



Women's Legal Empowerment in Pakistan during the 4th Regime of Pakistan Peoples Party (2008-2013): An Overview

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Abstract: Women empowerment for the benefit of society's welfare and advancement is a crucial phenomenon that contributes significantly to development. Nowadays in Pakistan, the most sensitive and contentious issue is the empowerment of women, whether on the political, social, or economic fronts. The Pakistan Peoples Party (PPP) has always supported the empowerment of women. This study examines the major contributions of the 4th regime of PPP to empower women in Pakistan through legislative measures without any discrimination by introducing numerous laws. This study also explains that PPP government particularly through the eighteenth amendment offer considerable opportunities for women political participation. This study is basically historical. Qualitative method is applied. For this study data is mostly collected through primary and secondary sources. Primary data is mostly interviews. Secondary sources included books, journal articles, authentic and reliable newspapers articles and reports etc. The study also investigates several issues faced by the PPP government in the implementation of all those acts and initiatives introduced by them to empower women legally in Pakistan. This study gives recommendations for women's legal empowerment in the true sense.

Key words: Women's Legal Empowerment, Pakistan Peoples Party, Women Rights, Domestic violence, Criminal Laws

1. Introduction

Women's empowerment per se implies the formation of an atmosphere through which women are allowed to make effective lifestyle decisions and choices in a specific setting. Women in Pakistan are subordinate to men due to the patriarchal nature of the society and the disparity in the distribution of power that exists between the sexes. In light of this, the safeguarding of women's fundamental rights in Pakistan necessitates a particular emphasis on women's formal emancipation. Since Pakistan's independence in 1947, multiple governments have taken deliberate steps towards increasing women's economic, social, and political participation and influence. To back it up, PPP has consistently prioritized the advancement of women throughout each of its regimes, and its members firmly hold the view that women should be treated with the same respect as men. The 4th regime of PPP during 2008-2013 witnessed some significant measures being transported for women's legal empowerment in Pakistan, especially in the fields of bullying at work, financial support, and sex equality promotion. Unfortunately, there is still a long way to go until women in Pakistan enjoy equal rights in areas like education, healthcare, politics, and the economy. To better safeguard and advance women in Pakistan, the PPP government enacted a number of laws.

2. Women's legal Empowerment during Previous Regimes of PPP

2.1 Bhutto Era (1971-77)

Women were treated fairly under Zulfikar Ali Bhutto's democratic regime (1971–1977). As a result, the situation for women greatly enhanced. It was during this time that women finally gained legal parity with males. Women were guaranteed 10% of National Assembly seats and 5% of provincial assembly seats, with no further restrictions on running for general election seats. All previously male-only government services were made available to women. The Constitution of Pakistan, ratified in 1973, includes explicit protections for women's rights. Moreover, there was a notable increase in the number of women working in the civil service, and Pakistan established its first commission on the status of women. In July 1976, eight months after its inception, the panel submitted an account on legal reform; it was never adopted by the National Assembly nor was it made public (Mumtaz & Shaheed, 1987).

2.2 Benazir First Tenure (1988-90)

She rose to power after the terrible assassination of her father, Mr. Zulfikar Ali Bhutto, by a military regime, and now serves as chairperson of the PPP. When she took office as Prime Minister in 1988, policy changes favoring women finally became possible. In her speeches to the public in the general elections campaign, and more notably in the party program of 1988, she outlined her expansive vision and plan for empowering women through legislation. It didn't take long for her to get to work on legal reforms and new social, political, and economic initiatives that would empower women after she was appointed prime minister. Benazir Bhutto established programs to improve women's economic, political, and social standing (Doherty & Craig, 1990). She established the free media policies and repealed restriction on censorship of the press that set up transformation in women's position in media (Lubna, 1994). Her primary legacy is the creation of the Ministry of Women's Development (MWD), a dedicated agency for the advancement of women's issues. It was the late leader's crowning achievement in advancing women's equality and safeguarding their rights. She instituted changes in education and simultaneously opened Women's Studies Centers at five universities in Pakistan, allowing women access to higher education and training in an effort to improve their status in society. Islamabad, Karachi, Quetta, Peshawar, and Lahore all have such Centers that were set up in 1989 (Shafqat, 1996). Similarly, fruitful was the 1989 launch of First Women Bank Ltd. (FWBL), which aimed to provide for women's financial needs, empowers them to become financially self-sufficient, and enhance their social standing. She instituted reform in the legal system by appointing, for the first time in the country's history, female judges to positions of authority in the court system. For the enhancement of healthcare needs of women and their children Benazir Bhutto engaged hundreds of woman health professionals to minimize newborn mortality and save their lives (Weiss, 2012).

