

Feminist Movement and Legal Framework in Pakistan: Implications for Equal Employment Opportunity

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ABSTRACT

The paper examines the feminist movement and the legal framework in Pakistan with a view to evaluating their implications for equal employment opportunity (EEO) for women. The paper highlights that the discourse of EEO in Pakistan is lacking due to three key reasons: (1) feminist movements have traditionally focused on the private domain of life whereas women's roles and issues in the public life such as employment in formal organisations are generally ignored; (2) a number of parallel judicial and legal systems have resulted in contradictory implications for women's participation in education and employment; and (3) despite some provisions for gender equity within Pakistan's legal framework, their enactment within employment contexts remains far from implemented.

Keywords Equal employment opportunity; feminism; gender; Islam; Pakistan

INTRODUCTION

Women in Pakistan generally remain subject to a broad range of discriminations imposed on them through the collusion of tribal customs, religious interpretations, and an entrenched feudal system (Mumtaz and Shaheed 1987: 71-75). Women have been described as 'a picture of contrast' in terms of varying degrees of earnings and employment status. One frequently sees 'highly educated Pakistani women who are at a high level [of] professional life, contrasted to the millions of poor, illiterate women workers, who are exploited [and] earning low salaries' (Patel 1991: 84). In this sense, Pakistani society offers a polarised picture of gender equity for women based on their education and socio-economic backgrounds. Compared to the extremely disadvantaged position of under-educated women from poor socio-economic backgrounds, skilled women in urban settings of Lahore, Karachi and Islamabad have better access to employment opportunities. Yet, job-type stereotypes based on gender are commonplace. Pakistani public and private sectors rank equal employment opportunities (EEO) low on their list of priorities, the reason being that so far there is no substantial model for gender equity in Pakistani organisations (Naqvi 2003: 35).

The paper discusses two main bodies of related literature. First, the historical context of gender equity in Pakistan is discussed which examines the feminist movements before and after Pakistan's independence from the British rule in 1947. The implications of feminist movements on gender relations, and the discourse of gender equity in employment have been examined. Second, the status and roles of women, in particular the issues faced by working women, have been highlighted through an examination of the legal framework of equal employment opportunity including the institutions that govern such laws and policies.

FEMINIST MOVEMENT IN HISTORICAL PERSPECTIVE

Born in 1947, Pakistan is a fairly young country. To comprehend the true nature of gender discourse and female position in today's Pakistani society and organisations, it is imperative to investigate the historical evolution of Muslim feminist thought in the pre-1947 colonial India. From the perspective of today's feminism, Minault (1998: 11) argues, it is important to recognise that in the nineteenth-century India, men were the pioneers in the movements for women's education, rights and status. Men's participation in gender reforms was out of their genuine concern and idealism and also out of their desire to harmonise their private lives and public roles and professions. Given the intense nature of seclusion faced by Muslim women who had little access to education and other intellectual resources, it is not a surprise that men led the way of gender reforms in colonial India.

Minault treats women's question as the story of three generations (1998: 11): the first, men born before 1857, trained in the traditional Islamic knowledge and literature, who first reflected upon Muslim family life, rituals and customs and proposed education programmes for women within tightly private domains of religion and the four walls of a house; the second, the post-1857 generation with a blend of Islamic and western education, who became skilled religious and social controversialists, and who first founded books, journals and schools for women's education and debated Purdah (veil); and the third, the first generation of women trained in schools, who contributed in public life through teaching in schools and writing on women's issues.

