



LEGISLATIVE WATCH

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Founded by Shahla Zia

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UN Women is born

UNITED NATIONS: The UN General Assembly on Friday, 2 July 2010, voted unanimously to create a new entity merging four UN offices focusing on gender equality and women's empowerment.

"The newest member of the UN family has been born today," UN Secretary-General Ban Ki-moon told the assembly after it passed the resolution setting up the new UN Entity for Gender Equality and the Empowerment of Women, to be known as UN Women. "This is truly a watershed day," Ban added.

The new body will merge four of the UN agencies and offices: UN Development Fund for Women (UNIFEM), e Division for the Advancement of Women (DAW), Office of the Special Adviser on Gender Issues and UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW).

The new Gender Equality Entity will be headed by an Under-Secretary General.

"By bringing together four parts of the UN system dedicated to women's issues, member states have created a much stronger voice for women and for gender equality at the global level," Ban said. "It will now be much more difficult for the world to

ignore the challenges facing women and girls or to fail to take necessary action," he added.

UN Women is the result of years of negotiations among member states and advocacy by global

Mubarak ho!

Aurat Foundation extends its warmest greetings to all GEAR campaigners in Pakistan, who contributed to the success of this campaign, which eventually bore fruit on 2 July 2010. The greetings go to all women striving for justice and equality, women's rights and human rights groups, committed activists within civil society organizations and media, government officials and funding agencies; and particularly to Rozan who was focal organization in Pakistan for advocacy and lobbying with different stakeholders; and to Maria Rasheed and Shabana Arif in Rozan who ran this campaign so effectively; and to Tahira Abdullah, who inspired the campaign with richness of her ideas and energy of her activism; and to Alice Shackelford from UNIFEM, who stood solidly behind with complete determination to guide the campaign to its final destination - the UN Women. *Mubarak ho!* — **Editorial Board**

women's movements. Set to become operational next January, it will drive the world body's efforts to promote women's rights. UN Women is set to have an annual budget of at least US\$500 million double the current combined resources of the four agencies it will comprise.

Ban acknowledged that many member states were facing resource constraints due to the global economic downturn, but he expressed confidence that the new office would receive strong financial support.

"Today's action will do more than simply consolidate UN offices," Deputy Secretary-General Asha-Rose Migiro told reporters. "It will consolidate the UN strengths," she added.

Migiro noted that while the UN has made significant strides, it has also faced serious challenges, such as inadequate funding and fragmentation. One of the main goals of UN Women will be to support the Commission on the Status of Women (CSW) and other inter-governmental bodies in devising policies.

It will also aim to help member states implement standards, provide technical and financial support to countries which request it, and forge partnerships with civil society.

Socio-political challenges and constraints faced by women

By Naeem Mirza

The most challenging area for women and women's rights groups in the socio-political context has been the repeal or reform of 'discriminatory laws against women and minorities' and the fight against 'customary practices'. The clash of interests and power battle here is of colossal nature. Orthodox religious elements have developed vested interests in the name of religion; and local power structures use culture as shield to maintain status quo, particularly the gender status quo.

'Orthodox and restrictive interpretations of religion' is an area where its ideologues and practitioners take refuge under the cover of religion and attack the proponents of equal rights for women with the weaponry of these interpretations. Mostly, they are leaders of traditional 'madrassas' and con-

servative religious political parties.

Orthodox and restrictive interpretation of religion reinforces subordination of women, tend to segregate and marginalize them; and promote intolerance, dogmatism and extremism in society. Some restrictive interpretations of religion are: woman's place is in the house; man is the master; woman's testimony is half and totally unacceptable in some cases; veil is must; polygamy is sanctioned in religion; and photography, sculpture, music, dance and co-education are 'haram'

Discriminatory laws against women and minorities discriminate women and minorities primarily on the pretext of gender and religion and widen the gap between men and women, as well as, the gap between different faiths. These laws are: The Hudood Ordinances, 1979; Qisas and Diyat Provisions in PPC; The Citizenship

Act, 1951; The Qanun-e-Shahadat, 1984; and The Blasphemy Law, 1980.

Customary practices are like a fortress, where local power structures representing tribal and feudal interests are entrenched in the name of 'local tradition and culture'. Mostly, they are the leaders of local 'panchayats', 'jirgas' and the feudal and tribal chiefs. They operate in collusion with local clergy and law-enforcement personnel. They represent the gender status quo i.e. the male-dominated social systems and patriarchy.

Customary practices against women result in certain forms of extreme violence against women and their degradation and humiliation in society. These are: karokari (honour killing); wani/swara (giving women/girls in feud settlement); watta satta (exchange marriage with in-laws family); forced marriages; denial of inheritance;

dowry; child marriages; marriage with 'Quran' etc.

Women and women's rights issues, as well as, the rights of other marginalised communities, including religious minorities, are primary targets of the restrictive and narrow interpretations of religion and harmful customary practices. This remains a tough 'political and ideological battle', in the context of social development.

The advocacy and lobbying in the arena of 'Women's Political Participation' has been relatively easy and obstacles were overcome without going much into religious argument. The opposition was tough and hostile in the beginning, but it soon started crumbling, for example, in 2000-1 local government elections, the opposition was more on religious grounds,

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Civil society celebrates creation of UN Women

The Gender Equality Architecture Reform (GEAR) Campaign is celebrating across the world the United Nations General Assembly resolution, agreed to on 30 June and adopted by the General Assembly on Friday, 2 July, to establish "UN Women"-the new gender equality entity at the UN. This move has been sought by women's organizations and other civil society organizations around the world since the UN established a System-Wide Coherence Panel for UN Reform in 2006.

Charlotte Bunch of the Center for Women's Global Leadership (CWGL) at Rutgers University, a founding member of the GEAR Campaign, stated, "We have high expectations for this new agency to be a solid foundation for advancing the human rights of women as central to global policy efforts to reduce poverty and move toward greater realization of peace and democracy in the world."

The coalition of women's groups and other social justice, human rights and development organizations that played a pivotal role in this effort will now turn its efforts toward ensuring that the new body has the human and financial resources necessary to succeed."

