



Critical mass

by Madeeha Syed

Change is incremental, and while there is a lot to be desired when it comes to safeguarding the rights and lives of Pakistan women, considerable progress has been made. The increased participation of women in politics and public life has led to landmark legislation to protect women's rights, which may just be a single step, but it is nonetheless a step in the right direction. Now what remains is for these laws to be implemented in letter and spirit

The Women's Parliamentary Caucus was formed to bring women legislators together, above party lines, to protect women's rights and work for their empowerment... Party lines were blurred and there was a general consensus, a sense of unity, regarding what their combined purpose was going to be.



Gang-rape survivor Mukhtar Mai

At a glance: Major laws concerning women

- The Guardians and Wards Act, 1890
- The Foreign Marriage Act, 1903
- Child Marriage Restraint Act, 1929
- The Dissolution of Muslim Marriage Act, 1939
- The Muslim Family Laws Ordinances, 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 Hudoob Ordinances, 1979
- Qanun-i-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 Laws (Amendment) Act, 2010 (on Sexual Harassment)
- Protection Against Harassment of Women at the Workplace Act, 2010
- Prevention of Anti-Women Practices (Criminal Laws Amendment) Act 2011
- The Acid Control and Acid Crimes Prevention Act, 2010
- The Women in Distress and Detention Fund (Amendment) Act, 2011

Source: Aurat Foundation

Violence against women: Reported cases from Jan, 2000 to Dec, 2013

Crime	Total	Province-wise breakdown	
Murder	21,155		
Rape & murder	4,920	Province	Total
Rape	4,866	Balochistan	5,285
Gang-rape	3,639	KP	10,421
Torture	17,416	Punjab	56,531
Karo-Kari	10,246	Sindh	26,100
Burnt	3,878		
Kidnapping	15,070	Total	98,337
Police Torture	4,112		
Suicide	12,654		
Hudoob Cases	1,306		
Human Trafficking	1,429		
Forced Marriage	1,517		
Vani Cases	1,514		
Total	98,337		

Source: Madadgaar Helpline

laws and practices. This was an important development especially when compared to 2002 when women parliamentarians worked mostly in isolation and found it incredibly difficult to influence change.

The formation of the Caucus had a major impact on ensuring that pro-women laws get passed in the country. "It was for the first time that women parliamentarians across the board came together to work together," explains Lari, adding that in this instance, party lines were blurred and there was a general consensus, a sense of unity, regarding what their combined purpose was going to be.

The previous female parliamentarians were recent entrants, weren't many in number and they didn't collectively form a strong voice," adds Lari. "Today, there are more women in government and other public spaces. The fact that the speaker of the National Assembly was a woman (Fehmida Mirza) greatly helped as well."

This sentiment is echoed by the former head of the National Commission on the Status of Women and current chairperson of Women's Action Forum, Anis Hatoon: "That gap existed because I feel that only in the last five years of the previous government was there a will to do something. There were 73 women in the assembly; the speaker for the assembly was a woman. The MCSW was in contact with the civil society; we could create a political clout all the way from the top right to the bottom."

But does simply introducing laws on paper solve all of the problems currently faced by Pakistan's women? What about implementation? "At least now we have something to implement," says Lari.

"Introducing laws to battle the crimes that are committed against women is one of the first major steps we have to take," says Hatoon. "Law making is a very crucial and very important aspect when working towards the betterment of women. We tracked progress and published reports, while I was still heading the commission, which are still available online. However, we still have a long way to go where effective implementation of these laws is concerned."

That's the main issue right there: implementation. Gender-based violence keeps women in subordinate roles, resulting in low levels of participation in politics and a lower standard of education, skills and available work opportunities. What makes this worse is society's attitude

towards women in distress — their plight is still largely ignored and hidden under a shroud of 'shame'. Worse still is the behaviour of those tasked with protecting them: often badly-worded FIRs harm prosecution cases, thus further obstructing women's access to justice.

How effective is a law if those enforcing don't even know it exists? "The police officers, the DIGs don't even know when a law has been passed or changed," claims Lari. "There is no system of updates or sensitisation of the police force. That's because there is no effective budget or resource allocation of training to ensure that they are made aware of these. They don't have money. They run out of funds for their petrol by the 15th of every month after which they're supposed to incur the expenditure of policing from their own pockets. Most of them are on VIP duty anyway."

But it's not just awareness; what also impedes effective implementation is institutionalised sexism and misogyny in the system that, in theory, is supposed to protect the citizens of the country, irrespective of their gender.

"The manuals given to policemen have language that is so biased against women," relates Lari. "There is a patriarchal bias in the police, and so most victims that come to them are asked to adjust or to compromise. The more well-meaning ones say they do it because they know the victims will spend 10-15 years doing rounds of the courts and still won't get justice. They're sparing them that effort. What they don't realise is that the policemen need to give the victim the choice to do so."

"It clearly shows that the people within the system don't have faith in the system," she adds. "Implementation is difficult because there is a lack of will. There are gaps in the legal system. But it's not just this, it's everything. The criminal justice system that comprises the police, medico-legal officers, public prosecutor and judges... all of this needs a major overhaul."

A lot of work needs to be done equipping our law enforcers with the skills necessary to deal with the changing issues of our constantly evolving society, which now very much includes women in the public space. "There is a massive shortage of training, funding, resource allocation to prioritising, sensitising and doing those trainings on a regular basis," says Lari. "There is no transparency or regular review to see how the policemen are doing their job. Who would you complain to if a policeman failed to do his job?" ■