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**Agenda 2030 of the United Nations Sustainable Development Goal 5: Gender Equality**

**Mapping & Working Paper 2020\*[[1]](#footnote-1)**

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# **SDG 5: Targets and Indicators**

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|  | 5.1  End discrimination against women and girls | UN definition:  End all the forms of discrimination against all women and girls every where |
| **5.2**  End all violence and exploitation of women and girls | **UN definition:**  Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation. |
| SDG 5  Achieve gender equality and empowerment of Women and Girls | **5.3**  Eliminate forced marriages and genital mutilation | **UN definition:**  Eliminate all harmful practices, such as child, early and forced marriages and female genitals mutilation. |
| **5.4**  Value unpaid care and promote shared domestic responsibilities | **UN definition:**  Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate. |
| **5.5**  Ensure full participation in leadership and decision-making | **UN definition:**  Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. |
| **5.6**  Universal access to reproductive rights and health | **UN definition:**  Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences. |
| Targets  9 | **5.A**  Equal rights to economic resources, property ownership and financial services | **UN definition:**  Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws |
| GENDER- SPECIFIC INDICATORS  14 | **5.B**  Promote empowerment of women through technology | **UN definition:**  Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women |
| **5.C**  Adopt and strengthen policies and enforceable legislation for gender equality | **UN definition:**  Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels. |

# **Overview:**

1. Goal 5 revolves around gender equality and aims to bridge the gap between genders along with empowering women and girls. It focuses on providing women and girls with equal access to education, health care, decent work and representation in political as well as economic decision-making processes which will fuel sustainable economies, benefit societies and humanity at large. In order to end the gender-based discrimination prevalent in many countries around the world, it is necessary to reform and implement legal frameworks regarding female equality in the workplace and eradication of harmful practices targeted at women.
2. Even though the world has achieved some progress towards gender equality and women’s empowerment under the Millennium Development Goals (including equal primary education access to both male and female), women and girls still suffer discrimination and violence in every part of the world. Gender equality is not only a fundamental human right but also an essential foundation for a peaceful, prosperous and sustainable world. Astonishingly, physical or sexual violence is still being experienced by the females in the current time regardless of awareness and education. 1 in 5 women and girls between the ages of 15-45 have reported experiencing physical or sexual violence by an intimate partner within a 12-month period and there are several unreported. Around 49 countries currently have no laws protecting women from domestic violence.

# **Case of Pakistan:**

1. Women make up 48.8% of the total population of Pakistan. There are 105 men for every 100 women in the country. The female literacy rate of 49 per cent is relatively lower than the male literacy rate of 70 percent. Although, approximately 60 million women are in the working age, only 20% of them are included in the ‘paid labor’ category. Their retention in the labour market is challenged by competing family priorities, inflexible workplace policies and the structural gendered workplace barriers. Working women continue to face wide sectoral and occupational segregation that can only be addressed by designing gender-responsive policies.
2. Women’s participation is limited not just in labour, but also in decision-making, family planning, property and asset ownership and education-seeking. Pakistan recognizes gender equality as crucial for achieving the overall targets of all 17 SDGs, not just SDG 5, and that more women in leadership positions will play a major role in closing the equity opportunity gap. By harnessing the full potential of the female workforce, for example, Pakistan will be able to spearhead economic equity.
3. The importance assigned to countering violence against women and girls is reflected in a range of national and provincial legislations and programmes developed in the recent years to address this problem and make SDG 5 a top priority for the country.

# **Key Initiatives undertaken:**

1. Federal and provincial governments have taken a strong stance by introducing multiple initiatives to address gender parity. Many of these have been met by highly favorable feedback, such as the establishment of toll-free women helpline in Punjab, Bolo Helpline, women-only police station in Khyber Pakhtunkhwa and the creation of training and rehabilitation centers in Sindh and across the country.

* National and provincial Commissions on the Status of Women have been at the forefront of efforts to promote gender equality and women’s empowerment.
* The Maternity Benefits Act has been amended at the national and provincial levels. In addition to provincial Domestic Violence Protection and Prevention Act, Protection against Harassment of Women at the Workplace Acts have also been passed.
* Child Marriage Act establishes a minimum age for marriage to curb the practice of early or child marriages.
* Following the adoption of the SDGs, the Government initiated dedicated efforts to achieve SDG 5, particularly SDG targets 5.5.1 (Proportion of seats held by women in (a) national parliaments and (b) local governments) and 5.5.2 (Proportion of women in managerial positions).
* These efforts began with the collection and reporting of gender-disaggregated data, alongside quota setting for women’s employment in the public sector, and the requirement that women must have at least 33 per cent representation on the boards of statutory bodies and public sector organizations.
* A Gender Management Information System was launched in Punjab, while Sindh developed a Gender Reforms Action Plan (GRAP).
* Funds were allocated by both provinces for the establishment of day care centers at workplaces.

1. To address gender inequalities in policy design, programme planning, budgeting, resource allocation and trainings are organized for public sector officials on gender-responsive budgeting. These aim to ensure that policy-makers understand gender issues and nuances, while making conscious efforts to facilitate the achievement of women’s rights and economic empowerment.