Particularly notable in the resolution are the paragraphs regarding the importance of civil society participation in the new entity. The body must have increased operational presence at the country level including engagement with women's groups and other civil society organizations invested in gender equality and the empowerment of women.

The GEAR Campaign's global, regional, and national networks will be contacting UN representatives at all levels to work with the transition process and the new Under Secretary-General, once appointed, to ensure they are connected with organizations on the ground ready to provide their expertise and support.

As Patricia Licuanan of the Philippines, GEAR focal point in Asia and previous Chair of the Commission on the Status of Women at the time of the Fourth World Conference on Women in Beijing says: "The new gender equality entity will assist countries in their efforts to carry out commitments made in Beijing. Working through the One UN system, we hope to see UN Women taking the lead in engendering the programs of the UN at the country level."

As the new entity is developed, GEAR

supporters will continue to advocate for four major elements critical to its implementation:

- Meaningful, systematic and diverse civil society participation at all levels
- Strong, country-level operational capacity and universal coverage
- Ambitious funding with stable and predictable resources aimed at reaching \$1 billion within a few years
- Strong leadership at the top with an Under Secretary-General who combines a global vision with gender equality expertise on the ground

"We know that this is only the beginning," stated Rachel Harris of the Women's Environment and Development Organization (WEDO). "We must continue to ensure that we are building a United Nations that really works for all women!"

Background

The GEAR Campaign is a network of over 300 women's, human rights and social justice groups around the world that have been working for four years to gain UN Member State and UN Secretariat approval for creation of a larger more coherent coordinated UN agency that can advance further the

UN's mandate of working for gender equality as a crucial component of development, human rights, humanitarian concerns, peace and security.

The new Gender Equality Entity to be headed by an Under-Secretary General, will consolidate the four existing UN bodies on women, increase operational capacity at the country level and have gain increased funding for work on women's empowerment and advancement. The UN currently has four separate entities dedicated to women's issues which will be combined in the new entity: the UN Development Fund for Women (UNIFEM), the Division for the Advancement of Women (DAW), the International Research and Training Institute for the Advancement of Women (INSTRAW), and the Office of the Special Adviser to the UN Secretary-General on Gender Issues and Advancement of Women (OSAGI).

Erstwhile UN agencies welcome merger

Four United Nations agencies working for women, namely, DAW, INSTRAW, OSAGI and UNIFEM have issued a joint statement on the occasion of the establishment by the General Assembly, of the United Nations Entity for Gender Equality and the Empowerment of Women called UN Women, welcoming the historic measure. These agencies have been merged into the new entity. Below is the text of joint statement:

We enthusiastically welcome the unanimous decision by the General Assembly to establish the UN Entity for Gender Equality and the Empowerment of Women, to be known as UN Women. UN Women will be a dynamic and strong champion for women and girls around the world, providing them with a powerful voice at the global, regional and local levels. Its establishment will boost the United Nations' ability to support and work with Member States in accelerating progress towards achieving the goals of gender equality and the empowerment of women, expanding opportunity and tackling discrimination against women and girls. UN Women will work with the entire UN system, and will forge effective partnerships with all stakeholders, including with civil society and women's organizations.

We are committed to jointly implementing our mandate and functions as UN Women, with renewed vigour to meet oncoming challenges and help fulfil the rights and expectations of the world's women and girls that this opportunity affords. We are confident that Member States will provide UN Women with the robust resource base necessary for the effective fulfilment of its mandate. We look forward to the appointment of the Under-Secretary-General to head UN Women and lead this work.

Socio-political challenges and constraints

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e.g. politics is 'sin' for women; it is against 'Shariah', it was also more hostile in some areas of NWFP with 'agreements among male candidates to stop women voters and candidates'; 'fatwas' and attacks against women candidates and their male supporters.

But, in 2005 local government elections, the resistance was more on cultural grounds that 'it is against our customs' and 'our culture does not permit it', and the resistance was passive, except for a few localities in NWFP. In some localities of Balochistan and elsewhere in the country, the opposition to women's political participation remained on social and cultural grounds from the beginning, i.e. since 2000. It is however declining.

Another argument that 'there are no women out there to come forward as public representatives' came from male political class and was more social and patriarchal in nature. This also started crumbling quickly as the quotas for women were fixed; and even the MMA (a coalition of six religious parties) brought their women into Assemblies on reserved seats.

The advocacy and social mobilization for Women's Political Participation' was undertaken through rights-based approach, i.e. it is women's fundamental right to cast vote and contest elections, and that Constitution guarantees this etc. There was little defence to this

with the opponents.

The advocacy at the local and community level has been easier as the clash of interests with community people was minimal; but, at the macro decision-making level, the opposition was stiffer as male political hierarchy was more conscious and fearful of women's entry into their exclusive power domain.

In General Elections 2002 and 2008, the issue of women's participation was dominated by larger social constraints of mobility and financial resources. The literacy rate in the upper classes became an advantage for women, as in several instances, traditional political families fielded graduate women because there were no eligible graduate men.

Inclusion of relatively high number of male social activists in broad-based citizens' campaign for women's political participation at the community level also helped in overcoming the social constraints of women's exclusion from public sphere. This strategy of 'resolving the problem through the problem' was quite successful and resulted in greater male acceptability of women's rights issues.

The 'economic argument' in the arena of 'Women's Economic Participation' was even more facilitating and convincing than the 'political and religious argument'. People were more responsive and willing to 'gender debate' when they perceived women as real

contributors to family incomes. The 'prosperity' value attached to women's entry into politics and job market helped in breaking social constraints of mobility and even 'purdah'.

The advocacy for repeal of discriminatory laws though initially was undertaken on the premise of fundamental rights from a human rights perspective; finally it had to be contested through the religious argument, because most of these controversial laws were made in the name of Islam and purportedly on the basis of Islamic Injunctions.

Since, politics of expediency was a crucial factor in the framing of these laws and some religious elements/parties had associated their politics with the ownership of these laws since the beginning, they always perceived the defence of these laws as their main battleground. The political divide on the Protection of Women Bill 2006 and now on the Domestic Violence Bill illustrated this.