2.3 Benazir Second Tenure (1993-96)

She prioritized the advancement of women during her second term in office as prime minister. Possibly the only program with a specific programmatic emphasis on women and substantial budgetary support for women is the Social Action Program, which began in 1992/93. The focus of the initiative was on empowering women by expanding their availability of social assistance in order to close the gender gap. The PPP manifesto of 1993 well described her policies of women legal reforms and empowerment. Through SAP, she advocated for women's access to education, health care, and economic autonomy (Shafqat, 1996). In 1994, she established the Lady Health Worker Programme (LHWP), which eventually led to the hiring of many women all around the country. Following the Beijing Platform of Action, which has been suggested at the Fourth UN World Conference for Women, Benazir Bhutto's government made a significant commitment to women's rights. The National Commission on the Status of Women (NCSW) reports that in 1996, Pakistan agreed to ratify the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (NCSW 2008-2012). Nevertheless, throughout Benazir Bhutto's administrations, there were a number of circumstances that impacted the development and implementation of laws protecting women's rights and empowering women.

3. Women's Legal Empowerment during 4th Regimes of PPP (2008-2013)

Benazir Bhutto was assassinated on December 27, leaving a political void. The PPP government came into power in February 2008 under the new leadership of Zardari. Like previous regimes, the PPP 4th democratic government has also initiated several women's legal empowerment initiatives in all sectors of life by introducing constitutional and political measures. The government also provided constitutional protection to women rights without any discrimination by introducing several laws.

4. The Domestic Violence (Prevention and Protection) Bill, 2009 and Act, 2012

The initial action of PPP administration after stepping into authority reached the front when the national assembly enacted The Domestic Violence (Prevention and Protection) Bill 2009 on August 4, 2009, but had been soon surprised who the Senate was unable to bring up the bill for inquiry in the appropriate time and permitted it to go into effect. Domestic Violence (Prevention and Protection) Act 2012 was introduced for the second time by Senator Nilofar Bakhtiar on February 20, 2012, nearly three years after the original bill had lapsed because it had been put off in the Senate by the Jamiat Ulema-i-Islam-Fazl (JUI-F) (Wasim, 2012). The bill's twenty-eight sections cover every relevant topic. In their definition of domestic violence, they include "all deliberate behaviors of sexism or other psychological or physical assault carried out by a suspect against women, children, or other vulnerable individuals, with whom the accused individual is currently or has previously been in a domestic relationship." To give the bill teeth, the stipulations lay out particular monetary and disciplinary consequences for performing acts of abuse that are referred to as assaulting in the Pakistan penal code, such as "use of criminal force," "criminal intimidation," "economic abuse," "permission into an aggrieved person's place of residence without his or her agreement," "intimidation," "mischief" against assets," "physical abuse," "stalking," "sexual abuse," "verbal and sentimental abuse," "insults or ridicule,". (Asghar, 2009) The most progressive domestic violence law in Pakistan safeguards female victims. Domestic violence remained a persistent problem. Domestic abuse is now a criminal offence due to these events. This law was crafted with care to shield women from danger at home. Victims are able to obtain redress without first filing a police report, thanks to the new law. When a claim for relief under this Act is submitted with the court, a first hearing date will be scheduled no later than seven days after the claim is filed. Allow 90 days to settle a complaint. This Act allows for monetary compensation to be granted to victims of domestic violence. If the defendant breaches the protective order, he or she would be liable to a fine of Rs 100,000 and six months in prison. The media began paying serious attention to the problem of domestic abuse after the passing of the Domestic abuse Act. This legislation was passed in reaction to a call for gender equality in the workplace and domestic violence legislation that focuses on prevention (Pakeeza, 2015). The government responded to the international agreement prohibiting prejudice on the basis of gender.

