www.dawn.com/news/1294681>

¹⁴⁶ <http://fafen.org/wp-content/uploads/2018/03/FAFEN-Women-Legislators-Performance-Report-2017-18.pdf>

¹⁴⁷ Khan and Naqvi 2018. Op. cit.

(Strengthening Provincial Assemblies in Pakistan) provides technical assistance to provincial legislators and secretariats, and on matters such as effective website management and media handling for newly-elected members of the Gilgit-Baltistan assembly. PILDAT (Pakistan Institute of Legislative Development and Transparency) runs effective legislation courses and publishes guides and information in English and Urdu. It ran special sessions to strengthen women chairing 17 of the 74 Parliamentary Committees.¹⁴⁸ (Currently, women head only two of the 34 National Assembly Committees and 10 of the 52 Senate Committees. There are 20 women senators out of a total of 104¹⁴⁹ and four federal ministers out of 28.) A new civil society initiative will build women's skills for post-legislative scrutiny, budgets and international commitments.¹⁵⁰

Local Government

The local government (LG) systems have been an important nursery for women in the political arena, and are recognised by Pakistan as pivotal for the 'effective implementation of the 2030 Agenda'.¹⁵¹ Provincial Acts provide a dissimilar number of reserved seats for women and it is difficult to know the exact number of women councillors. Women's mandatory LG representation is estimated to be 22 percent, far below the 33 percent under the Local Government Ordinances, 2002. Quotas for representatives of religious minorities, youth and peasants/workers do not specify women's presence. Few women contest general seats and only exceptionally do women serve as chairpersons (*Nazims*) at various tiers.¹⁵² Local Council Associations have been established to support councillors, including women. CSO interventions have strengthened women councillors through technical trainings on the Rules of Business, budgets and leadership skills. WISE¹⁵³ and Shirkat Gah have initiated women councillors' caucuses in pilot districts; Aurat Foundation and SAP-PK networks. Initiatives such as these need institutionalisation.

Of concern is that the new LG laws enacted in Punjab and KP in April 2019 have significantly reduced the mandatory representation of women. The Punjab LG has not been allowed to complete its tenure, creating an unhelpful gap in the political participation of grassroots women. The elimination of the district tier in both provinces closes off an important staging post for women entering provincial and national politics.

Gender-responsiveness, Participation and Leadership in Government and Private Sector

Indicating very slow progress, the proportion of women in managerial positions has marginally increased from 0.3 percent in 2012-13, to 0.5 percent in 2018. Quotas exist for women in civil administration. Sindh increased the quota for women to 25 percent but women still only make up 16-17 percent—few in the senior cadre (BPS 19-21). Punjab increased its quota for women to 15 percent, however implementation lags far behind. In 2016, 744 posts remained vacant due to a lack of qualified candidates. In 2017, only 48 of the 181 provincial departments and 137 out of 663 district offices had achieved the 15

¹⁴⁸ <https://pildat.org/wp-content/uploads/2019/04/HowtobeanEffectiveLegislator.pdf?Submit=Download>

¹⁴⁹ http://www.senate.gov.pk/en/all_committees.php?id=-1?id=-1&catid=90&subcatid=85&cattitle=Senate%20Committees

¹⁵⁰ *Fempower Pakistan* consortium led by Shirkat Gah with Omar Asghar Khan Foundation, Westminster Fund for Democracy and Simorgh – Women's Research and Publications Centre, supported by Global Affairs Canada

¹⁵¹ Government of Pakistan. 2019. Pakistan's Implementation of the 2030 Agenda for Sustainable Development: Voluntary National Review. p 13

¹⁵² <https://pildat.org/political-parties1/sustainable-development-goal-5-achieve-gender-equality-and-empower-all-women-and-girls>

¹⁵³ <https://nation.com.pk/21-Apr-2017/local-government-women-councilors-caucus-launched>

percent.¹⁵⁴ There is little indication of systematic follow up of these measures or mechanisms to enhance the intake of women in civil services. Still, female enrolment in the Civil Service Academy of Pakistan was 40 percent in 2017. The quota for women in the Sindh police force was increased from two to five percent in 2017, and doubled to 10 percent in March 2019, but women are still only four percent of the force. Women are only 2.7 percent of the Punjab police force.¹⁵⁵

There are no quotas in the judiciary and gender disparity is high. Women account for a meagre 5.8 percent of judges. There are only six women judges amongst 82 High Court judges; none in the Supreme Court, Federal Shariat Court, or Islamabad High Court. Only in the lower judiciary is there a sizeable number of women at different tiers,¹⁵⁶ exceptionally in Sindh women judges account for roughly 20 percent. In Punjab 14 percent of district judges are women (2017).¹⁵⁷ Only 123 of the 907 prosecutors are women, and 11 percent advocates.¹⁵⁸

Human Rights Cells have been formed in courts and there is an active Parliamentary Committee on Human Rights, but administrative measures focus on gender-based violence (GBV). In KP a Women Empowerment Wing, a Women Protection Unit and three Women Facilitation Centres have been established to create awareness, facilitate training and tackle GBV. Efforts are also underway to make the judiciary more gender sensitive. Federal and provincial judicial academies have introduced GBV trainings and gender sensitisation. The Federal Judicial Academy's *Management of Family Cases for Female Judges* focuses on therapeutic jurisprudence to improve communications with vulnerable groups, especially women and children, and culturally sanctioned forms of GBV.¹⁵⁹ The Sindh and Punjab academies too have courses on CEDAW and GBV. The Punjab academy ran training (2017-2018) on gender and the criminal justice system for lower court judges. The KP academy ran a session on gender and women's empowerment (2017).¹⁶⁰ The Punjab women's commission conducted gender sensitisation and GBV training for the police in 2018 and 2019. Trainings conducted by the Punjab and Sindh Police, Criminal Prosecution Services and National Police Bureau for the police and prosecution services, as part of a project to strengthen criminal investigation services, did not adopt a gender approach.¹⁶¹

CSOs too run sensitisation sessions and training for the judiciary. For example, the Legal Aid Society in Sindh engaged 274 judges, including 45 women, around better treatment of women, minorities and juveniles. Rozan has conducted workshops on self-awareness and the needs of women, children and minorities with police officers in Swat District (KP) and instructors from the Police Training School-Swat in 2015 to promote understanding about gender and GBV, including the role of power and prejudice in creating and perpetuating violence. Policewomen in Swat were provided self-motivation and assertiveness sessions.

¹⁵⁴ Dawn, <https://www.dawn.com/news/1419467>

¹⁵⁵ <https://www.undp.org/content/dam/pakistan/docs/Democratic%20Governance/GEPA%20Report%202017.pdf>

¹⁵⁶ (District and Sessions Judges, Additional District and sessions Judges, Senior Civil Judges and Civil Judges)

¹⁵⁷ Detailed data only available in Punjab shows 219 women amongst 1,015 civil judges, nine women out of 110 senior civil judges, and five of the 164 District and Sessions judges.

¹⁵⁸ Punjab Commission on the Status of Women, *Punjab Gender Parity Report 2018*. Accessed at:

https://pcsw.punjab.gov.pk/system/files/PGPR-2018_0.pdf

¹⁵⁹ <http://www.fja.gov.pk/program.php>

¹⁶⁰ <https://kpja.edu.pk/content/02-days-training-gender-mainstreaming-women-empowerment-11-12-october-2017>

¹⁶¹ Supported by the German International Cooperation (GIZ) <https://www.giz.de/en/worldwide/34123.html>

Local residents reported positive attitudinal changes and referrals to female officers to deal with women and GBV cases.¹⁶²

In October 2017 Punjab initiated a GBV Model Court (GMC) to facilitate GBV offences. So far, the GMC is dealing exclusively with rape cases—123 cases until March 2018. Only 13 ended in convictions, largely due to survivors and witnesses retracting their statements; only 10 of 56 acquittals were on merit. In June 2019, the Chief Justice of Pakistan announced the establishment of 116 special GBV courts across Pakistan for which judges' training has started. The March 2019 session included four women Additional Session judges.¹⁶³

The Punjab police introduced a GBV Cases Investigation Cell with a woman police officer heading the investigation team in each of Lahore city's six police divisions. New guidelines and SOPs for investigating rape cases have been issued. Punjab's Inspector General Police (IGP) announced special units will be established to control gender-based crimes, following successful piloting in one district.¹⁶⁴ Every District Police Office in Punjab now has a special GBV desk with a female sub-inspector. Since 2016, an IGP centre receives complaints via SMS, calls on a short code (8787), online and via email. The highly interactive system keeps the complainant informed until the complaint's disposal. Complainants can track the progress of their complaints online and send feedback online or through SMS. While GBV is not one of the seven issues identified for complaints, women have used this when FIRs have not been registered or in faulty investigations. A senior officer is bound to call the complainant personally within eight hours and confirm doing so to the IGP Complaints Centre.¹⁶⁵ Until April 2019, the Centre had received 141,521 complaints and disposed of 136,304.¹⁶⁶ The Punjab police website has a Women Help section with information about relevant institutions, laws protecting women, women's helpdesks, and general safety tips.

Under the 2010 Protection against Harassment of Women at the Workplace Act, Ombudspersons for Sexual Harassment operate in the federal capital and all provinces (the Balochistan Ombudsperson was appointed in April 2019). Cases usually come to Ombudspersons if not resolved satisfactorily at the institutional level. Performances have been uneven. Since being established in 2012, the Sindh Ombudsperson received a total of 388 cases of which 350 were disposed of, but action was taken in only eight. Complaints emanate from the private sector, (28.4 percent), health sector (22.7 percent), and education sector (18.6 percent). The Punjab Ombudsperson has received 116 complaints since its establishment in 2013. There were periods when the position remained vacant. Complaints resulted in 42 convictions, 15 exonerations and 27 withdrawals.

The newly appointed Ombudsperson in KP (February 2019) is extremely proactive. A human rights lawyer and gender equality activist, she started operating from a temporary office without staff, leveraging existing mechanisms to facilitate the process, including the KP PCSW, pro bono lawyers of Bar Councils and using Social Welfare Offices as a complaints post office. She has reactivated several committees and added CSO presence,

¹⁶²Rozan (2015), Process Documentation and Assessment Report of Swat Police Training and Mentoring Cycle – 2015. Accessed at: https://www.rozan.org/sites/default/files/Swat%20Report%20Booklet%20%28Final_Aug.%202016%29.pdf

¹⁶³ http://www.pja.gov.pk/system/files/wshop_gbv_2018.pdf

¹⁶⁴ <https://www.dawn.com/news/print/1493726>

¹⁶⁵ For any details https://www.punjabpolice.gov.pk/igp_complaint_center_8787

¹⁶⁶ Statistics are till 04-04-2019

such as the Provincial Harassment Watch Committee previously limited to the Directorate of Human Rights and National Commission on Human Rights (NCHR). She personally runs training on matters such as commitments under CEDAW. Awareness campaigns inform people of the office and its mandate, including taking action against harassment in public places and within institutions. 33 complaints have already been received. The Federal Ombudsman's office has an active online submission system and ensures confidentiality. It deals largely with cases in ICT and federal departments. Superior court judgments expanded its jurisdiction beyond ICT, and made the law applicable to students in academic institutions as well.

