

# Political, Economic, Social and Legal Women Empowerment

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## Abstract

This article studies the predicament of women's rights in Pakistan. Analysing the policies related to women rights given by the successive governments in the ruling era of General Pervaiz Musharraf, this study finds that despite the scarce resources, Pakistan and the policies for women empowerment and development had potential to produce good results but they failed to deliver due to lack of political will of the previous governments to implement those policies and to establish the goal of universal education especially for women. The Zia Regime had effected and harmed women's rights; therefore he had neglected the 51% population i.e. women of the country which portrayed the very negative image of the country to the world. The democratic governments of post-Zia period worked positively in this direction since they required women vote which constituted half of the franchise. The government of General Pervaiz Musharraf promoted women development and empowerment sector f and showed strong will towards promoting women's right. This study concludes that goal of women's rights could only be achieved with forceful political will of the government. Social issue that earned the Musharraf regime a great deal of prominence is the Empowerment of Women. Women empowerment received the much deserved spotlight during Musharraf's era as this agenda was considered one of the major building blocks for economically stable and progressive Pakistan. General Pervaiz Musharraf was very much concerned towards the better and soft image of Pakistan in the world. He introduced laws and repealed the discriminatory laws towards women. Pervaiz Musharraf tried his level best to brand the positive image of the country in the world with new laws and reforms being introduced, this was considered as a golden era in context of legislation made for women empowerment in Pakistan. The steps taken can be broadly categorized into two sets i.e. Political and Economic Women Empowerment and Legal and Social Women Empowerment.

**Keywords:** Women Empowerment, Social, Political, Economic,

## 1. Introduction

The idea of women's rights holds different, unequal and dissimilar position in the country. What and who represents women's rights, which defines them and add values to them, who are responsible for the implementation and execution of those rights. These questions have remained unanswered and provide the image of the compromising situation of argument and discussions.

Quaid e Azam Muhammad Ali Jinnah had the concept of women empowerment but due to less time after the independence of the country, Jinnah was unable to execute any strong plan for women's right and few years later, the tension appeared with the stronger roots. The problem gained the strength along with the passage of time and was highly noticeable in the dictatorship of General Zia Ul Haq but during the past few years of the country, the change has been observed in the country as a political change as well as socially organized change that have been undertaken by the officials as well as educated and moderated people of the society in the different departments of life according to their ease and accessibility.

The country had faced a lot of hurdles in establishing and developing the appropriate policies for women's right and to empower women in the society in accordance with the cultural definitions and religious attributes. This has become more difficult especially with the extremist groups activists that had always been against women's right though the religion has delivered more rights to a women as a mother, daughter, sister or in any other stage of life. This has been the problem mainly due to the lack of proper education and lack of proper and accurate religious knowledge.

During the regime of General Pervaiz Musharraf, the procedure to enlighten and empowering females had begun with the full power. The women activists had initiated the struggles that was started soon after the independence of the country and was forced to stop in the regime of Zia ul Haq. Zia ul Haq seem to be successful in stopping the women activists whereas the activists had been passively active for the women empowerment and enlightenment.

Women's right policies plays vital role in the building the image of the country, globally whether negative or positive. The country's effort to define women's right are most of the time leaned on the social cultural norms which has created the specific kind of mind set in public and officials. In the Islamization era of General Zia ul Haq in the year 1979, the country's traditions discouraged women to build their careers and encourages them to stay at home. In the Zia's regime women of country had suffered many problems and mostly

their rights were suppressed in the name of religion which was also not accurately-rightful in Islam. Zia's Islamization was risen by the increase of deeni madaris i.e. the religious schools all over the country that had issued fatwas (religious orders) on suppressing women and minimizing their activities to household only and also in case of being a witness females were not given right to take a stand and mostly the criticism from the world was registered whenever there was a case of sexual harassment and the lady victim had to suffer the consequences of not keeping her mouth shut or raising her voice against the crime committed to her.