5. The Protection against Harassment for Women at Workplace Act, 2010

The Protection against Harassment for Women in the Workplace bill of 2009 was voted into law after receiving unanimous support from the national assembly on January 21, 2010. This legislation includes safeguards to prevent sexual harassment of women in public places. A 2007 survey found that 78% of working women and 91% of domestic workers have experienced sexual harassment on the job, highlighting the importance of such protection. Every single Pakistani woman has probably experienced public harassment at some point in her life. In addition, the law mandates that all businesses, both public and private, have a policy in place for handling employee complaints and appeals, with the goal of creating an atmosphere where everyone can work without fear of reprisal. It consists of sanctions for supervisors not establishing such a code: they can be sued and penalized up to PKR 100,000 (Weiss, 2012).

The major objective of this legislation is to ensure that women are safe from assault and harassment. The Act's main objectives were to guarantee women the right to work and to be accorded dignity in the workplace. With the passage of this law, harassment now has legal consequences in Pakistan definitely a great improvement. In Pakistan, women frequently experience discrimination in all walks of life, from the streets and neighborhoods to the classroom and the workplace. Women's performance suffered as a result of the hostile work environment they experienced as a result of harassment. It is the main cause of women's lack of job advancement (Qasim, Shah, & Ali, 2023) in the business world. This law reflects the PPP government's commitment to advancing women worldwide. To that purpose, this legislation proclaimed any kind of prejudice against women to be illegal and demanded their elimination. Because of this regulation, women would feel more confident in taking steps to improve their lives without fear of harassment from strangers in the form of whistles, leers, or other forms of unwelcome attention. They can lodge formal complaints against the alleged perpetrator if they so choose.

6. The Criminal Law (Amendment) Act, 2009

In addition to the office and the home, and outside of normal business hours, sexual harassment can and does happen in public areas like marketplaces and parks, as acknowledged by the accompanying modification to Pakistan's penal code, the Criminal Law (modification) Act 2009. The first phrase is directed at women and specifies that they should not be subjected to insults to their modesty, while the second is gender neutral. Because

of the protections and consequences for violating the law, education efforts about sexual misconduct can now be supported, and women can learn about their rights to sue for this kind of prejudice and oppression (Weiss, 2012). Sherry Rehman, a member of PPP, drafted this legislation. Under this law, sexual harassment is now a punishable offence. When the PPC was enacted in 1862, this law was not considered to be criminal. Women's dignity is safeguarded under this bill. Advocates for gender equality and social justice backed this legislation. According to them, this is the first law in the country to safeguard female citizens from sexual assault. So, this was the beginning of making women safer.

7. The Constitution (Eighteenth Amendment) Act, 2010 and Women Political Rights

With the restoration of the Pakistan People's Party (PPP) for running in the 2008 elections, 16 women competitors out of 73 won office at the national level and 10 women out of 122 at the level of the provincial governments. Key legislative roles, including foreign minister, communications minister, envoy to the United States, and speaker of the national assembly, were taken on by women. A woman was also appointed as the head of the federal cabinet. The Women's Parliamentary Caucus (WPC) was formed for the initial time in 2008, and this assisted foster a greater attention to women's issues and gave women a higher profile in parliament despite the fact that the overwhelming majority of women who had been given invitations to parties for designated places had little expertise in politics (their qualification rested on being recent graduates and a member of elite ideological families). It opened the door for female politicians of different parties to cooperate.

In 2010, the National Assembly of Pakistan passed the 18th Amendment, which devolved power over various social matters to the provinces and made provincial legislatures responsible for enacting laws pertaining to women's rights within their jurisdiction. As a result, each province developed its own system for monitoring the community and advancing women's rights. Domestic abuse and other similar issues now fall under provincial jurisdiction. Some states have recently declared that all gender gaps have been closed. The 18th Constitutional Amendment accepts Pakistan's CEDAW commitments under Article 25 (2). Following the 18th amendment, the Punjab government introduced the Punjab administration package for women empowerment, 2012, which included a mandate that the provincial assembly enact comprehensive legislation to aid female victims of violence, which involves domestic abuse legislation (Bibi, Personal communication, 2023, October 21).

Women supported 104 private members' bills during the 4th era of PPP, or 68.9% of the total, compared to 47 supported by men. More people will vote because of the 18th amendment (Noreen & Musarrat, 2013). The largest percentage of female lawmakers in Pakistani parliament was elected during the 4th administration (2008-2013), which held office. Of the 324 general seats at the national and provincial levels, 16 were won by women in the new general elections in 2013. But there are 60 guaranteed seats for women in the National Assembly. As a result of women's increased representation in politics, women's issues are being discussed, and legislation that benefits women is being introduced (Gul, Personal communication, 2023, October 20).

