

**EMERGING PATTERNS OF WOMEN'S ISSUES IN
PAKISTAN:**

Perspectives of Practitioners

Gender Learning and Practice Alumni Network

**GTZ Capacity Building - Ministry of Women
Development Project**

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Introduction

The Ministry of Women's Development (MoWD) with technical assistance of the Capacity Building Project of the German Technical Cooperation (GTZ) has been working on capacity enhancement of its own staff, and selected officers of the provincial Women Development Departments and a few key line ministries enabling them to effectively contribute to the process of gender mainstreaming and equality perspective at the policy and practice levels.

To institutionalize gender learning and practice into wider knowledge promotion and management system of the MoWD, an Alumni Network was formed in December 2008 in partnership with the GTZ Project. The Network seeks to maximize gender expertise of the public sector officers, stimulate critical thinking and reflection through interface with practitioners and promote gender inclusive institutional change at policy and practice levels.

Under this Project and the Alumni Network, one of the initiatives is the development of gender knowledge portal and through this feature creating spaces for experiences sharing and practice illustrations. The purpose is to expand the knowledge resource base and inspire officers to act for change.

The CB-MoWD Project for the benefit of the alumni started an exercise of interviewing human and women's rights activists/practitioners on 6 different themes to have their perspective for a deeper and more insightful understanding of issues concerning access to justice and discriminatory laws, Violence against Women, women and economy, poverty and environment, women and education, women and health and women and armed conflict and natural disaster and extremism. The intension was primarily to gain an extensive understanding of specific gender issues through the work, outlooks and expertise of different practitioners.

At the culmination of these interviews, this report has been compiled in order to put together the perspectives of the different practitioners and get a sense of the emerging patterns of women's issues in the words and experiences of these people who have been working on these issues for a number of years.

This report examines the six thematic areas one by one, discussing some of the core problems in each. Each section is largely based on the interviews conducted and the experiences of the activists working in these areas.

1. Women and Economy and Poverty

The Beijing World Conference on Women in 1995 established a fact that has since been widely accepted by governments and organizations, that: poverty has a gender, and it is female.

According to the United Nations, the vast majority of the 1.5 billion people living on one dollar a day or less are women, with women taking up a claimed 70% slice of the world's poor camembert. Two thirds of the world's poor are women, although women are only half of the world's population¹. A 2009 Action Aid report states that if we turn round every single developmental stone, every Millennium goal, issue by issue, and we will find an unbalanced gender figure. Between 75% and 80% of the world's 42 million refugees are women. 61% of the people infected by HIV/AIDS in sub-Saharan Africa are women. 64% of illiterate adults are women. Only 18% of the world's parliamentary members are women. It goes on to state further that these figures aren't random realities, or arbitrary facts. They are all direct consequences of profound socially routed gender imbalances affecting women all around the world on a daily basis. To understand the victims of poverty and injustice, it seems that becoming gender-aware is not so much a plus, as a necessity².

The definition of poverty should not be taken literally to mean the financial well-being of a person. Instead, poverty has to be looked at as a multi-dimensional phenomenon; it is also defined as vulnerability of people due to their financial status, it also includes elements of environment and how poverty affects it and vice versa³. It is not just about income. Shazreh Hussain looks at poverty with the Amartya Sen's capabilities/dignity approach towards development and poverty alleviation. This approach focuses more on what a person is capable of doing and what a person is capable of being – it requires freedom from hunger, violence, the right to decision making and the right to choose. All of these aspects come into the definition of 'poverty'. You are poor if you do not have your basic rights⁴.

With this re-definition of poverty, one realizes that women are 'poor'. The UNIFEM states that statistics indicate that women are more likely than men to be poor and at risk of hunger because of the systematic discrimination they face in education, health care,

¹ Women, violence and poverty - breaking out of the gender trap, Amnesty International, November 2009

² "not women's concern", Action Aid Report, 2009

³ Interview with Khawar Mumtaz for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

⁴ Interview with Shazreh Hussain for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

employment and control of assets. Poverty implications are widespread for women, leaving many without even basic rights such as access to clean drinking water, sanitation, medical care and decent employment. Being poor can also mean they have little protection from violence and have no role in decision making⁵. One begins to understand that poverty is not simply something that happens to unlucky women “over there”; rather, it is a way of life⁶.

Caste, linguistic and gender differences are prominent and contributing factors to poverty.

The sad reality is that poverty is linked to social structures and keeps getting reinforced by these social structures. People will remain poor due to the structure and the way assets and services are divided. Poor cannot access the resources. Caste, linguistic and gender differences are prominent and contributing factors to poverty. This cycle continues and no one is being able to break away from it⁷. As 1996 United Nations⁸ report notes the discrimination faced by women due to these social structures and traditions. It identifies a number of issues that are associated with women's poverty and the perpetuation of this poverty:

Education: Illiteracy is an open invitation to poverty. The need to trade off girls' education against immediate survival has resulted in a situation where 86 million girls throughout the world do without primary education. Two thirds of the world's one billion illiterate adults are women.

Female-headed households: Growing evidence of poverty among women has been linked to the increase in the number of female-headed households, a result of migration, family dissolution, male mortality or single parenthood. One third of families worldwide are now headed by women.

Unpaid work: Much of women's work, particularly in rural areas, is counted as unpaid family labor. In industrialized countries, two thirds of women's work time is spent in unpaid activities.

⁵ www.unifem.org/gender_issues/women_poverty_economics/

⁶ "The Female Face of Poverty: Media and the Gender Divide in the Millennium Development Goals" Van Leuven, Nancy., Giffard, C.. and Cunningham, Sheryl, 2009

⁷ Interview with Khawar Mumtaz for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

⁸ 'The Faces of Poverty', Published by the United Nations Department of Public Information March 1996

Employment: All regions of the world reflect a higher rate of unemployment among women than among men. Women's labor- force participation has risen by only four percentage points in 20 years (i.e., from 36 per cent in 1970 to 40 per cent in 1990). In developing countries, 1992 employment participation rates for women were on average only 50 per cent of those for men (in South Asia 29 per cent and only 16 per cent in Arab States).

Paid work: At work, women normally receive much lower average wages than men. Gender disparities persist, even in developed countries.

Credit: Limited incomes, lack of collateral and social and economic subordination drastically constrain women's access to all forms of credit.

Structural adjustment: The so-called "lost decade" of the 1980s, with its falling per capita incomes, soaring prices, increased interest rates and drastic cuts in government spending, hit poor women hard. The net result of structural adjustment policies has been to reduce even further women's access to entitlements needed to sustain minimal well-being.

All of these points hold truth today, despite the international and national obligations of states to diminish poverty, especially for women. Women's work is not recognized as labor; therefore they neither get the benefits accrued as 'employees', nor the financial returns due to them. Women are often responsible for providing for their families, though are often paid less than men for the same work, do work in the informal sector with no job security and have less access to resources such as land, credit and inheritance rights; education continues to be elusive for women, which could be an escape route for them, often due to traditional norms⁹; or as families often choose not to educate women, as their place is 'in the home'; or they do not feel that they gain enough financial returns from educating women. This gives them little opportunity to be able to come out of the boundaries placed upon them; many women living in poverty don't have access to healthcare because they can't afford to pay for it or reach health services; transport costs are high in relation to people's income and women living in poor rural communities often find it difficult to reach hospitals and maintain their treatment. Many women don't have adequate food, which is essential for coping with the side effects of anti-retroviral medication; women's low social status compounds the problem as when there's not enough food to go around, they are likely to be the last to eat¹⁰; the lack of financial independence also curtails a woman's basic human rights and need including those of her right of choice, right of decision-making– including decisions relating to herself, her body and her life, of independence and of life (meaning quality of life).

⁹ Women, violence and poverty - breaking out of the gender trap, Amnesty International, November 2009

¹⁰ Ibid

A 2009 Amnesty¹¹ report discusses the link between discrimination against women and violence, both as a cause and a consequence of poverty - violence keeps women poor, and poor women are most exposed to violence. Women who suffer from violence lose income and their capacity to earn a wage is impaired. The report also states that being poor takes away a woman's right of choice or forces them to make difficult decisions e.g. not leaving an abusive partner due to lack of ways to support herself and her children; increase in trafficking; children and girls working on domestic service and other forms of child labor, leaving them vulnerable to exploitation. Victims of violence can also find themselves isolated for e.g. a girl who becomes pregnant as a result of a rape may find herself excluded from school, with fewer prospects of finding safe work and an independent future and may be considered an outcast and therefore unemployable etc.