# **Priorities and Targets**

1. Pakistan’s key priorities related to SDG 5 include:

* effectively monitoring progress on the implementation of gender-responsive policy frameworks;
* creating structures to further support women in the labour market;
* establishing systems and structures to scientifically develop, implement, monitor and evaluate behavioral change communication interventions to promote gender parity at all levels;
* encouraging women entrepreneurs;
* strengthening structures to combat violence against women

# **Research Findings**

1. For women’s financial empowerment, complementary programmes besides micro-finance programmes are needed such as

* Awareness training in gender issues
* Provision of services to decrease reproductive work to give women more time for income earning and for wider social and political activities
* Structures for participation by women borrowers such as women groups at local level
* An institutionalized gender policy within the NGOs involved
* The evidence indicates the potential of micro-finance for empowerment if gender considerations are taken seriously.

# **ICT and Appropriate Technology**

1. The idea that western development processes can not be transferred to developing countries as they are, but must be adapted in order to produce the appropriate technologies needed to embody cultural biases and take account of social, economic, political and environmental factors. (E.F Schumacher, 1973).
2. The UN encourages organisations to develop strategies to

* Provide women with necessary skills and AT to enable them to participate better in the process of food production
* Supply rural women with AT and training to enable them to improve their traditional small-scale village industries
* Create and strengthen the infrastructure needed to lighten the workload of rural women through the application of AT

# **Land Use and Ownership Rights**

1. Similar work could be done in regards to women especially rural women working in farms and their land ownership/use rights in Pakistan.

* Sierra Leone is one such example where two-thirds of population is involved in subsistence agriculture.
* However, various factors including increased pressure on land led to land disputes. In 2014, a voluntary guideline known as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry (VGGT) was designed to protect citizens from discrimination.
* Especially since 70 percent of women work on farm, VGGT was designed through collaboration of state and non-state actors to develop policies and laws to secure legitimate tenure rights for every farmer in the country.
* The guideline has proved to be of great benefit for all involved especially for women and have greatly resolved land right issues in a manner that has empowered women substantially. Thus, legislation and policies to protect the vulnerable can be a step towards prosperity.

# **Data on Pakistan**

1. The following is a snapshot of the data available for Pakistan

* Pakistan ranks third-to-last (151st) on the 2020 Global Gender Gap Index, having closed only 56% of the gender gap
* The gap remains in economic participation and opportunities (150th)
* Only one-quarter ¼ of the women participate in the labour force.
* Only 5% of senior and leadership roles are held by women (146th)
* Educational Gender Gap stands at almost 20%
* Less than half of the women are literate, compared with 71% of men
* The share of women enrolled is systemically lower than the share of men across primary, secondary and tertiary education.
* The political gender gap has narrowed but still remains at 93rd

# **Legislation on SDG 5**

1. The following is not a comprehensive list of the legislation available on all aspects of SDG5. More will be added in time

* The Acid Control and Acid Crime Prevention Act 2011
* Prevention of Anti-Women Practice Act 2011
* Criminal Law (Amendment) (Offenses in the name or pretext of honour) Act 2016
* Criminal Law (Amendment) (Offenses in the name or pretext of honour) Act 2016
* Prevention of Electronic Crimes Act 2016
* Hindu Marriage Act 2017
* The Punjab Protection against Harassment of Women at the Workplace (Amendment) Act, 2012
* Punjab Marriage Restraint (Amendment) Act, 2015
* Punjab Protection of Women against Violence Act, 2016
* Punjab Women Protection Authority Act, 2017
* Domestic Violence (Prevention and Protection) Act, 2013
* Sindh Child Marriage Restraints Act, 2013
* Amendments to Section 338 of the Penal Code amended by Criminal Law (Amendment Act No. 1 of 2005
* Reproductive Healthcare and Rights Act 2013
* The Punjab Reproductive, Maternal, Neonatal and Child Health Authority Act 2014
* Punjab Fair Representation of Women Act, 2014
* Punjab Land Revenue Amendment Act 2015
* Punjab Family Courts (Amendment) Act, 2015
* Punjab Muslim Family Laws (Amendment) Act 2015
* The Sindh Commission on the Status of Women Act, 2015
* The KP Enforcement of Women Ownership Rights Act, 2012
* The Khyber Pakhtunkhwa Maternity Benefit Act, 2013 with (Amendment 2015)
* Additional Laws (passed by the Senate only)
* The Anti-Honour Killings Laws (Criminal Laws Amendment) Act, 2014 (passed by the Senate only – Editor)
* The Anti-Rape Laws (Criminal Laws Amendment) Act, 2013 (passed by the Senate only - Editor)
* The Torture, Custodial Death and Custodial Rape (Punishment) Act, 2014 (passed by the Senate only - Editor)

1. The following are legislations on other aspects of SDG5.

# **Anti-Harrassment laws**

* Protection against Harassment of Women at Workplace Act 2010
* Prevention of Electronic Crime Act 2016
* Insulting modesty or causing sexual harassment: Pakistan Penal Code Section 509
* Misconduct in public by a drunken person: Pakistan Penal Code  Section 510
* Obscene acts and song: Pakistan Penal Code 294
* Assault or use of criminal force to woman and stripping her of her clothes
* Pakistan Penal Code 354-A
* Pakistan Penal Code  366-A
* Pakistan Penal Code Section 496 C