The feudal lobby with strong patriarchal mindset in mainstream political parties and the lack of gender sensitization in bureaucracy were potential hurdles in the way of pro-women legislation. The support and efforts by the progressive Islamic scholars proved to be the most determining factor in the advocacy for repeal of discriminatory laws, particularly the laws made in the name of religion, e.g. the Hudood Ordinances and Qisas and Diyat provisions in the PPC.

Pakistan ratifies ICCPR and CAT with huge reservations

AF Report

Pakistan has ratified two more human rights treaties, namely, International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in June 2010. Though a welcome measure by the Government of Pakistan, the ratifications of both the international treaties have been made with a large number of reservations.

Human rights organisations and activists have expressed concerns that such a vast number of reservation - and that too on important articles - would result in minimizing or to some extent nullifying the results, a State Party can benefit from the ratification, in terms of ensuring and enhancing its human rights record.

"President Asif Ali Zardari signed the Instrument of Ratification for both the treaties that made Pakistan join the countries that have signed and ratified

all the International Conventions relating to good governance, sustainable development and human rights" said spokesperson to the President, former Senator Farhatullah Babar. He said that the two important covenants were signed during the first weeks of the present government on April 17, 2008 and were awaiting ratification by the Cabinet and signatures on the instrument of ratification by the President.

The Cabinet in its meeting in 24th

March 2010 approved the ratification of the conventions with certain reservations. The Instrument of the Ratification signed by the President will now be deposited in the United Nations, he said.

The Instrument of Ratification signed by the President also contains reservations protecting national rights relating to (a) Islamic law and ideology (b) issue of self-determination, (c) anything repugnant to the provisions of Constitution of Pakistan he said.

Reservations to ICCPR

The reservations made to the International Covenant on Civil and Political Rights (ICCPR) are:

Reservations made upon ratification:

Article 3, 6, 7, 18 and 19

"[The] Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws'.

Article 12

"The Islamic Republic of Pakistan declares that the provisions of Articles 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan'.

Article 13

"With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners'.

Article 25

"Islamic Republic of Pakistan declares that the provisions of Articles 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan'.

Article 40

"The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40 of the Covenant'."

Upon signature Reservation:

"The Government of the Islamic Republic of Pakistan reserves its right to attach appropriate reservations, make declarations and state its understanding in respect of various provisions of the Covenant at the time of ratification."

Reservations to CAT

Following reservations were made while ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT):

Reservation made upon ratification:

Article 3

"The Government of the Islamic Republic of Pakistan declares the provisions of Article 3 shall be so applied as to be in conformity with the provisions of its laws relating to extradition and foreigners'.

Article 8

"The Government of the Islamic Republic of Pakistan declares the pursuant to Article 8, paragraph 2, of the Convention, it does not take this Convention as the legal basis for cooperation on extradition with other States Parties'.

Article 4, 6, 12, 13 and 16

"The Government of the Islamic Republic of Pakistan declares that the provisions of these Articles shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws'.

Article 28

"In accordance with Article 28, paragraph 1, of the Convention, the Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 20'.

Article 30

"The Government of the Islamic Republic of Pakistan does not consider itself bound by Article 30, Paragraph 1 of the Convention'."

Upon signature Reservation:

"The Government of the Islamic Republic of Pakistan reserves its right to attach appropriate reservations, make declarations and state its understanding in respect of various provisions of the Convention at the time of ratification."

UN human rights treaties: at a glance

The United Nations human rights treaty system is the collective term used to describe NINE TREATIES and their respective enforcement mechanisms. EIGHT TREATIES are in force; and ONE is not. UN Human Rights Treaties are international norms and standards on the rights of citizens, as a whole, and separately on different sections of society. These represent the will of international community to uphold and protect these rights. The details of the names of the nine human rights treaties, dates of their adoption by the United Nations General Assembly; dates of their getting enforced; number of members of their enforcement committees; Pakistan's ratification status and number of global ratification of each treaty is given below.

S.No.	Name of treaty	Date of adoption	Date of enforcement	Committee/ members	Pakistan's ratification status	Global ratification status
1	The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	21 December 1965	4 January 1969	ICERD Committee 18 Members	Ratified 21 September 1966	173
2	The International Covenant on Civil and Political Rights (ICCPR)	16 December 1969	23 March 1976	ICCPR Committee 18 Members	Ratified 23 June 2010	166
3	The International Covenant on Economic, Social and Cultural Rights (ICESCR)	16 December 1969	3 January 1976	ICESCR Committee 17 Members	Ratified 17 April 2008	160
4	The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	18 December 1979	3 September 1981	CEDAW Committee 23 Members	Ratified 12 March 1996	186
5	The Convention on the Rights of the Child (CRC)	20 November 1989	2 September 1990	CRC Committee 10 Members	Ratified 12 November 1990	193
6	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	10 December 1984	26 June 1987	CAT Committee 10 Members	Ratified 23 June 2010	147
7	The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)	18 December 1990	1 July 2003	CMW Committee 14 Members	Not signed/ratified	43
8	International Convention on the Rights of Persons with Disabilities	13 December 2006	3 May 2008	CRPD Committee 12 Members	Signed 25 September 2008	87
9	International Convention for the Protection of All Persons from Enforced Disappearance	20 December 2006	Not enforced yet	-----	Not signed/ratified	18

Women's Parliamentary Caucus resolves to secure women's role in building peace and security

AF Report

Women's Parliamentary Caucus (WPC) organized a three-day National Convention of Women Parliamentarians from May 24-26, 2010 at Convention Centre, Islamabad, to raise a united voice for peace and security in the region. The Convention, titled "Role of Women Parliamentarians in Peace, Security and Reconciliation" envisaged to build a collective vision for security and peace-building.

The Convention was widely attended by Women Members of the National Assembly, Senate, Punjab, Sindh, Khyber-Pakhtoonkhwa, Balochistan, A.J.K., Gilgit-Baltistan Assemblies and Members of the Civil Society and women's rights activists. Women Parliamentarians from SAARC countries comprising Rosy Senanyake from Sri Lanka, Shawkat Ara Begum from Bangladesh, Ms. Narah Ranee from India, Fauzia Koofi from Afghanistan, Ms. Tshewang Lhamo from Bhutan also participated in the convention.

