

LEGISLATION FOR POLITICAL EMPOWERMENT OF WOMEN IN PAKISTAN: A CASE STUDY OF HAZARA DIVISION

Shahnaz Bibi,¹ Amna Mahmood,² & Sadia Khanum³

Abstract:

Empowerment is a force that usually enables an individual to make full use of his/her abilities to improve his or her standard of life. It provides an increase in its decision-making capacity by setting goals to be achieved. The case for women empowerment is not different from the rest of the practice as it ensures women understand their rights by defining their duties. It is the self-confidence to decide and have the power to control their lives both in and outside the home. In the male-dominated society of Khyber Pakhtunkhwa especially in the Hazara Division, where all major and minor positions including political, legislative, economic, or social, are occupied by men, the decision-making often neglects women rights in one way or the other. In this sequel, this paper is an endeavor to elaborate women's legislative status in the Hazara region. This paper is backed up by desk review and documents analysis. Government efforts to increase women participation in the political processes, the quota system has been introduced and after the year 2000, the participation of women in mainstream politics has been increased yet poor socialization, lack of women employment, unpaid or low paid women workers and restriction in movement needs a true implementation to rule out these ills. The male-dominated society must agree that women empowerment is necessary for poverty reduction and sustainable development of the society.

Key Words: Pakistan, Hazara, women, empowerment, government, law, rights

INTRODUCTION

Women empowerment is generally considered as the outcome of the modern state system. It has three main components; first is women's sense of self-worth, second is their right to have a power of control over their own lives both within and outside the home, and third is their ability to influence the direction of social change to create a just social and economic order nationally, internationally and universally (Bhattacharya, 2014). In most of the developing countries of the world, the women empowerment issue is getting much attention. In point of fact, during the freedom movement, the women, despite many

¹ PhD Scholar, Department of Politics & International Relations, International Islamic University, Islamabad, Pakistan. Email: pices.shah@gmail.com

² Professor, Department of Politics & International Relations, International Islamic University, Islamabad, Pakistan. Email: amna.mahmood@iiu.edu.pk

³ PhD scholar (Politics and IR), Department of International Relations, Faculty of Social Sciences, Istanbul University, Istanbul, Turkey. Email: sadia.khanum@ogr.iu.edu.tr

constraints from the male-dominated society, played their role to liberate their motherland. In the same way, after independence, these women played an active role in the nation-building activities and social uplift. International organizations paid a special attention to the issue of women empowerment (Ali and Akhtar, 2012).

Pakistan is one of the countries where men enjoy more resources than women. In politics, women are far behind men. It is very difficult for women to find their place in the male-oriented political society. This is the reason that a very limited number of females are seen on political and legislative grounds throughout the history of Pakistan. From the independence of Pakistan, efforts are being made to formulate the Laws that are helpful to protect and empower women. The constitution of Pakistan clearly says that "there shall be no discrimination based on sex (Article 25 of the 1973 Constitution). Steps shall be taken to ensure the full participation of women in all spheres of national life (Article 34 of the 1973 Constitution)."

The legislation regarding women rights is formally started during Ayub Era. Muslim Family Law Ordinance 1961 was promulgated as a first step forward for the protection of women rights. One of the prerequisites of that ordinance for male to seek permission of second marriage from the wife (Rahman, 2013). Similarly, during the Zia regime, discriminatory laws were introduced, which disturbed the equilibrium between males and females in the society. These laws put a negative impact on the status of women. Women organizations protested against Hudood Laws and demanded to repeal them. However, during the General Musharraf period, series of steps were taken for the emancipation of women (Jawad, 1998). Women's seats were increased in the center and also in provincial assemblies, a direct commission was offered to the women in Army, for the first time, a female Dr. Shamshad Akhtar was appointed as the Governor State bank of Pakistan, and women were recruited in traffic police department. However, some laws regarding mutual consent of males and females for their mixing were severely criticized by the religious community. Legislation regarding women empowerment has always remained a controversial issue in Pakistani society, due to which practical application, on most occasions, remained a difficult task for the governments (Mumtaz, 2005). Consequently, most of the legislation that passed in civilian government eras could not bore fruits. The women are still subjugated to many criminal acts. There is a need to devise an effective implementation mechanism in true letter and spirit for the safeguard of women's rights.