By the end of the nineteenth-century, there were clear signs of a social movement for gender reforms furnishing its ideological rationale within the Islamic setting. The supporters of the reforms argued for more rights for women while challenging gender discriminatory cultural customs as well as the patriarchal interpretations of the religion that had kept Muslim women disadvantaged over many centuries. For instance, Sayyid Mumtaz Ali (1860-1935) was one of the main proponents of this ideology, chiefly known for his pioneering role in Urdu journalism for women. Mumtaz Ali was a devout Muslim with an education in Islamic sciences as well as some English education. He founded the women's weekly journal 'Tahzib un-Niswan' in Lahore in 1898 under the editorship of his wife Muhammadi Begum. The weekly was founded with the purpose of 'liberating women from outmoded customs and evil practices' (Minault 1998: 73). He also wrote a radical book on women's rights in India, 'Huquq-un-Niswan' (Women's Rights), the first of its kind in the history of India and Pakistan. The book emerged from Mumtaz Ali's training in the Islamic curriculum, sense of cultural pride faced with the colonial challenge, and acute awareness of the need for internal reform (p. 77).

As a result of the diverse movements for gender reforms, there was a growing trend in the upper and middle class urban Muslim women to attend modern schools and colleges (Jalal 1991: 82). There were also signs of political activities of Muslim women, which were a breeze of change in otherwise, non-public and non-social roles assigned to them. The Anjuman-e-Khawatin-e-Islam (or the Muslim Ladies' Conference) was one such organisation that claimed to represent the interests of all Muslim women. Founded in Aligarh in March 1914, the Anjumans's main objectives included the social and the educational uplift of Muslim women (Minault 1981).

The revival of the Muslim League in the 1930s under the leadership of Muhammad Ali Jinnah (also known as Quaid-i-Azam, the Greatest Leader, later to become the founder of Pakistan) opened a fresh chapter for Muslim women in the subcontinent. Women were encouraged to partake of public life though not as claimants of their rights so much as symbols of Muslims cultural identity (Jalal 1991: 84). The Muslim League in 1932 passed a resolution favouring suffrage, adequate representation and equality for women. Similar demands were put forward by the Indian National Congress. In response to these

demands, the Government of India Act of 1935 granted women a limited franchise, they were to have 6 out of 150 seats in the council of state and 9 out of 250 seats in the federal assembly (Mirza 1969: 36). For the first time in the history of British India, women with the prerequisite properties and educational qualification could exercise the right of political choices and take their places along with men in the assemblies.

In 1937 the Muslim Personal Law restored rights (such as inheritance of property) that had been lost by women under the Anglicisation of certain civil laws (FRD 1994). As independence neared, it appeared that the state would give priority to empowering women. Pakistan's founding father, Jinnah, said in a speech in 1944 (quoted in Nawaz 1976):

‘No nation can rise to the height of glory unless your women are side by side with you; we are victims of evil customs. It is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live.’

Jalal (1991) argues that for many of politically active Muslim women, there was a harmony between their gender interests and their role as symbol of the Muslim nation. On the grounds that there was disjunction between Islamic law and customs, women from the more enlightened political families seized the opportunity to raise objection to polygyny, Purdah (female seclusion) and the denial of inheritance rights granted to them under *Shariah*, the Islamic law. Fatima Jinnah (a dental doctor by profession, and the sister of Muhammad Ali Jinnah), Rana Liaquat Ali Khan (who later founded All Pakistan Women's Association APWA in 1949 – she was the wife of Pakistan's first Prime Minister Liaquat Ali Khan), Begum Jahan Ara Shahnawaz and Begum Shaista Ikramullah (members of Pakistan's first legislative assembly) are among the best-known women of the period, all of whom were members of the upper-class political families. Yet, women from lower socio-economic orders also participated in the nationalist

struggle by stepping outside the four walls of seclusion. This must have been a liberating experience for these women, a phenomenon that was not imaginable only a few decades ago.

Following the creation of Pakistan, women attained voting rights and the right to elect. As earlier mentioned, the first legislature of Pakistan in 1947 had two women representatives, Begum Jahan Ara Shah Nawaz and Begum Shaista Ikramullah. Both of these women along with other elite Muslim women in Pakistan continued to advocate women's political empowerment through legal reforms. These women mobilised support that led to passage of the Muslim Personal Law of *Shariah* in 1948, which recognised a woman's right to inherit all forms of property in the newly created state of Pakistan. They were also behind the futile attempt to have the government include a Charter of Women's Rights in the 1956 constitution. The 1961 Muslim Family Laws Ordinance covering marriage and divorce, the most important socio-legal reform that they supported, is still widely regarded as empowering to women (FRD 1994).

