



# DEVELOPMENT DIALOGUE



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## TAKING FORWARD SDG 5



## ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS



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# A LEGAL REVIEW OF PAKISTAN'S PROGRESS UNDER SDG5



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Gender inequality exists worldwide and deprives the marginalised to access equal resources and opportunities. "Ending all forms of discrimination against women and girls is not only a basic human right, but is also crucial to accelerating sustainable development."<sup>1</sup> The Sustainable Development Goals (SDGs) are a collection of 17 global goals set by the United Nations. The broad goals are interrelated and adopted by various countries to end poverty, protect the planet and to ensure prosperity for all.

The Goal number 5 of the SDGs specifically deals with gender equality. The goal aims to end all forms of

discrimination and violence against all women and girls; eliminate harmful practices; ensure women's full participation and equal opportunities for leadership at all levels of decision making; adopt and strengthen policies and legislation for the promotion of gender equality.<sup>2</sup>

One of the indicators to monitor progress under SDG 5 has been to evaluate "whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex."<sup>3</sup> This article will provide a brief overview of how Pakistan's legal framework addresses the issues of gender inequality.

## International instruments relating to gender equality

Article 26 of the International Covenant on Civil and Political Rights 1966 (ICCPR) is the cornerstone of protection against discrimination; it provides for the equality of all persons before the law and that the law will prohibit any discrimination. Furthermore, gender equality is emphasised in Article 3, according to which States parties "undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant."<sup>4</sup>

In line with the provisions of the ICCPR, the State parties to the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) also undertake by virtue of Article 3, "to ensure, the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant."

Furthermore, the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW), contains substantive provisions relating to women's education, employment, health and social and economic empowerment. It aims to abolish domestic laws and practices that violate the principle of non-discrimination.

## Pakistan's domestic law and monitoring bodies

Pakistan having ratified the ICCPR, ICESCR and CEDAW as well as other international instruments, has over the years taken initiatives to combat gender-based discrimination at multiple levels. The provisions and principles of the above mentioned international instruments have been translated into Pakistan's domestic law in efforts to eradicate gender based discrimination and violence.

The Constitution of Pakistan has enshrined the right against gender based discrimination as a fundamental right of its citizens under Article 25 (2); while under Article 26 (2) affirmative actions or positive discrimination is provided in order to ensure that women have equal access to public places. This particular legal step is fully in line with CEDAW's Article 4<sup>5</sup> to take Special Temporary Measures for ensuring gender equality in the country.

To counter the harsh provisions of Hudood Ordinance laws, the Protection of Women (Criminal Law Amendment) Act 2006 omitted rape from the Hudood Ordinances and inserted it back to the Pakistan Penal Code (PPC). Moreover, in accordance with Article 6 of CEDAW (suppress all forms of traffic and exploitation of prostitution) human trafficking is also considered as the biggest crime and mentions strict measures to suppress its various levels.

Honour crimes were criminalised by the Criminal Law (Amendment) Act 2004 and the offence of sexual harassment was inserted into PPC through the Criminal Law (Amendment) Act of 2010. Moreover, the Protection against Harassment of Women at the Workplace Act was promulgated in 2010 and implemented to protect women rights by taking different actions against the cases of sexual harassment at the workplace.

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 prohibited several "oppressive and discriminatory customs"<sup>6</sup> that violate women's fundamental rights, including forced marriages, badla-e-sulh (giving females as consideration) etc. Moreover, the Domestic Violence (Prevention and Protection) Act 2012 criminalised domestic violence against women.<sup>7</sup>

Under the Protection against Harassment of Women at the Workplace Act, 2010, the Ombudsman can hear complaints directly-thus complainants have the option of referring their case to either their office Inquiry Committee or directly to the appointed Ombudsman.

Pakistan has also set up the National Commission on the Status of Women (NCSW) to examine all policies and programmes undertaken by the federal government for gender equality. The Commission reviews legislation and policies and also makes recommendations on matters of "data collection, particularly on violence against women".<sup>8</sup>

Furthermore, the province of Punjab established special courts for women mandated to handle cases pertaining to harassment of women.<sup>9</sup> Moreover, the Punjab Commission on the Status of Women has made strides in dealing with complaints, and providing input for

amendments of certain legislations, as well as playing a vital role for documenting Pakistan's obligations under international treaties.

## Challenges

Despite the progress being made Pakistan still faces numerous challenges for implementing the laws effectively. Women in the country are discouraged at many levels for reporting any cases of violence and raising voice for their rights. The police try to settle disputes themselves in order to save women the "shame" of going through courts, which does not always result in justice.<sup>10</sup> Furthermore, the process of lodging complaints to the police has been described as "scary" and "confusing" for women.<sup>11</sup> Even though the Government has established police stations staffed with female officers, these are often under staffed and the officials that are present lack the expertise to handle women related problems.<sup>12</sup>

It is also crucial to note that the Criminal Law (Amendment) Act 2004 which outlawed honor crimes still leaves space for gender biases resulting in lenient sentences and protection of perpetrators from maximum penalties.<sup>13</sup> Furthermore, the Protection of Women (Criminal Law Amendment) 2006 Act has been poorly implemented and the police have been reported to abuse or threaten victims.<sup>14</sup> Additionally, the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 is considered to be ambiguous. A study conducted by Aurat Foundation in 2011 revealed that most officials of law enforcement, legal experts and lawyers were unaware of the existence of the 2011 Act.

## Conclusion & Recommendations

Since Pakistan ratified the ICCPR in 2010, the Government has taken major steps to curb gender based discrimination and violence. However, it is still facing challenges for effective implementation at national, provincial and district levels.

For more efficient implementation of the legislations administrative rules need to be drafted, procedures need to be laid down for dealing with the gender-based offences. Secondly, all the relevant actors (law enforcement agencies, lawyers, judges etc.) need to be trained regarding the proper execution of these laws.

Therefore, awareness and sensitisation requires work in the form of campaigns, awareness sessions and meetings both at

national and provincial levels for effective implementation and to deal with cases of gender discrimination.