In her address, Dr. Fehmida Mirza, Speaker of National Assembly and Chairperson of the Caucus, said that the convention was not only succeeded in bringing together the women under one roof but has given them an opportunity to interact and bond together. She also said that first Convention of Women Parliamentarians was a giant leap towards a meaningful participation of women leaders for peace, security and reconciliation.

She said that the numerical increase in the representation of women in all sectors of life must be translated into new opportunities. Begum Shahnaz Wazir, Ali Advisor to Prime Minister, announced the suggestions made during the working sessions of the Convention. Members of the Women's Parliamentary Caucus, with the help of other women parliamentarians, prepared and adopted a declaration which was read by Dr. Attiya Anaytullah, Member National Assembly.

Acknowledging its political significance towards women's empowerment, we are presenting the Declaration below:

Declaration

We, women parliamentarians and elected representatives of Balochistan, Khyber Pakhtoonkhwa, Punjab, Sindh, Gilgit-Baltistan, and Azad Jammu and Kashmir who are participating in the National Convention on "The Role of Women Parliamentarians in Peace, Security, and Reconciliation" held in Islamabad from 24-26 May, 2010 hereby adopt

the following Declaration on this day of 26th May 2010.

Recalling: that for women peace has always meant more than absence of conflict and war, and that its attainment is inextricably linked with democracy, inclusive development and human security.

Further Recalling: Shaheed Mohtarma Benazir Bhutto's message of reconciliation for peace and security which recognizes that the most essential and most needed attribute of our time is the need to overcome barriers in the spirit of reconciliation.

Expressing: deep concern on the spread of militancy and extremism in South Asian Countries recognizing that violence and terrorism in all its forms and manifestation has put peace, development and stability in the region at stake.

Recognizing: that the rise of militancy in South Asia is a source of concern and women leaders of the region need to play a proactive role in leading peace building and creating socially cohesive societies.

Noting: that the February 18, 2008 election not only saw the emergence of over 22 percent women in parliament but also the advent of the first women Speaker of the National Assembly of Pakistan.

Commends: the visionary initiative of Dr. Fehmida Mirza, Speaker National Assembly in the formation of the Women Parliamentary Caucus which provides a forum for building consensus beyond political lines and is a voice for women empowerment.

Welcomes: The unanimous Resolution of the National Assembly commending the establishment and contribution of the Women's Parliamentary Caucus.

Appreciates: that the Women's Parliamentary Caucus was established as a tribute to the nations pioneer women leaders: Ms. Fatima Jinnah, Begum Liaquat Ali Khan, Shaheed Mohtarma Benazir Bhutto and all other women rights activists.

Commends: the Women Parliamentary Caucus on selecting for its first National Convention of Parliamentarians the theme of "Peace, Security, Reconciliation" with the objective of affirming that women are an integral part of all processes concerning peace, security and reconciliation.

Affirms: the women's rights agenda and provision for affirmative action as enshrined in the Constitution of

Pakistan and contained in the Universal Declaration of Human Rights, Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Elimination of Violence Against Women (EVAW) and Convention On Rights Of The Child to which Pakistan is a signatory.

Welcomes: and thanks to parliamentarians from SAARC countries: Afghanistan, Bangladesh, India, Nepal, and Sri Lanka for joining us on this historic occasion.

We Affirm:

i. That participation of women in political and social movements is rooted in our history. We salute the courage, sacrifice and commitment of our women leaders who are a source of encouragement and will continue to guide and inspire us to do better in our quest of peace.

ii. we will strengthen the role of women parliamentarians as catalysts of change in the ongoing geo-political situation by raising a strong and united voice for peace & stability in the country and region.

iii. that we stand united with our security forces in combating extremism and terrorism which can be fought and won only with the full support of the people.

iv. that because a defining characteristic of conflict is use of women as a "weapon of war" there is a collective consciousness of the invisibility of women in the security nexus.

v. that women can no longer just be victims of conflicts, women are universally accepted as peacemakers because of their capacity to negotiate, strive for justice, confront issues collectively and work as peace activists to heal communities.

vi. the centrality of women's role in articulating the new security paradigm. Women, therefore, must be visible in all formal and informal processes.

vii. That a pluralities democracy requires a critical mass of women in politics.

viii. to strengthen the increasingly effective role of women in the media with a view to promoting gender sensitivity an advocacy of the women's perspective in social and human security issues.

We, women parliamentarians and elected representatives commit:

i. on the occasion of the 15th

Anniversary of the Beijing Declaration and Platform for Action we will strive to emerge as a driving force which promotes zero tolerance legislations and policies against all forms of violence against women ranging from conflict and war to inadequate systems and domestic violence.

ii. to promote the spirit of reconciliation and dialogue at multiple levels by using it as a tool for peace and security to bridge the gap between conflicting ideologies and political philosophies of the 21st century.

iii. that since women and children worst effected by natural disasters, conflict, extremism, militancy and terrorism, women have a distinct role to play in setting the peace agenda, peace keeping, peace building, and reconstruction.

iv. to work nationally, regionally and internationally with women's groups, civil society and peace building structures in strengthening rehabilitation and reconstruction activities, protecting refugees and internally displaced persons.

v. in recognition of the women related democracy deficit take the lead in creating a viable network from local government through provincial assemblies to the elected women representative at the national level.

vi. to being advocates for the right of every individual to human security, particularly women and girls. Further, work to dismantle structural inequalities which engender discrimination, social exclusion and vulnerability.

vii. to sustain and expand the gains made in women's empowerment by increasing participation at policy and decision-making levels in politics and public life, expand educational opportunities, provide productive employment, and re-define local and national agendas accordingly.

viii. to work with the media in dismantling stereotyping of women, removing gender biases and in promoting women as agents of change, messengers of peace, and harbingers of sustainable development.

We, the participants of the National Convention of Women Parliamentarians, recalling that peace is born from the soul of each of us, seek to evolve sustainable mechanism by engaging in networks, partnerships and create synergies with the media, civil society and government as also through regional and international forums in the furtherance of this Declaration.