In Khyber Pakhtunkhwa, women's status is worst. Women are subjected to a strict tribal code (*Pashtunwali*) and slightest deviation from this code resulted in fatal consequences. In Khyber Pakhtunkhwa practice of bride price prevails. A girl is considered a financial asset and is therefore cared for until her marriage. Money spend on them by the parents is seen as an investment. Once a girl's marriage is fixed, and the bride's price is paid, their responsibility comes to an end. She cannot retain links with her parents. In Khyber Pakhtunkhwa women have no say in any aspect of life. Women are deprived of the right to

education. Education is an undesirable idea for them. So, they drop out their daughters from school. In *tribal areas of Khyber Pakhtunkhwa*, *par dah* is considered most important for females and limits their participation in the economic field. Women of Khyber Pakhtunkhwa cannot hold their own property. Women are secluded in-home and prohibited from entering public space to protect them from imagined or real dangers lurking outside the house, primarily of men. They do not have their own identity as a sister, mother, wife, or daughter of a man. She is entirely dependent on her male family members regarding her economic needs.

People of Hazara are conservative towards women. The social system influences women's life. Hazara is the division of Khyber Pakhtunkhwa so, women are also strictly governed by the rigid code of pattern, beliefs, and behavior. Hazara has the patriarchal structure of society. Women are deprived of basic rights in any aspect of their life. Forced marriage and watta satta prevails in Hazara. Men exercise wife battering, sexual assault, abduction to women. If they complain to their relatives, they advised them to compromise. Right of education is available to most of the women, but conservative people are against the education of the females and considered it against their honor. The women are seen working in the fields. Most of the women bear double burden of housework and field work which leads to a life of hardship with no compensation or recognition. The attitude of starts from the birth of the girl till her death. When a girl is born, mother feels shame, guilt and has to face anger of the father. A girl child is considered a liability and social burden. From birth, a girl is conditioned to think that she is only a guest or visitor in her father's house and to be kept in trust until claimed. She is told that she has to leave her parents' house and live in her husband's house till her death. That's why she suffers husband beating, sexual assault, and mental torture there because her parents warn her not to expect any moral or mental support from them after her marriage.

In Hazara, economically, women are dependent on male members of their family. They do not have a share in decision-making. They are considered only a source of reproduction and sexual satisfaction. As the female is considered a financial liability and social burden, they she is given in marriage at an early age. Girl's education is not given much importance as compared to boys. Girls who reach puberty, are removed from school because their labor will be required at home. Very few women reach university education. They have to choose only the teaching or doctor profession. Women are deprived of their right to property and inheritance. Women of Hazara have the right to vote but they do not have the right to cast their vote according to their wishes. They cast their vote according to the wish of their male family members.

CONCEPT OF EMPOWERMENT

"Empowerment is a process of nurturing, liberating and energizing the not powerful." Empowerment is enabling people to get control of their own lives. Empowerment is the

process in which powerless people got a share in the resources and got the decision-making powers. Empowerment is, "the result of the process which enables an individual to know about herself/himself, what she/he wants, express it, try to get it and fulfill their needs, enhance confidence, awareness, mobility, choices, control over resources and decision-making power. The process which enables an individual to gain all the above qualities is called empowerment" (Rasul, 2014, p. 114). Empowering enables an individual to make full use of his/her abilities to improve his standard of life. It enables an individual to increase his decision-making capacity, set achievable goals in life, and encourages to achieve the goals of life to improve the standards of living (Sabharwal and Berman, 2013).

The components of Empowerment includes;

- Awareness about rights
- Improvement of standards of life
- Equal share in the resources
- Improved health services
- Right to basic and higher education
- Increased share in economic and commercial sectors
- Increase in self-confidence
- Self-respect
- Economic independence
- Legislative support

All these components of empowerment are necessary for the achievement of long-lasting empowerment.