8. The Prevention of Anti-Women Practices Act, 2011

Further advancements in women's legal empowerment in Pakistan were made on December 23, 2011, with the passage of an Act that amended the Pakistani penal code and the code of criminal procedure. Forcing a woman into marriage "in consideration of settling a civil dispute or criminal liability," as well as "preventing a woman from passing on assets," "promoting a woman from getting married the Qur'an," and other "anti-women practises" are now explicitly criminalized, putting an end to the practice of *wanni* and *swara* that had been ignored in 2009. The law forbade using *badl-e-sulha* to illegally strip a lady of her property or to allow minors to serve as judges in civil or criminal cases. Under Section 498B, it is illegal to force someone into marriage and the perpetrator can face up to three years in prison and a fine of 500,000 rupees. In accordance with the Holy Quran, marriage is forbidden in Article 498C, which carries a minimum sentence of three years in prison and a fine of five million rupees (Shahid, 2012).

When women act as arbiters, they risk threats to their safety and autonomy. Jirga culture in feudal zones awards minors in marriage, whereas Badl-e-Sulha, Wannani, and Sawara cultures in tribal regions use marriage as a means of conflict resolution. A young girl is the victim of a blood transaction between feuding relatives. In Balochistan, where the practise is widespread, it is known as Ijaee. There are a number of languages spoken in Pakistan, including Wannani in Punjab, Sawara in Khyber Pakhtunkhwa, and Sang-Chatti in Sindh. It's the worst kind of violence against women and a flagrant violation of Islamic and human rights. To protect the family fortune, the male heirs marry women who follow the Quran. Because it would bar them from getting married, this would violate

their rights (Qassim, Shah & Ali, 2023). There is no way for women to achieve economic security without the right to inherit property. The passage of this legislation is a major victory for gender equality in rural and tribal communities.

9. The Acid Control and Acid Crime Prevention Act, 2011

In 2011, acid attacks were recognized by the PPP Government as a distinct offence. Acid attacks were made illegal in Pakistan when the Acid Control and Acid Crime Prevention Act of 2010 was passed by the National Assembly on December 12, 2011 with unanimous approval. Senator Neelofer Bakhtiar, who proposed the bill, thanked the other senators for their support because it was the first time no senator had opposed it. Asif Ali Zardari, the President of Pakistan, signed the Criminal Law (Second Amendment) Act, 2011 into law on December 22, 2011. This Act goes further than the previous version of the Act by mandating life sentences for those found guilty of assault, or a minimum of 14 years in prison and a fine of Rs 1,000,000 (Qasim, Shah, & Ali, 2023) for those found guilty of murder. The meaning of injury is laid out in Pakistan's Acid Control and Acid Crime Prevention Act of 2011. "Hurt by harmful methods or fundamental terms, includes any corrosive chemical or acid, to be crimes" is how the word "hurt" is defined in the 2011 legislation. Section 336-B of the Pakistani Penal Code and the Code of Criminal Procedure outline the penalties for those responsible. Offenders in Pakistan can face up to life in jail and a fine of no less than Rs 500,000 for violating Section 336-B of the country's penal code. The statute of 2011 further specified penalties for those who sell corrosive materials. A one-year jail sentence or a fine of 100,000 rupees (or both) upon first conviction (Ullah, 2022). Acid attacks on women are common globally, but particularly serious in Pakistan. The majority of acid attackers are men who feel betrayed by women for various reasons, including but not limited to: rejection of attraction or romance offers, dowry disputes, bitterness over divorce, jealousy over adultery, or neglect. Under the Acid control and Acid Crime Prevention Act of 2011, now buying and selling of acid are banned, the police and implementing authorities must keep a check on the market. Additionally, despite laws forbidding attacks, numerous individuals and officials think that the assaults were justifiable or even merited, and perpetrators are often not held responsible (Ali, Personal communication, 2023, October 19).