Furthermore, the role of monitoring bodies such as the NCSW and the Office of the Ombudsman need to be strengthened. They need to carry out periodic reviews of the progress being made under these various laws in collaboration with other stakeholders.

Lastly, but certainly not the least, the government needs better engagement with non-governmental organisations who are functioning high in this field, in order to understand the gravity of this situation and to come up with an action plan for a way forward.

<sup>1</sup> <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-5-gender-equality.html>

<sup>2</sup> <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-5-gender-equality/targets/>

<sup>3</sup> <https://sustainabledevelopment.un.org/sdg5>

<sup>4</sup> International Covenant on Civil and Political Rights, art.3; General Comment No. 28 (Equality of rights between men and women), 168-174

<sup>5</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1979, Article 4 (1)

<sup>6</sup> Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention... these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved."

<sup>6</sup> [http://pcsw.punjab.gov.pk/prevention\\_of\\_anti\\_women\\_practices](http://pcsw.punjab.gov.pk/prevention_of_anti_women_practices)

<sup>7</sup> Amir Wasim, "Domestic Violence no more a private affair" Dawn (February 21, 2012) <https://www.dawn.com/news/697039>

<sup>8</sup> Safiya Aftab and Arif Taj, "Tracking the Implementation of Women-Friendly Legislation" Awaaz (2015) <https://aawaz.org.pk/cms/lib/downloadfiles/1449564461v2/Final%20SA%20AT%20Legislation.pdf>

<sup>9</sup> Rana Yasif, "LHC CJ inaugurates special court to deal with harassment of women cases" Tribune (23 October 2017) <https://tribune.com.pk/story/1538992/1-lhc-cj-inaugurates-special-court-deal-harassment-women-cases/>

<sup>10</sup> Sarah Zaman, "Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act 2011," (Aurat Foundation 2014) [http://www.af.org.pk/pub\\_files/1416847483.pdf](http://www.af.org.pk/pub_files/1416847483.pdf)

<sup>11</sup> Ibid, xxix

<sup>12</sup> International Crisis Group, "Women, Violence and Conflict in Pakistan" (International Crisis Group 2015) 6

<sup>13</sup> Pakistan: Women Fearing Gender-Based Harm/Violence (Home Office UK 2016) 28

<sup>14</sup> Zaman (n 10)

# NATIONAL COMMISSION ON THE STATUS OF WOMEN - SAFEGUARDING WOMEN'S RIGHTS

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*Chairperson, National Commission on the Status of Women*

National Commission on the Status of Women (NCSW) is a financially and administratively autonomous statutory body established by the NCSW Act 2012. Initially created in 2000 through a Presidential Ordinance, its scope, mandate and status were enhanced by the Act of 2012. Its mandate is to safeguard women's rights and ensure their position as equal citizens across the country. Its functions include acting as a vigilant watchdog ensuring compliance with Pakistan's Constitutional guarantees and international commitments related to women's rights; a think tank; reviewer of laws and policies; a hub of interaction with civil society, law makers, provincial governments and experts; and a responsive institution to victims of violence, among others. NCSW undertakes and encourages research and data generation for policies, actions and monitoring as a central component of its work.

The Commission also has powers to seek and receive information, data or documents from any official source and powers of a civil court to enforce attendance of any person and assembling the documents. It can also visit any jail or sub-jail and intervene for redress of women's rights.

Each province is represented in the NCSW by two

members plus one member each from Gilgit-Baltistan, FATA, ICT, AJK and one representative of religious minorities. In addition there are five ex-officio members from Federal government departments (Finance, Interior, Establishment, Human Rights and Law and Justice) and Chairs of Provincial Commissions on the Status of Women (there are currently three provincial commissions). The presence of Provincial Commission Chairs has proven to be a swift and effective channel of coordination and communication between the NCSW and provinces.

In 2013 the NCSW decided to focus its operations in three thematic areas that are considered significant to achieving women's empowerment including minorities and women with disabilities. It has since then developed its strategies and activities around these viz: 1) Voice, i.e. women's participation and representation in political and other decision making bodies/forums; 2) Violence against women (VAW) through documentation, legal actions, enhanced support systems (shelters, crisis centres, legal aid, etc.), responsive policing, effective implementation of women protection laws; and new legislation; 3) Economic empowerment, i.e. recognition and acknowledgement of women's work and contribution, affirmative action, development of skills and opportunities, elimination of wage gap through policies and legislation where necessary.

was finally enacted in 2016. It provides for registration of marriages and prescribes the minimum age of marriage among other provisions. The Christian divorce issue is still subject to debate within the community whether adultery ought to be the only acceptable reason for divorce. Currently the issue is in the Lahore High Court for further proceedings.

NCSW was closely involved with the movers of the laws against rape, and "honour killing" that were both passed in 2016. The former makes DNA testing mandatory and the latter denies pardon and payment in cases of "honour" killing once the Court recognises it as fitna-fil-ard. It is important to note that, after the 18th Constitutional Amendment laws prepared by the parliament (with the

## Research, advocacy and legislation

Research, advocacy and law making are intertwined in NCSW's work. Research provides evidence and analysis to highlight issues which are then pursued with advocacy and legislation. In the earlier years NCSW's advocacy on the Hudood Ordinances based on in-depth study and analysis finally led to the Women Protection Act, 2006. The particular legislation made a distinction between rape and adultery and brought rape under the penal code. Hundreds of women were prevented from imprisonment with the enactment of this law.

Drafting of the Hindu Marriage Law and Amendment in Christian Divorce law was initiated by NCSW in 2011. The Hindu Marriage law after several rounds of consultations



exception of amendments to the penal code and criminal procedure code) are applicable only in ICT but provides simulations for provincial laws. NCSW Act, 2012 for instance provided the model for PCSW Acts in provinces. NCSW played a very crucial role for ensuring women political rights and participation by giving valuable inputs in Electoral Reform Act, 2017. The Commission stresses on the provision of opportunities for women on general seats. The provision of NCSW were very well supported and endorsed by women parliamentarians and rights activists. NCSW's views and opinions on women related issues and legislation are regularly sought by the National Assembly and Senate.