Females of the country were at the weak position and at a highly observed disadvantage in the country's national arena at that phase of time. Mostly in all reforms and policies whether the legal structure or political structure women of the country suffered the inequality at all positions in comparison of men was the marked outcome of Zia's Islamization. Zia ul Haq with his Islamization also created a male dominant society in the country. On the other hand, in the year 1979 the history of the country also witnesses the development of the Women's Division, basically the pioneer or the originator to the delegate of the Ministry of Women's Development of the country. This development had aggravated the contradictions in the country regarding the rights of country women. This institution had represented highly observed different ideas for women's right in the country and there was the obvious lack of substantive internal debate to remove the existing contradictions and to present the clear and accurate image of what women's right should be.

The basic disagreement was to determine the acceptable roles and rights for females for different areas which indicated the in depth and enormous debate on the topic of the reserved parliamentary seats for women for the past few years and to make the officials to revise the Haddoo laws and its outcome was witnessed in the year 2006 in the General Pervaiz Musharraf Regime as the Protection of Women Act 2006. The act was submitted and was successful in protecting its C.E.D.A.W report before the Division for the enlightenment of women of the country at the United Nations in the year 2007. Unfortunately at the same time the terrorists also continued their activities by attacking girls' schools and spread violence to limit women's actions and rights.

As soon as the regime of Zia ul Haq was over and the discriminatory laws were disseminated the procedure of the progress and enlightenment for the females of the country was begun with the process of reconciliation. Whereas it was completely understood that it will be a very long road to build and develop a systemic and organized procedure to form democratic and safe state for the females of the country and to enforce the human rights accurately had a long way to be implemented accurately in the country.

The legal reforms/ policies for the protection of women's right gain attention of the authorities and started to bloom in the year 2006 by the endorsement of Women Protection Law in the regime of Pervaiz Musharraf. Protection of Women Act in actual was the outcome of the continuous demand from national and international women organizations and commissions for the implementation and attainment of the rights for the women of the country.

## **2. History of Women Rights in the light of U.N.O**

### **2.1 United Nation and Pakistan:**

United Nations had adopted the women rights seriously and had the chartered to bring and deliver the equal rights for both men and women in a manner that has never delivered or brought on by any previous international legal policy (Thomsen, 2010, p.40-41). The movement for the empowerment and the protection of women rights had begun in numerous countries at the different times. The women empowerment and rights movement was presented by the United Nations for the very first time. United Nation has delivered the right to vote, the right to give opinions on politics to the women around the world was the first achievement of the United Nations. This had become the agenda of the U. N. O i.e. United Nation Organization to expand the assent (The basic right to vote) rights to all women around the world as the females were concerned to receive the right to vote. The women of member states were able to avail their rights but the fact was the agenda will not be achieved until the country provides a legal protection to cast the vote to the women (Thomsen, 2010, p 40 – 41).

The cultural barriers in different countries had restricted females to use the right to cast their vote as the protection of the assent by law in own country is considered as must. Women began insisting civil rights after getting the assent right. Women insisted of availing the other civil rights equal to men in different fields and areas of life like economic rights, property rights, social rights that include educational and employment rights. Pakistan soon after the independence became the member of the U. N. O (United Nations Organization) and become liable to provide all the legal and social rights to the women of the country.

### **2.2 1946 – Women Status & United Nation Commission**

In the year 1946 the united nation organization developed a commission on the status of women. It was basically an attempt to address the human rights violation regarding continuous violation of the human rights of the women around the world. The commission was launched to provide security of equal rights regarding political, economical, social and educational rights and opportunities for the women across the globe for the enlightenment and encouragement of females in all fields of life (Patel, 2010, p. 48 – 50).

United Nation Organization has always provided positive feedback and response to all the rights and demands of the women. Pakistan has shown its interest in fulfilling the commitments to international human rights agreements and contracts. In the year 1952, the United Nation Convention on the political rights of women was accepted by the General Assembly. Later on in the year 1956 the U. N agreement was accepted on the issue regarding the Nationality of Married Women which lead the agreement on the women right on consent to marriage, minimum age for marriage and registration of marriage in the year 1962. Later on these agreements lead to the advance strategies for the encouragement and advancement of the women in the year 1985. Pakistan also approved the convention on the rights of the children (C. R. C) in the year 1990 and in the year 1993.

### **2.3 1948 – United Nation Declaration of the Human Rights**

In the year 1948 the declaration of the human rights was presented and passed by the United Nation Organization. It was the very first example where the women presence was the obvious at the forefront of the international scene (Khan, 2009, p 27 – 28).