Within Pakistan, poverty has been and continues to be one of the most important issues faced by Pakistan. According to the World Bank, the poverty rate in Pakistan in 2007 – 2008 had declined to 17.2%. According to the Human Development Index, 60.3% of Pakistan's population lives under \$2 a day. According to the United Nations Human Development Report, Pakistan's human development indicators, especially those for women, fall significantly below those of countries with comparable levels of per-capita income.

Despite the obligations the state has agreed to undertake under various international treaties including Convention on the Elimination of All Forms of Discrimination Against Women, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child, as well in its Constitution, it does not seem to be effectively tackling the issue.

According to the United Nations Human Development Report, Pakistan's human development indicators, especially those for women, fall significantly below those of countries with comparable levels of per-capita income.

Khawar Mumtaz¹² is critical of the State's efforts in combating poverty. She feels that the state is not adequately responding to the issue. It is not taking the issue holistically. By stating lack of finances or resources, it is in fact avoiding it. The biggest issue is that the state has not truly acknowledged the female face of poverty. This can be evidenced in several ways for example when the government or organizations working on poverty making a livestock project, they will not factor in the women's dimension i.e. women are the ones who tend to the livestock the majority of the day; or when looking at an

¹¹ Ibid

¹² Interview with Khawar Mumtaz for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

agriculture project, the focus is on the 'man' or 'owner' of the land, as opposed to the women who till the land but are not recognized as 'farmers'¹³.

The reality is that the solution is a simple re-allocation of resources. For example if the state provided health care, the problems would be drastically cut down. Health care is one of the major economic burdens on the poor. As a result, many are unable or unwilling to look after their health adequately and therefore, they suffer physically, resulting in being unable to work and provide economic support.

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Khawar Mumtaz goes on further to note that the state needs to provide good health cover, pure water, compulsory free education etc. Currently, the only financial aid initiative for women is the Benazir Bhutto support income, which can only actively support a few women and not the thousands of others in desperate situations, and *zakat* handouts. Providing social security or providing special rates for persons earning under a certain bracket; land reforms are all also other solutions that could help the situation. She feels that the pattern of

the little assistance and protection provided by the state also has to change. For e.g., there is a lack of industrial development; the majority of women workers is in the informal sector and is not protected by the state under the laws and policies. They are largely ignored and their rights are not upheld. Even a small change towards maintaining a minimum wage, giving them the rights and provided to other laborers would provide support in combating poverty¹⁴.

The question then turns to what solutions can be offered to fight poverty. One of the recent and widely used solutions is that of micro-credit or micro-finance. Micro-credit is being supplied throughout the country in different forms. The Rural Support Programme Network (RSPN) uses this method quite effectively. However, rather than just providing straight out loans, RSPN uses a completely different format – allowing the community as a whole, as opposed to an individual, decide whether micro-credit is the best solution. Often it is not a priority and the community may decide to prioritize health or skill development over the provision of micro-financing. Therefore, RSPN provides assistance according to the specific needs of the community as opposed to simply handing out money and taking it back at a later stage.

¹³ Interview with Shazreh Hussain for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

¹⁴ Interview with Khawar Mumtaz for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

Civil society has remained quite critical about micro-credit. For some, the biggest problem with micro credit being the main solution to poverty is that not everyone is an entrepreneur and therefore money should not be given to them. They feel that there are other priorities such as health care and food security which should be more important, but micro-credit is not applicable to them¹⁵. Others feel that by giving money to a woman does not automatically mean she is empowered. In reality, women have no decision-making power, lack of mobility, lack of access to resources etc. There is no or very little possibility that a woman would take a loan without her husband's permission. The ever so important question is who has control over the loan. On the whole, a loan may improve the standard of living of a woman and her family, but is it really empowering women¹⁶?

Other concerns relating to micro-financing include the issues of high overheads; questions relate to how specifically micro-credit programmes are being run. How high or low are the interest rates? Women are being used as 'conduits' for the money, as opposed to the main party to handle the money. Access to credit is an achievement, there is no doubt about that, but it is not enough because it has not truly empowered women. In order to do that, a lot more needs to be done. When we discuss sustainable livelihood, this issue is vital and needs to be taken into account. When the loan finishes, has the woman managed to make her business sustainable in order to combat the poverty with which she is faced¹⁷?

Shazreh Hussain feels that what most micro-financing programmes leave out is teaching or giving women the practical tools with which she can learn to be sustainable. Without these tools, the worry remains that the business will collapse and not make any profits. The tools required include teaching how to interact with clients, making strategies, business planning etc. Due to the neo-liberal paradigm, the imbalance of institutional financial stability has led to the exclusion of clients, as can be seen in Pakistan. The priorities of the consumers – as are the women here are excluded. There is now increasing talk about the social performances of the loan grantees, but there is naturally a lot more discourse and debate that needs to take place in order to fill the existing gaps within this system¹⁸.

She goes on further to note that there are not enough or thorough impact studies quantifying the empowerment of women through micro-credit loans. The high number of

¹⁵ Ibid

¹⁶ Interview with Shazreh Hussain for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

¹⁷ Interview with Shazreh Hussain for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

¹⁸ Ibid

borrowers does not mean that it is empowering. The negative consequences of the loans are the over-indebtedness of families i.e. they borrow money to pay back micro-credit and so on. I am not saying it will not or is not working. Some of the loans may actually work towards alleviating poverty, but this is not a cut and paste method – one cannot apply a loan in every community and situation, as done elsewhere.

It is important when looking for solutions to poverty, to look at poverty holistically and not just as purely income generation. Other external factors need to be taken into account as discussed above, including education, health, environment, transport. The state needs to play a more proactive and involved role. It needs to broaden its own concepts and understanding of poverty. If the state would take any of the burdens of the citizens, then other factors could be targeted. All of the different sectors are inter-linked and influence each other. Therefore, all aspects cannot be taken in isolation and need to be dealt with as a whole¹⁹.

¹⁹ Ibid

2. Women and Health

This chapter has been chosen to focus on a few specific health related concerns rather than a general discussion on women and health. These issues have been focused upon specifically by the interviewees in order to initiate a discourse on issues that have been ignored or are not comfortably discussed before. They feel that it is vital to keep bringing these discussions to the forefront, no matter how uncomfortable one may feel, in order to generate discussion and debate in order to spread awareness and work towards working effectively on these issues

Health is defined by the Preamble to the Constitution of the World Health Organization (WHO) in 1946:

"Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."

WHO elaborated in the definition in 1986 stating that health is "a resource for everyday life, not the objective of living. Health is a positive concept emphasizing social and personal resources, as well as physical capacities."

Thereby, it is clear that good health is a combination of physical, mental, emotional, and social well-being. Pakistan aspires to provide equal and adequate health services to all of its citizens. However, disparities between socioeconomic and physical capacities of different segments of the population pose a serious challenge to the achievement of this goal²⁰. The reality is that Pakistan has not necessarily placed health high on its agenda, especially women's health, which requires specific attention and care. This can be seen in a simple fact such as that there is only one hospital for every 170,000 people. While there is need to expand the network of treatment facilities, the need to invest in preventive health care is equally significant and deserves more attention than it presently receives²¹.

While biological differences between women and men may lead to differences in health status, there are societal factors which are determinative of the health status of women and men and which

..Special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities...

²⁰ Rahman Sara, 'Sad but True: Why women choose to procure the services of unsafe providers? The News. April 2009.

²¹ Saman Qureshi, 'Mothers not Martyrs', The News. October 2009.

can vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities²².

As mentioned above, and re-affirmed by the Committee on Convention to Eliminate All Forms of Discrimination against Women, socio-economic factors vary for women in general and some groups of women in particular. For example, unequal power relationships between women and men in the home and workplace may negatively affect women's nutrition and health. They may also be exposed to different forms of violence which can affect their health. Girl children and adolescent girls are often vulnerable to sexual abuse by older men and family members, placing them at risk of physical and psychological harm and unwanted and early pregnancy. Some cultural or traditional practices such as female genital mutilation also carry a high risk of death and disability²³.