NCSW has been seized with the matter of women being victimised by decisions of informal adjudication forums and had filed a petition in the Supreme Court to ban such forums. It has now drafted an amendment in the law to prevent such punishments. It has also drafted amendments in the Qisas and Diyat Law to stop its misuse and has been working closely with various stakeholders on the Bill for Transgender Rights.

## Monitoring

Research serves the dual purpose of generating information and enabling monitoring on issues in the NCSW's priority areas. Some important ones include: review of the Women Protection Act, 2016 through registered cases in the jurisdiction of the Islamabad High Court. Hurdles in the way of delivery of justice were highlighted (Access to Justice for Survivors of Sexual Assault); examination of the institution of jirgas (Women, Violence and Jirgas); fact sheet of women officers in federal service (Prominent Invisibility) showing that the prescribed quota is not even half way filled.

Within the ambit of monitoring, was the stakeholder report of 20 years of Beijing Conference commitments that revealed many achievements as well as challenges. A benchmarking Women's Economic Empowerment Status Report was produced and included a WEE index to monitor the district level progress on a set of indicators. A status report on Rural Women is under process based on available quantitative and qualitative data including success stories. NCSW formulated various indicators to monitor and collect the information to document the malpractices of violence against women. The Commission has done preparatory work for a national survey to generate data on women's socio economic well-being and to identify barriers to women's economic participation.

The Commission has adopted the strategy of following high profile court cases. The recommendations acquired from researches and learning from cases will actually help the NCSW's to formulate an advocacy strategy. The NCSW also regularly monitors its partnership with civil society organisations, cases of acid crimes and is pleased to see reduced incidences in this area.

With "Voice" as a priority area and advocacy on election laws, monitoring of elections is a central activity for the NCSW. It monitored along with its members the 2013 elections and has drawn up plans to do the same in the general election of 2018. The Commission had challenged the by-election result in Lower Dir in 2015 where no women were allowed to vote. The other significant component of NCSW is to visit support services for women e.g., shelters and prisons. The Commission maps all interventions and helps operationalise helplines across the country to provide efficient and effective services.

## Advocacy campaigns

NCSW runs successful public campaigns for raising awareness on rights, laws, and behavior change especially on issues of violence, early age marriages and choice. The campaigns widely includes information and education material for effective dissemination such as posters, video clips/spots, and runs radio programmes on them: The Commission also launched a public campaign for registration of women voters by highlighting the gender gap in voter registration.

## Challenges

The biggest challenge that the NCSW encounter is the deep seated social norms that discriminate against women to pursue equitable rights. However a visible change has been observed in case of providing educational opportunities to young girls but acceptance for women economic empowerment, gender inclusive legislation, sympathetic judiciary and affirmative actions, still require a lot of work to transform attitudes and society.

# STRIKING BACK AT INEQUALITY: POLICIES AND PRACTICES TO ENSURE WOMEN'S WORK IS VALUED

Hina Shaikh, Country Economist, Pakistan International Growth Center

The target 5.4 under SDG 5, encourages recognition and appreciation of unpaid care and domestic work linking it with provision of service delivery, infrastructure and social protection. Inclusion of this as an SDG goal has been a long-awaited step, as the unpaid care sector remains largely absent in both global and national policy. This is also an important gender equity issue as women around the world spend on average three times more time than men on unpaid care work.<sup>1</sup>



## Women's economic participation in Pakistan

At 22% (compared to 67.8 for men)<sup>2</sup>, female labour force participation in Pakistan is well below the rates for countries with similar income levels.<sup>3</sup> Despite a steady increase in the past decade and a half from a low of 13.7% in 2000, these rates remain the lowest in the world, second only to Afghanistan's.

Female workers in Pakistan are mainly concentrated in the informal sector, at home or in the farm. Of the employed, only 3% work in the formal sector while more than half (54.5%) as contributing family workers. Women also remain essential to the subcontracting system, especially for small enterprises operating out of small workshops or homes. The country has over 12 million home-based workers (HBWs)<sup>4</sup> of which 80% are women and more than 60% are unpaid family workers.

## Why are we concerned?

An unequal responsibility for unpaid care work constrains women's mobility and time, impeding access to education, healthcare, skills development, technology

and financial services. Excessive workload also disables them from participating effectively in social and economic spaces and they often end up in low-paid, insecure employment.

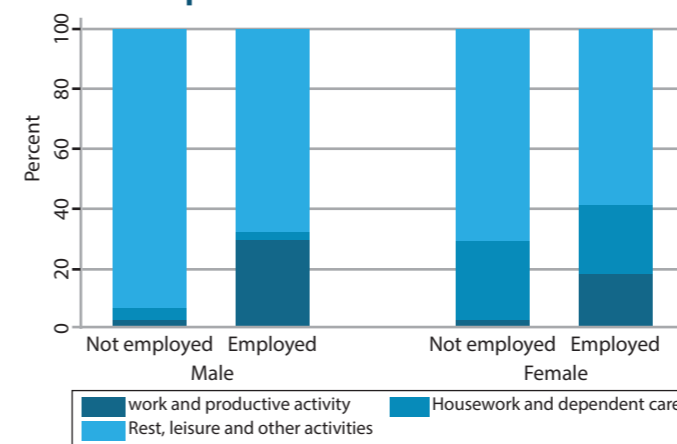
Evidence that links unpaid care work to women's empowerment is not adequately used to inform public policy. Recognising, reducing and redistributing unpaid care work are fundamental elements of any policy looking to address this issue<sup>5</sup>. Following are some key reasons for why we should care about this sector.

**There is no recognition of the social and economic value of unpaid work:** Many women work from home, and contribute significantly to the national economy. Recent estimates suggest women contribute around 36.8% to Pakistan's Gross National Product (GNP)<sup>6</sup>. Yet their work is not legally recognised or protected such as through an equal wage guarantee or social safety net. Female farmers are not acknowledged as 'farmers' neither are home-based workers as 'workers', nor their places of work as 'workplaces'. Women also report wages lower by at least 67% compared to men's and are concentrated in the informal sector.