Under the Family Laws Ordinance, women were officially able to inherit agricultural property (in consonance with Islamic law), second marriages were made contingent upon agreement by the first wife, divorce was made more difficult for the male, women attained the right to initiate divorce for the first time, and a system of registration of marriages was also introduced. In practice, these laws generally protected the rights of educated and politically aware women. Women in the rural areas, and working class women in the urban areas were only marginally able to benefit from the new laws. A few women's organisations existed at this time, including the charitable All Pakistan-Women's Association (APWA) and the progressive Anjuman-e-Jamhooriyat Pasand Khawateen (Rouse 1988: 6)

Despite these achievements, the predominant discourse on feminism in modern Pakistani society is marked by a 'thin veneer of ostensibly Islamic morality' (Jalal 1991: 78). This is perhaps a consequence of the early feminist thoughts grounded within Islamic ideology. In the post-colonial context, the emphasis on women's security was in some respects sublimation of the broader concerns about the security of the state of Pakistan and its ideology. During the British rule, Muslims had resisted the idea of state intervention in their cultural and domestic arena. With the departure of the colonial

rulers, the state assumed the responsibility of the ultimate guarantor of the social order whose moral underpinnings were symbolised by women (p.86). Furthermore, political leaders and government officials reasserted their commitment to Islam by playing around women's issues in order to appease the conservative religious elements within Pakistani society. Yet over the period of time, Purdah is on the decline but the boundaries of mobility for the majority of women continue to be shaped by the domestic considerations (p.88).

The class origins of those who were the vanguard of the feminist movement in Pakistan have played a major role in the articulation of women's issues at the policy level. Educated urban upper and middle class women have carefully demanded women's emancipation without creating a major upset by challenging their prescribed roles within society. This course has been described as an outcome of a deeper and largely subjective consideration: the stability of the family unit and by implication of the social order itself (Jalal 1991: 79). Jalal (1991) suggests that in today's Pakistan, Islamic identity of the state cannot be dissociated from the women's question in the colonial India, when threatened with the loss of their cultural identity in a sea of infidels, Muslims endeavoured to reinforce the Islamic social life by protecting the stability of the family unit.

Table 1. Feminist activism in Pakistan

Dimension	Description
Historical background	Origins of the feminist movement in the late 19 th century; All Pakistani Women's Association (APWA) est. 1949
Feminist traditions	Two types of feminist movements: Conservative Islamic; and Modern Islamic.

Table 1 summarises the historical context and development of feminist thought in pre- and post-1947 Pakistan. The historical evolution of gender discourse indicates that women's political activism was a common push for improvement in women's rights. Women were treated as objects of Islamic identity to defy the colonial (British/western) traditions. Consequently, their roles within the *Chador* (a kind of veil) and *Chardiwari* (four walls of a house) were prescribed as the most suitable for them in order to protect

their honour and Islamic traditions. The following sections explain how the current national agenda of gender equity was shaped by legal framework and state institutions that govern gender equity laws and policies.

LEGAL FRAMEWORK OF GENDER EQUITY

A number of parallel judicial systems are in operation in Pakistan. Some of these systems are applicable to only tribal areas, whereas others are applicable throughout the country. For instance, the Constitution of Pakistan includes three distinct judicial systems that function alongside the ordinary judicial system. These include the Federal Shariat Court, the Appellate Shariat Branch and the Criminal Law Forums. The parallel judicial systems have resulted in some contradictory implications for gender relations in Pakistani society.