In the private sector, the Securities and Exchange Commission (SECP) issued a Code of Corporate Governance for all Listed Companies in November 2017, requiring at least one woman's presence on all boards. In 2018 only 11 percent of 3,942 directors were women.¹⁶⁷ The Institute of Chartered Accountants of Pakistan has a woman on its board and has a women's committee; the Lahore Chamber of Commerce now must include two women members.

An innovative civil society-private sector collaboration to promote women's leadership and participation started in 2016. The social enterprise CIRCLE provides women skills to exercise leadership, build allies, and connect with leading mentors from large companies. More than 200 women have benefited from customised leadership programmes. In 2019, 22 women were developed as high-potential leaders for six leading companies. CIRCLE has mobilised CEOs from leading firms to improve the workplace for women and build a pipeline of women leaders. In March 2019, CIRCLE, partnering with Zindagi Trust Government Schools, private sector companies and the British Deputy High Commission, launched *Girls Take Charge* to develop young female leadership through workshops and job shadowing of CEOs.

Media

Media remains worryingly male-dominated. In a fast expanding media scene, largely driven by market concerns, women may seem more visible, but hard facts tell a different story. Less than five percent of an estimated 20,000 journalists are women,¹⁶⁸ fewer than 1,000 in the entire country. Women journalists are pushed into 'soft' beats, rarely reporting or writing on politics, economy or development. Given this structural anomaly, the media cannot present a complete picture of women, far less highlight gender issues and end negative portrayal or stereotyping.

Women's access to expression and participation in decision-making in the media, including through information and communication technologies (ICT), remains an area where progress is slow and gender-disaggregated data inadequate. Women's representation in trade unions and media organisations, like Pakistan Broadcasting Association, owner/editor bodies,¹⁶⁹ and even press clubs, is abysmally low. No policy ensures inclusion in various tiers of media and associated bodies, while the general stigma on women working and cultural taboos prevent many women from joining the media. Advocacy for gender equality in government and private sectors has not resulted in any

¹⁶⁷ The survey was conducted by Women on Board Pakistan Listed Companies (Code of Corporate Governance) Regulations, 22nd of November 2017. Dawn <https://www.dawn.com/news/1468924>.

¹⁶⁸ Pakistan Federal Union of Journalists, Freedom Network. <https://www.mediasupport.org/key-challenges-of-women-journalists-in-pakistan-a-book-of-testimonies/>

¹⁶⁹ Such as APNS and CPNE

laws to regulate media employers. There are only self-imposed quotas in specific organisations.

In the last two years, the shrinking space for freedom of expression has impacted media too, leading to lay-offs—some 3,000 media persons have lost their jobs since the new government assumed power in July 2018¹⁷⁰ but the number of women is unknown. Narrowing the gender inequality is painfully slow. Growth has been more horizontal than vertical. Those employed on contract are excluded from legal safeguards and benefits.

Women have found it relatively easier to access digital media platforms and social media, outside the mainstream media structures. Statistically, however, their presence is still quite low. In 2018, 22.2% of the population had Internet,¹⁷¹ but gender-disaggregated data is only available from 2016 when, at 11.7%, females using the Internet were almost half of males (19.7%).¹⁷² In Punjab, data from 2018 indicates that only 34 percent women are computer literate, 21 percent have Internet access, of which 82 percent participate in social media forums.¹⁷³ ICTs have the potential to enhance inclusiveness and participation and lessen gender as well as urban/rural disparities. Sixty-two percent women use cellphones, 71 percent of them in urban centres. However, one-third of women using the Internet or phones require permission for usage.

More worrying is that trolling, harassment and threats of violence against women journalists and social media activists is on the rise. (See Peaceful Societies and Freedom from Violence Sections) The potential and risk of using social media is illustrated by the ruthless murder in 2016 of Qandeel Baloch, a girl in her mid-20s from South Punjab who had become a social media star. Baloch used social media to reinvent herself and create a virtual persona, earning a living for her poor family. She was murdered by her brother after her real name was exposed—an event that shook the entire country and divided society even more sharply along ideological lines. (The case is ongoing.)

Many more women are television anchors and hosts, editors and producers than before, but there are few women in decision-making. Content monitoring of drama serial shows by Uks¹⁷⁴, a women's media group, indicates that with few exceptions, TV shows focus on romance, divorce, and love triangles through a stereotypical sexist lens. Serials highlight regressive views such as emphasising women as homemakers—marriage and 'settling down' are the end goal. Women are objectified; working or educated women pursuing careers are demonised as bad mothers or wives. Advertising and entertainment industries continue to crystallise gender-insensitive rules and stereotypes in the name of 'market demand'.

In the last five years, the government and CSOs have launched several helplines and complaint cells to enable women and the public at large to report violations of codes of conduct, insensitivity in content, and threats of harassment and violence. The Pakistan Telecommunication Authority issued a notification in April 2018 encouraging Social Media and Internet users to lodge complaints of pornography including specifically child pornography as well as fake accounts, impersonation, blasphemy and the vilification of

¹⁷⁰ <https://www.dawn.com/news/1495230>

¹⁷¹ <https://www.internetworldstats.com/asia/pk.htm>

¹⁷² <https://www.statista.com/statistics/733573/pakistan-internet-penetration-countries-gender/>

¹⁷³ Punjab Commission on the Status of Women, Empowerment of Young Women in Punjab 2018. https://pcsw.punjab.gov.pk/system/files/Empowerment_of_Young_Women.pdf

¹⁷⁴ Uks Kahani 2018. Available at [http://vortechs.io/uks/pdf/Uks%20Kahani%20\(English\).pdf](http://vortechs.io/uks/pdf/Uks%20Kahani%20(English).pdf)

the judiciary.¹⁷⁵ A Media Complaints Commission proposed in 2014 never materialised. The Press Council of Pakistan (PCP) receives all complaints regarding newspapers, news agencies and editors for violating the Ethical Code of Practice and on professional misconduct. The Pakistan Electronic Media Regulatory Authority (PEMRA) launched a Viewers Feedback and Complaint Management System in 2014 to facilitate complaints against content aired on cable, radio and TV channels. There is no information regarding complaints against gender-based discrimination or biases.¹⁷⁶ Unfortunately, mechanisms have not impacted the overall representation in any major way.

Achievements – a critical view of laws, codes and training

Although the progress in advertising and entertainment is miniscule, there have been some consistent efforts to report and produce through a gender lens, in radio, print, television, digital and social media. In August 2015, the Ministry of Information issued the Electronic Media Code of Conduct regulating the content aired, including ‘bad’ advertisements.¹⁷⁷ The Code specifically prohibits airing content which contains anything that is indecent, obscene or pornographic or abusive comment that incites hatred and contempt against any individual or group of persons, on the basis of race, caste, nationality, ethnic or linguistic origin, colour, religion, sect, gender, age, mental or physical disability. The identity of any survivor of rape, sexual abuse, terrorism or kidnapping cannot be revealed without the survivor’s prior permission or their guardian in case of a minor.¹⁷⁸ The Code also stipulates ‘extreme caution in handling themes, plots or scenes’ depicting sexual offences and violence, including rape. It mandates an in-house monitoring committee be appointed in all agencies to ensure compliance. The Pakistan Press Foundation, however, highlights gaps in legislation that allow for gender bias and discriminatory content to be aired in the form of advertisements and TV shows. Aside from these, there is no regulatory mechanism to curtail senseless stereotyping and gender insensitive content being produced.¹⁷⁹

Women in the media confronting sexual harassment either remain silent or quit, due to the absence or weakness of codes of conduct to prevent/redress sexual harassment; those who speak out find it difficult to access justice. Several media organisations have adopted voluntary codes of conduct. In 2017, a group affiliated with the Ethical Journalism Network developed a *National Code of Conduct for Journalism* that journalists across the country have agreed to adopt. The code outlines several recommendations to media to create an improved environment for journalists, including providing targeted support for female journalists.¹⁸⁰ Some organisations have started distributing codes of ethics/conduct in newsrooms. Uks’s *Gender-Sensitive Media: A Voluntary Code of Ethics* deals with six main areas: Right to Privacy; Pictorial Depiction of Women; Balanced Representation of Women; Projection of Gender Roles in Advertisements; Quality Coverage of Women’s Issues and Maintaining Professional Standards.

¹⁷⁵ <https://www.pta.gov.pk/index.php/en/media-center/single-media/public-notification-for-lodging-complaints---objectionableunlawful-content-over-social-mediainternet-270418>

¹⁷⁶ <http://www.pemra.gov.pk/feedback>

¹⁷⁷ [http://molaw.gov.pk/molaw/userfiles1/file/Electronic%20Media%20\(Programmes%20and%20Advertisements\)%20Code%20of%20Conduct.%202015.PDF](http://molaw.gov.pk/molaw/userfiles1/file/Electronic%20Media%20(Programmes%20and%20Advertisements)%20Code%20of%20Conduct.%202015.PDF)

¹⁷⁸ This is in line with the Amendment in section 55 of the PPC though Act no XLIX of 2016

¹⁷⁹ <https://www.pakistanpressfoundation.org/pakistani-tv-and-harmful-gender-stereotypes/>

¹⁸⁰ <https://ethicaljournalismnetwork.org/pakistan-ethical-journalism>; <https://www.dawn.com/news/1483227>

The Ministry of Information conducts training for media persons; the Pakistan Television Corporation and others have their own training academies. However, no recent training has been conducted on gender sensitivity or promoting a working environment conducive to women. CSOs, such as the Pakistan Press Foundation, Uks, and Simorgh, hold regular trainings and workshops for journalists on various aspects of journalism such as safety and security and gender sensitivity. There is concern about gender sensitive issues, but gender sensitivity training in media/newsrooms is not a high priority for most media houses. In 2019, private news channels approached Uks for training, but then cancelled for lack of funds.

There are multiple major challenges to making women a priority in the changing media landscape, improving representation and bringing about greater equality. Measures are required to promote women in decision-making positions who can effectuate the necessary crucial changes. This includes eliminating the discrimination in salaries and promotions, assigning women 'hard' beats like crime and finance; ensuring daycare centres, toilets, transport, and adequate maternity leave. Everybody in the media, men and women alike, need gender-sensitisation and awareness training—from producers and writers to all levels of production staff on TV and film sets, and PEMRA itself. Measures are needed to promote women in media. The new regulation in Sindh to ensure women's representation in trade unions should extend to press clubs and media bodies and be replicated by other provinces. PEMRA should hold TV channels accountable for negative portrayal of women.

