



LEGISLATIVE WATCH

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Parliament sends signals of change in mindset towards women's rights

Seven pro-women laws in seven years

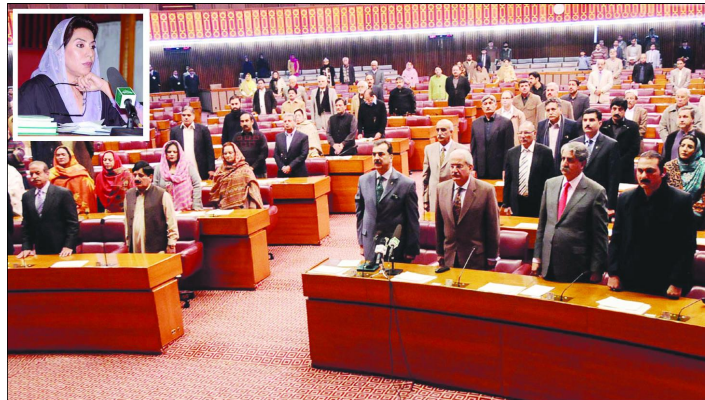
Women Parliamentarians demonstrate commitment and ability to serve women

By Naeem Mirza

August 1999: It was sheer disappointment and frustration for human rights activists sitting in the visitors' galleries of the Senate of Pakistan to witness the 'killing' of a resolution, moved by some concerned Senators to condemn - just to condemn - the murder of a young woman, Saima Imran, who was killed in the name of 'honour' at her lawyer's chamber in Lahore in April 1999. The chairman Senate did not allow even debate on the resolution and it was quickly disposed of. Though the resolution was originally supported by 25 Senators, only four of them, notably Senator Iqbal Haider, objected to and opposed this 'unceremonious killing' of the resolution.

December 2011: The Senate unanimously passes two important bills, Prevention of Anti-Women Practices, 2011, Bill, and Acid Control and Acid Crimes Prevention, 2011, Bill on 12 December 2011, with several law-makers in the august House favouring the bills and even asking for harsher punishments for the offences than prescribed in the bills. This time, human rights activists and women MPs from several political parties sitting in the House and lobbies, as well as, those who were present outside the Parliament House and elsewhere and everywhere in Pakistan were happy and jubilant over the success of these bills. There were smiles on their faces and tears in their eyes. On 13 December, 2011, The Senate also passed 'The Women in Distress and Detention Fund (Amendment) Bill, 2011', another pro-women legislation to provide legal and financial assistance to the women languishing in jails by amending "Women in Distress and Detention Fund Act, 1996.

The legislative history on women's rights issues has all those dark, grey and bright patches. There have been repeated attempts and continued



A view of the Parliament's proceedings.

efforts by women and men parliamentarians for reform of existing laws and new positive legislation for women. The efforts went along determined struggle by women's rights groups and activists for long years against discriminatory laws and customary practices. Though women of Pakistan have reached a milestone on 12-13 December 2011, when three important bills, Prevention of Anti-Women Practices, 2011, Bill, Acid Control and Acid Crimes Prevention, 2011, Bill, and The Women in Distress and Detention Fund (Amendment) Bill, 2011 were passed by the Senate, there is a long way to go and the major challenge in the future would be to see how women parliamentarians and women's rights movement ensure that women of Pakistan in all professions, groups and classes and in all age-groups, benefit from these laws and the de jure equality for women is transformed into de facto equality. More emphasis now needs to be shifted towards strict enforcement and implementation of these laws.

There gulf between 1999 and 2011 is 12 years long. Something must have happened during these twelve years which led to the Parliament's change of heart towards women's rights issues; and something must have happened even before these 12 years and even so

on prior to that.

Things usually get clearer if seen in historical perspective because what happened on 12 December 2011 did not transpire in one day or a single year. There was a build-up of events to this momentous occasion, and it has a history of continuous efforts by women's rights movement and women in political parties for several decades.

Women in political parties and in successive governments always undertook bold initiatives. They faced enormous challenges and tough resistance from various quarters whenever they tried to make some legislative contribution in legislatures. Women's rights activists have been waging a glorious struggle for realization of women's equal status and rights in society since long through agitation on streets, research and advocacy and through extensive lobbying with decision-makers and legislators.

Past seven years (2004-2011) are monumental in the context of legislative upsurge on crucial women's rights issues. This is unprecedented in Pakistan's legislative history that seven progressive and positive laws to cover specific areas of women's lives came in during just seven years.

After a legislative drought for almost 28 years the breakthrough was made

through the enactment of law on 'honour' killings in 2004; in 2006, came the Protection of Women, Act, amending two Hudood Ordinances; in 2009, the DVB was passed by the National Assembly (since it lapsed and could not become law so far, therefore it has not been counted in the tally); in 2010, two laws came in on preventing and criminalizing the offence of sexual harassment of women and; in the present year, 2011, came these three laws - on customary practices, acid attacks and women in distress.

There is no denying the fact that some of these, and may be all of these laws, have shortcomings - some of which are of serious nature - but, these can be and must be removed and reformed in future. Several precedents are available in this regard, e.g. the Section 310A, which was inserted in 2004 in the Criminal law (Amendment), 2004, has been substantially improved in the Prevention of Anti-Women Practices Act, 2011.

It is necessary to connect the present success with the efforts and successes made in the past for clarity of perspectives and vision. We will focus on recording of major events with brief comments in the next columns, which we believe, had a great impact on bringing about present development.

MFLO 1961

The first and major progressive legislation on women in Pakistan was the promulgation of Muslim Family Laws Ordinance (MFLO) in 1961. The MFLO was based on the recommendations of the Commission on Marriage and Family Laws, set up in 1955. The recommendations were accepted in a diluted form. The primary aim of MFLO was to discourage polygamy and regulate divorce. The law also ensured the right of inheritance of grand children (the relevant section was struck down by the Federal Shariat Court in a judgment in 2000. The

Continued on next Page

Seven pro-women laws in seven years

From Page 1

appeal against the judgment is pending with the Supreme Court's appellate bench) and provided for procedures and much needed documentation of marriages and divorces. Despite the good 'intentions' to provide protection to women in the realm of family law, the law, along with the others continues to have lacunas that discriminate against women and did not measure up to the expectations of the women who had struggled on its behalf. Commissions set up in 1975, 1985 and 1994 all proposed further recommendations, some of which were incorporated into the law sporadically, including amendments in MFLO, 1961 and West Pakistan Family Court Act, 1964; but no attempt was made to address the issues comprehensively. Amendments made to the Family Courts Act in 2002 proved to be a lot more positive. Concrete and welcomed changes were made to make it easier for women to get a 'khula' within a specified time-period, and courts are now mandated to complete a case of divorce and other related issues such as maintenance and guardianship within six months.

