

PAKISTAN AND GENDER (IN) SECURITY A NEED ASSESSMENT FOR SECURITIZATION OF GENDER ISSUES

Azeema Ilyas*

Abstract

The World Economic Forum in its report, The Global Gender Gap Index 2020, ranked Pakistan at 151th position out of 153 countries just above Iraq and Yemen. Women form almost 50% of Pakistan's total population yet the laws generally lag in properly addressing crimes that violate or deprive the rights of women and girls in the country. Even the laws designed to address issues related to gender-based violence like the "The Protection Against Harassment of Women at Workplace Act, 2010" lacks in its purview by not granting protection to women who work in informal workplaces. Despite the Constitution of the country granting rights to each citizen irrespective of their gender and status, discrimination and violence against women and girls is pretty pertinent in Pakistan. This paper takes into account the harrowing situation of gender parity in Pakistan by discussing statistics from different reports and studies while illuminating the gap between rhetoric and implementation on state level. And in that context argues that the state should move to 'securitize' the issue of 'Gender (In)security', given that it concerns a large portion of its population. Gender Security is also an extremely important factor in achievement of Sustainable Development Goals (SDGs). The paper also puts forth recommendations for all three pillars of the state i.e., executive, parliament and judiciary for the addressal of these issues.

Keywords: Gender Discrimination, Gender Parity, Human Security, National Security, Securitization

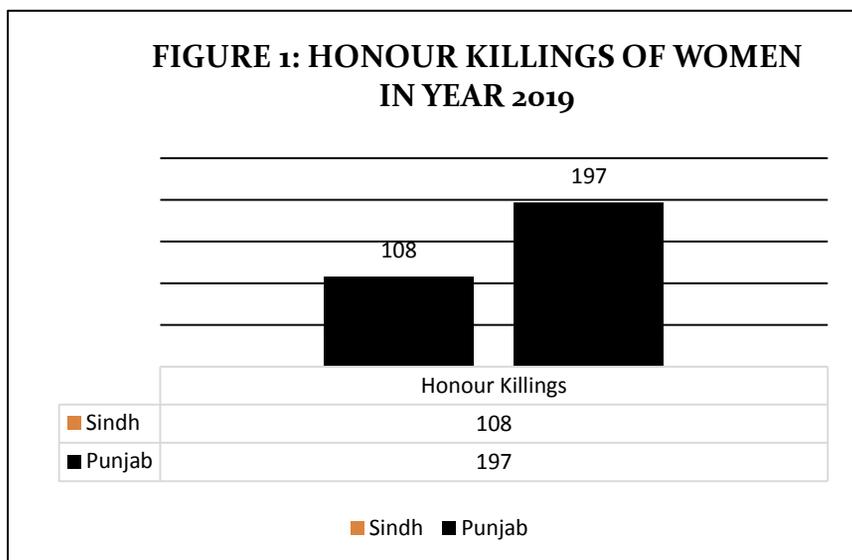
Introduction

On December 27, 2020 female Polio Workers organised a demonstration in Peshawar to stage a protest against the harassment they face at their workplaces at the hands of their male senior colleagues. The female workers talked about the inappropriate advances made towards them and the repercussions, like getting fired from work, that they face when they do not oblige to the wishes of their senior officers.¹ In November 2020, female students of a university in Peshawar collectively protested against harassment on campus at the hands of male professors.² Few days before the protest in Peshawar, a video of a bank manager sexually harassing a female employee surfaced on

*Azeema Ilyas is an MPhil, Scholar at School of Politics and International Relation, Quaid-e-Azam University, Islamabad, Pakistan: Email: azeemaiyas@yahoo.com

social media.³ In the month of September, a woman was gang raped on a national highway in front of her children⁴, the gang rape case which came to be known as Motorway Rape Case was followed by multiple rape cases in Punjab.⁵

Unfortunately, these cases of sexual harassment are not some isolated incidents but part of the larger violence that women in Pakistan face on daily basis in different forms. As per the Government of the Punjab, 25% of increase in



domestic violence was observed in just the province of Punjab during the COVID-19 lockdown.⁶ The statistics released by Punjab Police quotes 3519 reported cases of rapes and 200 cases of gangrapes in Punjab for year 2020.⁷ As per estimates of the Human Rights Commission of Pakistan, at least 20 minority women in Pakistan are abducted every month and forcefully converted.⁸ In the year 2019 alone 108 women fell victim to honour killing just in the province of Sindh⁹ while 197 met the same fate in Punjab.¹⁰