Peaceful and Inclusive societies

The law and order situation affects women's rights in multiple ways. Women are hard hit on a number of counts—often left to fend for themselves as men are killed or migrate in search of a livelihood, or as victims themselves of targeted killings such as in the attacks on religious gatherings. There are severe implications for the most vulnerable, i.e. women and girls, who are often confined to the household and have little or no public role. This increases vulnerability to violence, exploitation and abuse, and further restricts access to economic opportunities, basic healthcare, and education.¹⁸¹

Sectarian, religiously motivated attacks have continued, resulting in deaths and the exodus of different communities throughout Pakistan. The past five years have seen a steady decline in conflict-related fatalities, although violent attacks spiked during the 2018 General Elections. Civilians accounted for nearly 70 percent of the 8,800 fatalities from terror attacks in 2014-18. There were 1,391 deaths as a result of sectarian violence, around 90 percent of them civilians targeted in places of worship.¹⁸² The year 2017 saw a 26 percent increase in the number of incidents in places of worships and a 44 percent

¹⁸¹ 'Women, Peace, and Security in Pakistan'. US Institute of Peace. Peace Brief 218. February 2017. Accessed on 20 July 2019 at: <https://www.usip.org/publications/2017/02/women-peace-and-security-pakistan>

¹⁸² Centre for Research and Security Studies. *Annual Security Report 2018*. Accessed at: <https://crss.pk/story/crss-launches-its-annual-security-report-2018-special-edition/>

increase in the number of civilian casualties from such attacks, with an average of 50 civilian casualties per attack.

Of the 2,444 casualties recorded worldwide in places of worship in 2017, Pakistan accounted for 26 percent.¹⁸³ Markets were the next most dangerous location. Two-thirds of 2,345 civilian deaths and injuries from market bombings were recorded in just two countries: Iraq (38 percent) and Pakistan (26 percent).

Conflict-related displacements

The traumatic effects of displacement, starting with the initial forced abandonment of home and possessions, and subsequent stress and anxiety, are not specifically addressed in any pre- or post-rehabilitation programmes. A controlled trial funded by WHO in a conflict-affected setting in rural Swat, underscores the importance of group psychological interventions in clinically significant reductions in anxiety and depressive symptoms.¹⁸⁴ This does not appear to have had any follow up.

An estimated 5.3 million people have been displaced from the area comprising the former FATA (merged with KP since 2018), of which over half were women and children. Civilians, human rights workers and journalists cannot easily access KP's western districts due to security restrictions; hence there is a dearth of research. Official or local committees set up to monitor the status of Internally Displaced Persons' (IDPs) access to fundamental rights tend to include elders and influential people from the region, making it difficult to address female IDPs' problems.¹⁸⁵ The residents of the tribal areas feel they are being excluded from the national discourse and that the lack of media coverage prevents them from drawing attention to their circumstances.

The military operation against militants, *Zarb-e-Azb*, launched in June 2014 displaced thousands of people in North Waziristan and other tribal agencies from their homes. A four-phase return and rehabilitation programme was announced in 2015 and USD375 million raised in commitments.¹⁸⁶ In October 2016, 51,000 of the 82,000 displaced families of North Waziristan had reportedly returned in the first two phases. In 2017 the federal government allocated PKR10 billion (USD62 million) as compensation to the displaced people of former FATA whose houses were damaged or destroyed in terrorism-related incidents. According to news reports, PKR8 billion (USD50 million) had been disbursed to owners of 28,700 houses.¹⁸⁷ It is unknown whether women, who rarely own houses, were direct recipients.

In 2018, to restrict the budget deficit for the next year, the Finance Ministry reduced the proposed development budget to PKR745 billion (USD45 billion), including PKR108 billion (USD6 billion) for internally displaced persons (IDPs).¹⁸⁸ The latest available figures for IDPs are 119,000 as of 31 December 2018, with 83,000 having made partial progress

¹⁸³ Pakistan was closely followed by Egypt (25 percent), and Afghanistan (22 percent). 'The Burden of Harm. Monitoring Explosive Violence in 2007'. Action on Armed Violence. Accessed at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Explosive-Violence-Monitor-2017-v6.pdf>

¹⁸⁴ 'Effectiveness of a brief group psychological intervention for women in a post-conflict setting in Pakistan: a single-blind, cluster, randomised controlled trial'. *The Lancet*. Vol 393, Issue 10182, pp 1733-1744, 27 April 2019.

¹⁸⁵ A meaningful democracy: Mainstreaming the rights of women and religious minorities in Pakistan. Human Rights Commission of Pakistan. December 2018.

¹⁸⁶ Including \$150 million from the UK, \$108 million from the World Bank, and \$76 million from Italy. Accessed at: <https://www.pakistantoday.com.pk/2015/01/10/us-leaves-pakistan-in-the-lurch-over-fata-idps-rehabilitation-report/>.

¹⁸⁷ <https://www.pakistantoday.com.pk/2017/10/05/govt-allocates-rs-10-bn-to-compensate-displaced-people-of-fata/>

¹⁸⁸ 'Financial constraints forced govt to cut down uplift budget'. *The News*. 23 March 2018. Accessed at: <https://www.thenews.com.pk/print/295693-financial-constraints-forced-govt-to-cut-down-uplift-budget>

towards a durable solution between 1 January and 31 December 2018. There have been 1,800 new displacements as a result of conflict and violence and 2,100 from disasters during 2018.¹⁸⁹

The plight of displaced women in Pakistan is grave, as the security measures are inefficient, both at camps and in off-camp areas. Despite some security measures such as guards on entry and exit points of the sites, women face difficulties when going using the toilets that in many cases they share with men. In off-camp areas, security is a family responsibility and reports of harassment common. Women's cultural need for *purdah* limits their movement as IDPs. Hindering access to compensation, more women than men lack basic documentation such as CNICs, .

On the whole, however, despite some complaints about the lack of medical services and their effectiveness, women were satisfied especially with easier access to clinics than in their native regions. Still, there is a dearth of female health workers and a lack of reproductive health services. Sadly, displaced women are not accepted by locals and often considered to be a drain on available resources. Low levels of literacy mean fewer economic opportunities for women. The government is also not women-friendly and only hires *purdah*-observing women. IDPs from minority communities face double discrimination and seclusion.¹⁹⁰

Inequality, Intolerance and Aggression

Discrimination, extremism, religion-based violence and sectarian terrorism make for a hostile environment for minorities. The controversial blasphemy law has affected women and men alike amid claims that it is being used to persecute minorities and settle vendettas. In the highly publicised case of Aasia Bibi, the Christian woman sentenced to death in 2010 for alleged blasphemy, widespread riots erupted when the Supreme Court upheld her appeal. She had to be taken into protective custody while a petition against her release was heard. She was released in early 2019.¹⁹¹ In February 2019, Christian-majority neighbourhood in Karachi was attacked by an enraged mob after four Christian women were falsely accused of blasphemy, leading to the displacement of approximately 200 Christian families. The story that emerged was that a Christian landlord had asked a Muslim couple to vacate their rented house. In retaliation, the couple accused four women, three of them the landlord's daughters, of desecrating the Holy Quran.¹⁹²

In 2018, 198 persons were targets of sectarian violence that claimed 91 lives and inflicted 107 injuries. Forty-six deaths from sectarian violence have been recorded in the first half of 2019. Over this period, the Shia and Shia Hazara communities were the worst affected.¹⁹³ Ethnically targeted killings have resulted in the deaths of women, as in an attack on a college bus carrying Hazara women students in Quetta in 2015.

The National Commission for Human Rights (NCHR) quotes the Government of Balochistan figures of 509 Hazaras killed and 627 injured in various incidents of terrorism in Quetta between 2012 and 2017.¹⁹⁴ There have been several incidents since. In April 2018, after a

¹⁸⁹ Internal Displacement Monitoring Centre (IDMC) Country Profiles. Accessed at: <http://www.internal-displacement.org/countries/pakistan>

¹⁹⁰ Women and the FATA Conflict. Unfulfilled Promises. Community Appraisal & Motivation Programme (CAMP). 2015. Accessed at: http://www.camp.org.pk/wp-content/uploads/2016/07/Final-Report_Mariam-2015.pdf

¹⁹¹ 'Aasia Bibi leaves Pakistan, 'safely reunited with family'. *Dawn*. 8 May 2019. <https://www.dawn.com/news/1481011>

¹⁹² <https://www.persecution.org/2019/02/25/four-christian-women-falsely-accused-blasphemy-pakistan/>

¹⁹³ Centre for Research and Security Studies. *Quarterly Security Report 2019*. Accessed at: <https://crss.pk/story/quarterly-security-report-2019/>

¹⁹⁴ 'Understanding the agonies of ethnic Hazaras' The National Commission of Human Rights (NCHR). Islamabad: February 2018.

series of deadly attacks, Hazara women went on a hunger strike outside the Quetta Press Club demanding action. The most recent incident, a blast in a market that claimed 21 lives and injured 47 others in April 2019, resulted in a vociferous, but peaceful, protest that forced government officials to the area with assurances of a review and reinforcement of security measures. The Hazaras have effectively been ghettoised, surrounded by armed check-posts and escorted by security forces to the market, but this has failed to prevent the persistent attacks and many of the security escorts have themselves become victims.

There is no mechanism to monitor specific incidents of violence against religious or ethnic minority women. A landmark judgment of the Supreme Court on 19 June 2014, clarifying the Constitutional guarantee of the right to freedom of religion, set out eight binding directions for the government to remedy the persecution of religious minorities including: curricula reform for fostering religious and social tolerance; the creation of a national council for minorities; and implementation of the five percent job quota for minorities.¹⁹⁵¹⁹⁶

Curricula have not been revised, and quotas, including for women, not been met.¹⁹⁷ A National Commission on Minorities was enacted in 2015 but has never been made functional. Instead, civil society organisations established the People's Commission on Minority Rights to monitor and address issues confronting religious minorities. Others monitoring developments include the Centre for Social Justice (CSJ), National Commission for Justice and Peace (NCJP) and the All Pakistan Hindu Panchayat, as well as organisations such as Centre for Legal Aid Assistance & Settlement (CLAAS) and CSOs not focused exclusively on minorities, e.g. Human Rights Commission of Pakistan (HRCP). The CSO collection of data is seriously hampered by the fact that most projects are time-bound with limited resources, making it difficult to track events and trends across the country on a continuous basis. The National Commission on the Status of Women (NCSW) and provincial Commissions on the Status of Women (PCSW) do take up individual cases of women from minority groups.

A growing threat for girls and young women from religious minorities is a rise in forced conversions/marriages. Taking cognisance of rising incidents in 2015 the Sindh Assembly passed a law for the protection of minorities with provisions against forced conversion. However the Governor withheld his assent after protests by Muslim religious rights groups. In 2019, two separate bills for the protection of minorities, proposing amendments in criminal law, have been submitted in the National and Sindh Assemblies.