Several minor and a few important amendments have been made into family laws at various points of time. However, the period between 1976, when the Dowry and Bridal Gifts (Restriction) Act, 1976 came, and 2004, when the law concerning 'honour' crimes was made, is around 28 years. Almost all the Acts mentioned above still require major reform. Aurat Foundation and recently the NCSW have prepared a set of recommendations to reform them. In addition, the personnel laws of religious minorities are subject of serious neglect and they must also be looked into and reformed in consultation with the representatives of their communities.

The Hudood Ordinances, 1979

In 1977, the elected government of Zulfikar Ali Bhutto was toppled by the Chief of Army Staff General Ziaul Haq, who during his long dictatorial tenure of eleven years gave extremely discriminatory and derogatory laws in the name of religion. The Hudood Ordinances, 1979, comprised the following five ordinances:

1. The Offences Against Property (Enforcement of Hudood) Ordinance, 1979 (this deals with offences of theft and armed robbery);
2. The Offences of Zina (Enforcement of Hudood) Ordinance, 1979 (this deals with offences of rape, zina (fornication/adultery), abduction of women);
3. The Offence of Qazf (Enforcement of Hudood) Ordinance, 1979 (this deals with crime of qazf (false accusation of zina));
4. Prohibition (Enforcement of Hadd) Ordinance, 1979 (this deals

Major laws concerning women: at a glance

- The Guardians and Wards Act, 1890
- The Foreign Marriages Act, 1903
- Child Marriage Restraint Act, 1929
- The Dissolution of Muslim Marriages Act, 1939
- The Muslim Family Laws Ordinance, 1961
- West Pakistan Rules Under The Muslim Family Laws Ordinance, 1961
- West Pakistan Family Court Act, 1964
- West Pakistan Family Court Rules, 1965
- Dowry and Bridal Gifts (Restriction) Act, 1976
- Dowry and Bridal Gifts (Restriction) Rules, 1976
- The Hudood Ordinances, 1979
- Qanun-e-Shahadat Order, 1984 (Law of Evidence)
- The Pakistan Citizenship Act, 1951, partially amended in 2001
- Amendments in Family Courts Act for khula etc. in 2002.
- The Criminal Law (Amendment) Act, 2004 (on 'honour' crimes)
- Protection of Women (Criminal Laws Amendment) Act, 2006
- Criminal Law (Amendment) Act, 2010 (on sexual harassment)
- The Protection against Harassment of Women at the Workplace Act, 2010
- Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011
- The Acid Control and Acid Crime Prevention Act, 2010
- The Women in Distress and Detention Fund (Amendment) Act, 2011

with use/trafficking of drugs; consumption of alcoholic beverages) and; 5. Execution of the Punishment of Whipping Ordinance, 1979 (this deals with the mode of executing the punishment of whipping).

The Ordinances prescribe two forms of punishments: Hadd which literally means the 'limit' and has been defined as punishment ordained by the Holy Quran and Sunnah and; Tazir which literally means 'to punish' and includes any punishment other than Hadd. Requirement for the imposition of the Hadd were/are that the accused must be an adult (18 years for a male or 16 for a female or puberty); the accused confess to the crime or there must be eye-witnesses to the crime; two eye-witnesses are required for all crimes, except in the cases of zina (adultery or fornication) and zina-bil-jabr (rape), four eye-witnesses are required and; the witnesses must be adult Muslim males (the testimony of Muslim females or non-Muslims - male or female- is not accepted against a Muslim accused), but they can also be non-Muslims (male and female) if the accused is a non-Muslim.

Some of the Hadd Punishments were/are: stoning to death for zina (adultery/fornication) by adult married Muslim; 100 lashes for zina (adultery/fornication) by adult non-Muslim or adult single Muslim; stoning to death for rape by married Muslim; 100 lashes plus any other punishment including death for rape by adult non-Muslim or adult single Muslim; 80 lashes for drinking of intoxicating liquor by adult Muslim; amputation of the right hand (on 1st offence) and amputation of the left foot (on 2nd offence) for theft from an enclosed space of goods of more than a specified value.

Dictator Ziaul Haq also promulgated Qanun-e-Shahadat, 1984 (Law of

Evidence) which made a woman's testimony half as that of a man or 'testimony of two women was considered equal to one man's testimony'.

From 1999 to 2002

There was no Parliament from 1999 to 2002, after the overthrow of Nawaz Sharif's elected government by Chief of Army Staff General Pervez Musharraf. Constitution was also held in abeyance. General elections were held in 2002 and the 12th National Assembly came into existence. The Pakistan Citizenship Act, 1951, was partially amended enabling children of Pakistani women to citizenship in 2001, but their foreign spouse were still barred from acquiring Pakistani citizenship. Amendments in Family Courts Act were also made in 2002 to ensure that women get 'khula' within a specified time-period.

Restoration and enhancement of reserved seats for women in national and provincial assemblies and the Senate was the landmark event during this period; 17% seats were reserved for these assemblies; 33% seats for women were reserved in the local government system. This may be noted here that the reservation of seats for women was a constitutional provision in the 1973 Constitution which lapsed with the general elections in 1988. As a result of this affirmative action measure in 2002, thousands of women were elected at the local level and the proportion of representation of women in national and provincial assemblies rose to nearly 20% changing the overall complexion of Pakistan's elected Houses. The first significant step in breaking the glass ceiling and achieving a critical mass of women's political representation had been taken with a long-lasting impact.

From 2002 to 2007

The foundation of the new wave of

gender-based legislation was laid down primarily by women parliamentarians in the 12th National Assembly, the Senate and the four provincial assemblies with the complete support of mainstream women's rights and human rights organizations, including Aurat Foundation, WAF, HRCP, SAP-PK, AGHS, Shirkat Gah, SPO, SDPI, Sungi and PILER. The centre-stage, however, was managed and run by women legislators across political parties. Several prominent male supporters in their respective parties were also supporting them, in addition to the National Commission on the Status of Women which had also been set up in 2000. The performance of women legislators in the 12th National Assembly was amazing. Though a majority of their legislative efforts did not succeed, these were important because they, in fact, led to the results being witnessed today.