According to the Ministry of Health's website, the development expenditure for 2007 – 2008 was Rs. 14.272 billion with Rs. 3.791 billion being the current expenditure. The health indicators for the year 2007 - 2008 show from the Government side show the following figures:

Health Indicators

Infant Mortality (per 1000 persons)	Rate	(IMR)	76.7
Maternal Mortality (per 100,000 live births)	Rate	(MMR)	350
Under -5mortality (per 1000 persons)		rate	101
Parasite Incidence (per 1000 persons)	of	Malaria	0.75
Incidence of TB (per 100,000 persons)			181
Fertility Rate (percentage)			4.1 (source: NIPS)
Contraceptive prevalence rate %			30 (source: NIPS)
Births attended by skilled persons %			19
Population growth rate			1.9
<i>Total Population</i>			<i>159.06: million</i> <i>(source NIPS)</i>

²² Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 24 (20th session, 1999), Article 12: Women and health

²³ Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 24 (20th session, 1999), Article 12: Women and health

These figures display a high infant mortality, maternal mortality and under five mortality rate. It also displays that only 19% of people are attended by skilled persons.

What is interesting to note is that within its indicators, there is no discussion on pre-natal and post-natal care, nor is there any discussion on mental health. Usually one thinks of health issues as purely physical i.e. bodily harm etc. In Pakistan, it is only recently that the idea of mental and emotional health is slowly being given recognition, but it is far from still being understood. Traditionally, anyone who seems to be facing any mental/emotional issues is considered an outcast and avoided. Visits to doctors, who are often unqualified to deal or understand mental and emotional issues, especially in rural areas, results in giving improper medication. Furthermore, the link between happenings in life and mental and emotional health has not yet been made, nor the deeper repercussions that certain events in life may have on individuals. According to Dr. Ambreen Ahmed, the state does not understand the issue and the people who sitting in state institutions are not able to grasp the significance and important of good mental health²⁴.

Dr. Ambreen goes on to discuss what is meant by mental health and emotional health. With reference to the former, she states that like physical health, when our body can be impaired in any way, similarly something can go wrong with our brain chemistry resulting in mental disorders the same way one gets physical diseases. Therefore mental disorders are not much different from physical diseases such diabetes or a heart condition²⁵.

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With regard to emotional health, she notes that we first need to understand what an emotionally healthy person is: a person who had good relationships with others, it is a question of how a person acts and reacts to society and to life in general. There can be gaps in emotional health i.e. days when you feel sad or angry or happy and ecstatic, but it is balanced in the sense that none of these emotions stay for unusually long periods of time, for e.g. if a person is depressed for an extraordinary long period of time, it could have resulted in an emotional disorder²⁶.

As stated by Rozan, an NGO working on women's mental health: 'a dangerous long-term impact of such ongoing pervasive discrimination is the gradual erosion of self-esteem in women. A lack of self-esteem leads women to under

²⁴ Interview with Dr. Ambreen Ahmed for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', January 2010

²⁵ Ibid

²⁶ Ibid

value their own worth and potential. Research shows that violence has definite links to low self-esteem and a higher incidence of clinical depression and anxiety. Women end up accepting what is happening to them as part of their destiny and feel totally powerless to change it. The prevalence rate for clinical depression, anxiety disorders and psychosomatic (somatoform) disorders are therefore higher in women than men. These problems are rarely recognized as a serious 'health' issue. Furthermore mental illness and its treatment are obscured by numerous taboos and myths. Moreover, very little emphasis is given to the impact that the emotional well being of a person has on the overall quality of their life²⁷.

By ignoring women's mental health issues, the state ignores an important health concern which directly relates to women's well-being, and by doing so, it excludes not only half its population with regard to providing them care, but lapses in recognizing and providing for a serious health concern that should be prioritized.

There are a number of other issues that are directly related to women's poor health standards in Pakistan. These include the lack of awareness regarding women's health requirements, low literacy ratio, low social status and social constraints on females.

According to a recent major survey by Pakistan Demographic and Health Survey 2006-071(PDHS) has found that pregnancy and childbirth is the leading cause of death among women of reproductive age in Pakistan²⁸.

Ayesha Khan notes that lack of information or knowledge about family planning affects the health of both mother and child. The recent attention given to maternal mortality is a significant and important step towards the recognition of a vital women's health issue, which is a major cause of death and disease amongst women. Attached to this are other issues of reproductive rights such as right to make decisions about one's own body, questions of sexuality and sexual rights²⁹.

The mainstreaming of sexual and reproductive rights is a great challenge. It is only recently that this issue is even coming to be acknowledged in the public forum and by the state. Interestingly, it was the International Conference on Population and Development in Cairo in 1994 that spear-headed a large part of the women's movement with regard to women's health and recognizing women's health as a fundamental human right.

²⁷ www.rozan.org

²⁸ Saman Qureshi, 'Mothers not Martyrs', The News. October 2009.

²⁹ Interview with Ayesha Khan for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

As Ayesha Khan states with respect to sexual and reproductive rights, 'it is important to realize that women's health issues need to be looked at holistically. When we discuss women's sexuality and reproductive health we mean that the whole women's cycle should be looked at i.e. from conception to death. It means not to just look at the diseases or infirmities but women's right to decide what to do with their bodies, the right to family planning, the right to medical services, including safe abortions and the right to safe health care providing before and during pregnancy, including pre-natal care, safe delivery and post-natal care, prevention and appropriate treatment of infertility, prevention of abortion and the management of the consequences of abortion, treatment of reproductive tract infections, sexually transmitted diseases and other reproductive health conditions; and education, counseling, as appropriate, on human sexuality, reproductive health and responsible parenthood'³⁰.

Another issue which has been noted in developed countries and which needs to be focused on in Pakistan is the need for community health services. In community health, the focus is on the population. The diagnosis of the population is different: you examine disease patterns and the diagnostic tools are also different. The different indicators which help focus the priorities e.g. the rising maternal deaths currently has made the priority looking after the health of pregnant women and women in child birth to examine what is going wrong³¹. In short, community health is a discipline that concerns itself with the study and betterment of the health characteristics of biological communities.

The focus is to educate the community on how to live a healthier life, which could include basic understanding of things such as the need to drink clean water, regular bathing, pregnant women not carrying heavy objects etc.

Community health therefore focuses on prevention of diseases and illnesses, identifying patterns in different communities and identifying the reasons and sources for the increase of a certain disease in areas etc. The focus is to educate the community on how to live a healthier life, which could include basic understanding of things such as the need to drink clean water, regular bathing, pregnant women not carrying heavy objects etc. The idea is to educate the entire community together on creating a healthier lifestyle. This method has been responsible for better health in the West. Areas in the West where disease and illness were an epidemic, improved drastically before cures or anti-biotic were found. This was simply because the community learned how to lead healthier and cleaner lives³².

³⁰ Interview with Ayesha Khan for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

³¹ Interview with Kausar Sheikh Khan for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

³² Interview with Kausar Sheikh Khan for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

Women suffer the most in a community. When it comes to medical care and assistance, they are the last to be considered worthy of the expenditure, they also have no recognition of the hardships they face as they are considered of a private nature e.g. pregnant women are still required to go to get water from the wells, even if it is damaging for their unborn children and for their own health etc. The questions arise relating to women's awareness and empowerment relating to what is healthy for them, and the reality is they are mostly un-informed³³.

The problem that challenges this sector is the lack of understanding or awareness of state institutions of the need for recognizing health as an inter-related issue or the need for the development of an inter-ministerial strategy. For example, with reference to community health, the Environment Ministry should play a huge role, but it does not recognize that it should be involved in 'health' matters as it does not fall under its ambit. Similarly, the Ministry of Education refuses to see its own role is promoting health issues to students because, as mentioned above, this does not fall within its ambit.

³³ Interview with Kausar Sheikh Khan for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

3. Violence against Women (VAW)

The United Nations Declaration on the Elimination of Violence against Women (1993) defines Violence against Women as “any act of gender-based violence that results in, or likely to result in, physical, sexual or psychological harm or suffering of women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

In recent years, violence against women (VAW) has been one aspect of discrimination against women that has started being recognized, or rather admitted, in Pakistan by the community at large. Just a few years ago, VAW would not have been discussed on national television, nor would it have made new headlines. Now, it is coming into the public sphere as more and more people have started talking about it and acknowledging its existence. The recent passing of a Domestic Violence Bill by the National Assembly in Pakistan has also given due recognition to this ‘private’ crime and accepting it as such by the State³⁴.

The biggest problem encountered with the widened definition of VAW is that it is not easily quantifiable for e.g. emotional damages cannot be ‘measured’

However, despite recognizing its existence VAW is still prevalent in our society. According a study conducted by a local Pakistani non-governmental organization, in the year 2008 alone, there were 7733 reported cases of violence across the country³⁵. This does not take into account the thousands and thousands of un-reported cases where women face some form of violence in their lives daily.