LEGISLATION FOR WOMEN EMPOWERMENT IN PAKISTAN SINCE 1947

Pakistani women were gifted with the right to vote after the independence of Pakistan under the Pakistan Ordinance. However, only the right to vote is not enough for the complete empowerment of women. The constitution of Pakistan has provided equal rights to both men and women. There shall be no discrimination based on sex. Steps shall be taken to ensure full participation of women in all spheres of national life. The state shall protect the marriage, the family, the mother, and the child.

Different legislation has been passed in Pakistan to safeguard women and empower them.

- Muslim Family Laws Ordinance (MFLO) of 1961.
- The West Pakistan Family Courts Act of 1964.
- Dowry and Bridal Gifts Restriction Act, 1976.
- Criminal Law (Amendment) Act, 2004.
- Protection of Women Act (2006), revised the Hudood Ordinance.
- Criminal Law (Amendment) Act, 2010 (on sexual harassment).

- Protection against Harassment of Women at the Workplace, 2010.
- Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011.
- Criminal Law Act (Second Amendment, 2011), referred to as Acid Control and Acid Crime Prevention Act.
- Criminal Law Act (Third Amendment, 2011), referred to as Prevention of Anti-Women Practices.
- The Women in Distress and Detention Fund (Amendment) Act, 2011
- Domestic Violence (Prevention and Protection), Act 2012.
- National Commission on the Status of Women Act, 2012.
- Enforcement of Women Ownership Rights Act 2012(Bhattacharya, 2014).

Pakistan is also the party and signatory of various international conventions to ensure gender equity and women empowerment.

- The International Conference on Population and Development (ICPD)
- The Beijing Plan of Action
- United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

WOMEN EMPOWERMENT REFORMS IN 21ST CENTURY

Pakistan is one of the countries where men enjoy more resources than women. In politics, women are far behind men. It is very difficult for women to find their place in the male-oriented political society. A very limited number of females are seen on political and legislative grounds throughout the history of Pakistan. Since the independence of Pakistan, efforts are being made to formulate the Laws that are helpful to protect and empower women. The constitution of Pakistan clearly says that "there shall be no discrimination on the basis of sex alone" (Constitution of the Islamic Republic of Pakistan 1973, article 25).

Article 25 of the 1973 Constitution asserts that "steps shall be taken to ensure full participation of women in all spheres of national life." Article 34 of the 1973 Constitution describes that "from the independence, women have very low representation at all level of politics, but later women participation increased through quota seats."

In the first election of the country that was held in 1970, 13 seats were reserved for women according to the LFO of 1969. Six of them were for East Pakistan and seven were for West Pakistan. A total of 21 seats were reserved for women in the provisional assemblies. After the 1973 constitution, the parliament was divided into two houses, the upper house, Senate, and the Lower house, National Assembly. Ten seats were reserved for the women in the National Assembly but no seat was reserved s in the Senate. Five percent quota seats were reserved for the women. Quota seats were one of the major sources of introducing women in the mainstream legislation. The selection of women on the general seat has waited a long time. The quota system was introduced in the 1956 constitution while in

1977, the first woman was elected on the seat of National Assembly (Mumtaz, 1998). After the martial law, the reserved seats for women were increased to 20 in the National Assembly of 1988-88. In the 21st century, high representation quota was allocated to women at all level of politics. Due to this, the women's representation not only increased on the reserved seats but also the generally elected seats (Bano, 2009, Gah, 2009).

However, considerable reforms have been taken for the empowerment of women in the political participation aspect. The government of Pervez Musharraf introduced a higher reserve quota for women. Seventeen seats were reserved for women at all levels of political institutions, in the Senate, National Assembly, and Provincial Assembly while 33% seats were reserved for women at the local levels. This as the highest representation in the history of Pakistan. The numbers were 17 in the Senate, 60 in the National Assembly, 128 across in all 4 provincial assemblies, and 40,000 at the local government level (Gah, 2009). Consequently, the participation of women in politics is increased in the formal politics of Hazara Division at all levels from the Senate to the National Assembly and Provincial Assemblies.