Pakistan's Constitution (Article 25) guarantees equality of rights to all citizens irrespective of sex, race and class and empowers the Government to take affirmative action to protect and promote women's rights. Yet, there are several discriminatory laws that negatively impact on women. For example, the Family Law is not uniform in that its personal or customary laws govern each religious community, some of which appear to have some discriminatory provisions. Under the Muslim Family Law, women have unequal rights to inheritance, termination of marriage, minimum age of marriage and natural guardianship of children; polygamy has not been banned or even sufficiently restricted by law and there are grossly inadequate provisions for women's financial security after termination of marriage. Women have unequal rights under the citizenship laws, in which citizenship through descent is guaranteed only through a father, and which give the foreign wife of a Pakistani man the right to acquire citizenship, with no corresponding right for a foreign husband of a Pakistani woman (Zia and Bari 1999).

Despite constitutional provisions in Pakistan guaranteeing that women and men are equal and enjoy equal rights, the protective legal provision against gender discrimination is rudimentary. Pakistan's constitution places a ban on discrimination on the basis of gender (Articles 25 and 27) and provides that 'steps shall be taken to ensure full participation of women in all spheres of national life' (Article 34). In

order to adopt a gender-neutral approach, Article 263 (a) states that ‘words importing the masculine gender shall be taken to include female.’

Several constitutional provisions undertake a positive obligation on the part of the state for affirmative action to improve the status of women. For instance, Article 25 (3) states, ‘Nothing in this article shall prevent the State from making any special provision for the protection of women and children.’ A similar protective tone was subsequently maintained within domestic legislation in order to protect women’s rights. For instance, under the Dissolution of Muslim Marriage Act Section viii (d), the interference with the property of the wife and preventing her from exercising her legal right over it is a valid ground for the wife to seek dissolution of her marriage (Ali 2000).

Within employment contexts, the constitution requires the State to take special measures for the protection of women workers. According to Article 37(e), ‘The State shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or gender, and for maternity benefits for women in employment.’ Furthermore, Article 35 states, ‘The State shall protect the marriage, the family, the mother and the child.’ Both of these articles are only the principles of policy, yet to be enacted as the rules of law.

The Criminal Procedure Code (CrPC.) 1898 provides for special treatment of women, when confronted with the law. The police may not enter a residential house, for arrest or search, which is occupied by a woman, till notice is given and such woman is facilitated to withdraw (Section 48. CrPC.) An accused woman can be arrested or searched only by a woman (Section 52- CrPC.). A woman detained cannot be kept in the police station, overnight. Furthermore, a woman, even if accused of a non-bailable offence, punishable with death or imprisonment for life, may be released on bail (Section 497-CrPC.). Despite these provisions, in practice most police stations in Pakistan do not have a female officer. Women are generally kept in custody of male officers and become easy victim to police manhandling. Jahangir (1988: 5) argues that it is hard to control the ‘police power’ in Pakistani society, ‘specially where the state is itself dependant on this power and misuses it for political reasons’.

There is also some evidence of special protective measures for women's employment within Labour Law. For instance, there is an important provision to protect women from working 'unsuitable hours' in The Mines Act 1923 - Section 23(C) and The Factories Act 1934 – Section 45. The laws prohibit employers to engage women between 7:00 pm and 6:00 am (roughly from sunset to sunrise). The laws were introduced in the colonial India so as to protect women from employers' exploitation, and also to facilitate their roles within their families. There are similar protective provisions in labour laws (Hazardous Occupation Rules 1963) that prohibit women's work in particular hazardous areas such as chemical factories. Other laws relating to social care include maternity benefit laws (such as The West Pakistan Maternity Benefit Rules 1961) and social security laws (such as The Provincial Social Security Ordinance 1965) that provide for maternity benefits to a mother for a maximum of 12 weeks. However the scope of many of these laws in practice remains marginal.