The records of the 12th National Assembly show that Ms. Sherry Rehman (PPPP) and others from her party moved the only Private Members Bill in 2003 titled "The Protection and Empowerment of Women Bill, 2003"; in 2004, Ms. Sherry Rehman also moved a bill on addressing the issue of 'honour' killings. But, meanwhile, an official bill on ending 'honour' killing was moved in the House, on 30 July, 2004. The bill, on which Ms. Nilofar Bakhtiar, Advisor to PM on Women's Development was working for quite some time in collaboration with Aurat Foundation did not have both the provisions on Qisas and compensation, which were part of the private bill as well as the draft bill which was prepared by Ms. Shahla Zia (late). However, since the author of this article was privy to the efforts being made in this regard, it could be said that Ms. Nilofar Bakhtiar, Ms. Mehnaz Rafi and Ms. Kashmala Tariq from the ruling party (PML-Q) tried their best even till the last moment to get both these positive amendments incorporated in the bill. They failed due to strong resistance from some quarters in the government and party. The official bill was passed by the National Assembly on 26 October 2004.

Among important private members bills moved during the second year included: the Pakistan Penal Code (Amendment) Bill, 2004 (Amendment in 366-C), by Ms. Mehnaz Rafi (PML-Q); the Uplift and Welfare of Women Bill, 2004, by Ms. Samia Raheel Qazi (MMA); the Pakistan Penal Code (Amendment) Bill, 2004, and the Code of Criminal Procedure (Amendment) Bill, 2004, by Ms. Kashmala Tariq (PML-Q) and; 'The Family Court (Amendment) Bill, 2004, by Ms. Mehreen Anwar Raja (PPPP).

In 2005, general focus has been to legislate for uplifting women's status and ending grave discriminations against

Continued on next Page

Seven pro-women laws in seven years

From Page 2

them. Important bills moved during 2005 were: the Equality of Opportunity for Women Employment Bill, 2005; the Prevention of Domestic Violence Bill, 2005; and the Hudood Laws (Repeal) Bill, 2005, moved by Ms. Sherry Rehman; the Family Courts (Amendment) Bill, 2004, the Offence of Zina Enforcement of Hudood (Amendment) Bill, 2005, and the Offence of Qazf Enforcement of Hudood (Amendment) Bill, 2005 by Ms. Kashmala Tariq; the Pakistan Citizenship (Amendment) Bill, 2005 (twice moved), the Establishment of the Office of Wafaqi Woman Motasib Bill, 2005, the Senior Citizens Bill, 2005, by Ms. Mehnaz Rafi; the Protection of Serving Women Bill, 2005 (twice moved), the Inheritance for Women Bill, 2005, the Economic Stability of Women Bill, 2005, the Hudood Laws Effective Enforcement and Protection Bill, 2005, by Ms. Samia Raheel Qazi. Other bills of significant nature for women were: the Code of Criminal Procedure (Amendment) Bill, 2005, and the Code of Civil Procedure (Amendment) Bill, 2005, by Ms. Beelum Hasnain (PPPP); the Code of Criminal Procedure (Amendment) Bill, 2005, by Ms. Samina Khalid Ghurki (PPPP); the Prohibition of Marriage with the Holy Quran Bill, 2005, and the Dowry and Bridal Gifts Restriction Bill, 2005, by Dr. Farida Ahmad Siddiqui (MMA); and the Criminal Law (Amendment) Bill, 2005, Ms. Rubina Saadat Qaimkhwani (PPPP).

In 2006, the fourth year, the National Assembly passed the official bill 'The Protection of Women (Criminal Laws Amendment) Bill, 2006, moved by the government on 21 August 2006. PPPP, MQM and ANP supported the bill. MMA (an alliance of six religious parties) opposed it and the PML-N abstained from the voting. The bill drastically amended two of the Hudood Ordinances, the Zina and Qazf Ordinances. Some of its salient features were that it separated the Hadd and Tazir offences/punishments; rape (zina-bil-jabr) was separated from fornication/adultery and shifted to the PPC from the Zina Ordinance; the offence of fornication (all sex outside marriage) was inserted in the PPC as separate sections (496B & 496C) with imprisonment up to five years and fine up to ten thousands rupees; procedure for complaint of zina & qazf changed; and simultaneous imposition of Qazf made possible.

During the same year (2006) Ms. Mehnaz Rafi also moved a bill "the Offence of Qazf (Enforcement of Hadd) (Amendment) Bill, 2006", to reform the Qazf Ordinance. In the meantime, Ms. Kashmala Tariq brought another bill to further reform the Hudood Ordinance through her bill titled "the Offence of Zina (Enforcement of Hadd) (Amendment)

Bill, 2006". Two bills on Muslim family laws namely, "the Muslim Family Laws (Amendment) Bill, 2006", by Aisha Munawar and Ms. Inayat Begum (MMA) were moved in the fourth year; and one with the same title was moved by Ms. Rubina Shaheen Wattoo. Ms. Shakeela Khanam Rasheed (PPPP) also moved an important bill called "the Bonded Labour System (Abolition) (Amendment) Bill, 2006" in 2006. The last and the fifth parliamentary year (2007) proved to be

Senate could make only two laws for women during its tenure, which were the law on 'honour' killings in 2004 and the Protection of Women Act in 2006.

From 2008 to 2012

General elections were held in 2008. But, there was no going back to the momentum created by the previous National Assembly. Aurat Foundation, UNIFEM and Ministry of Women's

National Assembly by Ms. Yasmeen Rehman (MNA PPPP) as a private members bill in latter half of 2008. Aurat Foundation and UNIFEM succeeded in merging their versions into one draft through a consultative process. This draft was further discussed and shared with different stakeholders by a team of Aurat Foundation led by Ms. Malihaz Zia and; finally handed it over to the MoWD. Since, by that time the fourth DVB had been tabled in the National Assembly, the Standing Committee of the National Assembly on Women's Development under its Chairperson Ms. Bushra Gohar (MNA ANP) performed the task of further consultation through a sub-committee headed by Dr. Attiya Inayatullah (MNA PML-Q). This committee developed the final version. The National Assembly made history on 4 August 2009 by passing the Domestic Violence (Prevention and Protection) Bill 2009 of Ms. Yasmeen Rehman. Unfortunately, this bill got lapsed in the Senate and nothing could be done to save it due to changes in the legislative process after the 18th Constitutional Amendment. A recent initiative by the NCSW has created new hopes of the passage of a new reformed version of the DVB. In the meanwhile, women legislators in collaboration with the NCSW and Aurat Foundation are making efforts to introduce comprehensive legislation on domestic violence in provincial legislatures which hopefully will bear fruit soon.