### **3. History of Women Rights in Pakistan**

Unfortunately, Pakistan faced numerous problems since the beginning that the women rights were remain in shadow and the governments failed to address the women rights issue as importantly as it is. The U. N. D. H. R (The Universal declaration of Human Rights) was the primary declaration which was signed by the country. By signing this declaration Pakistan became liable to accept all the declarations and resolutions issued by The United Nation Organization and the United Nations Security Councils.

#### **3.1 1995 – The fourth world conference on women.**

In the year 1995, the fourth world conference on women was held in Beijing. The conference was called as the Beijing Platform for Action. Pakistan also participated in this conference. The Conference had clearly presented the agenda for women’s empowerment. The idea shift towards women and gender equality and development issues was prominently obvious in the conference (Mitra & Bacchan, 2004, p 76 – 77). The conference was focused on the gender equality and human rights and had stated its objectives and goals very clearly.

Pakistan had participated in this conference and after attending this conference; Pakistan approved and created the National Plan of Action for the consultation and involvement of the civil society (Report of Government of Punjab, 2012, p 120 – 132). The fourth conference had brought light to three main aspects i.e. economic advancement, equal rights and violence against women. Pakistan also approved these points and developed the platform for action as the National plan of Action (N. P. A, M. O. W. D, 1998, p. 01 – 02). Pakistan also approved the ‘Forward looking Strategies for the Advancement of women’ (F. L. S. A. W) in the year 1985 AT Nairobi. (Dawn News, 2011, p. 06). This program of action had given consent at the International Conference on Population and Development (I. C. P. D) in the year 1994 AT Cairo and world Summit on Social Development. The program of Action approved at the International Conference on Population (W. S. S. D) in the year 1995 at Copenhagen and Pakistan granted to the Convention on the Rights of the Child (N. P. A, M. O. W. D, 1998, p.02 - 03).

All these contracts and standards are to protect women’s right and to eliminate violence against them. The most important and critical among them were the C. E. D. A. W. The main purpose of this commission was to protect equal political, social, economical, educational, and employment rights and the opportunities for the women throughout the world (Report of Government of Punjab, 2012, p 120 – 132).

#### **3.2 Musharraf’s Era and Women Rights**

In Pakistan, during the government rule of Mohterma Benazir Bhutto and Mian Muhammad Nawaz Sharif despite an early authorization of the C. E. D. A.W has been applied a little bit in the country to eradicate the discrimination against women in the country (Report of Government of Punjab, 2012, p 120 – 132).

Due to the political instability in Pakistan from the year 1988 to the year 1999, Pakistan was unable to submit a single report to the C.E.D.A.W committee until the year 2004.

In the year 2004, in the government rule of General Pervaiz Musharraf, Pakistan submitted a report which was consisted of approximately two hundred pages but after that one hundred pages report was submitted which was also shared with non- governmental organizations and civil society for inputs and comments. It was all because of the better understanding and planning under C. E. D. A. W that Pakistan in terms of legislation, Criminal Amendment Act 2004 was endorsed (UNCEDAW, verdict, 2007).

#### **3.3 Act 2006 – Women Protection Act**

In the month of July in 2005, Ministry of Women Development was successful in preparing and submitting the report to the committee of C. E. D. A. W. The CEDAW admired the various legal policies which were made and implemented by the ruling government of Pakistan. All the legal reforms were the outcome of the acceptance of

the National Plan of Action of the year 1998, and the National Reform for Advancement and Empowerment of Women of the year 2002.

The LFO (Legal Framework Order) of the year 2002 has been beneficial for women to have political participation and amendment in Pakistan Citizenship Act in the year 2002 along with other reforms like Human Trafficking Ordinance 2002, Criminal Law Amendment Act in 2004 facilitated prosecution of honour killing and the Gender Reforms Actions Plan in the year 2005 as well. The restructuring and reformation of the ministry of women development and the development of National Commission on the Status of Women in 2000 and financial structure as First Woman Bank was the milestone in the empowerment of women in Musharraf's era. (UNCEDAW, verdict, 2007).