In April 2019 the Islamabad High Court, hearing a case of two Hindu sisters from District Ghotki in Sindh, constituted a five-member commission, including the Ministry of Human Rights and NCSW.¹⁹⁸ The commission was tasked with providing an informed opinion on the specific case as well as to probe the views of minorities on forced conversions and any

¹⁹⁵ [L.A. Rehman](https://www.dawn.com/news/1456576). January 10, 2019. [Minorities' long wait](https://www.dawn.com/news/1456576). Available at <https://www.dawn.com/news/1456576>

¹⁹⁶ The other directions are: (i) creating a taskforce to develop a strategy for promoting religious tolerance; (ii) steps to discourage hate speech in the media and action against offenders; (iii) training of a special police force to protect minorities' places of worship; (iv) registration of cases for violation of minorities' rights or desecration of their places of worship; and (v) creation of a three-member bench of the Supreme Court to ensure compliance with the directions and to entertain complaints of violations of minorities' fundamental rights

¹⁹⁷ Peter Jacob. 2019. *A Long Wait for Justice: A compliance analysis of the Supreme Court's verdict on 19 June 2014*. Centre for Social Justice: Lahore

¹⁹⁸ The Commission consisted of a Federal Minister for Human Rights, a retired judge of the Supreme Court, the chairperson of NCSW and two eminent human rights advocates from Human Rights Commission of Pakistan.

insecurity in the Sukkur division of Sindh. The commission was further asked to recommend measures to be taken by the federal and provincial governments to fulfil their respective constitutional obligations to protect the fundamental rights of minorities. The Commission in its joint report recommended that the provincial government should identify places where conversions were facilitated, strictly monitor such areas, and take action in cases of forced conversions. NCSW and other members of the court-established commission, apart from the Ministry, also submitted individual reports on the particular situation in the Sukkur division. The Ministry chose not to address this issue. NCSW was subsequently invited by the court to help establish the facts in the case of a Christian girl in Punjab.

There is no uniformity of rights of women in the personal status laws of different religious minorities. The Sikh Marriage Act only exists in Punjab. There are unresolved conflicts between the provisions of family laws of religious minorities and the provisions under Muslim family law, creating problems when married non-Muslim women convert to Islam, including uncertainty regarding whether their previous marriage is extant or not, and the procedure for its dissolution, despite the Supreme Court's direction to legislate on this matter.

Minorities continue to face discrimination in everyday aspects of their lives. Many Muslims refuse to eat with Christians and will not share their utensils; non-Muslim children are frequently exhorted to convert to Islam; adults have limited employment opportunities, and are generally expected to undertake menial and low-paid jobs. The Hindu lower caste community reportedly feel discriminated against by non-Hindus as well as the upper caste Hindu community which exacerbates their marginalised status.¹⁹⁹

Discrimination against minority communities manifests in multiple ways. The 2009 Education Policy continued the compulsory teaching of *Nazira* Quran from Grade 1 to Grade 8, and additionally provided for Islamiyat to be taught as a compulsory subject from Grade 1 to 12, extending up to graduation level in all general and professional institutions. In deciding that *Nazira* Quran, translating the Quran, and *Hadith* had not been given 'due weightage as integral part of Islamiyat in the teaching programme', the 2017 Education Policy provided for Islamiyat to be a compulsory subject in grades 3 to 10 (extending up to graduation in all general and professional institutions as in the past). For Early Childhood Education (ECE) and Classes I to II, Islamiyat will be integrated in other subjects, including Urdu textbooks. Students of other religious groups are offered Ethics (Moral Education) in lieu of Islamiyat, and they are 'not required to read lessons on Islam in ECE and Classes I to III'.²⁰⁰ As Islamiyat is integrated in other subjects, the relevance of this last exemption is obscure. Parallel religious studies are not offered to non-Muslim students, except on paper.

In Punjab, *Hafiz-e-Quran*, students who have memorised the Quran, are given 20 additional marks for admission in medical colleges, engineering universities and other higher courses. Although this is also unavailable to Muslim students who have not memorised the Quran, there is no equivalent opportunity for non-Muslim students.

¹⁹⁹ Shirkat Gah. November 2016. Conveyor Belts to Extremism? Otherisation & Poor Governance in Pakistan:

Preliminary Findings of an Intervention Research: Towards Better Governance, Pluralism and Peace: understanding growing religiosity and religious extremism

²⁰⁰ National Education Policy 2017. Ministry of Federal Education and Professional Training Government of Pakistan. <http://moent.gov.pk/userfiles1/file/National%20Educaiton%20Policy%202017.pdf>

Similarly, Muslim prisoners who memorise the Quran while in jail are entitled to a six-month remission; there is no parallel equivalence for non-Muslims. No action has been taken on the All Pakistan Hindu Panchayat's suggestion to allow relaxation for Hindu prisoners memorising the Bhagwat Gita.

Silencing civil society voices

An international index of attacks against human rights defenders for the period 2016-July 2019 records verified reports of dozens of attacks, including nine deaths.²⁰¹ Real figures are much higher and many alerts and attacks still go unreported.

A 2019 nationwide survey revealed that 356 human rights activists out of a total of 908 claimed to have received a threat. The majority of respondents were women. Of those threatened because of their work, 51 percent work in KP, 40 percent in Sindh, 34 percent in Punjab, and 42 percent in Balochistan. Activists working on enforced disappearances received the most threats (53 percent), closely followed by 52 percent of those working on land rights, 50 percent on minority rights, 47 percent on human trafficking, and 42 percent on child rights. The intimidations ranged from death threats and physical attacks, to harassment.²⁰² In one recorded case, human rights defender Noor Ejaz Chaudhry along with her colleagues was abused and beaten by a large group of lawyers in the courtroom of the Lahore High Court on 20 June 2017. The three lawyers were part of the defence team led by renowned human rights defender Asma Jahangir in a disappearance case in which a senior lawyer was accused.

Media under attack

For some time, and particularly since 2016, many journalists have increasingly practised self-censorship, fearing retribution from security forces, military intelligence, and militant groups. Media outlets were particularly under pressure to avoid reporting on or criticising human rights violations in counterterrorism operations. Militant groups threatened media outlets and targeted journalists and activists for their work. Over 150 violations against journalists and media groups—an average of 15 cases a month—were recorded across the four provinces, Islamabad, and the tribal areas between 1 May 2017 and 1 April 2018.²⁰³

Zeenat Shahzadi, a journalist who was following up on a story of an enforced disappearance, herself went missing in 2015 from Lahore. Two years later, in October 2017, she was recovered.²⁰⁴ Since then her whereabouts are unknown and is speculation that she has gone missing for a second time.²⁰⁵ In many cases, those who are abducted and subsequently released are reluctant to talk about their experience. In June 2018, Gul Bukhari, an outspoken journalist and activist, was abducted in Lahore by unknown persons and released after a few hours. Police in Islamabad filed a First Information Report (FIR) on 22 May 2019 against Gulalai Ismail, a journalist and activist who has led a campaign against extrajudicial killings in the country. She was charged with a number of offences, including under the Anti-Terrorism Act. She has been forced into hiding and

²⁰¹ Protectdefenders.eu. Accessed at: <https://www.protectdefenders.eu/en/stats.html?yearFilter=2016®ionFilter=&countryFilter=PK#mf>

²⁰² Shirkat Gah Women's Resource Centre. shirkatgah.org/

²⁰³ Pakistan Press Freedom Report-2018. *Chronicles of Shame: The Changing Threat Patterns and Demographics of Pakistan Media Landscape*. Accessed at: <http://www.fnpc.org/wp-content/uploads/2018/05/FN-Chronicles-of-Shame-PDF-Version.pdf>

²⁰⁴ "Missing' journalist Zeenat Shahzadi recovered after more than 2 years'. *Dawn*. 20 October 2017. <https://www.dawn.com/news/1365073>

²⁰⁵ <https://www.dawn.com/news/1372350/mercy-plea-to-the-president>

since then her family, supporters and associates continue to face threats, violence and harassment.²⁰⁶

The ‘crime’ of community service

A year after the government announced a policy for the regulation of INGOs in Pakistan, there were credible reports of the policy being used to harass and impede the work of international humanitarian and human rights groups. In March 2016 three Islamabad-based human rights groups had to stop work for not complying with regulatory requirements. Numerous CSOs, particularly in the Punjab province, were intimidated, harassed, and in some cases had their offices sealed on the pretext of implementation of the national plan against terrorism.²⁰⁷

Polio workers, many of them women, are another group under constant attack. In 2018, a mother and daughter team were gunned down while administering polio drops to children. This was just one of the tragically numerous incidents involving these workers carrying out a vital community service. Islamist preachers and militant groups have promoted the idea that the vaccinators are part of a plot to kill or sterilise Muslims. The teams are provided with security escorts who often themselves fall victim to such attacks.

Enabling a peaceful environment

Pakistan has not developed a National Action Plan under UNSC 1325. A civil-society effort to implement such a plan in 2010 was unsuccessful.²⁰⁸ Attempts to increase the role of women in peacebuilding are unlikely to meet with any success until and unless women’s public participation is promoted proactively. Women’s ability to contribute towards peacebuilding is considerably hindered by a patriarchal society with deeply entrenched perceptions about the role of women, including their visibility in public.

Local organisations in 30 cities across Pakistan are engaged in developing innovative ways to build peace and promote narratives of inclusion using media, arts, technology, dialogues, and education.²⁰⁹ From 2013 to 2018, over 1,000 women participated in initiatives promoting the inclusion of women in peace and security discourse, and over 25,000 citizens in events promoting peace during the 2013 and 2018 elections.²¹⁰

Since November 2012, the Women Regional Network consisting of women from Pakistan, Afghanistan and India has progressed towards defining the parameters of security, research, disarmament, effective protection, better understanding of internationalisation of local conflicts, and promoting the next generation of gender-equality activists. Within civil society, several CSOs, especially women’s organisations, are actively working with women and communities on peace and conflict, identifying conflicts, piloting early warning systems, and promoting community owned/based initiatives.