In the last few decades, laws regarding women have changed from one extreme to another. In Pakistan's male dominated society with feudal traditions and a colonial heritage, the laws themselves were very liberal in protecting women at least until 1979 when the Hudood Ordinance was introduced by the then military dictator General Zia-ul-Haq. Before that, laws in Pakistan were quite egalitarian, in fact they "went too far and discriminated positively in favour of women" (Jahangir 1988: 6). Jahangir offers two examples of the positive discriminating in the favour of women in Pakistani laws: the special right to bail for women, and no punishment for the female partner in case of adultery. Thus, despite the fact that in practice Pakistani society remained male dominated and the status of women remained inferior, whenever invoked there was sufficient legal support with ample possibility of redress of grievances. General Zia's Hudood Ordinance however reversed the protective status available to women. The new *Shariah* laws reflected only a narrow interpretation of religion enacted by a conservative regime. These laws were to prove particularly detrimental for women and adversely impacted on women's roles outside their sanctuary of Chardiwari (four walls of a house).

The Hudood Ordinance sanctioned flogging for adultery and rape, with little to distinguish the two, and a Law of Evidence reduced a woman's evidence to half that of a man (Chhachhi 1988: 2). Ever

since the General Zia's Hudood Ordinance, the conservative groups have sought to enact a conservative agenda that has been particularly detrimental for women. Even the constitutional provisions granting complete equality to women have been challenged and the laws proposed to relegate women to an inferior status. This has taken away whatever remedies women enjoyed previously through legal process. Jahangir (1988: 6) suggests that such acts have fostered an inherent contempt for the status of women by certain sections of the society. The change of government in 1988 when Benazir Bhutto took over as the first female Prime Minister of Pakistan (in fact, the first in the entire Islamic world) in some respects changed this conservative discourse. Pakistan's current President General Pervez Musharraf is also pursuing an agenda of 'moderate enlightenment' with a special focus on female empowerment in society (Musharraf 2004).

In 2002, the Federal Government of Pakistan introduced a new labour policy in acknowledgement of the constitutional and ILO 'obligations upon the State for the realisation of human rights for all citizens, equally for all men and women, young and old, Muslims and non-Muslims.' It must be noted that a labour policy remains merely a statement of government intention unless enacted through law. The new policy was introduced with the aim to 'guide administrative, legal and judicial action of government, employers and workers in realising labour rights, and their welfare along with promotion of social justice' (GOP 2002: 3). The elimination of gender discrimination in favour of gender equity has been mentioned as one of the key objectives and initiatives for the framework of this policy. The latter has been stated as an expression of the government's fundamental commitment to the 'democratisation of the State provided for the promotion of universal principles of equality and social justice as well as constitutional and international rights of labour' (p.10). The policy assures that workplaces will be made conducive to female workers through the introduction of a fair wage clause. This aims to benefit both male and female workers, and is in compliance with ILO convention 100 that calls for equal pay for work of equal value. Many parts of this policy (in particular those regarding equal opportunity) are yet to be enacted as law.

National Machinery of Gender Equity

The Ministry of Women Development (MOWD) is responsible for the implementation of the policy and is required to brief the Cabinet on the progress of the implementation of the policy and facilitate gender sensitisation and training programmes for all other Ministries. Women Development Departments (WDDs) at provincial and district levels are required to do the same. The Ministry has linkages with other line ministries at the Federal level through designated focal points. At the provincial and district levels, the Ministry is tasked to coordinate implementation through its departments and through designated focal points of other line departments including local government. In order to advance paid work for women as well as equal pay for work of equal value, the MOWD has identified following objectives: (1) increasing women's capacity to earn by increasing women's access to sources of livelihood, in particular, agriculture and livestock production and promoting equal employment opportunities that accommodate women-oriented work policies for paid work; (2) improving facilities for the education, training and skills development for women, to enter and re-enter the labour force, including special arrangements for the female relatives of workers; (3) ensuring appropriate legislation, by giving effect to the ILO Convention 100 ratified by Pakistan in 2001 by enacting a law to ensure equal remuneration for men and women for work of equal value, and undertaking other necessary measures to make work places conducive for women workers so they can work without fear of discrimination and harassment; and (4) providing special courses for women in entrepreneurial skills to assist and engage them to establish their own small-scale enterprises.