**There is excessive drudgery and time burden of unpaid care for women:** Not only do women earn less than men (when their work does not go unrecognised and unremunerated), they are also more 'time-poor'. Accounting for both unpaid care and paid work, women work thrice as many hours as men on average globally and up to 10 times more in Pakistan<sup>7</sup>.

Pakistani women who are not into paid employment still work as much as formally employed men on productive activities<sup>8</sup>. The figure below shows the breakdown of time for employed and non-employed men and women from the 2007 Time Use Survey.

**Time Use by Gender and Employment Status: Respondents over 25 Years Old**



Source: Time Use Survey 2007 (Female Labor Force Participation: Pakistan Country Study for the Asian Development Bank by Erica Field and Kate Vyborny April 28, 2016)

There is unequal distribution of unpaid care work between men and women: Inequalities in the share of unpaid care work are stark in South Asia where women are left to shoulder this workload with little or no social support. Pakistani women spend 4.3 more hours per day (compared to 2 hours on average for developing economies) than men on this<sup>9</sup>. The figure above further shows that not only do women spend more time than men on housework, unemployed men do not take a greater burden of these activities.

In addition to the above factors, preconceived notions about women's primary role as homemakers and lack of supportive facilities such as childcare and women-only transport and accommodation significantly reduces their labour power and occupational choice, pushing women towards informal and casual employment lacking any upward mobility.

## What can we do?

It is imperative to accurately estimate the value of unpaid care work - disaggregated at the minimum by gender, region, age group and urban-rural divide - to design appropriate public policy. The last Time Use Survey (TUS) for Pakistan was conducted in 2007. Building an evidence base and counting women's work through a revised round of the TUS is an essential first step. It will also help to reduce under-counting that may arise through other instruments such as the Labor Force Survey (LFS). Even in the less conservative regions of the country, there is a stigma associated with admitting that women work. Men often shy away from acknowledging that their wife / daughter(s) work.

## Other areas for intervention include:

**Provision of accessible public services, including care services:** Access to clean drinking water, affordable and quality health and education services, electricity for domestic use, improved mobility, reliable crèches can be critical for addressing women's time poverty and enabling them to engage in productive employment. For example, Pakistan has recently launched the Prime Minister's National Health Insurance Scheme to issue health cards to all poor families targeted through Benazir Income Support Programme, Pakistan's flagship cash transfer programme. This programme is intended to provide a minimum level of healthcare to Pakistan's poor including women. Ongoing research<sup>10</sup> to understand the impact of investing in public transport on women's economic participation can also help design suitable policies to enhance their urban mobility.

**Investment in time and labour-saving equipment and infrastructure:** Improved sanitation and water and energy supply, rural roads etc. can make unpaid labour more efficient and help arrest time poverty. For example, provision of reliable water supply close to or at home, can reduce time women spend fetching water - rural women often have to walk up to 2.5 miles each day to access clean water. Use of ICT in service delivery can also save women's time. Examples include transfer

Continued on page 11

<sup>1</sup> UNDP (2015) 'Imbalances in Paid and Unpaid Work', Chapter 4 in UNDP Human Development Report 2015, Work for Human Development, New York: UNDP

<sup>2</sup> Labor Force Survey 2014-15

<sup>3</sup> Such as Nepal, Bangladesh, India, Indonesia, Kazakhstan, Uzbekistan and Philippines

<sup>4</sup> Estimated by Working Women's Helpline

<sup>5</sup> This widely used framework was introduced by Emeritus Professor Diane Elson of the University of Essex

<sup>6</sup> Labor Force Survey 2010-11

<sup>7</sup> The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth, McKinsey Global Institute, Sept 2015

<sup>8</sup> Female Labor Force Participation: Pakistan Country Study for the Asian Development Bank by Erica Field and Kate Vyborny April 28, 2016

<sup>9</sup> <https://www.oxfam.org/en/pressroom/pressreleases/2016-05-31/sweatshop-wages-and-unpaid-care-work-double-burden-asias-women>

<sup>10</sup> <https://www.theigc.org/blog/overcoming-barriers-womens-mobility-pakistan/>

# CHILD MARRIAGE A FUNDAMENTAL VIOLATION OF HUMAN RIGHTS

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## What is Child Marriage?

According to the UNICEF (2014) Child marriage is a formal/informal marriage or union of individuals under the age of 18.<sup>1</sup> Globally, more than 700 million<sup>2</sup> women alive today were married before they reached this age.

This practice is most common in sub-Saharan Africa and South Asia, with Pakistan ranking 6th out of the top 20 countries<sup>3</sup>, with the 'highest absolute numbers of child marriage', in the latter region. While child marriage impacts both genders, globally, the practice mostly affects girls, with the most serious problems associated with "child brides".

## The Pakistan context

Approximately 21% of girls in the country are married before the age of 18<sup>4</sup>. Further data shows, between 2000 and 2010, 7% of women were married before they reached the age of 15. Other estimates quote that around 30% of the marriages in Pakistan fall under the category of child marriage with the highest prevalence in province of Sindh. (Source: Child rights in Pakistan by Jillani and Zarina).

Traditional norms and stereotypical beliefs hold that women must get married after their menstruation starts, as that is when 'womanhood' begins. In certain contexts this means that a child as young as 11 married off, and thus begins the cycle of consequences that further disadvantage girls and women. There are a number of related factors that also influence parents' decisions when it comes to marrying their girls young. Specifically, poverty and insecurity provide a strong excuse for child marriages – families believe girls are a burden (boys are expected to earn and provide support for aging parents, whereas girls' abilities to earn incomes, along with their contribution towards unpaid domestic and economic labour, is completely ignored). Parents are often also

Consequences	
Throughout the world as well as in Pakistan, child marriages affect child brides in the following ways:	
Consequences	Implications
Health*	Higher Maternal Death Rate Greater complications in Child Birth Higher Infant Mortality rate Less Likelihood of receiving medical care More likely to contract diseases such as HIV
Poverty and Economic Growth**	Greater likelihood of living in poverty, as they have lesser access to education and economic opportunities. Trapped in a vicious cycle of poverty
Violence and abuse***	High burden of un-paid work at home Higher rate of Domestic Abuse by intimate partner Belief that abuse is justified Sexual, physical and emotional violence More likely to develop an anti-social personality
Education****	Lower Enrollment rates for girls Higher drop-out rates Less likelihood of returning to school after Child Marriage

\* <https://www.children.org/stories/2016/feb/brides-too-soon-the-dangers-of-early-marriage>  
 \*\* [https://www.unicef.org/protection/57929\\_58008.html](https://www.unicef.org/protection/57929_58008.html)  
 \*\*\* <https://www.girlsnotbrides.org/child-marriage/pakistan/>  
 \*\*\*\* [https://www.unicef.org/protection/57929\\_58008.html](https://www.unicef.org/protection/57929_58008.html)

concerned with protecting the honour of their girls – which is a genuine concern in a society where harassment and physical assault of women and girls is common.