# **Inheritance laws**

* The Hindu Law of Inheritance (Amendment) Act, 1929
* The Hindu Inheritance (Removal of Disabilities) Act, 1928
* Muslim Family Laws Ordinance, 1961 (VIII of 1961)
* Section 498A, Pakistan Penal Code 1860
* [Transfer of Property Act, 1882](https://wpc.org.pk/wp-content/uploads/2020/02/Transfer-of-Property-Act-1882.pdf)
* [Registration Act, 1908](https://wpc.org.pk/wp-content/uploads/2020/02/Registration-Act-1908.pdf)
* Land Revenue Act, 1976

# **Domestic violence**

* Hurt: Section 332, Pakistan Penal Code 1860
* Itlaf-e-udw: Section 333, Pakistan Penal Code 1860
* Punishment for Itlaf-e-udw: Section 334, Pakistan Penal Code 1860
* Itlaf-i-slahiyyat-udw: Section 335, Pakistan Penal Code 1860
* Punishment for Itlaf-i-slahiyyat-udw: Section 336, Pakistan Penal Code 1860
* Shajjah: Section 337, Pakistan Penal Code 1860

# **Acid and burn crimes**

* Hurt caused by corrosive substance: Section 336-A, Pakistan Penal Code 1860
* Punishment for hurt by corrosive substance: Section 336-B, Pakistan Penal Code 1860

# **Dowry-related violence**

The Dowry and Bridal Gifts (Restriction) Act 1976

# **Sexual offences**

* Assault or criminal force to woman with intent to outrage her modesty: Section 354 of the Pakistan Penal Code 1860
* Assault or use of criminal force to woman and stripping her of her clothes: Section 354-A of the Pakistan Penal Code 1860
* Rape: Section 375 of the Pakistan Penal Code 1860
* [Punishment of Rape: Section 376(2) of the Pakistan Penal Code 1860](https://wpc.org.pk/wp-content/uploads/2020/02/376-Punishment-of-Rape.pdf)
* [Disclosure of identity of victim of rape, etc.: 376(A) of the Pakistan Penal Code 1860](https://wpc.org.pk/wp-content/uploads/2020/02/376A-Discloure-of-identitu-of-victim-of-rape-etc..pdf)
* [Unnatural offences: Section 377 of the Pakistan Penal Code, 1860](https://wpc.org.pk/wp-content/uploads/2020/02/377-unnatural-offences.pdf)

# **Family laws**

* The Child Marriage Restraint Act 1929
* Muslim Family Law Ordinance, 1961
* Christian Marriage Act 1872
* Divorce Act 1869
* The Hindu Marriage Act 2017
* Family Courts Act, 1964
* Special Marriage Act, 1872

# **Laws of transgenders**

Transgender Persons (Protection of Rights) Act, 2018

# **Female infanticide**

* Section 328, Pakistan Penal Code, 1860
* Concealment of birth by secret disposal of dead body: Section 329, Pakistan Penal Code, 1860
* Punishment of qatl-e-amd: Section 302, Pakistan Penal Code, 1860
* Section 299 (ee), Pakistan Penal Code, 1860

# **Legislative gaps**

## Punjab Protection of Women against Violence Act, 2016

1. **Issue/Gap:** Sindh’s Domestic Violence (Prevention and Protection) Act, 2013 has a more robust definitional scope and includes other vulnerable persons such as senior citizens, differently able bodied persons and children. While it does set out to protect women from violence, the Punjab Act could be reviewed to include these additional definitions and broaden its scope to become more inclusive and comprehensive.

## Sindh Domestic Violence (Prevention and Protection) Act, 2013

1. **Issues/Gaps:** An amendment should be made in Section 5 of DV (P&P) Act 2013 to make offences cognizable and non-bailable for police. In Schedule II of the Cr.PC, amendments should be made to clarify the either the relevant Protection Officer of WDD or a Police Station will first take cognizance of the offences (Recommendation source: ‘[Situation Analysis on Implementation of Pro-women Laws in Sindh”](http://www.spopk.org/wp-content/uploads/2018/09/Pro-Women-Laws-2018-final.pdf), 2018).

## Sindh Child Marriage Restraints Act, 2013

1. **Issues/Gaps:** The Sindh Child Marriages Restraint Act 2013 (SCMRA-2013) should be amended to address the gaps and lacunas in implementation of laws, such as, invalidation (dissolution) of child marriages and penalization of consummation under 16 years of age in line with Section 375(V) of PPC. Section 10 (5) of Rules of the SCMRA-2013 should be revised and the word ‘husband’ may be deleted from the clause

## Amendments to Section 338 of the Penal Code amended by Criminal Law (Amendment Act No. 1 of 2005)

1. **Issue/Gap:** The phrase necessary treatment is not clearly defined, or widely understood, and safe and legal abortion care is not widely accessible. Abortion-related stigma, the narrow legal grounds for abortion, and the lack of understanding or clarity in interpreting and implementing the law by both women and health care providers means that women often resort to clandestine and unsafe procedures that result in death or adverse health consequences. However, it is worth investigating whether the vague nature of the clause provides greater legal latitude for women seeking an abortion or is adversely detrimental in progressing forward with reforms.While legal under the law, there is still work to be done. The focus must be put on building capacity, process and infrastructure to provide safe abortion access and adequate post-abortion care.