Gender equality legislation in Pakistan (2000–2018)

Years	Gender equality legislation
2000 – 2002	<ul style="list-style-type: none"> ▪ Ordinances to restore and increase reserved seat quotas ▪ Citizenship Act amended, Family Courts Act 2002 ▪ Local government elections held with a 33% women quota
2002 - 2007	<ul style="list-style-type: none"> ▪ Honor Killing Act 2004 ▪ Protection of Women Act 2006 ▪ Laws passed to simplify bail for women prisoners ▪ Criminalization of customary laws ▪ Human Trafficking Ordinance 2002
2008 - 2013	<ul style="list-style-type: none"> ▪ Domestic violence laws begin ▪ Sexual harassment laws 2010 ▪ Prevention of Anti-Women Practices 2011 ▪ Acid Crimes Laws 2010 ▪ Women in Distress Fund and Detention Act 2011
2013 - 2018	<ul style="list-style-type: none"> ▪ Anti-rape Law ▪ Anti-honor killings Law ▪ Provinces Review Marriage Laws ▪ Provincial Domestic Violence Laws ▪ Electoral Law Reforms mandate 10% voters per constituency

For the involvement of women in the mainstream for legislation long struggles have been made by several women movements. As the result of a long struggle, the reasonable woman quota was introduced at all levels of political assemblies in the year 2002. This has enhanced women's representation in the parliament and their ability to do legislation for

themselves and the country. This development worked in a positive direction and has enabled women to formulate various laws for the empowerment of women in all fields of life. These laws are now improving the status of women in the country positively. These laws are also protecting women from traditional violence (Mirza and Wagha, 2009, Rai et al., 2007) (UNDP 2005).

The 1973 constitution gave a bicameral system of parliament in Pakistan comprising two houses: the upper house as Senate and the lower house as National Assembly. The first Senate was established with its total strength of 45 members but no women from the Hazara division remained members of the Senate till 2000. From 2002 to 2018, a woman's seat is reserved from Khyber Pakhtunkhwa but none got a chance of membership in the Senate.

In National Assembly, there are 8 seats reserved for Khyber Pakhtunkhwa in 2002. Out of total, no women from the Hazara Division was a member of the National Assembly from 2002 to 2007. A reserved seat was occupied by a woman from 2008 to 2013 and in the 2018 elections as well from Hazara Division.

STATISTICS OF WOMEN VOTERS IN HAZARA DIVISION

The general public does voting to elect the political leader to run the affairs of the government. The vote is a tool in the hands of the general public to play their role in the selection of political leaders. Vote to the right person is the essential active participation in the political setup. The vote is the official way for an individual to choose the candidate of his own choice in the election. A person who has the right to vote in an election is called a voter. The voting behavior of an individual is important to access his ability to be a part of the political system.

Article 25 of the 1973 Constitution of Pakistan, gives equal rights to all the citizens of Pakistan without any gender discrimination. Every woman has the right to vote as a citizen of Pakistan, having an age of a minimum of 18 years, having an ID card, and having her name on the electoral list (Anwar and Ahmed, 2017).

Kayani and Rafi (2013) showed that Khyber Pakhtunkhwa was lacking female voters. In Khyber Pakhtunkhwa, political empowerment was denied by religious groups and in the name of old traditional rules. A study conducted in districts Mardan and Sawabi Showed that anti-women movements also started to stop women's political empowerment.

Khyber Pakhtunkhwa has the highest number of unregistered voters. A huge decrease in the number of female registered voters was observed from 2002 to 2007. After that, the situation gradually started improving and Khyber Pakhtunkhwa was 3rd in the female registered voters in the country after Punjab and Sindh. In 2012, among 12,266,162 voters in Khyber Pakhtunkhwa, 5,257,624 voters were women and 7,008,538 voters were male. The majority of female voters belonged to rural areas of the province.