²⁰⁶ <https://www.frontlinedefenders.org/en/location/pakistan>

²⁰⁷ <https://www.hrw.org/world-report/2017/country-chapters/pakistan>

²⁰⁸ ‘Women, Peace, and Security in Pakistan’. US Institute of Peace. Peace Brief 218. February 2017. Accessed at: <https://www.usip.org/publications/2017/02/women-peace-and-security-pakistan>

²⁰⁹ Supported by the U.S. Institute of Peace (USIP)

²¹⁰ ‘Current situation in Pakistan’. USIP Fact Sheet. 1 April 2019. Accessed at: <https://www.usip.org/publications/2019/04/current-situation-pakistan>

Disarmament and rehabilitation

There is no evidence of any steps being taken to reduce excessive military expenditures or to control the availability of armaments. Pakistan's military spending in 2018 was USD11.4 billion, making it the 20th largest spender globally.²¹¹ Pakistan's military spending has been rising exponentially since 2009—73 percent between 2009 and 2018 and by 11 percent between 2017 and 2018. Pakistan's military burden in 2018 was 4.0 percent of GDP—the highest level since 2004.²¹²

The defence budget for fiscal year 2019-2020 has been frozen with the 'voluntary' agreement of the military due to the country's financial situation. In 2018, the Prime Minister pledged to spend the saved amount on development of the erstwhile FATA districts in KP, and Balochistan. Military sources said that as a result of the freeze there would be no arms procurement during the fiscal year.²¹³

There are some disarmament, demobilisation and reintegration (DDR) programmes but these are largely organised by CSOs. The Sarhad Rural Support Programme has small deradicalisation programmes providing alternative livelihoods for former militants. The Women's International League for Peace & Freedom (WILPF) Pakistan is educating the public about women's rights and the negative impact of small arms on human development, sensitising women on the significance of their involvement in peace and security processes from the community to the global level. WILPF seeks 'to challenge militarism and unbalanced gendered power relations, raising awareness of the links between military expenditure, violent conflict, and the reduction of available resources for social and economic development and the promotion of gender equality.'²¹⁴

To meet the objective of creating a peaceful and inclusive society, Pakistan must step up its efforts and take more proactive, sustained, and robust action to implement legislation and address all the disparate and complex aspects necessary to enable an environment free of fear, violence, and discrimination for all.

Environmental Conservation, Protection and Rehabilitation

Pakistan is now ranked the 7th most-at-risk country due to climate change²¹⁵ compared to ranking amongst the top 20 five years ago. Factors contributing to climate change vulnerability include: a warm climate with higher than global average temperature increases projected; mostly arid and semi-arid conditions²¹⁶; rivers predominantly fed by the Hindu Kush Karakoram-Himalayan glaciers that are receding rapidly due to global

²¹¹ Stockholm International Peace Research Institute (Sipri). Military Expenditure Database. Accessed at: <https://www.sipri.org/databases/milex>

²¹² 'Trends in World Military Expenditure, 2018'. Stockholm International Peace Research Institute Fact Sheet. April 2019. Accessed at: https://reliefweb.int/sites/reliefweb.int/files/resources/fs_1904_milex_2018.pdf

²¹³ 'Defence budget to remain unchanged'. *Dawn*. 8 June 2019. Accessed at: <https://www.dawn.com/news/1486778>

²¹⁴ Women's International League for Peace & Freedom. National Sections. Accessed at: <https://www.wilpf.org/our-members/#1b39e40347ac4342e>

²¹⁵ Global Climate Risk Index 2017

²¹⁶ Approximately 60 per cent of Pakistan receives less than 250 mm of rainfall per year a further 24 per cent receives between 250-500 mm.

warming; a largely agrarian and thus climate-sensitive economy; and increasing variability in monsoon rains with greater incidents of heavy floods and extended droughts. Vulnerability is also linked to demographic trends combined with weak government measures to adapt to climate change.²¹⁷

The 2012 National Policy on Climate Change in Pakistan (NCCP) recognised the particular vulnerability of women, elderly and disabled persons and that of rural women in agriculture. Actions were outlined in the 2013 *Framework of Implementation of Climate Change Policy*. Climate change is recognised as a national security issue, but issues are poorly documented, neither policy has a people-centric climate change agenda: human rights and gender are not accorded importance and human development indicators are not integrated with environmental ones, and gender is an add-on subject. The 2017 *Climate Change Act* mandating the Climate Change Council and Climate Change Authority to formulate, guide, monitor and report on the implementation of climate change policy and international commitments, has failed to translate fully into policies for climate reliance, adaptation and mitigation.²¹⁸ What gendered statistics are available provide little insight about women's differentiated agency or needs. There is growing evidence of the linkage between gender-based violence and environmental degradation, globally²¹⁹ and within Pakistan²²⁰. There is need to generate data on climate induced stress affecting communities at national, provincial district and local levels with quantitative indices that capture men and women's experiences. Women's differentiated vulnerability to climate risks is linked to socially structured gender inequalities that limit women's access and control over productive resources, decision-making and planning processes. At present, neither policies nor action plans focus on the daily lives of people and women's roles and instead emphasise technical solutions alone. Appropriate data on differentiated need and coping strength of individuals and groups would help to establish relative vulnerabilities enabling more appropriate policy responses.

The frequency of extreme weather in recent years has had a debilitating impact on productivity, livelihoods and food security in rural areas where women constitute 49% of the labour force engaged in agriculture and livestock.²²¹ A recent study found that the weather had become more extreme (both in terms of heat and cold), seasons had shifted (e.g. in irrigated freshwater areas, rains come several months later and winter lasts longer in Tharparkar) and rain is 'out of season'. While floods are more common there is less rainfall; people also report a strengthening of winds. Fishing, irrigated freshwater and other communities along coastal areas stress the growing sea intrusion and for

²¹⁷ Salman Zaidi, Urooj Obaid & Yasmin Zaidi. 2019. *Gender Review Climate Change Policy, Pakistan, Submitted to Civil Society Coalition for Climate Change (CSCCC) by Center of Gender and Policy Studies (CGaPS)*.

²¹⁸ Much of this analysis is drawn from Zaidi et. Al. Supra note 3.

²¹⁹ Peer review Gender Based Violence, and Environment Expert Consultation workshop; global research by IUCN and USAID concluded in 2019. The Research report will be launched by IUCN and USAID later in 2019.

²²⁰ Mazhar, S., Balagamwala, M., & Gazdar, H. (2017). [The hidden economic backbone: Women in agriculture](#). Paper presented at the LUMS International Conference on Gender, Work and Society from LANSAs –Pakistan study (Leveraging Agriculture for Nutrition in South Asia).

²²¹ United Nations Development Programme. 2013. *Overview of Linkages between Gender and Climate Change*. New York: UNDP.

example, fishing villages in Thatta report that the sea used to be at a distance of 200-250 km is now close to the villages, in creeks almost at their doorsteps.²²²

Outmigration due to climate shocks, especially of men, increases women's workload, vulnerability to violence,²²³ negative health consequences as well as a loss of financial autonomy and reduced decision-making and negotiating power as they are left to cope. A recent study on climate change-induced migration indicates that climate change has reduced fresh water resources and led to a loss of land, and that increased salinity and fluctuating water temperatures have damaged fisheries. There is a significant impact in terms of reduced food availability, loss of livelihoods, health issues due to extreme heat and lack of potable freshwater, including malnourishment in children, and diseased and malnourished livestock.²²⁴

Women are pivotal to three aspects of food security: food availability/production, food access/ distribution, and food utilization. In addition, a wide range of female activities support agricultural development, such as soil and water conservation, afforestation and crop domestication. Women's specific roles are essential for the well-being of coastal communities.

Across various ecosystems, women confront greater food insecurity than men when climate conditions deteriorate as men migrate seeking alternative employment, leaving women struggling to meet their family needs of food and other items²²⁵. Women's traditional wisdom no longer suffices to face the changed environment from glacial melt, depleted fish stock, sea intrusion, extreme heat and cold, droughts and floods, etc. Unfortunately, women's perspective is largely overlooked; there is only one woman in a leadership position, the Minister of State, women are not included in delegations to the COPs, and the provincial Environmental Protection Authorities (EPAs) hearings still seldom discuss the impact on women of climate change or environmental policies.

Effectively addressing climate change across ecosystems necessitates a multi-sector approach with an effective interface and coordination amongst national and provincial governments, departments, authorities and agencies responsible for fisheries, health, water, agriculture, power and planning, for example.²²⁶ Dissimilar policy imperatives result in policy incoherence, in turn leading to well-reported instances of governance breakdown, often at the cost of lives and well-being.²²⁷ Gender remains an add-on in policies; public bodies managing climate change still lack gender responsive implementation. Consequently, women do not benefit equally from public goods and services.

Civil society continues to assist policy formulation and delivery. Since 2015, multiple CSOs and groups have helped the government formulate new legislation and key documents, highlighted challenges, generated research and public discourse on climate change, and helped to mainstream particular agenda points from the COP discussions. However, few

²²² Social Policy and Development Center (SPDC), 2015, Gender and Social Vulnerability to Climate Change: A Study of Disaster prone Areas in Sindh.

²²³ International Development Research Centre. 2015. Climate change, Vulnerability, food security and human health in Rural Pakistan: A gender perspective.

²²⁴ IUCN & Oxfam. 2019. Policy Dialogue on Climate Change Induced Migration in Sindh: Event Report

²²⁵ United Nations Development Programme. 2012. Gender, Climate Change and Food Security.

²²⁶ Alam, R., n.d. Climate Governance after the 18th Amendment. s.n

²²⁷ Zaidi et. Al. supra note 4

climate change/environment-focused CSOs have a gender perspective, such as IUCN, WWF, Hisaar Foundation, and, until recently, Shirkat Gah - Women's Resource Centre.

The contributions and complementary roles of men and women, crucial to the well-being of coastal communities, are poorly understood. Not understanding the distinct roles and contributions of men and women results distinct needs and interests are ignored in policies and programmes, which in turn, can lead to a failure of sustainable livelihood goals in coastal ecosystem dependent communities.²²⁸ A positive initiative in this regard is IUCN's Mangroves For the Future (MFF) Strategic Framework and 2014 Action Plan for Gender Integration, is a unique partner-led initiative to promote investment in coastal ecosystem conservation for sustainable development. Starting as a disaster response programme in the six most affected countries by the 2004 Indian Ocean Tsunami, MFF has evolved into a strategic programme helping to build resilience in ecosystem-dependent coastal communities in 11 member countries, including Pakistan. Co-chaired by IUCN and UNDP, MFF provides a collaboration platform for the many different agencies, sectors and countries addressing challenges to coastal ecosystem and livelihood issues and, exceptionally, has integrated gender equality in its design, planning and execution of activities as essential to its approach and principles.

MFF's 2017-2018 Regional Gender Study and capacity building project examined gender dimensions in coastal resources and fisheries management to improve understanding about gender-specific environmental decision making and structural challenges preventing equitable opportunities for men and women in relation to coastal and marine resources in South and Southeast Asia. In Pakistan, the study, conducted in several districts of Sindh and Balochistan, conducted a broad gender analysis of the area looking into the existing gender issues and structures, livelihoods, and opportunities for improvement mechanisms, and women's involvement in the existing governance of natural resources.²²⁹ MMF has drafted a Gender Analysis Toolkit as a practical guide for coastal and fisheries management practitioners seeking to understand how gender can impact coastal ecosystems resource use and management. It provides a set of illustrative research questions to guide data collection for gender analysis in coastal resource dependent communities. Questions are designed to explore information about gender roles and relations within six domains.²³⁰

Similarly, WWF Pakistan has rolled out Climate Change Adaptation plans in Coastal Communities in Sindh and Balochistan that include Disaster Risk Reduction components (emergency support platforms, early warning systems, provision of services), cold storage tanks, pond and sand filtration, mangrove plantation, installation of solar and hybrid alternate energy units) and Livelihood Diversification projects (hatchery, saline agriculture and vocational training).²³¹ The Indus Earth Trust promotes sustainable development by extending support to neglected coastal communities in Sindh and Balochistan and also works to improve women's access to water in Kohistan and Thatta.

