Gender Disparities and CEDAW: A Case of Pakistan

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Abstract: Matter regarding the political representation of women got the salient position in current era. In sequel of this, many countries focused to enhance participation of women in politics generally. Few of countries incorporated the quota system in their electoral process; others designed laws and policies regarding this concern. In the particular case of Pakistan, persistently showed a lenient attitude and easy-going approach towards issues of women. Empowerment of women remained dependent on the type of regime, interests and prioritizes of leaders. Democratic policy making process have not adopted for the uplift and empowerment of women.

This assignment paper describes only 12 clauses of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) which directly relates to social, cultural and political aspects of Pakistan, which became the signatory on Feb 6, 1996. Pakistan’s membership to CEDAW was the result of pressure from women related organizations, few of societal factors and governmental institutions who felt the need of development for women of Pakistan. The main purpose of this convention is to support the member states in bringing the gender equality in their societies. This convention necessitates the member parties for making the mechanism to combat all forms of gender discrimination through constitutional amendments, administrative and legal reforms.

Keywords: Discrimination, Gender, Leadership, Participation, Women, Equality

1 Introduction

In many parts of the world women are not considered equal in getting rights and status. Women are deprived because they possess limited access and control over resources and services. Culture and social pattern of Pakistani society is diverse. Out of total population of Pakistan, women represent almost 48% but consider a minority segment because of male dominancy and gender biased policies. In such type of society women cannot exercise their skills and capabilities independently hence their potentials and abilities remain suppressed. A major challenge for women is to gain means for their empowerment. One way through which they can avail the opportunities which are provided by national, international and civil society organizations to their uplift by influencing policies. It is essential that a society which claims to be democratic, just, progressive and representative, must have to ensure the women participation in decision making towards policies formulation. Being important part of society women possess right to participate in civil society, be elected in governmental machinery, vote in elections, serve on key decision-making positions and make their voices include in decisions which will ultimately influence them, their communities and their families.

In addition, country considers that democracy, inclusion and equal involvement of all people becomes essential for good and democratic governance that is essential to viable improvement and
development. So far number of women considerably takes part as civil society activities, corporate leaders, political party leaders, legislators and ministers. In spite of this progress, there is still a huge gap in achieving gender inclusiveness and parity in political field. Though different international conventions and agreements, regional strategic frameworks and domestic laws recognize rights of women to lead and involve in politics as a measure of democratic integrity, but actually there is a widespread absence of women in political and decision-making bodies persists.

1.1 Position of Women in Society

In Pakistani society there are several deep-rooted challenges and issues that create hindrances in attaining rights to women. The social position of women is vulnerable due to various malpractices as gender-based violence, restrictions for mobility of women, exclusion of women from decision making and unnecessary male dominancy. All these prevailing practices create hurdles and cripple down women politically, socially and economically. In our society the discrimination against women deprive them from their basic and fundamental rights. Hence the women are not empowered due to considerable disparity against them specifically in remote areas of Pakistan. As per Global Gender Gap Report 2020 Pakistan ranks at 153 out of total 155 countries.

In previous years, the situation of women was much worse but in this decade their position gets improved due to several initiatives by state and international communities. According to World Economic Forum (WEF) report, the ranking of Pakistan moved forward in comparison to previous rankings as from 112 in 2006 to 151 in 2020 but still needs much work to do. Currently Pakistan ranks at 151 out of 153 countries in the world as per Global Gender Gap Index report.

According to scorecard of Global Gender Gap Index report 2020, following table categorically depicts the position of women place out of 153 countries,

| Table 1: Global Gender Gap Index |
|----------------------------------|
| Category                        | Rankings |
| Economic participation and opportunity | 150 |
| Educational achievement           | 143 |
| Health and survival               | 149 |
| Political empowerment             | 93  |

1.2 Constitutional Provisions and International Commitments

Comprehensive legislative and policy foundations are the first step toward gender equality and gender parity (UNDP 2014:18). Constitutional history of Pakistan reflects the reserved seats for women participation in parliament of different elections as below;

