

Does a link exist between increasing Women's Participation in Parliament and the Introduction and Passage of Laws to Protect Women in Pakistan?

Robert Edward Sterken and Lamia Zia*

Abstract

Since the inception of parliamentary form of government, women's political participation and representation in decision-making institutions has remained minimal. Still today, political participation of women is low. In different regions and states there are considerable variations in the numbers of women parliamentarians. This paper, with a focus on Pakistan, seeks to answer one significant question. What impact – if any – does an increase in the percentage of women serving in Parliament have on policies created by that legislative body? This paper presents the case of the Pakistani National Assembly. We examined the numbers of women parliamentarians and legislative outcomes over time – from 1990 to 2014. The paper observes how this numerical strength of women in the Pakistani parliament has contributed to the enactment of significant pieces of “women's interests” legislation that protect the rights and enhance the lives of Pakistani women and girls.

Key words: United Nations, Women, parliament, violence, working environment

Introduction

In 1995, delegates to the United Nations Fourth World Conference on Women unanimously signed the Beijing Platform for Action. The Beijing Platform called for a 30 percent increase in the number of women serving in legislative decision-making roles over the next two decades. Since that call for action, many countries around the world have made substantial progress in promoting women into decision-making roles in parliaments and elsewhere in government. The percentage of women serving in parliaments around the world in 2015 has nearly doubled from the meager 11.3 percent in 1995 to a better – but still modest – 22.1 percent today (and increase of +10.8 percent).

Some states and regions have been more successful in electing women to parliament than others. The Americas region managed to increase women's average representation in parliaments from 12.7 percent in 1995 to 26.4 percent in 2015 (+13.7 increase). As a point of reference for readers in the United States, women's representation, in the United States House of Representatives rose only +8.4 percent over the last 20 years. Overall, European states saw a more significant +11.8 percent increase in women

*Authors are Associate Professor of Political Science and Political Communication Researcher at University of Texas, Tyler – USA

elected to national parliaments between 1995 and 2015. Asian states posted only a +5.3 percent increase and have not kept pace with the rest of the world.

The Pakistani Parliament (National Assembly) has enjoyed significant and important increases in the numbers of women serving. Women made up only 1.8 percent of the Pakistani parliament in 1995 and today they make up a full 22.5 percent – better than a 20 percent increase. Over the period of this study, Pakistan's increase in women in parliament ranked its National Assembly among the top twenty-five parliaments in the world in numbers of women serving.

Women in Parliament — Does Presence Affect Policy Outcomes?

Scholars hypothesize that electing significant numbers of women to parliament will bring new about new policies and laws that reflect the interests, needs, and rights of women and girls. Scholarly research on this topic has, of course, been limited by the historically small numbers of women serving in parliaments around the world. As the number of women decision-makers increase we are better able to test these hypotheses.

The significant increase in the women in the Pakistani Parliament over the last 20 years provides an important and interesting case study to test the validity of these arguments. Historically and presently, the girls and women in Pakistan face significant structural and societal impediments to their rights, freedom, and security. The presence of many human rights violations against girls and women and the significant increase in women in parliament makes this an important case study. The number of significant “women's interests” in Pakistan that call for attention and the dramatic increase in women serving will help us better understand any effect of inclusion.

We hypothesize that issues such as violence against women and girls, education for girls, laws prohibiting rape, and women's health concerns will be better addressed with the inclusion of women in the legislative body. More women parliamentarians should mean more laws protecting women and girls. Issues of women's rights and violence against women and girls would not otherwise receive attention or become law. While the effect and implementation of the law is an important – even critical – matter this study does not seek to answer that question.

For our study we examine legislative behavior (numbers of laws) in Pakistan enacted by members of the National Assembly. Extensive research has been done on the policy preferences of female legislators. Research has shown that women (when they reach significant numbers – somewhere above 15%) do

Does a link exist between increasing Women's Participation in Parliament

carry different legislative agendas from their male colleagues. Scholars have found that female legislators are more likely to sponsor women's rights legislation and will often carry bills that affect children, family, and health care issues (Schwindt-Bayer 2004; Taylor-Robinson and Heath 2003; Jones 1997). Jones, for example, examined the impact of increased representation of women in Argentina and found that an increase from 5% to 21% had a significant impact on the numbers of laws that directly effect women's interests (1997). Other studies have shown that women parliamentarians consistently advocate for increased spending on health and education (Powley 2006). Work done on the Rwanda parliament has indicated that female parliamentarians, after the massive gains for women in the 2003 election, saw a clear advocacy role for themselves in holding their government accountable on issues of importance to women and children. The best available evidence suggests that, in addition to their presence being a matter of basic political rights, women do change the focus of policy when represented in significant numbers.