EDITORIAL

Women in Pakistan have unfortunately and disproportionately been major recipients of negative consequences of all socio-economic development processes, whether it is the feminization of poverty or exclusion of women from post-conflict rehabilitation or reconstruction efforts. Violence against women is a blot on Pakistan's face, and no one bothers about it, except for media headlines, as if words have lost meaning or soul is dead. Apathy and impunity are perhaps the only patriarchal lords of semantics today.

Pakistan has ratified CEDAW; we are very proud. We ratified CRC; well enough. We went for ratification of ICESCR in 2008, and now in June this year, we have also ratified ICCPR and CAT. Our score has gone up in ratification ranking. We have now ratified six out of eight main human rights treaties.

We have National Plan of Action for Women; National Policy for Women; National Commission on the Status of Women; and above all we have a substantial number of women legislators. A list of achievements on next columns is certainly well-deserving. We also have some good laws. We have gone up on the scale of 'formal equality', but, isn't it true that we are far behind in 'de facto equality'.

Our legislatures have women parliamentarians, of whom most were elected on reserved seats for women, but, perhaps they have forgotten that they came in to these prestigious forums of power and decision-making 'in the name of women'. No one is saying that they must not speak on any issue they like, one is only saying that they should also raise voice when 'a woman is raped', when 'a woman is killed in the name of 'honour' or when 'a 9-year-old girl is given in exchange to settle men's feuds'.

So, where lies the malaise? Where are we failing? Is it lack of accountability? Or is it lack of implementation? Or it is what we are reaping of what we have sown. It might be a bit of everything, concluding that perhaps it is a 'collective failure' and therefore, it can only be cured through 'collective action'.

We have institutions - let MoWD play its role; let this be given more resources; let NCSW be given autonomy and full mandate and resources. Let Women's Parliamentary Caucus be custodian of women's rights in the legislative forums. Women of Pakistan are looking towards these institutions with hope. They must not fail them.

Milestones in the struggle for equal rights for women in Pakistan

As compared to past, when women's political, economic, social and legal rights were almost totally absent from the agendas of the political parties and the governments, there has been a marked difference in the situation today as women's rights issues are being given high priority by the government and mainstream opposition parties. Several legislative initiatives/bills by the government and a number of political parties on women's rights issues, and an unprecedented debate on women's rights issues in public and media forums are a proof to this 'fundamental shifting of perception' in favour of women and about more visibility and recognition of their rights and problems. Successive governments have undertaken important initiatives to strengthen women's condition in society during the past ten years, i.e. between 2000 and 2010. These are:

□ 33% quota of seats was reserved for women in the local government in 2000. About 39,000 women were elected in the local government elections in 2000-01 and; over 28, 000 women were elected in 2005 (the number of reserved seats for women dropped because the government reduced the size of the union council to 13 from 21 seats (women's seats were reduced to 4 from 6); the proportion of representation remains around 33%;

□ A permanent National Commission on the Status of Women was established in 2000; the Commission undertook several pro-active initiatives, e.g. the recommendations for the repeal of the Hudood Ordinances; suggestions for the reform of inheritance law; recommendation for equal remuneration of women workers etc.; and recently a constitutional reform package on women;

□ The Citizenship Act, 1951, was partially amended in 2001 to enable the children of Pakistan women married to foreign nationals to have the citizenship; the foreign spouses married to Pakistani women still can't have it;

□ Ministry of Women's Development introduced the National Policy for Development and Empowerment for Women in 2002;

□ 17% quota of seats was reserved for women in national and provincial legislatures in 2002; 60 seats were reserved for women through party lists for the National Assembly; 17 for the Senate; 66 for the Punjab Assembly; 29 for the Sindh Assembly; 22 for NWFP Assembly; 11 for the Balochistan Assembly;

□ A law was enacted in 2004 by the Parliament to address the crimes of 'honour' killing. Women parliamentarians were active in supporting the Bill. The law provides some remedy to women, but since waiver of qisas is available to perpetrators being common heirs of the victim and murder remains compoundable under the Qisas and Diyat provisions, the law is not effective at all;

□ The federal government launched Gender Reforms Action Plan (GRAP) in 2005; this aimed at mainstreaming gender in policies and plans through institutional arrangements;

□ The federal government amended two ordinances of the Hudood Ordinances, i.e. the Offences of Zina and the Qazf Ordinances through "Protection of Women Act, 2006. The offence of rape shifted to Pakistan Penal Code to be proved

through any circumstantial evidence, and some other positive changes were made in the Hudood Ordinances, however, the law falls short of the demand for repeal by the civil society organizations and several discriminatory provisions still remain in the Hudood Ordinances;

□ The federal government announced 10% quota for women in Public Sector services;

□ The launch of an ambitious Benazir Income Support Programme, in 2008, is another milestone. It is aimed at providing economic support to millions of women through financial grants;

□ A cross-party Women's Parliamentary Caucus was formed in 2009, at the National Assembly bringing together women parliamentarians at one platform on issues of common concern. Speaker National Assembly, Dr. Fehmida Mirza is its patron;

□ The National Assembly passed the Domestic Violence (Prevention and Protection) Bill 2009, on 4 August 2009. The bill remained in the Senate for more than 90 days and lapsed. It has returned to the NA and has been handed over to a "Mediation Committee", which will scrutinize it. It will go through the entire process again - i.e. approval from both the Houses. This is a good piece of legislation; however, among others its major flaw is that it does not criminalize the offence in the first and second instance;

□ Criminal Law (Amendment) Act, 2009, 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 provides imprisonment 'which may extend to three years or with fine up to five hundred thousand rupees or with both' to the convicts in cases of sexual harassment;

□ The Protection against Harassment of Women at the Workplace, Act, 2009, is the main and comprehensive law to address the issue of sexual harassment of women at workplace. This bill has been passed by the National Assembly on 22 January 2010. It has become 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 law has provided for the management of the organizations to adopt the code of conduct. Any management that fails to get the Code of Conduct instituted within their organization or to establish a three member enquiry committee can be taken to court and can be fined up to Rs 100,000. In case the perpetrator is too senior or is the owner of the business himself and the victim is not satisfied with the decision of the committee or feels that the committee cannot do justice can go to an ombudsperson which will be established only for this purpose. The law also proposes fines and compensation and that the part of the fine can also be used as compensation for the complainant. — NM



**LEGISLATIVE
WATCH**



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Children of Swat - raising hope for future

By Iqbal Khattak

Eleven-year-old Nabeela's eyes facial expressions were telling her story: She lost her mother and elder brother Rehmatullah when a mortar shell hit their home in Piya village in Fatehpur union council of Khawazakhela tehsil - the area more prone to Taliban-linked militancy in Swat district.