Women activists and National and International organizations were presenting remonstrations against the Hadood Ordinance 1979 by considering it prejudice, violent and discriminatory law towards women. The political governments of Benazir Bhutto and Nawaz Sharif after the Ruling Regime of Zia ul Haq came to power with the pledge of abolishing the Hadood Ordinance but did not bring any change in the existing laws due to the certain reasons to maintain the political stability in the country. .

General Pervaiz Musharraf had begun the process by the dissemination of Criminal Law Amendment Act in the year 2004. The changes in Hadood laws introduced by General Zia were formed by the male chauvinists by their own likes and dislikes according to their personal interests. Under this law instead punishing the rapists the law was implemented to punish the rape victims as alleging them for committing crime as adultery or may be for raising their voices against the rapists (Dawn News, 4, 2006). The reality was that the Hadood laws were flawed and were approved under a obscurantist military regime (DawnNews,6, 2006). Therefore It was required to be discussed in the parliament and the prejudiced provisions should be abolished. On March 9, in the year 2006 a seminar was systematized by the Aurat foundation Peshawar and recommended the government to change the Hadood laws, announcing that these laws had been a cause of women's victimization from decades and declared the Hadood Ordinance a man made law to protect criminals and women abusers but Zia regime wrongly titled it an Islamic law (Dawn News, 9, 2006).

Approximately Eighty percent women languishing in jails were victims of the Hadood laws and women in jails were also being victims to physical and sexual abuse. Thousands of women were in prison due to the Hadood Ordinance just because of raising their voices against crime being held against them.

According to Human Rights Commission report women of different ages were kept in jails with the charges of zina from 80 years women to 10 years girls (H. R. C, 2006, p.10-12). In each year, approximately 2000 cases were registered against women. Approximately 4000 appeals in zina cases were presented before the Shari at court. Women activists criticized these circumstances by performing different seminars and meetings and strongly demanded the revoke of prejudiced law, Hadood Ordinance (Jahangir & Jillani, 1990, p.78 - 80).

Parliamentarians Commission for Human Rights (P. C. H. R) also firmly supported that Islam and constitution of Pakistan gave high status and position to women. P. C. H. R issued numerous bills dealing with the issues of women rights as amendments in the Hadood Ordinance, Honour killing, Bill on Domestic violence as well as modifications in the Qazf and offence of zina and the clauses of code of criminal procedure, Family Bill 2005, West Pakistan Family courts amendments Act of 2004, Prohibition of marriage with Quran Act of 2005 and protection of the working women p bill 2005 (Dawn News, 10, 2006). But the most divisive act to which women and civil society wanted urgent repeal was the zina Ordinance in which it was demanded same proves in the cases of zina and zina-bil-jabar. The evidence of four pious male was required, it was almost impossible for the rape victims to prove, or present four evidences before the court. In this way the victims of rape remained in the danger of being prosecuted under this law. Most of the criminal cases which were presented before the court under the Hadood Ordinance were related to zina ordinance (Otte, 2010, p.416 - 419). The Hadood Ordinance had become the cause of injustices with women in the society. It was clear by the evidence that the most accused persons were acquitted by the appellate courts that were declared culpable by trial court (Shirkat Gah, 2004, p.2).

The Women rights activists and human rights organizations were constantly criticizing and protesting against these Hadood Ordinances as the severe violation of human rights (CLA, HRC, Lahore, 2006). In Zia Regime the law declared as so called Islamic legislation was actually hold the interest and protection of men that was involved in preparing the law as well as the criminals of rape and assaults . They (CLA, HRC, Lahore, 2006) challenged this Ordinance as oppressive, prejudiced and un-Islamic. Researches were conducted and data were gathered to prove that this law was totally discriminatory, unfair and in conflict with the principles of justice as well as un - Islamic. They (CLA, HRC, Lahore, 2006) protested and engaged in vestibule to repeal the discriminatory law towards women. These women activists fought the war to repeal these laws for twenty seven years (N. C. O. S. W, 2006, p.2). It may be said that this law was creating embarrassment for Pakistan as the participant of CEDAW, which was demanding member states to bring their domestic laws in conformity with the International Law (Gooneekair, 2004, p. 12 - 16). Although the efforts were originated to review the Hadood Ordinances by the governments as in 1991 the report of the Inquiry Commission and in 2003 the National

Commission on the Status of Women (CLA, HRC, Lahore, 2006). Both these recommended to repeal these discriminatory laws, these reports declared the Haddood Ordinances as discriminatory and against the teachings of Islam (N. C. O. S. W, 2006, p.02 - 04). General Pervaiz Musharraf struggled to project a more liberal image of Pakistan at the global level but the Haddood Laws were reflecting a very passive and conventional image of Pakistan because women as well as human activists at local and global level were constantly criticizing the Haddood Ordinance (CLA, HRC, Lahore, 2006) (Gooneekair, 2004, p. 12 – 16).