VAW crosses all class, religion, culture and poverty lines, occurring in all strata of our society. It manifests in a number of different forms. Apart from the traditional forms of violence i.e. physical violence, the definition of violence has expanded to now also include sexual, psychological and emotional violence. It has manifested in a variety of different acts that range from acts of violence including abusive language or financial control to acid throwing, honor killings, torture, marital rape, incest, gang rape, forced marriages, trafficking, sexual harassment etc³⁶. The biggest problem encountered with the widened definition of VAW is that it is not easily quantifiable for e.g. emotional damages cannot be ‘measured’. Apart from the difficulty in investigating or even admitting to violence in the private sphere, there is no accurate way to quantify damage done emotionally or psychologically

³⁴ At time of writing, the Bill is currently pending in the Senate.

³⁵ Aurat Foundation. 17 February 2009. “Cases of violence against women in Pakistan Reported in the Year 2008. Islamabad.

³⁶ Institutional Reforms and Mechanisms for Law-Enforcement to Eliminate Violence against Women in Pakistan, presentation by Naeem Mirza

of a patient. There are not outward signs of the latter forms of violence, therefore they cannot be seen by others and can be more harmful and damaging to women, leaving within them a constant fear and rising dependency³⁷.

In a Pakistani context, VAW has become structural violence. With violations of the protection clauses within the Constitution and despite a flourishing legal system and criminal law system, the state through its negative and positive actions continues to violate women's rights³⁸. It perpetuates the idea that men control women's bodies and souls: by her father or brothers before marriage, and husband after marriage. Women are thought of as a commodity and allow men to feel they can treat their 'property' any way they like. This attitude is continuously being supported by the state and its institutions. The judicial verdicts and pronouncements have focused on making the female victims out to be 'bad' or having invited such violence onto themselves for provoking men with indecent behavior etc. Despite a handful of forward thinking and progressive judgments, other cases have resulted in punishing rape victims as participating in consensual extra-marital affairs, ignoring pleas of battered wives, restricting women's mobility by placing them in shelter homes or by forcing them to return to homes they have escaped from against their will. The situation is further perpetuated by women's position in society themselves, as dependent on men for their finances, mobility etc. Their own lack of education, information and awareness makes them even more vulnerable when trying to fight for their own rights, often making them give up³⁹.

There is an argument that VAW needs to be looked at as a form of torture. While torture is usually thought to be politically motivated, not personal and including state involvement, the fact is that all the elements that define 'torture' are present in extreme cases of VAW. Torture has a recognized profile⁴⁰: It begins with abduction, detention, imprisonment, and enforced isolation; it progresses through the infliction of extreme physical and mental abuse; it may end in death. For torture to work, the absolute power of the torturer must be established. Verbal abuse, humiliation, and making the victim feel worthless are part of the necessary degradation. MacKinnon states that all the same things happen as happen in the Amnesty International accounts of torture, except that it happens in homes rather than detention centers, but it is still not

Women are thought of as a commodity and allow men to feel they can treat their 'property' any way they like. This attitude is continuously being supported by the state and its institutions.

³⁷ Interview with Naeem Mirza for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

³⁸ Interview with Hina Jillani for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

³⁹ Interview with Hina Jillani for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

⁴⁰ Amnesty International, 'Torture in the 80s', 1984, London, Gerald Duckworth & Co. Ltd.

recognized as 'torture'. She asks the questions of why the torture of women by men is not seen as torture, why is it not seen as politically motivated, and what is the involvement of the State in it?⁴¹

Examining some of the cases of violence that come before us, this argument seems valid. Examining the cases of Tasleem Solangi⁴² or the five women buried alive in Balochistan⁴³ or the rape case of Nasima Labano⁴⁴, this perspective is hard to deny. It therefore becomes vital to re-examine a large number of VAW cases as torture cases, thereby bringing them under a different legal regime. The importance is to recognize the extreme forms of violence being inflicted upon women as not just 'private' matters but as 'public' matters with the social horror and revulsion that would be given to any 'political' torture victim.

The question arises why men commit acts of violence against women. The United Nations in the Vienna Declaration in 1993 probed the chemistry of violence against women and concluded, 'It is a manifestation of the historically unequal power relationship between men and women, which had led to domination over and discrimination against women by men? It is the essential and ultimate social mechanism by which women are forced into a subordinate position'.

According to a number of activists who have been working on issues of VAW for over 20 years, the answer does fall within these lines. According to Farzana Bari⁴⁵, men's identity, the idea of masculinity is based on control of others and specifically the women around them. Having exercised this authority and control, they now live in constant fear of losing authority and control. With a long history of the internalization of this patriarchy, this is what the majority of our society believes. They genuinely believe that due to a variety of reasons, they have every right over women, their bodies and their minds. This control over women cannot be lost⁴⁶. This attitude is manifested in society as a whole. SSP Khalique Shaikh discusses the role of the community while covering up 'honor' killings. According to him, due to coercion or the idea of 'moral good',

⁴¹ MacKinnon, Catherine, 'On Torture: A Feminist Perspective on Human Rights'

⁴² Asian Human Rights Commission – Statement, posted on 2008-10-26, <http://www.ahrchk.net/statements/mainfile.php/2008statements/1743/>

⁴³ 'Five women buried alive in name of honor', Rauf Klassra, The News, 25-08-2008

⁴⁴ The News, 'Rape case: Nasima Labano's father testifies', 02-07-2009

⁴⁵ Interview with Farzana Bari for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

⁴⁶ Interview with Naeem Mirza for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

individuals in the community deliberately sabotage the investigation and court cases of 'honor' killings in order to ensure no one is penalized for the commission of the crime⁴⁷.

The primary responsibility to address the issue rests with the State, particularly in the area of legal framework and law-enforcement. The State has continuously through its actions shown not to have a complete commitment to this cause. One example of the complete lack of the current government's commitment of protecting women from violence is the fact that one of the perpetrators and public defenders of honor killings is sitting in the Cabinet and is a Minister under the current Government.

While the State has acknowledged VAW as a national and an international issue, recognized its existence and prevalence, but it has failed to start institutionalizing such attitude within its system in order to provide systematic, thorough and complete protection to women⁴⁸. The state's attitude towards survivors is not emphatic. They do not recognize the women as 'victims' or survivors, rather as perpetrators breaking the bounds of silence, decorum and the existing traditional social fabric of society⁴⁹. All of these actions give the message that you can continue to be violence towards women and get away with it.

Normally a woman taking her case into the public sphere is opposed by her family, in-laws and/or community. Often this results in physical danger for the woman.

One of the main weakness' lies in the lack of implementation of any policy or law. Whether it is due to lack of commitment, interest or lack of capacity and capability, the reality is the protection that is owed to women according as basic human rights; under the Pakistan Constitution; and Pakistani laws is not provided. Even after a woman has suffered violence, there are few options available to her in the forms of shelter homes or limited (if any) protection or support provided to her by the state. Her lack of physical security is also an issue. Normally a woman taking her case into the public sphere is opposed by her family, in-laws and/or community. Often this results in physical danger for the woman. The state has demonstrated over and over again how it has been unable to provide proper security for such cases even within the premises of the court, much less outside. It again comes down to a question of implementation of security, implementation of court judgments which may go in the woman's favor, even court orders providing for protection to be provided for her.

⁴⁷ Interview with Khaliqe Shaikh for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

⁴⁸ Interview with Hina Jillani for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

⁴⁹ Interview with Farida Shaheed for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

Further damage is done by the lack of commitment or interest within the police. Due to the traditional forms of investigation, the gender insensitive police methods harm cases that relate to women's rights⁵⁰. The internalized patriarchal values entrenched inside the individuals in the police force results in a number of violations e.g. not investigation or filing cases that are of a private nature e.g. domestic violence, marital rape, incest etc. Nevertheless, on a positive note, it is interesting to note that the state's language has changed regarding VAW. Initially, if ever it was spoken about, the issue was referred to as women in distress or destitute women⁵¹. The state has started placing women on its agenda; however, this is also followed up by a complete lack of resources, finances and co-operation provided to the Ministry of Women's Development and other women's departments and projects. It is always interesting to note that the state claims lack of resources and capacity when it comes to protecting women, but then it proves to be extremely vigilant in finding transgressors of discriminatory laws such as the Hudood Ordinances⁵².

