



PRESS RELEASE

“OUR LIVES, OUR LAWS”: INTERNATIONAL WOMEN’S DAY HIGHLIGHTS IMPORTANCE OF LEGISLATION FOR WOMEN’S RIGHTS

Islamabad, March 8, 2010: Leading Pakistani legal experts and civil society activists stressed the importance of legislation to protect women’s human rights at home and in the workplace. They were speaking at the “Our Lives, Our Laws” event to commemorate International Women’s Day (8 March), organized by the Interagency Gender and Development Group (INGAD), a group of 32 donors, including United Nations, working on gender issues in Pakistan.

The event featured performances by Ajoka theatre illustrating different forms of harassment and abuse. The Chief Guest was former Justice Majida Rizvi and panellists included former Justice of the High Court, Nasira Iqbal; former Federal Minister for Law, Justice and Parliamentary Affairs and former Attorney General of Pakistan, Iqbal Haider; leading human rights activist, Tahira Abdullah; head of the Acid Survivors Foundation, Valerie Khan and founder of the Alliance against Sexual Harassment, (AASHA), Dr. Fouzia Saeed.

The panel discussions took place around the legal framework for the protection of women at home and in the workplace. According to the experts, there are many laws in Pakistan which contain provisions discriminatory to women. Mr. Iqbal Haider, said “All those statutes and ordinances introduced by General Zia ul Haq regime, definitely need to be repealed, especially the Hudooth Ordinances.”

Panelists expressed that there is a great need for a real and strong political will for changing the feudal culture and mindset prevailing in the country’s decision-making institutions. According to former Justice Majida Rizvi, “Laws, without the real will of the Government to implement them, is of no value at all.”

Certain forms of violence like domestic violence and acid violence are still not fully legally recognized as punishable criminal offences and even where subject to criminal law, there is a significant enforcement deficit. An example of this is the Domestic Violence Bill, passed by the National Assembly in 2009 and lapsed before it reached the Senate.

“The Domestic Violence Bill passed by the National Assembly didn’t have teeth,” said Tahira Abdullah, “The onus and burden of proof is put on the survivor rather than the perpetrator and a penalty for filing false complaints further deters victims from coming forward.”

According to PILDAT's analysis of the 13th National Assembly of Pakistan, Women Parliamentarians have been the most active legislators during the year. In a House of 342 members, only 43 or 13 % members either moved an individual Private Member's Bill or Co-sponsored one. Out of these 43 most active legislators, 26 or 60 % are Women Parliamentarians.

Despite increased legislation put forward by women parliamentarians, implementation and legal enforcement of these steps is a challenge

The event also featured a presentation on the recently passed Sexual Harassment Act. On the occasion of International Women's Day, the Prime Minister sent out a directive to all Ministries to comply with this new legislation in letter and spirit.

According to Dr. Fouzia Saeed, "Sexual harassment at the workplace is growing and victims are often reluctant to make formal or informal complaints for fear of losing their jobs. This new Act has made sexual harassment a criminal act and requires every organisation to adopt a Code of Conduct according to the Bill and constitute an Inquiry Committee to inquire into complaints. Furthermore, the employee will also have the option to refer a complaint directly to an Ombudsperson instead of the Inquiry Committee."

The launch concluded with specific recommendations by former Justice Majida Rizvi for Government, civil society and donors to do more for the effective passing and implementation/enforcement of legislation in the country:

- Government should ensure there is effective representation of competent women in all decision-making institutions. It should make the National Commission on the Status of Women (NCSW) a fully independent body with its own budget and implement the recommendations of the Commission.
- Civil society should continue advocacy and support for such legislation and facilitate the Government to revise existing inadequate legislation.
- Donors should be just and fair in their distribution of funds to support civil society organisations across all Provinces.

Background:

Each year International Women's Day (IWD) is marked around the world on 8 March as a day to honour women's actions and achievements and to highlight continuing challenges in realizing women's human rights globally. The IWD is generally commemorated by holding a wide spectrum of awareness and advocacy events ranging from panel discussions, exhibitions to theatre performances organized by civil society groups, government bodies and development partners amongst others.

The Pakistan Penal Code is the main criminal legislation of Pakistan and it provides definitions and punishment for various offences which may or may not be gender specific. In addition, Muslim Family Laws and Hudood Ordinance deal with the crimes against women. A Protection of Women (Criminal Law Amendment) Act, 2006 was passed to remove anomalies in the Hudood Ordinance and PPC to provide adequate rights to the victims of violence against women.

Domestic Violence and harassment at the workplace are not fully legally recognized as punishable criminal offences or crimes or violation of women's rights in Pakistan and even where subject to criminal law, there is a significant enforcement deficit. The recently passed Sexual Harassment Act is an amendment in law in Section 509 of Pakistan Penal Code (PPC) along with corresponding amendment in the Code of Criminal Procedure (Cr.Pc). The

amendment elaborates and specifies what constitutes harassment of women in public, private and workplace. However, the Bill which provides for a mechanism for formal organizations to deal with the harassment issues includes a code of conduct, which has just been passed a few days ago by the National Assembly/ Senate. Further, an Acid Control & Acid Crime Prevention Bill is in the process of being introduced in the Parliament.

INGAD comprises of almost all the donors working on gender issues in Pakistan. It works to promote gender equality advocacy in the development process as well as interagency coordination in Pakistan. Its mission is to share information and research, coordinate on policy and program issues, network with various stakeholders and support advocacy efforts.