## The Khyber Pakhtunkhwa Maternity Benefit Act, 2013 with (Amendment 2015)

1. **Issues/Gaps:** The penalties for violations of the Act are not strong enough to be seen as deterrents. Additional measures need to be created to ensure compliance with the Act, such as stiffer fines, penalties, prosecution of cases, reporting mechanisms, and so forth

# **SDG 5 tracker – gaps - Pakistan**

* Does law mandate equal pay for males and females?  - Legislation Missing
* Does legislation explicitly criminalise marital rape?  - Legislation Missing
* Does the law prohibit or invalidate child marriage? – Legislation Missing
* Which countries have systems to track and make public allocations for  
  gender equality and women's empowerment? 2018 (No Data For Pakistan)

# **Programmes for gender according to the 11th 5-year plan:**

* Important policy interventions to be considered are:
* The existing support institutions for the survivors of violence will be strengthened and more effective support mechanisms (shelters, crisis centres, free legal aid, counselling, rehabilitation support, etc.) will be established.
* The Information Management System (MIS) will be developed to collect national data about violence against women.
* A section on gender responsiveness is to be inserted in the national budget and gender responsive budgeting in all sectors to be initiated.
* Capacity of the institutions (public and private sectors, and civil society) will be enhanced to integrate the gender prospects in the development process for strengthening women performance in the decision-making.
* Gender awareness and equality will be included in curricula of schools, universities and other educational institutions.
* Day-care facilities will be provided to infants and children of the working spouses to make them comfortable productive workers, and create women-friendly workplace.
* Leadership development programmes for women will be carried out to promote confidence in them.
* Campaigns will be launched to promote awareness about the existing legislation and measures, which promote women rights as well as support systems, and remedial measures that enable access to legal redress.
* Free legal aid cells will be established in all the High Courts and District and Sessions. Courts to provide free legal aid to women, waiting rooms and toilet facilities for women in the court premises. Legal aid will be made available within women's prisons as well.
* Skill up-gradation centres in female-dominated economic sectors (agriculture, livestock, aqua-culture, textile and garments, light manufacturing, food processing) will be established in identified rural and urban centres, where women will be enrolled.
* Inclusion of gender-segregated data (including third gender) in all sectors and categories of economic activities is enumerated, defined and included in the Pakistan Labour Survey, Pakistan Economic Survey, Household Integrated Economic Survey and Agricultural Census.
* Institutionalisation of the transformative gender training in all public and private sector institutions, including codes of conduct of behaviour to ensure promotion of the women rights will be carried out.
* Guidelines, materials and trainings, and lobbying for women rights will be ensured.
* Gender sensitisation workshops will be held, and implemented across all sectors.
* Media awareness campaigns about the rights of women and their protection will be launched.
* The Gender Impact Assessment (GIA) in all PC-Is will be introduced.
* Gender responsive budgeting at the federal and provincial levels for all sectors will be ensured.