In 2010, came two laws to curb sexual harassment against women as official bills. The first one is Criminal Law (Amendment) Act, 2010, which makes amendment in section 509 of the PPC relating to sexual harassment of women at workplace. This is a good piece of legislation. The Act defines the offence of sexual harassment and says that the offence "shall be punished with imprisonment which may extend to three years or with fine up to five hundred thousand rupees or with both". The other, more comprehensive law titled "The Protection against Harassment of Women at the Workplace, Act, 2010". This is the main and comprehensive law to address the issue of sexual harassment of women at workplace. AASHA, a civil society coalition must be credited and appreciated for its dedication and pursuance to take the bill to its final stages and get it passed. Ms. Sherry Rehman, who was holding the portfolio of Information Minister at that time made special efforts to hold two broad-based consultative meetings of various stakeholders to have input and feedback on the bill. Aurat Foundation was part of these consultation meetings and the suggestion of setting up the institution of Federal Ombudswoman under the Act came from one of its representative. This bill was passed by the National Assembly on 22 January



Movement for repeal of the Hudood Ordinances

The movement against the Hudood Ordinances started soon after their introduction in 1979, when it became apparent that these laws were blatantly discriminatory against women and minorities; and that they were also becoming an instrument of oppression and injustice against them. Women's Action Forum (WAF) was formed and it led the struggle against these laws. On 12 February, 1983, Punjab Women's Lawyers Forum and WAF took out a rally in Lahore against the Law of Evidence. Participants of the rally were severely baton-charged, tear-gassed and sent to lock-up (12 February is now commemorated as the National Women's Day in Pakistan). Meanwhile, thousands of women were booked, tried, humiliated and convicted as a gross miscarriage of justice by these laws, particularly the Zina Ordinance. Civil society organizations, particularly Aurat Foundation, HRCP, Shirkat Gah, AGHS and SAP-PK among others, made consistent and determined efforts for nearly two decades through nation-wide advocacy campaigns, rallies and demonstrations, research and information development and dissemination. They held the view that these laws were in conflict with the equality provisions of the Constitution, particularly Article 25 and Article 34; and they had grossly misinterpreted Islamic Injunctions and were clearly discriminatory towards women and minorities. In 1997, the Commission of Inquiry for Women, an official body chaired by a sitting judge of the Supreme Court, recommended the immediate repeal of the Hudood Ordinances; in 2003, the National Commission on the Status of Women, a statutory body chaired by a retired judge of the High Court, also recommended the repeal of these laws; leading jurists of the country and members of intelligentsia, including eminent intellectuals, journalists and academicians also joined the movement for the repeal of these laws. A number of comprehensive studies by prominent Islamic scholars held the view that these laws were un-Islamic and unjust and must be repealed; at least three mainstream political parties - PPPP, MQM and ANP - stood for their repeal, in addition to a number of regional and smaller parties; several leading members of the PML-Q also favoured its repeal.

lackluster in legislative activities as the Assembly met for much less days than in all the previous years and women parliamentarians moved 17 private members bills during this year. However, before the expiry of its five-year-tenure, the National Assembly did a noble thing - it referred both the DVBS, moved by Ms. Sherry Rehman and Ms. Mehnaz Rafi, to the concerned Standing Committee with the directive that these should be clubbed together. As a matter of record, it may be noted that the National Assembly and the

Development (MoWD - now devolved to provinces after the 18th Amendment) worked collectively to develop a consensus on DVB as four separate drafts were circulating - one that had been tabled by Ms. Sherry Rehman and Ms. Mehnaz Rafi in the previous National Assembly and had been clubbed together by the MoWD; second which was prepared by the Aurat Foundation with the help of Justice (Retd.) Nasira Javed Iqbal; third prepared by the UNIFEM; and the fourth which was tabled in the 13th

Continued on next Page

Seven pro-women laws in seven years

From Page 3

2010. It became law after the approval of the Senate and the assent of the President. The law will protect women belonging to various sectors such as brick kiln workers, agriculture workers, domestic workers, and women in the market and public places.

The law proposes the establishment

of an inquiry committee in each organization within thirty day period of the enforcement of this Act to enquire into complaints. "The committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is no CBA."

The current year, 2011, is ending with a gift of two more very important laws to end injustice and discrimination against women by penalising offences related to customary practices and acid crimes. The mover of the Prevention of Anti-Women Practices Bill, 2011, is Ms. Donya Aziz of PML-Q, who tabled the bill with the full backing of her party's leadership. The bill got unanimously passed from the National Assembly on

15 November 2011 and also unanimously from the Senate on 12 December 2011 (the analytical comment on the Prevention of Anti-Women Practices, 2011, Bill, was published in the previous issue No. 37 of Legislative Watch, which is available on Aurat Foundation's website www.af.org.pk). Earlier, on 10 May, 2011, the National Assembly also unanimously passed 'The Acid Control and Acid Crime Prevention Bill 2010', which recommends 14-year to lifetime imprisonment sentence and fines up to Rs 1 million for those who commit the crime. The original movers of the Acid Control and Acid Crimes Prevention Bill, 2011, were Ms. Marvi Memon, Begum Shahnaz Sheikh and Advocate Ms. Anusha Rehman. However, since this bill had also lapsed in the Senate, it was re-tabled by Senator Nilofar Bakhtiar. This bill has also received unanimous support from the Senate on 12 December 2011.

Seven pro-women laws: some concluding observations

The first progressive law for women, the MFLO, came in 1961. Besides some amendments and rules for these laws, the next positive legislation for women came after nearly 16 years, i.e. in 1976 when the Dowry and Bridal Gifts (Restriction) Act, 1976 became law. From 1977 onward, it was a long and oppressive era of discriminatory laws for women and minorities, some of which are still intact and in vogue. This era was tantamount to 'legal tyranny' against women and minorities. Democracy returned to Pakistan with the elections in 1988. However, for the next ten years until 1999, despite several important policy and institutional measures no major gender-based legislation for women was undertaken during this period. Nearly 28 years after 1976 the new wave of focused pro-women legislation hit the shores of the Parliament in 2004, as elaborated above.