She is among hundreds of thousands of such children in this scenic valley where the years-long militancy has left deep scars on whole population, which is trying to put them back and start a new life. But children take longer to put behind all these periods of killing and destruction visible everywhere with destroyed private and public properties and placard inscribed with names of those killed in line of duty or simply because they disagreed with Taliban-style rule are seen at major points across the district.

Swat, referred to as 'Pakistan's Switzerland' for its scenic and green lush valleys and freezing water through streams coming down the hills where melting snow adds to the natural beauty of this place, has been witnessing religious people-triggered disturbances. First, the whole Malakand region plunged deeper into administrative chaos when Maulana Sufi Muhammad from Lower Dir led an uprising for what he called 'enforcement of Islamic laws or Sharia.'

The disorder was brought under control with political decisions in Peshawar announcing enforcement of Nizam-e-Adl Regulations to silence the Sufi-led Shariah-seekers. However, the terrorist attacks on the United States and Washington's subsequent punitive actions against Pakistan's western neighbour Afghanistan for harbouring the 9/11 planners and attackers - al-Qaeda - resounded Malakand region again with 'jihad slogans' and Maulana Sufi Muhammad seized the occasion to emerge from long silence mobilizing some 10,000

'Islamic volunteers' - most have been untrained and under-equipped - to fight alongside the Taliban. Historically, all plans to be executed through Sufi Muhammad badly went wrong and Prime Minister Yousaf Raza Gillani addressed the nation finally in May 2009, to order all-out military offensive to reclaim the lost ground from Fazlullah-led men.

History of conflict testifies civilian population is displaced before or after the start of hostilities. That is what happened to Swat also. According to official figures, some 2.2 million people, including men, women and children, left their homes in Malakand region.

Today, Swat is under the government control. The militants were killed, arrested or disappeared and continued security measures appear to be aiming at making it extremely unlikely that the same "bad guys" ever return to the district.

But challenges are enormous to restore life to its pre-conflict period. The government alone cannot meet all these challenges. The civil society and the international community's participation in these efforts is vital and a visit to the district in mid-June helped see what all stakeholders of peace are putting their efforts together to meet the common goals - restoring people's life and peace and rebuilding Swat.

Experts agree that most vulnerable segment of the society in any conflict always happen to be the children. They are at risk to violence, abuse and exploitation and their rehabilitation on fast track is critical component of post-conflict needs. The Child Protection Centres of the United Nations International Children Emergency Fund (UNICEF) in Swat are catering to these challenges. Response from local community is improving and results are getting better.

Nabeela would not have been so opti-



mistic today of her future despite shocking setbacks in form of loss of mother and brother to the conflict had the UNICEF-funded Child Protection Centre by the Aurat Foundation not been set up on riverside in her Piya village. "This centre has brought hopes back that life will be better despite what the worst violence my district has experienced," she longed amidst clear signs of her gradual return to normal life.

"She was very frightened when she first came to this centre four months back," Ms Shabana Ishaq, monitor at Piya CPC, talked of Nabeela's earlier condition. "She used to be staying away from mixing up with other girls as the conflict made her scary of other people. Now you can see Nabeela has changed and she is gaining her confidence."

Aurat Foundation has spread out a network of 30 centres in 10 union councils of Matta and Khawazakhela tehsils of Swat. In each union council, there are three centres where boys and girls, aged between two and 18, are rehabilitated through activities-based informal education. Two other organizations have also established 30 centres each at other union councils.

An elderly woman referred to Piya CPC as "hospital" where she said everyone is helped out. "I would request opening of another such centre in our village," 60-year-old Bacha Khela pleaded as she was waiting to pick up her granddaughters from the centre.

"I used to get all children to one corner of the room. Women have not seen this type of barrage of gunfire. They were all screaming when gunfire started and children could not stop weeping hours after the guns fell silent. Because of the conflict we have suffered a lot and, above all, these innocent children who will take years to forget what they have seen since 2007," the woman told her story. This story is on lips of many, many residents of Swat where rehabilitation

and reconstruction are a must to zero in on any chance of return of militancy to this beautiful land.

Muhammad Umar Khan, district coordinator for the AF-run centres, gave some interesting details about the number of children at these centres. Some 3,000 children, the number almost equally shared by girls and boys, have so far been registered at these 60 centres and they include unaccompanied, disabled, orphaned and traumatized children.

Besides children, widows and women regularly visit these centres in their villages for counseling and resolution of other post-conflict problems they face. These centres are extremely helpful for the widows especially to get computerized national identity card to qualify for free food distribution from the World Food Programme or compensation from the government.

Visits to a number of these centres, however, found a common problem. There are shortages of qualified psychologists in the district. Qualified psychologists from other districts are unwilling to serve in Swat. The services of available qualified psychologists, meanwhile, are sought at different centres on weekly basis.

Afsheen, a qualified psychologist, acknowledges the problem. She is visiting a centre twice a week to enable herself visit as more centres as possible. "This is true, but we are doing our best to provide psychological counseling to as many children as possible," Afsheen at Bar Baidara CPC said.

Conflict-traumatized people would take longer to return to normal life, she concedes and seeks time to make these children who Afsheen believes would take much longer time to rehabilitate them. "These children have so much been traumatized by the conflict that they still think the Taliban can stage a comeback. They reckon the Taliban are a force and they can come back," the psychologist spoke

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Children of Swat - raising hope for future

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of deep shock these children suffered during the conflict.