The Constitution of Pakistan affirms the protection of women rights through national legislation. Pakistani constitution guarantees the equal status to women and ensures their political rights including contesting election and casting vote. As per article 25 of the constitution “All citizens are equal before law and are entitled to equal protection of law and there shall be no discrimination on the basis of sex alone”. Article 27 of the constitution ensures the equal status in employment and describes “No citizen otherwise qualified for employment in the services of Pakistan shall be discriminated based on race, sex, cast or religion”. Article 32 and 34 guarantees the women participation on equal basis in all respects of life. Fundamental rights in Pakistan can be contested for in the high court with the Supreme Court with appellate jurisdictions. But on real grounds,
gender discrimination against women and political marginalization continue to be the norm. The political structure of Pakistan has experienced extensive violence against women.

In spite of constitutional provisions least practical efforts practiced to uplift the participation of women in policy framework. The constitutional history of Pakistan reflects the women participation in decision making of national sphere through provision of reserved seats. But this reservation of seats for women remained limited from 5 to 10% only till 1999, the devolution plan of 2000 increased women participation up to 33%.

The constitution of Pakistan provides the equality of women and men before law. It implies the equal right and reward for work. Hence women possess equal right in decision making with men in machinery of state. But practically there is huge gap between practice and theory. The reality is that there are a lot of problems confronts people and the state is considered as problem solving machinery, whereas public policy is regarded as planned decisions to respond the societal problems. The state of Pakistan could not accede to imperatives of equality in gender perspective and political participation of women. The Pakistani state has authoritatively allocates the resources of country, deemed that men constitute the power of state and the position of women relegate through practices of state.

Apart from the constitutional provision, state of Pakistan also endorsed the international agreements for women empowerment such as the Millennium Development Goals (MDGs), Strategic Development Goals (SDGs) and Convention on the Elimination of all forms of Discrimination against Women (CEDAW). However, there are still widespread practices that discriminate the participation of women in decision-making processes.

1.3 Framework for Gender Equality

Although the Constitution guarantees dignity, equality and freedom among citizens but its practical application has not been seen. Gender disparities in governance system with respect to women deprive them for involvement in decision making. Due to socio cultural norms the equality right of women always remain denial. The Ministry of Women Development prepared Nation Plan of Action considering the Beijing Platform of Action and CEDAW for the development and empowerment of women at policy level. As per plan the actions were prepared for improving the condition of women in decision making at all levels. To empower the women number of legislative actions taken by state machinery to eliminate the discrimination against women like, Anti-Women Prevention Act of 2011, Bill of prevention for Acid Crime 2011, Bill for protection of women at workplace 2010 and Act of Criminal Law 2010.

Number of laws and constitutional provisions are there for the equal treatment of women but several discriminatory laws exist that deny women participation in decision making or policy spectrum. For instance, on reserve seats the women are view as proxy representation and passive vote bank hence they are denied to access to organizational resources and information that crumple their involvement in policy making and governance.
1.4 Convention on the Elimination of all forms of Discrimination Against Women

CEDAW is different from other conventions/declarations of human rights because these define discrimination as discrimination against women while CEDAW signifies the measures for addressing discrimination against women. This convention is the form of norm at international level “Sex based nondiscrimination” The women’s convention adopted on Dec 19, 1979 by General Assembly of United Nations (UN) and came into force on Sep 3, 1981. Currently it consists of 165 accessions and ratifications. The main objective of women’s convention is to remove the structural hurdles in a country. As per convention each member state has sovereign right to take contextualized measures gender equality in economic, political and cultural sphere.

In our country constitution preserves the ideology of equality. Constitution of Pakistan article 25 indicates that all people of country are equally entitled to law without discrimination on basis of sex. However, the Pakistani constitution lacks the definition of discrimination towards women.