The multiple studies being done on the status and security of women in Pakistan show that the country has a serious gender marginalisation problem with issues like child marriages, domestic violence, lack of educational opportunities, financial exclusion and discrimination, workplace harassment etc as common occurrences.¹¹

This paper is intended to look at the rising gender inequality and (in)security and its effect on the overall human security prospects of Pakistan. Before delving into the discussion, it is important to mention here that security has different types like social, economic, legal and political but this paper will not be going into specifics and cover overall security of women in a more general sense. This paper will also not be diving into distinction of women on the basis

of literacy, socio-economic class and rural-urban dichotomy. Much literature in Pakistan has been produced looking at specific aspects of status of women in Pakistan but there is lack of work on looking at the issues of women from 'securitisation' aspect and seeing how all of these issues are tightly knitted. The paper will discuss how in the prevalent situation it is very crucial for the state to 'securitize' the issue of gender inequality and security in Pakistan as a policy matter. The intent is to not only play part in calling attention to the issue as a civic responsibility; but also, as a student of International Relations (IR) to play role in highlighting how concepts like 'securitisation' can be expanded to study issues that are conventionally not covered and linked to areas in policy matters like Sustainable Development Goals (SDGs) in this paper.

The paper is divided in five sections, in the first section of the paper the concept of Securitisation as proposed by Copenhagen School will be discussed, in the section following, the situation on Gender Equality in Pakistan would be discussed, in the third section Sustainable Development Goals, Gender Equality and Pakistan's commitment to achieve the goals will be brought under discussion, followed by 'The Gap between Rhetoric and Practice' in Pakistan over gender equality followed by the 'Importance for Gender Securitisation for Pakistan'. The last section of this paper would be composed of policy and general 'Recommendations' regarding the issues discussed in this paper.

Securitisation Concept

The concept of security is not only at the heart of states' policies and international politicking but also forms a very important part of the debates in the field of IR. Traditionally, state was the only referent of security and military power was deemed as the ultimate mean to achieve it. But at the end of the Cold War, a debate started in the field regarding security resulting in widening of the security agenda with inclusion of economic, political, societal and environmental security as sectors along with military security. With inclusion of the new sectors, the referent of the security was moved beyond state and its security. The theorists, who worked on broadening the agenda of security emphasized that "existential threats are not objective but instead relate to the different characteristics of each referent object"¹².

Barry Buzan, Ole Weaver and Jaap de Wilde, who belong to Copenhagen School, played a pivotal role in the broadening of the debate around security. In their renowned book, 'Security: A New Framework for Analysis', they talked about the concept of 'Securitisation' and how it is used by states as a tool. They say, "(to securitise means that) the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure."¹³ Basically, states securitise issues that they deem need special attention to address and resolve because they pose an existential threat.

In their book, Buzan et al. explain that securitisation of issues is not uniform across the globe but highly contextual. Some states might move to securitise religion like Saudi Arabia other would might securitise culture.¹⁴

Pakistan and Gender Equality

The concept of Gender Equality is a contested concept, some believe that it is “gender neutrality or equal treatment” while others believe that gender equality as in sense of gender neutrality is not sufficient. They say that gender equality is more substantive when it accounts for gender differences and past discriminations.¹⁵ Though a contestation over the concept of gender equality exists, there is a general agreement on the fact that women face discrimination and subordination in their day-to-day life. And that there is a stark gap between the rights provided to men by the society in comparison to women.¹⁶

Pakistan is one of the countries in the world whose history is stained with gender discrimination and inequality with state often using issues of women rights as a bargaining chip to achieve political motives or harbour support. From Zia-ul-Haqq’s regime, who introduced discriminatory laws against women like Hudood Ordinance to government of General of General Pervaiz Musharraf, who increased the number of reserved seats for women in Parliament but at the same time compromised on women rights in the province of NWFP (now KP) to gain support for its government from the right-wing Mutaihida Majlis-e-Amal (MMA).¹⁷

In the past few years there is a progress on gender equality in sense that more women have become part of the work force with even the Armed Forces now accepting women in forces but despite it, the progress is very slow and has done very little in transforming the overall societal attitude towards women. As per World Economic Forum, Pakistan stands at 151th position out of 153 countries that were ranked on The Global Gender Gap Index 2020¹⁸ behind all of its neighbouring South Asian countries. If we go into further statistics, Pakistan stands at 150th position ‘Economic Participation and Opportunities’, 143rd on ‘Educational Attainment’, 149th on ‘Health and Survival’ and 93rd on ‘Political Empowerment’ of women.¹⁹ On Women’s Peace and Security Index 2019 of the Georgetown University Institute for Women, Peace and Security, which ranks countries on indicators like Education, Employment, Political and Financial Inclusion, Intimate Partner Violence (Domestic Violence), Pakistan ranks at 164 out of 167 countries.²⁰ The UN Women’s, The Rural Women in Pakistan Status Report 2018, highlights that agriculture sector of Pakistan employees Pakistan’s 75% of employed women and girls, out of which only 19% are formally paid, the rest of them are unpaid labour.²¹ These statistics are just a tip of the ice-berg, child sexual abuse, rape and harassment of women in public spaces, work places or in their private circle is rampant. As per the statics released by the officials, in