Child marriage sometimes involves the transfer of money, settlement of debts or exchange of daughters (Vani / Swara or Watta Satta) sanctioned by a Jirga or Panchayat (council of elders from the community). Child marriages are driven by social and gender inequality, a desire to control women's sexuality and protect family honour, economic hardship and lack of awareness of its harmful impact.

Legally, Pakistan is still following the outdated Pakistan Child Marriage Restraint Act (CMRA) 1929, which sets the legal age for marriage to 16 for women and 18 for men. A draft to increase the legal age for women to be 18, i.e. equal to that of men, was rejected for the second time in May 2017. This lack of political responsibility to ensure the health and welfare of all the citizens of the state stems from a mix of patriarchal and traditional/cultural norms – it seems even those with higher levels of education feel unable to change their ideas about girls and women.

Pakistan is a signatory to the Sustainable Development

## PPAF – Women and girls at the heart of our work

PPAF believes that unless women are equal partners in socio-economic development, Pakistan's progress will remain limited. Although the organisation has not directly addressed the issue of child marriage and child brides, through specific, targeted projects, its work on gender addresses gender inequality which is a core cause of child marriages.

PPAF plans to focus on 3 key indicators under SDG 5, on which substantive progress is required:

- 1) Elimination of all forms of discrimination against women and girls everywhere,
- 2) Recognise and value unpaid care and domestic work through the provision of public services, infrastructure, social policies and the promotion of shared responsibility within the household and the family,
- 3) Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.

Under the Programme for Poverty Reduction, gender action plans have been developed to promote inclusion, equity and women empowerment in 14 districts of Balochistan and Khyber Pakhtunkhwa. The plans include leadership and capacity building trainings for women and community resource persons to create awareness on Sustainable Development Goal 5 and work towards women empowerment within a culturally sensitive lens. PPAF has also trained more than 100 community resource persons in Sindh on gender equality providing knowledge and skills aimed at changing attitudes and behaviors at the grassroots.

A radio series, Roshan Raahain (Pathways of Light), was developed and listeners' clubs were established as part of a six-month pilot project on ending gender-based violence in three districts of Punjab. The pilot enabled men to understand the role of women in socio-economic development and encouraged women to share their experiences through the clubs. As a result of the pilot project the communities in the project areas started taking serious notice of incidences of early child marriages, women's exclusion in decision-making, domestic violence and issues related to girls' education and property rights.

Such initiatives can promote community awareness regarding gender issues, which can consequently lead them to take notice of women related issues such as child marriage.

PPAF has in place a Child Protection Policy addressing and preventing violence, abuse and neglect, exploitation and discrimination affecting children. Every child has the right to enjoy an environment, which contributes to its growth fulfilling all its basic human rights as they are endorsed in the UN convention on the Rights of the Child. Children who come into contact with the Pakistan Poverty Alleviation Fund as a result of our activities must be safeguarded to the maximum possible extent from deliberate or inadvertent actions and failings that place them at risk of child abuse, sexual exploitation, injury and any other harm. PPAF as a national organisation feels the obligation to provide a safer environment to the children in the communities, with whom it is in contact, and this extends to promoting and supporting access to education for children and encouraging social norms that do not negatively impact children.



Goals as well as to the Convention on the Elimination of all forms of Discrimination against Women CEDAW, albeit with reservations. This means it is bound to follow the actions and objectives identified under these. The international community has vowed to end child marriage, within the 'Gender Equality' goal, by 2030 as one of the Sustainable Development Goals, (SDG Target 5). Under the 9 adopted targets, all of which are relevant in the context of Pakistan, there is one that focuses specifically on child marriage - Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

Relevant to this, in the context of Pakistan, many civil society organisations are taking up the cause of eliminating child marriage. While creating awareness through information and public campaigns is required, evidence shows that changing a community's age-old practice takes time and requires constant efforts. What would boost such efforts would be the required changes in law – with specific penalties for parents and clergy who undertake the nikah ceremony. Marriage registration and documentation should also be emphasised as should the current related legislation such as in education, whereby each of the Provincial Governments has promised free equal education up till the age of 16.

<sup>1</sup> [https://www.unicef.org/protection/57929\\_58008.html](https://www.unicef.org/protection/57929_58008.html)

<sup>2</sup> [https://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR.pdf](https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR.pdf)

<sup>3</sup> <https://www.girlsnotbrides.org/where-does-it-happen/>

<sup>4</sup> <https://www.girlsnotbrides.org/child-marriage/pakistan/>

# GENDER SENSITISATION UNDER PROGRAMME FOR POVERTY REDUCTION

Rehana Sheikh, Gender Consultant

In a society where women experience high level of inequality at household, community and societal level to access and control resources and services, PPAF's Programme for Poverty Reduction (PPR) is creating spaces for disadvantaged groups including women, the disabled and ultra-poor people to participate in the development processes. The Programme is funded by the Italian Government through the Agency for Development Cooperation (AICS).