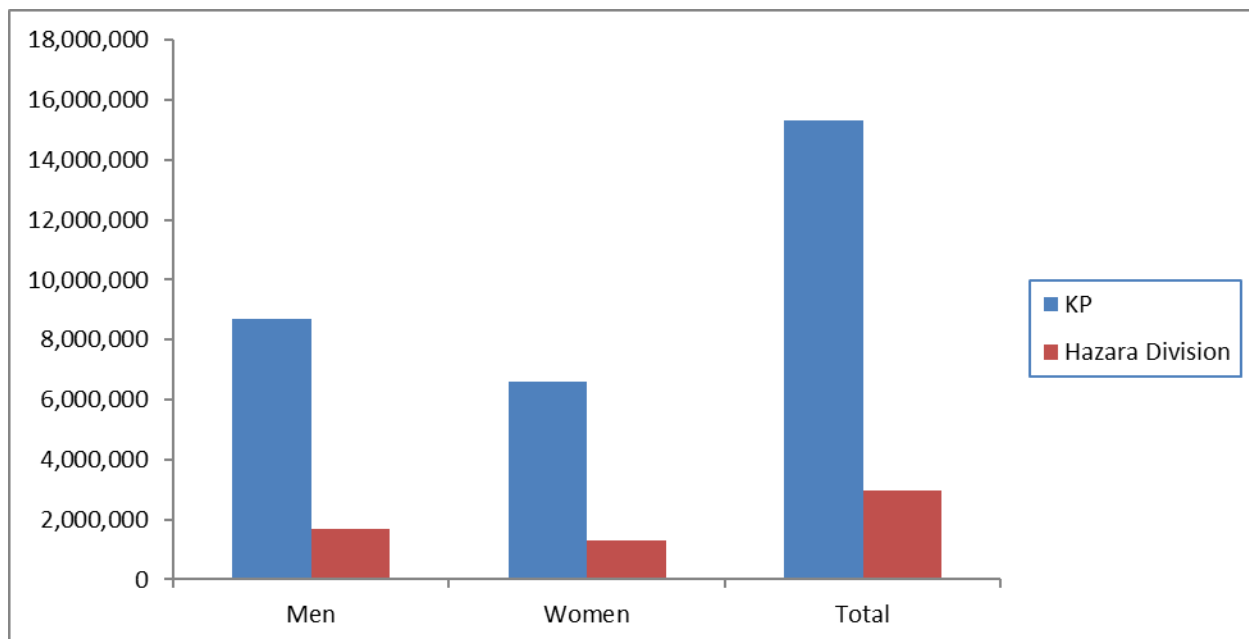
FINAL ELECTORAL ROLLS OF REGISTERED VOTERS - 2018

Figure 1: Registered voters in 2018

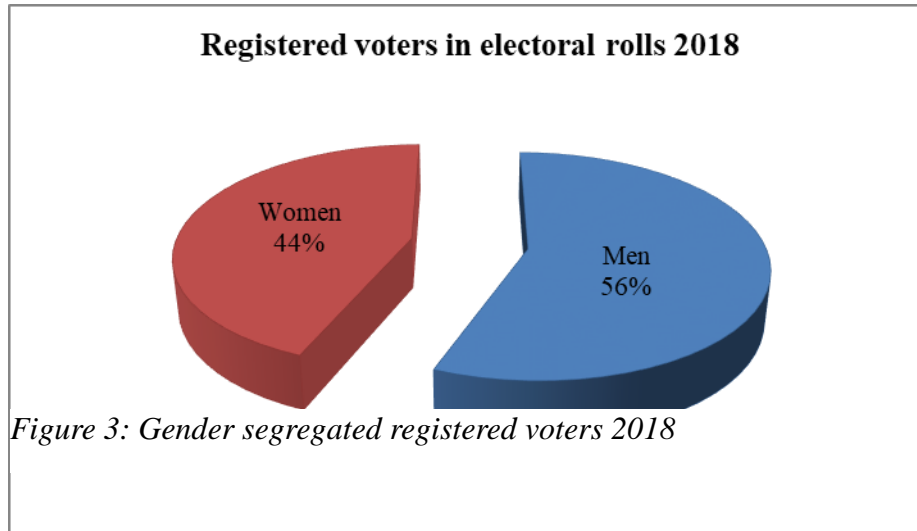
The above figure shows the gender-segregated registered voters in Khyber Pakhtunkhwa and exclusively of Hazara Division in the election 2018.