Pakistan on daily basis 11 rape cases are reported. In the last 6 years, 22,000 rape cases were reported to the Police of which only 77 accused have been convicted, the rest of the cases are either pending in courts or the accused have got acquittal.²²

There is no Constitutional discrimination against women in Pakistan. The Constitution deems all citizens equal regardless of their gender, caste or creed and we can say that in the past decade, the successive governments has taken some applaudable actions for gender equality. In 2008, a Women Parliamentary



Caucus (WPC), a cross-party platform for female Parliamentarians to bring them together on variety of issues relating to women, was established at the Parliament of Pakistan²³ in the years following WPCs were also formed in all four provincial assemblies. Since its establishment, the Federal WPC has achieved seven landmark legislations on women’s rights on issues like workplace harassment, domestic violence, child marriages, women financial assistance which are somewhat successfully implemented.²⁴

The Federal Government has recently approved law for chemical castration of rapists.²⁵ In regards to increasing women participation workforce, the Federal Government has reserved 10% quota for women in public sector organisations.²⁶ The Government of the Punjab has established Women Protection Authority in the province²⁷ with an aim to establish Violence Against Women Centre (VAWC) in all 36 districts²⁸. The National Commission on the Status of Women (NCSW) is also functioning since 2012 monitoring and working on women

rights.²⁹ The government is also facilitating female owned Small and Medium Enterprises (SMEs) and encouraging start-ups by establishing National Incubation Centres (NIC) around the country.³⁰

SDGs and Gender Equality

Sustainable Development Goals (SDGs) are part of the 2030 Agenda for Sustainable Development that was adopted by the member states of the United Nations (UN) in 2015. There are 17 SDGs with 169 Targets. These goals are interconnected and mostly related to human development and prosperity. The SDGs are basically considered a global call to action to eradicate and address issues like poverty, education, health, environmental degradation and clean water.³¹ The 5th Goal under the SDGs is to 'Achieve gender equality and empower all women and girls' within society, states and overall, the whole world. The targets of the goal are to end discrimination and violence against women, eliminate practices like early marriages, recognize unpaid labour, provide access to sexual and reproductive health for women and increase political and economic opportunities.³²

Pakistan is one of the signatories of the SDGs and is working on achievement of these goals. Pakistan's seriousness on SDGs is reflected by the fact that it is among the only few countries in the world which has established SDGs Secretariat in the Parliament and is effectively working to legislate to achieve the SDGs.³³ Pakistan is also committed to achievement of the Gender Equality goal of SDGs. Pakistan's baseline targets are to increase proportion of women in managerial position and proportion of women in workforce. Over the past few years, both Federal and provincial government have established Commissions on the Status of Women for gender mainstreaming. As per the statistics released by NCSW the number of registered women voters in 2018 General Elections increased from 38 million in the previous election to 47 million and a record number of women contested for elections on general seats in the 2018 elections.³⁴ and number of women in higher education and job sector has also increased. The government is also organising gender sensitization workshops in public sector organisation and allocating budget for the development³⁵.

Gender Equality and (In)Security– The Gap between Rhetoric and Practice

In previous section, we explored the measures that have been taken by the Government and Parliament to tackle the issues of Gender Inequality in Pakistan by legislating and creation of different bodies for protection of women. But it is pertinent to ask why is that these efforts are not translated practice. And despite the fact that Pakistan is working to achieve the SDG 'Gender Equality' goal, it still ranks 3rd from the bottom on Global Gender Gap Index

2020 of World Economic Forum when bridging the gap can actually help Pakistan in multiple sectors especially economy, as per the estimates of The International Monetary Fund (IMF) Pakistan can gain USD 91.5 billion per year if it addresses the issue of gender parity.³⁶