The presence of women parliamentarians in both Houses of the Parliament, as well as, in the Provincial Assemblies is certainly the overarching and crucial factor behind recent legislative activism in the Federal Parliament in the last 7-8 years. Women legislators have showed their enthusiasm and eagerness to do something for women of Pakistan, since they had got an opportunity to do so. This shows a genuine interest among women legislators to have some kind of positive legislation in the interest of women from their own or their parties' perspective.

All these new bills and laws would have not been possible if these women would have not been sitting in these legislatures. These bills and laws are result of personal commitment, energy, ability and maturity of women parliamentarians. People who have some idea of the law-making process in the Parliament know that how serious, patient and even long and complicated it is. It is also a battle simultaneously fought on several fronts. Party high command is required to be convinced; colleagues across party and across gender need to be won over; there are bureaucratic hurdles and long procedures of standing committees; arguments and counter-arguments etc.

Women legislators have demonstrated and proved that they could be good politicians and parliamentarians.

The study of activities of women parliamentarians in the 12th National Assembly elaborated above reveals that women MPs did move bills on the issues of inheritance, marriage with Quran, citizenship rights, uplifting women's status and ending injustice and discriminations against them and even on customary practices of wanni and swara. They had also moved bills to reform Hudood Ordinances and the MFLO.

Inspired by the vision of Shaheed Benazir Bhutto, the decision of Pakistan People's Party to nominate Dr. Fehmida Mirza as Speaker of National Assembly, and Begum Shahnaz Wazir Ali as Advisor to PM on Social Sector, contributed immensely in promoting women-friendly and gender-sensitive political culture. The appointment of several women ministers at the federal and provincial level further contributed to strengthening women's political base. Appointment of the first-ever woman minister in Khyber Pakhtunkhwa by the ANP government and election of a woman Deputy Speaker in Sindh Provincial Assembly were also measures in the same positive direction.

Several key institutions are in place and active: Women's Parliamentary Caucus is undertaking pro-active measures, and it has been able to bring together women parliamentarians across parties, like Ms. Nafisa Shah from PPP, Begum Ishrat Ashraf and Begum Nuzhat Sadiq from PML-N and Ms. Bushra Gohar from ANP.

Standing Committees are more cognizant of their role and are also more active than before. Ministry of Human Rights is pro-active. Pakistan has ratified important international human rights treaties during the last two years, which were long overdue.

The NCSW which took the lead to reform laws concerning women under its first chairperson Justice (Retd.) Majida Rizvi, remained vibrant during Syeda Arifa Zehra's tenure and; is cur-

rently writing history by undertaking several legislative initiatives and attaining full autonomy for itself under the dynamic leadership of Ms. Anis Haroon, who is one of the pioneers of women's rights movement in Pakistan.

Political climate and times have changed. This is not 1999. Democratic forces are stronger and better positioned today than before. It is not easy to ignore or suppress anyone's voice. Rule of law and supremacy of Constitution have become common parlance after judicial activism by our superior courts.

Mainstream media is though politically-motivated to the extent of blatant manipulation, its role in highlighting and promoting social causes and gender equality, particularly in reporting violations of human rights of citizens and violence against women, is extremely positive and needs to be acknowledged.

Civil society has emerged as a major stakeholder among governance institutions outside the State orbit. There is increased awareness on issues which were never on the priority list of political parties with the gender gap in literacy rate in urban centres narrowing down to almost nil.

Public representatives sitting in the Parliament from various political parties are aware of the surrounding climate. The unanimity shown by the Parliament on more than one occasion in passing a number of pro-women laws mean that the law-makers are inclined to pay attention to women's concerns. They are hearing all kinds of demands by their constituents for change in social relationships and perhaps they are trying to respond to the changing trends and emerging realities in society, where everyone is demanding equality and justice.

Perhaps, this is a season of local, as well as, global high tide of gender equality in the ocean of human progress - a new historical wave? And perhaps the era of 'legal tyranny' which began with the promulgation of discriminatory laws against women by dictator Ziaul Haq is finally coming to an end!

Several important bills are still pending before the Parliament, which include a private members bill moved by Ms. Bushra Gohar to remove discrimination in the existing Pakistan Citizenship Act, 1951.

Policy and Institutional Measures

Several landmark developments to accord policy and institutional framework to women's rights and empowerment have preceded and followed the pro-women legislation referred to in this discussion, mainly during the last two decades. Briefly these are: setting up of First Women Bank in 1989 and women police stations in 1994; launching the ambitious Lady Health Workers Programme in 1994; setting up of Commission of Inquiry for Women in 1994 and launching of its Report in 1997; ratification of CEDAW in 1996; launching of National Plan of Action for Women in 1998; establishment of 25 crisis centres for women survivors of violence since 1997 to 2008; establishment of a permanent National Commission on the Status of Women in 2000; launching of National Policy for Development and Empowerment for Women in 2002; introduction of 33% reserved seats for women in local councils and 17% quota of reserved seats for women in national and provincial legislatures in 2000 and 2002, respectively; launching of Gender Reforms Action Plan (GRAP) in 2005; launching of Benazir Income Support Programme, with women as primary beneficiaries, in 2008. Also in 2008, the cross-party Women's Parliamentary Caucus (WPC) was formed in the Federal Parliament. In 2008, the full-fledged Ministry of Human Rights was established giving a new and holistic human rights perspective and dimension to governance structures and institutions.—*The author is associated with Aurat Foundation*

16 Days of Activism to End Violence against Women observed with rallies, performances and vigils



Ms Shabina Ayaz addressing the rally in Haripur.

HARIPUR: Aurat Foundation's Peshawar office ended the 16 Days of Activism by organizing a rally in Haripur to demand of the Senators to pass the Anti-Women Practices bill in the Senate when it is tabled there. The rally, held on the Human Rights Day i.e. 10th December, 2011, was joined by hundreds of local community members, mostly women, human rights and political activists. The rally started from Zafar Park and ended at Ayub Park after marching through different city roads. The rally was addressed by Naem Mirza, Chief Operating Officer of Aurat Foundation, Shabina Ayaz, Resident Director, Aurat Foundation's Peshawar office, Rabia Waqar from NCA and others. The participants or the rally asked the Senate of Pakistan to pass the bill already approved by the National Assembly to protect women from the negative customs and traditions. The participants were carrying banners inscribed with slogans that urged the Senators to play their role and endorse the bill, which had declared customary practices of swara, wani, forced marriages, their marriage with Quran and disinheritance of women illegal.