⁵⁰ Interview with Khalique Shaikh for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

⁵¹ Interview with Farida Shaheed for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

⁵² Interview with Naeem Mirza for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

4. Women and Armed Conflict, Natural Disasters and Extremism

In the last few decades, Pakistan has seen large amounts of refugees fleeing from conflict in neighboring countries entering its boundaries as refugees; a devastating earthquake resulted in the loss of approximately 73,000 lives, 128,000 injured and more than 3.5 million people left homeless⁵³; floods displacing hundreds and thousands of people; and in recent years thousands of refugees fleeing the warfare and conflicts occurring in the northern parts of the countries between Islamic insurgents and the Pakistan army; and thousands fleeing the bombing of the northern areas by the Pakistan army and US drone attacks. Apart from the conflict and natural disasters, the last few years have seen Pakistan fighting a battle within its boundaries against terrorists and extremists who have and continue to systematically create an environment of fear and insecurity. It is perhaps an understatement when one says that the state along with the community has had to deal with a lot of issues as a direct impact of all of these and other events.

Apart from a large number of dilemmas and predicaments that have been placed before the state of Pakistan, one major concern is relating to the state of women within all of these happenings. In all of these events, women are specifically affected by the short term and long term effects. Women's gender roles and experiences create special vulnerability in the face of disasters such as conflict and displacement.

It is only in recent years that women specific problems have even been brought into the mainstream around the world. The 2000 adoption of the UN Security Council Resolution 1325 for the first time called attention to the necessity for women's protection from gender-based violence, as well as an increase in the representation of women at all decision-making levels in the security field. It recognized that women have a vital role to play in conflict prevention, peace negotiations, peacekeeping and post-conflict reconstruction. Even though women often suffer disproportionately worse in war and armed conflict than men, their views, opinions and insights are continuously underrepresented throughout these processes. This has been a huge positive step towards recognizing and focusing on women specific needs. However, as Joanne Sadler notes, the Resolutions 1325 and 1820 (adopted in 2008 dealing with women and peace and security) are not even as good as the paper that they are written on if they are not implemented. And they are very far from being implemented⁵⁴. Implementation on a large scale is needed in order to effectively deal with women's problems in such

⁵³ International Federation of Red Cross and Red Crescent Societies, Pakistan Facts and Figures Sheet – 13 March 2007

⁵⁴ Speech by Joanna Sandler, Deputy Executive Director of Programmes UNIFEM, 'The Changing Nature of Conflict: Women's Bodies and Rights as New Battlegrounds', 1 May 2009 at the Women's Foreign Policy Group, 2009 Annual UN Briefings

situations. However, first and foremost, it is vital to recognize what the affects are on women.

It is important to keep the discussion of culture, traditions and the discussion on violence against women above in mind, specifically the stereo-typical roles of men and women in a Pakistani society. This contributes directly to this discussion.

For purposes of clarity, the discussion has been divided. Due a number of similar issues relating to women during times of disaster and conflict, as well as issues post-disaster and conflict, the two have been discussed together. The discussion on women and terrorism is discussed separately as it contains a number of different concerns altogether.

Women during Times of Conflict and Disaster

Keeping in line with the assigned roles of women, women may be more isolated and homebound, due to their traditional roles and occupations. As a result, they may have less access to information and less exposure to opportunities and less access to resources – social networks and influence, transportation, information, skills (including literacy),

When the earthquake hit the northern areas in 2005 women suffered the most deaths because they would not leave the house when the earthquake was happening due to the societal code

control over land and other economic resources, personal mobility, secure housing and employment, freedom from violence and control over decision-making. In a disaster and conflict situations, this becomes even more pronounced and affects their basic survival. Women may also be more vulnerable to the physical effects of a disaster on their house itself, both with respect to their physical safety and to the integrity of their work areas⁵⁵. As Farzana Bari notes, when the earthquake hit the northern areas in 2005 women suffered the most deaths because they would not leave the house when the earthquake was happening due to the societal code⁵⁶. In areas of conflict, it becomes difficult for households where men are absent or killed for women to make the decisions to flee or stay as they do not or have never had the decision making power.

In relation to the economic sector, women are also most directly affected. Working women are usually active in agriculture, self-employment, informal economy, in under-paid jobs with little security and no benefits such as healthcare or union representation. These are the sectors most impacted by disasters and thus, even employed women are more vulnerable than men and most likely to lose their work. Furthermore, as women are

⁵⁵ Interview with Asha Bedar for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', February 2010

⁵⁶ Interview with Farzana Bari for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

primarily responsible for domestic duties such as childcare and care for the elderly or disabled, they do not have the liberty of migrating to look for work following a disaster. Men often do migrate, leaving behind very high numbers of female-headed households. The failure to recognize this reality and women's double burden of productive and reproductive labor means that women's visibility in society remains low, and attention to their needs is seriously inadequate⁵⁷.

Because housing is often destroyed in the disaster, many families are forced to relocate to shelters. Inadequate facilities for simple daily tasks such as cooking means that women's domestic burden increases at the same time as her economic burden, leaving her less freedom and mobility to look for alternative sources of income⁵⁸.

Disaster situations can also result in an increased amount of gender-based violence. The magnitude of gender based violence is difficult to determine even in normal situations, and all the more difficult in disaster situations where barriers to reporting – fear of retribution, powerlessness, lack of support, breakdown of public services, and the dispersion of families and communities – are greater.

Available evidence, mostly anecdotal, suggests that the stress and disruption of natural disasters may lead to a rise in gender-based violence, particularly sexual violence. Sexual violence can result in sexual trauma, undesired pregnancy, mental health disorders, sexually transmitted infection and HIV transmission, and stigma among other social consequences, especially for unmarried women.

Disaster situations can also result in an increased amount of gender-based violence.

In times of conflict, women are directly affected not just as victims, but also refugees and internally displaced persons (IDPs) fleeing conflict. It is vital to provide for their proper protection. Emergency measures must be taken to provide basic survival requirements – physical security, access to water, food, health care and shelter – and certain vulnerable groups require protective measures to prevent exploitation and abuse in these situations⁵⁹.

In disaster zones, violence is an important issue facing communities affected by disasters, though the full extent of the problem has not been thoroughly studied due to concerns considered more immediate. Anecdotal evidence and a small number of systematic studies indicate that intimate partner violence, child abuse and sexual violence are highly prevalent after disasters. The issues of female refugees and IDPs will be discussed a little

⁵⁷ Interview with Asha Bedar for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', February 2010

⁵⁸ Ibid

⁵⁹ 'Women and Conflict: An Introductory Guide for Programming', USAID publication, 2007

later. For the moment, this report will focus on the violence committed against women during times of conflict.

The nature of warfare has increasingly changed to include not just soldiers and military targets as victims, but targets now include women and children. Violence, particularly sexual violence has been a key weapon used during times of conflict as a method to shame and humiliate the enemy, as methods of 'ethnic cleansing', as a reward to the conquering side, and as a means to spread terror and to weaken morale. It may also be used to undermine women's ability to sustain their communities during times of conflict. Rape is used to terrorize the community. The effects of rape and sexual violence affect not just the victims, but also their families and society's. For example, babies born as a result of rape were unwanted reminders of a period of horror⁶⁰. Furthermore, this increases the possibilities of sexually transmitted diseases, including HIV/AIDS, because usually no condom or other protection is used during rapes.

Rape during conflict is now internationally recognized as a war crime, but in order to truly deal with the issue there is a necessity to end impunity for rape in peace processes and negotiations. Unfortunately in Pakistan, the status of 'rape' has not been elevated to one of a war crime – it has hardly been recognized as a weapon of war. It is necessary for sexual violence to be recognized as a weapon of war and a war crime before we can move onto ending its impunity.

Women and Post-Disaster and Post-Conflict

Once again, the situations that women suffer post-disaster and conflict are similar in nature. As mentioned above, a direct result of both events is a large number of refugees and IDPs.

There is a great risk to women and children during flight. Often, they are unable to leave the area unaccompanied as it is traditionally frowned upon for women to travel without their male companions⁶¹. Furthermore, they frequently lack documentation to prove their entitlement to food, health services, and shelter, and consequently may be obligated to exchange sex for survival. Lack of protection exposes women and girls to sexual abuse - including rape - and increases their risks of exposure to HIV/AIDS⁶².