²²⁸ Gender Integration in MFF, 2014, Cambodia, Presentation by Meher M. Noshirwani, Regional Vice Chair Asia, IUCN Commission on Environmental, Economic and Social policy (CEESP), and Co-Chair of MFF Gender Advisory Panel, with Maeve Nightingale MFF Regional Secretariat, and Nisha Onta WOCAN.

²²⁹ Research Study: Gender Analysis in Keti Bundar, District Thatta and Gwadar, Balochistan, 2018, Meher M. Noshirwani and Ghulam Qadir Shah. IUCN/ MFF/Pakistan.

²³⁰ <https://www.mangrovesforthefuture.org/topics/cross-cutting/gender-equality/>

²³¹ Meher M. Noshirwani, 2015. *Building Capacity on Climate Change in Coastal Communities in Pakistan, End of Project Evaluation of CCAP Project*. WWF.

Fisherfolk along the coast of Sindh have weak collective organisations to manage the major threats in terms of resources and hence livelihoods they confront. There is an immediate need to contain the damage to inland and marine resources, and to preserve fisherfolk's access to these resources, ensuring the participation of women. The broader aim to replenish resources and ensure compensation for damages demands a consensus of all stakeholders regarding key areas; coordinated joint efforts of all; the immediate effective implementation of existing laws and revisions of provincial and national policies.²³²

Water is a serious challenge as the injudicious use of water by different sectors leads to the degradation of watersheds. Per capita water availability has gone down from over 5,000 cubic meters to less than 1,000 cubic meters; water resources are being polluted and the groundwater table in many parts of the country is depleting at an unprecedented rate. Increased salinity is leading to large tracts of land becoming unproductive.²³³

Falling water tables combined with the deteriorating quality and contamination of water supplies affect women in myriad ways. In some rural districts women spend as much as 1260 hours a year, fetching water from natural sources²³⁴; increased distances to retrieve water also increase security risks women may confront in collecting water. Shortages result in unhygienic practices that cause diseases and impact women's reproductive health. Yet the National Water Policy 2018 fails to mention women at all. In some of the largest cities in Punjab the underground water levels are down by 90%. The remaining 10% underground water is highly contaminated with arsenic particles²³⁵. 10 Punjab districts, water level has dropped by 50%²³⁶. The situation is alarming enough for the Supreme Court to have taken suo moto notice in July 2018 directing the establishment of water reservoirs and a fund for this purpose²³⁷. In December 2018, learning that companies bottling water were extracting seven billion litres of groundwater per month to sell, the Supreme Court directed companies to pay a fee for groundwater extraction and improve the quality of their products within a week, or face closure.²³⁸ Until April 2019, the ten companies ordered to do so were not paying water extraction fees.²³⁹

Water scarcity is aggravated by GMOs that require large amounts of water. In 2010 the genetically modified BT cotton was officially allowed and in 2015, the Seed Law was changed to accommodate seed multinationals. Plans to introduce genetically modify maize, a major export crop, are likely to have potentially disastrous impact.²⁴⁰ Cotton is picked entirely by women and a specific concern is that the season for BT cotton-picking has shifted to June. The combination of pesticide use and intense heat adversely affects

²³² Zubaida Birwani and Meher Marker Noshirwani. 2014. *To Secure Livelihood Resources for the Fishing Communities of Manchar Lake and Karachi Coast: Baseline Study Report*; Trust for Conservation of Coastal Resources (TCCR)

²³³ Meher M. Noshirwani and Ghulam Qadir Shah. 2018. Research Study: Gender Analysis in Keti Bundar, District Thatta and Gwadar, Balochistan, IUCN/ MFF/Pakistan.

²³⁴ World Bank. 2005. Women and Water Issues of Entitlements, Access and Equity.

²³⁵ <https://propakistani.pk/2018/03/28/underground-water-levels-have-dropped-by-90-in-most-cities-of-punjab/>

²³⁶ [https://ylyu=X3oDMTByMjB0aG5zBGNvbG8DYmYxBHBvcwMxBHZ0aWQDBHNIYwNzYw--](https://ylyu=X3oDMTByMjB0aG5zBGNvbG8DYmYxBHBvcwMxBHZ0aWQDBHNIYwNzYw--?p=water+table+drops+by+50%25+in+10+districts+Punjab+Pakistan&fr=yhs-adk-adk_sbyhp&hspart=adk&hsimp=yhs-adk_sbyhp)

²³⁷ Case filed by Barrister Zafarullah, here: http://www.supremecourt.gov.pk/web/user_files/File/Const.P. 57 2016.pdf

²³⁸ [Bottled water firms ordered to pay price of groundwater. Staff Reporter](http://www.dawn.com/news/1449318) December 04, 2018. www.dawn.com/news/1449318

²³⁹ <https://www.thenews.com.pk/print/452598-govt-to-get-rs410m-as-charges-for-underground-water-extraction>

²⁴⁰ Zubeida, Mustafa, 2019. Say No to GM Maize, Accessed at: <http://www.zubeidamustafa.com/say-no-to-gm-maize> and also <https://www.dawn.com/news/1466871>

their health while the reduction of the season to one month from three is decreasing earnings. Water shortage also depletes forest cover and vegetation resulting in a loss of supplementary forest-gathered nutrition, and traditional medicine. The Hisaar Foundation has been advocating the Rational Use of Water and worked extensively for 14 years to build the cooperation necessary to change the water paradigm in Pakistan through its Water Partnerships and Women and Water Network (WWN). In the water-starved Tharparkar region (Sindh) Hisaar has installed handpumps, solar panels on dug wells and rehabilitated old wells in select villages.

The expanded use of low-grade dirty coal as an energy source presents a new threat to water and in other areas. Five new power plants under the bilateral agreements of the China-Pakistan Economic Corridor will release billions of tonnes of carbon dioxide into the atmosphere in the already climate-stressed region of Tharparkar. There are concerns regarding groundwater depletion, environmental deterioration and the land rights of local people, mostly from the Hindu minority community. The Sindh Engro Coal Mining Company (SECMC) has started to dry the mine by extracting water that will be transferred and stored in a large reservoir spread across 1,500 acres. The extracted water has no toxic or heavy metals, but it is still unsafe for drinking. Locals from a village located next to the reservoir protested for months against the reservoir's construction as they have lost livestock grazing grounds and fear seepage will pollute the groundwater they depend on. Effluent from the coal mine will pollute water wells over the next three years. In other villages, the digging and dumping of soil has already covered everything: homes, clothes, utensils, and trees in a layer of coal dust, with serious health repercussions. Women and men from 12 villages near the reservoir site held a prolonged sit-in outside the press club in Islamkot, to protest the construction; one woman spent more than 70 nights—a record length of protest especially for women leaving homes to participate. In one village acquired by SECMC, about 1,800 residents who will be relocated to new housing some 25km away are unhappy at losing their connection with their ancestral land. Villagers complain of being coerced into selling their land in the “greater national interest”.²⁴¹

The impact of climate change and environmental degradation in urban settings is a neglected area. Research in 2017 indicates a strong link between the gaps in cities' infrastructure and service provision, especially access to water and safe sanitation, and violence against women responsible for replenishing the domestic water supply and maintaining a hygienic home environment. The study found that 80% of respondents with poor or no access to water had experienced violence, compared with only 10% who had excellent water supply. Furthermore, poorly managed services in the mega-city of Karachi, enable ‘water mafias’ to divert government supplies and resell water to residents at extortionate prices, while local officials turn a blind eye or actually collude.²⁴² Women suffer more from the spikes in temperature combined with electricity shortages and outages in cities such as Karachi as men and boys use public open spaces for relief and sleeping, cultural norms prohibit women and girls from doing likewise. Shelters, such as Dastak, always have far more residents in the summers than otherwise.

²⁴¹ <https://ejatlas.org/print/sindh-engro-coal-mining-company> last update 26/10/2017

²⁴² <https://www.idrc.ca/en/research-in-action/gender-and-violence-cities>

Pakistan has not ratified convention on pollution-free environment even though it was estimated air pollution in 2017 led to about 4.8 million people in Pakistan suffering a Disability-Adjusted life Year (DALY, the metrics quantifying one lost year of healthy life). In May 2019, the Aga Khan University and [Sindh Environment Protection Agency](#), announced a study on the harmful health effects of air pollution so as to design appropriate interventions.²⁴³ Whether this will encompass a gender dimension is not known.

Disaster Preparedness & Responses

Pakistan regularly experiences natural disasters such as cyclones, droughts, and floods. Post natural disaster situations in which pre-existing gender norms become exacerbated amidst the chaos and insecurity, increasing the risk of sexual abuse. Women hesitate to approach the crowded male-dominated spaces where relief goods are distributed. If displaced in camps, they also confront increased surveillance and suspicions of the male relatives that frequently triggers violence. There is also a compulsion to marry girls off as soon as possible, with many long-term negative consequences.

Laws, policies and institutions have advanced at national, provincial and district level to develop climate change mitigation measures and natural-disaster response plans and capacity. Early warning systems and capacity building with new skills for livelihoods are needed, including factoring in the specific concerns and needs of women and girls by making women part of the decision-making and planning at the local level, for example as members of local government, school committees, response systems, etc. Pakistan is a signatory to the Hyogo Framework for Action (HFA) stipulating that disaster planning and responses must be sensitive to the needs of vulnerable groups, including women.²⁴⁴ Since the 2007 National Risk Reduction Policy, the government has made substantial progress in bringing its climate change and disaster risk reduction and response policies and efforts into conformity with the HFA.²⁴⁵ Nevertheless, a serious dearth of data hampers effective planning, preparedness and follow up with regards to disaster management. For example, gender-disaggregated data is not available in terms of the distribution of food and other relief in the aftermath of a natural disaster and no special packages for lactating mothers.

The National Disaster Management (Amendment) Act 2017 was introduced to make the Act more effective and gender responsive. It recognises the need to extend shelter, land and livelihood support solely to women, and gender mainstreaming should be a priority.¹ The National Disaster Management Authority (NDMA) acknowledges that national legislation on disaster relief and rehabilitation and climate change measures “are not as gender responsive as desired”, do not meet obligations under relevant human rights treaties, do not mainstream vulnerable groups, and have no specific measures to oversee the mainstreaming of gender considerations.²⁴⁶ A Gender and Child Cell (GCC) was established in 2010 to ensure gender responsive of both disaster risk reduction (DRR) and climate change measures. The Cell’s 2017 report, *Gender Main Streaming & Gender*

²⁴³ https://www.aku.edu/news/Pages/News_Details.aspx?nid=NEWS-001850

²⁴⁴ Gender and Child Cell/NDMA/GoP. May 2014.Op. Cit.