To achieve these objective, the National Policy for Development and Empowerment of Women has been announced by the Government of Pakistan with this goal: 'Empowerment of Pakistani women, irrespective of caste, creed, religion, or other consideration for the realisation of their full potential in all spheres of life, especially social, economic, personal and political and in keeping with our Islamic way of life.' One of the key aims of the Policy is to provide equality of opportunity and to create space for women to realise their full potential. The program is aimed at bringing about measures to give effect to the ILO Convention 100 ratified by Pakistan in 2001 by enacting a law to ensure equal remuneration for

men and women for work of equal value. The program also claims to make work places conducive for women workers so they can work without fear of discrimination and harassment.

In order to comply with the international instruments on women's rights, the National Plan of Action (NPA) for the Advancement of Women under the Beijing Platform was adopted as a working document in August 1998 by the President of Pakistan. Emphasis was put on the economic, political and social empowerment of women. The Ministry of Women's Development is responsible for the implementation of the NPA as well as coordinating, monitoring and evaluating progress in the advancement of women. The NPA directs actions to advance gender equity according to the strategic objectives set out under the Beijing Platform for Action. Similarly steps are being taken at provincial level as well.

IMPLICATIONS FOR EEO

Despite some evidence of attention to gender equality within Pakistan's constitution and laws, the implementation of such laws remains a major challenge within employment and other societal contexts. A combination of religious beliefs and cultural influences restrain women's participation in paid jobs. Of all issues the most prominent is the conviction that a woman's safe place is in the home. The public sphere is traditionally treated as male domain therefore not considered appropriate for women. There is a prevailing perception that 'good' women stay within the four walls of their house (ADB 2000), which adversely impacts the prospects for female employment in the formal employment sector.

The interplay of formal statutory laws, Islamic laws and customary practices has impacted women's lives in Pakistan. The equality enshrined in the Constitution is cancelled by customary practices that allow male members of the family to sell, buy and exchange women as commodities and kill and murder them in the name of honour killing (ADB 2000). Presently, the gap between equality of gender in formal laws and de facto realities of women's life is too wide.

Table 2. Legal barriers faced by women in Pakistan

Immediate Barriers	Underlying Barriers	Structural Barriers
<ul style="list-style-type: none"> • High cost of litigation • Lack of access to legal aid • Delay in getting justice • Complicated court procedure • Sexual harassment of women in courts and police stations 	<ul style="list-style-type: none"> • Low female literacy rate • Lack of awareness of legal rights • Lack of females in judiciary and law enforcing agencies 	<ul style="list-style-type: none"> • Patriarchal and misogynistic attitudes • Discriminatory legislation • Gender biases of judiciary and law enforcing agencies

(Source: Based on ADB 2000)

Table 2 offers an overview of legal issues and challenges faced by women in Pakistani society, which have been categorised into immediate, underlying and structural issues. Immediate issues include the factors, which impede women's ability to access laws in order to seek justice. For instance, high legal costs, complicated judicial procedures and sexual harassment of women in the public life impede women's prospects of accessing justice. Indeed, many of these problems can be overcome if the underlying issues are addressed such as women's high illiteracy rate, lack of legal awareness, and lack of females as members of judicial systems. Both immediate and underlying legal barriers faced by women are an outcome of the structural barriers prevalent in Pakistani society including socio-cultural bias against women i.e. misogynistic attitudes, which are amply reflected within legal systems and procedures.

Ali (2000) argues that constitution and other legal norms in Pakistan do not stop women's participation in public life. The legal provisions in general are invariably protective in nature. However, there are no comprehensive labour laws addressing the problems of women in employment and many gaps exist in domestic legislation (Mullally 1994). Although Pakistan is a party to the ILO Discrimination (such as Employment and Occupation Convention and the CEDAW), laws on equal treatment and equal pay within the workforce are generally absent. Neither has any legislation been enacted to give effect to the constitutional norm of non-discrimination on the basis of sex (Constitution of Pakistan, 1973, Article 25). The development of international law has had very small impact within Pakistan. Highlighting the limitations of 'protective legislation', Ahmad (1993) reports the high risk faced by women during pregnancy, who experience a higher rate of miscarriages or stillbirths. These health hazards are not

mentioned either in the Workman's Compensation Act or the Provincial Employees Social Security Ordinance. Such workers cannot claim either compensation or special protection from risk.