Once the women have reached camps/shelters, their problems do not end their. One of the biggest issues that continue to be faced is of violence. Although the full extent of the

⁶⁰ 'Women and Conflict: An Introductory Guide for Programming', USAID publication, 2007

⁶¹ Interview with Farzana Bari for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

⁶² 'Women and Conflict: An Introductory Guide for Programming', USAID publication, 2007

problem of violence has not been thoroughly studied as other concerns are thought of priorities. Nevertheless, anecdotal evidence and a small number of systematic studies indicate that intimate partner violence, child abuse and sexual violence are highly prevalent after disasters. Additional evidence suggests that the long-term effects of a disaster can lead to increased levels of crime and community violence including: elder abuse; youth violence; intimate partner violence; child abuse and neglect; abduction; trafficking; and sexual abuse.

Factors that contribute to increasing violence after disasters and conflicts are the disruption in the physical and social environments that shape health and health problems. These effects can have both an immediate and a long-term impact on violence: increased stress and feelings of powerlessness due to bereavement, loss of property and loss of livelihood; mental health problems such as post-traumatic stress disorder; the scarcity of basic provisions; the destruction of social networks; breakdown of law enforcement; cessation of violence prevention and other social support programmes; insufficient security measures in temporary shelters/camps; Financial anxiety and resulting increase in chances of commercial exploitation; and often re-exposure of previous victims of domestic violence to their abusers (e.g., in a camp setting)⁶³.

Women may also be exposed to rape and other forms of violence in shelters, thus safety in camps may become an issue for them. Young women may become vulnerable to sexual abuse and trafficking.

Women may also be exposed to rape and other forms of violence in shelters, thus safety in camps may become an issue for them. Young women may become vulnerable to sexual abuse and trafficking. There have also been several incidents of displaced women and children often at risk of sexual violence as they try to meet their basic needs. Rape of women and children collecting water and firewood has been reported in refugee camps⁶⁴. There is also a lot of opportunity for sexual exploitation. There have been incidents reported in conflict areas where women are forced to exchange sex for food they were entitled to, but unable to obtain for lack of documentation⁶⁵. This holds true for women seeking advantage for other 'favors' as well apart from food. Young women may become vulnerable to sexual abuse, abduction and trafficking.

Relief agencies should plan accordingly to prevent gender based violence and to plan an appropriate response when sexual violence occurs. The choice of plan site and administration of the camp should be done to minimize risks to women, and assistance should be distributed to reduce potential risks to women. Basic prevention includes

⁶³ Interview with Asha Bedar for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', February 2010

⁶⁴ Ibid

⁶⁵ 'Women and Conflict: An Introductory Guide for Programming', USAID publication, 2007

ensuring that women and girls have adequate privacy in shelters, women and girls are adequately protected against abuse, violence, exploitation and thefts, and women that are traditionally stigmatized against on account of their ethnicity, religious preference or employment are not discriminated against or refused shelter and protection in camps⁶⁶.

Women who no longer live with their husbands or are widowed face a large number of problems as well. Disaster, conflict and displacement may cause women to lose any opportunities they may have had for support and socialising previously. Traditional restrictions on women's mobility in some settings may mean that women become even more isolated and dependent⁶⁷.

Husbands may leave the disaster community, seeking paid work elsewhere, leaving their wives more dependent on outside assistance and more isolated.

In addition to this, there is a huge problem relating to women generating incomes. Due to cultural and religious restraints, lack of education or child-care responsibilities, women are not always able to obtain meaningful employment and are therefore unable to provide for their families⁶⁸. Husbands may leave the disaster community, seeking paid work elsewhere, leaving their wives more dependent on outside assistance and more isolated. In women headed households, it is difficult for women to leave behind the traditional role placed on them in order to even come out in the camps to receive the share of aid that is rightfully theirs or during allotting of lands etc. This often results in either the family not receiving the aid (including food, water, money etc), or attaining assistance from others, making them even more dependent⁶⁹.

Another key issue is that of women's health. Often, as was the case in Pakistan, women did not receive adequate care. Women require specific health care, which is often either forgotten or ignored. One simple example is that one of the simple requirements that were suddenly needed after the 2005 earthquake as the emergency health services had not thought to bring them was sanitary napkins for women. Other culturally induced issues in recent events have included women who did not receive proper medical attention if the doctors were male or non-Muslims⁷⁰.

Apart from these examples, a variety of conflict-related health issues persist, such as post-traumatic stress, malnutrition, war-related injuries, and the scars of sexual abuse.

⁶⁶ Interview with Asha Bedar for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', February 2010

⁶⁷ Ibid

⁶⁸ 'Women and Conflict: An Introductory Guide for Programming', USAID publication, 2007

⁶⁹ Interview with Asha Bedar for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', February 2010

⁷⁰ Interview with Farzana Bari for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

The lack of reproductive health services in particular has harmful long-term ramifications for women and their children. Maternal and child mortality rates soar when services are absent. Women are often forced to give birth away from their traditional medical practitioners. The risk for contracting communicable diseases also rises during conflict, as heightened population mobility, increased presence of soldiers, relaxed social behavior controls, and widespread poverty are common in conflict situations, leading to high-risk behavior and increased exposure to HIV and other diseases. Another lasting consequence of conflict for women is the impact on children. In cases where rape has been a weapon, unwanted pregnancies often lead to the abandonment of the resulting children. It is also an important factor that women are likely to have suffered psychologically in different ways than men as a result of personal loss, separation from family, rape or other physical abuse. Rape in particular affects not only the female victim, but also her family and community who are forced to witness it⁷¹.

Another vital issue relates to the lack of women's involvement in peace negotiations and post – war and disaster reconstruction. Such high-level negotiations are identified as male domains, which means that they also employ discourses and practices that are closer to men's reality than to women's. As a result, women also lack direct influence in the identification of reconstruction priorities that are usually part of a peace agreement⁷². Their involvement is a necessity as their perspective and their specific issues are marginalized and rarely receive the due attention during negotiations and reconstructions. For example, the increasing number of women headed households have not necessarily been addressed; nor has the issue of the impunity granted to sexual violence and the lack of recognition of it as a war crime⁷³. Women must be empowered politically and economically, and must be adequately represented at these forums in order to create a better environment post disaster or conflict, in which their needs and rights are recognized and looked after.

However, it is important to note that while we have seen that women are severely affected by natural disasters, this is only half the picture. Natural disasters often provide women with a unique opportunity to challenge and change their gendered status in society. Though often against social norms, women have been willing and able to take an active role in what are traditionally considered “male” tasks. This can have the effect of changing society's conceptions of women's capabilities.

⁷¹ ‘Women and Conflict: An Introductory Guide for Programming’, USAID publication, 2007

⁷² Birgitte Sørensen, ‘Women and Post-Conflict Reconstruction: Issues and Sources’, 1998

⁷³ Interview with Asha Bedar for ‘Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal’, February 2010

Women are most effective at mobilizing the community to respond to disasters and this is essential in times such as these; they are also developing new skills such as natural resource and agricultural management which, in the right environment, they could carry over into the job market.

These are important factors to note while looking at reconstruction. These long-term development goals should not be ignored or forgotten. Once again, even this positive trend calls for the necessity of women's participation at the decision-making level during negotiations and discussions on post-conflict and disaster reconstruction.

Women and Terrorism in Pakistan

The situation in Pakistan is unique in the sense that the attack on the community is coming from terrorist and insurgents present in the community and society as opposed to outside forces. These terrorists are targeting the society as a whole, but as is often the case, one of the first targets is women and women's spaces. Conservative Islamic ideology and its patriarchal interpretations place women in a subordinate role, giving men power over her to treat her like a commodity. Extremism takes this to another level by controlling all of women's movement and existence and pushing them out of public spaces. They take the idea of women's place at home to an extreme thereby, not allowing her to participate in the public sphere and even be represented. Women are to be dependent on men and subject all the morals and standard that men feel is appropriate for women⁷⁴.

Women have stepped out of their traditional and are continuing to take strides and this is 'unacceptable' and therefore, they have to be put in their place. This perspective is evidenced by two recent attacks on a 'meena bazaar' frequented by women and a girl's college, as well as by the Taliban in Swat who forced through threat and violence, closure of girl's schools.

Extremism takes this to another level by controlling all of women's movement and existence and pushing them out of public spaces.

The first victim in any conflict zone is women, whether this is intended to be or not. Due to the people being scared, it is the women, who are made to stay at home and stay away from public places etc; this includes women at work, girls at school and colleges etc. Even NGOs and international organizations are pushing women back so that no harm comes to them⁷⁵. There is a strong movement to decreasing women's spaces.