STATISTICS OF REGISTERED VOTERS IN FINAL ELECTORAL ROLLS - 2018				
Districts	Men	Women	Total	Percentage
Abbottabad	457221	381505	838726	28%
Battagram	152297	105858	258155	9%
Haripur	354130	303518	657648	22%
Kohistan	89171	65449	154620	5%
Mansehra	531108	415968	947076	32%
Touger	91593	38821	130414	4%
Total	1675520	1311119	2986639	19%

Figure 2: District wise electoral rolls 2018

As shown in the above table, a total of 2986639 voters were registered in the 2018 election in all districts of the Hazara division. In urban districts of Hazara, voters are less in number

such as Torghar, Kohistan, and Battagram. The women voters' registration was considerably low as compared to men.



There are some barriers in front of female voters in casting their votes.

- ID cards and other technical issues
- Pardah and the tradition of the area
- Lack of trust in the political system and voting
- No permission from the family to cast the vote

FACTORS AFFECTING WOMEN'S POLITICAL PARTICIPATION IN HAZARA DIVISION

Several factors hinder women's participation in politics.

SOCIAL FACTORS

Traditional women of Hazara mostly remained in the home and had the responsibilities inside the home. They have less exposure to politics so there are low chances to win general seats. This also lowered their chances of participation in decision making process.

CULTURAL FACTORS

This division has male-dominant culture. All the resources are dominated by men. The traditional Pardah and restricted movement of women in public are the cultural factors that affect women's participation in politics.

RELIGIOUS FACTOR

The Islamic teachings are often misinterpreted to stop women from political participation. Even they are deprived of their right to vote.

PERSONAL FACTORS

Women in rural areas do not consider themselves fit for working in politics or holding political offices. This is mainly due to lack of education and awareness.

In Hazara, efforts are being made to empower women politically. Women participation has remained exceptionally low in the history of Khyber Pakhtunkhwa, especially in Hazara. The introduction of the quota has increased the representation to a certain level to empower them politically. Women are dependent on men. So complete political empowerment is difficult but steps are taken towards the right way. Although there are certain improvements, still there is a long way to go for the empowerment of women.

CONCLUSION

Women empowerment is the process of giving power to a neglected part of the society to decide for their own lives and ensure the availability of all types of resources and agents to help them in the decision-making processes.

The patriarchy system is dominated in Pakistan where male enjoys most of the freedom and the freedom of females is restricted. They are defined with certain roles only. The role of women is mostly inside the home to look after the house, rear the children and take care of the elders of the house.

In Khyber Pakhtunkhwa and specifically in Hazara Division the society's difficult situation is faced by the women in the power politics due to traditional rules and culture. The social hardships, lack of economic control, the domination of men on political grounds are all the factors behind less participation of women in formal politics and their political empowerment. The community does not accept women as equal to men. Cultural norms and traditional social values weaken women and are the barriers to their social, political, and economic empowerment.

The constitution of Pakistan also guaranteed the empowerment of women in society. In recent times, efforts have been made to improve the overall status and the empowerment of women in society. Numbers of actions have been taken to enhance women's participation in political perspective by government and civil society organizations. Various legislative initiatives have been taken but still, there is a long way to achieve the sustainable women empowerment.

To conclude, women in politics are determined based on cultural norms and values of the society, and so, Pakistani women politicians enjoy certain limited rights on the one hand but they face certain limitations on the other hand. However, the findings of this paper reflect that still there is a lot of work required by the government to ensure the due political participation of women.

RECOMMENDATION

These are different legislation passed at different times in Khyber Pakhtunkhwa National Assembly. The need is to implement them on the ground so that women can be protected from all types of discrimination prevailing in society. Proper implementation of the pro-women laws is a key to women's actual empowerment.