1.5 Articles of CEDAW and Situation of Pakistan

Effort made to explore the societal treatment of women in perspective of CEDAW. As per the definition of discrimination and equality in Article 1, the prevailing situation of Pakistan indicates the inequality and discrimination in application of fundamental freedom and human rights in economic, social and political sphere of life. As per the Inquiry Commission reports for Women (1997), there is substantial differentiation between women and men in Pakistani society due to diverse reasons like cultural practices, negative social biases, poor policies and plans, biased legislation and budget allocations. Women’s participation at decision making level is inappropriate as currently there is no female judge in Supreme Court of Pakistan. Apart from the aforesaid, in Pakistani society the controversy exists regarding the interpretation of Islam with respect to human
rights. The Quran clearly spells out the fundamental rights of individuals and these rights were granted for both women and men many of centuries before the Universal Declaration of Human Rights.

Traditionally, women suffered because of oppressive measures and faced denial for equal rights in Pakistani society. The restrictions on women curtail hurdles in access to opportunities in all sphere of life. Women are the neglected group of culturally and socially malpractices of society. Most of the women involve in agriculture field but they don’t receive wages for their work because their labor is not documented. As a result women bear dual burden of labor at workplace as well as at home.

As per Article 2 of CEDAW, the state members condemn all forms of discrimination and shall take concrete steps and actions to eliminate the discrimination against women. This article further envisions for the establishment of legal sanctions through public institutions and mechanism to abolish all policies and laws that creates differences against women. According to Pakistan’s constitution 1973, Article 25 (2) narrates that all the citizens are equal to law and there shall be no discrimination on basis of sex alone. Here the word “alone” states that there is cushion for discrimination but not exclusively based on sex. Hence such unclear and vague fashion leave the space open for the discrimination-based legislation. Article 35 of Pakistan’s constitution indicates that actions will be in use to ensure the full participation of women in all walks of national life. On the other hand, at federal government level only 5.4 percent employees are women and in public services at higher levels their representation is considerably negligible.

According to Article 3 of CEDAW, fundamentally women are equal in all sphere of life hence public machinery shall take all practical actions and measures to ensure that they can enjoy fundamental freedom and basic human rights.

Article 4 of CEDAW refers that state machinery design policies and measures to accelerate the equality for women and take affirmative action to remove the inequalities on biological differences. Pakistan being member of CEDAW placed the quota system in public institutions to eliminate the inequalities basis on gender. As per Pakistan constitution 1973, Article 51, recommends the reserved seats for women to promote their participation at provincial and national level.

As per Article 5 & 14 of CEDAW, governments shall take all appropriate actions and measures to remove the discriminatory customary practices against women including of rural areas women. It emphasizes the family education including proper understanding regarding maternity and vice versa. In our society the cultural practices exist in deep roots consequently these practices deprive the women for their basic rights of freedom, dignity and even of life. To restrain the harmful customary practices government passed law as” The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 and Acid Crime Prevention Bill 2010”.

CEDAW Article 6 refers that state needs to formulate appropriate legislation to restrain all type of exploitation and trafficking of women. As per report of Human Rights Commission of Pakistan women are being bartered and sold by families for economic perspectives. Consequently, this culture deprives women from their social rights undignified them in the society. Pakistan constitution caters the laws for prohibiting all forms of slavery, human trafficking and forced labor but due to the non-enforcement of these laws the above-mentioned discrimination of women prevails in the society.
Article 7 & 15 of CEDAW states the women rights to vote, participation in designing and implementing the governmental policies. This also includes participation of women at all level of public life. Government established Human Rights Cell under Supreme Court of Pakistan to ensure the implementation of pro women legislation. Harassment at Workplace Act 2010, passed by government to provide protection women at their working place. In Pakistani context women representation in public offices is at marginal level as compared to men. Harassment including sexual is at large level at workplace and this problem is expanding day by day because women abstain themselves to complain due to fear of bad reputation and social taboos. Unequal franchise on women side also persists in Pakistani system.

As per Article 8 of CEDAW, member states must support the environment for women participation at global level including employment on equal basis to men in international level organizations. Even being member of CEDAW, in Pakistan women participation is confine to mostly women-oriented conventions and conferences. If women get chance for equal representation at domestic at state level then their participation can be considerable at international level.