⁷⁴ Interview with Farzana Bari for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

⁷⁵ Interview with Bushra Gohar for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

As Bushra Gohar notes, while the northern part of Pakistan was under the provincial government of the conservative right-wing Muslim political party, women had to demonstrate that they would not back down and retreat from the space they had recovered for themselves. This is becoming more and more necessary to prove again, although this time it involves great personal risk, but it remains necessary⁷⁶.

There is a need to challenge the extremist ideology in public – a requirement for huge campaigns to de-stabilize this ‘false’ Islam that they are spreading. It is necessary to follow the discourse with action. However, the fear is paralyzing for all, even civil society. However, it is still necessary to take an aggressive stance and challenge these extremists to show them women will not be forced into the subjection and the traditional roles they have escaped from. It is important to not only recover ground women have lost, but to gain even more ground⁷⁷.

⁷⁶ Ibid

⁷⁷ Interview with Farzana Bari for ‘Women’s Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal’, December 2009

5. Women and Education

Right to education is a fundamental human right. It is also a right that has been enunciated by the Constitution of Pakistan, as well as by the international treaties that Pakistan has signed, making providing education an international obligation as well. International instruments including the Universal Declaration of Human Rights; Convention of Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; and other United Nations declarations and resolutions lay down international legal obligations for the right to education. These instruments promote and develop the right of every person to enjoy access to education of good quality, without discrimination or exclusion. These instruments bear witness to the great importance that Member States and the international community attach to normative action for realizing the right to education. It is for governments to fulfill their obligations both legal and political in regard to providing education for all of good quality and to implement and monitor more effectively education strategies⁷⁸.

According to the former UN Special Reporter on the Right to Education, Katarina Tomasevski, for education to be a meaningful right it must be available, accessible, acceptable and adaptable. The concept of these four A's was developed by and it is one of the best ways to assess and act upon the situation. Unfortunately, the Pakistan government has consistently failed to fulfil these conditions and to provide any, much less quality education in Pakistan.

According to World Bank figures, more than 150,000 public education institutions serve over 21 million students and a huge private sector that serves another 12 million; and only 22 percent of girls, compared to 47 percent boys, complete primary schooling⁷⁹. Official statistics show that 45% of the world's children who are out of school are in Asia, and the largest numbers are in China, India and Pakistan. Government's preference for supporting military over education is evidenced in the statistics of the expenditure.

In the case of Pakistan, in the 1990s almost 30% of government's budget was earmarked for the military in the 1990s and less than 8% for education. Only 2.7% of Pakistan's GDP was allocated to education in the 1990s to decrease to 1.8% in 2002. That there are at least 150 soldiers for every 100 teachers epitomizes the government's priorities⁸⁰.

⁷⁸ www.unesco.org

⁷⁹ World Bank website

⁸⁰ The State of the Right to Education Worldwide Free or Fee: 2006 Global Report
Katarina Tomasevski, UN Special Rapporteur on the Right to Education, Copenhagen, August 2006

The Pakistan government itself has drafted a new policy in 2009 as the previous policies were not producing the desired educational results, with performance remaining deficient in several key aspects including access, quality and equity of educational opportunities and also, the international challenges like Millennium Development Goals (MDGs) , Dakar Framework of Action Education for All (EFA) Goals and the challenges triggered by globalization and nation's quest for becoming a knowledge society in the wake of compelling domestic pressures like devolution and demographic transformations have necessitated a renewed commitment to proliferate quality education for all⁸¹.

While it may acknowledge its deficiencies, the fact remains, as Tauseef Hayat comments, the government does have an education policy, a Ministry and a whole team working on issues of education. There are also a number of schools allotted all over the country that are 'supposed' to be providing education. However, the reality is that there are not enough schools to begin with, and out of those that are there, half of them are not functional. One may ask how the government has not 'noticed' this, but whether due to lack of interest, corrupt government, bribery, the running of these schools is not ensured⁸².

Other challenges faced in the providing education include the issue of 'ghost' schools. These are schools that exist on paper but are not actually in existence in real life i.e. the schools are not functional, have no facilities, teachers or students - in certain areas, the buildings are not even in existence! There are issues relating to teachers. Due to the high corruption in the government departments and Ministries, there are a number of 'teachers' who are on the record and are paid regularly but do not run or open the schools. In some cases, they may come to the schools but do not attend the classes due to lack of interest. Other issues include where the government does show interest and provide free admission and free books, it may not necessarily take care of other facilities e.g. a school bathroom, secure building etc, all of which are vital in order to provide a secure and comfortable environment important in providing basic and quality education services. Furthermore, in recent years, while collecting the data for the census and statistics, the registration of students is noted as 'accurate' date. In fact, the reality is a large number of students drop out during the year. In order to gain a truly accurate picture of statistics, the attendance registers need to be noted⁸³.

The government has often tried to shift the blame onto the community by stating culture and traditions not allowing children to be educated. According to Sadiqa Salahuddin,

⁸¹ National Education Policy 2009, Ministry of Education, Government of Pakistan

⁸² Interview with Tauseef Hayat for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

⁸³ Interview with Tauseef Hayat for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

there are a large number of misconceptions about the Pakistani community, usually perpetuated by the state i.e. people are un-educated and traditional and do not to be educated or allow their children to be educated. She states that her experiences in the field demonstrate the opposite: that people want education, they want their children educated to give them a better chance at life. She feels the issue is on the supply side as opposed to the demand side. Another poignant issue she cited is that the system needs to be catered towards the majority agricultural society of Pakistan. A long summer break is followed by seasons of harvesting and picking. In this season, children are often needed in the fields to assist with this work, therefore being absent from schools. In her organization's experience, changing the school schedule to match the harvesting/picking

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schedule has in fact ensured support to the students in allowing them flexibility to continue their students, allowing them space to fulfill their duties and then returning to school at the end of the season. This has allowed the schools to maintain a high and regular attendance. Furthermore, the government model is a middle class model, thereby not suited to rural areas. One main example is that there is a requirement for teachers who have received a B.A. The reality is in most rural areas, girls with such qualifications will not be found, therefore, the school will never open. Policies are passed without looking at ground realities. The government does not even collaborate with civil society to try to analyze why the latter's schools are successful⁸⁴.

All of these issues are huge challenges in providing quality education to children in Pakistan. Looking specifically at providing education to girls and women, the issue becomes even bigger. Education is specifically vital for women. Apart from being a fundamental human right, education is a necessity for empowering women and bringing them into the main stream of development. It is also a tool that can be used to cross poverty lines, allow women to be independent and self-sufficient and is important for development benefits. As Bhatt .D.B and Sharma, R.S (1992) noted: " The movement for improving women's status all over the world has always emphasized education as the most significant instrument for changing women's subjugated position in society."

The general perception is that the majority of the community is unwilling to send their girls to schools citing religion and tradition. Sadiqa Salahuddin again states this to be a misconception. She notes that there may be initial reluctance, but they are willing to do so in the right conditions. The question arises what these 'right conditions' are. Examples of these could include female teachers as opposed to male teachers; safe and secure premises which are also conveniently located, thereby dealing with the issue of mobility;

⁸⁴ Interview with Sadiqa Salahuddin for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

quality services and facilities to ensure their child is not placed in harmful situations e.g. a depleted building etc. The issues that the community seems to have is to provide adequate protection to their daughters and they would be willing to send their daughters to school if they felt the environment was conducive to their needs⁸⁵.

Tauseef Hayat, while agreeing with this, also notes the biggest issue for girls to receive education is the question of accessibility and mobility in terms of physical proximity. The schools are not close enough for the children to walk to safely, especially girls. Families are reluctant to send children walking long distances to schools, especially in areas with security concerns. If schools are not close enough to be walked to, other issues come into play e.g. lack of transport, limited transport for girls and women, as families are sometimes reluctant to allow their daughters/sisters/wives to travel by public transport⁸⁶. Another issue is the lack of existence of girl's public schools as well. As mentioned above, many schools remain non-existent in reality while they may exist on paper and a large amount of these are girl's schools.

The other major issue that comes up relating to educating girls is that many feel that spending money and resources of girls and women is a waste as there is no financial returns on their education i.e. often they stay at home, or marry into other families thereby not contributing to their family. Furthermore, there are social/customary thoughts that girls should not be educated in any case as their role is in the house and they have no need for any education whatsoever.