10. The Women in Distress and Detention Fund Act, 2011

The Women in anxiety and Imprisonment Fund Act, 2011 was a further effort of the PPP government for women's access to justice that offered funding to women in imprisonment, disabled women and women who suffer from grave illnesses which includes psychological disorders or those who had experienced emotional distress and needed medical treatment like burn circumstances. This fund might occur used to support women who have been severely abused by their husbands, women and their little children who are in need of a place to live and women who are in similar situations of extreme hardship. The PPP's Syed Nayyer Hussain Bokhari introduced the measure in the House, and on December 13, 2011, it was approved by the Senate. This bill served to revise the Women's Crisis and Detention Fund Act of 1996. The Human Rights Department of the Ministry of Law, Justice, and Human Rights was responsible for disbursing these funds at the time. However, with the 18th constitutional amendment, the Ministry of Human Rights was established as a standalone body. The preceding government changed. The new Ministry of Human Rights also benefited from the transfer of money (Noreen & Musarrat, 2013). In an earlier decree signed by President Asif Ali Zardari on April 18, 2010, the bill's intent was made clear: The Ministry of Human Rights is charged with providing legal and financial aid to women in hardship and imprisonment. For the purpose to put this fund operative within the new the ministry, law was created. Following the new law's 2011 implementation, these resources are now under the purview of the Ministry of Human Rights. This was one method the government helped women so that they could continue on their path to independence and recovery (Qasim, Shah, & Ali, 2023).

11. National Commission on the Status of Women Act, 2012

In February 2012, the National Commission on the Status of Women (NCSW) was elevated according to legislation passed by the PPP government. Khawar Mumtaz, a prominent feminist activist, was named by the ruling PPP party to head the panel. The NCSW has been given more authority to investigate and address violations of women's rights, including reviewing legislation, making suggestions for policies, and communicating with provincial governments (Weiss, 2012). There was already an organization doing business under that name, but this new law offered it additional protections, including full control over its budget and administration, as well as a separate secretariat. The legislation was enacted to help women exercise the civil, political, and financial privileges

guaranteed to them by the Constitution of Pakistan. Pakistan is a member to the CEDAW hence this Act was for the genuine carrying out the provisions of CEDAW. On March 8th, International Women's Day, the bill concluded into law. Asif Ali Zardari, president of Pakistan, said he believed the Commission will be pivotal in securing women's rights. He assured the people that the Commission would serve as a powerful watchdog for women's rights while remaining autonomous and independent. And it would also help in making positive change in laws and legislation. The Commission is responsible for monitoring the government's international commitments on women's issues and conducting investigations into any violations of women's rights (Noreen & Musarrat, 2013). The United Nations CEDAW Committee has received the fourth periodic report from the National Commission on the Status of Women, which was led by Khawar Mumtaz. The PPP administration and non-profits worked together to produce the fourth quarterly review. Pakistan is deeply concerned about ending prejudice towards women, and the country has taken action to advance and protect women's rights as full citizens, as detailed in a report submitted to the United Nations and distributed with the international community (Qasim, Shah, & Ali, 2023).

12. National Commission on Human Rights, Act 2012

The PPP government has given significant consideration to enacting legal reforms to increase women's autonomy. To this end, on May 4, 2012, the parliament of Pakistan passed the National Commission for Human Rights Act, and on May 30, 2012, President Zardari approved it into law. The Commission was set up to widen the scope of human rights in Pakistan and ensure that cases of human rights violations are vigorously pursued (Ullah, 2022). It is already declared that women rights are the human rights. So women rights were also secured under the umbrella of this act.

13. Conclusion

Conclusively we can say that for the protection of women under the shadow of laws is a positive thing. Many people in Pakistan are working for the cause of women rights and women empowerment. Today, no nation can afford to disregard the rights of its women. Legal empowerment is the most crucial aspect of women's empowerment since it ensures the safeguarding of women's social, economic, and cultural rights. Pakistan Peoples Party has always believed in women empowerment. History is evident that PPP has always empowered women. Each regime of the PPP either it was 1st regime during 1971-77 or 2nd regime during 1988-1990 or 3rd regime during 1993-1996, has done homogenous amount of work for women empowerment particularly legally empowerment. The PPP 4th regime (2008-2013) also strived hard to protect their rights through enactment of the laws. Despite many challenges like socio-cultural, politico-economic and religious impediments, sufficient legislations for the protection of women rights are enacted during this period. These efforts also laid the ground work for future efforts. However, better implementation mechanism is required for women rights protection and makes them legally empowered and to ensure the implementation of these laws in leer and spirit. There must be developed the requisite rules under these laws where required. The initiatives taken by the PPP during the 4th regime are not sufficient for legally empower women. The PPP being the major party of the country must continue their efforts for women empowerment although it is in whatever position in the parliament because there is one thing necessary and that is will, 'where there's a will there's a way'.

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