Recent work on women serving in Parliament in Pakistan has shown that the increase in the number of women serving in the National Assembly increased influence of women in the law- making process (Syed 2013). Syed and her co-authors concluded that the enhanced number of women "and participation of women in parliament has started making a positive impact" (Syed 2013).

Syed concluded "that a high number of women in political and legislative forums has the potential to positively effect legislation to protect women in the country" (Syed 2013). The Syed study suffers from a very small sample and short length of time examined. The Syed study only examined seven pieces of legislation that "protect women from violence" passed by Pakistani parliament (Syed 2013).

Thus, we seek to expand on the Syed study in the search for an answer to impact of women in the Pakistan National Assembly. This question is ripe for further investigation, especially as the share of women in Pakistan moves closer to the 30 per cent target identified in Beijing. Did a twenty-percent increase in women in the Pakistani National Assembly actually change anything?

"Women's Interests" in Pakistan

On of the early leaders of an independent Pakistan, Muhammad Ali Jinnah (1876-1948), strongly encouraged the inclusion of women in the country's political decision making. In a speech at Islamia College, 25 March 1940, Muhammad Ali Jinnah said, "I have always maintained that no nation can ever

be worthy of its existence that cannot take its women along with the men. No struggle can ever succeed without women participating side by side with men. There are two powers in the world; one is the sword and the other is the pen. There is a great competition and rivalry between the two. There is a third power stronger than both, that of the women.”

Today, however, Pakistani leaders face grave problems and challenges because they have failed to include this all-important third power. Women and girls, who make up a majority of the nation's population, have been largely ignored (or worse) by both the state and society at large. Thousands of Pakistani women are kidnapped, murdered, and raped in every year. Clearly, these are “women’s interests.”

Women in Pakistan still face many difficulties in accessing decision-making positions at the local, provincial and national levels, and they are excluded from crucial political, social and economic processes. Such under-representation has a direct and negative impact on the health and education of women and girls. Pakistani women’s issues are not limited to education, health and domestic violence, growing religious extremism in some areas of Pakistan is posing new challenges to women regardless of their social and educational status. Religious extremism restricts the fundamental rights of women – from basic health care and education to their leadership roles in the country’s politics.

For example, the former Prime Minister, Ms. Bhutto was a target of religious extremism; hundreds of girls' schools have been closed or destroyed by the Taliban in the major districts of Peshawar, one of the main cities of Pakistan. This leaves women and girls with very limited rights. In short, from domestic violence to honor killings, women are victims of many injustices and human rights abuses. About two-thirds of Pakistan’s women are illiterate, while around 1,000 women and girls are victims of “honor killings” each year, according to Pakistan’s Human Rights Commission. Previous estimates have suggested between 70 and 90 percent of women in Pakistan have faced domestic violence. The picture is no better economically – the World Economic Forum’s latest Global Gender Gap Report ranked Pakistan 135th in the world in terms of gender equality, and it has previously cited physical and sexual violence, honor killings, forced marriages and structural inequalities within society as factors responsible for the abysmally low ranking.

A series of laws that were highly detrimental to the status and position of women were passed in order to regulate their behavior and in particular contain and control female sexuality. In 1979 the Hudood Ordinances were declared. These laws eliminated the distinction between rape and adultery,

Does a link exist between increasing Women's Participation in Parliament

and required women to produce four adult male Muslim witnesses to prove that they had been raped. In 1984 the National Assembly passed the "Law of Evidence" which effectively reduced the citizenship of women and non-Muslims to second-class status. According to this law, the sworn testimony of two women would be deemed equal to that of one male Muslim in a court of law.

It is important to note two events that occurred in Pakistan in 1979 that continue to have implications for women's rights today. First, is the creation of the Zia ul-Haq's Islamization program (including the Hudood Ordinance) and second, the creation of the Women's Division in response to international pressure during the United Nations Decade for Women (1975-85). These two programs provoked contradictory political enterprises, namely groups which demand that the state incorporate more laws and institutions derived from or at least associated with Islam, and those which demand the rights of women along the lines of those advocated within the global community.