- Socialization of women and institutional development has become the need of the day to empower women in society.
- Due to several efforts made by the government and non-governmental organizations, the women literacy rate is improved which is a key to achieve women empowerment.
- There is a need to consider women as an equal part of society and provide them the equal chance of participation in social, economic, and political activities to sustain society. Equal participation of women in all spheres of life is necessary to remove all kinds of gender discrimination against women.
- Co-operation between the institutions and the government is needed to remove all kinds of gender discrimination for the betterment of society.
- Implementation of true teachings of Islam can provide the long-lasting empowerment of women.
- The involvement of women in the decision-making process is a key step towards women empowerment.
- An economically independent woman is a strong candidate for women empowerment.
- Through discussion, it has been concluded that women empowerment can be only achieved when women realize about their rights. The awareness of the rights is necessary for women to achieve empowerment.
- The gender gaps between men and women can be removed by providing quality education and job opportunities to females.
- Entrepreneurship is one of the ways to empower the rural area youth and women. It creates economic empowerment by creating jobs in their social systems.
- Equal job opportunities and involvement of women in the paid jobs will help empower women.
- Most of the awareness campaigns are confined to the urban areas. The Rural areas are mostly neglected. The awareness and implementation of laws are needed more in the rural areas because of low literacy rates.

References:

- Bano, S. (2009). Women In Parliament In Pakistan: Problems And Potential Solutions. *Women's Studies Journal*, 23, 19.
- Bhatti, A. R. (2012). *Socio-Economic Empowerment Of Women: A Case Study Of Sohan, District Islamabad, Pakistan*.
- Forrest, D. W. (1999). Education And Empowerment: Towards Untested Feasibility. *Community Development Journal*, 34, 93-107.
- Government of Pakistan, Ministry of Women Development, Social Welfare, and Special Education, Report of the Commission of Inquiry for Women, August 1997
- <https://www.researchgate.net/publication/339310447> Political Reforms and Women Political Participation in Khyber Pakhtunkhwa [accessed Nov 25 2020].
- International Women's Rights Action Watch Asia Pacific (IWRAP), OP CEDAW Overview, 2016, (<http://www.iwraw-ap.org/op-cedaw/what-is-op-cedaw/op-cedaw-overview>)
- Jalal, A. (1991). *The Convenience of Subscription: Women and the State in Pakistan* Philadelphia: Temple University Press.
- Khan, R (2009) Situational Analysis and Mapping of Women's Rights Submitted to CIDA, Pakistan program.
- Khan, R. (2009) Situational Analysis and Mapping of Women's Rights. submitted to CIDA, Pakistan program.
- Khawar, M. & Shaheed, F. (1987) *Women of Pakistan: Two Steps Forward. One Step Back*. Lahore. Vanguard Books Ltd.
- Mayoux, L. (2000). *Micro-Finance And The Empowerment Of Women: A Review Of The Key Issues*. International Labour Organization.
- Mirza, N (2011) Seven Pro-Women Laws in Seven Years, *Legislative watch*, Issue No,38. p.1.
- Mumtaz, K. (1998). Political Participation: Women in National Legislatures in Pakistan. *Shaping Women's Lives: Laws, Practices, And Strategies In Pakistan*, 319-369.
- Mumtaz, K. (2005). Women's Representation, Effectiveness and Leadership in South Asia. *Un Women South Asia Office*
- National Plan of Action. (1998). Ministry of Women Development Social Welfare And Special Education.
- Noreen, G. & Khalid, H. (2012) Gender Empowerment Through Women's Higher Education: Opportunities And Possibilities. *Journal Of Research And Reflections In Education*, 6, 50-60.
- Pakistan NGO Alternative Report on CEDAW by Aurat Foundation, 2005-2009
- Pakistan NGO Alternative Report on CEDAW by Aurat Foundation, 2005-2009
- Pakistan: A Descriptive Discourse of Perspectives," *Pakistan Journal of Social Sciences (PJSS)*, Vol. 32, No. 1 (2012), 226.
- Patel, Rashid. *Gender Equality and Women empowerment in Pakistan*. Oxford & New York: Oxford University Press, 2010

Political Reforms and Women Political Participation in Khyber Pakhtunkhwa. Available from: Protection of Women (Criminal Laws Amendment) Act 2006 www.pakistani.org/pakistan/legislation/2006/wpb.html.

Qaisrani, A., Liaquat, S. & Khokhar, E. N. (2016) Socio-Economic and Cultural Factors Of Violence Against Women In Pakistan.

Sharma, U. (2003). Women in South Asia: Employment, Empowerment and Human Development. New Delhi: Authors press.

Zafar, F. (1991). Finding Our Way: Readings on Women in Pakistan. Lahore: ASR Publications.