..the biggest issue for girls to receive education is the question of accessibility and mobility in terms of physical proximity.

However, these issues are also being tackled as the attitude towards educating girls is changing. With the introduction of awareness of rights and values and scope of growth on an individual as well as familial level, this attitude is dying down. Families are beginning to understand and realize that educated women are being able to secure respectable employment and are making money to contribute to the house. This leads them to allow more girls to study. It also has an impact on families being reluctant to marry off their educated daughters and too young an age, as they are now being financially supportive. Tauseef Hayat states that she has found that if there was security for the traveling to and from school, a decent, well facilitated and managed school with qualified teachers and nominal rates, parents are more than willing to send their children, both male and female. The attitude change that is starting to happen within the community is a huge step⁸⁷.

⁸⁵ Interview with Sadiqa Salahuddin for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', December 2009

⁸⁶ Interview with Tauseef Hayat for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

⁸⁷ Ibid

Increased education is slowly changing the on-ground situation, in both rural and urban areas. Girls who are receiving an education are becoming aware of their worth. They are being able to study, learn new things are becoming more and more confident. They are no longer satisfied with the lives which seem to be plotted out for them and are more interested and willing to learn and take up jobs and other obstacles to enhance their role. Education is empowering them to move from the private sphere within their homes and venture outside. If this phenomenon continues, then the situation will instantaneously improve drastically⁸⁸.

⁸⁸ Interview with Tauseef Hayat for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

6. Women's Access to Justice and Discriminatory Laws

Women's access to justice is one of the biggest issues women have to deal with. It is the crux of the matter as women try to get justice for all the wrongs done to them and the violations of their fundamental rights. Without this access, it means there is no body or institution that can prevent violations nor provide protection for women nor punish the wrong-doers. It means that the attitude perpetuated is that it is 'ok' to violate women, it is acceptable to take away their rights and the state and community will tolerate it if half of their population is discriminated against. This attitude, supported with a number of laws that discriminate against women, or their interpretations and applications are discriminatory, make the system extremely difficult for women.

In order to understand the issue of women's access to justice, we need to keep a few things in mind. Firstly, access to justice does not literally just mean women's physical access to court. It also entails the social environment within which society functions and the appreciation of women's human rights and all else it may include. Secondly, as discussed above, women are regarded as subordinate and secondary to men, as owned by men in their different capacities (father, brother, husband) thereby being their property to do with as they please. Men 'own' women's right of choice, movement, employment etc. The women are entirely dependent on them and if any one tries to break through these boundaries they are branded as transgressors, violating culture and tradition and 'dishonoring' their families, tribes and communities. They are considered to be 'bad' women. This point of view is not just of the family or tribe, but this view extends into the court system, where instead of treating women objectively without bias, the law officers, lawyers, clerks and judges treat them as the wrong-doers and culprits. They are made to feel shame, guilt and embarrassment for trying to seek any redress. We need to keep these points in mind while examining the issue of women's access to justice.

There are a number of contributory factors to women's lack of access to justice including poverty and lack of education. Lack of awareness amongst women of their inherent

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human rights, existing laws and procedures, as well as low literacy rates, all are relevant factors relating to this issue. The state has not taken initiative to correct this issue either by providing the necessary information or ensuring procedures are easily accessible to everyone.

According to Justice (retd.) Nasir Aslam Zahid, the biggest problem lies within the institution and the persons in the institution. He feels there is a complete lack of priority given to the justice sector and in order to make a true change, all associated bodies and persons have to want to make the change. He also points out that the judiciary is not solely responsible for the situation and

that the police and prison, along with the judiciary play a significant role in the violation of women's rights and implementation of discriminatory laws. He notes that all the personnel in these institutions come from the Pakistani society with their pre-existing prejudiced and biased views which are evident in the manner in which they treat women⁸⁹. They treat women as if she is the culprit, making her feel shame and guilt for extending or over-stepping her boundaries.

Anis Haroon, Chairperson of the National Commission on the Status of Women agrees with this perspective. She feels that the implementers and people sitting in public sector still have conservative minds and do not actually want to do make any positive changes for women. They are not at all sensitized to women's issues and do not believe in women's rights⁹⁰. There is a strong will to maintain the status quo and not change the system and affect the predominant patriarchal mindset, justified by culture, affirming and re-affirming women's subordinate position in society.

Furthermore, the courts do not provide security for clients. There have been cases of violence committed on women within the court premises by their opposing parties, be it their family or in-laws etc, who are unhappy about her taking her case to court⁹¹. There is also a complete lack of monitoring of the justice system, which provides no control over the arbitrary or biased decisions made by judges in the district courts. Therefore there is no supervision or consequences to be faced by the violators themselves.

There is also of course, great difficulty for women to actually physically access the courts. Without freedom of movement, which is a common issue for women in both rural and urban areas, it is difficult for women to even reach a court, or to a lawyer's office to engage his services. Alongside physical immobility, there are also economic issues where the majority of women rarely have the access to finances required to take a case to court⁹².

Even if a litigant is willing to take a case to court, there are so many other obstacles including huge expenses and delays, resulting in verdicts being delivered years after the case is filed. Apart from the court fees and lawyer fees, there are also the expenses of travel and attendance or the large number of dates over a long period of time. It seems

⁸⁹ Interview with Justice (retd.) Nasir Aslam Zahid for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

⁹⁰ Interview with Anis Haroon for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', February 2010

⁹¹ Interview with Danish Zuberi for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

⁹² Ibid

that the only people, if any, who can truly access justice are only those who can afford the delays and the expense of years of court hearings until the matter is finally resolved⁹³.

Other issues include a lack of respect for the rule of law within the community. The law is seen more as an instrument of control rather than relief, redress and security due to its misuse by the elite. With regard to women, often the law is manipulated and ignored in favor for custom and traditions. The court tends to either be hostile to women who come to court, or paternalistic i.e. protecting 'vulnerable' women as opposed to giving them their rights that are due to them as equal citizens. The courts have remained quite inconsistent in their judgments, leaving women complainants insecure as to the possible outcomes of their cases⁹⁴.

As mentioned by Justice (retd.) Nasir above, access to justice does not just include the judiciary but also the police and the prisons. It is important to recognize the discriminatory and violative role that could jeopardize women's cases even before they are brought before the court i.e. filing of the First Information Report (FIR) in the police, the police investigation etc. Often without a proper FIR or proper and thorough investigation, a case can be thrown out of court. With a corrupt and discriminatory police force, it is common for bribery or lack of investigation resulting in failed cases for women. The pre-court stages are possibly more important than the actual court case itself⁹⁵.

The courts have remained quite inconsistent in their judgments, leaving women complainants insecure as to the possible outcomes of their cases

This situation of lack of access to justice for women is exacerbated by a large amount of discriminatory laws in the country. According to Danish Zuberi⁹⁶, the Constitution of Pakistan does contain a number of non-discriminatory gender neutral laws. There is a long list of basic fundamental rights which are afforded to all citizens equally. The problem arises with regard to the development and interpretation of these laws. Furthermore, all of these laws are restricted by the courts and the legislative bodies. So, despite these categorical statements, the implementation of protection of these rights is dependent on the executive, legislature, and judiciary.

However, there has been some improvement in recent years, with the Hudood Ordinance being amended, laws being promulgated outlawing 'honor' killings, trafficking of

⁹³ Interview with Justice (retd.) Nasir Aslam Zahid, for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

⁹⁴ Interview with Danish Zuberi for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', November 2009

⁹⁵ Ibid

⁹⁶ Ibid

women etc. These laws may not be perfect and do have a number of gaps in them, but they are one step closer to working towards remedying the issue. These laws recognize the need for women specific legislation, albeit recognizing the existence of women specific problems and the requirement for special measures to be adopted to challenge and fix them.

Justice (retd.) Nasir⁹⁷ notes that the problem with the bias and violations against women in the legal system lies not only in the discriminatory laws, but in the application of all the laws. The problem lies with the implementation as opposed to the written text of the law. In order to truly fix the situation, it requires a complete overhaul of the system starting from police reforms from stopping political use of police to the courts. The only way to truly do so requires a complete commitment and genuine political will to make any actual difference to the system⁹⁸.

⁹⁷ Interview with Justice (retd.) Nasir Aslam Zahid for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', October 2009

⁹⁸ Interview with Anis Haroon for 'Women's Rights Practitioners: Documenting Their Experiences and Learnings: Interviews for Alumni Web Portal', February 2010