Ms Anis Haroon speaking at the Aurat Yakjehti Mela at Islamabad.

ISLAMABAD: Aurat Foundation Islamabad office organized Aurat Yakjehti Mela in honour of the International Day for the Elimination of Violence against Women on November 25, 2011, at the Lok Virsa Heritage Museum under the auspices of Gender Equity Program. The mela was one in a series of events that were held to launch the 16 Days of Activism against Gender Violence. The 16 Days campaign begins on November 25 each year and ends on December 10, the International Human Rights Day.



Ms Feryal Gauhar performing solo in 'Khali Kamra' in Islamabad.

crimintory practices against women and girls and was recently passed by the national assembly.

"We all, men and women, need to take an active role in addressing and preventing violence, changing gender attitudes, and increasing the commitment by community and government leaders on the issue", said Dr. Andrew Sisson, Director of USAID Mission in Pakistan addressing participants of the event. Anis Haroon, the chairperson of National Commission for the Status of Women, highlighted the need to challenge militarism and end violence against women by bringing together women's rights, peace and human rights movements. Naem Mirza, Chief Operating Officer of the Aurat Foundation, discussed the Prevention of Anti-women Practices Act 2011, which criminalizes violent and dis-

Simi Kamal, the Chief of Party for the USAID-funded Gender Equity Program, outlined the strategy that the program adopted to combat gender based violence. Black Box Sounds presented a USAID-funded media campaign that will highlight stories of struggle and courage of working Pakistani women through different TV, radio channels, and newspapers.

Renowned artist Feryal Gauhar made a theatrical performance, titled 'Khali Kamra' (empty room).



QUETTA: On 25th of November 2011, Aurat Foundation, in collaboration with Balochistan Gender network (network of different organization in Balochistan) held an event to highlight the significance of 16 Days of Activism. Event was embedded with informative sessions, documentaries, stage performances, and candle light vigil, all sending strong message to stop violence against women.

Cultural show in Karachi to mark 16 Days of Activism

KARACHI: Aurat Foundation Karachi team organized an 'art and cultural' event to mark the 16 Days of Activism.

The event was organized on December 9, 2011, at the Mumtaz Mirza Auditorium, Karachi. The poets invited highlighted key gender issues faced by women in society including violence. A folk band 'Marval', led by a young female singer Marval Murk from flood-affected district Sanghar, sang the poetry of Shah Abdul Latif Bhittai and other sufi poets. The band was . The event was chaired by famous poet Ms Fahmida Riaz. Other poets



included Azra Abbas, Nasim Anjum, Sadia Hareem and Attiya Syed, Fatima Hassan, Tanvir Daud.

LEGISLATIVE WATCH

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Advisory Board:

I.A. Rehman, Tahira Abdullah, Naem Mirza

Editorial Board

Wasim Wagha, Sarwat Wazir

Letters, opinions and contributions are welcome. Please write to House 12, Street 12, F-7/2, Islamabad Tel: (051) 2608956-8, Fax: (051) 2608955 Email: lwprs@af.org.pk Website: www.af.org.pk

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The World's Women 2010: Trends and Statistics

The World's Women 2010 report, prepared by the Department of Economic and Social Affairs of the United Nations Secretariat and the Statistics Division, presents and analyses world-wide statistics on the status of women and highlights the differences between the status of women and men in various areas of contemporary life.

This is a 255-page comprehensive and representative report of its own nature presenting unique and valuable data on the situation of women globally in eight key areas of human life. We are reproducing below the message of the Secretary General of the United Nations, Mr. Ban Ki-Moon, along with "Key Findings" verbatim as presented in the beginning of each chapter of the report with the acknowledgement of the strenuous and committed effort made by the United Nations' team of researchers and writers.

The report is available on the website of the United Nations. —*Editor Legislative Watch*

Message from the Secretary-General

The United Nations occupies a unique position as a global storehouse of statistical information on social and economic phenomena. Numerical profiles of women and men and their status in societies are systematically collected, compiled, processed and analyzed, providing an authoritative basis for sound policymaking at all levels - national, regional and international.

The World's Women: Trends and Statistics was first published by the United Nations in 1991. A new edition has been issued every five years since 1995, as called for specifically in the Beijing Platform for Action adopted at that year's landmark Fourth World Conference on Women. With coverage encompassing the full range of issues and concerns, it is the only publication of its kind.

The World's Women 2010 is intended to contribute to the stocktaking being done to mark the fifteenth

anniversary of the Beijing Conference. It addresses critical aspects of life: population, families, health, education, work, power and decision-making, violence against women, environment and poverty. It finds that progress in ensuring the equal status of women and men has been made in many areas, including school enrolment, health and economic participation. At the same time, it makes clear that much more needs to be done, in particular to close the gender gap in public life and to prevent the many forms of violence to which women are subjected.

It is my hope that the insights and information contained in the present publication will help Governments, researchers, scholars, non-governmental organizations and concerned citizens around the world in their efforts to ensure that every single woman achieves her full potential.

Ban Ki-Moon

Population and families

Key findings

- The world's population tripled in the period 1950-2010 to reach almost 7 billion.
- There are approximately 57 million more men than women in the world, yet in most countries there are more women than men.
- There is a "gender spiral", with more boys and men in younger age groups and more women in the older age groups.
- Fertility is steadily declining in all regions of the world, though it still remains high in some regions of Africa.
- Life expectancy is steadily rising, with women living longer than men.
- International migration is increasing. There are more and more women migrants, and in certain areas they outnumber men.
- The age at marriage for women continues to rise - and it remains high for men.
- In family life women overwhelmingly carry the workload, although in some countries the gap has narrowed significantly.