# **Annexure – related laws**

|  |  |  |
| --- | --- | --- |
| Title | Province | Description |
| 1. **Law 1. Laws pertaining to gender-based violence** | | |
| The Acid Control and Acid Crime Prevention Act 2011 | Federal | The Acid Control and Acid Crime Prevention Act, 2011 (Criminal Law Second Amendment Act, 2011) made amendments in Pakistan Penal Code and the Code of Criminal Procedure to punish perpetrators of acid crimes by clearly including acid crimes in the definition of hurt. The definition of “hurt” now includes ***“hurt by dangerous means or substance, including any corrosive substance or acid to be crimes”***.  Under section 336-B of Pakistan Penal code, punishment for offenders can extend up to life imprisonment, along with a fine, which may not be less than five hundred thousand rupees.  There is also a punishment for unauthorized sellers of “corrosive substances”. This is:   * On first conviction, an imprisonment of one year or a fine of a hundred thousand rupees or both. * On second and subsequent conviction, an imprisonment of two years or a fine of two hundred thousand or both. |
| Prevention of Anti-Women Practice Act 2011 | Federal | The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 prohibits several oppressive and discriminatory customs practiced towards women in Pakistan. Customary practices that are criminalized under this Act include:  Under section 310-A of the Pakistan Penal Code, a punishment of imprisonment for 3 to 7 years, and/or a fine of 500,000 rupees ensues.  Under section 498-A, ***depriving women from inheriting property by deceitful or illegal means*** is punishable with imprisonment of 5 – 10 years, or a fine of 1,000,000 rupees, or both.  Under section 498-B, ***forced marriages*** are punishable with 3 – 10 years imprisonment, along with a fine of 500,000 rupees.  Under section 498-C, ***forcing, arranging or facilitating a woman’s marriage with the Holy Quran*** is punishable with imprisonment of 3 – 7 years, along with a fine of 500,000 rupees. |
| Criminal Law (Amendment) (Offense of Rape) Act 2016 | Federal | Sections 376, 376A, 53A, 154, 161A, 164A and 164B have been added/amended through this Act. |
| Criminal Law (Amendment) (Offenses in the name or pretext of honour) Act 2016 | Federal | This Act has amended section 290, 302, 309, 310, 311, 338E and 345.  1. Fasad-fil-arz, a concept used to decide the severity of punishment awarded, including the offender's past convictions, extreme nature of the offence, and the offender being a danger to the community, now includes offences committed in the name of honour. The application of this concept automatically gives rise to severe punishments for honour crimes.  2. Murder committed in the name of honour is punishable with death or imprisonment for life.  3. For murder committed in the name of honour, even if the accused is pardoned by the Wali or other family members of the victim, the Court will still punish the accused with imprisonment for life. |
| Prevention of Electronic Crimes Act 2016 | Federal | In 2016, the National Assembly enacted the Prevention of Electronic Crimes Act (“PECA”) to provide a comprehensive legal framework to define various kinds of electronic crimes, mechanisms for investigation, prosecution and adjudication in relation to electronic crimes.  Section 21 provides that use of electronic means that may result in reputational damage or breach of privacy shall be punishable with imprisonment of up to 7 years or with which may extend up to 5 million rupees or both.  Under Section 22, punishment of up to seven years or fine up to 5 million rupees or both has been prescribed for the offence of producing, distributing or transmitting pornographic material showing underage girls engaged in sexually explicit conduct. |
| Hindu Marriage Act 2017 | Federal | The law mainly helps Hindu women get documentary proof of their marriage. It is the first personal law for Pakistani Hindus, applicable in Punjab, Balo­chis­tan and Khyber Pakhtun­khwa. Sindh has already formulated its own Hindu marriage law. The law paves the way for a document ‘Shadi Parath’ — similar to Nikahnama for Muslims — to be signed by a pundit and registered with the relevant government department. It relates to marriage, registration of marriage, separation and remarriage, with the minimum age of marriage set at 18 years for both boys and girls. |
| The Punjab Protection against Harassment of Women at the Workplace (Amendment) Act, 2012 | Punjab | The Punjab Protection against Harassment of Women at the Workplace Act (the Act) was passed in 2012 to prevent harassment of women at the workplace and encourage reporting of cases of harassment, through the Ombudsperson’s office and Inquiry Committees.   * Under the Act, all Provincial and District Government bodies and authorities, including educational institutes and medical facilities, must constitute Inquiry Committees for harassment at the workplace and display the Code of Conduct for Protection of Women from Harassment at the Workplace in their office premises. * A Complainant has the option to submit a complaint to the Inquiry Committee, or the Ombudsperson. * The Inquiry Committee will inform the accused person that he has been accused of harassment within 3 days of receiving a complaint. If the accused fails to submit his defence within 7 days, the Committee will decide the matter without the accused person. * Under the Act, the Ombudsperson has the power of a Civil Court, and can summon the accused, examine him on oath, receive evidence on Affidavits, and enter office premises for the purpose of inspection or investigation. * The Inquiry Committee or the Ombudsperson can decide the case and penalize the accused for harassment, as outlined in section 4 of the Act. |
| Punjab Marriage Restraint (Amendment) Act, 2015 | Punjab | Under the Punjab Marriage Restraint Act, any adult who marries a child, defined as a boy under 18 years and a girl under 16 years of age, can be punished with imprisonment of up to 6 months and a fine of Rs. 50,000. The same punishment will apply to a *Nikah* Registrar who solemnizes or conducts a marriage between two children, or a marriage of an adult with a child.   * Additionally, parents or guardians of either party will be punished if they facilitate or organize the marriage of a minor (anyone under the age of 18) or a child. Parents and/or guardians will be punished with imprisonment of up to 6 months and fine of Rs. 50,000. * A Complainant who wishes to report a case of child marriage will need to submit a complaint to the Union Council. The Chairman Union Council will then report the case to the Family Court, which will punish the accused person according to the penalties mentioned above. * The Court can forbid any party from solemnizing, facilitating or organizing a child marriage through an Injunction (a Court Order preventing child marriage). This includes the groom, parents or guardians, *nikah* Registrars and any other person involved. Violation of an injunction is punishable with imprisonment of up to 3 months and fine of Rs. 1000. |