Goheer (2003) suggests that the business environment for women in Pakistan is influenced by two main sets of factors. First set of factors consists of the social, cultural, traditional and religious elements. This part of the environment has taken shape over many hundreds of years, grounded in the patriarchal system and clearly evident in the lower status of women. The gender bias of this system is rigid and deep-rooted as it draws legitimacy from the perpetuation of a traditional mind-set, established rituals and a firm belief system. The second set of factors derives from the first group, taking the form of constitutional structures, policies, regulatory arrangements and institutional mechanisms. This category is contemporary rather than traditional, and is cosmetically impartial. Goheer argues that because of these aforementioned factors, Pakistani women face two kinds of difficulties with respect to the traditional systems. First, these traditional systems are inherently discriminatory against women. Second, these systems inhibit the equity-based composition of modern institutions and their fair working as modern institutions is derived from traditional ones. The modern institutional environment has a cosmetic tinge of equality and sometimes even discriminates positively in favour of women, but the underlying power of tradition and the vested interest of patriarchal system work to maintain the status quo. The legal framework, the policy environment and the regulatory structures thus have the joint effect of discouraging female employment.

The policy and regulatory environments are cosmetically better as they sometimes positively discriminate in favour of women. The most recent example is the draft Labour Policy of the Government of Pakistan that pays lip service to female labour force issues without announcing any tangible steps to redress the problems of women workers (GOP 2002). The female disadvantage in Pakistani organisations is not new information, the issue has been highlighted through a number of studies in the past such as The Report of the Commission of Inquiry for Women (1997) and The Report of the Task Force on Labour (1994) which acknowledged the subordinate role of working women and recommended that measures should be taken to evolve 'certain minimum standards' which could protect female workers from

exploitation. Despite these reports and findings, the legal provisions to protect women's rights at the workplace remain generally neglected, lacking adequate implementation or enforcement.

CONCLUSION

The paper has demonstrated that women's mobility and freedom to pursue a professional career is limited by a number of parallel judicial and legal systems, which are currently in operation in Pakistan. Despite the Constitutional emphasis on gender equity, some laws (such as Hudood Ordinance) serve to restrict women's participation in education and employment. Consequently, Pakistani women appear to enjoy varying degrees of freedom depending upon their tribal or patriarchal perspectives about women's rights and roles. Some women firmly adhere to traditional roles observing strict *Purdah* (veil) and limiting their activities to within the Chardiwari (four walls of a house). Other women pursue careers and work side by side with men in a variety of professions (GOP 2003: 177).

The paper has highlighted that the discourse of EEO in Pakistan is lacking due to three key reasons: (1) feminist movements have traditionally focused on the private domain of life such as family and marriage-related affairs, whereas women's roles and issues in the public life such as employment in formal organisations were generally ignored; (2) a number of parallel judicial and legal systems have contradictory implications for women's participation in public life, and (3) despite some provisions for gender equity within Pakistan's legal framework, their enactment within employment contexts remains far from implemented. Indeed, a legislation-driven approach to gender equity is not enough on its own in promoting real change towards gender equity. It is evident in the literature that the legislation- and industry-driven approaches are often defined in a false dichotomy and the ideology-driven approach is not recorded. Polarised applications of these individual principles have failed to deliver the desired results. Therefore, rather than adopting an either-or approach between the legislation-, the industry-, or the ideology-driven approaches to gender equity, a contingency approach, which recognises the uses and limitations of these approaches and combines them effectively, could be more instrumental in promoting

real change towards gender equity.

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