The answer to Pakistan's harrowing gender inequality lies in the fact that there is huge gap in implementation of the laws as well as the attitude of the society towards these laws. The Parliament of Pakistan passed 'The Protection against Harassment of Women at the Workplace Act' in 2010 but interestingly on the same floor of the Parliament female members have been verbally harassed by their male colleagues. The same political leaders have questioned the character of women, who are associated with the opponent party, without any repercussions and punishment that is ascribed by the law that the Parliament passed.³⁷ Another problem lies with the state bodies, that are to implement the law, in 2019 a woman in Rawalpindi was reportedly gang raped by 3 police men³⁸ which is just one of the numerous cases. There have been number of cases where rape survivors were further sexually harassed by the police.³⁹ Victim blaming is also very pertinent in Pakistan, for example, CCPO Lahore Umar Sheikh in his response to Motorway Rape Case said, "why was she out on the Motorway so late without a brother or husband? Why didn't she check her gas tank before leaving the house? And if she had to travel, why didn't she take the more public GT Road route?"⁴⁰

Another issues of Pakistan's gender inequality are the gaps and loopholes in law. In 2018, a female singer filed lodged a complaint to Punjab Ombudsperson (Protection against Harassment of Women at Workplace) against a male colleague for sexually harassing her. The complaint was dismissed on the ground that the female singer did not have employer-employee relationship.⁴¹ To challenge the dismissal by the Punjab Ombudsperson, the female singer filed an appeal in the Lahore High Court, where her appeal was again dismissed on the grounds that the law does not extend to their work situation.⁴² Pakistan is a country where a large majority of women work in informal economy like agriculture but the law against sexual harassment at workplace does not extend to informal economy or categorize them as workplace.⁴³

Under the Election Act 2017, the Election Commission of Pakistan (ECP) required all political parties to give five percent of tickets to women to contest election on general seats. As mentioned earlier due to this Act there was an exponential rise in the number of women who contested on general seats in General Elections 2018 but only 8 women won the election to the National Assembly⁴⁴. The 'Women in 2018 Election' report of NCSW laid the main reasons behind female candidate's failure to grab more general seats of which the first and foremost reason was that political parties granted tickets to female candidates on seats that were unwinnable. Other reasons were lack of support

for them from their own parties. The report also found that photographs of female candidates were missing from the election campaign material and the female contestants mostly remained silent during the campaign.⁴⁵

Parliament and parliamentary bodies are the most powerful arms on the states when it comes to oversight and accountability of the executive bodies as well as for legislative purposes. Unfortunately, in Pakistan except for Provincial Assembly of the Punjab, Federal Parliament as well as the three provincial assemblies do not have standing committees that are working on gender related issues.⁴⁶ As mentioned earlier, WPCs are functional in the Federal Parliament as well as all four provincial assemblies but WPC are considered informal Parliamentary bodies with no direct power of oversight like other Parliamentary committees. The WPC has to go through the Speaker's office to request relevant committees for legislative inquiry and oversight into certain issues. The WPC also cannot summon any executive body or representative for direct questioning. This has created an unnecessary hurdle and block for female Parliamentarians to effectively address issues related to women.

A UN Women Pakistan and WPC report titled, 'Gap Analysis of Legislation Related to Ending Violence Against Women (EVAW) Federal Level' that was published in 2020, reports extensively on the Gender based Violence (GBV) in Pakistan and discusses the normative, monitoring and information, and implementation gaps in Federal Laws on GBV. In the 13 GBV crimes identified in the report, the main gaps in 7 GBV crimes lies in the area of Implementation, which means that there is either lag on part of the Executive bodies or the Judiciary in these cases. And in 9 out of 13 GBV crimes, normative gaps have been identified. Normative gap means, "the absence or inadequacy in defining, criminalising and providing redress to women and girls regarding persistent acts and circumstances depriving them of their rights"⁴⁷. This points towards a very worrisome trend and lack on part of all three pillars of the state in regards to issues of women in Pakistan.

Gender Securitisation and Pakistan

Pakistan was built as an ideological state with Islam being the official state religion. Pakistani society is conservative with patriarchy having strong roots in its culture. The patriarchal culture ensures that women remain subordinated to men. Women in Pakistan are culturally expected to stay at home and be homemakers. It is result of these patriarchal values that whenever women have tried to have a dialogue over women rights with the state or demanded provision of rights, they have received a strong backlash.⁴⁸ The conservatives or right wing in Pakistan see the attempts at achieving women rights as a Western agenda intended at destroying Pakistan's family system. Rubina Siagol in her work on history of Women Rights and Feminism in Pakistan has traced the

resistance posed to women rights by the religious right as a phenomenon that existed from the very beginning, “Progressive legislation was often resisted by the clergy, which perceived the steps in the direction of women’s rights as western and antithetical to religion and culture”⁴⁹

The argument that being laid out against the call to rights for women is that Islam provides all rights to women. But those who protest against demand of women rights, do not analyse the fact that if the rights being given to women in Islam are safeguarded in Pakistan by the state and society then why do the figures tell a completely opposite story.