| Punjab Protection of Women against Violence Act, 2016 | Punjab | The Punjab Protection of Women against Violence Act aims to protect women from domestic, sexual, psychological and economic abuse, stalking and cyber crimes, perpetrated by their husband(s), sibling(s), adopted children, relatives and domestic employers.   * Victims of domestic violence can approach a Court themselves, or through the Women Protection Officers, to obtain Interim, Protection, Residence or Monetary Orders to prevent further violence, retain the right to reside in the marital home, and obtain maintenance from the accused. The period of validity of an Order will be defined by the Court. * Interim Orders can be passed by the Court at any stage of proceedings under this Act. Terms of an Interim Order can include protection, right of residence and monetary benefits for the victim, while trial is pending or ongoing. * Protection Orders order the accused not to have any communication and stay a specific distance away from the victim, surrender any firearms, and refrain from attempting to cause harm to her. * Residence Orders can be passed by the Court to ensure that the accused or members of his family do not evict the victim from her marital home. If the victim wishes, she can be relocated to the *dar-ul-aman* or other location of her preference, if she fears violence from the accused person or his family. * Monetary Orders direct the accused person to pay monetary relief to the victim to meet expenses incurred by her due to, e.g. loss of earning, medical expenses and any other harm suffered. Monetary Orders can also include maintenance for a specified period of time. * Violation of the terms of any Order mentioned above can result in imprisonment of up to 1 year, or fine ranging from Rs. 50,000 to Rs. 200,000. * The Act provides for setting up Violence against Women Centres, which will provide all essential services to ensure speedy reporting of crimes, registration of cases, timely medical examinations, and collection of forensic and other evidence. Services provided for survivors of violence include counselling, medical care, legal aid, coordination with local law enforcement agencies, and temporary shelter at *dar-ul-aman*. * Women Protection Officers, the District Women Protection Officer, and District Women Protection Committees are authorized to take notice of cases of violence, collaborate with police to investigate allegations, rescue victims from their residence, make arrangements to protect victims, supervise the working of the Protection Centre and shelter home, and implement and monitor the protection system in the district. * Obstructing the work of a Woman Protection Officer is punishable with imprisonment of up to 6 months and fine of up to Rs. 500,000 or both.   **Issue/Gap:** Sindh’s Domestic Violence (Prevention and Protection) Act, 2013 has a more robust definitional scope and includes other vulnerable persons such as senior citizens, differently able bodied persons and children. While it does set out to protect women from violence, the Punjab Act could be reviewed to include these additional definitions and broaden its scope to become more inclusive and comprehensive. |
| Punjab Women Protection Authority Act, 2017 | Punjab | The Punjab Women Protection Authority Act provides for a comprehensive system of protection, relief & rehabilitation of female victims of violence. The core objective of setting up this Authority is to facilitate, ensure and oversee the implementation institutional measures stipulated under the Punjab Protection of Women against Violence Act 2016, including, establishment of District Women Protection Committees, Violence against Women Centers and Women Protection Officers. Furthermore, the Act institutionalized periodic sensitization of public servants on women-related issues. |
| Domestic Violence (Prevention and Protection) Act, 2013 | Sindh | The Domestic Violence (Prevention and Protection) Act, 2013, was passed by the Provincial Assembly of Sindh in 2013. The law is a landmark development in the efforts to protect women against various forms of violence and gender-based discrimination and making violence a criminal offence.  The law defines domestic violence as “all acts of gender-based and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a domestic relationship including but not limited to ,assault attempt, criminal force, criminal intimidation, emotional, psychological and verbal abuse (a pattern of degrading or humiliating conduct towards the victim, harassment, hurt, mischief, physical abuse, stalking, accosting, watching or loitering outside or near the building or place where the aggrieved person resides or works or visits frequently, sexual abuse, trespass, wrongful confinement, economic abuse”  **Strength:**   * Unlike, the Punjab Protection Violence against Women Act 2016 that prevents violence against and protects only women, the definitional scope of Sindh's law is more inclusive, bringing women, children and other vulnerable persons into its domain. The word "aggrieved person" used in the definitional scope of the law can be interpreted to include vulnerable persons such as, senior citizens, differentially able bodied persons, mentally retarded persons, and transgendered persons within the family/domestic relationships.   **Issues/Gaps:** An amendment should be made in Section 5 of DV (P&P) Act 2013 to make offences cognizable and non-bailable for police. In Schedule II of the Cr.PC, amendments should be made to clarify the either the relevant Protection Officer of WDD or a Police Station will first take cognizance of the offences (Recommendation source: ‘[Situation Analysis on Implementation of Pro-women Laws in Sindh”](http://www.spopk.org/wp-content/uploads/2018/09/Pro-Women-Laws-2018-final.pdf), 2018). |