The Poverty Reduction Project is operational in 38 Union Councils of 14 districts of Khyber Pakhtunkhwa (KP), Balochistan and FATA. In KP, the districts include Lower Dir, Upper Dir, Chitral and Swat. In Balochistan, the districts include Zhob, Killa Saifullah, Killa Abdullah, Pishin, Gwadar, Lasbela, Awaran, Panjgur and Kech. In FATA the PPR is being implemented in Bajaur Agency. People, particularly women, of these areas suffer due to extreme poverty and lack of basic social services and physical infrastructure. So called traditional norms and values further discriminate women to exercise their basic human rights of education, sexual reproductive, citizenship, work and liberty. Social mobility of women is restricted to fully participate in social, economic and political activities. Significant rise in violence and conflicts over the past decade has made life even difficult for people resulting in internal displacement in many instances.

In this dismal context where women face challenges in accessing resources and are discriminated against, PPR has come with a range of opportunities not only to address women's practical and immediate needs but to facilitate the process in a way to build a pathway for long term women empowerment. The intervention districts are selected based on the Human Development Index (HDI) ranking, on indicators of education, health and per capita income. As per UNDP profiling, the selected districts are placed between very low and medium HDI. PPR's interventions in these districts to address the needs of women are described below.

## Addressing immediate needs of women

Women's practical needs are addressed through provision of services of water, productive assets, health & nutrition and education. To date, PPR has provided productive assets to 5,215 ultra and vulnerable households out of which 47% are women. Looking at the interventions, 476 community physical infrastructure schemes are directly contributing towards women's improved access to drinking water, sanitation and renewable energy. Under

the education component, 45,206 girls are receiving education in community/enterprise schools in remote areas where government schools do not exist. Moreover, 97 PPR supported government and community health facilities have resulted in improved access to better health services of around 878,000 patients of whom 41 % are women and 28% are children.

PPR's approach of affirmative actions to include women in the process has benefited women in many ways. For example, interventions under Livelihood Enhancement and Protection have increased the asset base of women so that they make money out of it and contribute to household income. Investments have been made to improve technical skills of women, which would enhance their access to livelihood opportunities. Improved access to services through infrastructure, particularly, water supply schemes have reduced women's burden and working hours; health and hygiene interventions have increased women's knowledge and improved practices; and setting up schools has increased women's expected educational attainment.

PPR's facilitation for Citizen National Identity Card registration has led to women's economic and political empowerment and observing international days, such as celebrating the International Women's Day has helped gain momentum in raising awareness of women rights in the communities.

With reference to improving women's strategic needs, PPR is engaging with women and men to help them understand and address the causes of inequality and gender discrimination.

## Ensuring long-term empowerment of women

A major achievement of PPR is organising households into community institutions for men and women to bring about transformation and make men and women realise the importance of women in decision-making and development processes. PPR considers men as main allies for gender mainstreaming in their interventions and take affirmative action to promote inclusive community institutions. As a result, PPR has been successful to achieve greater participation of women in the organisation at the community level where out of 77,507 members, 43% are women. However, the data shows that as the level of institution increased, participation of women decreased. Consequently, we see that women membership is 35% and 28.5% in Village Organisation (VO) and Local Support Organisation (LSO) respectively.



Community institution	Institutions for men	Institutions for women	Institutions having mixed membership	Total institutions	Male membership	Female membership	Total membership
Community organisation (1st tier)	2270 (54.5%)	1806 (43%)	105 (2.5%)	4181	43,82 (57%)	33,687 (43%)	77,507
Village organisation (2nd tier)	274 (42.5 %)	109 (17%)	261 (40.5%)	644	6,547 (65%)	3,512 (35%)	10,059
Local support organisation (3rd tier)	12 (29 %)	-	30 (71%)	42	1,244 (71.5 %)	495 (28.5%)	1,739

14th Programme Report July – September 2017.

A need assessment exercise conducted for gender mainstreaming at partner and community level highlights that main challenge in achieving greater participation at VO and LSO level is mobility of women. The mobility is restricted due to various reasons, such as traditional norms, lack of suitable transportation, and burden of household works. Nonetheless, there are LSOs, such as in Swat, which have taken measures to ensure women inclusion in the process. This LSO has appointed a female coordinator to hold community meetings with women and mobilise them to participate in LSO elections.

Based on the need assessment, a training module for mainstreaming gender in policy and practice has been developed. Over 150 training sessions have been planned till June 2018 across the PPR districts to build capacity of 3,500 women and men members of LSOs.

a) Our experience in PPR informs that in order to strengthen gender-mainstreaming efforts, the following actions are important for PPAF to support. Capacity building of partner organisations is required in how to mainstream gender in our interventions and analyse, monitor and evaluate interventions with gender perspective. According to

the gender need assessment carried out with staff of partner organisations, 36% staff had never attended any gender related training. Gender mainstreaming in PPR will be effective if staff of our partners is gender sensitive and skilled to understand gender issues at field level and come up with creative solutions.

- PPAF needs to give technical support to our partner organisations on their gender policies, gender monitoring framework and gender indicators, and align these with PPR interventions.
- LSOs need to understand and internalise the importance of gender mainstreaming as a development approach, which will benefit the communities. Though LSO members will be trained in gender mainstreaming, change makers/ activists (male and female) are needed on one-on-one basis who would visit each LSO, monitor the activities and give feedback for course correction.
- The partner organisations need to develop gender sensitive communication material for illiterate or semi-literate groups. This will increase understanding and sensitivity among households.

# MAINSTREAMING GENDER AT PPAF AND BEYOND

Qazi Azmat Isa, Chief Executive Officer, Pakistan Poverty Alleviation Fund

Pakistan's gender equality indicators have been abysmal, with the Global Gender Gap Report that measures gender inequality on the level of gender parity across the dimensions of health, education, economic participation and political empowerment, ranking Pakistan as the second worst country for the third consecutive year in 2017. There is clearly tremendous amount of work to be done across all sectors and all provinces and regions to address the inequity and lack of female empowerment and the change required is as much of mindset and attitude as it is of services, systems and structures.

The basis of equitable development lies in the empowerment of individuals within communities who have no voice, individuals who are marginalised and vulnerable, such as women, the differently abled, minorities and the youth. In order to ensure that diversity does not result in deprivation, at PPAF, we track diversity to ensure that our institutions and practices are inclusive. The most resounding example of this inclusive approach is women's empowerment which is mandated in all PPAF interventions at the grassroots level. If communities are unwilling to support the formation, mobilisation and subsequent activities of women's community groups, then PPAF does not support any intervention in that area. The same gender inclusion is reflected in PPAF human resources, we monitor diversity and inclusion so that it remains integrated in all PPAF activities.