However, under the Musharraf regime (1999-2008), there were some noteworthy developments in the advancement of women's rights over the past decade, including the restoration of reserved parliamentary seats for women and the reform of the Hudood Ordinance (The Middle East Institute, Washington, DC, 2009). In the last two years the Taliban have burned, torched, and bombed 200 girls' schools in the Malakand Division and have ordered an end to the education of women. They have threatened to mete out dire punishments on women who work for a living, and have strictly forbidden them from going to the market to buy essential goods.

Women in the Pakistani National Assembly

Quotas for the Pakistani National Assembly are not new. The 1956, 1962, 1970, 1973 and 1985 constitutions all reserved seats for women in the National Assembly. However, the practice of reserving seats for women lapsed in 1988 and the percentage of women serving in the National Assembly fell to less than two percent. Then under Pervez Musharraf, in 2002, 60 seats were reserved for women increased to sixty.

In a National Plan for Action announced in September 1998, recommended 33 percent reserved seats for women for local as well as national elective bodies. The plan mandated the adoption of "affirmative action to ensure a desirable level of representation of women in the Senate and the National and Provincial Assemblies."

The Parliament (Majlis-i-Shoora) is bicameral, with a 342-member National Assembly (NA). Members of the National Assembly are elected for five-year terms. Of the 342 seats, 272 are filled through direct elections in single-member districts and 60 seats are reserved specifically for women. Presently a total of 77 women have obtained representation at the national level, 60 on reserved seats and 16 on general seats.

Table 1: Representation of Women in Pakistan's National Assembly 1947 to 2014				
Legislature – Years	Total Members	Women Directly Elected	Women's Reserved Seats	Percent Women %
1947 to 1954	30	0	2	6.7
1955 to 1958	80	0	0	0
1962 to 1965	156	6	0	3.8
1965 to 1969	156	6	0	3.8
1972 to 1977	144	6	0	4.2
May-July 1977	210	1	10	5.2
1985 to 1988	217	1	21	10.1
1988 to 1990	217	4	20	11.1
1993 to 1996	217	6	0	1.8
1997 to 1999	217	6	0	2.8
2002 to 2007	342	13	60	21.3
2008 to 2014	342	16	60	22.5

Source: <http://www.pildat.org/Publications/publication/Women/WomenRepresentationInPakistanParliament.pdf>.

Does a link exist between increasing Women's Participation in Parliament

Table 2: Percentage of Seats held by Women in the Pakistan National Assembly 1995 to 2014

Proportion of Seats held by Women in the Pakistan National Assembly 1995-2014 (%)

1995	1996	1997	1998	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2	2	3.4	2.3	2.3	1.8	21.1	21.1	21.6	21.3	21.3	21.3	21.1	22.5	22.2	22.2	22.5	22.5	20.7

Defining “Women’s Issues” in Pakistan

We examine the efforts by the National Assembly in Pakistan to criminalize different categories of violence against women and girls. We examine “women’s rights bills, children and family bills, healthcare bills, education bills, social welfare bills, environmental bills, and more broadly human rights legislation.

Our Variables

For this study we collected data from the Pakistani National Assembly in the following seven broad areas for the each year from 1995 to 2014.

- Women’s Rights Bill
- Children and Family Bills
- Healthcare Bills
- Education Bills
- Social Welfare Bills
- Environmental Bills
- Human Rights Bills

Overview of Significant “Women’s Interest” Laws passed between 2000-2014

From 2001 to 2014 there were twenty “women’s interest” bills passed into law by the Pakistani Parliament. In November 2006, the parliament passed “Protection of women rights bill: the bill is an attempt to secure the women from the atrocities of Hudood Ordinance.

Overcoming conservative opposition for years, the National Assembly unanimously passed a landmark bill “The protection against harassment of women at workplace” on 21st January 2010. The bill aimed to create a safe working environment for women workers, which is free of sexual harassment, abuse and intimidation with a view to enabling higher productivity and better quality of life at work.

The Prevention of Anti-Women Practices Act was passed in 2011. This Act prohibits forced marriages, depriving a female from inheritance, and the giving away female in *Vani or Swara*. Punishment for the above offences ranges from a minimum of 3 years to a maximum of 10 years.

The Criminal Law Act of 2011 (Prevention of Acid crimes incidents) made the act of “acid throwing” an offence punishable with life imprisonment and fine of one million rupees. The Women in Distress and Detention Fund of 2011 amends the Women in Distress and Detention Fund Act 1996, to extend financial and legal assistance to the women languishing in Pakistani jails.

