

Gender-based violence blocks Pakistan's economic development

*Despite some advances in women's rights in Pakistan, economic and political unrest has increased gender-based violence in the country. A system of legal oppression perpetuated by the country's customary justice, low female literacy and regional autonomy act as barriers to women's safety and labour force participation. **Simeon Djankov** and **Emaan Siddique** explain why these issues matter for Pakistan as the country prepares for February's general elections.*

This spring, for the sixth year in a row, women across Pakistan participated in the *Aurat* (Women's) March. The theme of the protest focused on gender-based violence. A resurgence of such violence comes at a time when the country is experiencing economic and political unrest, as a result of devastating floods, surging inflation of over 30 per cent in 2023, and the ill-advised arrest of former Prime Minister Imran Khan. Pakistani women have much to aspire to: Pakistan ranks 145th out of 146 countries in terms of gender parity according to the *Global Gender Gap Index*, trailed only by Afghanistan.

Where government policy protecting women's rights remains scarce, customary law is used in parts of the country as a means of further restricting women's legal rights. Pakistan's customary justice, coupled with low female literacy and regional autonomy, perpetuates a system of women's legal oppression. This inequality dampens economic development, which could get a boost by [up to 30 per cent](#) if the labour force participation of women rises to the average for emerging economies.

Despite a long struggle for equal legal rights for women, no substantial legislation has been introduced to promote women's economic or social rights. There have been some moderate steps forward. In 2020, Pakistan's parliament adopted legislation introducing paid parental leave and permitting women to register businesses the same way as men. These reforms were led by women's organisations, under the umbrella of the National Commission on the Status of Women. Based on their lobbying efforts, the Ministry of Human Rights has proposed new legislation on maternity leave, domestic violence, and workplace practices though this legislation has not been adopted as yet.

Gender-based violence is an old topic in Pakistan. Since the Penal Code was first introduced in 1860, there have been many attempts to increase women's protection under the law. Important legal reform occurred in the years following Pakistan's independence. In 1958, the West Pakistan Maternity Benefits Ordinance made employers liable for maternity benefits during the six weeks before and after giving birth. Six decades later, in 2020, this Ordinance was superseded by the Maternity and Paternity Leave Act, which granted female employees paid maternity leave of 180 days on the first birth, 120 days on the second birth, and 90 days on the third birth. Social norms, bureaucracy, and patriarchy limit the effectiveness and utilisation of maternity policies as few women hold jobs in the formal economy.

The last two decades have witnessed more successful attempts at introducing protections for women. For example, in 2006, the Protection of Women Act introduced rules against women's kidnapping, human trafficking and rape. As another example, following the Protection Against Harassment of Women at the Workplace Act of 2010, the number of registered workplace harassment cases increased almost [nine-fold](#) in the next decade. The next year, the Acid Control and Acid Crime Prevention Act was introduced to increase protection against acid crimes and provide rehabilitation and compensation to victims. Prior to this, between 150 and 400 women became victim to acid attacks every year in Pakistan, with [70 per cent of victims](#) being under 18 years of age. By 2017, acid attack reports had [decreased by 50 per cent](#).

Violence against women and children soared during the COVID-19 pandemic. Between the first and second halves of 2020, cases of violence against women [increased two-fold](#), with rape cases increasing by 31 per cent that year alone. In 2021, the Anti-Rape (Investigation and Trial) Act was introduced with the intent of expediting rape and sexual abuse convictions. However, gaps in the legislation have dulled its impact.

A further obstacle on the way to women's rights is the prevalence of customary justice. This parallel system, which is largely based on Islamic law, is an artifact of pre-independence institutions in some parts of Pakistan and still comprises the basis for judicial decisions regarding inheritance, succession, adoption, and divorce. Research suggests that [over 97 per cent](#) of women in Pakistan do not inherit land or property. According to the National Commission on the Status of Women, this is [due to](#) a "deep-rooted patriarchal system, biased interpretation of divine directives, laws of the land and

above all inefficient mechanism for the implementation and enforcement of laws”.

Customary marriages are frequent in Pakistan, especially in cases where girls are given in marriage to resolve disputes between feuding families. This is common in rural Punjab, where [twelve per cent of marriages](#) were intended to settle such feuds. In 1929, the Child Marriage Restraint Act prohibited the marriage of male children below 18 years and female children below 16 years. In 2016, the Act was amended with harsher punishments for solemnising a child marriage. Despite this change in legislation, child marriage remains a practice in Pakistan, with [over 7 per cent](#) of women aged 25-49 married by the age of 15.

Pakistan’s citizens are expected to head to the polls next February in the general election. The election’s outcome will determine whether the several proposed pieces of legislation on maternity leave, domestic violence, and workplace practices would stand a chance in the new parliament. After several years of unsuccessful tries in this parliament, women’s organisations are already preparing next spring’s Aurat march as the time to remind the new batch of politicians that women’s rights are wanting.

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