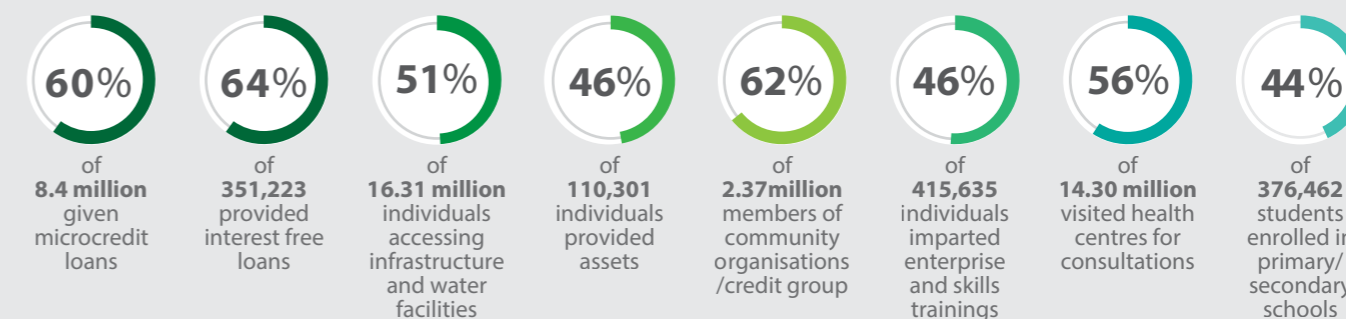
At the PPAF level, the Board of Directors is chaired by a woman and a study on PPAF's HR system conducted by

Mercer in 2014 highlighted that PPAF's policies strongly support gender equity in its workforce resulting in a high women staff ratio of 30% as compared to the market average of 10%.

At the partner organisation level, we ascertain that 25% of the staff employed by POs is female. At the community level, through applying mandates for women's inclusion within community organisations, PPAF managed to increase the participation and representation of women within such institutions, achieving 60% participation within a period of 6 years. This had a direct impact on the way these institutions prioritised the challenges they wanted to address (women and poorest households would choose access to water, sanitation, education, men would choose irrigation); and improved our ability to improve the quality of life of such households.

Achieving gender equality and realising the human rights, dignity and capabilities of women is a requirement of justice and sustainability. Thus, PPAF's focus goes beyond numbers, addressing concerns of access to justice, property rights and awareness of rights. Under PPAF interventions, 638 houses were registered in women's names in the model villages in UC Ahsanpur district, Muzaffargarh and Goth Noor Mohammad at Karachi. 1,028 women were provided housing finance in district Mianwali. Women learnt about the formal justice system under the Access to Justice and Gender-based Violence pilot projects and mobilised communities continue to be provided information and awareness on

## WOMEN SHARE IN PPAF INTERVENTIONS



\*Cumulative September 2017

women's rights, marriage agreements (Nikah-Nama), citizenship rights and responsibilities.

PPAF's 16 years of experience in the microfinance sector, has taught us that not only do the institutions providing financial services needed to enhance the representation of women within their workforce and across their Boards (which we tracked), but that what were initially termed critical requirements for providing loans, were requirements that discriminated against women. Not many women in rural areas, who may require a loan to enhance their micro-enterprise, will be able to find a male guarantor (other than direct relatives) who will provide the loan guarantee. We learned that the social and cultural constructs that restrain women from accessing financial services need to be addressed in the terms and conditions of lending, to ensure women get equal access. We also learned that while women may be taking a loan, they may not be the actual client or beneficiary of that loan. This meant developing women-centered loan prod-

ucts that focused on productive enterprises that we knew were mainly carried out by women. Such learnings continue to emerge from the sector, and today PPAF through its offshoot, the Pakistan Microfinance Investment Company, continues its journey for financial inclusion with a special focus on women.

In PPAF's experience, gender mainstreaming requires a step-change in the management culture of an organisation. Visible and sustained leadership and commitment from senior management, as well as the necessary resources, incentives, and accountability systems must be devoted to the realisation of SDG 5. With PPAF mandates, these changes trickle through PPAF partner organisations and the communities we work with, and eventually inclusion and gender equity take root. However, it is too early to be complacent. It will take many years of scrutiny, tracking and regular action to remove obstacles as they are identified, to really achieve gender equality.

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## STRIKING BACK AT INEQUALITY: POLICIES AND PRACTICES TO ENSURE WOMEN'S WORK IS VALUED

of knowledge or information via smartphones such as access to medical reports from labs, extension service for agriculture workers, banking via phone applications. Currently less than 5% of Pakistani women have bank accounts. Private sector initiatives such as *easypaisa*<sup>11</sup> can provide access to efficient financial services while improving inclusion. However, the reality that many women aren't allowed access to a mobile phone by their families serves as a barrier to this and other ICT initiatives achieving gender inclusion.

### Provision of decent work for women and men:

Flexible working hours, equal wages, maternity benefits, pensions and social security, improved working conditions are essential to ensure women have equal opportunity towards gainful employment. Examples of government initiatives in this regard include the passage of the Sexual Harassment at Workplace Act in 2010 and

more recently the landmark policies to legally recognise home-based workers in Sindh and Punjab. As most working women are in the informal economy, policies to regulate this sector remain critical. Enhancing coverage of social protection to this sector by allowing self-registration can extend benefits to women as will ensuring minimum wage independent of contractual arrangements.

### Moving ahead

BISP is already making phenomenal gains for women across multiple dimensions, including empowering them within their households by enabling them as recipients of the cash transfer, providing them access to health insurance, skills training and assets<sup>12</sup>. However, provision of public services, investment in infrastructure and social protection requires financial commitment. To sustain such interventions and expand scope, Pakistan should

move closer to its maximum tax capacity. Currently Pakistan's tax-to-GDP ratio is hovering around 12%.