| Sindh Child Marriage Restraints Act, 2013 | Sindh | The law was assented to by the Governor of Sindh on 10th June, 2014, its rules were framed by the Women Development Department of Sindh in 2016. Sindh Assembly legislated this law and repealed the Child Marriage Restraint Act 1929, in the wake of 18th Amendment in Constitution of Pakistan 2010, which, inter alia, devolved the subjects of marriage and divorce to the provinces. The law raised the legal age of marriage for women from 16 years to 18 years. It also made child marriage non-bailable, non- compoundable and cognizable offence.    Most importantly, police could not lodge an FIR (First Information Report), arrest and investigate the cases without the permission of a magistrate. As a result, the Police would take notice of such issues, and were applying cognizable sections like PPC 365-B, 371 A, 371B and booking under the *Hudood* Ordinance alleging victim girls as offenders.   **Issues/Gaps:** The Sindh Child Marriages Restraint Act 2013 (SCMRA-2013) should be amended to address the gaps and lacunas in implementation of laws, such as, invalidation (dissolution) of child marriages and penalization of consummation under 16 years of age in line with Section 375(V) of PPC. Section 10 (5) of Rules of the SCMRA-2013 should be revised and the word ‘husband’ may be deleted from the clause (Recommendation source: ‘[Situation Analysis on Implementation of Pro-women Laws in Sindh”](http://www.spopk.org/wp-content/uploads/2018/09/Pro-Women-Laws-2018-final.pdf), 2018) |
| Additional Laws (passed by the Senate only) |  | [The Anti-Honour Killings Laws (Criminal Laws Amendment) Act, 2014 (passed by the Senate only – Editor)](https://www.af.org.pk/Acts_Fed_Provincial/Acts_Federal_since_2002/Acts%20Fed%202015/The%20Anti-Honour%20Killings%20Laws%20(Criminal%20Laws%20Amendment)%20Act,%202014%20(passed%20by%20the%20Senate%20%20only-Editor).pdf)  [The Anti-Rape Laws (Criminal Laws Amendment) Act, 2013 (passed by the Senate only - Editor)](https://www.af.org.pk/Acts_Fed_Provincial/Acts_Federal_since_2002/Acts%20Fed%202015/The%20Anti-Rape%20Laws%20(Criminal%20Laws%20Amendment)%20Act,%202013%20(passed%20by%20the%20Senate%20%20only-Editor).pdf)  [The Torture, Custodial Death and Custodial Rape (Punishment) Act, 2014 (passed by the Senate only - Editor)](https://www.af.org.pk/Acts_Fed_Provincial/Acts_Federal_since_2002/Acts%20Fed%202015/The%20Torture,%20Custodial%20Death%20and%20Custodial%20Rape%20(Punishment)%20Act,%202014%20(passed%20by%20the%20Senate%20%20only%20-%20Editor).pdf) |
| 1. **2. Laws pertaining to reproductive health** | | |
| Amendments to Section 338 of the Penal Code amended by Criminal Law (Amendment Act No. 1 of 2005) | Federal | Abortion is now legal in Pakistan if carried out for the medical treatment of a pregnant woman in the early stages of pregnancy. Previously, the Pakistan Penal Code allowed for abortion only if it was required to save the life of the pregnant woman. Section 338 of the Penal Code amended by Criminal Law (Amendment Act No. 1 of 2005) now reads: **“Whoever causes a woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman, or providing necessary treatment to her, is said to cause Isqat-i-haml.”** The inclusion of the clause 'providing necessary treatment' provides greater legal latitude for an abortion and makes it difficult to obtain a conviction for isqat-i-haml or abortion before the limbs are formed.   Issue/Gap: The phrase necessary treatment is not clearly defined, or widely understood, and safe and legal abortion care is not widely accessible. Abortion-related stigma, the narrow legal grounds for abortion, and the lack of understanding or clarity in interpreting and implementing the law by both women and health care providers means that women often resort to clandestine and unsafe procedures that result in death or adverse health consequences. **However, it is worth investigating whether the vague nature of the clause provides greater legal latitude for women seeking an abortion or is adversly detrimental in progressing forward with reforms.   While legal under the law, there is still work to be done. The focus must be put on building capacity, process and infrastructure to provide safe abortion access and adequate post-abortion care.** |
| [Reproductive Healthcare and Rights Act 2013](http://www.na.gov.pk/uploads/documents/1363153338_953.pdf) | Federal | The National Assembly of Pakistan unanimously passed the [Reproductive Healthcare and Rights Act 2013](http://www.na.gov.pk/uploads/documents/1363153338_953.pdf) on March 12, 2013. The Private Member’s Bill was introduced by Hon. Dr. Attiya Inayatullah, MP and convener of the Pakistan Parliamentary Group on Population, Reproductive Health and Development (PPGPRD). The bill seeks to promote reproductive healthcare and rights in accordance with the Constitution and to fulfill International commitments made by the Government of Pakistan under the Convention on Elimination of Discrimination Against Women (CEDAW).  This Act will provide comprehensive reproductive healthcare services particularly to women in remote areas and marginalized groups. It aims to curb maternal mortality and morbidity by providing services to pregnant women such as quality antenatal and postnatal care and professionalized obstetric care. It will provide reproductive healthcare information and raise awareness on the mental and physical health and well-being of individuals and families. It also encourages parental responsibility recognizing parents as educators while taking into consideration the religious norms and cultural environment. It will also protect individuals from discrimination against their reproductive lives particularly women who are being discriminated in social, domestic or employment spheres by reasons of pregnancies and motherhood. |
| The Punjab Reproductive, Maternal, Neonatal and Child Health Authority Act 2014 | Punjab | An Act to provide for the establishment of the Punjab Reproductive, Maternal, Neonatal and Child Health Authority. |
| 1. **3. Laws pertaining to representation, protection and empowerment** | | |
| Punjab Fair Representation of Women Act, 2014 | Punjab | Punjab Fair Representation of Women Act 2014 amended Statutes for 66 public bodies, to increase the representation of women to a minimum of 33% in each body. The Act was monumental and the first of its kind in increasing representation of women in governance positions in the public sector. |
| Punjab Land Revenue Amendment Act 2015 | Punjab | This amendment ensures that the litigation is facilitated and conducted without discrimination to women. The Revenue Officer is now required by law to decide the question of the partition of the property himself after the Inheritance Mutation (Intiqal), instead of requiring a party to file a civil suit. This will curtail the practice of making women give up their land ownership in favour of the male heirs. A further change allows the inclusion of using electronic means and devices as valid modes of serving the summons. |