Securing the future of children in Swat is far important than undertaking other important tasks as the militants find these children as great part of their strategy to inflict greater losses on the government forces using them as suicide bomber or spying on the movement of security forces and their installations.

"These children were used as spying on our movement and key installations," a senior military officer said when asked the Taliban used the children for what tasks. "It is difficult to suspect a child to be spying on you or can be sent as bomber," he added. Due to this reason, the military launched a rehabilitation centre for such potential bombers in Malakand where religious therapy is helping the military rehabilitate these "extremely dangerous" children.

Opposition to NGO-run work is common phenomenon in any part of Khyber Pakhtunkhwa and Swat is no exception. "In the beginning, we faced resistance from local residents," Nageena Begum, monitor at Bara Dureshkhela CPC, said. When the parents found their children are learning good things at this centre they also started visiting the CPC.

"My nephew has changed after he was registered at this centre," 26-year-old shopkeeper Shakirullah Khan said. "My nephew says first



salam when he reaches home and he was taught nimaz (prayer lessons) and now he offers prayer at the age of four years. We would like such centres continue because they are producing good children who we need to build a good future for Swat," he longed.

The good thing about these centres is making children aware about having good hygienic surroundings by teaching the children how important it is to wash hands after attending toilet. The children are also told through images to avoid touching unexploded mortar shells or grenades and bombs or landmines. These types of unexploded weapons cost children heavily in post-conflict situation and at times we get report that children are killed while playing with unexploded mortar shells

or bombs.

These centres also provide the children with opportunity of learning a skill to make himself or herself less dependent on others. "We are now teaching the girls in particular the use of sewing machine as they themselves made the request and you can see their items hanging on the wall," Ms Shabana Ishaq pointed to a shirt made by a 10-year-old girl.

However, there are areas such as Kabal and Peochar, regarded as "Taliban headquarters," where security clearance has not yet been given to civil society organizations to set up such centres. It merits a mention here that Kabal has been the worst hit by militancy and where need for such centres is as desired as it could be

elsewhere.

These centres are recommending children for school enrolment also once they are found ready for going to school after early rehabilitation. However, there is no ban on schoolchildren to come to the centres in afternoon shift. "We have more children in afternoon than in morning as the schoolchildren find this centre interesting," Asad Subhan, facilitator at Bara Dureshkhela CPC, said.

Environment at each CPC is attractive with colourful placards, photos of different cartoon characters, nets for volleyball or badminton and, above all, nice hygienic environment for the children who like spending much time at the CPC than the home. It is difficult to find such nice-looking places in our village culture and credit must be given to all those are maintaining these centres hygienically clean.

The UNICEF must be saluted for coming forward to rescue the Swat children at a critical time by funding this unique project. These centres were initially launched for six months - started in October 2009. However, as the gravity of the situation was found deeper than initially realized, the centres' tenure were extended until December 2010. There has been progress as far as traumatized and other children's rehabilitation is concerned. But, there is still a long way to go. Many such initiatives are required until Swat's complete return to normal post-conflict situation. —*The author is Peshawar bureau chief of Daily Times and can be reached at khattak63@gmail.com*

8548 incidents of violence against women in 2009

AF Report

Aurat Foundation launched its second annual report on: "Qualitative review of Statistics 2009" at Hotel Islamabad, in a launching ceremony. The report is a collection and compilation of statistics on the incidents of violence against women during Jan-to Dec, 2009 under its national programme 'Policy and Data Monitor Violence Against Women' for the elimination of violence against women in Pakistan.

According to the report a total of 8548 incidents of violence against women were reported in the four provinces of Pakistan and in capital territory Islamabad during year 2009.

Of these, 5722 cases of violence were recorded in Punjab; 1762 in Sindh; 655 in Khyber Pakhtunkhwa; 237 in Balochistan and 172 in Islamabad. Almost all these cases are reported cases.

Lahore has earned itself the dubious distinctions of being the District with the highest VAW crime rate. In terms of VAW incidents, it saw 910 cases

out of a total 8548 cases for all of Pakistan making it a the VAW crime capital of the country. Lahore had the same ranking last year, followed by Faisalabad with 742 cases and Sargodha with 473 VAW crimes. Rawalpindi (352), Peshawar (310), Gujranwala (290), Sheikhupura (259), Sukkur (243), Multan (240), Kasur (255), Vehari (171), and Toba Tek Singh (159), followed the three respectively.

The industrialized districts showed a greater trend of case of VAW proving research observations that urban stresses especially the rising costs of living take their toll from the vulnerable parts of the population, women.

The number of cases of violence in different categories of offences and their province-wise break down is as follows. There were:

- 1384 cases of murder: (752 in Punjab; 288 in Sindh; 266 in Khyber Pakhtunkhwa; 39 in Balochistan; 39 in Islamabad);
- 604 cases of 'honour' killing:

(245 in Punjab; 284 in Sindh; 14 in Khyber Pakhtunkhwa; 59 in Balochistan; 2 in Islamabad);

■ 1987 cases of abduction/kidnapping:

(1698 in Punjab; 160 in Sindh; 64 in Khyber Pakhtunkhwa; 13 in Balochistan; 52 in Islamabad);

■ 608 cases of domestic violence: (271 in Punjab; 134 in Sindh; 163 in Khyber Pakhtunkhwa; 22 in Balochistan; 18 in Islamabad);

■ 683 cases of suicide: (448 in Punjab; 176 in Sindh; 43 in Khyber Pakhtunkhwa; 10 in Balochistan; 6 in Islamabad);

■ 928 cases of rape/gang-rape: (786 in Punjab; 122 in Sindh; 7 in Khyber Pakhtunkhwa; 4 in Balochistan; 9 in Islamabad);

■ 274 cases of sexual assault: (227 in Punjab; 44 in Sindh; 0 in Khyber Pakhtunkhwa; 2 in Balochistan; 1 in Islamabad);

■ 50 cases of stove burning: (33 in Punjab; 10 in Sindh; 4 in Khyber Pakhtunkhwa; 1 in Balochistan; 2 in Islamabad);

■ 53 cases of acid throwing: (42 in Punjab; 9 in Sindh; 1 in Khyber

Pakhtunkhwa; 0 in Balochistan; 1 in Islamabad);

■ 1977 cases of violence were of miscellaneous nature (vanni/swara, custodial violence, torture, trafficking, child marriages, incest, threat to violence, sexual harassment, attempted murder, suicide & rape) in the four provinces and Islamabad.