²⁴⁵ Report on the Effectiveness of the Islamic Development Bank (IDB) Operations in Empowering Women in Pakistan, 2015, Rabia Khan / Meher M. Noshirwani.

²⁴⁶ <http://www.ndma.gov.pk/Publications/Summery%202017%20abcd.pdf>

Based Violence Context of Pakistan acknowledges gaps in policy and practice both in terms of integrating DRR into development planning and for including “social vulnerability issues into disaster risk reduction, [including] the need to address gender-based violence, issues of reproductive health and the link with climate change for women.”²⁴⁷ But action is painfully slow. The 2017 NDMA report only mentions women four times, twice in connection with a first leadership training of 24 mid-management women working in CSOs and Local Government departments to improve the disaster response preparedness. A Task Force notified in 2018 to contextualise the Minimum Initial Service Package Manual has held meetings with key provincial departments: (Provincial Disaster Management Authorities and the departments of Planning and Development, Education, Social Welfare, Health and Women Empowerment) to mainstream the manual into Contingency Planning.²⁴⁸ Outcomes are unknown.

It is essential that women be involved in climate change strategies such as rainwater harvesting that can positively impact food security and pro-actively contribute to policy formulation, implementation and assessment. Merely including women in disaster relief and rehabilitation efforts does not make interventions gender-responsive. Gender responsive disaster preparedness and responses in both planning and actions must engage women from start to finish, document their pre- and post-disaster experiences, integrate and further build upon their skills and knowledge, and provide opportunities for improving health, education and livelihoods, build the capacity of women and girls to reduce the impact of disaster and climate change on their households and communities. A well-resourced gender-sensitive, and gender-responsive national Gender Action Plan; incorporating women in climate change mitigation and adaptation processes would require revisiting the NCCP and the Framework of Implementation. The government should organise gender mainstreaming and gender sensitization trainings/sessions. For example, the Ministry of Climate Change and provincial agricultural departments should collaborate to incorporate climate change resilient elements in the latter’s projects especially around crops where women are major contributors.

²⁴⁷ *ibid*

²⁴⁸ See, for example: http://www.ndma.gov.pk/plans/gcc_policy.pdf; <http://www.ndma.gov.pk/publications.php> and <http://www.ndma.gov.pk/publications/Annual%20Report%202018.pdf>

3. National Institutions and Processes

There is no national machinery for ensuring gender equality in terms of planning and implementation. The absence of a national gender equality policy or plan results in disparate rights, benefits and schemes for differently located women and girls in terms of decent work, health, education, employment opportunities, poverty reduction measures, etc. After the 18th constitutional amendment devolved all women-related matters to the provinces in 2010, the National Commission on the Status of Women (NCSW) is the only women-dedicated institution at the federal level. As a financial and administrative autonomous body, NCSW is tasked with protecting and promoting women's political, economic, social and legal rights as enshrined in the constitution and under international commitments, in particular CEDAW. The federal Ministry of Human Rights (MoHR), the administrative line ministry for the NCSW, is responsible for formulating, coordinating and overseeing implementation on women's rights, as well as monitoring and reporting on progress.

The NCSW is mandated to monitor laws, policies and their impact on women. It reports to parliament annually and has been appreciated for its substantial work despite a skeleton staff. Reports are available online. NCSW is also empowered to proactively enquire into complaints of rights' violations, call officials for explanations and inspect government records. It does not have official consultative status regarding policy development, planning or lawmaking, and there is no obligation for either Parliament or concerned ministers to consider its recommendations within a reasonable timeframe. With the establishment of the Sindh Provincial Commission on the Status of Women (PCSW) in November 2017, PCSWs are functioning in all provinces except Balochistan and represented on NCSW. In Balochistan, the PCSW was legislated in 2017 but has failed to materialise.¹ All Commissions have representatives of religious minorities as well as provinces/districts. As the National Commission on Minorities (enacted in 2015) has never become functional, NCSW and PCSWs take up cases of women from minority groups and a People's Commission on Minority Rights has been established as a civil society initiative.

There is an overlap in the mandates of the NCSW and its line ministry, MoHR, and between the PCSWs and provincial administrative departments, creating dysfunctionality and confusion, which often results in an encroachment on the autonomy of the commissions by the administrative ministry and departments. It is vital that functions of the commissions and the MoHR/Administrative Departments be segregated to avoid duplication and enable commissions to fulfil their mandate most effectively.

¹ Notification No. PAB/Legis: V(06)/2017. Access here: <http://www.ilr.org.pk/wp-content/uploads/2017/12/Act-No-5-women-status.pdf>

There is also an overlap of the NCSW and the National Commission for Human Rights (NCHR), the national human rights institution, of which the NCSW chair is an ex-officio member. Although the nine-member NCHR must have at least two women, it has no specific gender mandate. Nevertheless, women members of NCHR have taken up cases of GBV, including sexual harassment. Furthermore, as most of the cases/complaints received relate to some form of GBV or violence against children, the Commission is currently elaborating a framework for addressing cases involving women and children. This may lead to further overlap as all four women's commission address GBV cases. Indeed, in such cases, civil society activists as well as those affected usually turn to the women's commissions rather than the NCHR, directly or through various social media groups. Additionally, a number of cases reach the Punjab PCSW through its helpline (See Freedom from Violence section).

The NCSW and the three PCSWs face challenges to their autonomy and, thus, effective functioning. Indicating a lack of political will, after almost two decades NCSW still lacks sufficient resources and staff. For example, it has been unable to call the Inter-Provincial Ministerial Group of Women Ministers, for which it was designated the secretariat, after UN Women support ended in 2017. This is regrettable, as this was an effective coordination mechanism. The service rules of the NCSW were only passed in the spring of 2019 and Financial Rules for NCSW, Punjab and Sindh PCSWs still await approval. This undermines financial autonomy as it impedes the creation of commission funds and separate bank accounts.

Legislation in 2016 strengthened the autonomy of the KP PCSW, explicated its mandate and provided for the establishment of 10-member District Committees to be headed by a female chairperson with a majority of women members. The intention is for committees to help review district policies/programmes and plans to ensure these address gender concerns adequately. The composition includes two women District Assembly councillors, Executive District Officers of the Social Welfare, Planning and Development and Finance Departments, at least one woman from religious minorities, a member of the District Bar Council, and three CSO members. People were nominated but Committees have still not been notified. Moreover, District Councils have been eliminated under the new LG act, raising the question of how these positions will be filled. (See Participation section)

Illustrative of the low priority accorded, the NCSW, KP and Punjab PCSWs have all suffered from gaps in continuity as the new chair and members fail to be appointed in a timely fashion. (NCHR is facing similar delays as the term of all but one member ended in June 2019 without any visible actions to appoint new members.) The KP chair resigned in December 2018, a replacement was only appointed in July 2019. In Punjab, the terms of all but one member ended in March 2019; no appointments have been made. On 24 May 2019 the Chairperson was terminated prematurely without following procedures or providing any reason, indicating political interference. Importantly, the absence of a chair (who is the only paid and therefore full-time member) renders the commissions non-functional. Additionally, the outstanding work of the Punjab PCSW in establishing a Gender Management Information System (GMIS) to improve evidence-based policy planning is now endangered since, after the third report, staff hired to produce the GMIS was not retained beyond 31 December 2018 and no new appointments have been made. Finally, there is worrying talk of making some chairs voluntary positions, and appointing parliamentarians, which would seriously undermine the effectiveness of the oversight functions of the Commissions. Commissions must be headed by full-time independent

persons, who are neither legislators nor political party office bearers. This needs explication in the rules.

Despite hindrances, commissions have undertaken important and commendable work, and make all their research available to the public. The NCSW and Punjab PCSW have undertaken considerable research, filling important data gaps; the latter's GMIS enables an annual Gender Parity Report, providing a much-needed detailed picture of the status of women across fields. This needs to be replicated in all provinces to enable better planning for women and monitoring outcomes. NCSW has focused on VAW, economic empowerment of women and women's participation in decision-making bodies, especially parliamentary politics. In each area it has established baselines and indicators to back up its primary mandate of advocacy and of monitoring progress. In 2015, NCSW went to Court to overturn by-election results in Lower Dir (KP) where women had been prevented from voting. The Sindh PCSW has taken on many gender-based violence cases between 2017 and 2018 and intervened with investigations, ensuring that justice was accessible to all survivors. These included cases on rape, early age marriage, sexual harassment, and missing children. All commissions actively participated in the 2018 elections observation; the KP PCSW and Sindh PCSW ran training sessions as well.

NCSW has conducted crucial research into women's access to justice, produced status reports on women's economic empowerment and on rural women, and developed indicators for data collection on VAW. It monitors select cases (e.g. cases of cybercrime, child domestic labour, 'honour' killing) to identify weaknesses in the judicial process and follows up with relevant authorities (provincial heads of police, FIA, Interior Ministry, Law and Justice Commission) and has filed important legal cases. To end the persecution and victimisation of women (and men), for example, NCSW successfully challenged the operations of parallel non-state adjudication bodies or individuals, having researched and documented the injustice of these archaic systems. In January 2019, the Supreme Court declared these illegal and in violation of fundamental rights as well as Pakistan's obligations under UDHR, ICCPR and CEDAW.² Forming or participating in such illegal adjudication is now an offence, and the police was directed to introduce SOPs within two months to ensure compliance with the guiding principles laid down in the judgment.

NCSW has provided its opinion in other cases involving women's rights, including on Section 10 of the Citizenship Act that discriminates against women. The Act entitles a foreign national spouse of a Pakistani man to be granted Pakistani citizenship but denies this to the foreign spouse of a Pakistani woman, negating a Pakistani woman's right of equality before the law guaranteed in article 25 of the Constitution. As a respondent, NCSW has supported a woman's petition for a reserved seat to be allocated for women in the National Assembly from the Islamabad Capital Territory.

The strategy of NCSW and the Sindh and Punjab Commissions is to make support services for women functional. NCSW has mapped services (shelters, crisis centres, complaint centres, police stations, etc.) with coordinates to make them accessible to women in need. The Punjab PCSW has evaluated services and is developing SOPs for safe houses. The Sindh PCSW hosted a workshop on indicator development and measurement for implementation of human rights, as well as conducted sensitisation trainings with Child Protection Unit officers.

² Supreme Court decision of January 16, 2019 in Writ Petition No 24 of 2012 filed by the National Commission on the Status of Women.