Analysis and Findings: Descriptive Statistics on Women’s Interest Bills

During the period under study we recorded 34 pieces of “women’s interest” legislation passed into law by the Pakistani National Assembly. During the early years of our study the numbers of women serving in the National Assembly were very small – around 2 percent. After the constitution is changed and women are permitted to serve the number jumps to 20 percent. After the quota is put into place the National Assembly passed 21 “women’s interests” bills of the total of 34 passed in the period of our study – from 1995 to 2014. 62 percent of the women’s interests bills passed were passed during since the implementation of the quota system. While our data set is too small to draw correlational firm conclusions we can write with confidence that women do appear to be making an impact on the passage of women’s interest legislation. We are cautious in overstating the impact as we feel further data and analysis will better help us understand the impact.

Discussion: The Post-2000 Democracy: Women Members Elected on Reserved Seats in the National Assembly

With a total of 74 women Members and some 17 Senators at one given time, this was the highest number of female representation ever achieved in the corridors of power in Pakistan. Significant numbers of women were serving in the Federal Cabinet, appointed as Parliamentary Secretaries and also elected as Chairpersons of various Standing Committees.

Ms. Zubaida Jalal remained a Federal Minister in the cabinet of Prime Minister Zafarullah Jamali while Ms. Nilofar Bakhtiar was appointed as Advisor. She was later inducted as full Minister in the cabinet of Prime Minister Shaukat Aziz, which also had Ms. Sumaira Malik and Ms. Zubaida Jalal as Federal Ministers and Ms. Hina Rabani Khar, Ms. Ghulam Bibi Bharwana, Ms. Anisa Zaib Tahirkheli and Ms. Shahnaz Sheikh as Ministers of State. Six other

Does a link exist between increasing Women's Participation in Parliament

women Members were made Parliamentary Secretaries while 9 were elected as Chairpersons of the National Assembly's Standing Committees.

The incumbent Speaker of the National Assembly Dr Fehmida Mirza, made history in March 2008 when she was elected with an over two-third majority, to become the first woman speaker of a democratically elected legislature, not only in Pakistan but in the entire Muslim World. After her election to the coveted Speaker's Office, Dr. Fehmida Mirza, who is the first woman Speaker, engaged women parliamentarians from all parliamentary parties in a series of discussions on the women's interest issues. Mirza's non-partisan approach enabled her to win confidence of women from all parties and to call the first-ever meeting of all women parliamentarians on October 20, 2008. The meeting, attended by 58 women MNAs, approved the Speaker's proposal for creating a Women's Parliamentary Caucus and through a consensus vote, authorized her to take the necessary steps in this direction. The Caucus received a seal of approval from the National Assembly, which passed a unanimous Resolution on August 13, 2009.

A 2011 report published on International Women's Day by the Free and Fair Election Network (FAFEN), a group of 30 civil society organizations working on democracy and governance, found that: "women parliamentarians are bringing to the floor of the House issues directly affecting the lives of the people such as the energy crisis, increase in power tariff, dilapidated condition of national highways, violence against women, draft electoral list, disaster management, and increase in prices of petroleum products."

During the third parliamentary year, 2010, women parliamentarians authored 17 bills out of 34 introduced. Of the private members' bills tabled by women parliamentarians, 14 were introduced in the House, five not taken up while two were passed. Dr. Fehmida Mirza's leadership as the Speaker of the National Assembly of Pakistan, has provided a real opportunity for women parliamentarians to work on policies that focus on women's rights and empowerment. It was with the same intention that women in the Parliament set up a Women's Parliamentary Caucus, WPC, uniting women beyond party lines, and to build a consensus on issues concerning women to ensure that gender concerns are adequately transformed into legislation, policies and programs.

Conclusions of our Study

Our study indicates that women's presence in the Pakistani Parliament has at least started to change the policy output. The quota system that was reestablished in 2001 has, of course, increased the seats of women in

assemblies but has not yet facilitated the type of real and significant political empowerment we hope the future will bring. Despite challenges ranging from social taboos; conservative lobbies; lack of access to education, information, and finance to discriminatory behaviors by male counterparts, the women parliamentarians are still able to play their positive role in the parliament. The increasing women's participation in parliament proves this statement that there is a strong link between women empowerment and women working in power corridors.