Women form 50% of Pakistan’s population, it is extremely unfortunate that such a big portion of the society is living under an extreme insecurity with threat to their lives and well-being. The growing cases of violence against women in Pakistan raises a lot of questions about the state’s responsibility to protect half of its population. The state’s inability to take substantial steps towards gender equality and change in societal attitudes towards women and bridge the gap between laws and it’s on-ground implementation is also raising eyebrows in the international community.

Given the current scenario and the severity of the gender security issue in Pakistan, it is highly important that the state ‘Securitises’ the issue and give it priority on its security and development agenda. The state also needs to take concrete steps to change societal attitude towards women through education and other programs. It is also highly important that it moves from rhetoric to practical implementation of laws to deter sexual harassment, rapes, early marriages, acid throwing and other forms for violence against women. Securitising ‘Gender Equality’ would open the road towards more stable and safe society not only for women but also men. It would also give Pakistan the economic boost that it desperately needs and help it in achieving SDGs, which could pay pivotal role in creating a soft image of Pakistan in the international community.

Conclusion

Pakistan is considered among one of the most unequal countries in the world on the basis of gender discrimination. It ranks above only Iraq and Yemen, two states which are currently in a civil war, on World Economic Forum Global Gender Gap Survey 2020. Pakistan is also infamous for sexual violence against women in public as well as private spaces. It is also one of the countries where forced marriages, acid throwing and honour killings are an everyday occurrence. Despite the efforts from the state to curb these issues, there is a steady increase in crime against women in Pakistan. The fact that 50% of the population lives in a perpetual condition of insecurity raises a lot of questions about the state and its ability to protect its citizens.

It is high time that the state moves towards 'Securitising' gender parity in the country and make it one of the top priorities on its security and development agenda. It is very important of the state and its institution to address these gaps in the law and ensure their fair implementation. The state also needs to ensure inclusion of women on policy matters in practice and not as token gestures for which recommendations are discussed below.

The first and foremost recommendation, which is the purview of this whole paper is that the state of Pakistan as a policy matter needs to securitise the issue of gender (in)equality. As for the legislative branch of the state, the Federal Parliament and Provincial assemblies need to strengthen parliamentary bodies that are specific to promotion of women inclusion and rights, like WPC by granting them status of Standing Committees and given the equal powers. Or specific Standing Committees working on gender-based issues should be formed. Legislation needs to be done in areas related to GBV especially those that are normatively not recognised as well as work should be done to remove any ambiguity from laws on GBV that are causing a difficulty in their implementation. Last but not the least, parliamentary parties need to ensure that women are granted party tickets to elect general elections without any bias.

The executive branch/government needs to not only ensure stricter implementation of laws related to GBV but also need to form special bodies that work on GBV on model of Punjab throughout the country and ensure their smooth functioning. The government should also take measures to increase number of women in decision-making position especially Cabinets of both Federal and Provincial governments. Ensure that quota prescribed to women does not remain on paper and is successfully implemented. And bring feminist and women right organisations to the table and lend them an ear instead of dismissing their concerns as "Western" agenda. Besides this, the government should also make gender sensitivity training mandatory for Police and other security agencies.

Election Commission of Pakistan needs to design a policy mechanism that would ensure that reserved seats for women in Parliament does not go to proxies of Male members of parties but deserving candidates who are active in their political parties' women wings.

Last but not the least, judiciary forms the most important pillar of the state when it comes to granting justice to women for violence perpetuated against their bodies. The judiciary needs to create safer environment for women to pursue their legal cases. And include female judges in both higher and lower courts so women feel heard and confident when bringing their cases to judiciary. Apart from that judiciary needs to solve cases related to gender-based violence on priority basis.

Endnotes

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The question that why can't sexual harassment cases in informal workplaces be addressed under the provisions of the Pakistan Penal Code (PPC) is very pertinent. The reason is that case registered under PPC are criminal liability cases for which the claimant has to proof their case beyond any reasonable doubts, which is mostly impossible given the

complex nature of sexual harassment cases. Case registered under 2010 Act are categorised as civil liability cases in which cases are judged on the basis of balance of probability.

On January 11, 2021 the Supreme Court of Pakistan granted leave in a case that Meesha Shafi has registered against the Lahore High Court and Punjab ombudsperson for not hearing her case on technical basis i.e., her workplace is not formal workplace. The claimant's legal team would be arguing in front of the Supreme Court to extend the purview of the law to include informal workplaces as well as university students.

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