While NCSW does not have official consultative status nor is its advice binding, its opinion is sought by key institutions: the Planning Commission, federal ministries of Foreign Affairs, Human Rights, Law and Justice, Commerce and Trade, provincial Women's Ministries, as well as Parliamentarians and the Bureau of Statistics. The Higher Education Commission has invited NCSW to help develop a gender policy for universities. Parliamentary questions by members and House Standing Committees are also referred to NCSW. It has been made amicus curiae by the Islamabad High Court in a case of alleged forced conversions and marriages of Hindu girls and assigned the task of fact finding in another case of alleged forced conversion of a Christian girl. With the full complement of sanctioned human resources (101 sanctioned for NCSW) backed by commensurate financial resources, and removal of overlaps between Commissions and administrative departments, commissions would be in a position to deliver their mandates comprehensively and with extensive impact.

SDGs implementation and CEDAW reports

Gender is only a Priority 2 concern in Pakistan's national strategy for SDGs. NCSW is not a member of the SDGs Cell of the National Planning Commission; it is invited for inputs sporadically. At the provincial level, SDGs implementation is the remit of the Planning and Development Department (P&D). Only the Punjab PCSW is a member of the P&D's Social Development Group. The Chair has also served on the P&D's Advisory Committee, enabling her to contribute to other areas. Provincial SDG units were said to have been set up, but there is no clarity on the composition of these units, and whether or not these units are functional.

At the provincial level, Women Development Departments (WDD) are tasked with policy formulation and planning for women's development, the implementation of administrative and institutional reforms to promote gender equality, and consulting with legal, judicial and law enforcement departments to facilitate women's access to formal legal and justice system. However, the WDDs in KP and Balochistan are not full departments; the former is merged with Social Welfare and Special Education, the latter with Social Welfare. Like the women's commissions WDDs are under-resourced and understaffed. The exception is the well-resourced KP department that has substantial development funds and is mandated to implement women development schemes, provide women legal protection and support women with financial assistance and skill training for economic empowerment.

An overlap of roles and responsibilities of the WDDs and PCSWs needs to be rectified. Provincial governments must segregate the functions of WDDs and the PCSWs to avoid duplication and enable the commissions to fulfil their mandates most effectively. Measures must be taken to adequately resource the commissions and ensure the neutrality of the chairpersons and members of the commission, to enable a non-partisan approach to oversight and accountability.

While the government claims to consult CSOs in preparing implementation plans for SDGs, as well as the reports for the CEDAW Committee and on the Beijing Platform for Action, none of the reputed CSOs working in the area of women's rights and gender equality have been consulted.

4. Data and Statistics

Existing data

The Federal SDGs Support Unit reviewed data sources in 2017, and has detailed data available at national, provincial, and district levels.¹ There are numerous sources, but data is not always disaggregated by gender, socio-economic status, age, education, marital status, disability, migratory status, and religion/ethnicity. The Pakistan Bureau of Statistics collates gender statistics on a variety of issues² at five-year intervals. The last available report is from 2014.³ Social determinants are not represented in the indicators; the data is purely quantitative in nature and does not present a clear picture on the state of women in Pakistan. Crucial gaps that came to light in preparing this report are given below.

National and provincial budgets are still not gender-disaggregated, making it difficult to assess gender-specific spending.

Women's labour force participation and economic contribution is underestimated in national data sources. Far higher rates are found by rural surveys asking women to recall paid and unpaid 'activities' rather than 'work'.⁴ Accurate statistics on women in the unregulated/informal sector, such as domestic and home-based workers, are missing. The Sindh Labour Law 2018 may help to bridge this gap but only in Sindh. Accurately measuring women's economic contributions, especially in terms of unpaid care and domestic work, is vital for achieving the SDGs. Data on women in trade unions is outdated; there is no data on women's use of labour courts.

An equally crucial data gap relates to gender-based violence. The PDHS has included some new aspects in its survey, but this is limited to domestic violence. The prevalence of GBV in workplaces and public spaces goes unrecorded and there is great resistance to investigating the matter. For example, NCSW had mobilised funds for a comprehensive national survey but was impeded from carrying it out. The Punjab PCSW incorporated some aspects in the Social and Economic Wellbeing Survey 2016-18, making Punjab the

¹ 2017. Federal SDGs Support Unit, Ministry of Planning, Development and Reforms. *Sustainable Development Goals: Pakistan's Perspective – Data Reporting Gap; Draft report - for review*. December 2017. Available at https://www.pc.gov.pk/uploads/report/Data_Gap_Report_Report_Version_6.pdf

² On Population, Fertility and Mortality, Household and Family Structure, Health Profile, Family Planning, Education in Pakistan, Labour and Manpower, Employment Trends and Women role in Public Life http://www.unsiap.or.jp/programmes/fp_materials/fps7_18/Pakistan_CP_FP7.pdf

³ The 2014 report is not available on the PBS website, nor are the latest results.

⁴ Haris Gazdar and Mariam Ibrahim. 2019. Poverty, Food Security and Nutrition: Linking Sustainable Development Goals Through Women Agricultural Workers, Leveraging Agriculture for Nutrition in South Asia, funded by DFID, Chapter 10 in *Health and Sustainable Development Goals in Pakistan*. Eds. Zulfiqar A Bhutta & Jai K Das. Paramount Books Ltd. Karachi

only province to have such data. Despite reported cases, data on forced conversions/marriages of religious minorities has been sporadic, largely carried out by CSOs for limited durations, impeding effective measures to combat this new form of violence. Available data for certain years gathered by projects indicates that an alarming number of those affected are young girls. Data is not available on women and girl refugees or displaced persons at either the provincial or national level.

Comprehensive gender-disaggregated data is not only critical for women's empowerment, but equally important for health and economic productivity, as clear in the Punjab survey. The Gender MIS developed by Punjab PCSW is an excellent model that collates data in collaboration with various departments, including the provincial bureaux of statistics. It makes this available online and publishes an Annual Gender Parity Report. Valuable as this is, it creates a lopsided picture of women in Pakistan. The KP PCSW is in the process of adopting a similar Gender MIS, but the model needs to be replicated in all provinces, the Islamabad Capital Territory and Gilgit-Baltistan for effective data-informed planning and course correction. The data being collected also needs to be compatible.

There are other data gaps. The household data does not provide disaggregated intra-household data and therefore does not reflect whether women possess physical assets, essential to understand women and poverty. Health data inadequately reflects young people, and is very specific to maternal and child health, and overall life expectancy, with no information on sexual and reproductive health, especially for unmarried and young people.

Overall, documentation of climate-related issues is poor, with no gendered analysis or statistics. The available information is limited, restricting understanding of the gendered impact, women and girls' needs, and their agency in adverse conditions.

Women's membership in political parties is unrecorded. While parties do at least have records of office bearers, this information is not collated. There is no credible data on the number of women in the local government systems. No data is available on how effective government schemes and quotas have been for women, people with disabilities, or minorities, making it difficult to assess impact of such measures.⁵

The limited and uneven data underscores an urgent need to strengthen national data collection mechanisms that must reflect the socio-economic determinants impeding the advancement of women and girls. Capacity building on data collection, indicator development, and data management and analysis must also be rolled out simultaneously. A gendered analysis requires surveys to include qualitative indicators in order to provide a holistic picture of obstacles women face, as well as attitudes towards gender equality. Policies and programmes for the advancement of women and girls must be based on such data.

Agenda 2030

A national Sustainable Development Goals framework was proposed in 2018.⁶ Using a 2015 baseline, targets to be achieved by 2030 against each goal are specified, and national priority indicators established. The framework has three tiers: the first category of short term and immediate policy interventions includes Goal 3.⁷ Goal 5 (gender equality) is in

⁵ While not collected at a national level, civil society organisations and actors have compiled a list on minorities.

⁶ https://www.pc.gov.pk/uploads/report/National_SDGs_Framework_-_NEC_2018.pdf

⁷ Goal 3: Good Health and Well-Being, Goal 5: Gender Equality

the second category of a longer timeframe and consistent policy strengthening; the third category consists of goals requiring complete institutional reforms. The methodology for collecting data and monitoring progress is not indicated. Important targets and indicators, key to the realisation of equality for women and girls in Pakistan, have been missed out.

Goal 3 includes five targets and eight indicators, but no targets on communicable diseases (3.3), non-communicable diseases, mental health and well-being (3.4), substance abuse (3.5), and deaths due to hazardous conditions (3.9). Goal 5 has no targets on unpaid care and domestic work (5.4), indicators on female genital mutilation (5.3.2), or targets regarding land ownership or secure access to agricultural land, or share of women owners/rights-bearers by type of tenure (5.A.1). Several indicators and targets are not gender-disaggregated, suggesting that gendered data that needs to be collected will still be missing. This indicates a failure to understand the interlinkages of all SDGs to gender equality, as well as the importance of gendered data to understand the complexities that are hurdles to gender equality. For now, the framework is only a proposal. Uptake, implementation, and roll-out remain to be seen.

ANNEXURES

Table 1

1	CNICs				CRCs			
	Issued in 2017	Male	Female	%	Total	Male	Female	%
Balochistan	420,348	257,484	37.99	677,832	173,523	137,086	44.1%	310609
FATA	303,833	300,360	49.71	604,193	67,696	39,332	36.7%	107028
Gilgit-Baltistan	56,811	33,788	37.29	90,599	57,737	52,156	47.4%	109893
Islamabad	96,261	94,776	49.61	191,037	103,788	100,521	49.2%	204309
Khyber-Pakh-tunkhwa	1,322,812	913,584	40.85	2,236,396	609,578	512,919	45.7%	1122497
Punjab	5,316,911	4,090,874	43.48	9,407,785	5,336,156	5,070,452	48.7%	10406608
Sindh	1,810,900	1,180,900	39.47	2,991,800	775,104	725,526	48.3%	1500630
Hindus	769647	644880	45.59	1,414,527				
Christians	731713	538338	42.39	1,270,051				
Ahmedis	63,479	62,202	49.49	125,681				

Source: NADRA 2017

¹NADRA information for September 2017 reported at <https://www.pakistangendernews.org/far-fewer-women-apply-cnics-men/> Sep 2017 data for general population and NCJP. Human Rights Monitor 2014-15 for minority figures

Table 2

#	Health Measurements	2013/14	2018/19
1	Maternal mortality	190/100000	178/100000
2	Infant mortality	69/1000	61/1000
3	Neonatal mortality	48.4/1000	44/1000
4	Under-5/Child mortality	84/1000	75/1000 Male: 78 Female: 71
5	Anemia in women (% of women ages 15-49)	50.4	52.1
6	Child malnutrition	44%	44%
7	Still births	43/1000	43/1000
8	Contraceptive rates	18%	22.1%
9	Life expectancy	65.93	66.48
10	Sex ratio	106.05	105.07
11	Abortion	No data	No data
12	Fistulas	Pakistan National Forum Women Health (PNFWH) suggest that almost 5,000 women every year are added to the list of obstetric fistula sufferers in the country ² .	

² <https://en.dailypakistan.com.pk/pakistan/obstetric-fistula-why-pakistani-women-find-death-easier-than-disgrace/>