CEDAW Article 9 urges that state parties must give equal rights to women with men in acquiring, changing or retaining their nationality and to grant their nationality to their children as well. As per law in Pakistan foreign woman can acquire the citizenship of her husband while on the hand a foreign man is not allow to acquire citizenship of Pakistani women if he marries with Pakistani woman.

Article 10 of CEDAW emphasizes for equal opportunities in education field including career guidance and vocational training of women or girls on the par of men. Female literacy rate reported extremely low as only 45% in 2009 as compared to male 69%. Education plays key role in development of women and girls, for this government took number of initiatives and reforms but high rate of illiteracy persists in Pakistan. Numbers of reasons are there behind this underdevelopment as social and cultural barriers, economic factors and improper infrastructural institutions.

1.6 Pakistan Initiatives to Eliminate Discrimination Against Women

Being responsible state, Pakistan took number of following steps to mainstream the discrimination against women,

- To eliminate the discrimination against women numbers of laws have been passed in last few years like, Anti-Women Prevention Act of 2011, Bill of prevention for Acid Crime 2011, Bill for protection of women at workplace 2010 and Act of Criminal Law 2010.

- In order to be in line with the international commitments, national level group with involvement of all four provinces formed for prioritizing themes for gender mainstreaming. At provincial level committees reactivated for the effective implementation of articles of convention.

- A steering committee (gender focal persons from police & bureau members) formulated by the Bureau of National Police for designing the programs and strategies to eradicate the violence against women.

- For the protection and prevention of women from the violence, harassment, abuse and exploitation 26 crisis centers established at provincial level.
Help line and toll-free numbers established in all four provinces for referrals and redressal of complaints by the concerned authorities regarding violence and discrimination towards women.

Ministry of Law, Justice and Human Rights formulated plan of action through the involvement of all stakeholders to uplift the situation of human rights. Hence all four provinces endorsed that plan of action by announcing the Policy Framework for Women Empowerment in their respective entities.

2 Conclusion

CEDAW narrates the actions and measures to be followed by the member states to cultivate the equality between men and women. Being signatory of this convention Pakistan could not achieve most of the commitments. Although number of initiatives, actions and laws have been passed for gender equality accordance with our commitments at international level. Most of the benchmarks could not be achieve because of limited mobility, poor decision-making power, poor self concept and limited control on resources. Women in Pakistan tolerated the discriminatory position not only communities but also at their basic level including in personal and domestic life. As reflected this paper women are much far behind in political spectrum as compared to social and economic aspects. Symbolic participation of women was increased by increasing number of seats in governmental structure but equal rights could not be guaranteed due to unfavorable environment.

2.1 Suggestions

Ensuring the political rights to women leads to achieving gender equality at global level and democratic governance. A level playing field can be achieved through some reforms of the constitutional policy and a change of mentality and acquired attitude of the highly patriarchal society in which we are living. It is shared responsibility of all leaderships at all level. The key suggestions are as followed,

- The state machinery needs to commence structural reforms in the system and intensive actions have to be used to cope up a mindset which hamper the equal status of women.

- To align the benchmark of CEDAW in Pakistan, there is dire need to change the mindset of people to give the respect to women as equal partner that will ultimately leads to equal opportunities and treatment. So, this will enable women equal participation in private and public life due to which the equitable society takes place.

- Practically in this direction the first step is to recognize the respect of a female child in the family. Treating on equal basis to boy and girl will give the sense of dignity to women that have been deprived to them.

- Societal institutions play vital role in this regard. A vital change in attitude comes from within and this require shared willingness to takes place justice and equality for women as whole.

- The mass communication including media can play key role for this change.

- On part of government it is necessary to make available the enabling and protective environment by provision of policies, legislation and reforms to mainstream the gender equality.
2.2 Recommendations

More the countries add to their GDP more the need to spend on Human Development, as a negative relationship would suggest more resources are being used for economic growth and lesser funds are available to promote human development. Inflation rates in the region and in any country, facing higher Inflation than average, need to be addressed to mitigate its impact on human development. Raising employment policies would lead to increasing the purchasing power of masses around the region and it would trigger human development in the next round.

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