- 72 million children of primary school age are not attending school, out of which over 39 million (or 54 per cent) are girls.
- While secondary school enrolments show improvement, fewer countries are near gender parity than for primary education.
- In tertiary enrolment, men's dominance has been reversed globally and gender disparities favour women, except in sub-Saharan Africa and Southern and Western Asia.
- Women in tertiary education are significantly underrepresented in the fields of science and engineering; however, they remain predominant in education, health and welfare, social sciences, and humanities and arts.
- Worldwide, women account for slightly more than a quarter of all scientific researchers - an increase compared to previous decades but still very far from parity.
- Use of and access to the Internet grew exponentially in the past decade, narrowing the gender digital divide - however, women still do not have the same level of access as men in most countries, whether more or less developed.

Health

Key findings

- Women live longer than men in all regions.
- Two out of every five deaths of both women and men in Africa are still caused by infectious and parasitic diseases.
- Women are more likely than men to die from cardiovascular diseases, especially in Europe.
- Breast cancer among women and lung cancer among men top the list of new cancer cases globally.
- Women constitute the majority of HIV-positive adults in sub-Saharan Africa, North Africa and the Middle East.
- The vast majority of the over half a million maternal deaths in 2005 occurred in developing countries.
- The proportion of pregnant women receiving prenatal care is on the rise in many regions.
- Despite intensified efforts for reduction, Africa remains the region with the highest child mortality.
- Data reveal no significant disparity in the proportion of underweight girls and boys.

Work

Key findings

- Globally, women's participation in the labour market remained steady in the two decades from 1990 to 2010, whereas that for men declined steadily over the same period; the gender gap in labour force participation remains considerable at all ages except the early adult years.
- Women are predominantly and increasingly employed in the services sector.
- Vulnerable employment - own-account work and contributing family work - is prevalent in many countries in Africa and Asia, especially among women.
- The informal sector is an important source of employment for both women and men in the less developed regions but more so for women.
- Occupational segregation and gender wage gaps continue to persist in all regions.
- Part-time employment is common for women in most of the more developed regions and some less developed regions, and it is increasing almost everywhere for both women and men.
- Women spend at least twice as much time as men on domestic work, and when all work - paid and unpaid - is considered, women work longer hours than men do.
- Half of the countries worldwide meet the new international standard for minimum duration of maternity leave - and two out of five meet the minimum standard for cash benefits - but there is a gap between law and practice, and many groups of women are not covered by legislation.

Education

Key findings

- Two thirds of the 774 million adult illiterates worldwide are women - the same proportion for the past 20 years and across most regions.
- The global youth literacy rate has increased to 89 per cent, while the gender gap has declined to 5 percentage points.
- Gaps between girls' and boys' primary enrolment have closed in the majority of countries, but gender parity is still a distant goal for some.

Power and decision-making

Key findings

- Becoming the Head of State or Head of Government remains elusive for women, with only 14 women in the world currently holding either position.
- In just 23 countries do women comprise a critical mass - over 30 per cent

Continued on next Page

The World's Women 2010: Trends and Statistics

From Page 6

- in the lower or single house of their national parliament.
- Worldwide on average only one in six cabinet ministers is a woman.
- Women are highly underrepresented in decision-making positions at local government levels.
- In the private sector, women continue to be severely underrepresented in the top decisionmaking positions.
- Only 13 of the 500 largest corporations in the world have a female Chief Executive Officer.

- drinking water, and most of the burden of water collection falls on women.
- The majority of households in sub-Saharan Africa and in Southern and South-Eastern Asia use solid fuels for cooking on open fires or traditional stoves with no chimney or hood, disproportionately affecting the health of women.
- Fewer women than men participate in high-level decision-making related to the environment.

Violence against women

Key findings

- Violence against women is a universal phenomenon.
- Women are subjected to different forms of violence - physical, sexual, psychological and economic - both within and outside their homes.
- Rates of women experiencing physical violence at least once in their lifetime vary from several per cent to over 59 per cent depending on where they live.
- Current statistical measurements of violence against women provide a limited source of information, and statistical definitions and classifications require more work and harmonization at the international level.
- Female genital mutilation - the most harmful mass perpetuation of violence against women - shows a slight decline.
- In many regions of the world longstanding customs put considerable pressure on women to accept abuse.

Environment

Key findings

- More than half of rural households and about a quarter of urban households in sub-Saharan Africa lack easy access to sources of

Poverty

Key findings

- Households of lone mothers with young children are more likely to be poor than households of lone fathers with young children.
- Women are more likely to be poor than men when living in one-person households in many countries from both the more developed and the less developed regions.
- Women are overrepresented among the older poor in the more developed regions.
- Existing statutory and customary laws limit women's access to land and other types of property in most countries in Africa and about half the countries in Asia.
- Fewer women than men have cash income in the less developed regions, and a significant proportion of married women have no say in how their cash earnings are spent.
- Married women from the less developed regions do not fully participate in intrahousehold decision-making on spending, particularly in African countries and in poorer households.

Women MPs demand 10% party tickets on general seats

Islamabad: Women Parliamentarians from four provincial assemblies, i.e. Punjab Provincial Assembly, Sindh Provincial Assembly, Khyber Pakhtunkhwa Provincial Assembly and Balochistan Provincial Assembly, demanded ten percent mandatory quota of party tickets on general seats, while addressing a press conference at the National Consultation organised by Legislative Watch Programme for Women's Empowerment of Aurat Foundation on November 26-27, 2011.

During the press conference, they read a declaration, which was endorsed after a heated debate among themselves and civil society activists.

The declaration was endorsed by Ms Shehla Raza, Deputy Speaker, Provincial Assembly, Sindh, Dr Ruqiyah Hashmi, Minister for Inter-Provincial Coordination, Balochistan, Ms Ghazala Gola, Minister for Women's Development, Balochistan, Ms Heer Soho, MPA (MQM), Sindh, Ms Nusrat Saher Abbasi, MPA (PML-F), Sindh, Ms Humaira Alwani, MPA (PPPP), Sindh, Ms Shameela Aslam, MPA (PML-N), Punjab, Ms Faiza Malik, MPA (PPPP), Punjab, Ms Amna Butter, MPA (PPPP), Ms Deeba Mirza, MPA (PML-N), Punjab, Ms Shazia Tehmas, MPA (PPPP), Khyber Pakhtunkhwa, Ms Nargis Samin, MPA (PPP-Sherpao), Khyber Pakhtunkhwa and Ms Noor-us-Sehar (PPPP),



Ms Shehla Raza, Deputy Speaker, Provincial Assembly, Sindh, and several women legislators from four provincial assemblies (in the front row) addressing the press conference in Islamabad.