The two decades covered in this study show that majority (62%) of the “women’s interests” legislation passed during in the years in which the number of women in the National Assembly were the largest – from 2001 to 2010. The increase in female representation in Pakistan’s Parliament has made it possible for women to achieve prominent positions in the legislature and government. It has certainly enabled women legislators to push for a gender-based national agenda at their respective levels and make their presence felt by forming pressure groups, alliances and caucuses. It should also be noted that, according to Freedom House, “the implementation of these laws has been weak, and violence against women continues unabated.” In addition to acid attacks, domestic violence, rape, and so-called honor crimes, women face restrictions on voting and education.

While the past decade has seen positive changes in Pakistan regarding representation of women in politics with more aspiring women stepping into the public domain, their leadership and decision-making role remain overshadowed, marginalized or sidelined. Despite an increase in their numerical strength, women parliamentarians still face hurdles in their way to achieving prominence in active legislation and policymaking at the provincial and national levels.

The Aurat Foundation recently reported that most of the women serving in the Pakistani Parliament are very new to politics – with a vast majority of them serving for the very first time. Of the total of 211 women parliamentarians who joined the National (and provincial) Assemblies after the General Election 2013, 144 were first timers, and hence needed even the most information and skills on legislative business. All new legislators face the daunting task of learning the ropes. Male and female legislators in Pakistan also face very limited resources for research and support for drafting of legislation. Participation in a parliamentary system, requires not only financial and technical support (research, drafting etc.) but also mentoring from the more experienced and just time to learn how to work the political landscape.

Does a link exist between increasing Women's Participation in Parliament

More broadly, what changes might the increase in women in the Pakistani government have on politics and policy? As indicated above, women's enhanced participation in governance is key to begin to broadly address women's interests. The current political climate in Pakistan presents real opportunities for the increased inclusion of women and women's issues in governance. Women have gained a foothold in Pakistan at the highest levels of politics and a greater rate than ever before. Yet, as this study shows, our understanding of the impact of women in parliament needs still significantly more women serving in order to trace the links between gender, voice, and pro-women's interests outcomes.

End Notes

Beckwith, Karen and Kimberly Cowell-Meyers. 2007. "Sheer Numbers: Critical Representation Thresholds and Women's Political Representation." *Perspectives on Politics* 5 (3): 553-65.

Bratton, Kathleen. 2005. "Critical Mass Theory Revisited: The Behavior and Success of Token Women in State Legislatures." *Politics and Gender* 1 (1): 97-125.

Chamber of Deputies and the United States House of Representatives. Policy

Jones, M. 1997. Legislator gender and legislator policy priorities in the Argentine

Naima Tabassum Syed, Huma Tabassum, and Tabassum Afzal. 2013. Women's Political Participation and the Laws to Protect Women in Pakistan. *Pakistan Journal of Women's Studies: Alam-e-Niswan* Vol. 20, No.2, 2013, pp.99-115, ISSN: 1024-1256

Saint-Germain, Michelle A. 1989. "Does their difference make a difference? The impact of women on public policy in the Arizona legislature." *Social Science Quarterly* 70: 956-68.

Saira Bano. (2009). *Women's Studies Journal*, Volume 23 Number 1, September 2009: 19-35.

Saira Bano. 2009. Women in Parliament in Pakistan: Problems and Potential Solutions. *Women's Studies Journal*, Volume 23 Number 1, September 2009: 19-35. ISSN 1173-6615 © 2009 Women's Studies Association of New Zealand Hosted at www.wsanz.org.nz.

Schwindt-Bayer, L. 2004. Women's representation in Latin American legislatures: Policy attitudes and bill initiation behavior. In Annual meeting of the Midwest Political Science Association. Chicago

Schwindt-Bayer, Leslie A. 2010. *Political Power and Women's Representation in Latin America*. Oxford: Oxford University Press.

Studies Journal 25:613–29

Swers, Michele L. 2002. *The Difference Women Make: the Policy Impact of Women in Congress*. Chicago: University of Chicago Press.

Does a link exist between increasing Women's Participation in Parliament

Taylor-Robinson, M. M.; Heath, R. M. (2003). Do Women Legislators Have Different Policy Priorities than Their Male Colleagues? A Critical Case Test. *Women and Politics* -New York- Haworth Press

Taylor-Robinson, M., and R. Heath. 2003. Do women legislators have different policy priorities than their male colleagues? A critical case test. *Women and Politics* 24:77–100.

Thomas, Sue and Susan Welch. 1991. "The impact of gender on activities and priorities of state legislators." *Western Political Quarterly* 44: 445-56.