The number and percentage of the cases of abduction/kidnapping are 1987 (23.25%), murder 1384 (16.9%), rape/gang-rape 928 (10.86%), suicide 683 (7.99%); and 'honour' killing of women 604 (7.07%) among all the recorded/reported cases of 2009, followed by cases of sexual assault 274 (3.21%); stove burning 50 (0.58%); acid throwing 27 (0.60%); and offences of miscellaneous nature around (23.13%).

1,977 cases of violence were of miscellaneous nature ie. (vanni/swara, custodial violence, torture, trafficking, child marriages, incest, threat to violence, sexual harassment, attempted murder, suicide & rape.) in the four provinces and Islamabad

Civil society gauges national gender reform agenda and programmes

Aurat Foundation's Head office organized a seminar on National Gender Reform Agenda: State Responsiveness and Accountability, on 8th June, 2010, Islamabad Hotel. Civil society activists, political party women and representatives of Ministry of Women Development and National Commission on the Status of Women were all unanimous in their firm resolve not to allow any roll back of the national gender reform agenda of the government to empower women in all spheres of life, particularly on women's political representation in the local government system and mainstreaming gender into national bureaucracy. Ms Yasmeen Rehman, Advisor, Ministry of Women Development, participated as the Chief Guest and announced that Gender Reforms Action Plan is not being closed. Ms Rehana Hashmi, National Project Director (GRAP) said that the action plan was one of the most ambitious national initiatives for gender mainstreaming. Mr Mukhtar Javaid, Director General (Operations), Benazir Income Support Programme (BISP), while presenting salient feature of the programme said women were the



Ms Yasmeen Rehman, Advisor, Ministry of Women Development, the Chief Guest, Ms Rehana Hashmi, National Project Director (GRAP), Mr Mukhtar Javaid, Director General (Operations), Benazir Income Support Programme (BISP), Ms Anis Haroon, Chairperson National Commission on the Status of Women (NCSW) and Mr. Naeem Mirza, Chief Operating Officer of Aurat Foundation at the seminar.

prime beneficiary of the financial assistance programme, adding that in two years BISP had disbursed Rs.47 billion among women through a transparent mechanism.

Annual report on violence against women 2009 launched

The PDM-VAW programme of AF Karachi, launched the annual report on 'Violence against Women in Pakistan: A Qualitative Review of Statistics' on May 21, 2010, at Hotel Marriott Karachi. Justice (Retd.) Nasir Aslam Zahid, former Supreme Court Judge, Tauqeer Fatima Bhutto, Minister for Women Development, Sindh, Kadir Thebo, Inspector General of Prisons, Sindh, and Unaiza Niaz, a psychiatrist participated as resource persons and spoke on various aspects of custodial violence. One of the recommendations, as made by the participants, was that there should be legislation for fixing a time frame for the disposal of all sorts of cases.



(From right) Ms Tauqeer Fatima Bhutto, Mahnaz Rahman, Kadir Thebo and Shireen Khan at the report launch.



Dr Masuma Hasan presenting the leadership handbook to Ms Shehnaz Wazir Ali, Advisor to Prime Minister on Social Sector. Ms Nigar Ahmed, Executive Director, Aurat Foundation, is sitting in the middle.

Leadership handbook in Urdu

Aurat Foundation organized the inauguration of international leadership handbook for women 'Pasand ki Janab' (Leading to Choices), on June 14, 2010, at Hotel Margalla. Ms Shehnaz Wazir Ali, Advisor to Prime Minister on Social Sector, participated as Chief Guest. Ms Rubina Saigol, a social researcher, Ms Amar Sindhu, a civil rights activist and Ms Zahra-tul-Fatima, a training specialist were the main discussants. Dr Masuma Hasan has adapted the handbook into Urdu. The handbook is used to train diverse groups of women and girls.

Workshop on Sexual Harassment Act in Swat



Members of local community from the violence ridden valley of Swat, local and international organizations, media persons, lawyers, teachers gathered at Serena Hotel, Swat, on June 24, 2010, to discuss the 'Sexual Harassment at Workplace Act 2009'. The consultation meeting was organized by Aurat Foundation's Peshawar office.

Discussion on Sexual Harassment Act in Quetta

The Quetta team of Aurat Foundation, under its PDM-VAW project, held a Focused Group Discussion on Sexual Harassment Act 2009 and Code of Conduct, June 26, 2010, at Serena Hotel.

Ms. Ghazala Gola, Mr. Habib Tahir Advocate, briefed the participants about the Harassment Act and Code of Conduct. Ms. Ghazal Gola, Provincial Minister for Women Development and the Chief Guest, in her concluding remarks gave her commitment to develop the code of conduct for Minister of Women's Development and respective departments.



Ms Ghazala Gola, Minister for Women's Development, Balochistan, at the group discussion on Sexual Harassment Act 2009 and Code of Conduct.

Launching of Women's Legislative Agenda of Punjab Assembly

Aurat Foundation's Lahore team organized the Provincial Conference on "Launching of Women's Legislative Agenda: Current Status & way Forward", June 10, 2010 at hotel Pearl Continental, Lahore. Women parliamentarians and women representatives of all political parties gave their commitment as activist and political workers that in order to strengthen women's political empowerment in the country they would focus on Review of Laws

of MFLO, Local Government Act 2010 Labour Legislation on, Equal Remuneration Act, Maternity Protection Law, and other such laws. Rana Muhammad Iqbal Khan, Speaker Punjab Assembly, participated as Chief Guest. One the occasion he also signed the women's agenda. Panelists included Ms Nazia Raheel, MPA (PML-N), Ms Najmi Saleem, MPA (PPPP), Ms Seemal Kamran, MPA (PML) and Dr. Asma Mamdoot, MPA (PML-F).



The participants of conference on "Launching of Women's Legislative Agenda: Current Status & way Forward".