Khyber Pakhtunkhwa.

The Declaration reads:

"We, Women Parliamentarians from Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Sindh and Punjab and representatives of civil society organizations re-affirm our commitment to protect and preserve the provision of reserved seats in the Constitution for women in the National Assembly, Senate and the Provincial Assemblies.

We, Women Parliamentarians, would also like to demand that political parties develop consensus among them-

selves to amend the Political Parties Act so as to provide mandatory quota of 10 per cent of general seats to women to mainstream them in electoral processes before the next elections, in addition to the already available reserved seats for women.

We believe that the provision of the Reserved Seats for women is the Constitutional right of women of Pakistan under Articles 25, 34, 51 and 106, e.g. Article 25 (3) states: "Nothing in this Article shall prevent the State from making any special provision for the protection of women and children".

We believe that women parliamentarians

role in Assemblies helps to initiate debates on issues of women's empowerment both within and outside legislatures, and eventually, lead to their playing a key role in law-making on crucial issues which concern women and citizens of Pakistan.

We must acknowledge that all important legislation (laws/Bills on 'honour' killings, Women's Protection Act, Protection of Women from Harassment at Workplace, Domestic Violence Bill, Acid Control and Acid Crimes Prevention Bill and recently passed Prevention of Anti-Women Practices Bill) which had been carried out in the Parliament for the last nine years would have not possible without the initiatives and consistent efforts of women parliamentarians across political parties.

We would also like to reiterate the commitment made by the Women's Parliamentary Caucus at a Roundtable on 29 September 2011, that "we further commit to enhance and strengthen women's representation in legislatures by working within our respective political parties and elected representatives and examining how the systems of nominations to the reserved seats could be made more democratic and transparent; and that women are represented at all levels of decision-making in political forums". —*Staff Report*

Senators asked to pass the Anti-Women Practices Bill

QUETTA: Aurat Foundation's Quetta office team organized a provincial consultation to celebrate and share the passage of 'Prevention of Anti-Women Practices (Criminal Law Amendment) Bill, 2011' and devise strategy to influence the Senators, with the help of women parliamentarians, politicians and civil society, for the passage of the Act from the Senate too. The participants included members of Balochistan Assembly, representatives of civil society organizations, lawyers, political and social activists and media persons.

Justice (R) Vishwarnath Kohli, member National Commission on the Status of Women (NCSW) shared the main points of the bill and suggested some major amendments. Ms Husn Bano, MPA (JUI) and Advisor to the Chief Minister, and Ms Zarina Zehri, PMA



(R-L) Ms Rukhsana Ahmed Ali, Justice (R) Vishwarnath Kohli, Ms Zarina Baloch, Husn Bano and Ms Saima Haroon in Quetta.

(PPPP) and Advisor to the CM appreciated the efforts of Aurat Foundation that it always takes lead in conducting consultations like this.

They said they would lobby with the Senators of Balochistan for the passage of the Act from the Senate. Ms Rukhsana Ahmed Ali, member National Commission on the Status of Women (NCSW) also spoke on the Act.

Haroon Dawood, Resident Director, and Amir Ali from Aurat Foundation gave details of the process of the passage of the bill from the National Assembly, and history of women's movement in Pakistan. Women politicians present in the consultation gave their commitment to lobby the bill with their respective party senators.



LAHORE: Ms Nigar Ahmed, Executive Director of Aurat Foundation, along with the members of Joint Action Committee, at the candle light vigil to condemn the NATO forces attack on Pakistani forces. The vigil was organized on Tuesday, November 29, 2011.



Members of Insani Haqooq Ittehad chanting slogans against NATO aggression in Islamabad.

GEP scoping studies launched

Gender Equity Programme (GEP) organized an event in collaboration with the Applied Economics Research Centre (AERC) at the University of Karachi on 22nd November, 2011 to launch the scoping desk studies. The scoping desk studies and three key research thrusts included: i) primary research studies covering gender-based violence, ii) a national baseline study for GEP and iii) policy research studies.



Ms Tauqeer Fatimah Bhutto, Minister for Women Development Sindh addressing the seminar.

The launch event commenced with the screening of GEP Documentary 'Main Safar Main Hoon'. Ms Mahnaz Rahman, Resident Director, AF Karachi Office gave the introductory remarks. Muneezeh Saeed Khan, Sr. Program Officer (M&E), AF presented the findings of Scoping Studies & Upcoming Research under GEP and Ms Shahida Sajid Ali, Program Officer (CB) AF, facilitated the event. The key note speakers were Dr Nuzhat Ahmad,

Director, Applied Economics Research Centre -AERC, University of Karachi and Dr Aliya, Lecturer, Centre of Excellence for Women's Studies - CEWS, University of Karachi.

The Chief Guest of the event was Ms Tauqeer Fatimah Bhutto, Minister for Women Development. Ms Simi Kamal, Chief of Party - GEP, Aurat Foundation and Ms Bushra Jaffer, Deputy Chief of Party-GEP, Asia Foundation were also present at the event.

ISLAMABAD: The Insani Haqooq Ittehad (IHI), a network of human rights organizations and activists organized a candle-light vigil in Islamabad, on Tuesday, November 29, 2011, to protest the killings of 26 Pakistani soldiers in an unprovoked attack by NATO forces at a Pakistani check post in Mohmand Agency on November 26, 2011. IHI members termed it an act of aggression and a violation of international human rights standards which neither serves peace nor diplomatic relations. They also condemned and deplored the violence by militants that has resulted in the loss of over 30,000 innocent lives of Pakistani civilians and the ongoing attacks on schools and markets.

Men briefed on women's role in peace

SWAT: Women Peace Programme team of Aurata Foundation Peshawar office organized an awareness raising meeting at the Child Protection Centre (CPC), Asharay, Tehsil Matta, Swat, on November 25, 2011.

This activity was arranged for the men from community. Participants included people from different walks of life including elders, religious scholars, CPC members and other community members from different villages.

The topic of discussion in the meeting was peace and security and participation of women in peace building process. Mr Zia-ud-din Yousafzai discussed in detail the situation of peace and security in the region and shared with the participants



Nisar Alam briefing the participants on women's role in peace in Swat.

UNSCR 1325 and highlighted the role of women in peace building process.

Nisar Alam, Coordinator Child Protection Project (CPP), also spoke on the occasion.