Moreover, recognising the value of unpaid care work will help mobilise fiscal space only if investments in this regard are viewed as an investment, not a cost. A recent study in Turkey shows that a dollar of public money invested in the care sector, to relieve burden on women, can create 2.5 times as many jobs as a dollar invested in the construction industry. Public investments in the care economy can create jobs for women, reduce gender inequality, and also support economic growth.

There is a strong evidence base to support family planning interventions for encouraging women's economic participation by directly reducing the burden of childcare. Provisional census results indicate that family planning programmes in Pakistan have largely failed as

the population count (at 207.7 million) has exceeded all previous estimates. Birth rates remain high at 22.3 births per 1000 population while the Contraceptive Prevalence Rate (CPR) at 35% is much lower compared to a South Asian average of 53% and 77% for Iran. Reducing the burden of unpaid care work via lower fertility rates will be a significant impact of improving family planning services in Pakistan.

In Pakistan, the distribution of unpaid care work does not adjust in favour of women even as they take on more paid work. Therefore, interventions to address social norms on the distribution of care work remain critical. A recent example from Pakistan is Telenor's Public Service Advertisement that challenges gender norms and stereotypes. While there may be little evidence base on whether these work but they must be tested and supported to address the wider issue.

<sup>11</sup> <https://www.easypaisa.com.pk/>

<sup>12</sup> For more on this refer to <http://www.opml.co.uk/publications/benazir-income-support-programme-reports> that has links to evaluation reports of BISP.

# CAPITAL, SKILLS AND THE ECONOMIC LIVES OF POOR WOMEN: RECENT EVIDENCE FROM FIELD EXPERIMENTS

Dr. Imran Rasul

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**“ Intensive vocational skills training combined with life skills or on-the-job training can have large impacts on employment and earnings of young women.”**



Poor women throughout the developing world are engaged in insecure casual wage jobs or sluggish micro-enterprises, which yield low and unstable earnings. Poor women also typically have very low levels of human capital. These observations have led the design of many anti-poverty programmes to be based on the assumption that lack of capital and skills determines occupational choice, and that, therefore, transferring capital or skills will enable the poor to enter into more productive occupations, will lead to sustained improvements of their livelihoods.

Many anti-poverty programmes can be therefore usefully organised along the type of transfer provided: capital, or skills or both.

A number of policy interventions have targeted women or household with the aim of transforming occupational choice from wage labour to small-scale entrepreneurship. This category includes BRAC's Ultra-Poor programme, an intervention that provides both capital and skills training to 370,000 of the poorest women in rural Bangladesh (Bandiera et al 2017). The main findings of note from such

programmes are: (i) Ultra-Poor programmes that provide a large asset transfer (relative to baseline levels) and intensive complementary training are effective in increasing earnings of very poor women. For example, two-years after the start of the programme, beneficiaries have 34% higher earnings and they increase their per-capita consumption of non-food items by 17% and consumption of food items by 6%. Evidence on other ultra-poor style interventions now exists from a broad range of countries (Banerjee et al 2015).

A second group of policy interventions have targeted existing micro-enterprises with the aim of increasing productivity and profit within the same occupation. Rather than aiming to transform occupational choice, these interventions are designed to identify the obstacles faced by small enterprises to foster their growth. These studies include field experiments that provide grants in cash or in kind to micro-enterprises in Sri Lanka De Mel et al (2008, 2009, 2012b) and in Ghana (Fafchamps et al 2011) and contrast their impacts on male versus female-owned businesses. Evidence also exists from evaluations of business training or financial literacy

programmes provided to microfinance clients in India (Field et al 2010), Peru (Karlan and Valdivia 2011), Pakistan (Gine and Mansuri 2011) and the Dominican Republic (Drexler et al 2011) as well as the effectiveness of providing consulting services to owners of small and medium-sized enterprises (Bruhn et al 2012). Finally, there are important field experiments that provided business training along with capital grants (as well as training alone) to female-owned microenterprises in Tanzania (Berge et al 2011) and in Sri Lanka (De Mel et al 2012a).

The main findings of note are: (i) Grants in cash or in-kind often fail to generate growth in female-owned enterprises, except in businesses that were relatively large and successful (thus had more potential to grow) to start with. (ii) Business training alone is not sufficient to increase profits in female-owned businesses: there is new evidence (Bruhn et al 2017) that consulting services can have large impacts on profits of small enterprises and earnings of their owners, but this study only reports average impacts on both male and female business-owners (due to small sample size), hence we need further evidence to see if these effects hold for

female-owned businesses. (iii) Business training, when combined with cash grants, may increase the profitability of female-owned businesses, but this effect may not be long-lasting.

Taken together, evidence we have so far on the impacts of providing capital and/or training to the general population suggests that a combination of very large asset transfer and intensive training (as in the ultra-poor programme's model) leads to the creation of new small businesses and has a transformative impact on women's occupational choices and earnings. On the other hand, capital transfers alone seem to be less effective in doing so. Intensive vocational skills training combined with life skills or on-the-job training can have large impacts on employment and earnings of young women.

So much remains to be understood and design policies that enhance the capital and skills of poor women around the world. But this is a challenge that researchers, in partnership with innovative organisations like PPAF, are ready for and taking up.





**COVER**

Sania Bibi driving to school in a rickshaw bought under the PMIFL Scheme implemented through PPAF. Layyah, Punjab



**PAGE 3**

Data collection for developing a plan under the livelihoods component. Thatta, Sindh



**PAGE 5**

Community women gaining hands-on experience on animal husbandry. Shahdadpur, Sindh



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Young girls doing artwork in Government Primary School. Asogay, Swat, Khyber Pakhtunkhwa



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Hamida Bibi, Health CRP conducting an awareness session with local communities. Bajaur Agency, FATA



**PAGE 13**

PPAF micro-insurance initiative under IFAD protected needs of small farmers. Gujranwala, Punjab



**PAGE 14**

Community women engaged in income generation under the PMFIL Scheme. Layyah, Punjab

*All photographs used in Development Dialogue reflect PPAF-supported initiatives.*



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