The government appointed 03 commissions to analyse the Haddood Ordinance. Two of them suggested to repeal them Ahmed, Z., & Afridi, M. (2014). They recommended that it is necessary to repeal the Haddood Laws and Pakistan Penal Code 1860's repealed provisions should be re-enacted Ahmed, Z., & Afridi, M. (2014). However inquiry report suggested that there is a need of serious debate if parliament wants to make further laws regarding Haddood Ordinance to protect women from the abusive trails and social insult (Oette,2011,p.261) (Gooneekair, 2004, p. 12 – 16) Ahmed, Z., & Afridi, M. (2014).

The National Commission on the Status of Women (N. C. S. W) (Report of Government of Punjab, 2012, p 120 – 132) formed a special committee of at least eighteen (18) members to review the Haddood Ordinance (Gooneekair, 2004, p. 12 – 16). This committee was consisted of the Supreme Court, High Court and Federal Shariat Court, lawyers, religious scholars and women rights activists Ahmed, Z., & Afridi, M. (2014).. This committee recommended that these laws should be abolished by the officials because these were creating injustice in the society instead of justice (Oette,2011,p.260 - 263) (Gooneekair, 2004, p. 12 – 16) (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010)

#### **4. Review of Reforms Regarding Women Empowerment during Musharraf Regime**

To secure social well - being of women and to eradicate prejudiced and unfair laws several amendments were made to existing laws (O'Hare, U. 1999). Even though the amendments (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010) did not completely eradicate the issues, but were a welcome change and an encouraging step towards a society based on equalitarian laws for men and women(O'Hare, U. 1999). Criminal Law regarding the honour killing (2004) was introduced (Honour Killing Bill) - which deemed honour killing a criminal offence punishable by the court of law (Madaik, 2005). Women Protection Act -2006 – was made and implemented to provide fair and secure environment for women to work on gender equality basis, this policy had provided protection to women from workplace harassment (O'Hare, U. 1999). This reform had also placed rape laws under penal code with a more detailed description of rape that provided rape victims some consolation and hope of justice without being blamed for the act. And lastly, Presidential Ordinance (2006) "the Code of Criminal Procedure (Amendment) Ordinance, 2006," allowed bail for women held on all charges except for terrorism and murder. No law enforcement agency could withhold women more than 24 hours without a probable cause and would be liable to present the woman in question in front of the magistrate within 24 hours.

#### **5. Conclusion**

To make laws for the protection of women is a optimistic and constructive thing for the beneficial and positive image of any country (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010). In Pakistan a large portion of the society is fighting for the cause of women rights and women empowerment (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010).Now no government can afford to ignore the women's rights because today women have realized their position and status and they will condemn all the actions which will go against towards curtail their position and rights. There is a dire need to make new laws for the women's economic opportunities, employment and social security. The most critical constituent of women empowerment is legal empowerment which guarantees protection of social, economic and cultural rights of women in terms of justice, property rights, employment rights, safety and protection rights (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010).

In Pakistan different strategies are being developed to attain the goal of women empowerment (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010). Different governmental and non- government organizations (N. G. Os) played their vital roles to organize women to become legally empowered for the protection of their fundamental rights (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010). The women are striving hard to protect their rights through performance of the laws (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010) .There is adequate legislation available for the protection of women rights in the country. Unfortunately the women are still becoming victims of attempted rape, domestic violence and sufferings at workplaces (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010). They are hesitant to register their complaints due to fear of being defamed in the society and family pressure or due to fear of getting no justice (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010). The law enforcement agencies are required to be revised. The women have lack of confidence upon justice special consideration system. The better implementation of the mechanism is required for the protection of women rights and make them legally empowered (Rana Ejaz Ali Khan,. 2012 Raja, A, Mehreen, 2010).

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