| Punjab Family Courts (Amendment) Act, 2015 | Punjab | * Women can now retain up to 50% of their dower in case of *khula*, which they were previously bound to return if they apply for *khula* (divorce by Judicial Order). * Family Courts can now deal with matters of personal property, belongings of the wife and child, and other matters arising out of the *Nikahnama*. * Family courts have been granted the power to pass interim orders for maintenance, and obtain evidence of income and assets from the employer of the husband. * The Family Judge can take notice of an offence under the MFLO and the Punjab Marriage Restraint (Amendment) Act, 2015, and summon parties to Court. |
| Punjab Muslim Family Laws (Amendment) Act 2015 | Punjab | Provincial Assembly of Punjab amended the Muslim Family Laws Ordinance 1961 (MFLO) in 2015, to include some important provisions for the protection of women.   * Registration of marriages by licensed *nikah* Registrars has been made compulsory, while marriages not solemnized by a licensed *nikah* Registrar can be reported and the person responsible punished with imprisonment of up to 3 months and fine of up to Rs. 1000/-. * *Nikah* Registrars are bound to accurately fill all columns of the *nikahnama*. Failure to fill all columns will result in fine of Rs. 25,000 and imprisonment of 1 month. * Succession: if the son/daughter of a deceased person dies before opening of succession, the children of the son/daughter (if they are living) shall receive their parent’s share as inheritance. * Polygamy: No married man can remarry if he does not have permission from the Arbitration Council (a body which is headed by the Chairman, Union Council, for the purposes of divorce). A marriage contracted without permission cannot be registered, and carries a penalty of Rs. 500,000 and imprisonment of up to 1 year, along with payment of entire dower (if it was not given at the time of *nikah*) to the existing wife/wives. * Upon receiving an Application for permission, the Arbitration Council will obtain permission from the existing wife/wives’ before granting the Applicant permission to remarry. If the Chairman Arbitration Council does not take permission from the existing wife, he will be liable to a fine of Rs. 100,000 and imprisonment of 3 months. * Divorce (*talaq*): any man who wishes to divorce his wife must write an Application to the Chairman Union Council. If the man does not do so, divorce cannot be final, and he can face imprisonment of up to 1 year, along with a fine of up to Rs. 5000. * Divorce will be effective after 90 days have passed from the day on which the notice was first presented to the Chairman. Before expiry of 90 days, divorce can be revoked by the husband. In case the wife is pregnant at the time of pronouncement of *talaq*, *talaq* will not be effective until expiry of 90 days or end of pregnancy, whichever period ends later. * If the husband has delegated the right to divorce to the wife (*haq-e-tafveez),* she can divorce her husband according to the procedure mentioned above. Before expiry of 90 days, divorce can be revoked by the wife. * Maintenance: if a husband does not maintain his wife, or wives, his wife/wives can make an application to the Chairman Union Council, who will determine an appropriate amount of maintenance to be given to the wife/wives, and issue a certificate specifying this amount, and a date on which it has to be given by the husband every month. * Maintenance Certificates can also be issued by the Chairman Union Council if a father fails to maintain his children. |
| The Sindh Commission on the Status of Women Act, 2015 | Sindh | The Provincial Assembly of Sindh passed the Sindh Commission on the Status of Women Act in 2015, which was assented by the Governor on 12th May, 2015. The Act aims to "promote social, economic, political and legal rights of women, as provided in the Constitution of the Islamic Republic of Pakistan 1973, and in accordance with international declarations, conventions, treaties, covenants and agreements on o women rights, including the ‘Convention on the Elimination of All forms of Discrimination against Women’ (CEDAW) |
| The KP Enforcement of Women Ownership Rights Act, 2012 | KP | The Act entitles women to have the right to inherit both moveable and immoveable property, devolved upon and vested in women by way of inheritance, gift, purchase or acquired by her by way of any other legal and Shariah means. However, a joint titling system should be introduced to give land to landless women. This would enhance women's status and position in their families and society and would be a significant step towards acceding land rights to women. The government should provide training/awareness opportunities and infrastructure support to facilitate women who do hold titles so they can control and manage land on their own.    **Issues/Gaps:** Law should be amended in order to introduce provision of joint titling. Moreover law should be implemented in its true letter and spirit and mass awareness campaign should be devised so women can claim their ownership rights (Recommendation source: [Sustainable Development Goal 5: A Legislative and Policy Gap Analysis for Khyber Pakhtunkhwa](https://pakvoter.org/wp-content/uploads/files/SDG_5%20KP.PDF)). |
| The Khyber Pakhtunkhwa Maternity Benefit Act, 2013 with (Amendment 2015) | KP | The KP Maternity Benefit (Amendment) Act, 2015 bestows certain maternity benefits to working women and provides them on work safeguards and guarantees regarding their health and natural conditions associated with them during pregnancy. The Act obliges the pregnant women a reasonable period of time before and after the birth of a child regarding their engagement in arduous work. The Act grants the woman the maternity benefit (payment to them by the employer of money or kind), which they would have earned provided their natural conditions had not barred them from engaging themselves in work for a period specified in the Act. In case of death of a woman, the Act, grants her legal heirs the claim of receiving maternity benefits, which she was entitled for under this Act. The Act prevents employers from dismissing women from work on account of pregnancy.  **Issues/Gaps:** The penalties for violations of the Act are not strong enough to be seen as deterrents. Additional measures need to be created to ensure compliance with the Act, such as stiffer fines, penalties, prosecution of cases, reporting mechanisms, and so forth (Recommendation source: Sustainable Development Goal 5: A Legislative and Policy Gap Analysis for Khyber Pakhtunkhwa). |

1. Not for circulation. Copyright SDG secretariat, National Assembly of Pakistan. Citations needed. [↑](#footnote-ref-1)